



Ministry of Defence

Ministry of Defence
Main Building
Whitehall
London
SW1A 2HB

Reference: FOI2018/03961

[REDACTED]

Reply to: [REDACTED]

31 July 2018

Dear [REDACTED]

Thank you for your email of 16 March 2018 in which you have requested the following information:

- “1. In a previous Fol response [FOI2016/00028] you gave details of the number of sex attacks reported in each of the services. Could you provide me with updated information for 2016?”*
- 2. In a previous Fol response [FOI2016/02891] you gave details of the compensation claims made by members of the armed forces who claimed to be victims of sex attacks. Please could you provide updated information to include claims for 2016?”*
- 3. As part of a parliamentary Written Answer [173908] [22 Nov 2013: Column 1044W] you gave details on the number of people serving with the armed forces who are on the sexual offenders register and what category and level they are on the register. Please provide updated information relating to this issue?”*

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

I apologise for the time taken to respond to your correspondence.

I can confirm that the Ministry of Defence (MOD) holds information within the scope of your request.

However, part 1 of your request is exempt under Section 21 of FOIA because the information is accessible to you by other means. The information requested forms part of Official Statistics, which can be found at:

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

The answer to part 2 of your request is that 7 common law claims were brought against MOD in 2017 for sexual assault, one of which has since been discontinued.

No compensation payments have been made on any of these claims to date. The seven claims were as follows:

Year	Gender	Service
2017	Female	Army
2017	Female	Army
2017	Female	Army
2017	Male	Navy
2017	Female	Army
2017	Male	Army
2017	Female	Army

The MOD has in place a statutory no-fault compensation scheme called the Armed Forces Compensation Scheme (AFCS), which provides compensation for illness, injury or death where caused by service in the Armed Forces. The AFCS is a key way in which we support our people, and we encourage all individuals who have suffered due to service to come forward for help.

Regarding part 3 of your request I can advise that there are 10 serving Service personnel currently on the Sex Offenders Register, making up 0.0073% of the Full-Time Trained (RNRM & RAF) and Trade-Trained (Army) Strength of our Armed Forces. They are all Category 1 offenders and managed at Level 1.

Under Section 16 of the FOI Act I can advise you that any Service Personnel convicted of a sexual offence and subject to any requirements as set out in the Sexual Offences Act (SOA) 2003 (more recognised as the Sex Offenders Register (SOR)) will be discharged in all but exceptional circumstances. Administrative action may be raised against a Service person following a conviction of a sexual offence, provided the conviction is not spent.

Regardless of the notification requirements of the SOR, administrative action on the basis of misconduct cannot be raised against a Service Personnel who received a caution for the sexual offence, because the caution is spent immediately. In accordance with the Rehabilitation of Offenders Act 1974, 'a caution which has become spent or any ancillary circumstances, shall not be a proper ground for dismissing or excluding a person from any office, profession, occupation or employment, or for prejudicing them in any way in any occupation or employment'. However, if the conditions stipulated in the notification requirements are such that it makes career management of the Service person unviable, application for discharge or termination could be considered.

In exceptional cases, Service personnel who are subject to notification requirements can be managed without significant impact on their working routines. In most cases where the person is not routinely expected to work with children, vulnerable adults, recruits etc., the impact on operational effectiveness, if any, is unlikely to justify administrative action.

Potential recruits who are subject to any of the notification requirements or civil orders set out in Part 2 of the SOA 2003 with an unspent conviction will not be accepted into Service.

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.gov.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 FOI 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

Defence People Secretariat