

Information Governance

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Our reference: FOI DA5128

I am responding to your request for information received 29 December 2023 which you clarified on 3 and 23 January and 12 February 2024. I am sorry for the delay in responding to your request. This has been treated as a request under the Freedom of Information Act 2000.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,

Information Rights Coordinator

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Web: www.ico.org.uk

Please note that the data supplied is not allowed to be re-used and/or published without the explicit consent of East London NHS Foundation Trust. Please contact the signatory to request permission if this is your intention



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Interim Chief Executive Officer: Lorraine Sunduza
Chair: Eileen Taylor

Request: I am requesting the following under the 2000 Freedom of Information Act. Between the years of 2019-2023: Please provide the information electronically in an Excel sheet where possible.

Clarification: Regarding NDA - any agreement with some level of confidentiality and those with tighter confidentiality clauses.

Question 1: The total number of Non-Disclosure Agreements (NDA) or Confidentiality Agreements (CA) per annum arranged with members of staff at your Trust;

Answer: Between 1 January 2019 and 31 December 2023 there have been a total of 37 settlement agreements reached which include a confidentiality clause.

Question 2: The total number of exit agreements (resignation, dismissals, retirement, etc.) per annum containing a NDA / CA;

Answer: Between 1 January 2019 and 31 December 2023 there have been 19 exit agreements.

Question 3: The number of safety concerns raised by staff at your Trust per annum during this time period;

Clarification: To clarify, I am interested in all aspects of safety, including patient safety, worker safety, and health & safety as you have outlined.

These safety concerns may or may not have been raised under the Freedom to Speak Up (FTSU) policy.

Answer: From 1 January 2020 and 31 December 2023, 214 cases raised with FTSU contained elements of concerns around safety.

The Trust does not hold data for 2019.

Question 4: The number of safety concerns raised by staff at your Trust per annum which were resolved using a NDA / CA;

Answer: No safety concerns were raised by staff which were resolved using NDA / CA.

Question 5: The amount paid by your Trust for legal fees and fees for mediation companies regarding the setting up of NDAs / CAs;

Answer: The Trust has reviewed question 5 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 1(1) of the Freedom of Information Act 2000 states:

*Any person making a request for information to a public authority is entitled—
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to them.*

East London NHS Foundation Trust does not record the information requested, as it is not possible to split out the legal fees associated with the setting up of the exit agreements because many are related to employment tribunal proceedings which also incurred costs. The Trust is therefore unable to provide a response.

Question 6: The total amount of money paid as lump sums (excluding any regular payments) per annum as part of these agreements (including or excluding



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safety concerns) as a numerical figure;

Clarification: To clarify, 'regular payments' would include typical salary or other payments that would be usual for staff at the Trust to receive. If notice pay is typical of all staff, then this would count as a regular payment, as would annual leave pay.

Answer: The total spend between 2019 and 2023 as part of exit agreements, which exclude regular payments as clarified, was £617,507.38.

Question 7: The largest sum paid by a single exit agreement per annum by your Trust.

Clarification: relates to NDA's and confidentiality agreements, however if a redundancy package was related to an agreement with some level of confidentiality this would also suffice.

Answer: The largest sum paid as part of a single exit agreement was between £100,000 - £105,000.



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