

[REDACTED]

1 August 2017  
Reference: F0003256

Dear [REDACTED]

I am writing in respect of your recent request of 25 June 2017, for the release of information held by the Civil Aviation Authority (CAA), and I apologise for the delay in our response.

Having considered your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), we are able to provide the information below. Each of your questions, repeated below, and our answers, relate to the financial years 2014/15, 2015/16, 2016/17 and 2017/18 year to date.

#### Your questions 1 and 4

*'1. How many compromise agreements (settlement agreements [SA]) has the CAA entered into with staff or former staff?'*

*'4. What was the total value of these compromise agreements since 1 April 2014?'*

The CAA has entered into 64 agreements over the reference period, and the total value and relevant data is provided below.

Period	Total Leavers in period	Leavers under SA in period	Percentage of Total leavers in period	Cost to the nearest whole £
2014/15	151	8	5.3%	£415,044.00
2015/16	190	41*	21.6%	£1,710,927.00
2016/17	143	10	7.0%	£455,621.00
2017/18 to date	27	5	18.5%	£154,252.00
<b>TOTAL</b>	<b>511</b>	<b>64</b>	<b>12.5%</b>	<b>£2,735,844.00</b>

*\*The increase in the period 2015/16 was the result of a voluntary exercise called an Expression of Wish (EOW), inviting colleagues to express a wish to resign and receive a financial package in return. Further information is provided below.*

### **Your questions 2 and 3**

*'2. How many of these agreements contained a confidentiality clause which prevents signatories from disclosing the existence of the agreements?'*

*'3. How many of these agreements contained a non-disparagement clause which requires staff or former staff not to criticise the CAA or its employees?'*

A settlement agreement is a legally binding contract that sets out the terms of departure between the parties and, once signed, prohibits the employee from bringing legal action against the employer in respect of their employment and/or its termination. This is typically in exchange for a termination payment and other benefits as may be set out in the agreement, for example, payments of final salary or in lieu of annual leave not taken. A settlement agreement provides for the amicable resolution to the end of an employment relationship. The use of settlement agreements is common. Currently the CAA relies on settlement agreements only in specific circumstances where to do so will support resolution of an employment dispute or where the request to leave is entirely voluntary on the part of the employee.

The CAA operated one such voluntary exercise, which was called an Expression of Wish (EOW), inviting colleagues to express a wish to resign and receive a financial package in return for timing their leaving date to suit the CAA. This was an alternative to voluntary redundancy and in response to business requirements at the time. The EOW exercise accounts for the increase in the 2015/16 year, as leavers were required to leave the CAA by 31 March 2016.

The inclusion of confidentiality and non-disparagement clauses in settlement agreements is common. Routinely at the CAA, each agreement contains such clauses. The clauses typically prevents signatories from disclosing the existence of these agreements (except to relevant advisers, authorities and family members), divulging confidential information, and protect the integrity of the CAA and the individual. However, the agreements expressly permit public interest disclosures in accordance with the Public Interest Disclosure Act 1998.

Separately, the CAA has in place a robust Confidential Reporting Policy to help support ethical, safe and legal practices in all its business affairs, and encourages workers (the policy applies not only to all CAA employees but also to associated persons such as temporary agency workers, consultants and contractors working for, or on behalf of, the CAA) to contribute to preventing any wrongdoing at work. The policy provides a framework to enable any genuine concerns about malpractice, safety or other wrongdoing in the organisation, where the interests of others or the CAA itself may be at risk, to be raised in confidence so that they can be addressed appropriately.

### **Your question 5**

*'5. How many of the staff with whom the CAA entered into compromise agreements had previously raised concerns of a public interest nature?'*

This information does not exist. As mentioned above, the process to raise such concerns is through the CAA's Confidential Reporting Policy. To ensure protection and the integrity of that process, reports or disclosures are made to someone who is not in any way involved in employment decisions. The two processes are separate and the confidential reporting system itself does not capture the source of the report under a category that would identify the information you request. In addition, some reports are anonymous.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Caroline Chalk  
Head of External Information Services  
Civil Aviation Authority  
Aviation House  
Gatwick Airport South  
Gatwick  
RH6 0YR

[caroline.chalk@caa.co.uk](mailto:caroline.chalk@caa.co.uk)

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the FOIA to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office  
FOI/EIR Complaints Resolution  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF  
<https://ico.org.uk/concerns/>

If you wish to request further information from the CAA, please use the form on the CAA website at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=24>.

Yours sincerely



Rihanne Stephen  
Information Rights Officer

**CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE**

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.