

J E Garner
request-681520-8fbf8e41@whatdotheyknow.com

data.access@justice.gov.uk

1st October 2020

Dear J E Garner,

Freedom of Information Act (FOIA) Request – 200915040

Thank you for your email of 15th September, in which you clarified what information you were asking for in FOI 200819024. You confirmed that you are requesting the following information from the Ministry of Justice (MoJ):

Penultimate sentence Paragraph 47 "Acting Director General for Prisons commissioned an investigation into those matters to be undertaken by a Senior Civil Servant (formerly an experienced Prison Governor) and inviting the claimant to participate in the investigation. The Terms of Reference are dated 20 March 2019."

- 1. Please supply the findings of the above investigation referred to in Para. 47 if now completed;***
- 2. Please advise if anybody involved was disciplined and or dismissed as a result of the findings in 1;***
- 3. Were any HMPPS staff (at any level) involved in the forgery of documents provided as evidence to the ET case, if so please advise if they were they disciplined/dismissed as a result;***
- 4. Have any staff responsible for the forgery of documents, been referred to the Police/CPS for a consideration of a prosecution for the criminal offence of forgery?***

Your request has been handled under the FOIA.

I can confirm the MoJ holds the information that you have requested. However, it is exempt from disclosure under section 38(1)(a) of the FOIA, because it would prejudice the health and safety of an individual.

Section 38 is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- The disclosure of the information would be acting in an open and transparent manner, in line with the Government's transparency agenda;
- There is a public interest in the Employment Tribunal process, particularly concerning the conduct of staff working for a public authority.

Public interest considerations favouring withholding the information

- A real and significant endangerment to an individual's mental health has been identified if this information were to be in the public domain and it would not be in their interest to compromise it.

On balance, I consider the public interest favours withholding the information at this time.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

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Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

L. Picton
HMPPS Briefing & Correspondence Team