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Ref No: **FOI 24_552**

14 June 2024

Dear

Thank you for your email of 21 May 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

Please can you provide the following information, which I am requesting under the Freedom of Information Act 2000 with regard to the capability framework and process:

I would like to withdraw the following questions from my request (if it is not too late)—

- question number 10 (how many days to respond) as I now don't need to know this.*
- question number 2 (number of hola lawyers) as I suspect it might reveal too much information which could identify people if put with other information and so I don't want to ask for that.*
- question number 3 (percentage of maternity leave returners) - same reason as above.*

1. What percentage of grade 6 lawyers in advisory divisions that are level 3 for the capability framework manage 3 or more people?

19.6% of Grade 6 lawyers in advisory divisions, that were assessed as Level 3 managed 3 or more people.

4. What steps were taken to ensure that moderation panels fairly considered people who joined their divisions or returned from a period of maternity or parental leave within two months of the moderation (eg to address gaps in exposure to their capability?)

Moderation panels consisted of the relevant Director, Deputy Directors, and HRBP, as well as an 'independent member'. All members of the panel had an obligation, in line with GLD's values, and reiterated in the PARM guidance, to be cognisant of diversity and inclusion during meetings. The HRBP and 'independent member' were given specific responsibility to ensure appropriate consideration of D&I and challenge where necessary. This did not include a time based requirement/consideration as set out in the question. D&I data (available on Eagle) following the moderation panels did not identify an issues with the groups you reference.

5. Were line managers allowed to ask factual questions of lawyers during the moderation process if they were aware or suspected that they had gaps in their knowledge of the relevant lawyers capability? If not, why not?

Line managers were requested to seek information as needed from previous line managers and the assessed lawyers had the opportunity to fill any perceived gaps in knowledge, following the indicative assessment, using Annex D. Moderation panels were able to challenge DDs about the information they had gathered.

6. How many procedural appeals were there? What percentage were allowed? If a procedural appeal was allowed, what happened next (or would've happened if they had been) - eg was the assessment process re-run?

The appeals process was undertaken in line with the underlying principles of PARM – i.e. no quotas or guided distribution of results; and, D&I considered at each stage. There were 16 appeals which cited procedural error as a reason for the appeal (15 of these also cited substantive issues were overlooked). Of the 16, 1 appeal was upheld on the basis of procedural error. Due to the nature of the procedural error the assessment was re-run for this employee.

7. What processes were in place to ensure that people who appealed who had not submitted Annex D's were not treated less favourably than those who appealed who had submitted annex Ds? If none, how was the difference in the levels of information before the appeal panel addressed?

Anyone who appealed was given the opportunity to submit new information to support their appeal. This was particularly important for those who did not submit an Annex D. We do not accept that any detriment was suffered as a result.

8. What processes were put in place to ensure that people with a protected characteristic and people recently returned from maternity / parental leave were treated fairly by an appeals panel (eg reasonable adjustments to ensure proper consideration of experience etc)?

The appeal panel were subject to the same requirements on diversity and inclusion as noted above. The appeals panel considered all information provided.

9. Were Line Managers given additional guidance on how to communicate with team members on maternity / parental leave in relation to the PARM process?

Managers were not given additional guidance on how to communicate with team members on maternity / parental leave in relation to the PARM process. The maternity policy provides guidance on 'standard' organisational expectations for contact during maternity leave. HR communicated directly with those on maternity/parental leave to ensure consistent information was provided in a timely manner.

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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