

FOI1287 – FOI request concerning compromise agreements

I can confirm that Southern Health NHS Foundation Trust holds the information you requested. Please see our responses below to your Freedom of Information request:

Please can you advise me in regards to the last 5 years?

- 1) How many compromise agreements has the trust entered into with staff or former staff?

Southern Health NHS Foundation Trust does not hold records of these going back five years and as such will provide detail from the information available.

In 2014 and 2015 there were 7 settlement agreements made with staff or former staff. There were then an additional 6 tribunal claims settled via a COT3 through the tribunal system across 2013, 2014 and 2015.

- 2) How many of these compromise agreements require staff members not to discuss the existence of the compromise agreement itself?

Of the 13 settlement agreements, 7 required the individual not to disclose the existence of the compromise agreement itself, 5 did not, and 1 could not be sighted.

- 3) How many of these compromise agreements contain non-disparagement clauses that require staff members not to criticise the employees of the Trust?

All of the agreements include a clause which refers to making or publishing untrue, disparaging, misleading or derogatory statements. It does not reference criticism.

All of the agreements clarify that neither the clause nor the agreement shall prejudice any rights that the claimant has or may have under the PIDA and / or any obligations they have or may have to raise concerns about patient safety and care with regulatory or other appropriate statutory bodies pursuant to their professional and ethical obligations, including those set out in guidance issued by regulatory or other appropriate statutory bodies from time to time.