



Ministry
of Defence

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FOI2019/10664

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[REDACTED]
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9 October 2019

Dear [REDACTED]

Release of Information

Thank you for your correspondence of 16 September 2019 in which you requested the following information:

- '1. Is the Royal Navy legally bound to ensure "vulnerable groups" for example mental health issues are protected, by being enhanced-DBS cleared?
2. Do the Recovery Cell Divisional Officers have some duties regarding the welfare of ratings with mental health issues? ie Vulnerable Groups.
3. Are all Recovery Cell Divisional Officers Enhanced-DBS checked and clear, if not why not?
4. Is Employee PXXXXXXX Enhanced-DBS checked to work with vulnerable groups?
5. If Employee PXXXXXXX is Enhanced-DBS checked and cleared, what was the start date of the Enhanced-DBS Clearance and what is the expiry date of PXXXXXXX Enhanced-DBS Clearance?
6. How many Service Complaints alleging bullying and harassment has been submitted against employee PXXXXXXX since January 2017-Present
7. Do the Royal Navy suspend Enhanced-DBS clearance when allegations of bullying against vulnerable groups are received?
8. What is the policy of removal of ratings in a position of trust that receive bullying or harassment allegations against them?
9. How many Service Complaints have been submitted against employee PXXXXXXX as the respondent since Jan 2017 to present? What is the nature of the Complaints?'

Your enquiry has been considered to be a request for information in accordance with the Freedom of Information (FOI) Act 2000.

In response to part one of your request, I can advise that the Royal Navy (RN) and wider Ministry of Defence (MOD) are bound by the Safeguarding of Vulnerable Groups Act 2006 and the Protection of Vulnerable Groups (Scotland) Act 2007.

Under section 16 (Advice and Assistance) of the FOI Act, the following links provide further details on both the Safeguarding of Vulnerable Groups Act 2006 and the Protection of Vulnerable Groups (Scotland) Act 2007.

<http://www.legislation.gov.uk/ukpga/2006/47/contents>

<http://www.legislation.gov.uk/asp/2007/14/contents>

With regard to part two of your request, Recovery Cell Divisional Officers may on occasion engage with personnel who are receiving professional help/care for mental health issues.

Under section 16 (Advice and Assistance) of the FOI Act, a copy of the Terms of Reference for a Recovery Cell Divisional Officer is enclosed with this letter.

With regard to part three of your request, I can confirm that not all RN Recovery Cell Divisional Officers are subject to Enhanced-Defence Barring Service checks and clearance. This is because Recovery Cell Divisional Officers are not engaged in Regulated Activity as defined by the Safeguarding of Vulnerable Groups Act 2006 and the Protection of Vulnerable Groups (Scotland) Act 2007.

In response to parts four, five, six and nine of your request, section 40(5B) of the FOI Act is engaged. I should explain that under the terms of the FOI Act, the release of personal data is specifically prohibited as all releases of information are to the world at large and therefore, any confirmation (or denial) of such would be a breach of the Data Protection Principles as defined by the General Data Protection Regulations (GDPR) and Data Protection Act 2018 (DPA18).

In order not to breach these principles, a public authority is required to respond with the application of the exemption at section 40. In this case, section 40(5B)(a)(i) which states that:

The duty to confirm or deny does not arise in relation to other information if, or to the extent that any of the following applies:

- (a) Giving a member of the public the confirmation or denial that would have to be given to comply with section.
- (i) Would (apart from this Act) contravene any of the data protection principles.

The first data protection principle under Article 5(1)(a) of the GDPR is the most relevant, which states that 'Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject'.

I find that 40(5B)(a)(i) applies, and the Department is unable to confirm or deny whether any information is held within scope of your request.

The application of the 'Neither Confirm or Deny' provision should not be taken as an indication that information in scope of your request is held.

In respect of part seven of your request, I can advise that if an allegation of bullying against vulnerable groups is received, each case is considered on its merits. In accordance with Book of Reference (BR3) Chapter 60 Section 7 Article 6055b, where an individual's behaviour is considered to pose a potential risk to vulnerable groups, their clearance may be suspended.

In response to part eight of your request concerning the removal of ratings in a position of trust who have had an allegation of bullying and harassment made against them, Joint Service Publication (JSP) 763 Paragraph 5.1 explains that often the parties involved can be separated in the workplace without needing a removal from assignment. The RN policy on removal from assignment is covered in BR3 Chapter 60.

Under section 16 (Advice and Assistance) of the FOI Act, the following links to BR3 Chapter 60 and JSP 763 may of use to you:

<https://www.royalnavy.mod.uk/-/media/royal-navy-responsive/documents/reference-library/br-3-vol-1/chapter-60.pdf>

<https://www.gov.uk/government/publications/jsp-763-the-mod-bullying-and-harassment-complaints-procedures>

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). 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

Navy Command Secretariat – FOI Section

Recovery Cell Divisional Officer - Terms of Reference

PART A – POST DETAILS

Post title	Recovery Cell Divisional Officer
JPA position number	
Grade/rank	CPO (Any)
Location	Murrays Lane, HM Naval Base Portsmouth
Line Manager's Name	
Countersigning officer's name	

PART B — BACKGROUND & ORGANISATION

Background:

1. To be the DO for all nominated Ranks/Ratings in the Recovery Cell (RC). To maintain morale, discipline and welfare and to support training needs in accordance with QRRN and BR 3. To help ensure personnel assigned under the Recovery Cell who are Wounded, Injured and Sick (WIS) return to effective service employment, or to provide support through the transition process to civilian life.
2. He/she is to provide support and guidance to all personnel assigned to the RC for medical, disciplinary and welfare reasons.

Organisation: The Post Holder position aligns as shown:

1. The PSG is managed by NBC(P) and comprises of three sub-departments. A Warrant Officer (1) heads up each; the Recovery Cell (RC), Divisional Support Group (DSG) and Parent Support & Information (PS&I) sub-departments. Medical Staff and a Manpower Cell complete the setup.
2. The Post Holder is Line Manager/1st Reporting Officer to all personnel within their division.

PART C – RESPONSIBILITIES

Primary Purpose:

- To deputise for the RC WO(1) in his/her absence and to maintain an overview of all activities within the RC. To interface, report and maintain liaison with OIC PSG and BXO, as applicable.
- Act as DO to nominated Junior Ranks/Ratings and Senior Ranks/ Ratings in the RC.
- Interview and assess the needs of the individuals and hold regular meetings with other applicable RC Staff to evaluate the requirements and ensure that targets are met in reducing numbers within the RC and length of time within the RC.
- Assist the individuals to produce and maintain their Individual Recovery Plan (IRP)
- Interact with the Department for Community Mental Health and provide SME input as required.
- In the absence of the RC WO(1), ensure the Recovery Cell Case Conference agenda and meeting is organised fortnightly.

- Organise and in absence of RC WO(1), chair case conferences as required.
- Maintain good order, discipline and the wellbeing of the RC in accordance with QRRNs and BR3.
- Maintain contact as required, directly or indirectly, with the widely dispersed RC personnel.
- Travel / stay out of area or locally as required to:
- Attend court when necessary to represent a unit as DO, or whenever a member of the RC Division appears in court.
- Carry out hospital visits, including the Priory's, to RC personnel as required.
- Carry out MCTC visits to RC personnel as required.
- Carry out Home visits to RC personnel as required.
- Liaise directly with hospitals, civilian and service police, civil courts, RNRMW, prospective employers and parents/guardians (U18's or with permission of over 18-year olds) of members of the Division on non-policy matters.
- Cover the duty of Recovery Cell Divisional Officer.

SECONDARY ACTIVITIES AND RESPONSIBILITIES

- Assist in the provision of on-job training for newly joined RCDOs so that they may effectively fulfil their responsibilities and duties.
- In the absence of the RC WO, brief CO/XO Desig, EWO and DO courses on the role of the RC, as and when required.

ACCOUNTABILITY

An RCDO is accountable to the RCWO.

AUTHORITY

RCDO is:

- Authorised to liaise directly with MOD Departments, NMA/Assigning Authorities, Heads of Departments and EWOs of Ships and Establishments, civilian authorities and parents/guardians (U18s or with their permission over 18 year olds) of personnel within RC on non-policy personnel matters.
- Sign RC related correspondence on behalf of the OIC PSG.

EQUALITY AND DIVERSITY

The responsibility for implementing the Department's Equality and Diversity policies is shared by all staff. The Post Holder has a responsibility to ensure that the working environment is free from harassment and that the dignity of others is respected. The Post Holder will ensure that his/her own conduct or behaviour does not cause offence and will actively discourage colleagues from harassing others.

PART D — ACCOMPLISHMENT SKILLS & KNOWLEDGE PROFILE

Competences required:

Essential: Defence Recovery, Capability Employment Training (DRCET); DO Course/Refresher; Caldicott Principles; Safeguarding and Mental Health First Aid - (All IAW BR3 Annex 33).

Desirable: Active listening, Loss and Bereavement, Battleback & MAC Familiarisation, TRiM and D&I

Learning & Development:

Pre-joining Essential: Divisional Officer Refresher Course;

Post Joining:

Fire Awareness (e-learning, annual)

Security Threat Brief (e-learning, annual)

Defence Information Management Passport (e-learning, 3 years)

Equality and Diversity Essentials (e-learning, 3 years)

Unconscious Bias (e-learning, 3 years)

Display Screen Equipment Training (e-learning, 2 years)

Any competencies not held as opportunity arises. PCD is strongly encouraged and supported.

PART E — ADDITIONAL REQUIREMENTS

Health & Safety:

Post holder must be fully acquainted with the Establishment's Health & Safety and Environmental Protection Regulations and procedures at Her Majesty's Naval Base Portsmouth and complete all mandatory training.

Equal Opportunities & Diversity

Post holder must adhere to the RN D&I policy and complete all mandatory training.

Learning & Development

Line manager and post holder are both responsible for ensuring the post incumbent's training needs are identified and agreed within their Personal Training and Development Plan and reviewed at 6 monthly intervals, or more frequently, if subject to flexible resourcing requirements.

PART F — SIGNATURES

Post holder:

Name:

Signature:

Line Manager:

Name:

Signature:

Date agreed:

Date for review:

