



Ministry
of Defence

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Dear Rory,

Your predecessor wrote to the Secretary of State on 28th April about the operation of the Service Justice System and outlined, on behalf of NACRO, four main areas of concern.

The first of these concerns was that periods of rehabilitation for certain minor military convictions are disproportionate in comparison to more serious offences and NACRO's understanding of the position was set out at Appendix 1 to James's letter. I am afraid there may have been some misunderstanding within NACRO about what is meant by 'No rehabilitation period'; it means that the conviction is spent immediately and therefore rehabilitated. It does not mean that the conviction is never rehabilitated. I have set out the position more fully at Appendix 1 to this letter.

The second issue raised by NACRO concerns the provision of advice to Service personnel who are facing disciplinary action about the impact that a caution or conviction might have on their subsequent civilian employment. Service personnel facing disciplinary action are provided with a great deal of information relevant to their position and this is kept under regular review. The tri-Service booklet '*Your rights if you are accused of an offence under the Service Justice System*' makes it clear that if found guilty of a recordable offence, a record is likely to be made on the Police National Computer and that in cases of doubt further guidance can be obtained from unit discipline staff. The information is also set out in the Manual of Service Law (which is available on the internet). Recognising that we can further reinforce this information, a Defence Information Notice which sets out those offences which can be heard summarily and which are recordable is also to be issued in the coming weeks.


Rory Stewart OBE MP
Chairman
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NACRO's third concern surrounds the recording of offences on the Police National Computer. We are not aware of any cases where service convictions have been incorrectly recorded on the Police National Computer; we will investigate if further details are provided. Officials have, however, identified an error in our reporting systems which has meant that certain convictions imposed at summary hearing have not been uploaded from our internal IT system to the Police National Computer and we are taking action to rectify this. As our internal systems are always checked whenever a DBS request is made of serving or former personnel, we do not believe any checks will have been deficient as a result of the error in our IT system. The Police National Computer will be updated with the appropriate data by the end of July 2014.

Finally NACRO has suggested that a sentence of Service detention is treated in the same way as a sentence of imprisonment; that is not the case, the two punishments are separate with different periods of rehabilitation. Indeed the rehabilitation period for an adult who has been sentenced to a period of Service detention is the length of the sentence, plus 12 months, which is less than that for a sentence of imprisonment which amounts to the sentence plus, depending on its length, a further period of 2, 4 or 7 years; sentences of over 4 years imprisonment are never rehabilitated.

It is also submitted by NACRO that a Service person awarded a sentence of Service detention will always have to declare this conviction for the rest of their life; this is also not the case. A sentence of Service detention will, like any other sentence, have to be disclosed to a potential employer during the rehabilitation period. Beyond that rehabilitation period, the sentence of Service detention will only have to be disclosed if (a) the individual is applying for a certain occupation (e.g. the police) or role (e.g. working with children) and (b) the offence for which the sentence of Service detention was awarded was a criminal conduct offence (e.g. theft) or a recordable Service offence.

I hope that the Committee and NACRO find the above clarification useful.

as ever,


ANNA SOUBRY MP

Appendix I

Sentence	Appendix 1 to HCDC letter	Internal MoD advice
Service supervision and punishment order	No rehabilitation period	For the period specified in the order
Forfeiture of seniority	No rehabilitation period	Spent immediately
Reduction in rank or disrating	No rehabilitation period	Spent immediately
Severe reprimand	No rehabilitation period	Spent immediately
Reprimand	No rehabilitation period	Spent immediately
Service Compensation Order	Once paid in full	The date on which the payment is made in full
Stoppage of leave	No rehabilitation period	Last day order has effect
Restriction of privileges	No rehabilitation period	Last day order has effect
Admonition	No rehabilitation period	Spent immediately