



# Government Legal Department

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Ref No: **FOI 24\_491**

13 February 2024

Thank you for your email of 4 February 2024 which contained your request for information. The Government Legal Department (“GLD”) have processed your request for information under the Freedom of Information Act 2000 (“the Act”).

## Request

*Your website says: “The Litigation Group provides litigation services to the majority of government departments and executive agencies, as well as many non-departmental public bodies.” Please can you disclose an electronic copy of: a list of the organisations for whom you provide litigation services, and a copy of any policy or guidance you hold that determines which organisations do and don’t qualify for your litigation services.*

## Response

Pursuant to Section 1(1)(a) of the Act, GLD informs you that it holds the information you have requested.

Regarding part 1 of your request, GLD’s Litigation Group has billed the following organisations for its services within the last three years:

Advisory, Conciliation & Arbitration Service	Department for Business, Energy & Industrial Strategy
Animal & Plant Health Agency	Department for Culture, Media & Sport
Attorney General - Cayman Islands	Department for Education
Bank of England	Department for Energy Security & Net Zero
Benefits Pension Digital & Technology	Department for Environment, Food & Rural Affairs
British Council	Department for Exiting the EU
Building Digital UK	Department for International Development
Cabinet Office	Department for International Trade
Care Quality Commission	Department for Levelling Up, Housing & Communities
Centre for Environment Fisheries & Aquaculture Science	Department for Science, Innovation & Technology
Charity Commission	Department for Transport
Civil Aviation Authority	Department for Work & Pensions
Civil Service Commission	Department of Agriculture, Environment & Rural Affairs
Civil Service Employee Policy	Department of Energy & Climate Change
COFR (Certification Officer)	Department of Health and Social Care
College of Policing	Disclosure & Barring Service
Companies House	Driver & Vehicle Licensing Agency
Competition & Markets Authority	Driver & Vehicle Standards Agency
Criminal Cases Review Commission	Driving Standards Agency
Criminal Injuries Compensation Authority	Education & Skills Funding Agency
Crown Commercial Service	Environment Agency
Crown Prosecution Service	Food Standards Agency
Crown Solicitors Belfast	Foreign, Commonwealth & Development Office
Defence Science & Technology Laboratory	Forestry Commission
Department for Business & Trade	GCHQ

Gov Facility Services Limited	Office for Budget Responsibility
Government Actuary's Department	Office for National Statistics
Government Communications Bureau	Office for Nuclear Regulator
Government Digital Service	Office for Product Safety & Standards
Government Equalities Office	Office for Standards in Education
Government Internal Audit Agency	Office of Immigration Service Commission
Government Office for Science	Office of the Children's Commissioner
Government Property Agency	Office of the Registrar of Consultant Lobbyists
Health & Safety Executive	Office of the Schools Adjudicator
Highways England Company Ltd	Office of the Secretary of State for Wales
HM Courts & Tribunals Service	Office of the Service Complaints Commissioner
HM Inspectorate of Probation	OFGEM
HM Land Registry	Patent Office
HM Passport Office	Planning Inspectorate
HM Prison & Probation Service	Police Remuneration Review Body
HM Revenue & Customs	Police Service in Northern Ireland
HM Treasury	Public Health England
Home Office	Queen Elizabeth Conference Centre
House of Commons	Royal Courts of Justice
House of Lords	Rural Payments Agency
House of Lords Commission	Scotland Office
Human Tissue Authority	Serious Fraud Office
Identity & Passport Service	The Adjudicator's Office
Independent Monitoring Board	The Insolvency Service
Independent Police Complaints Commission	The Investigatory Powers Tribunal
Infrastructure & Projects Authority	The Office of Qualifications & Examinations Regulation
Intellectual Property Office	The Parole Board
Judicial Appointments & Conduct Ombudsman	The Pubs Code Adjudicator
Legal Aid Agency	The Security Service
Marine Accident Investigation Branch	Topmark Claims Management Ltd
Marine Management Organisation	Treasury Solicitors
Maritime & Coastguard Agency	UK Border Agency
Medicines & Healthcare Products Regulatory	UK Border Force
Metropolitan Police Service	UK Export
Ministry of Defence	UK Health Security Agency
Ministry of Justice	UK Hydrographic Office
National Archives	UK Immigration
National Crime Agency	UK Security Vetting
National Highways	UK Space Agency
National Offender Management Service	Valuation Office Agency
National Probation Service	Vehicle Certification Agency
National Savings & Investments	Veterinary Medicines Directorate
Natural England	Welsh Government
NHS England	Youth Custody Service
NHS Foundation Trust	Youth Justice Board for England & Wales
Northern Ireland Office	

Regarding part 2 of your request, GLD's internal policy is attached.

The policy is hosted on GLD's intranet, and a note accompanying the guidance reads thus:

*The decision to take on new work from an existing client can be taken by the relevant Head of Division/Group. If there is a relationship manager for that client, they should be consulted.*

*If a new client is a Crown body, the assumption is that we will do the work. This decision can be taken by the Head of Division/Group who will inform their director general (DG) and the relevant relationship manager.*

*For other clients, the relevant DG will take the decision whether to take on the new client or work, informing or consulting the Performance and Client Committee (PCC) [Note: the PCC is now known as the Client and External Relations Committee (CERC)].*

## **Your Rights**

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original correspondence. Please use the contact details provided at the top of this letter in order to request an internal review relating to your original request.

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
[www.ICO.org.uk](http://www.ICO.org.uk)

Yours sincerely,

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## Guidance on handling a request to take on a new client or new work

1. As soon as the possibility of taking on a new client or new work arises, please let your Director General know via their PA. The guidance below is intended to help GLD reach a properly informed view on whether it is appropriate to provide services to the proposed new client and/or to provide services of the type sought.

### Gathering information

2. Find out about the client:
  - a. Is it –
    - An existing client?
    - A new client?
  - b. Is it –
    - A Government department (or agency) – which will be a Crown body?
    - A non-departmental public body (NDPB) – which may or not be part of the Crown?
    - Another kind of public organisation?
    - A private sector body?

It is really important to establish at an early stage the legal status of the potential client organisation.
  - c. What, or who, is the legal entity (the person or body recognised by the law in whose name legal proceedings would be conducted or contracts would be made)?
  - d. Who would be treated as the “client” for day-to-day purposes: contact, instruction, and billing?
3. Find out about the nature of the client’s business: what do they do, what is their involvement with the business of Government that brings them to us? Where there is a parent or sponsoring department which is a GLD client, what are their views?
4. Find out the nature of the legal business they want us to carry out: litigation services (and if so, what type), employment law, commercial law, representation at a public inquiry, advisory work, legislative work, etc?
5. Find out about the potential amount of the work: is it a one-off task, a piece of litigation, or a continuing relationship? If continuing, what is the likely volume per year? What are the issues, timescales and judicial forums?
6. Find out, if possible, who has been doing this work for them up to now.

### Consulting other teams or divisions

7. As you look at the new business proposal, you may be, or become, aware that some of the business under consideration will fall within the remit of another team or teams. Or it may be that the new business is for an existing client of another team or teams. In either case, you should inform that team or those teams and ask them to look at the proposal. If it is new work for an existing client, you should consult the Relationship Manager (if there is one). Their confirmation that the business can be, or as the case may be should not be, taken on, will be a vital part of your consideration.

#### The consideration

8. There are a number of factors the decision maker will need to consider in making the decision:

##### *About the client/work*

- Is this a new client or just new work?
- The identity and [classification](#) of the client.
- The client contact.
- The nature of work involved.
- An assessment of the amount of business involved.
- The teams consulted and their responses.

##### *Compatibility*

- Is the client type or the work novel or do they/does it fit with our present client type and/or service offering? For example, even though many regulators are non-ministerial departments and part of the Crown, we may still want to consider whether taking them on as a client would fit with our current profile of work and clients. Conversely, a non-Crown body such as an NDPB or Government-owned Company may require legal services which are of a type which fits closely with our current work profile and expertise.

##### *About our ability to take the business on*

- Does the business match our present skill set? Do we have the capability to take on the work?
- Do we have the present capacity to take the work on? If we need to recruit new staff, does that affect the timing of when we take on the work? How would additional recruitment sit with our overall recruitment strategy? Do we think recruiting additional staff to do this work will present any particular issues?
- Will there be additional non-personnel resource implications if we do?
- Could there be conflict issues arising from our doing so?

##### *Benefits and risks?*

- Does taking on this client or work offer any particular benefits to the Division/Group or GLD?

- If it is a proposed new client, what are the views of its parent or sponsoring department?
- What are the risks of taking on the work?

By the time you have covered these topics, you should be in a good position to form your recommendation. You do not have to come down firmly on one side or the other, but you should try to indicate where the balance of risk and benefit lies. You may also wish to recommend that GLD provide some services but not others.

If you are clear that we cannot safely take on all or some of the business, try to consider how we can help the potential client get the assistance they need from other sources. Even if you conclude we should not take on a client or new work, the DG with lead responsibility for client relations should be informed.

### Making the submission

9. A formal submission should be made to the decision maker, whether that is the Head of Division/Group or DG with lead responsibility for CERC (currently Elizabeth Hambley) . In either case, you may want to run your submission past the DG with lead responsibility for client relations before you proceed. We may be able to help you in a number of ways and reduce the chances that it will be necessary to come back to you for supplementary information.
10. **If the organisation is a Crown body and taking on the work is part of a strategy agreed with the GLD Board, or if the issue is whether to provide extra services to an existing client of a sort we already provide to other clients, the decision whether to take on the client or new work can be taken by the Head of Division/Group. The relevant DG and the DG for CERC should be informed of the decision.**
11. **In other cases, the decision must be taken by the DG for CERC.** Where appropriate, the DG will consult the CERC before making the decision. In cases where this is not considered appropriate, the CERC will be informed of the decision in any event. In either case, to enable a properly informed decision to be taken, the Head of Division/Group would need to present a short paper to the DG for CERC setting out the benefits and risks in taking on the client or new work (as set out above) and include their recommendation.

**Updated April 2023**