



Northamptonshire County Council

By Email
Sean Brawley
request-517761-227584d2@whatdotheyknow.com

Please ask for: Freedom of Information
Tel: 01604 368360
Our ref: FR8582b
Your ref:
Date: 13th November 2018

Dear Mr Brawley,

Information Request: FR8582b

Thank you for your Freedom of Information request dated 17th October 2018. Your request has been dealt with under the Freedom of Information Act and is detailed below in italics with our response in bold.

(Please note the extract below has been taken directly from your original information request and is unedited).

Please provide details of the total amounts made in payments above contractual requirements on redundancy, termination or other exit from the organisation of any employee employed at SM2-6 or director level in the periods:

a) 17/18

b) 16/17

c) 15/16

I hope this reduced request will both be much easier to accomplish within the timescale. As I have made my request unrelated to any individual data this should alleviate any data protection issues.

Our Response

The Freedom of Information Team has been provided with the following information in response to your recent request on behalf of Northamptonshire County Council (NCC).

We have interrogated leavers report information for the past 3 years as requested in relation to employees within NCC at grades SM2 or above who have left the organisation in this period by reasons of resignation, redundancy, retirement, dismissal (either through conduct, performance or ill health) or settlement agreement.

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Angel Street
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Northamptonshire
County Council

2017/18

Voluntary Resignation	Retirement
5	1

No payments were 'above contractual requirements' in respect of these exits

Three individuals left the employment under settlement agreements in 2017/18 within the parameters of this request.

It is usual within a settlement agreement to provide a termination payment to the employee which is compensation for the employee's termination/loss of office. This termination payment is not a contractual payment and is determined by the organisation and based on a clear business case.

In respect of settlement agreements, to disclose itemised details of individual payments would result in releasing details of a personal nature (of which an employee has a reasonable expectation would remain private) into the public domain and is therefore exempt under section 40 (2) of the Freedom of Information Act 2000. Please see below for full details of the exemption:

Personal 40. - (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if-

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.

(3) The first condition is-

- (a) in a case where the information falls within any of

paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-

- (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
- (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

(4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).

(5) The duty to confirm or deny-

- (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
- (b) does not arise in relation to other information if or to the extent that either-
 - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the

data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or (ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

(6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

(7) In this section-

"the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;
 "data subject" has the same meaning as in section 1(1) of that Act;
 "personal data" has the same meaning as in section 1(1) of that Act.

2016/17

Voluntary Resignation	Redundancy
4	1

No payments were 'above contractual requirements' in respect of these exits.

With regard to the calculation of redundancy payments, the NCC redundancy policy enhances the statutory redundancy pay entitlement by 1.5 and does not apply the statutory pay cap.

One individual left NCC under settlement agreement in 2016/17 within the parameters of this request.

It is usual within a settlement agreement to provide a termination payment to the employee which is compensation for the employee's termination/loss of office. This termination payment is not a contractual payment and is determined by the organisation and based on a clear business case.

In respect of settlement agreements, to disclose itemised details of individual payments would result in releasing details of a personal nature (of which an employee has a reasonable expectation would remain private) into the public domain and is therefore exempt under section 40 (2) of the Freedom of Information Act 2000, see above for full details of the exemption.

2015/16

Voluntary Resignation	Redundancy	Retirement
6	2	2

No payments were 'above contractual requirements' in respect of these exits.

With regard to the calculation of redundancy payments, the NCC redundancy policy enhances the statutory redundancy pay entitlement by 1.5 and does not apply the statutory pay cap.

One individual left NCC under settlement agreement in 2015/16 within the parameters of this request.

It is usual within a settlement agreement to provide a termination payment to the employee which is compensation for the employee's termination/loss of office. This termination payment is not a contractual payment and is determined by the organisation and based on a clear business case.

In respect of settlement agreements, to disclose

itemised details of individual payments would result in releasing details of a personal nature (of which an employee has a reasonable expectation would remain private) into the public domain and is therefore exempt under section 40 (2) of the Freedom of Information Act 2000, see above for full details of the exemption.

The information supplied is provided for private use, such as non-commercial research purposes, and news reporting. Any other type of re-use will require the permission of the copyright owner under the Re-use of Public Sector Information Regulations 2015.

If you are unhappy with the response, you can ask the Council to review it. To do this please write to the address below:

Mr Simon Deacon
Reviewing Officer
Northamptonshire County Council
One Angel Square
Angel Street
Northampton
NN1 1ED

Email dataprotection@northamptonshire.gcsx.gov.uk

If our internal review does not resolve the issue to your complete satisfaction, you have the right to apply to the information Commissioner for a decision at the following address:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Or, if you have any complaints in respect of your information request please complete the on-line comments form that can be found at www.northamptonshire.gov.uk, along with a full set of guidance.

Yours sincerely

Freedom of Information/Data Protection Team
Business Intelligence and Project Management
E-Mail- freedomofinformation@northamptonshire.gcsx.gov.uk