

Date: Monday, 25th November 2019
Our Ref: MB/SS FOI 4132

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Re: Freedom of Information Request FOI 4132

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 25th November 2019.

Your request was as follows:

1. Please advise how many compromise agreements the trust has entered into since 1 April 2013.

Here at The Walton Centre Foundation Trust (WCFT) has entered 27 compromise agreements since 1 April 2013.

2. Can the trust confirm that it adopted the NHS policy of inserting a clause into compromise agreements to make it clear that workers or former workers are not prevented by compromise agreements from making public interest disclosures?

Yes.

3. If so, when did the trust adopt this policy?

The WCFT adopted this policy in 2013.

4. How many of the compromise agreements reached by the trust since 1 April 2013 contained a clause which made it clear that the worker or former worker in question was not prevented by the agreement from making public interest disclosures?

All agreements.

5. If the trust has inserted such a clause into its compromise agreements, please provide a copy of the relevant clause.

1.1 For the avoidance of doubt, nothing in this agreement shall prejudice any rights that the Employee has or may have to make a Protected Disclosure as defined by the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 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 his professional and ethical obligations including those obligations set out in guidance issued by regulatory or other appropriate statutory bodies from time to time. Nor shall anything in this Agreement prevent the Trust from complying with any duty of public accountability including, but not limited to, any requirement to disclose information to professional regulators, the National Audit Office, the Public Accounts Committee, NHS Improvement, the Department of Health or the Treasury.

Please see our response above in blue.

Re-Use of Public Sector Information



All information supplied by the Trust in answering a request for information (RFI) under the Freedom of Information Act 2000 will be subject to the terms of the Re-use of Public Sector Information Regulations 2005, Statutory Instrument 2005 No. 1515 which came into effect on 1st July 2005.

Under the terms of the Regulations, the Trust will licence the re-use of any or all information supplied if being used in a form and for the purpose other than which it was originally supplied. This license for re-use will be in line with the requirements of the Regulations and the licensing terms and fees as laid down by the Office of Public Sector Information (OPSI). Most licenses will be free; however the Trust reserves the right, in certain circumstances, to charge a fee for the re-use of some information which it deems to be of commercial value.

Further information can be found at www.opsi.gov.uk where a sample license terms and fees can be found with guidance on copyright and publishing notes and a Guide to Best Practice and regulated advice and case studies, at www.opsi.gov.uk/advice/psi-regulations/index.htm

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the Freedom of Information Office at the address above.

Please remember to quote the reference number, FOI 4132 in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Mike Burns

Mr. Mike Burns, Executive Lead for Freedom of Information