



**POLICE & CRIME
COMMISSIONER**
For Leicester,
Leicestershire & Rutland

Your Communities - Your Commissioner

Our ref: 00013-23 – Doc 732-21

Date: 16 June 2023

Name:

Email:

Dear

Freedom of Information Act 2000

I write further to your freedom of information request received on. I note you seek access to the following information:

1. In the past financial year and separately for the current financial year to date, please provide the amount of money in £s which the OPCC has spent in total on settlements terminating any employment contracts, including the pension strain costs.
2. Please provide a separate breakdown of that expenditure for the past financial year and a further separate breakdown of that expenditure for the current financial year to date e.g. settlements/redundancy/any payment in lieu of notice/pension strain costs/compensation/damages/witness expenses/legal costs/any other costs related to the process of terminating employment contracts
3. Please provide the total number of individuals who agreed settlements terminating any employment contracts which resulted in this expenditure in the past financial year and separately for the financial year to date 2022/23 exit packages will be disclosed as part of the Statutory accounts which will be published in due course.
4. Please provide the total number of settlements terminating any employment contracts which included tax indemnities in the past financial year and separately for the financial year to date Not aware of any – settlement agreements are confidential. Please speak to IM.
5. Please provide the total number of settlements terminating any employment contracts which included clauses stating that the employee agreed not to bring any legal claims against the employer such as for unfair dismissal, discrimination or breach of contract in the past financial year and separately for the financial year to date Cannot be disclosed
6. Please provide the total number of individuals who signed non-disclosure agreements when agreeing settlements terminating any employment contracts which resulted in this expenditure in the past financial year and separately for the financial year to date

Please provide these data in an .xlsx/.xls/.csv file format so I am capable to re-use them as per Section 11 of Fol.

Your request for information has now been considered and the response can be found below:

- 1. In the past financial year and separately for the current financial year to date, please provide the amount of money in £s which the OPCC has spent in total on settlements terminating any employment contracts, including the pension strain costs**

With reference to the previous year 2021/22 this information has been previously provided to you and can be found [FOI 0004 23 \(pcc.police.uk\)](#). Annual accounts can be found [Annual Accounts \(pcc.police.uk\)](#)

In relation to Financial period 2022/23 the annual accounts are due to be published on the Police and Crime Commissioner website.

We are not obliged to provide information that is intended for future publication (section 22 of the Act). In line with the terms of this exemption in the Freedom of Information Act, we have considered whether it would be in the public interest for us to provide you with the information ahead of publication, despite the exemption being applicable. In this case, I have concluded that the public interest favours withholding the information.

The Annual Accounts will be published on the OPCC website: [Annual Accounts \(pcc.police.uk\)](#) by 30th June 2023

- 2. Please provide a separate breakdown of that expenditure for the past financial year and a further separate breakdown of that expenditure for the current financial year to date e.g. settlements/redundancy/any payment in lieu of notice/pension strain costs/compensation/damages/witness expenses/legal costs/any other costs related to the process of terminating employment contracts**

With reference to the previous year 2021/22 this information has previously been provided to you and can be found [FOI 0004 23 \(pcc.police.uk\)](#). Annual accounts can be found [Annual Accounts \(pcc.police.uk\)](#)

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The Annual Accounts will be published on the OPCC website: [Annual Accounts \(pcc.police.uk\)](#) by 30th June 2023

Legal Costs for 2021/22 were £1745.83
Legal Costs for 2022/23 were £350.00.

- 3. Please provide the total number of individuals who agreed settlements terminating any employment contracts which resulted in this expenditure in the**

past financial year and separately for the financial year to date 2022/23 exit packages will be disclosed as part of the Statutory accounts which will be published in due course.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires Office of the Police and Crime Commissioner for Leicestershire, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

Section 40(2) Freedom of Information Act 2000

Section 40(2) is a class based absolute exemption and as such legislators have identified that there would be harm in disclosure and there is no requirement to evidence this or consider the public interest test. However, as Section 40(2) is engaged and in order to make the exemption absolute we need to evidence that a data protection principle would be breached by disclosure. In this case it would not be fair to process confidential information which could lead to the identification of an individual, therefore the first principle of the Data Protection Act would be breached.

You should consider this to be a refusal under section 17 of the Act for your request.

4. Please provide the total number of settlements terminating any employment contracts which included tax indemnities in the past financial year and separately for the financial year to date

Your request for information has now been considered and I am not obliged to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires Office of the Police and Crime Commissioner for Leicestershire, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

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You should consider this to be a refusal under section 17 of the Act for your request.

5. Please provide the total number of settlements terminating any employment contracts which included clauses stating that the employee agreed not to bring any legal claims against the employer such as for unfair dismissal, discrimination

or breach of contract in the past financial year and separately for the financial year to date

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You should consider this to be a refusal under section 17 of the Act for your request.

- 6. Please provide the total number of individuals who signed non-disclosure agreements when agreeing settlements terminating any employment contracts which resulted in this expenditure in the past financial year and separately for the financial year to date**

Please provide these data in an .xlsx/.xls/.csv file format so I am capable to re-use them as per Section 11 of Fol.

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The Police and Crime Commissioners Office provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Data Protection

Officer at the above address or emailed to OPCC@leics.police.uk. If you decide to request such a review and having followed the Police and Crime Commissioner's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely,

The Office of the Police and Crime Commissioner

In complying with our statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law.

Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Office of the PCC, Leicestershire Police Headquarters, St. Johns, Enderby, Leicester LE19 2BX.