

FOI Request Response information

FOI request reference:	2016/146
Date request received:	07/06/2016
Date request responded to:	13/06/2016
Category:	Corporate
Tags:	Compromise, agreements, disclosure, clause

Request Detail:

Additional info re compromise agreements

- 1) The Trust indicates that of 25 compromise agreements reached in the period, 24 contained confidentiality clauses that prevented disclosure of the existence of the agreements. Please may I ask why the trust has used such clauses.
- 2) Please could the trust also disclose which law firms(s) handled/ drafted the 25 compromise agreements for the trust?

Response Detail:

- 1) The Trust indicates that of 25 compromise agreements reached in the period, 24 contained confidentiality clauses that prevented disclosure of the existence of the agreements. Please may I ask why the trust has used such clauses.

A confidentiality clause is included within our standard settlement agreement for the benefit of both the Trust and the individual. However, there is nothing in the agreement which prevents or discourages an individual from raising concerns. In fact, there is a clause which reads as follows:

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

- pursuant to any order of any Court of competent jurisdiction; or
- which has come into the public domain otherwise than by a breach of confidence by you or on your behalf.

Equally, nothing in this Agreement, including but not limited to clauses 11, 13 and 14, shall prejudice any rights that you have or may have under the Public Interest Disclosure Act 1998 ("PIDA") (or any other enactment which PIDA amends) and/or any obligations that you have or may have to raise concerns about patient safety and care 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.

Having reviewed the information provided, the Trust can confirm that confidentiality clauses were included in all 25 agreements, not 24 as originally stated.

2) Please could the trust also disclose which law firms(s) handled/ drafted the 25 compromise agreements for the trust?

The agreements were handled by DAC Beachcroft Solicitors.