



Our ref: 2015/00825

3 February 2015

RE: FOI REQUEST 2015/00825

Thank you for your email of 14 January 2015 where you requested the following information:

1. How much the Department paid out in redundancy payments in
 - a) 2012
 - b) 2013
 - c) 2014
2. What is the biggest single redundancy payment made in the past three years?
3. For this payment, what was the position which was made redundant? (eg Chief Executive, Chief Financial Officer etc)
4. How many people received redundancy payments from the Department, and have since been re-employed in any role, in:
 - a) 2012
 - b) 2013
 - c) 2014
5. For each of these people:
 - a) What was the redundancy payment?
 - b) When were they made redundant?
 - c) What was the role they were re-hired as?
 - d) When were they re-hired?
 - e) What was their role before they were made redundant?

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the Act which may apply).

I can confirm in relation to Q1 & Q2 that the information you have requested is already in the public domain and is therefore exempt under Section 21 of the Act as we are not required to provide information which is already reasonably accessible to you. Information can be found in the following links to the Department's website:

DECC Annual Report and Accounts 2013-14: Page 97, (3.3 – Exit Packages – Civil Service and other Compensation Schemes)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324013/40681_DECC_ARA_Accessible_pdf_for_DECC_website_26_June_2014.pdf

DECC Annual Report and Accounts 2012-13: Page 151, (7.3 – Exit Packages – Civil Service and other Compensation Schemes)

<https://www.gov.uk/government/publications/annual-report-and-accounts-2012-13>

DECC Annual Report and Accounts 2011-12: Page 119, (7.3 – Exit Packages – Civil Service and other Compensation Schemes)

<https://www.gov.uk/government/publications/annual-report-and-accounts-2011-to-2012--2>

In relation to Q3 and Q5 (a) (b) and (e) where you have requested information about individuals, their job role, the exit payments they received and the date that they left the Department Section 40 provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in schedule 2 of the Data Protection Act. We do not think that it is fair to release this information and do not think that any of the relevant conditions apply.

In relation to Q4 (a) (b) & (c) and Q5 (c) & (d) under the rules of the Civil Service Compensation Scheme, re-employment to the Civil Service is permission under certain circumstances. The following advice is provided on the Civil Service website at:

http://resources.civilservice.gov.uk/wp-content/uploads/2011/09/LetterCSCS-QA_tcm6-38084.pdf

“Will I have to repay my compensation payment if I re-join the Civil Service?”

You will have to repay a proportionate part of your compensation payment if you join any employer covered by the Civil Service Compensation Scheme. You will not, currently, need to repay if you join another public sector employer (although this may change in the future). No repayment will be required if you find work in the private sector. Departments wishing to re-employ a member of the senior civil service for a period covered by a compensation payment will require CO approval.”

Detailed guidance about the Civil Service Compensation Scheme and re-employment can be found on the Civil Service website. The following link provides the Scheme rules (section 6 deals with re-employment):

http://www.civilservice.gov.uk/wp-content/uploads/2011/09/CSCSDec2010_tcm6-38441.pdf

From our preliminary assessment, it is clear that we will not be able to answer your request without exceeding the cost limit of £600 provided under s12 of the Freedom of Information Act ('the Act'). This represents the estimated cost of one person spending 3.5 working days in determining whether the Department holds the information, locating, retrieving and extracting the information. The Act provides that we are not obliged to comply with request where the estimated cost of complying would exceed this limit.

The reason why I am not able to answer you request is as follows:

For the period between 2012 – 2014 there are no central records held of the number of individuals having in the past either taken voluntary or compulsory early departure (under the arrangements set out by the various Civil Service Compensation Scheme's in place at the time) and recorded as re-employed with the Civil Service.

In order to provide you with the information you have requested would require:

- The manual retrieval of all current personnel files
- The manual retrieval of all previous employed staff files that are archived (those who have resigned, been dismissed or retired)
- The identification of the Government department of all previously employed staff who were subject to an across staff transfer
- The manual retrieval of all previously employed staff files that have been passed on to other government departments
- An examination of each personnel file to extract the information from the file, if it is recorded
- The extraction of the available data.

We estimate that it will take us in excess of 3.5 working days to determine appropriate material and locate and extract the information in reference to your request. Therefore your request will not be processed further.

You may wish to refine your request by narrowing the its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information n required. For example, you may wish to enquire about a shorter time frame and a specific Directorate of the Department

Appeals Procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be sent to the Security & Information Rights Unit at:

Security & Information Rights Unit
Department for Business, Innovation & Skills
1 Victoria Street
London
SW1H 0ET
E-mail: foi.requests@bis.gsi.gov.uk

Please remember to quote the reference number above in any future communications.

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.

Yours sincerely,

Department of Energy and Climate Change