



Ministry
of Defence

[REDACTED]
Army Personnel Centre
Mail Point 501
Kentigern House
65 Brown Street
GLASGOW G2 8EX

Ref: FOI2016/09579

E-mail: APC-Sp-ParlBus-Mailbox@mod.uk

[REDACTED]
[REDACTED]
11 November 2016

Dear [REDACTED]

Thank you for your email of 14 October requesting the following information:

- **In the last three financial years, how many persons have made a complaint of discrimination to the British Army under the Equalities Act 2010? This also includes sexual harassment. Please break down by financial year for 2013-14, 2014-15, and 2015-16.**
- **How many of these individuals put forward a legal claim during the same years above? For each claim made, please state:**
 - **The rank of the individual**
 - **The nature of the discrimination (e.g. sexual harassment, sex discrimination, disability discrimination, transgender discrimination etc.)**
 - **Whether or not the claim went to tribunal (if applicable)**
 - **The outcome (if applicable) and the amount of compensation paid (if applicable)**
- **In the last three years, how much money has been paid out following discrimination claims? This information is separate to the above, as it may refer to claims from previous years. Please provide this information broken down by the financial years above. I would be grateful if for each year, you could also list the amounts the Ministry of Defence has paid in legal fees for these cases, broken down by legal firm.**

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). The information you have requested is contained in the tables at Annex A, but in some instances is exempt from disclosure.

The compensation paid is exempt from disclosure under the Freedom of Information Act under section 40(2) of the Act, personal data, as the sums are confidential between the

parties. Details of settlement agreements not covered by confidentiality terms may be obtained from court records.

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, 2nd 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.org.uk>.

Yours sincerely



ANNEX A

Q1 How many persons have made a complaint of discrimination to the British Army under the Equalities Act 2010?

<u>Financial Year</u>	<u>Number of persons who have made a complaint of discrimination to the British Army under the Equalities Act 2010¹</u>
2013-14	10
2014-15	8
2015-16	4

¹ Some individuals have submitted more than 1 complaint

Q2a. How many of these individuals put forward a legal claim during the same years above?

All of them

Q2b. For each claim please state the nature of the discrimination, whether or not the claim went to tribunal, the outcome and if any compensation was awarded.

Financial Year	Type of Discrimination	Number of Cases	On-Going	Withdrawn by Claimant	Dismissed at Preliminary Hearing	Dismissed at Full Hearing	MOD Lost	Other
13-14	Race	9	2	2	2	1	1	1 ²
13-14	Sex	3	0	1	2	0	0	0
13-14	Total Cases	12						
13-14	Ranks	Ranks from Private to Major ³						

FY	Type of Discrimination	Number of Cases	On-Going	Withdrawn by Claimant	Dismissed at Preliminary Hearing	Dismissed at Full Hearing	MOD Lost	Other
14-15	Race	9	4	5	0	0	0	0
14-15	Sexual Harassment	1	0	0	0	0	0	1 ⁴
14-15	Total Cases	10						
14-15	Ranks	Ranks from Private to Major and civilian staff ⁵						

FY	Type of Discrimination	Number of Cases	On-Going	Withdrawn by Claimant	Dismissed at Preliminary Hearing	Dismissed at Full Hearing	MOD Lost	Other
15-16	Race	5	3	2	0	0	0	0
15-16	Total Cases	5						
15-16	Ranks	Ranks from L/Cpl to Major and civilian staff ⁶						

² Case Struck out due to failure to progress case

³ To break down the ranks would run the risk of identifying individuals. Section 40(2) of the Freedom of Information Act applies

⁴ Out of Court Settlement

⁵ To break down the ranks would run the risk of identifying individuals. Section 40(2) of the Freedom of Information Act applies

⁶ To break down the ranks would run the risk of identifying individuals. Section 40(2) of the Freedom of Information Act applies

Q2c. Amount of Compensation paid out in Discrimination Claims under the Equalities Act 2010

FY	Compensation Paid
13-14	withheld ⁷
14-15	withheld ⁸
15-16	Nil

⁷ Sums paid are exempt from disclosure under Section 40(2) of the Freedom of Information Act

⁸ Sums paid are exempt from disclosure under Section 40(2) of the Freedom of Information Act

Q3 In the last three years how much money has been paid out following discrimination claims and how much has the Ministry of Defence paid in Legal Fees for these cases?

<u>Financial Year</u>	<u>Amount paid in compensation</u>	<u>Amount paid by MOD in Legal Fees⁹</u>	<u>Lawyers Involved</u>
2013-14	withheld ¹⁰	£4,895.64	Treasury Solicitor
2014-15	withheld ¹¹	£51,621.32	Treasury Solicitor
2015-16	Nil	£61,670.74	GLD (Government Legal Department (formerly Treasury Solicitor))

⁹ Legal Fees paid for Discrimination Claims brought under Equalities Act 2010

¹⁰ Sums paid are exempt from disclosure under Section 40(2) of the Freedom of Information Act

¹¹ Sums paid are exempt from disclosure under Section 40(2) of the Freedom of Information Act