

From: Minh Alexander <REDACTED >

Subject: FOI request – whistleblowing governance at University Hospitals Sussex NHS Foundation Trust

Date: 2 February 2023 at 05:26:42 GMT

To: George Findlay <REDACTED>

BY EMAIL

George Findlay
CEO University Hospitals Sussex NHS Foundation Trust

2 February 2023

Dear Dr Findlay,

FOI request – whistleblowing governance at University Hospitals Sussex NHS Foundation Trust

1. I write to ask how many active Employment Tribunal cases are in progress against the trust, and how many of these include a claim filed under the jurisdiction code of Public Interest Disclosure (whistleblowing). I asked this previously as part of a wider FOI request, but the trust advised that checking files for details of ET claims would be too time consuming.

I am sure that checking files on just a few active cases would be a much quicker task.

2. I would also be grateful if the trust could also disclose, drawing from the digital data submitted to NHS Digital:

a. The number of dismissals for any reason by staff group for each of the financial years

2019/20

2020/21

2021/22

b. The total number of medical staff dismissed in the period 1 April 2019 to 31 March 2022.

c. The total number of doctors referred to the GMC by the trust in the period 1 April 2019 to 31 March 2022.

3. I understand that the trust does not keep a central record of its settlement agreements and cannot give an exact overview of how many non-disclosure agreements and non-disparagement clauses that it has applied.

One of the recommendations of the report of the NHS Freedom To Speak Up Review was that NHS Trust Chief Executives should take personal responsibility for reviewing all settlement agreements made by their trusts. This is to ensure that they are not excessively restrictive.

If you are personally overseeing settlement agreements, could you possibly give a brief overview as CEO of the settlement agreements used by your trust and whether they typically contain:

- Clauses which require signatories to keep the existence of settlements agreements secret
- Clauses which require signatories to keep the contents of settlement agreements secret
- Clauses which require signatories not to disparage each other

And could you kindly supply a template of the settlement agreement commonly used by your trust, or better still, a redacted copy of the most recently applied settlement agreement which shows the restrictive clauses used?

Many thanks and best wishes,

Dr Minh Alexander

Cc

Tom Grimes NHS England Lead for Whistleblowing