



**Ministry
of Defence**

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2017-08276

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27 September 2017

Dear [REDACTED]

Release of Information

Thank you for your correspondence of 30 August 2017 requesting the following information:

1. *I would like to make a request for information within the terms of the Freedom of Information Act (2000).*

2. *The information I am seeking is:*

a. *A copy of any Board instructions or similar documentation associated with the 2017 Royal Navy Lieutenant Commander to Commander Promotion Selection process.*

b. *A copy of the Equality Analysis, Equality Impact Statement or similar documentation held that is associated with the 2017 Lieutenant Commander to Commander Promotion Selection process.*

c. *For the 2017 Lieutenant Commander to Commander Promotion Selection process, a breakdown of the number of officers selected for promotion based on:*

- i. *Ethnicity*
- ii. *Gender*
- iii. *Sexual Orientation*

d. *For the 2017 Lieutenant Commander to Commander Promotion Selection process, a breakdown of the number of officers who were eligible for selection for promotion based on:*

- i. *Ethnicity*
- ii. *Gender*
- iii. *Sexual Orientation*

- e. For the requests at Paras 2c and 2d, please could this data be broken down across all Branches. For the Engineering branch only, I would also appreciate this information being further broken down by specialisation (i.e. AE, ME, MESM, WE, WESM)
- f. If held, the corresponding information requested at Paras 2c, 2d and 2e for all annual Lieutenant Commander to Commander promotion boards held since 1 October 2010.
- g. Details of the requirement for Equality/Diversity/Inclusivity or similar training for Promotion Board members and the percentages of Promotion Board members who were in date for such training for all annual Lieutenant Commander to Commander promotion boards held since 1 October 2010.
- h. Information relating to targets, strategies or policies to increase the diversity of personnel selected for promotion to, specifically, Commander, particularly focussed on Sexual Orientation. In particular:
- i. Details of Positive Action mechanisms that are in place.
 - ii. Details of the policy that Lieutenant Commander to Commander Promotion Selection Boards follow with regard to the use of Section 159 of the Equality Act (2010) for the selection of underrepresented groups in a 'tie-break' scenario and where this is laid down.
 - iii. How diversity data is monitored and used by the Royal Navy to assess the effectiveness of its Lieutenant Commander to Commander Promotion Selection Board process.'

Your enquiry has been considered to be a request for information in accordance with the Freedom of Information Act 2000.

I can confirm that the Department holds information within the scope however some of the information requested falls within the scope of the following qualified exemptions Section s40(Personal Data).

The personal information of individuals has been withheld under section 40(2) of the FOI Act (personal data).

Section 40(2) applies to personal data relating to third parties. The release of personal information relating to other individuals would contravene the principles of the Data Protection Act 1998, namely Principle 1 – personal data shall be processed fairly and lawfully and not unless certain specified conditions are met, and Principle 2 – personal data shall be obtained and processed only for specified and lawful purposes and not further processed in a manner incompatible with the purposes. In this instance, data has been provided for internal purposes and not with the expectation that it would be made public.

Taking your requests in order, documents in scope to answer question 2(a) are included with this letter.

For Question 2(b) the following observations are provided:

Gender Equality Analysis:

- Medical was under represented by 2; small number bias is a factor.
- Warfare was under represented by 1; small number bias provides satisfactory explanation for this variance.

- Maritime Reserves were over represented by 1; small number bias provides satisfactory explanation for this variance.
- Engineering and Logistics were within tolerance.

Ethnic Minority Equality Analysis:

- Small number bias is a feature in every branch to the extent that, in some cases, ethnic minority personnel can only be either over or under represented.
- Royal Marines and Maritime Reserves had no ethnic minority candidates.
- Medical was within tolerance
- Warfare was under represented but numbers are so small that, not only is small number bias a function, but the small numbers make it impossible for ethnic minority representation to conform to the analysis rule.
- Engineering was under represented but small number bias is an issue.
- Logistics was overrepresented. Again the small numbers make it impossible for representation to conform to the analysis rule.

Questions 2(c)(i)(ii) and 2(d)(i)(ii) are answered by the following tables:

Board	OF 3-4	OF 3-4	OF 3-4	OF 3-4
OF 3-4 Warfare	30	~	470	80
OF 3-4 Engineering	30	~	270	40
OF 3-4 Logistics	30	~	50	10
OF 3-4 Royal Marines	-	-	120	20
OF 3-4 Medical	10	~	30	20
OF 3-4 Maritime Reserve	10	10	10	~
TOTAL	110	20	970	170

Board	OF 3-4	OF 3-4	OF 3-4	OF 3-4
OF 3-4 Warfare	10	~	490	90
OF 3-4 Engineering	10	~	290	50
OF 3-4 Logistics	~	~	80	10
OF 3-4 Royal Marines	-	-	120	20
OF 3-4 Medical	~	~	40	20
OF 3-4 Maritime Reserve	-	-	20	10
TOTAL	20	~	1060	190

Note - Figures have been rounded to the nearest 10, though numbers ending in a "5" have been rounded to the nearest multiple of 20 to prevent the systematic bias caused by always rounding numbers upwards. For example, a value of "25" would be rounded down to "20" and a value of "15" would be rounded up to "20". In order to prevent disclosure of personally identifiable information, values of 5 or fewer are indicated by "~".

Branches where there were no candidates for selection are marked with "-".

Additionally, totals and sub-totals are rounded separately and so may not equal the sums of their rounded parts.

With regard to your question 2(c)(iii), 2(d)(iii) and 2(h)(i) on Sexual Orientation this information is not held as the Boards are not required to compile this data.

In response to question 2(e) please be advised that the Engineering sub-specialisation details are not separately recorded at promotion boards. For question 2(f) recording of gender and ethnicity commenced in 2017, previous records do not exist. For question 2(g) this is covered in the Board instructions and all members are verified as in date prior to sitting as a Board member.

With regards to question 2(h)(i)(ii) and (iii) there is no Positive Action Plan; all officers are selected for promotion on merit (as defined in the Board Instructions). There is no use of 'tie-break' – officers are selected on merit and requirement and follows the directions in the Board Instructions and Chair brief regarding Protected Characteristics and Unconscious Bias. It is very rare that a Board finds itself with two candidates who cannot be separated. People are all unique, they have many different attributes, and selection is on merit which is not a process of binary yes/no decisions. However, if a Board genuinely felt that it could not separate two candidates, the Chair would refer to Deputy Assistant Chief of Staff Promotions (DACOS Proms) for advice which would be that a candidate from an under represented population group would, in that instance be selected in accordance with EA10. The Royal Navy Diversity and Inclusion lead sits as an Independent Board Member to provide the equality assurance to the promotion process.

Under section 16(Advice and Assistance) please see the list below which details the Ethnicity categories that can be applied on personal records. Please note however, that there may be some personnel who have chosen not to declare their ethnicity.

- Any Chinese Background
- Any other White background
- Arab
- Asian Bangladeshi
- Asian Indian
- Asian Pakistani
- Black African
- Black Caribbean
- Declined to Declare
- Mixed Asian and White
- Mixed Black African and White
- Mixed Black Caribbean and White
- Other Asian Background
- Other Black Background
- Other Ethnic Background
- Other Mixed Ethnic Background
- White English/Welsh/Scottish/Northern Irish British
- White Gypsy or Irish Traveller
- White Irish

For the purposes of recording information at promotion boards categories are grouped together as 'White' and 'all Other'. Breaking down by individual categories would give statistically invalid information.

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 Information Rights Compliance Team, Ground Floor, Zone D, 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.org.uk>.

Yours sincerely

Navy Command Secretariat – FOI Section

