

Freedom of Information Team  
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Tel: 023 9228 6000 Ext 3708

Name:  
Date: 06/12/2019  
Ref: 19-20 439

Dear

### **Freedom of Information request**

Thank you for your request for information under the Freedom of Information Act 2000, which was received by our Freedom of Information team on 15/11/2019. You have requested the following:

**1. Please advise how many compromise agreements the trust has entered into since 1 April 2013.**

Total Number - 12

**2. Can the trust confirm that it adopted the NHS policy of inserting a clause into compromise agreements to make it clear that workers or former workers are not prevented by compromise agreements from making public interest disclosures?**

Yes.

**3. If so, when did the trust adopt this policy?**

The solicitors have advised that the trust has adopted this policy since 2005.

**4. How many of the compromise agreements reached by the trust since 1 April 2013 contained a clause which made it clear that the worker or former worker in question was not prevented by the agreement from making public interest disclosures?**

As above All 12 should have contain this clause.

**5. If the trust has inserted such a clause into its compromise agreements, please provide a copy of the relevant clause.**

Clause

Nothing in this clause shall prevent you from:

- Making a protected disclosure under section 43A of the Employment Rights Act 1996; or

- Making a disclosure to a regulator regarding any misconduct, wrongdoing or serious breach of regulatory requirements, or reporting a criminal offence to any law enforcement agency.
- Nothing in this clause shall prevent either party from:
- Co-operating with the police or any law enforcement agency regarding a criminal investigation or prosecution; or
- Whether required to or not, co-operating with any investigation by any regulatory authority regarding any misconduct, wrongdoing or serious breach of regulatory requirements; or
- Bringing or defending legal proceedings to enforce the terms of this Agreement.

Please accept this letter as completion of your request. Please note that copies of this request will be held on file for three years before being confidentially destroyed.

If you are dissatisfied with the outcome of your request, please contact our Head of Information Governance on [Information.Governance@porthosp.nhs.uk](mailto:Information.Governance@porthosp.nhs.uk) or write to the above address and we will conduct an internal review. Upon review, if you are still dissatisfied, you may appeal our decision by contacting the Information Commissioner's Office; for more information please visit the [ICO's website](#).

Please be aware, if we do not receive an appeal within 30 days of you receiving this letter, we will assume that you are satisfied with our response. If you have any further queries, please do not hesitate to contact us.

Yours sincerely

Freedom of Information Team