



Jj Hermes <jamesjhermes@gmail.com>

FOI: Senior Staff Emoluments

1 message

Freedom-Of-Information <freedom-of-information@nottingham.ac.uk>

Thu, Nov 13, 2014 at 1:01 PM

To: Jj Hermes <jamesjhermes@gmail.com>

Dear Mr Hermes,

I am writing further to your request for information regarding Senior Staff Emoluments. A search of our electronic and paper records has been completed and I can confirm that the information you have requested is held by the University.

1. **The names and titles of all senior staff members making more than £150,000 in total emoluments for the year ended 31 July 2014. These individuals are considered "higher-paid staff" by the Higher Education Funding Council (HEFCE).**
2. **Please identify the number of individuals identified in the first request who are Academic, Non Academic and Clinical Academic.**
3. **The total emoluments for the past five (5) years for each of the senior staff identified in the first request.**

Category	Number of Employees
Academic	Less than 10
Clinical Academic	52
Non Academic	Less than 10

Academic staff are identified as those from the Research, Research and Teaching or Teaching job family. Clinical academic staff are identified as those from the clinical academic job family. Non Academic Staff are identified as those from the Administrative, Professional and Managerial job family.

Where figures are less than 10 we have not specified the exact number as to do so would greatly increase the likelihood of individuals being identified which would breach the Data Protection Act 1998 as these

individuals have a reasonable expectation that their personal data will not be released.

We recognise that, from the information provided here alone, it would be difficult to identify the individuals concerned. Nevertheless, under the remits of the Data Protection Act 1998, we note that personal data constitutes that from which the Data Controller can identify an individual. Therefore there may be other information which you could obtain from the University, either through further Freedom of Information requests or other means, that could be used to identify the individuals here. The risk of this is greatly increased where numbers are less than 10 and it is for this reason that we do not specify such small numbers of individuals. Should an individual be identified then the University would be in breach of the First Principle of the Data Protection Act.

Senior Academic Staff:

We believe that the names and titles of all 'Senior Academic Staff' receiving emoluments greater than £150,000 is exempt from disclosure under section 43(2) of FOIA, *Prejudice to Commercial Interest*, and section 40(2) *Personal Information*.

We believe that disclosing the names and job titles of our Senior Academic Staff would prejudice our commercial interests and impact on the cost of recruiting and retaining our staff. The University of Nottingham operates in a highly competitive environment and our Senior Academic Staff are considered to be one of our key assets; revealing this information would give competitor universities, or private sector organisations, the advantage in luring them away. In addition, disclosure would impede salary negotiations by encouraging candidates to seek higher salaries based on salaries paid for posts they regard as being comparable. We have applied the public interest test in maintaining the exemption and we believe there is a strong public interest in non-disclosure of this information. Revealing the remuneration of our Senior Academic Staff could encourage greater competitiveness between institutions, driving up the remuneration packages awarded, and we believe that this would not be in the public interest.

We believe that disclosing the total emoluments for our Senior Academic Staff would be in breach of section 40(2) of the Freedom of Information Act, *Personal Information*. This data would reveal trends in total emoluments given and may identify discretionary bonuses awarded which we believe is the personal information of those individuals. Disclosing this information would be in breach of the first principle of the Data Protection Act in that the individuals concerned would have an expectation that information would not be disclosed. We agree that there is a public interest relating to the pay bands for our high paid staff but we believe that we have met this requirement to disclose this information by routinely publishing the pay bands of our higher paid staff within our Annual Financial statements. We believe it would not be fair to disclose total emolument figures as such information is not generally disclosed in the higher education sector, and has not been disclosed by the University in the past.

Non Academic Staff:

We have less than 10 members Non Academic Staff whose total emoluments is in excess of £150,000. This figure includes the Vice Chancellor, Professor Sir David Greenaway.

We believe that the total emoluments for the Vice Chancellor for the financial year ending 2014 is exempt

from disclosure under Section 22(1) of the FOIA, *Information Intended for Future Publication*. The University routinely publishes emoluments for the Vice Chancellor in our Annual Financial Statements. We have applied the public interest test and we believe that the public interest in maintaining this exemption outweighs the public interest of disclosure. We believe there is a public interest to adhere to existing timelines for the publication of data that is of public interest to society. Premature publication could undermine the principle of making information available to all members of the public at the same time through the official publication process.

We believe that the total emoluments for the Vice Chancellor for the financial years preceding 2014 is exempt from disclosure under section 21(1) from disclosure under Freedom of Information, *Information reasonably accessible to the applicant by other means*. The total emoluments for the Vice-Chancellor is routinely published in our annual financial statements:

<http://www.nottingham.ac.uk/fabs/finance/publications/financialstatements.aspx>

We shall not be disclosing the name, job title or total emoluments for any other members of our Non Academic Staff whose total emoluments is in excess of £150,000 as we believe this is exempt under section 40(2) *Personal Information*. This data would reveal trends in total emoluments given and may identify discretionary bonuses awarded which we believe is the personal information of those individuals. Disclosing this information would be in breach of the first principle of the Data Protection Act in that the individuals concerned would have an expectation that information would not be disclosed. We agree that there is a public interest relating to the pay bands for our high paid staff but we believe that we have met this requirement to disclose this information by routinely publishing the pay bands of our higher paid staff within our Annual Financial statements. We believe it would not be fair to disclose total emolument figures as such information is not generally disclosed in the higher education sector, and has not been disclosed by the University in the past.

If you are unhappy with the way in which your request has been handled and wish to request a review of our response or to make a complaint, please see the attached information sheet and form.

Please do not hesitate to contact me if you have any enquiries regarding this email.

Yours sincerely,

Jennifer Rochfort

Information and Records Manager

Registrar's Department

Web: www.nottingham.ac.uk/freedom-of-information

Email: freedom-of-information@nottingham.ac.uk



From: Jj Hermes [<mailto:jamesjhermes@gmail.com>]

Sent: 20 October 2014 12:20

To: freedom-of-information@nottingham.ac.uk

Subject: FOI request

To whom it may concern,

I respectfully request the following information under the Freedom of Information (FOI) Act:

1. The names and titles of all senior staff members making more than £150,000 in total emoluments for the year ended 31 July 2014. These individuals are considered "higher-paid staff" by the Higher Education Funding Council (HEFCE).
2. Please identify the number of individuals identified in the first request who are (a) tenured faculty, (b) clinical staff, or (c) serve in a non-classroom capacity, such as administrative staff.
3. The total emoluments for the past five (5) years for each of the senior staff identified in the first request.

There is wide precedent across publicly funded entities in the UK of regularly disclosing this type of information. The Accounts and Audit (Amendment no 2) Regulations of 2009 require local authorities to publish the actual salaries, allowances, bonuses, compensation and employer's pension contributions paid to each employee who earned over £50,000, and in addition to publish the names of those staff who earned

over £150,000 (<http://www.legislation.gov.uk/uksi/2009/3322/made>). It is not necessary to disclose the exact salary of the employees earning more than £150,000, but rather to quote that amount in bands of £10,000, as directed by the HEFCE.

The request holds significant public interest, given that the university is a publicly funded institution of higher education that derives a significant portion of funding from public taxation. In addition, openness is, in itself, something in the public interest in promoting accountability and transparency in the spending of public money. As suggested by the Information Commissioner's Office, "It is reasonable to expect that a public authority would disclose more information relating to senior employees than more junior ones. Senior employees should expect their posts to carry a greater level of accountability." Employees earning more than £150,000 annually can be considered senior employees, since this compensation is more than twice the highest grade on the human resources salary scale.

I look forward to hearing back from you regarding this request. Please do not hesitate to contact me with any follow-up questions (mobile: +44 079273 75045). I would prefer all correspondence be sent digitally through this e-mail address, including the response to this request. Thank you for your time in addressing this query.

Sincerely,
JJ Hermes

jamesjhermes@gmail.com

20 Oct 2014

3 attachments



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Freedom of Information Request Review Form_v2.doc

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Freedom of Information Complaints - Information Sheet.pdf

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