

Date: 13 December 2019

Our reference: **FOIRQ5563**

Dear Sir/Madam,

Thank you for your request for information, which we have processed under the Freedom of Information Act 2000. Please see our response to your following request for information:

**Your Request and Our Response (in bold)**

Great Ormond Street Hospital for Children NHS Foundation Trust (the 'Trust') is a single site, specialist tertiary paediatric trust. Please see our response (in bold) to your following request for information:

1. *Please advise how many compromise agreements the trust has entered into since 1 April 2013. **There have been 9 Settlements since 2017. Please see note below\*\****

**Please note: The Trust does not centrally record the information you have requested for the period specified from 1 April 2013. This is a broad period of time for the Trust to carry out a manual search of the records without any easily identifiable repository of where the information is held. We have only been able to identify and extract information from the records covering the period since 2017 to 2019 (up to the date your request was received on 15/11/2019).**

**The Trust has estimated the amount of work involved to conduct a full search of local systems and individual records would significantly exceed the 18 hour cost limit stipulated for processing a request for information under Section 12 (Cost Limit) of the Freedom of Information Act (FOIA) 2000. We have already exceeded the cost limit in processing this request for information under the FOIA.**

**Section 12(1) of the FOIA allows the Trust to refuse a request where the cost of compliance is estimated to exceed the appropriate limit. The appropriate limit for Section 12 purposes is defined by The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 - SI 2004 No. 3244 ('Fees Regulation').**

Under regulation 3 of the Fees Regulation the appropriate cost limit for the Trust is £450. The Fees Regulation also states that all authorities

should calculate the time spent on the permitted activities at the flat rate of £25 per person, per hour. This means that the appropriate limit will be exceeded, if it would require more than 18 hours' work for the Trust to carry out the following activities in complying with the request:

- determining whether the information is held
  - locating the information, or a document containing it;
  - retrieving the information, or a document containing it; and
  - extracting the information from a document containing it.
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 Trust adopted this policy when the law changed in 2012***
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? **Solicitors draft all agreements with a standard clause***
5. *If the trust has inserted such a clause into its compromise agreements, please provide a copy of the relevant clause **Please see the following paragraph extracted from the Trust Settlement Agreement:***

***“a. For the avoidance of doubt, nothing in this Agreement including but not limited to clauses 4.7, 4.8, and 4.9 shall prevent the claimant from:***

- i. disclosing information pursuant to any order of any court of competent jurisdiction;***



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***ii. making a protected disclosure within the meaning of Part IVA of the Employment Rights Act 1996, provided that the disclosure is made in accordance with the provisions of the Act; raising concerns about patient safety and care and /or reporting misconduct or a serious breach of regulatory requirements with regulatory or other appropriate statutory bodies pursuant to her***

***iii. professional and ethical obligations including those obligations set out in guidance issued by regulatory or other appropriate statutory bodies from time to time;***

***iv. reporting a criminal offence to the police or other law enforcement agency and/or co-operating with a criminal investigation or prosecution; or***

***v. disclosing information for the purpose of seeking advice from professional advisers who are subject to an obligation of confidence, such as qualified medical practitioners and qualified lawyers or to a confidential employee assistance programme such as NHS Improvement's Whistleblowers' Support Scheme".***

Please note:

The information we have provided under the Freedom of Information Act 2000 is the information held on the date your request was received by the Trust.

We hope the information provided is sufficient and helpful in answering your questions or any issues or concerns. Should you have any further queries in relation to this request, please do not hesitate to contact the FOI Team and quote the above reference number on any related correspondence.

Re-use of information

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Yours sincerely

**Freedom of Information team**

Great Ormond Street Hospital for Children NHS Foundation Trust  
Email: [foiteam@gosh.nhs.uk](mailto:foiteam@gosh.nhs.uk)

**[Enclosed – Your rights – see next page]**



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### **Your Rights**

Should you have any questions relating to the response you have received to your request for information, please do not hesitate to contact the FOI Team. Alternatively, you are entitled to make a request for an internal review within two months from the date of receiving our final response to your original request. You can also write to the Head of Quality & Safety at the following address:

Quality & Safety team  
Great Ormond Street Hospital  
LONDON  
WC1N 3JH

If, however, you remain dissatisfied with the outcome of the internal review then you have the right to appeal to the Information Commissioner as the final stage of the FOI process. You can contact the Information Commissioner's Office at the following address:

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

Telephone: 0303 123 1113  
Fax: 01625 524510