

Disciplinary Procedure

Reference Number: F4767
Date of Response: 22/08/2022

Further to your Freedom of Information Act request, please find the Trust's response, in **blue bold text** below:

Royal Devon's Eastern FOI Office Response

- 1) The number of employees of the Royal Devon & Exeter NHS Foundation Trust who, in the last three years, have been disciplined and, as part of that process, have been served with a Non-Disclosure Order (Gaggling Order) either in writing or verbally or both.

For the Royal Devon & Exeter NHS Foundation Trust Only (now referred to as Eastern Services of Royal Devon), during the last three calendar years, there has been one employee who was the subject of a disciplinary investigation.

This disciplinary process did not conclude, however an agreement with the employee regarding their employment with the Trust was reached which contained a confidentiality provision. Any confidentiality provisions are not a blanket ban preventing any disclosure. The confidentiality provisions are subject to a number of exceptions so that the provisions do not prevent the former employee from:

- **Making protected disclosures under section 43B of the Employment Rights Act 1996;**
- **Complying with 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 professional and ethical obligations including those obligations set out in guidance issued by regulatory or other appropriate statutory bodies from time to time;**
- **Discussing the circumstances or the Agreement with their professional advisers;**
- **Discussing or disclosing the terms of the Agreement where required by any competent authority, regulatory body or by a Court of law;**
- **Discussing or disclosing the Agreement or the matters covered by the Agreement to their spouse or immediate family;**

In addition, the Trust is able to disclose the terms of the Agreement in a number of circumstances and the terms of the Agreement do not prevent it from being subject to scrutiny by statutory bodies.

- 2) In the process of undergoing a disciplinary procedure, how many months, in total, have all of these employees been suspended on full pay – also in the last three years. **13 Months.**