

Freedom of Information Office
C/O Company Secretary
Worthing Hospital
Lyndhurst Rd
Worthing BN11 2DH

30 January 2023

Re: Freedom of Information Request FOI220743

Thank you for your recent request for information under the Freedom of Information (FOI) Act 2000.

We are now in a position to respond to your request.

Your request:

FOI request - services by Cater Leydon Millard

Please disclose:

1. The total amount spent by the trust on the services of solicitors Cater Leydon Millard in the last five years.

2. How many trust settlement agreements have been handled by Cater Leydon Millard in the past five years.

3. How many of these settlement agreements contained:

- a non disparagement clause
- a clause which required signatories to keep the existence of the settlement agreement secret
- a clause which required signatories to keep the contents of the settlement agreement confidential

4. How many Employment Tribunal claims has Cater Leydon Millard handled for the trust in the last five years?

Our response:

Under Section 1(1)(a) of the Freedom of Information Act (FOIA), the Trust can confirm that it holds information relevant to your request and this has been provided where possible below.

Please note that University Hospitals Sussex NHS Foundation Trust has been in operation since 1 April 2021, following the merger of Brighton and Sussex University Hospitals NHS Trust and Western Sussex Hospitals NHS Foundation Trust.

1. As at 04/01/2023, the Trust processed invoices dated between the following periods from Cater Leydon Millard:

- For the period between 2017/18 – 2020/21 for legacy Brighton and Sussex University Hospitals NHS Trust = £825,293.63
- For the period from 01/04/2021 to 30/11/2022 for University Hospitals Sussex NHS Foundation Trust = £529,206.50

These sums include all disbursements such as counsel fees as well as VAT. It is important to note that the net cost to the Trust is less than the figures indicated, since a large part of the VAT associated with these services is recoverable.

2 - 3. Information relating to Trust settlement agreements is not held centrally. This information is held within individual personnel and case files. Any effort to compile the information requested would require a manual audit of records related to the five-year period relevant to your request. On this basis we are unable to provide the information you are seeking within the 'appropriate limit' as outlined in the Fees Regulations and section 12 provision [*cost limit*] of the FOIA is applicable at this time. The Trust does not have the spare capacity to carry out this additional work and we regret any inconvenience this may cause.

University Hospitals Sussex NHS Foundation Trust has studied the work involved in processing this part of your request for information and has estimated that the cost of complying with this would exceed the appropriate limit as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The limit set down by the regulations for public authorities is £450, which amounts to a maximum of 18 hours of search and retrieval time charged at £25.00 per hour, the hourly rate also specified in the regulations. The Trust considers that it would take in excess of 18 hours to retrieve and extract the information in the format that you have requested. Subsequently, it would cost the Trust more than £450, the limit specified in the regulations. Under section 12 of the Freedom of Information Act, the Trust is therefore not obliged to provide the information that you have requested.

4. The legal services of Cater Leydon Millard were used only by legacy Brighton and Sussex University Hospitals NHS Trust during the period 2017/18 – 2020/21 and involved a total of 28 employment tribunal claims. University Hospitals Sussex NHS Foundation Trust used the legal services of Cater Leydon Millard for 8 employment tribunal claims in 2021/22.



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If you require clarification or if we can be of any further assistance, please do not hesitate to contact us at: UHSussex.foi@nhs.net

If after contacting us with any questions or concerns you remain dissatisfied with the outcome of your enquiry, you have the right to appeal. Complaints should be made within 40 working days of the Trust response. We are not obliged to carry out an internal review into the processing of your request after this period. If you wish to submit a complaint, please provide the basis for your appeal by emailing us or write to:

Freedom of Information Office
C/O Company Secretary
University Hospitals Sussex NHS Foundation Trust
Worthing Hospital
Lyndhurst Rd,
Worthing BN11 2DH

After we have reviewed your complaint, if you are still not satisfied with the outcome of your appeal you can contact the Information Commissioner's Office. This can be done via their website - <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/> or via telephone - 0303 123 1113.

We hope you are happy with the processing of your request and find the information provided helpful.

Yours sincerely,

**Freedom of Information Office
University Hospitals Sussex NHS Foundation Trust**