

4th June 2026

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Further to your recent request for information made under the Freedom of Information Act (FOIA) 2000, I now set out our answers to your specific questions, and any clarifications sought and provided, as follows:

I would like to request the following information concerning the use of non-disclosure agreements and settlement agreements containing confidentiality clauses with current or former members of staff.

- 1.a) In each calendar year from 2016 to the date of this request (05/05/2026), how many settlement agreements or non-disclosure agreements meeting the above definition were concluded between the trust and current or former members of staff?**

Please see the table in 1b.

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.”

- 1.b) Please provide this information broken down by year. Where the number in a given year falls below five AND you consider that a precise figure risks identifying individuals, please amalgamate adjacent years so that each reported cell contains at least five agreements.**

Please see the table below for the number of settlement/non-disclosure agreements and note that these have been amalgamated due to the low numbers:

2016 - 2020	2020- 2024	2025-2026
9	7	*15

*12 agreements in 2025-2026 are further to the nationally agreed Mutual Exit / Settlement framework (MARS), as authorised by NHS England.

- 2.a) In each of the same calendar years, what was the total value of financial payments made to employees as part of the agreements described above?**

We are unable to disclose the requested financial value and are applying Section 40(2).

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 the number of settlement agreements falling outside the nationally agreed Mutual Exit/Settlement framework (MARS), as authorised by NHS England, is sufficiently low that disclosure of the associated values would create a risk of identifying individuals 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.

- 2.b) Please provide this information broken down by year, applying the same approach to aggregation as in Question 1.b) where necessary.**

Section 40(2) applied, please see above.

- 3.a) Does the trust have any policy, guidance, or internal procedure governing the circumstances in which non-disclosure clauses may be included in settlement agreements or other agreements with departing staff? If so, please provide a copy or summary of that policy.**

No

- 4.a) What is the total headcount of the trust's workforce as of the most recent available date? Please state the date to which this figure relates.**

Total headcount as of 30th April 2026 = 8,714.

I trust this information is helpful in its detail or explanation however, if you are dissatisfied with the response, then you have the right to request an internal review. If you wish to seek an internal review, please write to the Freedom of Information Team at esh-tr.foi@nhs.net quoting the above FOI reference number, within 40 working days. Please note the Trust is not obliged to accept a request for an internal review after this time period.

Yours faithfully

Freedom of Information (FOI) Team
East Sussex Healthcare NHS Trust
0300 131 4716
Core Hours of Business: Monday to Friday 9.00am to 4.00pm