

NHS Tayside has now considered your request dated 6th June 2016.

NHS Tayside wishes to advise you that there are exemptions applicable to the information requested. Please refer to the exemptions section of this correspondence.

Extract from Request

1. "For each of the last five financial years (11/12 – 15/16) what was the total number of employees who signed settlement agreements when they left your Trust? Please note I would like an annual breakdown for each year as opposed to one figure covering the five-year period.
2. For each of the last five financial years how much was paid to departing employees as part of the settlement agreements? Again, I am looking for annual breakdowns of the data.

The annual breakdown should include the following three elements;

A – The statutory amount the employee received (ie the sum to which they were legally entitled for redundancy).

B – The amount paid in special severance payments. For clarity, I have taken the definition of special severance payment from guidance issued to NHS employers in December 2013, which states: *HM Treasury defines a special severance payment as a payment made to employees, contractors and others above normal statutory or contractual requirements when leaving employment in public service whether they resign, are dismissed, or reach an agreed termination of contract.*

Ref Page 4 -<http://www.nhsemployers.org/~media/Employers/Publications/settlement-agreements.pdf>

C The overall total of statutory and special severance payments for each of the last five financial years.

3. (A). For each of the past five financial years, how many of the settlement agreements signed with departing employees contained confidentiality clauses? Again, I have referred to the guidance issued to NHS employers for my definition of a confidentiality clause which states:
 1. *Clauses which cover the terms of that agreement " for example, prohibiting any parties concerned from reporting the detail about the terms of the agreement.*
 2. *Clauses which protect confidential information gained by the employee as part of their employment, such as business-sensitive data or patient records. It is important to outline to all staff, their responsibilities to comply with the Data Protection Act 1998 and confidentiality within their terms and conditions of employment.*
 3. *Clauses against derogatory comments being made which prevents the employee from making vexatious, disparaging or derogatory comments about the organisation and its staff. In such cases, there is usually a mutual clause which also prevents the organisation from making disparaging or derogatory comments about the employee.*(B) Of the total number of confidentiality clauses issued during each financial year, how many came from Category 1 as defined above? Category 2? Category 3? Other?
4. For each of the last five financial years, how many departing NHS staff who signed a settlement agreement received an agreed reference as part of the agreement?
5. For each of the past five financial years, how many of the settlement agreements signed with departing employees were referred to the Treasury/Department for Health to be signed off?"

Response

1. The total number of employees who signed settlement agreements

Year	Signed Settlement Agreements
2011/12	7
2012/13	<5
2013/14	5
2014/15	6
2015/16	<5

2. The total number of settlements and cost per financial year

Year	No. of Settlements	Value in year
2011/12	7	£157,079
2012/13	<5	£37,900
2013/14	5	£37,874
2014/15	6	£199,752
2015/16	<5	£14,592

3. Settlement agreements up to 2014 would have contained a standard confidentiality clause which would have covered Q3 (A) 1&3. Thereafter confidentiality clauses were removed from the standard settlement agreement documentation.
4. NHS Tayside does not record if a reference has been supplied to staff who have left the organisation.
5. There has been no requirement to seek Treasury sign off. Since 1 April 2014 all settlements are submitted to the Scottish Health and Social Care Directorate for consideration.

If you are unhappy with the level of service you have received from NHS Tayside in relation to your request for information, you may ask for an internal review.

A request for review must be made in writing no later than forty working days from receipt of this response and addressed to:

Tayside NHS Board Secretary
Tayside NHS Board Headquarters
Ninewells Hospital & Medical School
Dundee, DD1 9SY

If you are not content with the outcome of the internal review, you have the right to apply directly to the Scottish Information Commissioner for a decision. The Scottish Information Commissioner can be contacted at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife, KY16 9DS

Freedom of Information (Scotland) Act 2002
Response to correspondence dated 6th June 2016
Request: Settlement Agreements
Applicant: Media
Reference: IGTFOISA3003



If you have any queries about this correspondence, please contact:

Information Governance Team,
Maryfield House,
30 Mains Loan,
Dundee, DD4 7BT

E-mail: informationgovernance.tayside@nhs.net
Telephone - 01382 740074 Ext 70238

Exemptions Section – application of Freedom of Information (Scotland) Act 2002 exemptions and Data Protection Act 1998 principles.

Document Ref.	FOISA Exemption Applied	Justification
IGTFOISA3003	Section 17 – Information not held (Q4)	Information not held

Information Governance
NHS Tayside
8th July 2016