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[Redacted]

By email: [Redacted]

Our ref: FOI2021/21515
22 September 2021

Dear [Redacted] ,

REQUEST FOR INFORMATION: Bullying Complaints

Thank you for your three requests for information of 24 August 2021 about bullying complaints in Defra, the Rural Payments Agency (RPA) and the Animal and Plant Health Agency (APHA). We have handled your request under the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

1. *How many civil servants in the department have made complaints that they have been bullied by another civil servant/staff member (note, this should include special advisers and politicians) in the last three calendar years (up to and including August 2021)? To be clear, I'm asking for information for 2019, 2020 and 2021. Please could you break this information down by year and gender.*

In 2019, 22 bullying complaints were received. 11 from males and 11 from females.

In 2020, 16 bullying complaints were received. 6 from females and 10 from males.

In 2021, up to and including August 2021, 7 bullying complaints were received. However, after careful consideration we have decided that, as providing a breakdown by gender would mean that the information involves less than 5 people, this data should be withheld under sections 40(2) and 40(3A) of the FOIA, as the information constitutes personal data relating to persons other than you as it would potentially be possible to identify those individuals. Please see below for further details.

2. *How many civil servants/staff in the department have faced civil service disciplinary investigations as a result of an accusation of bullying made against them by another civil servant in the last three calendar years (up to and including August 2021)? Please could you break this information down by 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.*



We can confirm that in 2019, 18 complaints were investigated, 9 from males and 9 from females.

Of those investigations 8 were against males and 5 against females. There were also 5 investigations against individuals whose gender is unknown.

We can confirm that in 2020, 14 complaints were investigated, against 14 individuals.

We can confirm that in 2021, up to and including August, 7 complaints were investigated, against 7 individuals.

After careful consideration we have decided that, as providing a breakdown by gender for 2020 and 2021 would mean that the information involves less than 5 people, this data should be withheld under sections 40(2) and 40(3A) of the FOIA, as the information constitutes personal data relating to persons other than you as it would potentially be possible to identify those individuals.

Additionally, we are withholding information relating to whether any misconduct was found and if so, what type of disciplinary action was taken, under sections 40(2) and 40(3A) as the information involves less than 5 individuals and constitutes personal data relating to persons other than you as it would potentially be possible to identify those individuals.

Sections 40(2) and 40(3A)

These sections exempt personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would breach any of the data protection principles in Article 5(1) of the General Data Protection Regulation (GDPR).

We consider that disclosure of this information is likely to breach the first data protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data because the individuals concerned would not reasonably have expected their information to be made public.

Information disclosed in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

[Redacted]

Information Rights Team

InformationRequests@defra.gov.uk

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Andrew Mobsby, Head of Information Rights via email at InformationRequests@defra.gov.uk and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure.

The ICO can be contacted using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>