



Ministry of Defence

Ministry of Defence
Main Building
Whitehall
London
SW1A 2HB

Reference: FOI2018/04537

[REDACTED]

Reply to: [REDACTED]

31 July 2018

Dear [REDACTED]

Thank you for your email of 28 March 2018 in which you have requested the following information:

“Under the FOI Act, can you please provide details of the number of servicemen and women who are currently serving and have been placed on the sex offenders register.

Can you provide details of the rank, service and unit of those on the register and an explanation as to why they are allowed to continue serving in the armed forces.”

I am treating your correspondence as a request for information under the Freedom of Information (FOI) Act 2000. I can confirm that the Ministry of Defence (MOD) holds information within the scope of your request.

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

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.

Decisions on whether Service personnel who are sentenced to terms on the Sex Offenders Register may be allowed to continue serving are taken by their Commanding Officers on legal advice and in accordance with the specific circumstances of the offence.

Where the individual's sex offender's registration is a result of an open Court Martial, then detailed information on the case may be included in the information of sexual offences by Service personnel which are published by the MOD on a regular basis. However, further details relating specifically to individual Service personnel is exempt from release here under Section 40(2) of the FOI Act.

The Official Statistics at the link below contain information on Sexual offences in the Service Justice System, including statistics on offences contrary to the Sexual Offences Act 2003 and historic sexual offences that are dealt with wholly within the Service Justice System.

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

Court Martial results are available at the link below:

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

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