



**University Hospitals
of North Midlands**
NHS Trust

Ref: FOIA Reference 2018/227

Royal Stoke University Hospital
Quality, Safety and Compliance Department
Newcastle Road
Stoke-on-Trent
Staffordshire
ST4 6QG

Date: 23rd July 2018

Tel: 01782 676474
Email FOI@uhn.nhs.uk

Dear

I am writing in response to your email dated 18th July 2018 requesting information under the Freedom of Information Act (2000) regarding non-disclosure agreements.

As of 1st November 2014 University Hospitals of North Midlands NHS Trust (UHNM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate.

Q1 Please can you tell me how many non-disclosure agreements the Trust has agreed in each year over the past 10 years?

A1 Prior to 2014 where there was a record of any compromise agreements issued it was not held centrally.

Any compromise agreements issued up to 2014 may have been held on an individual's personal file. In order to confirm whether this information is held we would therefore have to individually access all historic leavers personal files within the Trust and extract the information where it is present. We therefore estimate that complying with your request is exempt under section 12 of the FOI Act: *cost of compliance is excessive*. The section 12 exemption applies when it is estimated a request will take in excess of 18 hours to complete. We estimate that accessing and reviewing all historic leavers personal files and then extracting relevant information would take longer than the 18 hours allowed for.

However as the Trust is committed to openness and transparency we can provide data from 2014 although we are unable to provide some of the information you require in the requested format as to release this data could lead to the identification of the person(s) involved due to the low numbers involved, and would breach the Trusts obligations under the Data Protection Act 1998. Accordingly, this aspect of your request is exempt from disclosure under the terms of Section 40(2) of the Act. *Personal information*. However as the Trust is committed to openness and transparency we can band the numbers. Please see below:

- 2014 = 0
- 2015 = Less than 5
- 2016 = less than 5
- 2017 = 40



The 2017/18 figures were part of a voluntary redundancy scheme which was accompanied by a settlement agreement. Specifically, this was a Mutually Agreed Redundancy Scheme (MAR scheme).

A MAR Scheme is a form of voluntary severance, designed to enable individual employees, in agreement with their employer, to choose to leave their employment voluntarily in return for a severance payment. The scheme supports employers by creating job vacancies that can be filled by redeployment of staff from other jobs or as a suitable alternative for those facing redundancy.

MAR schemes follow the principles agreed by the NHS Staff Council and the NHS terms and conditions of service and are approved by the appropriate oversight organisation, NHS Improvement.

It is important to note that confidentiality clauses contained within standard compromise agreements are not “gagging clauses”. Confidentiality clauses are not intended to prohibit a member of staff or former employee from raising a genuine concern about patient safety or other issue. They are included in order to support both parties to move on after a dispute or where sensitive or personal information is involved.

Compromise agreements issued by UHNM are used appropriately and in line with guidance. They aim to ensure disputes are settled whilst maintaining a culture of openness and transparency.

Q2 Please can you also tell me which department of the Trust ex-employees or employees who signed the NDAs were working for?

A2 As answer one.

This letter confirms the completion of this request. A log of this request and a copy of this letter will be held by the Trust.

If you have any queries related to the response provided please in the first instance contact my office.

Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust’s FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner’s Office (ICO) and request an assessment of the manner in which the Trust has managed your request.

The Information Commissioner may be contacted at:

Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via www.ico.org.uk.

If following review of the responses I can be of any further assistance please contact my secretary on 01782 676474.

Yours,



University Hospitals
of North Midlands
NHS Trust

L Carlisle

Leah Carlisle
Deputy Head of Quality, Safety & Compliance

