



Mr Bruce Beckles

by email

Reference: FOI-2010-154

6 September 2010

Dear Mr Beckles,

Your request was received on 6 August 2010 and I am dealing with it under the terms of the Freedom of Information Act 2000 ('the Act').

Your request was in the following terms:

"Please provide, in electronic form, the standard deviation of the arithmetic mean of the amounts paid in the 4 post-dismissal compensation settlements between December 2008 and 13 December 2009 (i.e. for the 4 settlements whose aggregate value you have said is 104,820 pounds). Please also provide, in electronic form, the median amount of these 4 amounts. I observe that the median value of 4 values will not allow me to determine any of the individual values and so should not inadvertently reveal any data which the University believes is exempt by virtue of Section 40(2) of the Act.

In the University's response to my request, you have stated that the figure of 104,820 pounds is "a gross figure and includes payments which were not related to dismissal, as well as payments in consideration of restrictive clauses". Please explain the nature of the "payments which were not related to dismissal" that have been included in this total, and please also provide the total value of these payments. I am happy for the explanation of the nature/purpose of these payments to be at a sufficiently general or abstract level that avoids any release of personal data.

In the University's response you also informed me that, between 14 December 2009 and 8 July 2010, there has been an additional post-dismissal compensation settlement. Was this settlement made prior to 12noon on 12 March 2010?

The University does not hold the figure for the standard deviation from the arithmetic mean, or the media value, of the four settlements in question. Alternatively, this information is exempt information under section 40(2) (personal information) of the Act on the ground that its disclosure would contravene the first data protection principle. After careful consideration, the University has concluded that the information relating to individual values, which could potentially be derived from the information in question, would not be sufficiently general in nature to avoid the application of the exemption.



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Payments which were not related to dismissal or paid in consideration of restrictive clauses were in the nature of compensation for:

- (i) non-payment of holiday pay (whether contractual or under part II of the Employment Rights Act 1996 or the Working Time Regulations 1998)
- (ii) pay (including, but not limited to, overtime bonuses commission and/or benefits in kind including any contractual claim or any claim under Part II of the Employment Rights Act 1996);
- (iii) unlawful deduction of wages under Part II of the Employment Rights Act 1996;
- (iv) outstanding pay, overtime, bonuses and/or benefits in kind under the Equal Pay Act 1970 or Article 141 of the Treaty of Rome; and
- (v) any injury suffered (namely stress, depression and/or anxiety) by the former employee of which she or he was aware at the date of the agreement.

The aggregated total for such payments was £36,000 (gross).

Please note that even payments which related to dismissal were in all four instances also paid in full and final settlement of any and all claims which the former employee had or might have, arising from his or her contract of employment (save in so far as such claims were not compensated by the payments mentioned above), including, but not limited to, any claims under contract law, under the Employment Rights Act 1996, the Employment Relations Act 1999, Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Article 141 of the EC Treaty, the Equal Pay Act 1970, the Trade Union and Labour Relations (Consolidation) Act 1992, the Working Time Regulations 1998, the National Minimum Wage Act 1998, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Religion or Belief) Regulations 2003 and the Employment Equality (Age) Regulations 2006.

The additional post-dismissal settlement to which I referred in my letter of 5 August 2010 was agreed prior to noon on 12 March 2010.

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 this decision, you should write to the Administrative Secretary, quoting the reference above, at the Secretariat, The Old Schools, Cambridge, CB2 1TN. If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the University. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely,

Kirsty Allen