



Ref: FOI2022-009

[REDACTED]

5th April 2022

Dear [REDACTED]

Further to our email of 9th March 2022 regarding your request for the following information:

I wish to better understand the pay distribution between employees within the same grade, specifically focusing on grades B 1 and B2. Therefore, I was wondering if you could please:

- 1) *Provide details of the total percentage of B1 grade employees within each pay quintile for Grade B1 and, if possible, provide a breakdown for each Job Family.*
- 2) *Provide details around the total percentage of B2 grade employees within each pay quintile for Grade B2 and, if possible, provide a breakdown for each Job Family.*

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

In this case we note you ask for detailed and specific information in relation to two grades of AWE employees, namely grades B1 and B2. You ask for information within each pay quintile and ask for this figure to be expressed as a percentage rather than an actual number of employees within each apportionment. You then ask for this information to be further cross referenced for each job family, albeit the latter is requested if possible.

We have consulted with the service area and unfortunately do not believe we will be able to provide the information you have requested. The reasons for this are set out below.

Firstly, the Freedom of Information Act provides a right to individuals, subject to exceptions, to access recorded information held by the authority at the time of the request.

We have therefore asked what it would take to obtain this information. It would require the development of a specific report and manual manipulation of data to locate, retrieve and present the raw data in the format you have requested. The figure would have to converted into percentages and then cross referenced to job families from the job family groups used for pay ranges.

As such, the information is not available within the organisation within a standard form or readily accessible document, in the format requested, and therefore subject to provisions under the Act it is not information in a form held by the authority at the time of this request.

Secondly, even if we were to hold this information, we would have been obliged to consider the exemption s 43(2) 'Information is exempt information if its disclosure under this Act would, or would likely to, prejudice the commercial interests of any person (including the public authority holding it)'. This is a prejudice based exemption for which a Public Interest Test (PIT) has been carried out, and the balance has fallen in favour of



withholding the information. It is acknowledged that the legislation makes a presumption in favour of disclosure wherever possible, and there is a general public interest in the operations of Non-Departmental Public Bodies being as open and transparent as possible.

However, there is a much stronger public interest in safeguarding AWE's commercial interests and in withholding any information that might prejudice it. When information is released under the Act, it becomes publicly available and is not limited to the requester. We must therefore consider the likelihood of the released information being helpful to potential competitors or adversaries or those who wish to harm the United Kingdom's nuclear deterrent or the members of the public. Specifically in this context, the information you request concerning distribution of pay is currently subject to negotiations between AWE PLC and its recognised Trade Unions. As such, release of the information to a third party could be prejudicial to these negotiations and is covered under this exemption.

Furthermore, the information would drill down to fine detail and could potentially identify small groups of individuals within each job family, presenting a confidentiality risk.

The Commissioner offers support for our response; as evidenced from comments made by Lord Hope in the House of Lords decision *Common Services Agency v Scottish Information Commissioner* [2008] UKHL 47.

Please remember to quote the reference number above in any future communications. If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you are unhappy with the way your request has been handled you have a right to request an internal review within 40 days of receiving this letter, by writing to information.requests@awe.co.uk or our postal address: Information Requests Team, AWE Aldermaston, Reading, RG7 4PR. If you are still unhappy after an internal review has been completed, under the provisions of Section 50 of the Freedom of Information Act 2000 you have the right to take your complaint to the Information Commissioner's Office. Please note the Commissioner will generally not consider a complaint until you have exhausted AWE's internal complaints process.

Yours sincerely,

AWE Information Requests Team