



Foreign &  
Commonwealth  
Office

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

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

19 January 2018

**FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 1220-17**

Thank you for your email of 19 December 2017 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

*Under the Freedom of Information act I request the following information:-*

*Please provide the following information for both the Foreign and Commonwealth Office and Wilton Park. Ensuring the answers are clearly defined which answer relates to which company.*

*a) how many employment settlement agreements have been agreed between either company and employee(s) since 1 January 2011*

*b) the total amount per annum and the number of settlement agreements the total figure represents, since 1 January 2011 ie FCO £10,000 total, for 3 agreements. Wilton Park £10,000 total for 2 agreements*

*c) how many employment tribunal cases have been settled before reaching court hearing for each company since 1 January 2011*

*d) please provide details how holiday leave is paid to staff and the calculation used for both companies*

*e) please provide the number, if any, employees holiday pay which has been calculated differently to the policy for either company*

*Look forward to receiving your response in the time frame of the FOI.*

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.

Please note that Wilton Park will reply separately. These answers are for UK-based staff in the FCO only.

**a) how many employment settlement agreements have been agreed between either company and employee(s) since 1 January 2011**

Since January 2011, the FCO has agreed fewer than 5 settlement agreements in respect of Employment Tribunal claims.

**b) the total amount per annum and the number of settlement agreements the total figure represents, since 1 January 2011 ie FCO £10,000 total, for 3 agreements. Wilton Park £10,000 total for 2 agreements**

The totals from January 2011 for each year are as follows:

2011 – 0  
2012 – 0  
2013 – 0  
2014 – 0  
2015 – fewer than 5  
2016 – 0  
2017 - fewer than 5

**c) how many employment tribunal cases have been settled before reaching court hearing for each company since 1 January 2011**

Since January 2011, the FCO has settled fewer than 5 cases in respect of Employment Tribunal claims.

**d) please provide details how holiday leave is paid to staff and the calculation used for both companies**

Holiday leave is paid with salary (monthly in arrears).

Annual leave for staff based in the UK is fixed in days, and is based on a 5-day working week. The leave year is the calendar year. Leave entitlement is based on the officer's grade, length of service and how they joined the FCO/when they were promoted to/within the Senior Management Structure/Senior Civil Service (SMS/SCS) (if applicable). The following table sets out how this is calculated:

<b>New entrant to Civil Service</b>	Bands A – D	25 days, rising to 30 days after 5 years' service.
	SMS/SCS	25 days with an additional day added each year for the first

		five years (i.e. up to a maximum entitlement of 30 days after 5 years' service).
<b>Existing Civil Servant joining/leaving the FCO on interchange</b>	Bands A – D	Will depend on the officer's Terms and Conditions in the Department they are leaving/joining.
<b>Existing FCO staff</b>	Bands A – D	26.5 days if under five years' service 31.5 days if over five years' service
	SMS/SCS	31.5 days until promoted to the next SMS grade
<b>Existing FCO staff on promotion to or in the SMS/SCS (i.e. D-SMS/SCS, SMS/SCS 1 – 2, SMS 2 – 3).</b>		25 days with an additional day added each year for the first five years (i.e. up to a maximum entitlement of 30 days after 5 years' service).

Staff and line managers are responsible for ensuring the correct amount of leave is inputted.

**e) please provide the number, if any, employees holiday pay which has been calculated differently to the policy for either company**

No employees have had their holiday pay calculated differently.

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. It is our practice to use "fewer than five" where there are a small number of cases and providing this information could enable individual identities to be revealed. 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.

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.