



Ministry  
of Defence

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Ref: 31-05-2013-110415-017  
Army Sec/10/04/70621

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Mr Bernard Blakeney

E-mail address: [request-163313-  
xxxxxxx@xxxxxxxxxxxxxxx.xxx](mailto:request-163313-xxxxxxx@xxxxxxxxxxxxxxx.xxx)

17 December 2013

*Dear Mr Blakeney,*

Thank you for your email of 31 May 2013 requesting the following information:

*In 1995, the British Army completed a paper, the title of which was words to the effect of "The British Army's Right To Be Different" [from British society]. This was prepared either for the Army Board (AB), or the Executive Committee of the Army Board (ECAB). This was one of three papers on 'ethos'.*

*1) Please release the final version of the AB/ECAB 'ethos' paper entitled 'The British Army's Right To Be Different'*

*2) Please release this document in full:-*

*Peter Kinross SO1 Disc Pol 94393 7552 SO1 Disc Pol  
PS2(A)*

**DISCIPLINE MATTERS OF PRESS/PUBLIC INTEREST**

*1. Issue. Over the Christmas break there have been a number of matters arising which either have or have the potential to generate public interest.*

*2. BLUF. There have been a number of issues in which the military discipline (including Complaints and Admin Action) system has been criticised in the press. None of these issues require immediate action by DG Pers but he will wish to be aware of the Army position should the matters come up in other discussions.*

*3. Recommendations. DG Pers is requested to note the progress of the public interest cases.*

*5. Background. Throughout December and January there has been a sustained attack on the Service Justice System, the Administrative Action process under AGAI 67 and the Service Complaints system in the press and Television. Many of these cases revolve around*

*specific disgruntled Service Personnel:*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). May I take this opportunity to apologise for the delay in replying to you.

In response to your question 1, please find attached a copy of the paper to the Army Policy and Resources Committee, "The Extent to which the Army has a Right to be Different", dated 18 March 1996. In releasing this document, I would like you to note that it was written over 17 years ago, and does not represent current military thinking or policy.

Regarding your question 2, under section 14(1) of the FOIA, public authorities do not have to comply with requests if they are deemed vexatious. Your request asks for substantially similar information which has been within the scope of earlier FOI requests. The Department fully complied with its responsibilities under the Act in respect of those earlier requests on the subject of dealing at summary hearings and there is no further information or advice we can provide on this subject.

I have to advise you that the Department regards your request at question 2 as a vexatious request under section 14(1) of the Act. This means the Department has no obligation to comply with this request or with any future requests on the same subject. Should you choose to submit further requests or correspondence on this subject you should be aware they will go unanswered. In the past 18 months MOD has answered in excess of 90 FOI requests on the subject of summary hearings and criminal convictions arising from Service law and that answering any further requests on the subject would be disproportionate and burdensome.

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 Deputy Chief Information Officer, 2nd Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOxxxx@xxx.xx](mailto:CIO-FOxxxx@xxx.xx)). 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 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.gov.uk>.

*Yours sincerely,*

Army Secretariat