



Government Legal Department

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Ref No: FOI 24_474

24 January 2024

Dear

Thank you for your request received on 10 January 2024 addressed to the Government Legal Department (GLD). In accordance with Section 1(1)(a) of the Freedom of Information Act 2000 (the Act), I can confirm that GLD does hold the information you have requested.

Request

Further to the information so far provided, and information yet to be provided, I write to request the following additional information held by the Government Legal Department pursuant to the Freedom of Information Act 2000 in relation to GLD's Pay Business Case 2023/24 and 2024/25.

12. In relation to all capability assessment appeals considered by the Appeals Panel, expressed in both numbers and percentages:

- (a) how many appeals were dismissed?*
- (b) how many appeals were allowed?*
- (c) of those appeals that were allowed:*
 - (i) how many resulted in an upgrade from capability level 1 to capability level 2? and*
 - (ii) how many resulted in an upgrade from capability level 2 to capability level 3?*

Response

In accordance with Section 1(1)(a) of the Act, GLD can confirm that it does hold the information you have requested.

However, this information is exempt under Section 22 of the Act, which states that public bodies are not obliged to disclose information that is intended for future publication. The application of Section 22 does not require a set publication date to be in place.

Section 22 is a qualified exemption and, as such, we are required to assess as objectively as possible whether the balance of public interest favours disclosing or withholding the information.

We recognise that there is strong public interest in information being made as freely available as possible, and that disclosure leads to greater transparency in Government. However, there is also very strong public interest in ensuring that information is made available to everyone at the same time, thereby ensuring equity of access. Releasing this information now may also interfere with our established process for publishing information to ensure that only accurate and validated data is released.

Therefore, GLD concludes that the public interest in withholding this information outweighs the public interest in its release at this time. GLD takes the view that the public interest in the disclosure of this information will be satisfied by its publication in the future.

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

Yours sincerely,

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