

FOI REF: 25/470

15<sup>th</sup> July 2025

## FREEDOM OF INFORMATION ACT

I am responding to your request for information under the Freedom of Information Act. The answers to your specific questions are as follows:

**For the period 1 April 2019 to 31 March 2025 (or as far back as records are held, if full data for this period is not available):**

- 1) Total number of Non-Disclosure Agreements (NDAs) — also referred to as confidentiality clauses or settlement terms within COT3 agreements or other settlement agreements, entered into with current or former staff members by your organisation.**

8

Although the agreements have a confidentiality clause contained within them there is a further clause that states the following;

For the avoidance of doubt, nothing in this Clause X specifically and nothing in this Agreement generally, shall prejudice any rights that the Employee has or may have under the Public Interest Disclosure Act 1998 and/or any obligations that the Employee has or may have to raise concerns about patient safety and care with regulatory, or other appropriate statutory bodies pursuant to their professional and ethical obligations including those obligations set out in guidance issued by regulatory or other appropriate statutory bodies from time to time.

- 2) Of those NDAs, please provide a breakdown of how many were associated with settlement agreements relating to:**
  - a) Complaints of bullying or harassment.**

0

Cont.../

- b) **Complaints of discrimination (related to any protected characteristic under the Equality Act 2010).**

2

- c) **Whistleblowing or the raising of protected disclosures.**

0

- d) **Other reasons (please specify if available).**

6

- 3) **Total amount of money paid out under all settlement agreements or COT3s that included an NDA during this period.**

I can confirm that we hold this information, but it is exempt under section 40(2) of the Freedom of Information Act 2000 – Personal Information of third parties. This is because this information may allow the identification of individual staff members due to the small number and disclosure would breach the principles of the Data Protection Act.

This is an absolute exemption and there is, therefore, no requirement to consider the public interest.

- 4) **The highest individual settlement amount paid out under a settlement agreement or COT3 that included an NDA during this period.**

Section 40(2) applied, please see response to Q3.

- 5) **If available, please also provide:**

- a) **A breakdown by staff group or job role (e.g. nursing, medical, administrative, etc.)**
- b) **A breakdown by department or service area A breakdown by type of complaint (if not already provided above)**

- **If the information is not held in this level of detail, please provide whatever level of detail is recorded.**

Section 40(2) applied, please see response to Q3.

If I can be of any further assistance, please do not hesitate to contact me.

Should you be dissatisfied with the Trust's response to your request, you have the right to request an internal review. Please write to the Freedom of Information Department ([esh-tr.foi@nhs.net](mailto:esh-tr.foi@nhs.net)), quoting the above reference, within 40 working days. The Trust is not obliged to accept an internal review after this date.

Should you still be dissatisfied with your FOI request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

Telephone: 0303 123 1113

Yours sincerely

Freedom of Information Department  
[esh-tr.foi@nhs.net](mailto:esh-tr.foi@nhs.net)