



Army Policy and Secretariat
Army Headquarters
IDL 24 Blenheim Building
Marlborough Lines
Andover
Hampshire, SP11 8HJ
United Kingdom

E-mail: armysec-group@mod.gov.uk
Website: www.army.mod.uk

Ref: ArmyPolSec/C/U/FOI2023/06693

XXXXXXXXXX
XXXXXXXXXXXXXX

30 June 2023

Dear XXXXXXXXXXXX,

Thank you for your email of 31 May 2023 in which you requested the following information:

With regard to the FOI ref: ArmyPolSec/C/U/FOI2023/05480, it would probably be easier to ask for an updated version of the attached FOI for the dates from 2019 to date.

In terms of inappropriate relationships between all staff and recruits and trainee soldiers at all locations mentioned as dealt with by Major Administrative Action. If possible I would like a description of the offence as dealt with by Major Administrative Action.

I am treating your correspondence as a request for information under the Freedom of Information Act 2000. A search for the information has now been completed within the Ministry of Defence, and I can confirm all the information in scope of your request is held and is attached below, however, you should carefully note the caveats included.

I can advise that some of the information in scope of your request falls entirely within the scope of the exemption provided for at Section 40 (Personal Data) of the FOIA and has been redacted. Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 2018.

Section 40(2) requires the Department to conduct a balancing exercise, this exercise involves balancing the rights and interests of individuals against the legitimate interests in disclosure, this is not the same as carrying out the public interest test associated with certain exemptions in FOIA. The balancing exercise is carried out in order to decide whether the absolute exemption in Section 40(2) is engaged. In particular, there is no assumption of disclosure in the legitimate interests test, as there is with qualified exemptions. The outcome of the balancing exercise lay in withholding the third-party personal data identified in the attached information.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note that the Military and Corrective Training Centre (MCTC) at Colchester and the Household Cavalry Regiment (HCR) are not recruit/trainee facing and therefore have not been included in the results contained within Table 3 of the attached.

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

Army Policy & Secretariat

Annex A: Criminal and Non-Criminal Conduct Offences Committed between 16 May 2019 and 31 May 2023

Table 1			
Units	Number of Charges		
	CM	SH	Total
AFC Harrogate	45	24	69
ATR Pirbright	3	12	15
ATR Winchester	0	8	8
HCR	0	18	18
ITC Catterick	25	26	51
MCTC	1	8	9
Grand Total	74	96	170

Table 2			
Court Martial (CM) or Summary Hearing (SH)	Number of Charges		
	CM	SH	Total
Offence Name			
Contravention of standing orders contrary to section 13(1) of the Armed Forces Act 2006	5	15	20
Ill-treatment of a subordinate contrary to section 22(1) of the Armed Forces Act 2006	17	17	34
Negligently performing a duty contrary to section 15(2) of the Armed Forces Act 2006	0	16	16
Disobedience of a lawful command contrary to section 12(1) of the Armed Forces Act 2006	0	13	13
Common assault/battery contrary to section 39 of the Criminal Justice Act 1988	18	5	23
Conduct prejudicial to good order and service discipline contrary to section 19(1) of the Armed Forces Act 2006	1	10	11
Sexual assault contrary to section 3 of the Sexual Offences Act 2003	17	0	17
Unfitness or misconduct through alcohol or drugs contrary to section 20(1)(b) of the Armed Forces Act 2006	0	6	6
Using threatening, abusive, insulting, or provocative behaviour contrary to section 21(2) of the Armed Forces Act 2006	2	2	4
OTHER: ABH contrary to section 47 of the Offences Against the Person Act 1861, Absence without leave contrary to section 9(1) of the Armed Forces Act 2006, Disgraceful conduct of a cruel or indecent kind contrary to section 23(1) of the Armed Forces Act 2006, Fighting contrary to section 21(1) of the Armed Forces Act 2006, Theft contrary to section 1 of the Theft Act 1968, Assault by penetration contrary to section 2 of the Sexual Offences Act 2003, Failing to attend for a duty contrary to section 15(1)(a) of the Armed Forces Act 2006, Failing to perform a duty contrary to section 15(1)(c) of the Armed Forces Act 2006, Making a false official record contrary to section 18(1) of the Armed Forces Act 2006, Rape contrary to section 1 of the Sexual Offences Act 2003, Stalking contrary to section 2A of the Protection from Harassment Act 1997.	14	12	26
Grand Total	74	96	170

Table 3	
Major Administrative Action – Inappropriate Relationship between Staff and Recruits/Trainees Between 16 May 2019 and 31 May 2023	
Unit	Total
All Units	~

~ denotes less than 5.

Notes/Caveats

Please note that the figures provided are single Service estimates based on data which is not gathered for statistical purposes or subject to the same level of scrutiny as official statistics produced by Defence Statistics. The figures provided may therefore be subject to data quality issues affecting their accuracy.

Both Tables 1 and 2 relate to the number of charges brought in cases between 16 May 2019 and 31 May 2023, whether they have been dealt with at Court Martial (CM) or Summary Hearing (SH). The figures include all charges, whether they were found guilty/proven or not.

Please note that one person could have been dealt with on more than one occasion or for more than one charge over the time period specified.

To ensure confidentiality we have also combined those offences with a total of fewer than three charges and grouped them under 'other'.

Table 3 does not include cases involving personnel at the Household Cavalry Regiment or MCTC as these units are not classed as training organisations and therefore do not have recruits or trainee soldiers.