

Ref: FOI/CAD/ID 3313

Please reply to:
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22 June 2016

Freedom of Information Act 2000

I am writing in response to your request for information made under the Freedom of Information Act 2000 in relation to compromise agreements.

Please advise in relation to the 5 years between January 2011 and December 2015 inclusive:

- 1) How many compromise agreements has the Trust entered into with staff or former staff? Please include all COT3 agreements in this figure.*
- 2) How many of these compromise agreements require staff members not to disclose the existence of the compromise agreement itself?*
- 3) How many of these compromise agreements contain non-disparagement clauses that require staff members not to criticise the employees of the Trust?*
- 4) How many of these compromise agreements were entered into by the Trust with staff who had previously made public interest disclosures, (whether or not these were raised by formally invoking the Trust's whistleblowing policy)?*
- 5) If staff who have entered into a compromise agreement with the Trust were to voice concerns about reprisal by the Trust for whistleblowing, would the Trust consider this to be an actionable breach of non-disparagement clauses, or would it consider the raising of such concerns to be qualifying disclosures under PIDA?*

1) 44

An additional 23 were completed under the MARS scheme

2) None of the agreements include a provision preventing disclosure of the existence of the agreement to any individual/body.

It is the Trust's standard practice to include provision by which individuals are specifically made aware that nothing in the agreement shall prejudice any right an individual has under the Public Interest Disclosure Act 1998 and/or any obligations an individual has or may have to raise concerns about patient safety and care with any regulatory or other statutory body pursuant to his or

her professional and ethical obligations, and that agreements may be subject to scrutiny.

3) 17 agreements include non-derogatory comment clauses (including mutual clauses).

4) The Trust has no record that any settlement agreements were entered into in respect of staff whom it has accepted have previously made protected disclosures.

5) It is the Trust's standard practice to include provisions by which individuals are specifically made aware that nothing in the agreement shall prejudice any right an individual has under the Public Interest Disclosure Act 1998 and/or any obligations an individual has or may have to raise concerns about patient safety and care with any regulatory or other appropriate statutory body pursuant to his or her professional and ethical obligations. The provisions also extend this to personal injury claims and accrued pension rights.