



Freedom of Information Team
Knowledge and Information Management Unit
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FOI Reference: FOI317115
13 November 2012

Patrick Dignam
request-134681-c42c5848@whatdotheyknow.com

Dear Mr Dignam

Ref: FREEDOM OF INFORMATION ACT REQUEST

I refer to your request where you asked:

'Can you please provide:

- 1. A detailed definition of a "good, modern employer" and the methods used to attain this definition.*
- 2. Details of the consultative process used to define a "good, modern employer".*
- 3. A copy of the Summary Report on Current Practices on Terms and Conditions.*
- 4. A detailed definition of "good, modern practice" and the methods used to attain this definition.*
- 5. Details of the consultative process used to define "good, modern practice"*
- 6. Ref: paragraph 12 of the guidance:*
 - please provide the "terms and conditions the Department has in place"*
 - please provide "details of any terms and conditions which the department considers need to change"*
 - please provide the proposals on "how the Department intends to change those terms"*

I am writing in response to your Freedom of Information request and I shall take each of your points in turn.

1. **You have asked for a detailed definition of a "good, modern employer" and the methods used to attain this definition.**

No information is held. This information does not exist as the phrase 'good, modern employer' has been used to describe in general terms the type of employer the Civil Service should look to be comparable with on some of our terms and conditions.

2. **Details of the consultative process used to define a "good, modern employer".**

No information is held. This information does not exist for the reasons given at 1 above.

3. **A copy of the Summary Report on Current Practices on Terms and Conditions.**

Following a search of our paper and electronic records, I have established that the information you requested is held by the Cabinet Office.

The information you have requested is exempt under section 35(1)(a) as it relates to the formulation or development of government policy. The material relates to a review of terms and conditions for civil servants by their employing department. The Cabinet Office has provided this material to employing departments to assist them in their review process.

Section 35 is a qualified exemption and I have considered whether the balance of the public interest favours our release of this material. There is a general public interest in disclosure of information and I recognise that openness in government may increase public trust in and engagement with the government. However the public interest has to be weighed against a strong public interest that policy-making and its implementation are of the highest quality and informed by a full consideration of all the options.

As part of the review process it is important that employing departments now have a clear space to consider their employment policy options, free from external pressure to act, in which it can debate matters internally with candour and free from the pressures of public debate.

Taking into account all the circumstances of this case, I have concluded that the balance of the public interest favours withholding this information.

4. **A detailed definition of "good, modern practice" and the methods used to attain this definition.**

No information is held. There is no detailed definition of 'good, modern practice'. It is a phrase used to refer in general terms to the employment practices found elsewhere. Some of the specific practices are described in the document referred to in your question 3.

5. **Details of the consultative process used to define "good, modern practice"**

No information is held. This information does not exist for the reasons given at 4 above.

6. **Ref: paragraph 12 of the guidance:**

- please provide the "terms and conditions the Department has in place"
- please provide "details of any terms and conditions which the department considers need to change"
- please provide the proposals on "how the Department intends to change those terms"

Paragraph 12 of the guidance refers to Phase 1 of the review process, asking Departments to submit their preliminary assessment and review by 19 October 2012.

I have interpreted your request as being a request for Cabinet Office information, and have established that it is held by the Cabinet Office.

The Terms and Conditions that the Department has in place are published in the HR Code which is an interactive product held as pages on the departmental intranet. Because the code is not a stand-alone document, we estimate that the cost of extracting the individual pages associated with all the Terms and Conditions would exceed the appropriate limit of £600. The appropriate limit has been specified in regulations and for central Government it is set at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting the information.

Under section 12 of the Freedom of Information Act the Department is not obliged to comply with your request and we will not be processing your request further.

The "details of any terms and conditions which the department considers need to change" and proposals on "how the Department intends to change those terms" is exempt under section 35(1)(a) as it relates to the formulation or development of government policy. The material relates to the Cabinet Office's ongoing review of its terms and conditions and employment policies.

Section 35 is a qualified exemption and I have considered whether the balance of the public interest favours our release of this material. There is a general public interest in disclosure of information and I recognise that openness in government may increase public trust in and engagement with the government. However the public interest has to be weighed against a strong public interest that policy-making and its implementation are of the highest quality and informed by a full consideration of all the options.

As part of the review process it is important that the Cabinet Office now has a clear space to consider its employment policy options, free from the external pressures of public debate.

Taking into account all the circumstances of this case, I have concluded that the balance of the public interest favours withholding this information as it relates to the formulation or development of government policy.

If you have any queries about this letter, please contact the FOI team. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Roger Smethurst
Head of Knowledge and Information Management
Cabinet Office
1 Horse Guards Road
London
SW1A 2HQ

email: foi.team@cabinet-office.gsi.gov.uk

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Cabinet Office. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'M. P.' followed by a long, horizontal, wavy line.

FOI Team
Cabinet Office