

[REDACTED]
[REDACTED]
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Date 2 June 2026
Your Ref FOI-2026-3357
Our Ref FOI-2026-3357

Enquiries to [REDACTED]
Email psd.foi@nhs.scot

Dear [REDACTED],

Freedom of Information Reference FOI-2026-3357

I refer to your Freedom of Information (Scotland) Act 2002 (FOISA) request that we received on 3 May 2026 requesting the following information:

I am writing to request information under the Freedom of Information Act 2000. 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.

For the purposes of this request, a non-disclosure agreement (NDA) is defined as any agreement, or any clause within a broader agreement, that prevents or restricts a departing or former employee from disclosing information about the circumstances of their departure, any workplace dispute, or any conduct by the authority or its staff. This includes, but is not limited to, standalone non-disclosure agreements and settlement agreements (formerly known as compromise agreements) that contain a confidentiality clause.

The request is as follows:

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

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.

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?

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

3.a) Does the authority 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.

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

Please cover the period from 1 January 2016 to the date of this request.

We have now completed the search of our records and can provide you with the following information, however it is important to note that from 1 April 2026, NHS National Services Scotland (NSS) and NHS Education for Scotland (NES) joined to form Public Services Delivery Scotland (PSD Scotland), enabling transformation in health, social care, and the wider public sector. More information regarding PSD Scotland can be found at the following URL:

[Public Services Delivery Scotland \(PSD Scotland\)](#)

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

As the total figure equates to under five for both NES and NSS, an exemption has been applied under [Section 38\(1\)\(b\) of the FOISA](#) for "third party information. By disclosing all or part of this information, it may be possible for persons to be able to identify themselves or others. Individuals have a reasonable expectation that this personal information will not be disclosed. This exemption is absolute and is not subject to the public interest test.

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.

As detailed in question 1.a as the total number of non-disclosure agreements since 2016 are under five, [Section 38\(1\)\(b\)](#) of the FOISA has been applied.

By providing this information broken down into years, or amalgamated years, it is possible for persons to be able to identify themselves or others. Individuals have a reasonable expectation that this personal information will not be disclosed. This exemption is absolute and is not subject to the public interest test.

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?

The total value of payments made under these arrangements is considered to be personal data. Given the very small number of cases, disclosure – even in aggregated form – would be likely to lead to the identification of individuals when combined with other information reasonably available. This information is therefore exempt from disclosure under [Section 38\(1\)\(b\)](#) of the FOISA.

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

As answered in question 2.a this information is exempt from disclosure under [Section 38\(1\)\(b\)](#) of the FOISA.

3.a) Does the authority 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.

Initially, the [Scottish Government released a Director's Letter DL\(2019\)15](#) which was used to communicate the implementation of "A Severance Policy for Scotland" to all NHSScotland Health Boards. The Director's Letter has been expanded upon with the [Scottish Government's Scottish Public Finance Manual \(SPFM\)](#) that sets out the principles for dealing with resources in public sector organisations in Scotland. The specific section in the SPFM is "[Settlement agreements, severance, early retirement and redundancy terms](#)"

NES and NSS complied with these requirements, and PSD Scotland will continue to do so as the successor body.

Scottish Government approval is required for all settlement agreements, including the use of a confidentiality clause. All severance cases were reported to the former NSS and NES boards on an annual basis and will continue to be reported in PSD Scotland.

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

The total headcount for NES, as a predecessor of PSD Scotland, was 3,459 on 31 March 2026 and as of 13 May 2026 the total headcount for NSS was 3,538.

I trust you will find the information of assistance and if you require any further information, please do not hesitate to contact me using the email address psd.foi@nhs.scot.

If you are unhappy with any aspect of how we have dealt with your request, you can make representations to us asking us to review the handling of your request. Please write to the Associate Director Corporate Governance using the email address psd.foi@nhs.scot within 40 working days of the date of this correspondence.

If after a review you are still unhappy, you also have the right to apply to the Scottish Information Commissioner, who can be contacted at Kinburn Castle, St Andrews, Fife, KY16 9DS, or via their [online Appeal form](#).

Yours sincerely,

