



FOI Request Ref:	2012.073
Date of Request:	17 February 2012
Subject:	Compromise Agreements
Applicant:	Media – Newspapers & Magazines

Request & Trust Response:

I would like to make a request under the Freedom of Information Act 2000 relating to the organisation's use of compromise agreements and so called "gagging clauses". If the organisation has recently clustered or merged this should include information relating to predecessor organisations in existence at April 2009.

Question 1: How many staff have left under a compromise agreement from April 2009 onwards?

Answer 1: Tameside Hospital NHS Foundation Trust records show the following information:

Financial year 2009/10 – None

Financial year 2010/11 - None

Financial year 2011/12 – The Trust ran a Mutually Agreed Resignation Scheme (MARS) to assist in its cost reduction/cost savings plans. 23 individuals left through this scheme, which includes the signing of a compromise agreement. No other individuals left under a compromise agreement in this year.

Question 2: Where possible please provide a breakdown of which financial year the staff members left in?

Answer 2: See Answer 1



Question 3: How many of these were subject to a confidentiality clause as part of that agreement?

Answer 3: All were subject to a confidentiality clause, it is standard procedure to include an element of confidentiality within any compromise agreement. As per legal requirements, all individuals leaving under a compromise agreement were required to obtain independent legal advice prior to signing the agreement.

Question 4: How many staff who left under a compromise agreement had a clinical background?

Answer 4: One member of staff who left in 2011/2012 had a clinical background.

Question 5: How many staff who left under a compromise agreement were on the Nursing and Midwifery Council register?

Answer 5: One member of staff who left through the MAR scheme in 2011/12 (this was the same individual as highlighted in the answer to Question 4)

Question 6: How many staff who left under a compromise agreement made a protected disclosure under the Public Interest Disclosure Act 1998?

Answer 6: There were none

Question 7: How much money did the organisation pay out as a result of compromise agreements?

Answer 7: The MARS compromise agreements themselves attracted around £2,000 in terms of facilitating the legal advice required for the relevant staff members. There were also severance payments made in line with the MAR scheme (set by NHS Employers). The MAR scheme was used to facilitate redeployment posts and service redesigns, and played a significant part in reducing the number of redundancies the Trust had to make as part of its financial recovery plan. The costs would have been significantly higher if the Trust had had to pay out redundancy costs. The MARS costs were paid out as severance costs as in line with the MAR scheme