

Freedom of Information Request

Ref: UHB 19-710

6 December 2019

By Email

Dear Sir/Madam

Thank you for your request for information under the Freedom of Information Act 2000. The Trust's response is as follows:

1. Please advise how many the compromise agreements the trust has entered into since 1 April 2013.
27 compromise agreements since 2016. University Hospitals Bristol NHS Foundation Trust does not hold information readily available before this date.
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, the Trust has not adopted this policy as a formal policy but takes this position in all cases.
3. If so, when did the trust adopt this policy?
As above, the Trust has not adopted this policy as a formal policy therefore we have no record of when decision was taken but confirm it was before 2016.
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?
The Trust does not hold this information. The clause is in all agreements that we have record of but to identify this previous to 2016, the Trust will have to go through each individual agreement (of which some are archived) and identify when this clause was put in. All compromise agreements are drafted with legal support and appropriate clauses are inserted by them. Gaining access to each of these documents would take the Trust more than 18 hours to complete and it is therefore exempt from disclosure under section 12 of the FOI Act and it would also incur retrieval fees from the archive storage.
5. If the trust has inserted such a clause into its compromise agreements, please provide a copy of the relevant clause.

DISCLOSURE OF INFORMATION

1.1 For the avoidance of doubt, nothing in this Agreement shall prevent you disclosing information:

1.1.1 pursuant to any order of any Court of competent jurisdiction; or

1.1.2 which has come into the public domain otherwise than by a breach of confidence by you or on your behalf.

1.2 Equally, nothing in this Agreement, including but not limited to clauses 10, 11 and 12, shall prevent you from:

1.2.1 making a protected disclosure within the meaning of Part IVA of the Employment Rights Act 1996;

1.2.2 raising concerns about patient safety and care and/or reporting misconduct or a serious breach of regulatory requirements, with regulatory and other appropriate statutory bodies pursuant to your professional and ethical obligations, including those obligations set out in guidance issued by regulatory or other appropriate statutory bodies from time to time;

1.2.3 reporting a criminal offence to any law enforcement agency; and/or

1.2.4 co-operating with any law enforcement agency regarding a criminal investigation or prosecution.

This concludes our response. We trust that you find this helpful, but please do not hesitate to contact us directly if we can be of any further assistance.

If, after that, you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Director of Corporate Governance
University Hospitals Bristol NHS Foundation Trust
Trust Headquarters
Marlborough Street
Bristol
BS1 3NU

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Publication

Please note that this letter and the information included/attached will be published on our website as part of the Trust's Freedom of Information Publication Log. This is because information disclosed in accordance with the Freedom of Information Act is disclosed to the

public, not just to the individual making the request. We will remove any personal information (such as your name, email and so on) from any information we make public to protect your personal information.

To view the Freedom of Information Act in full please click [here](#).

Yours sincerely

FOI Team
UH Bristol NHS Foundation Trust