

Response to Request for Information

Reference FOI 001025
Date 31 March 2017

Equal Pay Claims

Request:

1-the total amount of money the council allocated from its budget to meet equal pay claims from its employees

The Council has set aside a provision of £20.953 million at the end of 2010/11 and added a further £10.131 million to the Provision in 2011/12.

2-have all equal pay claims now been settled

No

3-if not how many equal pay claims are the council still handling

531

4- How much has the council payed out regards equal pay claims in the following years

	£(000)
2010/11 -	0
2011/12 -	1,084
2012/13 -	3,530
2013/14 -	7,744
2014/15 -	6,344
2015/16 -	3,837
2016/17 -	3,753
2017/18 -	79 (as at 25 April 2017)

5- How much money has the council still set aside to pay out outstanding equal pay claims

As at 31 March 2017 a balance of £4.792 million remains in the Equal Pay Provision. This Provision level will be reviewed however, as part of ongoing final accounts processes and may be subject to change.

6- Total amount of Equal pay claims did you receive from teaching assistants TA's working in schools for these levels

Level 2
Level 3
Level 4

7- how many TA claims have been settled for

Level 2

Level 3

Level 4

8- How many TA equal pay claims are outstanding for

Level 2

Level 3

Level 4

With reference to questions 6, 7 and 8 above the Council is applying Section 41 – Information provided in confidence and Section 42 – Legal professional privilege as follows:

Section 41

The Council is of the view that the information you requested is being withheld as it falls under the exemption in Section 41 of the Freedom of Information Act 2000, which relates to information held in confidence. Section 41 is engaged as City of Wolverhampton Council obtained the information from another person in confidence and therefore disclosure would constitute an actionable breach of confidentiality.

This is an absolute exemption so there is no public interest test to undertaken under the Freedom of Information Act.

Any disclosure of this information under FOI would mean a disclosure to the world at large and would therefore constitute an actionable breach of confidence.

Section 42

The Council is of the view that the information you requested is being withheld as it falls under the exemption in Section 42 of the Freedom of Information Act 2000, which relates to legal professional privilege. Section 42 is engaged as City of Wolverhampton Council believes this would constitute the disclosure of information covered by a claim.

Section 42 is a qualified exemption, which means that it is necessary to consider the public interest when deciding whether to release or withhold such information. We have decided that the public interest in maintaining this exemption outweighs the public interest in disclosing the information. Therefore, the Council has decided to withhold such information. We fully appreciate that there is a public interest in disclosing information to enable the public to assess public decision making, to provide transparency and accountability in decision making. However, we consider that the public interest on this occasion does not lie in disclosure. Openness in all communications between clients and lawyers must be safeguarded to ensure access to full and frank advice without fear of it being disclosed to the wider world (which is how any disclosure under FOI must be considered).

The Council would also consider the public interest in withholding this information, preventing premature disclosure to the world-at-large of what are matters still under

consideration and proceedings still active, to be greater at this time.

In addition, individuals who have settled their claim are required to sign a COT3 agreement which prevents both the claimant and Council discussing the details around their claim. Failure to maintain confidentiality could compromise the working relations between both parties and could expose the Council to additional legal costs.

9- What is the council doing to resolve the TA equal pay claims that are outstanding
The Council has made each claimant an offer which reflects the outcome of extensive negotiations with claimant's legal representatives.