



13 January 2021

[Redacted]

Dear [Redacted]

FREEDOM OF INFORMATION ACT 2000 – REQUEST REF CA105

I write with reference to your information request received on 30 November 2020, our acknowledgment of 30 November 2020 and our further email of 7 January 2021.

Request

Please could you tell to whom (job titles only no names requested) and the reasons for £280,000 being paid by the authority as exit payments to staff over the past two years.

Response

The Combined Authority does hold the information you have requested but for the reasons set below will only be disclosing some of the information to you.

At its meeting on 27 November 2020 the Authority’s Audit & Governance Committee received a report on “End of Year Financial Statements” 2019/20 and External Audit and Opinion”. This report included the draft Statement of Accounts in the form of an Appendix which is available on the Authority’s website at:

[App A Draft Statement of Accounts](#)

At page 29 of the document is a section on Exit Payments which reads as follows:

Exit Packages

The number of exit packages in terms of compulsory and other departures is set out in the table below, total amount paid per banding is excluded as it would allow individual packages to be identified and includes pension strain payments where applicable.

	Number of compulsory redundancies		Number of other departures with exit packages		Total number of exit packages	
	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20
£0-£20,000	1	-	-	1	1	1
£80,001-£100,000	-	-	1	-	1	-
£200,000 - £250,000	-	1	-	-	-	1
Totals	1	1	1	1	2	2

This is the table which has been reproduced in the local press and from which the £280,000 figure has been reported.

As you can see, there are a total of four payments made over the previous two financial years and the payments are split up by the financial years in which they were made and are divided between redundancy payments and other exit payments. In accordance with local authority financial rules the payments are set out in bands. The amounts are the cost to the Authority of each exit package, which as explained below, is not necessarily the amount received by the employee concerned.

The Payment of £80,001 - £100,000 [2018/19]

We can confirm that the payment was made to the former Chief Executive following his departure from the Authority. The payment included notice and compensation for loss of office and was subject to the normal rules in relation to deductions for PAYE and National Insurance.

The Two Redundancy Payments [2018/19 and 2019/20]

The reason for these payments being made was that the two employees concerned were made redundant and were therefore legally entitled to receive redundancy payments from the Authority. The table above shows the cost to the Authority, which is not necessarily the amount received by the employees, as redundancy payments may include “pension strain” payments made by the Authority to the Local Government Pension Scheme. “Pension strain” payments will arise if an employee is a member of the pension scheme and over 55 at the time they are made redundant and are entitled to immediate payment of their pension.

On the issue of providing the job titles of the individuals concerned, section 40 of the Freedom of Information Act 2000 [“the Act”] includes the following:

40.— Personal information.

(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 [does] not fall within subsection (1), and
(b) [the first, second or third] condition below is satisfied.

[

(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

(a) would contravene any of the data protection principles, or
(b) [n/a]

The Information Commissioner’s guidance on the requests for personal data about public authority employees is available at:

https://ico.org.uk/media/1187/section_40_requests_for_personal_data_about_employees.pdf

The guidance confirms that it covers data which can identify individual employees and information about severance payments and compromise agreements.

You have requested the job titles of the recipients of these exit payments and that information is the personal data of those employees because it is information which relates to them from which they could be identified. The Authority is a relatively small organisation and in the case of the employees who were made redundant those redundancy payments were the only two made over a two year period increasing the likelihood that providing the job titles could lead to their identification.

The guidance has the following to say about severance payments:

Termination of employment

These requests relate to issues such as severance payments, compromise agreements and circumstances in which an employee leaves your organisation. As with other requests for employee information, your consideration of the legitimate interests balancing test usually involves considering the employee's reasonable expectations.

In assessing these expectations, you have to take account of statutory or other requirements to publish information and also the increasing public expectation of transparency regarding the expenditure of public money and the performance of public authorities. This is especially the case if there is any evidence of mismanagement by senior staff in a public authority.

The general issue of lawfulness under principle (a) is also relevant to the disclosure of compromise agreements.

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In this case the Authority has met the statutory and other requirements relating to the disclosure of exit payments in its published accounts, which are set out primarily in the Audit and Accounts Regulations 2015 and the Chartered Institute of Public Finance & Accountancy's Code of Practice on Local Authority Accounting in the United Kingdom. These former employees were not "senior employees" for the purposes of the 2015 Regulations and the Authority was therefore not required to publish their job titles in the accounts.

Article 5(1)(a) of the General Data Protection Regulation [GDPR] requires personal data to be processed lawfully, fairly and in a transparent manner in relation to the data subject. In order for processing to be lawful, one of the lawful bases listed in Article 6(1) of the GDPR must apply to the processing, which must also be generally lawful. In the absence of an employee's consent, the most applicable basis is Article 6(1)(f) which states:

“... processing is necessary for the purposes of legitimate interests pursued by the controller or by the third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require the protection of personal data, in particular where the data subject is a child”.

Given that your request relates to transparency in relation to the expenditure of public money there is a legitimate interest in disclosure. In the case of *Corporate Officer of the House of Commons v Information Commissioner and Brooke, Leapman and Ungoed-Thomas [2008] EWHC 1084 (Admin)* the High Court ruled that “Necessary” in this context means that there is a pressing social need for the disclosure, so the issue in relation to your request is whether the information already in the public domain renders it unnecessary to disclose the job titles in order to meet that legitimate interest.

The cost to the Authority of the redundancy payments is already in the public domain and the employees have simply received the amounts to which they were entitled on being made redundant. The receipt of a redundancy payment carries no implication of poor performance or wrong-doing on the part of the individual employee. These two employees therefore have a reasonable expectation that their privacy in this matter will be respected and disclosure of their job titles is not necessary to meet your legitimate interest in this matter. The Authority will not therefore be disclosing to you the job titles of the two employees who received the redundancy payments.

The Payment of £0 - £20,000 [2019/20]

We can confirm that the job title of the recipient of this payment was the Interim Chief Finance Officer. As reported to the Audit and Governance Committee, the Authority’s External Auditors have confirmed that the Authority had reached financial settlement with the Interim Chief Finance Officer and this is included as an item of expenditure in the 2019/20 accounts. The fact of a settlement being reached does not impute any wrongdoing on the part of the Authority or its former employee.

I can only apologise for the delay in responding.

I hope this information is helpful but 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, you should write to us via our contact us email address – contactus@cambridgeshirepeterborough-ca.gov.uk or write a letter to Complaints, Cambridgeshire and Peterborough Combined Authority, the Mayor’s Office, 72 Market Street, Ely, Cambs CB7 4LS within 40 days of the date of this e-mail.

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. The Information Commissioner can be contacted at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, or via their website:

<https://ico.org.uk/>

The Mayor’s Office
72 Market Street
Ely
Cambs
CB7 4LS

Generally, the ICO will not undertake a review or make a decision on a request until the internal review process has been completed.

Yours sincerely



Sue Hall
Governance Assistant

