

Ref: FOI2020/09160

10 September 2020

Thank you for your email of 12 August 2020 to the Ministry of Defence (MOD) requesting the following information:

“1. How many civil servants have made complaints that they suffered racial discrimination by other members of staff in the department in the last three calendar years (up to and including August 2020)? To be clear, I am asking for information for the calendar years of 2018, 2019 and 2020 to date. Please could you break this information down by calendar year and gender. If possible, without identifying the complainant, I would be grateful if you could provide a broad summary of the complaints.

2. How many members of staff have faced civil service disciplinary investigations as a result of a complaint/accusation of racial discrimination made against them in the last three calendar years (up to and including August 2020)? Please could you break this information down by calendar year, gender. In each case, please could you state whether any misconduct was found and, if so, what type of disciplinary action was taken including verbal/written/final warnings, suspension, dismissal etc. If possible, without identifying the complainant, I would be grateful if you could provide a broad summary of the complaints.”

A search for the information has now been completed within the MOD and I can confirm all 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 cost limit.

Section 12 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.

With regard to Question 1, the MOD has identified 125 complainants between 2018 and 2020, 116 of which only have a broad heading of bullying. To determine whether there is a racial element to any of these 116 complaints would mean each file would need to be scrutinised, which would take approximately four hours per file, resulting in approximately 464 hours to extract any relevant information at a cost of £11,600.

Under Section 16 (Advice and Assistance), the Department may be able to provide some information in the scope of Questions one and two if you were to refine your request by limiting the time period significantly to reduce the number of cases to be examined. Although it is not guaranteed that your refined request may fall within the cost limit, we would be happy to look at it again.

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