



Ministry of Defence

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Mr Michael MacDonald
Email Address: request-701269-83851d92@whatdotheyknow.com

19 November 2020

Dear Mr MacDonald,

Thank you for your email of 23 October in which you requested the following information:

"Please could you explain the basis on which the Army Cadet Force is given an exemption from the Equality Act 2010. In particular the discrimination on age as related to serving Volunteers over the age of 65.

The figures for the last 3 available years would be appreciated.

1. Can you also provide the number of volunteers who have been required to leave the organisation - who are over 65.

2. Any volunteer over the age of 65, who has had a request to extend service denied, because of their age.

3. The total number of Volunteers and the number of those who are over the age of 65 - excluding Non Uniformed Volunteers."

I am treating your correspondence as a request for information under the Freedom of Information Act (FOIA) 2000. I am writing to advise you that following a search of our recorded information, I have established that some information you requested is held by the Ministry of Defence.

In response to first part of your request, please note that there is no upper age limit for volunteering with the Army Cadets. There are many volunteers who are actively involved at all levels of the organisation who are over the age of 65.

Under Section 16 (Advice and Assistance) you might find it helpful to note that being over the age of 65 is not against the Army Cadet Forces (ACF) Regulations, although as indicated in the policy below a Cadet Force Adult Volunteer (CFAV) would be usually expected to resign from uniformed service by the age of 65. If they are fulfilling a role that would suffer by their leaving, extending their tenure beyond the age of 65 would be allowed.

Please find below an extract from the ACF Regulations:

2.3.2.5.1. The age limits for the ACF are:

- a. a. Officers. The minimum age for appointment to a Cadet Forces Commission is 18 years. An ACF Officer is usually expected to end uniformed membership of the ACF at 65 years.

2.3.7.2.8. Period of appointment or extensions to Officers and Adult Instructors of all ranks 65 years and over. RPOC Commanders may extend CFAVs beyond the age of 65 if there are exceptional circumstances (such as them being the only CFAV capable of carrying out a role).

In response to the second part of your request, there are no volunteers who are over the age of 65 who have been required to leave the organisation.

In response to third part of your request, there are less than 10 volunteers over the age of 65 who have had a request to extend service denied because of their age. Due to the low numbers of volunteers, actual numbers have been withheld under Data Protection. This information is exempt from release under section 40 (Personal Data) of the FOIA. Section 40(2) has been applied to the information to protect personal information as governed by the Data Protection Act 2018. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in deciding to withhold the information.

In response to last part of your request, there are approximately 150 volunteers who are over the age of 65.

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,

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