



Ministry
of Defence

Ministry of Defence
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Ref: FOI2021/12649

Ms Alison Hayes
request-800912-8b4e3931@whatdotheyknow.com

23 November 2021

Dear Ms Hayes,

Thank you for your email of 19 October 2021 requesting the following information:

"Dear British Army,

I am urgently looking to understand (prior to 01/11/21):

- 1. How many unmarried officers with joint custody of children and who are currently residing in surplus quarters have been evicted due to married personnel demand over the past 5 years?*
- 2. What accommodation is a single Major with 50% joint custody of a 5 and 6 year old entitled to during the periods he has custody?*
- 3. Can all jobs in the British Army be considered for Flexible Service at any point?*
- 4. Can you remain on a FS for 10+ years?*
- 5. If you are warned for an operational tour, can you apply for Restricted Separation to mitigate deployment.*
- 6. How many officers were sent on directed postings in the last 5 years?"*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). A search for the requested information has now been conducted and I can confirm the Ministry of Defence (MOD) holds some of the information in your request.

In answer to question 1, we can confirm that the Defence Infrastructure Organisation (DIO) has not issued any notices to quit to surplus applicants for this reason.

In answer to question 2, the starting point for determining accommodation entitlement is the Personal Status Category (PSC) of a Service Person (SP), the definitions of which are covered in Joint Service Publication 752 - Tri Service Regulations and Allowances (02.0203) which is available on the gov.uk website. Unit HR are responsible for

determining an individual's PSC in accordance with that policy. More information can be found here: <https://www.gov.uk/government/publications/jsp-752-tri-service-regulations-for-expenses-and-allowances>. It is likely that a person in the position described in your question would be classed as PSC 2, 3 or 4.

SP with a PSC of 2 would usually be entitled to Service Families Accommodation at their duty unit, subject to the entitlement criteria covered in Para 0301 of Joint Service Publication 464 - Tri Service Accommodation Regulations Volume 1 Part 1 which is also accessible on the gov.uk website: <https://www.gov.uk/government/publications/jsp-464-tri-service-accommodation-regulations-tsars>. Entitled officers are allocated Service Families Accommodation of Types I-V, details of which are covered in Annex A to Chapter 3 of Joint Service Publication 464 - Tri Service Accommodation Regulations Volume 1 Part 2.

Personnel with a PSC of 3, 4 or 5 are not entitled to occupy Service Families Accommodation but are entitled to occupy Single Living Accommodation at their duty unit. However, all personnel are eligible to apply to occupy surplus Service Families Accommodation at a location of their choice, subject to availability. This is covered in Chapter 9 of Joint Service Publication 464 - Tri Service Accommodation Regulations Volume 1 Part 1.

In answer to question 3, eligibility is not constrained by any role and any application can be considered on its merits. However, to be eligible, SP must have completed Phase 1 and Phase 2 training plus any additional period of service prescribed by the owning Service, as set out in single Service policy (in this case Army policy in AGAI 44). Outside these limitations, any Regular SP can apply for Flexible Service (FS) and applications must be considered. However, there is no automatic right for applications to be approved; they remain subject to the needs of the service. For example, maintaining operational capability is paramount and is central to the decision-making process for FS applications.

In answer to question 4, FS is time-limited to balance Service and individual needs. Each FS arrangement cannot endure for more than three years or less than three months. It cannot extend past the end date of the current assignment and cannot be taken for longer than four years in a 12-year rolling period.

In answer to question 5, when SP are warned or under notice for operations, an application for FS (restricted separation) may still be made but such an application is outside the eligibility criteria and normally will not be approved. Under exceptional circumstances a Commanding Officer may make a recommendation, with suitable justifications, where the eligibility criteria have not been met.

In answer to question 6, please see below table. Of note, 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. The table below covers all officer ranks (Officer Cadet to Chief of the Defence Staff) and covers Regular and Reserve personnel.

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22 to Oct 2021
Called Out Reservist	17	22	9	29	33	235	9
Regular	244	135	144	133	125	136	123

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 us in the first instance at the address above. 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, 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 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. 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