

Ref: FOI2020/02075

9 March 2020

Dear [REDACTED]

Thank you for your email of 20 January 2020 to the Ministry of Defence (MOD) requesting the following information:

*"I would like you to provide me with the amount of money paid out by the Ministry of Defence to employees in settlements as part of cases brought against the department at the employment tribunal under jurisdiction code: Sex Discrimination - from 2014-present.*

*I would like you to provide a total amount and also to provide a list of all settlements including details of -*

- 1. The claimant and their (former) department*
- 2. The defendant(s)*
- 3. Whether the claimant left the MOD*
- 4. Whether the defendant left the MOD, if applicable*
- 5. The total settlement including any legal costs*
- 6. The year in which the settlement was paid*
- 7. Any details about the nature of the case.*

*If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the act. **I will also expect you to release all non-exempt material***

Thank you as well for your additional email of 12 February 2020 clarifying "by "employees", I mean all employees of the Ministry of Defence – both civilian and military personnel."

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 some of the information in scope of your request is held. However, I have to advise you that we would not be able to answer your questions without exceeding the appropriate limit.

Section 12(1) of the FOI 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, locating it, retrieving it and extracting it.

For Civilian Employment Tribunals alone it would involve investigating 138 files in order to determine which tribunals were based on Sex Discrimination, at approximately 30 minutes per file. Therefore, it is estimated that 1 person would be required to spend a minimum of 69 hours to examine the files and extract the information at a minimum cost of £1,725.

However, under Section 16 (Advice and Assistance) we may be able to consider your request if you were to refine it to a 12-month period, although this is not guaranteed to bring the request within the cost limit, we would be happy to look at this again.

Additionally, you may be interested to know that with regard to Military Employment Tribunals, the Government Legal Department deals with these and so they may be better suited to answer your request. You can find the contact details for them below:

Government Legal Department  
102 Petty France  
Westminster  
London  
SW1H 9GL  
United Kingdom

[foi@governmentlegal.gov.uk](mailto:foi@governmentlegal.gov.uk)

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