



Ministry  
of Defence

Ministry of Defence  
Main Building  
Whitehall  
London  
SW1A 2HB

Ref: FOI2017/11366

Reply to: [REDACTED]

18 December 2017

Dear [REDACTED]

Thank you for your email of 10 November 2017 requesting the following information:

*"1. How many allegations of rape have been made against members of the armed forces and Ministry of Defence (MoD) staff by:*

*(i) members of the Armed Forces*

*(ii) MoD civil servants in each of the following years: 2013, 2014, 2015, 2016, 2017.*

*Please can you also break each year down into allegations by men and women, and those under 18.*

*2. How many allegations of sexual assault (including assault by penetration) have been made against members of the armed forces and MoD staff by:*

*(i) members of the Armed Forces*

*(ii) MoD civil servants in each of the following years: 2013, 2014, 2015, 2016, 2017.*

*Please can you also break each year down into allegations by men and women, and those under 18.*

*3. How many allegations of sexual harassment have been made against have been made against members of the armed forces and MoD staff by:*

*(i) members of the Armed Forces*

*(ii) MoD civil servants in each of the following years: 2013, 2014, 2015, 2016, 2017.*

*Please can you also break each year down into allegations by men and women, and those under 18.*

*4. How many allegations of rape and sexual assault were reported to military police or the Service Prosecuting Authority in each of the following years: 2013, 2014, 2015, 2016, 2017?*

*5. Of these, how many cases:*

*i) were prosecuted ii) resulted in conviction*

*by the Military Court Service in each of the following years: 2013, 2014, 2015, 2016, 2017."*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOI Act).

The routes for reporting sexual harassment are through the Service Complaint (SC) process or the police process. Rape and sexual assault are abhorrent crimes. We do not tolerate offences of this kind and every reported incident is thoroughly investigated.

I can advise you that following a search of our records, I have established that the Ministry of Defence (MOD) holds some information within the scope of your request.

However the requested information in regards to sexual assault and rape for 2015 and 2016 is exempt from release under Section 21 of FOI Act because the information is already available at the Government internet site at the link below:

<http://www.gov.uk/government/collections/sexual-offences-in-the-service-justice-system>

The statistics for 2017 covering the same point are exempt from release under Section 22 of the FOI Act (Information intended for future publication) because the statistics for 2017 are due to be published in March 2018.

The information requested at point 5 of this FOI is also exempt from release under Section 21 of FOI Act because the information is already available at the Government internet site at the link below:

<https://www.gov.uk/government/publications/court-martial-results-from-the-military-court-centres>

The information held by MOD relating to the remaining parts of this FOI request is set out below. The rounding policy has not been used because the results of Court Martials are public information, routinely published on the gov.uk website. However, the statistics are presented in a manner to ensure the confidentiality of both the victims and suspects of these offences.

All staff involved in the statistical production process adhere to all MOD, Civil Service and data protection regulations. The data is stored, accessed and analysed using the MOD's restricted network and IT systems, and access to raw data is password protected and approval for access is granted only by the Department Head, Discipline, Conduct and Legislation, Defence People Secretariat.

In accordance with long-standing policy the official figures have been used where available although in the case of sexual harassment, these only go as far as the end of 2014.

The Service Police Crime Bureau (SPCB) information used for the tables below has been extracted from a database known as "REDCAP". The REDCAP database was not created for statistical purposes and it is known that there can be discrepancies due to irregularity of ad-hoc searches.

In historical allegations, all data is dependent upon the clarity and accuracy of Service personnel reporting. Therefore the information is offered as an estimation rather than exact data or official figures.

In accordance with the Data Protection Act and our obligations in relation to the protection of confidentiality when handling personal data, disclosure control has been applied to the figures provided herewith. Disclosure control is necessary when presenting any statistical or numeric information to safeguard the confidentiality of individuals, to protect commercially sensitive information, or where sharing the statistics may pose a threat to security.

The figures provided in this response have been rounded to the nearest 10, where “-” denotes zero, “~” denotes a number less than or equal to five. When rounding up to the nearest 10, 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’.

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

#### ALLEGATIONS OF RAPE FROM:

	Military				Civil Service				Total
	Male		Female		Male		Female		
	<18	>18	<18	>18	<18	>18	<18	>18	
<b>2013</b>	-	~	-	20	-	-	-	-	20
<b>2014</b>	-	~	-	10	-	-	-	-	10
<b>Total</b>	-	~	-	<b>30</b>	-	-	-	-	<b>30</b>

#### ALLEGATIONS OF RAPE AGAINST:

	Military				Civil Service				Total
	Male		Female		Male		Female		
	<18	>18	<18	>18	<18	>18	<18	>18	
<b>2013</b>	-	40	-	-	-	-	-	-	40
<b>2014</b>	-	20	-	-	-	-	-	-	20
<b>Total</b>	-	<b>60</b>	-	-	-	-	-	-	<b>60</b>

#### ALLEGATIONS OF SEXUAL ASSAULT FROM:

	Military				Civil Service				Total
	Male		Female		Male		Female		
	<18	>18	<18	>18	<18	>18	<18	>18	
<b>2013</b>	-	20	-	30	-	-	-	-	40
<b>2014</b>	-	10	~	30	-	-	-	-	40
<b>Total</b>	-	<b>20</b>	~	<b>60</b>	-	-	-	-	<b>80</b>

#### ALLEGATIONS OF SEXUAL ASSAULT AGAINST:

	Military				Civil Service				Total
	Male		Female		Male		Female		
	<18	>18	<18	>18	<18	>18	<18	>18	
<b>2013</b>	-	60	-	~	-	-	-	-	60
<b>2014</b>	~	40	-	~	-	-	-	-	50
<b>Total</b>	~	<b>100</b>	-	<b>10</b>	-	-	-	-	<b>110</b>

#### ALLEGATIONS OF SEXUAL HARASSMENT FROM:

	Military				Civil Service				Total
	Male		Female		Male		Female		
	<18	>18	<18	>18	<18	>18	<18	>18	
<b>2013</b>	-	-	-	10	-	-	-	-	~
<b>2014</b>	-	-	-	~	-	-	-	-	~
<b>2015</b>	-	-	-	~	-	-	-	-	~
<b>2016</b>	-	-	-	~	-	-	-	-	~
<b>2017</b>	-	-	-	~	-	-	-	-	~
<b>Total</b>	-	-	-	<b>10</b>	-	-	-	-	<b>10</b>

#### ALLEGATIONS OF SEXUAL HARASSMENT AGAINST:

	Military				Civil Service				Total
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	Male		Female		Male		Female		
	<18	>18	<18	>18	<18	>18	<18	>18	
<b>2013</b>	-	~	-	-	-	-	-	-	~
<b>2014</b>	-	~	-	-	-	-	-	-	~
<b>2015</b>	-	~	-	-	-	-	-	-	~
<b>2016</b>	-	~	-	~	-	-	-	-	~
<b>2017</b>	-	~	-	-	-	-	-	-	~
<b>Total</b>	-	<b>10</b>	-	~	-	-	-	-	<b>10</b>

When gathering the data, the Crime Statistics Analysis Cell (CSAC) provided the following caveats:

1. Q4 and Q5 have not been considered by SPCB, as the data are not owned by Service Police (SP).
2. 2017 has been taken to run up to 13 November 2017, the date the request was received at SPCB.
3. Although sexual harassment is defined by s.26 of the Equality Act 2010, this does not create a criminal offence, and REDCAP, whilst containing a separate entry for sexual harassment, uses exactly the same legislation, s.2(1) & 2(2) of the Protection from Harassment Act 1997, as for all other forms of harassment; the REDCAP sexual harassment heading has now been made obsolete. It should be noted that although the 1997 Act criminalises only “a course of conduct” (treated by the courts as at least two incidents), the 2010 Act refers merely to “conduct”, which could be a single action. Of the three relevant recorded IRNs, two from 2013 and one from 2014, the most recent would not appear in a search run to current policy, as it also relates to at least one s.3 sexual assault.
4. Further to the above, it is not always clear whether allegations of harassment, post end 2014, are sexual harassment, as defined by the 2010 Act, and which are not, and a balance of probabilities approach has had to be taken, but it is possible that another official, running the same search, might reach a different conclusion regarding some of the returns.
5. Where official figures are not available for sexual harassment (2015 onwards), specific searches have been run, against the REDCAP offence grouping of “harassment”; to include other offences, such as assorted military conduct offences which might be used, would far exceed the time permitted, as a considerable volume of irrelevant entries would be generated, to be filtered out manually.
6. Further to the above, where military conduct offences have been used to deal with matters within a unit, and Service Police not involved, SPCB will be unaware of the investigation, so it is not possible to include those allegations.
7. In any given investigation reference number (IRN), each suspect or victim is treated as a separate allegation, but multiple incidents are not, thus if Soldier A and Soldier B each allege that both Soldier C and Soldier D raped them, two allegations by military personnel (A & B) will be shown, and two allegations against military personnel (C & D), although in fact there are four alleged rapes (A by C, A by D, B by C & B by D).
8. Where there is no nominal recorded, no entry is made on the relevant spread sheet, regardless of the description given (e.g. “a 26 year old female UKBC (full details withheld)”): a case where the full details were withheld even from REDCAP).
9. Where multiple suspects are listed, even if it is unclear whether there was only alleged to be one assailant, all are recorded on the spread sheet.

10. Allegations against civil servants will only be investigated by Service Police outside the United Kingdom; where such allegations within the UK are initially made to Service Police, they will be recorded as having been referred to the relevant Home Office police force, and will not appear in the official MOD figures, as they will not have been given an IRN or been entered on to REDCAP.
11. Further to the above, where a person involved in an offence, either as suspect or victim, is listed as a civilian, it is not always clear whether that person is a civil servant or not, and unless it is explicitly stated that they are, they have been disregarded.
12. Attempted offences are included as though completed.
13. Whilst in recent years policy has been to run a search based on main classification only, this does not apply to the 2013-14 figures, and there is at least one duplicate, where an investigation covered both sexual assault and sexual harassment; an attempt has been made to differentiate between victims of sexual assault and those of sexual harassment. Where this has created two entries within one field (that is, where assaults contrary to ss.2&3 under one show two separate entries in the sexual assault table, the duplicate entry has been removed, but the individuals are recorded in accordance with paragraph 8 above); thus, if Soldier A appears on the official figures as having committed rape (tab 1), assault by penetration (tab 3: tab 2 in that version was used for attempted rape), and sexual assault by touching (tab 4), all on Soldier B, and all under the same IRN, each will appear once on the rape table, and once on the sexual assault table.

In accordance with Section 16 of the FOA Act I can advise you that additional information in respect of sexual harassment is contained in the Service Complaints commissioner's report at the following link to the Service Complaints Ombudsman's internet site:

<https://www.servicecomplaintsombudsman.org.uk/service-complaints-ombudsman/publications-andreports/annual-reports/>

If you have any queries regarding the content of this letter, please contact this office in the first instance

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

Defence People Secretariat FOI