



Ministry of Defence

Ministry of Defence
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Ref. FOI: 19-11-2012-123523-006

Mr xxx Deacon

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23 November 2012

Dear Mr Deacon,

Thank you for your correspondence dated 17 November, which has been considered a request for information in accordance with the Freedom of Information Act 2000 (FOIA). Your request has been passed to my department and I have been asked to respond.

You asked the following question:

“1) Of all the summary hearing convictions that are recorded what percentage of people that have one actually know that they have one, or realise the implications of one (since denied legal advice)?

2) Of all the summary hearing convictions that are recorded what percentage of Commanding Officers that convicted the individual, how many knew that they had done so? <http://www.channel4.com/news/fijian-born-soldier-given-leave-to-remain-in-uk>

3) How many ex or serving servicemen have found problems in gaining employment in security, aviation, working or with children upon leaving the armed forces because of a criminal record?

4) How many ex or serving servicemen have applied to join the police and been refused on the grounds they have a criminal record from a summary hearing? http://www.whatdotheyknow.com/request/joining_bedfordshire_police#outgoing-235729

5) How many ex servicemen have had applications to become a teacher rejected because a summary hearing conviction (such assault occasioning actual bodily harm). http://www.whatdotheyknow.com/request/teaching_with_a_criminal_record#incoming-332382

6) How many ex servicemen have had to change foreign career plans or emigration decisions due to a summary hearing conviction? http://www.whatdotheyknow.com/request/travel_with_a_criminal_record#incoming-326899

7) How many ex serviceman have had problems adopting or fostering children due to a summary hearing conviction? http://www.whatdotheyknow.com/request/adoption_services_5#incoming-332323”

With regards to questions 1 and 2, section 1 of the Freedom of Information Act gives an applicant the right to access recorded information held by public authorities at the time the request is made and does not require public authorities to answer questions, provide explanations or give opinions, unless this is recorded information held. I can confirm that the Ministry of Defence holds no recorded information that would provide an answer to these two questions.

You may find it helpful to know that The Information Commissioner's Office publishes guidance on how to make requests for information under the Freedom of Information Act in the ICO Charter for Responsible Freedom of Information Requests, available on the ICO website at the following address:

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/its_public_information_foi%20charter_final.pdf

Turning to your remaining five questions I can confirm that the Ministry of Defence does not hold this information.

I am sorry to be providing what I know will be a disappointing response.

Yours sincerely,

Defence Personnel Secretariat

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 Head of Corporate Information, 1st Floor, Zone N, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.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 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>.