



Deputy Chief of Defence Staff (Personnel) Secretariat
MINISTRY OF DEFENCE
Level 6 Zone D
Main Building, Whitehall
London
SW1A 2HB

Your reference:

Our reference: 09-01-2012-135612-016

Date: 21 February 2012

Dear XXXXXX,

Thank you for your email dated 9 January 2012 which has been considered to be a request for information in accordance with the Freedom of Information Act 2000. Your correspondence has been passed to this part of the MOD in line with standard departmental procedures and I have been asked to respond. I apologise that this reply has taken longer than the set timescale for FOI responses.

You requested the following information:

“I would like information on exactly how many recorded incidences of racism there have been in the Armed Forces in the last 10 years.

Ideally the information should give year by year totals of servicemen who have been the aggressor to other servicemen or even members of the public.

I am interested in anything, from informal warnings to court martial for racially aggravated offences.”

The MOD has a zero tolerance policy on instances of unacceptable behaviour involving bullying, harassment and racism. By way of an indication of how seriously we take these incidences we collate and publish detailed records of every occurrence the detail of which is publically available and reported to the Independent Service Complaints Commissioner. The MOD is committed to creating an organisation that is disciplined and fair, where commanders at every level lead by example, and where the working environment, wherever that may be, is free from bullying and harassment of any kind. Racism of any kind is completely unacceptable.

Incidents of Racism

Much of the information you have requested on the number of recorded incidents of racism in the Armed Forces falls within the scope of Section 21 of the Act (Information Accessible by Other Means). Information regarding the number of racist incidents for which complaints have been raised is collated on an annual basis for inclusion within the Service Complaints Commissioner's (SCC) annual report which is available to the public at the SCC internet site. The Service complaints process came into effect on 1 January 2008. The SCC, Dr Susan Atkins, provides an independent point of contact for Service personnel and others (such as family members or friends) who wish to make an allegation of wrongdoing against a Service person, but who do not wish to make their complaint directly to the chain of command. By introducing this independent element to the system, the post of Commissioner provides assurance that the system is working fairly and effectively. The Commissioner publishes annual reports on her website and the number of bullying complaints broken down by Service is held within these reports.

The relevant information that is available can be accessed from the SCC's annual reports at the website <http://armedforcescomplaints.independent.gov.uk/>. The Annual Reports can be found and downloaded at: <http://armedforcescomplaints.independent.gov.uk/newsandpublications.htm> However I have placed links below to the reports and included the relevant pages for ease of reference.

SCC annual report 2010 - Appendix 6 - Service complaints by type and Service

(http://armedforcescomplaints.independent.gov.uk/linkedfiles/afcindependent/scc_annual_report_2010_with_erratum.pdf)

SCC annual report 2009 - Table 7: Numbers and types of complaints by Service

(http://armedforcescomplaints.independent.gov.uk/linkedfiles/afcindependent/scc_2009_ar.pdf)

SCC annual report 2008 - Table 4: Categories of Service complaints recorded by Service

(http://armedforcescomplaints.independent.gov.uk/linkedfiles/afcindependent/423526_sccar_annualrep_tag.pdf)

SCC annual report 2008 - Figure 19: Trends in formal complaints Oct 06 to Sep 08

(http://armedforcescomplaints.independent.gov.uk/linkedfiles/afcindependent/423526_sccar_annualrep_tag.pdf)

Prior to the establishment of the SCC, figures relating to Redress of Complaint about racial harassment or discrimination were compiled under the MOD Equality and Diversity Scheme. The second report of the Equality and Diversity Scheme, which covers the period 1 April 2007 to 31 March 2008, contains data (at Page 26 of the report) regarding the number of formal racial harassment and discrimination complaints submitted during the years 2003 to 2007. This report can be accessed at the link below:

MOD Equality and Diversity Scheme Annual Report 2007-2008

(http://www.mod.uk/NR/rdonlyres/F95B6828-5283-4B57-89C2-F8DE6460416E/0/EDS_Annual_Report_20072008.pdf)

Court Martial and Informal Warnings

I must advise you that some of the information you have requested falls within the scope of Section 12 of the FOI Act as the amount of work required is disproportional to the request and exceeds the cost limit specified in FOI regulations which is set for central government at £600.

Information regarding Courts Martial or informal warnings for racially aggravated criminal offences is recorded differently by each of the Services and the data is not held centrally. In the case of the RAF this would mean manually searching through every RAF case file to identify whether a Court Martial relates to a racially aggravated offence. The amount of work required is disproportional to the request and exceeds the cost limit specified in FOI regulations and for central government set at £600. In addition it is not possible within the cost limits set out at Section 12 of the FOI Act to identify details of those cases recorded, in terms of whether the victims of racially inspired incidents were Service or civilian.

However I can confirm that some data is held by the Royal Navy and the Army regarding the number of Courts Martial relating to racially aggravated criminal offences. This is displayed in the table below, which records the number of individuals serving in the Royal Navy, and the Army who were dismissed by Courts Martial or Summary Trials, where the wording of the charge includes a racially aggravated element.

	ROYAL NAVY	ARMY
2002	0	0
2003	0	2
2004	1	5
2005	0	4
2006	0	1
2007	3	1
2008	0	3
2009	0	3
2010	0	4
2011	0	5

Informal Warnings (or Minor Admin Action) are recorded at Unit level and are therefore not held centrally. The Armed Forces provide a variety of options for informal resolution including access to professionally trained mediators and trained Harassment Investigation Officers. Each unit has at least one person trained as an Equality and Diversity Advisor where individuals can get advice on the complaints procedure. Any data held relating to a Minor Admin Action, is only retained for two years or upon an individual's posting, whichever is the sooner. Only the Royal Navy holds data recording racial harassment and discrimination complaints (both formal and informal) from 1 April 2007 to 31 December 2011, as the table below shows.

RN racial harassment and discrimination complaints - 1 April 2007 to 31 December 2011			
Period	Incident	Formal	Informal
1 Apr 07 to 31 Mar 08	Racial Harassment	4	11
	Racial Discrimination	0	5
1 Apr 08 to 31 Mar 09	Racial Harassment	5	6
	Racial Discrimination	0	3
1 Apr 09 to 31 Dec 09	Racial Harassment	3	6
	Racial Discrimination	0	2
1 Jan 10 to 31 Dec 10	Racial Harassment	3	7
	Racial Discrimination	1	4
1 Jan 11 to 31 Dec 11	Racial Harassment	0	1
	Racial Discrimination	0	1

Please note that there if a complaint was pursued both through the single services and through the SCC there may be duplication between the figures provided in this letter and the data recorded on the SCC's website.

Yours sincerely

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In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. The MOD therefore will be simultaneously posting the information you requested, together with any related information that will provide a key to its wider context, in our online FOI Disclosure Log at <http://www.foi.mod.uk>.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Head of Corporate Information, 1st Floor, Zone N, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.