

Ref: RFI/FOIA/17148  
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**Re: Freedom of Information Act 2000 request**

Dear Dr Alexander

Thank you for your request which we received on 29 April 2016, please find enclosed the response to your enquiries.

Liverpool Community Health NHS Trust's use of compromise agreements (settlement agreements)

Please advise in relation to the 5 years between January 2011 and December 2016 inclusive:

**In relation to the dates mentioned above, we have supplied information for the period January 2011 to April 2016.**

1) How many compromise agreements has the Trust entered into with staff or former staff? Please include all COT3 agreements in this figure.

**During the period January 2011 to April 2016, I can confirm that Liverpool Community Health NHS Trust entered into a total of 164 compromise agreements. Of these, seven relate to the Voluntary Redundancy/Voluntary Early Retirement (VR/VER) scheme that was offered by the Trust in 2012 and 153 relate to the Mutually Agreed Resignation Schemes run in 2011, 2013 and 2015.**

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

**Seven compromise agreements entered into in relation to the VR/VER scheme do not contain a non-disclosure clause. All other compromise agreements signed by the Trust contain a clause requiring the individual not to disclose the existence of the agreement. However, all of these agreements also contain a clause confirming that nothing in the agreement will prejudice any rights the individual has under the Public Interest Disclosure Act 1998 (PIDA).**

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

**All compromise agreements entered into by the Trust contain a non-disparagement clause however, as above, all of these agreements also contain a clause confirming that nothing in the agreement will prejudice any**

**rights the individual has under PIDA.**

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)?

**I can confirm that no compromise agreements were entered into by the Trust with staff who had previously made public interest disclosures.**

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

**I can confirm that if an individual who had signed a compromise agreement were to voice concerns about reprisal by the Trust for whistleblowing, the Trust would consider this to be a qualifying disclosure under PIDA.**

Should you require any further information, clarification regarding this response or do not feel that your request has been answered as you would expect please contact me at the above address to discuss.

I also wish to take this opportunity to inform you that a formal complaints and internal review process is available, which will be managed by a Freedom of Information Appeals Officer. This can be formally requested via the above address and must be done within a reasonable period of time (three calendar months) from the date this response was issued.

If you are not satisfied with our review under the Freedom of Information Act, you may apply directly to the Information Commissioners Office (ICO) for a review of your appeal decision. Generally, the ICO cannot make a decision unless you have exhausted our complaints procedure.

The ICO can be contacted at;

ICO,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF

[www.ico.gov.uk](http://www.ico.gov.uk)

If I can be of any other assistance, please do not hesitate to contact me at the above address.

Yours sincerely

Jill Gaynor  
**Information Governance Department**

[www.liverpoolcommunityhealth.nhs.uk](http://www.liverpoolcommunityhealth.nhs.uk)

