



Home Office

Corporate Services,
2 Marsham Street
London SW1P 4DF

020 7035 4848
(switchboard)

www.gov.uk

S Pinter

<mailto:request-248183-9852fc83@whatdotheyknow.com>

26 March 2015

Dear S Pinter,

Thank you for your e-mail of 14 January 2015, in which you refer to a Dispute Resolution Commitment and ask for details of legal actions brought against the Home Office. Full details of your request can be found at **Annex A**.

Your request has been handled as a request for information under the Freedom of Information Act 2000.

Our email to you on 30 January 2015 explained that it was not clear from your request exactly what was meant by “number of legal actions”. Full details of the letter can be found at **Annex B**.

Your clarified request of 31 January 2015 provided an explanation of “number of legal actions”. Full details of your request can be found at **Annex C**.

Our email to you of 2 March 2015 explained that we are considering your request under section 42 of the Freedom of Information Act which relate to legal professional privilege. Full details of the letter can be found at **Annex D**.

Having considered your request again, we have assessed that the requested information does not qualify to be withheld under section 42 of the Act therefore, we are now in a position to provide a full reply to your request.

Q1. After a legal action has been brought against the Home Office, what procedures are in place to instigate and follow the Dispute Resolution Commitment?

A1. Once a legal action has commenced the case is handled by Treasury Solicitors Department who advise and take instruction from Home Office officials about how to proceed with the case. Treasury Solicitors Department staff are given guidance and training on how to divert appropriate cases from litigation in the courts to other means of resolution.

Q2. Which department within the Home Office considers whether to instigate and follow the Dispute Resolution Commitment against current legal actions brought against the Home Office?

A2. Decisions about whether to use alternative dispute resolution will be taken by the part of the Home Office which is deciding how to handle the case. So in some cases it will be officials in Commercial Division who take the decision, in some it will be for officials in Human Resources Division and in other cases in relation to other policy areas for which Home Office has responsibility – the policy team in question would make the decision.

Q3. Could you provide me with the number of times the Dispute Resolution Commitment has been used in legal cases brought against the Home Office over the last year Jan 2014 to Dec 2014 month on month?

A3. The Home Office does not hold the information which you have requested.

Q4. Could you provide me with the number of legal actions brought against the Home Office over the last year Jan 2014 to Dec 2014 month on month?

A4. We do not hold this information across most types of legal action brought against the Home Office. The exception is in relation to immigration Judicial Reviews where Treasury Solicitors department provide Home Office with a monthly litigation report which includes a figure for how many new judicial review's were brought that month. Details for the relevant period can be found at **Annex E**.

Q5. Could you provide me with the number of times the Dispute Resolution Commitment has been used in legal cases brought against the Home Office during Jan 2015 (this month)?

A5. The Home Office does not hold the information which you have requested.

Q6. Could you provide me with the number of legal actions brought against the Home Office during Jan 2015 (this month)?

A6. As explained at A4, we only hold this in relation to immigration Judicial Reviews, which can be found at **Annex E**.

Q7. Can you please provide me with guidance your staff operates to relating to the Dispute Resolution Commitment.

A7. We are not aware of any specific Home Office guidance on this subject.

I hope that this information meets your requirements. I would like to assure you that we have provided you with all relevant information that the Home Office holds.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 34275. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team
Home Office
3rd Floor,
Peel Building

2 Marsham Street
London SW1P 4DF

E-mail: info.access@homeoffice.gsi.gov.uk.

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

M Seedansingh

Information Rights Team

Annex A

FOI 34084

From: S. Pinter [<mailto:request-248183-9852fc83@whatdotheyknow.com>]
Sent: 14 January 2015 00:17
To: FOI Requests
Subject: Freedom of Information request - Home Office Dispute Resolution Commitment

Dear Home Office,

I have read about the Ministry of Justice's requirement for governmental departments to adhere to a Dispute Resolution Commitment:

http://www.adrgroup.co.uk/section/213/1/uk_government_firmly_backs_mediation
<https://www.gov.uk/government/news/djanogly-more-efficient-dispute-resolution-needed>

I therefore kindly ask for the following information:

1. After a legal action has been brought against the Home Office, what procedures are in place to instigate and follow the Dispute Resolution Commitment?
2. Which department within the Home Office considers whether to instigate and follow the Dispute Resolution Commitment against current legal actions brought against the Home Office?
3. Could you provide me with the number of times the Dispute Resolution Commitment has been used in legal cases brought against the Home Office over the last year Jan 2014 to Dec 2014 month on month?
4. Could you provide me with the number of legal actions brought against the Home Office over the last year Jan 2014 to Dec 2014 month on month?
5. Could you provide me with the number of times the Dispute Resolution Commitment has been used in legal cases brought against the Home Office during Jan 2015 (this month)?
6. Could you provide me with the number of legal actions brought against the Home Office during Jan 2015 (this month)?
7. Can you please provide me with guidance your staff operates to relating to the Dispute Resolution Commitment.

Yours faithfully,

S. Pinter

Annex B

Corporate Services, 020 7035 4848
2 Marsham Street (switchboard)
London SW1P 4DF

www.gov.uk

S Pinter
<mailto:request-248183-9852fc83@whatdotheyknow.com>

30 January 2015

Dear Mr Pinter

Thank you for your e-mail of 14 January 2015, in which you ask for information on legal action brought against the Home Office , following the Dispute Resolution Commitment.

Your request is being handled as a request for information under the Freedom of Information Act 2000.

It is not clear, from your e-mail, exactly what information you require. To help us to deal with your request properly, I would be grateful if you could clarify it.

Your request asks for the “number of legal actions”. Are there particular sorts of legal actions you are seeking and if so, which ones?

Once you provide this information, we will aim to send you a full response to your request within twenty working days. If we do not receive clarification of your request within three months from the date of this letter, we will consider this request to be closed.

Yours sincerely

M Seedansingh

Information Access Team

Annex C

From: S. Pinter [<mailto:request-248183-9852fc83@whatdotheyknow.com>]
Sent: 31 January 2015 02:11
To: FOI Requests
Subject: Re: Freedom of Information request - Home Office Dispute Resolution Commitment

Dear Home Office,

34084

By use of a Dispute Resolution Commitment, The Government will lead by example by committing to using better, quicker and more efficient ways of resolving legal disputes.

You have asked that I clarify what I mean by "number of legal actions".

To begin with, I feel that the request was very clear. Legal Action is a point at which a member of the public brings a legal challenge against the Home Office. For the avoidance of doubt, I do not refer to standard appeals to the Immigration Tribunal. I do however refer to Judicial Reviews, County/High Court claims, and so on.

As I am sure your teams are aware, "Legal Action" is a well known noun with the meaning of "a judicial proceeding brought by one party against another; one party prosecutes another for a wrong done or for protection of a right or for prevention of a wrong." - also referred to as a lawsuit, court claim, court case, litigation, or legal proceedings.

I am aware that your litigation department will collate the information I have sought.

Yours faithfully,

S. Pinter

Annex D

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S Pinter
<mailto:request-248183-9852fc83@whatdotheyknow.com>

2 March 2015

Dear S Pinter,

Thank you for your e-mail of 14 January 2015, in which you ask:

I have read about the Ministry of Justice's requirement for governmental departments to adhere to a Dispute Resolution Commitment:

http://www.adrgroup.co.uk/section/213/1/uk_government_firmly_backs_mediation
<https://www.gov.uk/government/news/djanogly-more-efficient-dispute-resolution-needed>

I therefore kindly ask for the following information:

- 1. After a legal action has been brought against the Home Office, what procedures are in place to instigate and follow the Dispute Resolution Commitment?*
- 2. Which department within the Home Office considers whether to instigate and follow the Dispute Resolution Commitment against current legal actions brought against the Home Office?*
- 3. Could you provide me with the number of times the Dispute Resolution Commitment has been used in legal cases brought against the Home Office over the last year Jan 2014 to Dec 2014 month on month?*
- 4. Could you provide me with the number of legal actions brought against the Home Office over the last year Jan 2014 to Dec 2014 month on month?*
- 5. Could you provide me with the number of times the Dispute Resolution Commitment has been used in legal cases brought against the Home Office during Jan 2015 (this month)?*
- 6. Could you provide me with the number of legal actions brought against the Home Office during Jan 2015 (this month)?*

7. Can you please provide me with guidance your staff operates to relating to the Dispute Resolution Commitment.

Your request has been handled as a request for information under the Freedom of Information Act 2000.

We are considering your request. Although the Act carries a presumption in favour of disclosure, it provides exemptions which may be used to withhold information in specified circumstances. Some of these exemptions, referred to as “qualified exemptions”, are subject to a public interest test. This test is used to balance the public interest in disclosure against the public interest in favour in withholding the information. The Act allows us to exceed the 20 working day response target where we need to consider the public interest fully.

The information you have requested is being considered under the exemption section 42 of the Act, which relate to legal professional privilege. This is a qualified exemption and to consider the public interest fully, we need to extend the 20 working day response period. We now aim to let you have a full response by 30 March 2015.

If you have any questions, please don't hesitate to contact me

Yours sincerely

M Seedansingh

Information Rights Team

Annex E

Immigration Judicial Reviews – Jan 14 – Jan 15

Date	No of New Cases
January 2014	1974
February	1634
March	1483
April	1366
May	1286
June	1267
July	1483
August	1277
September	1386
October	1592
November	1442
December	1492
January 2015	1372

The table shows the number of immigration judicial reviews which were launched against the Home Office in each month last year and in January 2015. These figures, as mentioned before, are limited to those claims which relate to immigration matters but they include all judicial reviews including those which are in the Court of Appeal as well as the Tribunal.