



Building 4 NLBP

24 July 2019
Our ref: 5461729

Thank you for your request received on 25 June 2019, for the following information:

I am writing to obtain information about your organisation's spending on settlement agreements in 2016-17, 2017-18 and 2018-19.

Please note, if your organisation has taken part in a merger with any other local authority since the relevant timeframe, please include the relevant data for that 'legacy council'.

Please include the following information:

- * The total number of settlement agreements for each financial year.**
- * The total costs associated for each settlement agreement in each financial year. This includes, but is not limited to, a payment of salary, payment in lieu of a notice period and payment of compensation for loss of office.**

A settlement agreement is a legally binding agreement between an employer and employee used to set out terms and conditions under which a contract of employment is to be terminated. The purpose is for an employee to be given a compensation package, in exchange for giving up a statutory right to make a claim at an employment tribunal.

A settlement agreement is not any exit payment which includes a statutory right to make a claim at an employment tribunal.

In addition, please exclude any settlements agreed under a mutually agreed resignation/severance scheme.

If you are unable to answer one of the questions, please continue and answer the subsequent ones. In particular, if 2018-19 data is not yet fully available, please answer to the best of your ability or omit this year from the response.

We have processed this request under the Freedom of Information Act 2000.

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we consider that the following exemptions apply to some of the information requested. The remaining information is not withheld and is below/attached.

Due to the nature of settlement agreements, as a confidential, legally binding document, it would not be appropriate for us to disclose numbers of settlement agreements or break down settlement agreements individually by cost. I am however able to confirm total costs in financial year as follows:-

2016-17 - £224,733.93

2017-18 - £229,175.00

2018-19 - £135,780

Please note that the above excludes staff in community schools, for whom individual records are held within the schools and with their respective HR providers.

We consider that the absolute exemption set out in Section 40 (Personal information) subsection applies to the information requested. Therefore, we have decided to withhold the information under:

Refusal Notice Section 40(2)

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exemption under section 40 of the Freedom of Information Act 2000(FOI). These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an FOI request.

Personal Information is governed by the Data Protection Act legislation and is defined as any information relating to an identified or identifiable natural person ('data subject')". It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for

direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.