

Dear Minh Alexander

Thank you for your request dated 23 November 2015 under the Freedom of Information Act 2000. Please accept our sincere apologies for the delay in providing a response to your request.

Under section 1 (1) (a) of the Freedom of Information Act 2000, I can confirm that Yeovil District Hospital NHS Foundation Trust (YDH) holds the requested information, and (b), is supplying it as follows.

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

22

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

22

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

0

- 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)?**

0

- 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 a breach of non-disparagement clauses, or would it consider the raising of such concerns to be qualifying disclosures under PIDA?**

Compromise agreements do contain a clause stating that staff should not make disparaging comments about the Trust. However, they also contain the following wording: "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 (PIDA) 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 her professional and ethical obligations including those obligations set out in guidance issued by regulatory or other appropriate statutory bodies from time to time." Therefore it is made clear to staff that they are permitted to raise issues under PIDA 1998 despite having entered into the compromise agreement.

- 6) Of the compromise agreements that the Trust has entered into, how many were**

Of the compromise agreements that the Trust has entered into, how many were entered into after June 2011? Of the compromise agreements entered into by the Trust after June 2011, how many related to cases where staff had previously made public interest disclosures?

0

If you are dissatisfied with this response, you may appeal to Yeovil District Hospital NHS Foundation Trust to complain about how your request has been handled. Your next course of action is to request the Information Commissioners Office to review our decision. Contact information is available on their website or you can write to them at: FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Should you have any queries or require clarification, please do not hesitate to contact me.

Kind regards

**Yeovil District Hospital NHS Foundation Trust**  
**Freedom of Information Team**

---

**From:** Minh Alexander [<mailto:hpmalexander@gmail.com>]

**Sent:** 23 November 2015 16:21

**To:** Freedom Of Information

**Cc:** Peter Wyman; Paul Mears

**Subject:** FOI 309 - Use of Compromise Agreements

To FOI Team, Yeovil District Hospital NHS  
Foundation Trust, 23 November 2015

Dear FOI team,

## **Yeovil District Hospital NHS Foundation Trust's use of compromise agreements**

There has been concern that the use of compromise agreements by NHS bodies obscures governance failings and patient safety issues, including matters relating to staff who raise concerns.

Please can you advise me in regards to the last 5

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?
- 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 a breach of non-disparagement clauses, or would it consider the raising of such concerns to be qualifying disclosures under PIDA?

6) Of the compromise agreements that the Trust has entered into, how many were entered into after June 2011? Of the compromise agreements entered into by the Trust after June 2011, how many related to cases where staff had previously made public interest disclosures?

Yours sincerely,

Dr Minh Alexander

---

This message may contain confidential information. If you are not the intended recipient please inform the sender that you have received the message in error before deleting it. Please do not disclose, copy or distribute information in this e-mail or take any action in reliance on its contents: to do so is strictly prohibited and may be unlawful.

---

This message may contain confidential information. If you are not the intended recipient please inform the sender that you have received the message in error before deleting it. Please do not disclose, copy or distribute information in this e-mail or take any action in reliance on its contents: to do so is strictly prohibited and may be unlawful.