

freedom.information@wvt.nhs.uk

29 January 2020

FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST FOI2019/0445

Thank you for your request for information.

Wye Valley NHS Trust responds:

//////////REQUEST

Compromise agreements by Wye Valley

1. Please advise how many compromise agreements the trust has entered into since 1 April 2013.
This relates to a low number. Under section 40(ii) of the Freedom of Information Act 2000, statistically low numbers that potentially identify personal data are required to be withheld because of the Trust's obligations to protect personal data under the Data Protection Act 2018 and General Data Protection Regulation 2018.
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? **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?
This relates to a low number. Under section 40(ii) of the Freedom of Information Act 2000, statistically low numbers that potentially identify personal data are required to be withheld because of the Trust's obligations to protect personal data under the Data Protection Act 2018 and General Data Protection Regulation 2018.
5. If the trust has inserted such a clause into its compromise agreements, please provide a copy of the relevant clause.
'For the avoidance of doubt, nothing in the Clause specifically and nothing in this [Agreement / COT3] generally, shall prejudice any rights that the [Employee / Claimant] has or may have under the Public Interest Disclosure Act 1998 and/or any obligations that the [Employee / Claimant] has or may have to raise concerns about patient safety and care with regulatory or other appropriate statutory bodies pursuant to [his / her] professional and ethical obligations including those obligations set out in guidance issued by regulatory or other appropriate statutory bodies from time to time. Nothing in this [Agreement / COT3] shall prevent this [Agreement / COT3] from being subject to scrutiny by a statutory body tasked with the scrutiny of public bodies, such as the National Audit Office or the Public Accounts Committee'

If you have queries or any concerns contact details are given at the top of the letter. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to:

Information Governance/Privacy Officer
Wye Valley NHS Trust
Monkmoor Court
31-34 Commercial Road
Hereford
HR1 2DX
Email: freedom.information@wvt.nhs.uk

If you are not content with the outcome of your complaint, you may 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

Telephone: 01625 545 745 www.ico.gov.uk

Yours sincerely,

Freedom of Information Coordinator

Re-Use of Public Sector Information

All information supplied by the Trust in answering a request for information (RFI) under the Freedom of Information Act 2000 will be subject to the terms of the Re-use of Public Sector Information Regulations 2005, Statutory Instrument 2005 No. 1515 which came into effect on 1st July 2005.

Under the terms of the Regulations, the Trust will licence the re-use of any or all information supplied if being used in a form and for the purpose other than which it was originally supplied. This license for re-use will be in line with the requirements of the Regulations and the licensing terms and fees as laid down by the Office of Public Sector Information (OPSI). Most licenses will be free; however the Trust reserves the right, in certain circumstances, to charge a fee for the re-use of some information which it deems to be of commercial value. Further information can be found at www.opsi.gov.uk where a sample license terms and fees can be found with guidance on copyright and publishing notes and a Guide to Best Practice and regulated advice and case studies, at www.opsi.gov.uk/advice/psi-regulations/index.htm