



Ministry
of Defence

Ministry of Defence
Defence Business Services Secretariat
Room 6303
Tomlinson House
Norcross
Thornton-Cleveleys
FY5 3WP

Ref: FOI2018/01730

Email: DBSRES-Secretariat@mod.uk

[REDACTED]

13 February 2018

Dear [REDACTED],

Thank you for your email of 5 January 2018 to the Ministry of Defence (MOD) requesting the following information:

“How many settlements for sexual harassment or workplace discrimination suits the department has had to make in each of the last five years. If settlements were made, please provide me with the full sums made, and the names of any individuals involved, if available.”

On 1 February 2018 you provided the following clarification:

“Just to clarify, am referring to both civilian and military.”

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

I can confirm that the MOD holds all of the information on the subject you have requested. However, I have to advise you that we will not be able to answer your request without exceeding the appropriate cost limit. This is because the data on the reasons for undergoing the grievance process or agreements reached as a result of a grievance or employment tribunal are not held centrally.

To ascertain which records related to sexual harassment alone would mean checking all individual records to establish the reasons the settlement was made over a five year period which would exceed the cost limit. For example, in the strictest sense of the word, ‘settlements’ are normally only agreed on submission of an Employment Tribunal. However, just reviewing the total number of Employment Tribunal cases over the time period you have stated would take approximately 45 hours, at a cost of £25 per hour, equating to £1,125 worth of effort, exceeding the appropriate cost limit.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, and locating, retrieving and extracting it.

Under Section 16 (Advice and Assistance) the MOD may be able to provide some information in scope of your request if you reduce or refine your request to bring the cost of compliance under the limit. In order to do this you may wish to consider specifically asking for Civilian or Military Employment Tribunal cases only, as well as shortening the time period. You may also wish to refine your request to military personnel only. Although it is not guaranteed that your refined request may fall within the cost limit, we would be happy to look at it again.

I should also inform you that any personal information which could be used to identify a living individual, such as their names, would be withheld under Section 40 (Personal Information) of the FOIA. As such, Section 40(2) would be applied to some of the information in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Please be assured that the MOD takes harassment and bullying very seriously. You may find it of interest to know that the policy on harassment and bullying, *Joint Service Personnel 763 The MOD Bullying and Harassment Complaints Procedures* can be found on the gov.uk website at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209888/JSP_763_1_July_2013.pdf

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,



Defence Business Services (Secretariat)