

Ref: FOI2020/02624

31 March 2020

Dear

Thank you for your email of 24 February 2020 requesting the following information:

*“Under the Freedom of Information Act 2000, please can you provide me with responses to the following:*

*1/ The annual number of complaints of bullying made by all civil servant staff in the department for each of the last three calendar years and 2020 up until the date this request is answered (please see attached table)?*

*2/ The annual number of complaints of bullying specifically made by special advisers (SpAds) in the department for each of the last three calendar years and 2020 up until the date this request is answered (please see attached table)?*

*3/ The annual number of complaints of unfair dismissal specifically made by special advisers (SpAds) in the department for each of the last three calendar years and 2020 up until the date this request is answered (please see attached table)?*

*4/ The annual number of complaints of sexual discrimination specifically made by special advisers (SpAds) in the department for each of the last three calendar years and 2020 up until the date this request is answered (please see attached table)?*

*Where complaints include more than one of the above types of complaints, please record for all relevant individual categories.*

*Please send me the data requested in the form of an Excel spreadsheet or as a csv file, using the template provided.*

*If you are able to supply some of this information more quickly than other items, please supply each item when you can rather than delay everything until it is all available.*

*If there are any clarifications requested or exemptions cited for certain parts of the request, please provide responses for others in the meantime, as advised by the Information Commissioner.*

*If you need any clarification then please email me.*

*Under your section 16 duty to provide advice and assistance I would expect you to contact me if you find this request unmanageable in any way so we can negotiate how best to proceed.”*

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

A search for the information has now been completed within the Ministry of Defence, and I can confirm that the department holds information in scope of your request.

However, I have to advise you that we will not be able to answer your request for the number of complaints of bullying made by civil servants without exceeding the appropriate limit. This is because information on the specific nature of an alleged misconduct is not held centrally. Therefore, every case where a complaint or misconduct allegation has been raised would need to be examined to determine which complaints related to bullying.

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.

I would add that staff are encouraged to report incidents of bullying, poor behaviour or perceived wrongdoing. Any form of bullying or harassment is not tolerated and any cases reported are addressed, and support is in place for those individuals who raise a complaint.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note the MOD may be able to provide some information in scope of your request relating to the numbers of complaints of bullying from all civil servants if you consider reducing or refining your request considerably to bring the cost of compliance under the limit. In order to do this, you may wish to consider shortening the time period. Although it is not guaranteed that your refined request may fall within the cost limit, we would be happy to look at it again.

In refining your request, I would add that that Section 40(5) and Section 41(2) NCND will likely apply to questions 2, 3, 4 and 5. Under section 40(5) the MOD would likely be unable to neither confirm nor deny whether it holds any information in scope of the request regarding Special Advisers due to the small number of Special Advisers in the department. Answering the question factually may result in the information being attributed to an individual, which contravenes one of the data protection principles under article 5(1)(a) of the General Data Protection Regulations (GDPR).

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