



Government Legal Department

Operations
102 Petty France
Westminster
London
SW1H 9GL

+44 (0)20 7210 3000
FOI@governmentlegal.gov.uk
www.gov.uk/gld

Ref No: **FOI 24_567**

9th July 2024

Dear

Thank you for your email of 24 July 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:

- 1. All policies in place for temporary promotion which includes how staff are to be appointed, any duration limitations and what analysis and evidence is need to extend.*
- 2. The number of staff TP in a G6 post as at today 24 June 2024 by Dept (Litigation, HOLA, MOJLA etc). If you feel this would be identifying please breakdown in a way where it would not be but with as much break down as possible. Bear in mind GLD has previously identified all lawyers by name and grade.*
- 3. A breakdown of how long those identified in 2. above have been TP in 6 month intervals i.e. 6 months, 1 year, 18 months , 2 years*
- 4. The number of current G6 posts filled by TP lawyers (i.e. those in point 2 above) that are available to allocate to those who were promoted in the recent G6 round i.e. those who were informed of their outcome in May 2024*
- 5. Any policy which sets out how posts filled with TP lawyers are dealt with in the allocations process.*

Response

1. The guidance currently in the Staff Handbook is as below. Operational changes have since been added since it was published in 2023 following the implementation the Legal Capability Framework for Grade 6 and Grade 7 lawyers in GLD. This information is also included below.

Deputising and temporary promotion

5.3.8 Deputising and temporary promotion must be agreed by the Head of Division/Team and passed to HR for agreement in all cases.

5.3.9 Service in a higher grade other than through substantive promotion may be recognised by

5.3.14 Periods of temporary promotion will last no longer than 6 months unless exceptional circumstances exist, which must be agreed by the People Committee.

5.3.15 Temporary promotion may occasionally be awarded where a need exists for a short term post in the higher grade, e.g. to handle a specific project.

5.3.16 Individuals on temporary promotion remain eligible for substantive promotion but performance should be assessed against the higher grade because those are the duties being carried out.

5.3.17 Individuals will revert to their substantive grade when the period of deputising or temporary promotion ends. In considering whether to grant deputising or temporary promotion the Solicitor acts on the recommendation of the Head of HR.'

As a result of the introduction of the Legal Capability Framework we have also introduced further guidance to temporary promotions – see below:

Info needed to support change form for temporary promotions

Before HR can action a temporary promotion (TP), we need to be sure that:

- **there was a fair process in deciding the TP**
- **if appropriate, there are plans to fill the post on a permanent basis**
- **the duration of the TP (normally not to exceed 3-6 months unless the TP is to backfill maternity leave or to cover a time limited project)**
- **appropriate local business area approval has been obtained**
- **candidates that have been successful in obtaining a temporary promotion from a in scope G6 Lawyer or SCS1 Lawyer advert, are required to have been assessed at level 2 or 3 of their substantive grade**

1. Please confirm that the TP decision was reached via a formal EOI, managed through resourcing?

If the answer to the question is yes, please provide the EOI reference number
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If the answer to this question is no, please liaise with your HRBP before completing this form

2. What plans are in place to fill the post on a permanent basis?
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3. What date is the TP expected to end?
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Save for exceptional circumstances, the TP should not exceed 3-6 months (except where the TP is to cover a period of maternity leave or a time limited project)

Name of manager approving the TP

For Temporary promotions to a Grade 6 Lawyer or SCS1 Lawyer, please attach the candidate's capability assessment outcome from their official correspondence to confirm that they have been assessed at level 2 or 3 at their substantive grade

Was the TP decision discussed with the Directorate's HR Business Partner?

Yes

No

Form completed by:

date:

2 & 3.

Division / Team	Number of G6s on TP as of 24/06/24	Of which were still on TP 6 months ago	Of which were still on TP 12 months ago	Of which were still on TP 18 months ago	Of which were still on TP 24 months ago
Bona Vacantia	5 or Less	0	0	0	0
Commercial Law Group	5 or Less	5 or Less	0	0	0
DBT Legal Advisers	5 or Less	5 or Less	0	0	0
Defra Legal Advisers	5 or Less	5 or Less	5 or Less	5 or Less	5 or Less
DfE and GEO Legal Advisers	5 or Less	5 or Less	5 or Less	5 or Less	5 or Less
DfT Legal Advisers	5 or Less	5 or Less	5 or Less	0	0
DHSC Legal Advisers	5 or Less	5 or Less	5 or Less	0	0
DLUHC Legal Advisers	8	6	5 or Less	5 or Less	5 or Less
DWP Legal Advisers	5 or Less	5 or Less	5 or Less	5 or Less	5 or Less
Employment Group	5 or Less	5 or Less	5 or Less	5 or Less	5 or Less
ESNZ Legal Advisers	5 or Less	5 or Less	0	0	0
Home Office Legal Advisers	5 or Less	0	0	0	0
Litigation	15	9	7	5 or Less	5 or Less
MOJ Legal Advisers	5 or Less	0	0	0	0
Grand Total	51	36	22	13	10

4. All vacant roles including those filled on TP were included in the campaign, unless the TP was covering for a permanent employee due to return to the organisation, for example where the permanent post holder is on maternity leave, long-term sickness or short duration career breaks.

5. There is no formal policy in this area as this is an operational matter. HR Business Partners work with business area senior managers on the allocations process, in line with business need and stated preferences.

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,

Freedom of Information Team
Operations, Government Legal Department,
102 Petty France, Westminster
London SW1H 9GL
FOI@governmentlegal.gov.uk