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Wales

## Freedom of Information request to Public Health Wales

<b>FOI Reference:</b>	<b>FOI 165</b>
<b>Date request received</b>	<b>14 November 2018</b>
<b>Date information is due to be sent</b>	<b>12 December 2018</b>

### Information requested:

Please accept this as a request under the Freedom of Information Act (2000).

My request relates to sexual harassment in the work place.

Please provide a total figure across the financial years 2015-16, 2016-17, and 2017-18 for the following information:

1. In total, how many accusations of sexual harassment were made by members of staff against other members of staff?
  - Of these in 1, how many complainants were women?
  - Of these in 1, how many of those accused were men?
2. How many members of staff were subject to disciplinary proceedings due to accusations of sexual harassment in the work place?
3. How many members of staff were dismissed due to sexual harassment in the work place?
4. How much money has the authority paid out in damages/compensation or in settlement agreements to individuals as a result of sexual misconduct proceedings? *The answer should include cases where an out of court financial settlement was reached after a claim had been*

*filed, even when the authority does not accept the claim/liability; and it should also include cases where court proceedings were not initiated but the authority paid damages/compensation or entered an agreement without itself necessarily accepting liability.*

- *What was the largest single sum paid out for such purposes? (If finding this information would tip the request over the threshold for costs of compliance, please disregard this question)*
5. What is the authority's policy for entering non-disclosure agreements (NDAs)?
  6. In how many cases in the years specified above has the authority used NDAs to resolve sexual harassment cases? *(If finding this information would tip the request over the threshold for costs of compliance, please disregard this question)*

I have carried out significant research for this request and the following should not be the case, but if you think my request exceeds the cost of compliance, you are required to evidence this and advise me how I might bring it under the limit, as outlined in sections 16(1) and 16(2) of FOIA.

**Please provide the data in a .xls spreadsheet format**, as laid out in section 11(1A) of the Act.

I'm always open to an informal chat about my requests so please do not hesitate to contact me on the contact details below.

## **Information provided for the answer:**

Thank you for your email dated 21<sup>st</sup> October 2018. In answer to your questions:

- 1) 0
- 2) 0
- 3) 0
- 4) 0
- 5) In general settlement agreements (NDAs) can be used in a number of circumstances, such as dismissals or in the settlement of an Employment Tribunal claim; or in cases where trust and confidence has irretrievably broken down, it can be mutually agreed that a termination of employment would be in everyone's best interest. Settlement agreements are not used to short-cut any investigations and are not considered in isolation. It should also be noted that, in entering such an agreement, and employee is not prevented them from raising legitimate concerns about a patient safety, or other issue, in the public interest under the terms of Public Interest Disclosure Act.
- 6) 0

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of the decision, you should write to the Corporate Complaints Manager, Public Health Wales NHS Trust, 3, Number 2, Capital Quarter, Tyndall Street, Cardiff, CF10 4BZ.

If you are not content with the outcome of your complaint or review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Trust. The Information Commissioner can be contacted at:

Information Commissioner for Wales

2nd Floor  
Churchill House  
Churchill Way  
Cardiff  
CF10 2HH

Telephone: 029 2067 8400

Email: [wales@ico.org.uk](mailto:wales@ico.org.uk)