

Reference: 528805

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Information Rights Adviser
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30 April 2018

Freedom of Information: Right to know request

Thank you for your request for information where you asked about confidentiality clauses and apologies for the delay in getting back to you.

This was received by Ofcom on 16 March and it has been considered under the Freedom of Information Act 2000 (the Act).

You asked:

- a. *The total number of confidentiality clauses agreed in severance deals or agreements for staff per year from 2015-2017 inclusive.*

By way of background, as a matter of standard practice all our settlement agreements include a confidentiality clause and we use settlement agreements in all cases of redundancy or negotiated exits.

Our redundancy policy is designed to ensure it balances the interests of people who have lost their jobs against the need to reduce costs for the organisation. While Ofcom is fully funded by the companies and licensees it regulates, our redundancy cost is capped in line with that of the public sector.

If positions are made redundant, it is only right that staff are treated fairly. For example, we have incurred restructuring costs when we have established offices outside London, which saves money in the long run. As part of delivering more efficiency and value for money Ofcom moved its UK-wide Consumer Contact team and some of its Spectrum Licensing team out of London to an office in Warrington.

Please see below Ofcom's figures for 2015/16 and 2016/17. We are still auditing restructuring information for 2017/18 Annual report, therefore those figures are not available.

Financial Year	Settlement Agreements issued
15/16	13
16/17	40

b. *The total number of severance deals or agreements agreed per year from 2015-2017 (inclusive) that included confidentiality clauses for staff who had made an allegation of sexual assault or sexual harassment against another member of staff.*

None (0).

c. *The total amount of financial compensation paid to former employees where confidentiality clauses were included as part of severance deals or agreements from 2015-2017 inclusive.*

Ofcom publishes an Annual Report, which is available in the public domain. In this we provide data on annual staff restructuring costs. Please see the following link:

<https://www.ofcom.org.uk/about-ofcom/annual-reports-and-plans>

In our Annual Reports for financial years 2015/16 and 2016/17, we provide data on annual staff restructuring costs. For those years restructuring costs combined both termination payments and pay in lieu of notice (PILON). As such, termination payments is calculated by deducting PILON from the total restructuring costs. The PILON was £454,556 for 2015/16 and £385,503 for 2016/17. The accounts for the 2017/18 financial year are currently being finalised.

d. *The total amount of financial compensation paid to former employees where confidentiality clauses were included as part of severance deals or agreements and where that person had made an allegation of sexual assault or sexual harassment against another member of staff from 2015-2017 inclusive.*

None (0).

Please provide individual figures for all parts of the request. Please note 'former employees' relates to those who left the organisation at the point of the severance agreement but may now be back working at the organisation. Please do not preclude these people from the response if it is known they have rejoined.

Figures have been provided in respect of the information we can disclose. No-one has rejoined the organisation.

If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Jerin John

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Steve Gettings
The Secretary to the Corporation
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

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