

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 20 August 2024

**Public Authority:** Ministry of Defence  
**Address:** Whitehall  
London  
SW1A 2HB

#### **Decision (including any steps ordered)**

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1. The complainant has requested information regarding JSP 763 Policy.
2. The Commissioner's decision is that the above public authority ("the public authority") breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner does not require further steps to be taken.

#### **Request and response**

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4. On 25 June 2024, the complainant wrote to the public authority and requested information in the following terms:

"According to the JSP 763 Policy, "initiation ceremonies are prohibited" and "Allegations concerning initiation ceremonies will be formally investigated and, if substantiated, may result in disciplinary, administrative, or misconduct action being taken. Soliciting or coercing another person to undertake any such activity will also not be tolerated."

Between 1 January 2019 and 31 May 2024, how many allegations concerning initiation ceremonies have been investigated by Service Police in the last year, due to an alleged crime being committed.

For each complaint, please provide the following information:

The rank and gender of the complainant  
The rank and gender of the alleged perpetrator  
The outcome of the investigation (was it upheld or dismissed)  
The sanction imposed, where applicable

I understand that this information is held by the Royal Air Force and the British Army due to a Parliamentary written answer provided to Stephanie Peacock on 13 June 2022.

To assist you in your response, I have attached a spreadsheet which you can complete.

Between 1 January 2019 and 31 May 2024, how many Service Complaints have included allegation concerning initiation ceremonies. If "initiation ceremonies" are not recorded as a complaint category, please can you complete a keyword search for "initiation" and/or "hazing", and provide a response based on the search.

For each complaint, please provide the following information:

The rank and gender of the complainant  
The rank and gender of the alleged perpetrator  
The outcome of the complaint (was it upheld or dismissed)  
The sanction imposed, where applicable."

5. The public authority responded to part of the request on 3 July 2024, however asked to clarify some of the information. The complainant responded the same day with further clarification.
6. The Commissioner wrote to the public authority on 9 August 2024 and asked them to respond within 10 working days. On the 12 August 2024 they provided the Commissioner with a copy of their partial response sent to the complainant on 3 July 2024.
7. The Commissioner wrote to the public authority again on 14 August 2024 to providing the complainant's email clarifying their request of 3 July 2024 and asked them to respond to the outstanding request within 5 working days.
8. The public authority wrote to the Commissioner of 15 August 2024 and asked for further extension to the deadline by two weeks. The public authority has already exceeded the 20 working days from the date of clarification to respond and has already had significant time to respond.
9. The public authority responded to the outstanding request on 19 August 2024.

## Scope of the case

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10. The complainant has confirmed that they are unhappy with the time it has taken to respond to outstanding parts of their request and wish to have the late response formally recorded.

## Reasons for decision

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11. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

12. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.

13. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days.

## Right of appeal

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14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**