

Freedom of Information Request: Our Reference CTHB_148_16

You asked:

- 1. For each of the last five financial years (11/12 – 15/16) what was the total number of employees who signed settlement agreements when they left your Trust? Please note I would like an annual breakdown for each year as opposed to one figure covering the five-year period.**

Please see response provided in the table below:

Financial Year	Total number of employees who signed settlement agreements
2011/12	96
2012/13	42
2013/14	0
2014/15	37
2015/16	10

- 2. For each of the last five financial years how much was paid to departing employees as part of the settlement agreements? Again, I am looking for annual breakdowns of the data.**

The annual breakdown should include the following three elements;

A – The statutory amount the employee received (ie the sum to which they were legally entitled for redundancy).

2011/2012 – £33,540.00

2013/2014 – Nil

2014/2015 – Nil

2015/2016 – Nil

B – The amount paid in special severance payments. For clarity, I have taken the definition of special severance payment from guidance issued to NHS employers in December 2013, which states: *HM Treasury defines a special severance payment as a payment made to employees, contractors and others above normal statutory or contractual requirements when leaving employment in*

public service whether they resign, are dismissed, or reach an agreed termination of contract.

2011/2012 = £2,200,539.52

2012/2013 = £896,692.39

2014/2015 = £806,207.20

2015/2016 = £304,548.40

C The overall total of statutory and special severance payments for each of the last five financial years.

2011/2012 = £2,234,079.52

2012/2013 = £896,692.39

2014/2015 = £806,207.20

2015/2016 = £304,548.40

3 (A). For each of the past five financial years, how many of the settlement agreements signed with departing employees contained confidentiality clauses? Again, I have referred to the guidance issued to NHS employers for my definition of a confidentiality clause which states:

1. Clauses which cover the terms of that agreement “ for example, prohibiting any parties concerned from reporting the detail about the terms of the agreement.

I can confirm that all of the settlement agreements signed with departing employees contained confidentiality clauses, e.g. A clause which covers the terms of that agreement “ for example, prohibiting any parties concerned from reporting the detail about the terms of the agreement. However, we do not and never have used or condoned the use of so called ‘gagging clauses’. Please see the clause below which is also included.

"For the avoidance of doubt, nothing in this Agreement shall prejudice any rights that the Employee has or may have under the Public Interest Disclosure Act 1998 and/or any obligations that the Employee has or may have to raise concerns about patient safety and care with regulatory or other appropriate statutory bodies pursuant to his or her professional and ethical obligations including those obligations set out in guidance issued by regulatory or other appropriate statutory bodies from time to time."

2. *Clauses which protect confidential information gained by the employee as part of their employment, such as business-sensitive data or patient records. It is important to outline to all staff, their responsibilities to comply with the Data Protection Act 1998 and confidentiality within their terms and conditions of employment.*

None

3. *Clauses against derogatory comments being made which prevents the employee from making vexatious, disparaging or derogatory comments about the organisation and its staff. In such cases, there is usually a mutual clause which also prevents the organisation from making disparaging or derogatory comments about the employee.*

None

(B) Of the total number of confidentiality clauses issued during each financial year, how many came from Category 1 as defined above? Category 2? Category 3? Other?

1. all

2. n/a

3. n/a

4. For each of the last five financial years, how many departing NHS staff who signed a settlement agreement received an agreed reference as part of the agreement?

I can confirm that Cwm Taf University Health Board does hold this information. However, to release the specific information in the way that you have requested would mean disclosure of low numbers. Where numbers are low we have considered that there is the potential for the individuals to be identified from the information provided, when considered with other information that may also be in the public domain.

In our view disclosure of these low figures would breach one of the Data Protection Principles set out in Schedule 1 of the Data Protection Act, namely Principle 1. There therefore find that the Section 40(2) exemption contained within the Freedom of information Act 2000 is engaged. Section 40 is the exemption for personal information.

However to assist with your request, I can confirm that over the last five financial years, the number of departing NHS staff who signed a

settlement agreement and received an agreed reference as part of the agreement was less than 5.

5. For each of the past five financial years, how many of the settlement agreements signed with departing employees were referred to the Treasury/Department for Health to be signed off?

None.