



Foreign &  
Commonwealth  
Office

Human Resources Directorate  
Foreign and Commonwealth Office  
King Charles Street  
London SW1A 2AH

Website: <https://www.gov.uk>

28 August 2015

Dear

**FREEDOM OF INFORMATION ACT 2000 REQUEST REF: FOI 0836-15**

Thank you for your email of 19<sup>th</sup> August asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

*I am writing to request information under the Freedom of Information Act 2000. In order to assist you with this request, I am outlining my query as specifically as possible.*

*I would like to request details about the number of compensation claims made against your department to do with work-related stress and post-traumatic stress disorder (PTSD).*

*The date range for my request is from April 2012 up until the date my request is answered.*

*If you judge the request to be too costly or time consuming to fit within the FOI limits, please reduce the date range until the request becomes manageable within cost/time restrictions.*

*1) For each of the last three financial years, please provide a figure for the total number of separate compensation claims to do with work-related stress brought against your department and please provide a line-by-line breakdown of this figure in a machine-readable format (such as a Microsoft Excel spreadsheet) which includes:*

- a) The year the claim was first lodged*
- b) The amount of money the initial claim was for*
- c) The year the settlement was agreed*
- d) The amount of money the settlement was for*
- e) The amount of money paid out from the settlement so far*
- f) The age of the litigant*
- g) The gender of the litigant*
- h) The sub-department the litigant worked in*
- i) The number of years the litigant spent in the civil service*
- j) The current civil service employment status of the litigant*

*2) For each of the last three financial years, please provide a figure for the total number of separate compensation claims to do with post-traumatic stress disorder (PTSD) brought against your department and please provide a line-by-line*

*breakdown of this figure in a machine-readable format (such as a Microsoft Excel spreadsheet) which includes:*

- a) The year the claim was first lodged*
- b) The amount of money the initial claim was for*
- c) The year the settlement was agreed*
- d) The amount of money the settlement was for*
- e) The amount of money paid out from the settlement so far*
- f) The age of the litigant*
- g) The gender of the litigant*
- h) The sub-department the litigant worked in*
- i) The number of years the litigant spent in the civil service*
- j) The current civil service employment status of the litigant*

*3) For each of the last three financial years, please provide a figure for the total amount of money set aside by your department to settle claims to do with work-related stress.*

*4) For each of the last three financial years, please provide a figure for the total amount of money set aside by your department to settle claims to do with post-traumatic stress disorder (PTSD).*

*5) For each of the last three financial years, please provide a figure for the total amount of money your department has spent on external legal advice, consultation and representation to do with claims to do with work-related stress.*

*6) For each of the last three financial years, please provide a figure for the total amount of money your department has spent on external legal advice, consultation and representation to do with claims regarding post-traumatic stress disorder (PTSD).*

*If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the Freedom of Information Act 2000. I will also expect you to release all non exempt material. I reserve the right to appeal your decision to withhold any information or to charge excessive fees.*

*I would be interested in any information held by your organisation regarding my request. I understand that I do not have to specify particular files or documents and it is the department's responsibility to provide the information I require. If you need further clarification, my preferred method of contact is via email.*

I am writing to confirm that we have now completed the search for the information which you requested.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request.

We have checked our records for the period 2012 onwards and we wish to inform you the FCO did not receive any claims literally described as "work-related stress" or "post-traumatic stress disorder" (PTSD) and therefore none of your more detailed questions are applicable in this instance. For clarity this reply answers your questions numbered 1 to 6.

We did however deal with the following three matters (see Table 1) that relate to alleged psychiatric injuries. The first was settled, the second ended by the claimant and the third is ongoing.

Table 1)

Number	First contact with FCO	Date of alleged accident	Description	Commentary	Court ref	FOI Exemption
1).	February 2012	2008	stress related psychiatric injury	<b>Settled:</b> This matter was settled using the pre-action protocol on Jan 2014.	Queen's Bench Division Royal Courts of Justice HQ13X03868	Section 21 information accessible to the applicant by other means.
2).	July 2012	2010	psychiatric injury	<b>Withdrawn:</b> This matter was withdrawn by the claimant at the informal stage.	N/A	Section 40 personal information
3).	----	----	psychiatric injury	<b>Live Case:</b> We are unable to make further comment as this matter is still ongoing.	----	Section 42 legal professional privilege.

Some information has been withheld under section 21 – information accessible to the applicant by other means - as this case has already been settled and you can find the court record by contacting the court.

Some of the information you have requested is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle, which, in our view, would be breached by disclosure. In such circumstances, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

Some of the information you have requested is exempt under section 42(1). Section 42(1) of the Act recognises the validity of withholding information that is subject to Legal Professional Privilege (LPP), which exists in order to encourage clients to be frank and open with their legal adviser. It is important that the government is able to seek legal advice so that it can make its decisions in the correct legal context. The legal adviser must be in possession of all material facts in order to provide sound advice. The government must, therefore, feel confident that it can disclose *all* relevant facts to its legal adviser. It should be able to do so without fearing that this information will be disclosed to the public. In turn the legal adviser will consider the issues and the arguments and weigh up their relative merit.

Transparency of decision making and knowing that decisions are taken in the correct legal context are two reasons why it might be argued that information subject to section 42(1) should be disclosed. However, the process of providing legal advice relies for its effectiveness on each side being open and candid with the other. Such candour is ensured by the operation of LPP. The importance of this principle was debated and reinforced in the House of Lords in *Three Rivers District Council and BCCI v The Governor and Company of*

*the Bank of England* [2004] UKHL 48. For these reasons, I consider that the public interest in maintaining LPP under section 42(1) outweighs the arguments in favour of disclosure.

Once an FOI request is answered, it is considered to be in the public domain. To promote transparency, we may now publish the response and any material released on [gov.uk](http://gov.uk) in the [FOI releases](#) section. All personal information in the letter will be removed before publishing.

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Yours sincerely,

Human Resources Directorate



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.