From: Freedom of Information
Sent: 29 July 2020 16:10
To:
Subject: Freedom of Information Response (Our Ref: K/20/247)

Dear

**Freedom of Information Response (Our Ref: K/20/247)**

Thank you for your Freedom of Information (FOI) request dated 2 July 2020, reference K/20/247.

Your request read:

"On 17 April 2019 Universities UK made the following statement which is published on their website "Universities use non-disclosure agreements for many purposes, including the protection of commercially sensitive information related to university research. However, we also expect senior leaders to make it clear that the use of confidentiality clauses to prevent victims from speaking out will not be tolerated. All staff and students are entitled to a safe experience at university and all universities have a duty to ensure this outcome."

This would suggest that member organisations would not use non-disclosure agreements or confidentiality in discrimination related settlements and that senior leaders within your University are expected to make it clear that University should not tolerate such agreements in its name.
In October 2019 the Equality and Human Rights Commission Issued "The use of confidentiality agreements in discrimination cases"

**Questions**
1. Are you a member of universities UK
2. Is the University aware of " The use of confidentiality agreements in discrimination cases"
   If yes
   a Is the University meeting or taking action to meet the best practice standards of this document
   b Is the University acting only to meet the legal requirements
3. Does the standard the University meets apply to
   a. Workers
   b. Students
   c. both

4. Does the University have a policy of not using confidentiality agreements in complaints procedures/actions when discrimination is the issue.
5.Does the University have documentation/policy confirm " that confidentiality clauses preventing victim speaking out will not be tolerated" or of similar meaning .(If yes where can I view this policy/statements)
6 In 2018 did your University make any confidentiality clauses in settlements with students where discrimination was an issue,
6a if yes how many ? .
6b if possible the number of cases in each area of discrimination
1 sex
2 race ,
3 disability
4. other
7 Since April 2019 (when above statement was issued) has your University made any confidentiality clauses in settlements with students where discrimination was an issue,
7a if yes how many ? .
7b if possible the number of cases in each area of discrimination
1 sex
2 race ,
3 disability
4. other
8 In 2018 did your University make any confidentiality clauses in settlements with staff/ex-staff where discrimination was an issue,
8a if yes how many ? .
8b if possible the number of cases in each area of discrimination
1 sex
2 race ,
3 disability
4. other
9. Since April 2019 has your University make any confidentiality clauses in settlements with staff/ex staff where discrimination was an issue,
9a if yes how many
9b if possible please state the number of cases in each area of discrimination
1 sex
2 race ,
3 disability
4. other
10. In view of the Equality and Human Rights Commission statements that non disclosure/confidentiality clauses in discrimination cases are inappropriate has the University a policy of rescinding any confidentiality agreement expectations of staff/students in past agreements.
10a If not, has the University any plans to do so”

The University of Leeds holds some information relevant to your request.
We are a member of Universities UK.

The University of Leeds does not use specific non-disclosure agreements. However, we do use settlement agreements in a variety of cases regarding staff, such as in
voluntary severance. Some of these will contain confidentiality clauses which aim to protect legitimate business interests, e.g. protecting intellectual property, but they are not used to prevent individuals raising concerns and/or pursuing proceedings in relation to harassment, discrimination or other similar matters. We do not use settlement agreements in student-related matters.

The settlement agreements used by the University of Leeds do not include information relating to the reasons for settlement, and it is therefore not possible for us to categorically determine whether any agreements signed in the timeframe of your request were signed in cases “where discrimination was an issue” (which we interpret to mean ‘as a result of’ or ‘following’). However, as the University does not currently, nor has it previously, used confidentiality clauses within settlement agreements as ‘gagging clauses’ to prevent public interest disclosure as defined by law, we consider it extremely unlikely that there have been any cases which fall within the scope of your request.

We can also advise that as part of the settlement process, individuals are required to obtain independent legal advice. As such, if an individual had concerns regarding harassment, discrimination or any other issue which they had not raised previously with the University, we would expect their legal advisor(s) to provide them with appropriate advice and guidance on how the settlement agreement may impact on any intention to pursue any other avenues (such as criminal proceedings).

We hope this information is helpful. If you have any questions about this email, however, please do not hesitate to contact us on foi@leeds.ac.uk

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 our decision, you can request an Internal Review. Requests for Internal Review should be made in writing using the following contact information:

Post: Mr D Wardle
Deputy Secretary
The University of Leeds
Leeds
LS2 9JT

Email: foi@leeds.ac.uk

Requests for Internal Review should be submitted within 40 working days of receiving the University’s response to your request. Further information about how the University manages Freedom of Information requests and about our complaints procedure is also available on our website (www.leeds.ac.uk).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review/complaints procedure provided by the University. The Information Commissioner can be contacted at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.
Yours sincerely

Chloe Wilkins
Freedom of Information Officer

Secretariat
University of Leeds