



Our ref: ATISN 20257
Date: 22 March 2024

Dear ,

ATISN 20257

Thank you for your request which was received on 22 February 2024. I have set out at Annex 1 the response to the questions you submitted.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
or e-mail: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.
You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

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

Telephone: 0303 123 1113
Website: www.ico.org.uk

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex 1

1. How many Non-Disclosure Agreements (NDA) or functionally similar Settlement Agreements did the Welsh Government enter with staff who left its employment in each of the financial years: 2019/2020, 2020/2021, 2021/2022, and 2022/2023?

The Welsh Government does from time to time enter into Settlement Agreements with a member of its staff who is leaving its employment under the terms of that agreement. The terms of such a settlement agreement would routinely require the member of staff to continue to abide by the rules governing confidentiality and the use of official information as set out in the terms and conditions of employment the Welsh Government engage staff on. However, it is also explicitly stated in any such settlement agreement that this restriction would not prevent the Employee from making a protected disclosure under section 43A of the Employment Rights Act 1996.

It is not the Welsh Government's practice to utilise 'gagging' clauses which restrict a member of staff from making comments about the Welsh Government which are adverse to it.

The number of exits agreed in each of the years referred to (2019/2020, 2020/2021, 2021/2022 and 2022/2023) are all publicly available on the Welsh Government's website and can be accessed using the following link;

[Welsh Government consolidated annual accounts | GOV.WALES](#)

The majority of staff referred to in these accounts will have entered into settlement agreements with the Welsh Government but there will be limited exceptions where this has not been required.

2. What was the total amount of money paid out in each of these years in respect of such agreements?

The total amount of money paid out by Welsh Government by way of exit payments to its staff (and excluding any contractual payments due such as unpaid salary and accrued holiday) in each of those years is publicly available on the Welsh Government's website which contains its accounts. The link to this information is provided above. For ease of reference, the information requested is;

2019/2020 – £259,066

2020/2021 – £314,590

2021/2022 – £260,922

2022/2023 – £144,850

Please note that for completeness we have included all Individual exit payments (ie excluding any staff exiting through any large scale Voluntary Early Severance Scheme that may have been in place) made to staff in each of the years in question, irrespective of whether a settlement agreement was utilised.

3. A list, with any details that are possible to include, of any time during these financial years where an NDA entered into by the Welsh Government was found by tribunal or ACAS decision to have wrongly or unlawfully been entered into.

None