



HOUSE OF COMMONS

## Defence Committee

### Oral evidence: Work of the Service Complaints Ombudsman, HC 881

Tuesday 13 October 2020

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Members present: Mr Tobias Ellwood (Chair); Stuart Anderson; Sarah Atherton; Martin Docherty-Hughes; Richard Drax; Mr Kevan Jones; Mrs Emma Lewell-Buck; Gavin Robinson.

Questions 1 - 77

Witness

[I:](#) Nicola Williams, Service Complaints Ombudsman for the Armed Forces.



## Examination of witness

Witness: Nicola Williams.

Q1 **Chair:** Welcome to this Defence Select Committee hearing on Tuesday 13 October. We are discussing the Service Complaints Ombudsman. Welcome to Nicola Williams, the ombudsman for the Armed Forces. Thank you for your time this afternoon.

By way of introduction, the Service Complaints Ombudsman provides serving personnel and their families with an alternative point of contact outside the services' internal complaints systems. The ombudsman's office is independent of the MOD and the ombudsman is a Crown appointment. We are very grateful to you, Nicola, for being here today. Many of us have met you before, in different guises. Thank you for your time. This is a critical subject and we look forward to discussing some of your work. You will be departing, I understand, towards the end of the year, so thank you for your time today. Could I invite you to open with a few introductory comments?

**Nicola Williams:** These will be very short because I know that you will have a lot of questions to ask me; usually, you have questions and then other questions flow from that. I would like to say first off that I have had the honour of being the first Service Complaints Ombudsman and it is an honour, so I am glad that I have had the opportunity to say that. I started as the commissioner in 2015 and then became the ombudsman, so I was the ombudsman-in-waiting, effectively, in 2015, then the ombudsman from 2016 to now.

When I started and went through my interview process, from 99 applicants down to the one, which was me, I only knew about the services what I had heard and read in the media. Some of you may know that it is a condition of appointment for the ombudsman that they have not served in the military—the less knowledge, the better—but the downside about that is that less knowledge can hinder you when you start. Prior to starting this job, I knew that, in times of conflict, the reputation of the Armed Forces was very high. At other times, not so high, depending on what issue in the news was.

At the time that I was going through my interview process, there was a case involving a young man who had been very badly disabled and had been bullied as a result of his disability; I have forgotten the name of the particular service personnel, but I remember the case because it happened during the time I went through my interview process, so this would have been the end of 2014. If you were reading what was in the newspaper at the time, you would think that the Armed Forces were full of bullies throwing their weight around and making people's lives a misery. I can say that is not so. That is a part of it, particularly when the element of gender or race comes into it—I know there is a question about that—but, on the whole, it is not the case.



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Looking back over my time, at the beginning, as I was the first ombudsman that UK defence had ever had, there was a bit of a learning curve for the MOD—I know they will all be watching this, but I say it none the less—to get to grips with the idea of an independent ombudsman. It is one thing saying that you want one; it is another when the ombudsman acts independently, and sometimes that rubs people up the wrong way. At the beginning, there were some teething troubles around that.

I have always worked on the basis that those in the MOD, the Armed Forces and certainly my office all want the same thing. We all want service personnel to enjoy their service life for as long as they are there. We are asking our men and women to potentially pay the ultimate price. The very least we can do is make sure that they can rise as far as their talent and potential will allow and that they are not subject to any sort of inappropriate behaviour while in service, however long or short that is.

It was not part of my job description, but during my time in post I realised that you could not be an effective ombudsman unless you were prepared to go out and about and meet service personnel in situ. I have done that across the four nations of the United Kingdom and across the world. I remember, for example, flying out—it was one of my first trips—to HMS Duncan in the middle of the Gulf and nearly getting myself decapitated by a helicopter because I did not duck enough. Someone had to come and put their hand on my head to stop me doing that.

I remember climbing into a tank on more than one occasion. I remember flying out to BATUS, literally on to the plain, and seeing people, and down to the Falklands, which, in many ways, was the most emotional for me because I remember standing by the grave of a young marine. Had he lived, we would have been roughly the same age.

Those are things that I really admire about the services. I love the esprit de corps. I love all the good things about the services: the courage, loyalty, resilience and stoicism. I love all that. I like the fact that I have been able to work with the services to try to improve things outwith the particular complaint. Someone might complain about a particular wrong-thinking policy, for example. We look to see whether we can improve it so that that issue does not arise again.

Having said that, it has not all been wonderful. There have been examples of bad behaviour. The Wigston report is the most recent report—it is not even from our office—that talks about the sort of inappropriate behaviour that takes place in the Armed Forces. We have had other cases this year, particularly around issues to do with racism, that also show that some very bad behaviour has taken place in parts of the Armed Forces. I still think there is a culture that discourages people from making service complaints when they have a legitimate right to do so.



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As I come to the end of my term, it has been five years as the ombudsman. The youngest service—the RAF—has only been in existence for 102 years, and all the other services have been in existence longer than that. For an office that is not fully staffed and only has a small number of people, I think we have punched above our weight for the first five years. It is going to take more than that to turn the ship of service complaints around. It is a good start.

I really hope that I am able to hand on to my successor—I know that I will hand on to my successor—a very solid team that is independent and dedicated to making sure that we can put right, to the extent that we can, any wrongs that a serviceman or servicewoman suffers in their service life, and also that we have very good engagement with the services. I personally have very good engagement with them at all levels.

**Q2 Chair:** That is a very helpful introduction to some of the things that we will be discussing. The Committee would absolutely agree with you that we can be very proud of those people that choose to wear the uniform. They do work in very unique circumstances and that means that we need to make sure that we look after them. How we are seen to look after them, of course, will be an indication as to whether the next generation will want to follow in their footsteps, and that is why the things that we will be discussing here today are so important.

You are a barrister by trade. You mentioned that it is not a requirement to be in the Armed Forces. In fact, it is discouraged, to give you that fresh view. Did your background as a barrister help you with the work you did?

**Nicola Williams:** Yes, absolutely. Not only did my barrister background help me, but I have been a part-time Crown Court judge for the last 10 years. My judicial role—particularly because, as ombudsman, I have a quasi-judicial function—means that I can overturn and have overturned decisions from appeal bodies within the services. Sometimes there is objection from the services, but I do not do that lightly; when I do, it is always with reason.

I qualified as a barrister an embarrassingly long time ago. I am too vain to say how long ago it is, but, if you know my background, you will know. Certainly, my legal background, my judicial background and my previous work as an ombudsman prior to this have all fed into that.

**Q3 Martin Docherty-Hughes:** Nicola, it is very good to see you. I have to admit, at least from my perspective, to have civilian oversight through the role that you fulfil is an essential requirement. You will forgive me for going over old ground. First, in your role, you have never judged the service complaints system to be efficient, effective or fair. Your latest report concluded that more fundamental structural changes are required. What are these changes and how has the Ministry of Defence responded?

**Nicola Williams:** The first thing to say is that it gives me no pleasure to adjudge this yet again as not being efficient, effective and fair. The



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emphasis is on all those words, but particularly, for these purposes, on the word “and”. Sometimes people think that if you are efficient and effective, you do not have to be fair, or that if you are fair and effective, you do not have to be efficient. Those words are conjunctive; they are not disjunctive. That is how we have seen it. To put it in some context, even before I took up the role, my predecessor as the commissioner, Dr Atkins, had also never adjudged the service complaints process as efficient, effective and fair, so it is not the ombudsman having it in for the services—not at all.

In terms of the more fundamental structural changes that are required, I went back to brass tacks and I thought about what would engender trust and confidence in the system, because it is not going to work unless service personnel trust it. My overarching concern is about what will do that. There are three areas that will help. Not in any particular order, one is a cultural change. Although this has improved, there is still a feeling in the services that, if you make a complaint, to use a very awful vernacular, you are a grass, you are weak, you do not have what it takes and that is the only reason you are making a complaint.

Making complaints is not a bad thing. In fact, the now CDS, when he was CGS, Sir Nick Carter, said—and I quote—that it is cool to complain. We do not want people to complain about things that have no basis, but making complaints should be seen as a good thing because that brings to light an issue that that you can resolve not only for that person, but to prevent it from happening again.

The other thing is that not enough personnel and expertise are retained. The service complaints system is, if you like, owned by the MOD. We do our part as the ombudsman as an independent civilian oversight body, but the services do their part as well. Each has a service complaint secretariat and, quite a lot of the time, they do not have the staff that they need or they have people who cycle in and cycle out, as people do within the services, so they do not have the personnel and are not fully staffed. Also, the expertise is not necessarily retained because, if people move on every two years, you do not have a body of knowledge that is retained. If you have people who stay longer than that, great; if you do not, you are at a disadvantage.

It is about retaining the expertise and personnel, making sure that you have as many fee-earning HIOs as you want and that they have expertise as well, and, above all, trying to make whatever changes or improvements to reduce the delay or the length of time that it takes to resolve a service complaint. I know we will come on to this in more detail later, but 90% of service complaints are supposed to be resolved in 24 weeks. In the time that I have been in post, that has never happened from any of the services. Not only that, but in the entire time that that metric has been imposed, which predates me, it has never been achieved. That was one reason that, in the very first report that I did as the ombudsman, one of the recommendations that I made was to look at



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the metric again. If it is not working, you have to find one that does work while still being a stretch target.

Q4 **Chair:** If we are not reaching 90%, where are we?

**Nicola Williams:** I am sure my statistician will correct me if I am wrong, but tri-service it is between 46% and 54%. Some services perform better than others. In fact, it is 46% from the 2019 annual report. Some services perform better than others, absolutely, but that is where it is on the whole.

Q5 **Martin Docherty-Hughes:** In terms of what you have mentioned already—not only about the 90% not being delivered in 24 weeks—the Armed Forces Continuous Attitude Survey found that 90% of personnel who have been subject to bullying, discrimination or harassment do not make a complaint because they think nothing will be done and it may adversely affect their career within the Armed Forces. Female, black and minority ethnic personnel are overrepresented in the service complaints system to quite a substantial amount. Your own office has had staffroom shortages since it was established, leading to backlogs, as you said to the Committee last time, in a previous Parliament, which clearly impact in terms of resolution within 24 weeks.

From my perspective at least, people in other walks of life would not expect matters around their employment practices to be handled in such a haphazard way. Why does the Ministry of Defence believe that the members of the Armed Forces—the ranks—should continue to be treated in such an exceptional way? As I continuously go on about and mentioned in the last Committee you were here for, should they be able to join an Armed Forces representative body, just as serving members of the police can join the Police Federation?

**Nicola Williams:** I remember you asked this on the last occasion. I am sure you know that in other European countries—for example, in the Dutch military—members can join a union; they are considered citizens in uniform, so they can do that. You described the MOD as treating their Armed Forces personnel in such a haphazard way. You will have to ask them that. As far as I am concerned, I would say that 24 weeks in civilian life is much longer than people would be given to resolve a complaint. That 90% within 24 weeks is within the services. It is not when it comes to us. This is before it comes to us. It concerns me that that figure has never been reached in the entire time that that metric has been set up.

It also concerns me that, of the recommendations that I made in my very first annual report, the two that are still outstanding are those you have referred to. One is about the 90% within 24 weeks, because I said, “If it is not working, look at it again and come up with something that does work.” The second is about examining the issues of disproportionality in service complaints from female and BAME service personnel. Again, I recommended that an independent report be done on that. My annual



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report recommending that came out in April 2017 and here we are, in October 2020, and those have not been complied with.

**Q6** **Martin Docherty-Hughes:** Would you like to comment on the issue about an Armed Forces representative body, mirroring the one for the Police Federation, for example?

**Nicola Williams:** I would be neutral on that point, but I think a workable alternative for people who would not want to see a unionised Armed Forces is to have not just an ombudsman for service complaints, but an ombudsman for the Armed Forces. It would look after things that were wider than service complaints. My remit is very narrow and small. There have been times, to be honest, that I have wished my remit was a little wider because I have the unique perspective of being able to see the difficulties in each of the services and I sit above all those. This is where we are. I am the ombudsman for service complaints, but, if there was an ombudsman for the Armed Forces, perhaps they could deal with other things, which might also include veterans' issues as well.

**Q7** **Chair:** Have you put that in writing anywhere as a major recommendation? It seems a very interesting recommendation that is worth exploring.

**Nicola Williams:** I have mentioned it. I do not think I have put it in writing. I do not want to take a bad point; it is a terrible thing as a barrister to do that. I was asked at my last appearance what improvements I would want to see, and one thing that I said was that I would want, as an ombudsman, to have the power to do my own motions or investigation of complaints, so we could go in and investigate things straightaway, in the same way that, when I was a commissioner of the then IPCC, we were able to with our own independent investigators.

I would also want to have a little more reach in terms of issues from veterans, because I think the cut-off point is probably a little bit too short. In terms of the recommendation about an ombudsman for the Armed Forces, no, I have not put that in writing; I might do that before I leave, Chair, if you think it would be beneficial.

**Chair:** We have given you some homework to do.

**Q8** **Mr Jones:** To show my age, I was actually on the Defence Committee in 2005-06, when we did the extensive inquiry into issues around Deepcut that led to the formation of the Service Complaints Commission. I also served on the Bill in 2006 that introduced that. Back then, one of the main issues was the time that complaints took to be dealt with. It is sad, 14 years later, that that is still there. What is the reason for it? Is it a cultural issue? Is it resource issues, as you are talking about? I wonder whether you could just comment on the issue, as you were saying, around the ability of people to bring complaints. Are you satisfied that your new recruits know what the system is?



**Nicola Williams:** I am now. I say that because, particularly in my first year—in my year as commissioner, when I knew I was going to be the ombudsman; I was appointed as the ombudsman-in-waiting—I also knew what I did not know. I knew that, yes, it is a good thing to have as a pre-condition that the ombudsman has no connection with the Armed Forces, but that does leave you on the back foot in terms of knowing about service life. That year in particular, but throughout my time, I have always made a point of going out and seeing for myself what is going on with service personnel where they are. As a matter of fact, on more than one occasion, people have been frankly astonished—equal parts astonished and pleased—that I have come to speak to people at all ranks and to learn about their lives, but also to hear from them what is going on.

The second part of your question was about delay and the reasons for delay. I am very much an outsider in lots of different ways in relation to this, as much as I have a great deal of admiration for the Armed Forces and what service personnel do for us. I honestly do not know. That is the truth. I say this because, for example, in my life as a criminal judge, I can hear some pretty serious trials—I cannot hear everything; I cannot hear murder trials, for example—and I am not a light sentencer. I can sentence someone for GBH, for example, which carries a life sentence of imprisonment, but you usually get a high-single-digit sentence. I could, in theory, sentence someone for that and they could go to prison and come out and, at one point, their service complaint would still be going through the system. That is absolutely appalling.

The rate is improving and some of the services perform better than others; I do not intend to embarrass any, in a good or bad way, by mentioning them by name.

Q9 **Mr Jones:** The Army is the problem. It was bad then; it still is today. The thing that gets me about it is that what was said then, and what your predecessor said in her report, was not just about the system dealing with these quickly being advantageous to the service, but also how, for the complainant, having early resolution is better than something going on for a long time. I am sorry, but the Army has a problem.

**Nicola Williams:** I will not comment on any particular service, but, in relation to early resolution, two things come out of your question and your comment. First, if a complaint is taking substantially longer than, let us say, 24 weeks, which in itself people could argue is too long, that is not just a burden on the complainant; it is a burden on the respondent. We are very aware that my office is not a pro-complainant office or a pro-respondent office. We are pro the process and we want to make sure the process works very well.

The other thing is that I am a big believer in informal ways of resolving a complaint where that is appropriate, whether that is mediation or informal resolution. In many cases, they are appropriate. I know not everybody in the services agrees with me, but I have said that, so this



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will not take them by surprise: I think that allegations of bullying, harassment and discrimination, by their very nature, should not be dealt with informally. As those are between 25% and 30% of the total number of complaints—I think it is closer to 25%—that means 70% to 75% of matters could be dealt with informally and therefore could be dealt with more quickly.

Q10 **Mr Jones:** This is sad, because I remember the report we did as a Committee, which was an in-depth report. We did not go into Deepcut but looked at the issues around it. The biggest issue was timeliness of dealing with complaints. As a former trade union official, I can tell you now that early resolution is better for everybody.

**Nicola Williams:** 100%.

Q11 **Mr Jones:** That gives satisfaction to all sides. Also, from the chain of command's point of view, if it can learn lessons from early resolution, so much the better.

**Nicola Williams:** I could not agree more with regard to that. With the little bit of the service complaints process that we own—that is the matters that come to our office—we hold ourselves to a 20-week timetable as opposed to a 24-week timetable. Have we always made that in the past? No, we have not, because we had a big backlog. At the time when I appeared, our backlog, at its worst, was between 150 and 160 complaints. I can now say that, as of Friday, that is down to 31, and that is not being as fully staffed as we are, but we have really pushed on that.

Q12 **Chair:** On your visits, did you ever go to Sandhurst and get to speak to the cadets? I am thinking about culturally encouraging people to be aware of the complaints system and how it should be utilised. Did you ever get an opportunity or were you invited to speak at Sandhurst or Cranwell?

**Nicola Williams:** Yes, I have been invited to speak at Sandhurst, Cranwell and Dartmouth and I do, in two ways. Mostly, I speak to people who are on the commanding officers course, because they will be level 1 deciders and I want to let them know from me—or, if I cannot do it personally, from somebody in my office—what the service complaints system is about. There are a lot of preconceptions, usually bad ones, about the service complaints process. This is what we are about. This is what we can do. This is what we cannot do.

I am trying to be as precise as possible. I have spoken to cadets at two of those places at least, but not all three. Certainly, I have been up and down the country. I tend to find that the younger the recruit, the fewer complaints they have, because they think, at that point, that they are where they want to be. They cannot possibly imagine ever having to make a service complaint. It is usually, ironically, when you get to the senior ranks that you can see that a certain world-weariness has set in. That is possibly a bit unfair to say. Sometimes a certain disaffection has set in.



- Q13 **Chair:** You are addressing future officers who may have to deal with these matters and deal with discipline, often in confined spaces. The captain of a ship has certain powers that you would not get in other environments in civilian life. I just recall my time at Sandhurst. We had nobody like yourself come and talk to us. We had a legal officer talk about Queen's regulations, and he began his statement by saying, "This is really dull. If you would like to have some sleep, you are more than welcome." Everybody around me then fell asleep. I was the only one left awake and he kept looking at me, so I felt I could not fall asleep because I would insult him.

While that is slightly humorous, it is sad in a way, because it was a waste of understanding the importance of discipline and how service complaints need to be taken seriously when there are people under your command.

**Nicola Williams:** I am glad you mentioned that. Can I tell you the kind of thing that I say when I go to speak to them? The first thing I say is, "I know that many of you do not want to be here and you have probably been "volun-told" to be here, but I can guarantee you that this is going to be the most interesting thing you hear this afternoon because you are going to hear it directly from me, and the one thing that I am and the one thing that I recognise that the Armed Forces like is somebody who is a straight-talker or a plain-talker." I say, "I am never impolite, but do not ask me for the truth unless you want to hear it." That tends to galvanise them and make them sit up.

- Q14 **Stuart Anderson:** Welcome, Nicola. Hello. It is nice to speak to you. We have not met before, so I am glad to meet you now. It is also very interesting to hear of your experience of no connection to the military and how you have been immersed it. You have loved the esprit de corps and basically a lot of the positive sides of the culture.

We have touched on this already and I am trying to marry up a few things here. There is a figure of over 75%, which is 53% will not go to the chain of command and 24% believe that they are going to be dissuaded from making a complaint. That is a large number that we have had from the feedback survey of why people would not go to the chain of command. You have also mentioned that General Sir Nick Carter said it is good to complain. You are going up and down the country telling people about what they can do and how they can complain. Where is that breakdown? Is there such an ingrained negative culture in the forces? You have talked about turning the ship around. Can this ship be turned around or is not going to change?

**Nicola Williams:** It is not holed below the waterline. It can be turned around. The figures that you quote are from our own feedback survey. With statistics and figures, precision is everything; those statistics were in response to a direct question that we asked people, which was, "Why do you come to us, as SCOAF, as opposed to going to the chain of command?" That is when 53% of the people who responded said that they do not have any confidence in the chain of command and 24% said



that they feel they will be victimised for doing so. Again, I take no pride in the fact that people have confidence in us but do not have confidence in the chain of command, because the whole system has to work. We do not see ourselves as being set one against the other.

You asked me whether these figures demonstrate a continuing negative culture towards complaints. It has absolutely changed in the time that I have been in post, but the figures, the cases that I have seen and the visits that I have done demonstrate an issue and a problem with service complaints. The problem, which is reflected in the AFCAS figures, is 90% of people who could make a legitimate complaint do not do so and the reason they mostly do not do it is either because they think that they are going to be career-fouled or because they think nothing will be done. That is very embedded and engrained, and I am afraid it will take longer than my term in office to get to the root of it, and possibly even longer than my successor's term in office, because this has been a long time in the making.

**Q15 Stuart Anderson:** You are talking several years there before we get to the root of the issue. That is just getting to the root of it. When do you believe we could then expect to see a change in the culture? Getting to the root of it might get part way to it, but are we going to be sat in a Defence Committee in two years with your successor and still be going over these numbers? As my colleague Kevan Jones has said, 14 years ago they were discussing these issues and we are still going over them; I get that it is in a slightly different area.

**Nicola Williams:** I am grateful to your colleague, Kevan, for saying what he did. Although the changes in people's attitude towards service complaints has not improved as much as I am sure either Dr Atkins or I would have liked, the change that has happened from 14 years ago to now is that people have an independent ombudsman. I have my own investigators and I will make decisions without fear or favour. I use that when I go to meet and speak to personnel. Quite often, I will go out on a visit and someone will come to me after I have made a speech and will want to talk to me in the corner. They usually have quite a serious concern, and I say, "Why are you not making a complaint?" They say, "I think my life will not be worth living if I do that." On occasion, people have actually said that.

All I can do is encourage people to make service complaints. If they are being, for example, victimised for making a service complaint, whatever recommendation I make will be increased because of their being victimised. If we have a system that people should be encouraged to use, you cannot then victimise them or have them feel as if they would be victimised for using that system.

To answer your question in another way, look at what the MOD is doing. I know, and I am sure that you all know as well, that there is a service complaints and justice transformation team. They are looking at changes in the service complaints process and they are also looking at changes in



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service justice. I know they are two separate things, but there is one team that is looking at that. The changes that they are proposing to make to the service complaints process are supposed to speed it up and to encourage people to make complaints if they are legitimate complaints. There may well be something embedded in service culture that still makes people feel that if they make a complaint, it is a weakness on their part. That is more of a self-generated feeling. It is as much self-generated as being worried about having a hard time if you make a complaint.

**Q16 Chair:** When we talk about complaints, that is such a wide spectrum. Could you give us a quick overview of the types of complaint that you are dealing with? I presume there are some rudimentary ones and some more complicated ones.

**Nicola Williams:** Yes, absolutely. We get a real cross-section in our office. Again, I never like to take an unfair point. We have many service personnel serving—Regulars and Reservists. The proportion of people making a complaint is a very small proportion of that. In fact, I believe that, in 2019, 1,184 formal complaints were made. I do not know how many informal complaints were made. Of that amount, not all those were deemed admissible. You are talking about small figures whichever way you look at it. Those are the ones that we know about. If that is the tip of the iceberg, there may well be a lot of people who want to make complaints and do not do it. Either way, they are relatively small numbers.

The types of thing that we see are mostly around career management, and this is for all three services. Career management is the greatest proportion and then other matters, which I would very broadly describe as terms and conditions of service.

Interestingly, if you did not know anything about the Armed Forces and you were reading about it in the newspaper, the kinds of thing that hit the headlines are around bullying, harassment and discrimination, particularly if those are motivated either by sexism or racism. Usually, that is what you tend to see. Those complaints are a very small proportion of the types of complaint that we see in our office, somewhere between 25% and 28%. They are small and it has reduced since I have been in post. What I find is that the more distressing matters tend to arise out of bullying, harassment and discrimination, but, in terms of their numbers, they are not that great. Most of the issues that we have are around career management, which is distressing to the person suffering it, but does not have the corrosive effect that bullying can have on other personnel, as well as the person complaining.

**Q17 Chair:** Further to that, have we moved into an online world where it is very easy to make a complaint, or are the mechanics of actually going through the business of complaining quite cumbersome?



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**Nicola Williams:** The coronavirus has really shown us that we can do a lot more things online. I may have to come back to you with a precise answer to that, but I think the current situation is that we are not yet set up to take complaints online. I mean my office; I am not speaking for the services. The new case management system will enable us to do that. I would like the opportunity, though, to write to you with more precision on that. I know we are having a new system and I believe that is the case.

Q18 **Sarah Atherton:** You mentioned that you would like to extend your role to include the power to investigate, and you have touched on some legacy issues. Can you focus on the service complaints system and what your concerns are about the current system?

**Nicola Williams:** Writ large, I would say the length of time, and I know I have talked about it before; every time I have appeared in front of this Committee, I have talked about it. I do that because I really think it is the one thing that, if only one thing was changed and improved, would make so much difference. It would make a difference from a morale standpoint. It would make the system operate optimally. It would make it not feel clunky and clogged up.

Personally, I think that the ombudsman—it will not be me—should have the power to do own-motion investigations, which are sometimes called own-initiative investigations, so you can therefore go in and investigate matters yourself.

For my office, though I suppose it does impact on the service complaint system as a whole, I would wish that we had our own in-house lawyer. Currently, if we have to take legal advice on anything, we have to go to the Government's legal department for that. There is no problem—we have never had any issue with them—but we are independent, so it would be better if we had that. All that would feed into the service complaints system writ large.

Q19 **Sarah Atherton:** We are going to touch on independence a bit later. Can I focus on confidentiality? When reporting and investigating a crime, it is vital that there is a level of confidentiality. That is particularly difficult, without a doubt, in close-knit military communities. I have received quite a few accounts from women who have suffered humiliation through lodging a complaint. How can you, in the complaints system, uphold confidentiality?

**Nicola Williams:** I am very glad that you raised this, because it is probably one of the things that troubles me the most. I know that the issues that you are referring to have to do with sexual harassment, sexual discrimination or some sort of sexual impropriety. Whether it is that kind of case or any other, if someone is making a complaint or an allegation, the person complained against has a right to know who is making that allegation. If it was kept between those two, that would be fine. You are right that what tends to happen is that, in a small, enclosed



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unit, things get out; a woman's life is made much more difficult when those kinds of thing get out.

Quite often, when women think about making those kinds of complaint, it is embarrassing enough to have to make it. When you know that you are going to have to put up with a lot of bad behaviour or comments that will be passed off as banter when they really are not, I can understand why people are put off from that. The only thing is that I am not really quite sure how we square that circle. I absolutely agree with you that confidentiality, as far as possible, is really important with this, but the person against whom the allegation is made has the right to know who is making that allegation.

The only way that you can get around that is to tell that person that they have to sign something to say that they are not going to tell anybody else and therefore it will not get out. Services can be a bit leaky though. That has certainly been my experience. I am quite surprised, seeing as it is defence. Also, because, as an individual, I am very used to keeping my own counsel, I am always really quite surprised at that.

**Q20 Sarah Atherton:** I have heard stories of sniggering in the cookhouse and closing ranks. I am wondering how much of this inability to uphold confidentiality bears true on the 90% of the people who do not bother to make a complaint and what is the true situation in the Armed Forces today.

**Nicola Williams:** I am convinced that that is one of the reasons. There might be others, but that is one of the reasons that people do not want to make a complaint. In our office, people come to us as an alternative point of contact and they do not want to go through their chain of command; one of the reasons that they come to us as an alternative point of contact is to try to avoid that. When we explain to them that we can take their details and refer their matter back to the service, people get very concerned about that, because the assumption is that the matter is going to be referred back to their particular unit. We have to say no. For example, if it is an Army matter, it is going to be referred to the service complaints secretary in Andover at Army HQ, and the same for the other services.

That is why we often get people saying, "The reason I came to you is because I thought you were going to deal with it yourself and that it was not going to go back to the services in any way, shape or form." Then they can get very angry with us. In any one week, we can have a complainant angry with us; we can have a respondent angry with us. Sometimes we know that, if both sides are angry at us, we are clearly pro the process, but sometimes there are legitimate concerns about that and it does put people off about making complaints, for sure.

**Q21 Mr Jones:** Do you know that there was a proposal to make your role part-time?



**Nicola Williams:** Yes.

Q22 **Mr Jones:** What is your opinion of that?

**Nicola Williams:** I think it is rubbish. You asked me, I think, that there has been a rethinking of that.

**Mr Jones:** That was our response as well.

**Nicola Williams:** When I go and speak to service personnel, I always say, "Do not ask me a question unless you want to get a plain-spoken answer." To elaborate, perhaps in a way that is a little more elegant, I have been doing this role full-time for the last five years. I can honestly tell you that there is absolutely no way that you can do this role properly as a part-time person. You just cannot. There are three limbs to my role. Perhaps my successor will see it in a different way.

It is signing off investigations, particularly the most difficult and intractable investigations that have been hanging around for a very long time. Feelings are very high, positions are very entrenched and it has come to me, and my decision as ombudsman will finish it in terms of the service complaints process, and the only way that decision can be overturned is if either party decides to go to judicial review, which mostly they do not.

It is also being the external face of the organisation, going out and meeting service personnel, but also in terms of my stakeholder engagement with service chiefs and other key people within the MOD. The third limb is writing and being responsible for the annual report.

All those things are necessary, and I can barely do it within a five-day week. I can tell you that is not a five-day, 37-and-a-half-to-40-hour week. If I can barely do it in that—I like to think I have some modicum of intelligence—I really do not see how it could possibly be done properly by someone on a part-time basis. I am not saying anything here that I have not already said. I would never say anything before this Committee that I have not already raised. People know my views. My views are abundantly clear, but I think there has been some rethinking on that now.

Q23 **Mr Jones:** When we heard it, the Committee was of the same opinion. What are your thoughts about the proposal for a chief executive role?

**Nicola Williams:** That is not a good idea either and I will tell you why. First, looking back, there are a couple of things that I would have benefitted from as an ombudsman and that my successor might benefit from. One would have been someone to carry the load at a senior level. I have very good staff and a very good senior team, but you have to have someone at the level above, such as a deputy ombudsman, for example. At the beginning, I would also have liked an induction to the ways of Parliament and Westminster; I did not have any of that and I had to find out as I went along.



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In terms of a chief executive, I cannot see the need for that. My senior team consists of my chief of operations, who is the next most senior person in my office and a band B1 civil servant; a head of investigations; and an acting chief of staff, who I really hope will be confirmed in that role because she has really stepped up to the mark and has been very good in it. My wider management group includes my statistician, who sits behind me, and my business manager; it is a group of about six people. Between us, we run our office. At its maximum, our office has only 23 people in it.

If you are going to have an extra person come in, it should be a deputy ombudsman rather than a chief executive, because a deputy ombudsman can do some of the work. A chief executive would not be able to do anything different from what my senior team has already been doing.

Might I also say, possibly more controversially for the people who would be looking at this, we put in a bid to have additional investigators at the beginning of the year and we were told that we could not have them. The office was designed to have 10 investigators, and no one seems to know why 10 was chosen. Certainly, we could do with another five or, at a minimum, another three. We were told at the time that there was no money for that, so imagine my surprise when there was money for a chief executive.

There should be a deputy ombudsman. There could be a very strong case made out for that, so that if the ombudsman goes on holiday, is sick or falls under a bus, there is somebody who can step up. If the post is gapped, a deputy ombudsman could take the place of that as well. Alternatively, there should not be anybody and, with the money that would be used to pay for those people, we could try to get at least one and a half investigators.

Q24 **Mr Jones:** Where are these daft ideas coming from?

**Nicola Williams:** "Daft" is your word, not mine. Perhaps you might want to ask people within the MOD about that. As I have said, I have made my views abundantly clear on both those things.

Q25 **Mr Jones:** Were you consulted on them?

**Nicola Williams:** Yes. I was consulted on, "What do you think of the proposal that the post should be made part-time? What do you think about there being a chief executive?" The answers that I gave there are the same answers that I am giving you now.

Q26 **Mr Jones:** Did they give you any rationale for why they were putting those forward?

**Nicola Williams:** Yes. I did not find it persuasive. I do not want anyone in the MOD to say that I am putting words in their mouth, but, effectively, they were saying that, if you have a part-time ombudsman and a chief executive, the chief executive can pick up the slack and take



over some of the roles of the ombudsman. When I looked at it, they actually could not. Also, in terms of the work of my senior team, we are doing that, and we have been doing it for nearly the last five years. We need extra personnel in our office, but the extra personnel should be extra investigators, or it should be a deputy ombudsman, who could be full-time or part-time, who could fill the breach if there was no ombudsman. For example, my term finishes at the end of December. There may or may not be somebody to start at the beginning of January. If there was a deputy ombudsman, that person could hold the fort then.

**Q27 Mr Jones:** You have answered the next question, which is about resources. The case for a deputy ombudsman is that he or she could deputise for you and take decisions?

**Nicola Williams:** Yes. Currently, if I am away, I can delegate my powers to my chief of operations, but I am sure that she herself would say that a deputy ombudsman would assist everybody in the office, because she has her own work to do.

**Q28 Chair:** Is it fair to say, looking back at your time, that there are more things you would have wanted to do, but could not because time prevented it and, therefore, to shift to part-time structure would mean less opportunity to do that, or that you could not expect the CEO to be able to cover you in the same way?

**Nicola Williams:** As I understand it—I am sure that, if the MOD disagrees, it will write to you and say this—the chief executive would not take over the core functions of the ombudsman as I have outlined them. They would really be taking over the functions of the management board or the senior leadership team. In terms of doing the stakeholder engagement, going out and meeting people in situ, meeting service chiefs, signing off on investigations and preparing the annual report, which is the ombudsman's annual report to the Secretary of State, a chief executive would not be part of that. A deputy ombudsman could do it, but not a chief executive. If I had had more time, there would have been things that I would have wanted to do, for sure.

**Q29 Martin Docherty-Hughes:** Where did these ideas of a chief executive and a part-timer come from? Was it the Defence Board? Whereabouts in MOD did this come from?

**Nicola Williams:** I really do not know. I know that there is a service complaints transformation team. I do not know whether it came from them, but I know that they are looking at dealing with service complaints in a different way, so it may be from them.

**Q30 Martin Docherty-Hughes:** When they came forward to you with these two ideas, it was not, "Let us discuss the structure and how we can support the ombudsman," but was more or less a fait accompli: "We are just looking to make that position part-time and bring in a chief executive."?



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**Nicola Williams:** That was a proposal that it should be part-time, and I said, "I absolutely do not see how this would work."

Q31 **Martin Docherty-Hughes:** Who presented that proposal to you?

**Nicola Williams:** Someone in MOD.

Q32 **Martin Docherty-Hughes:** Was it a Minister or was it a civil servant?

**Nicola Williams:** It was not a Minister.

Q33 **Martin Docherty-Hughes:** This is important because we are going to some of the big issues here that your office faces, and these proposals just seem absolutely crank; they are off the wall.

**Nicola Williams:** The person who relayed that to me was not a Minister. I do not know whether they were the genesis of that idea.

**Chair:** The person who said that does answer to the Secretary of State, who will be in your spot in due course? This is a question that we can tease out.

**Nicola Williams:** That probably is the best person to address this to.

**Chair:** It is good that we are armed with that information. That is very helpful.

**Nicola Williams:** A deputy ombudsman would really help my successor, if there was going to be an additional person. If not, we would like the money to get more investigators, and then we could do more cases.

Q34 **Martin Docherty-Hughes:** Less management and more people on the frontline?

**Nicola Williams:** Yes. I am a frontline person, but I am a manager, so let us not diss managers; there is room for managers.

**Martin Docherty-Hughes:** More investigators would be good?

**Nicola Williams:** In all seriousness, we could always do with more investigators, absolutely.

**Chair:** You lead from the front?

**Nicola Williams:** Yes, I do.

Q35 **Chair:** Can I just check that the salaries of you and your team come out of MOD coffers?

**Nicola Williams:** Yes, they do. I am glad that you have raised that because people sometimes think, "If you are being paid by the MOD, how independent can you be?" I am very happy that this has been raised so that I can address it.

Q36 **Chair:** It was more linked to the previous question that we just talked about, with you going to part-time, that I was raising it.



**Nicola Williams:** There is that and I see where you are going with it. As I have raised the issue of independence, I would like to stress that anyone who knows me and my team knows that we might be paid by the MOD, but we absolutely operate the office in an independent way.

**Chair:** You have already illustrated that, and we are not even halfway through.

**Nicola Williams:** We are not halfway through—oh my goodness.

**Chair:** We are just warming up.

Q37 **Richard Drax:** Nicola, you have partly answered a bit of the question by stressing your independence, which you obviously feel very strongly about, and rightly so. Do you have any concerns of the ombudsman being a Government appointee? If you do, how would you suggest someone is appointed? How do you maintain your independence from the MOD and the services?

**Nicola Williams:** A lot falls from the person who occupies the role. I was just about to tell you how long I have been a barrister, but I am too vain to say it, but let us just say I have been a barrister for a really long time. I was in private practice for a long time and I have been an ombudsman in various roles since 2001. I have been a barrister since long before that. My experience in different roles, including in a different jurisdiction, in the Cayman Islands, is that I know that it is very much the person who holds the office. You can have an ombudsman who just wants to go along and not make waves, or you can have someone who wants to do something that would lead to meaningful change. Whether or not it is a Government appointee is probably less important than the person who holds the role. I am a Crown appointment on the recommendation of the Secretary of State. That is how I understand it; I might be misspeaking a little, but I think that is how it works, and I will be corrected if I am wrong.

In terms of maintaining my independence and the independence of my office from the MOD and the services, they will tell you themselves that that is exactly what has happened under my tenure. I sincerely hope that my successor will do the same.

Q38 **Richard Drax:** I am assuming, because, clearly, you are feisty person who believes very strongly in your role, that the Government could appoint someone not quite so feisty, if they so choose.

**Nicola Williams:** I would probably use the word “assertive”. I can be very nice and amenable where necessary; I can.

Q39 **Richard Drax:** My point is that you have stood up, but they could have gone for someone who is more of a lapdog, for example?

**Nicola Williams:** I make light of it, but I take your point. It is something that I have seen in lots of other areas. I was an ombudsman for the police. When I was ombudsman in the Cayman Islands, it was for the



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whole of the Cayman Islands Government. If I think about my other ombudsman colleagues, it is the character of the person in the role and whether or not you have the resilience to do the role and to make the right, if unpopular, decision. If you are concerned about being professionally disliked, being an ombudsman is not the role for you.

**Chair:** You could add politicians to that as well.

Q40 **Richard Drax:** A Government appointee is okay, then, so far as you are concerned?

**Nicola Williams:** It is as far as I am concerned. If you ask the Ombudsman Association, it might have an issue with that, as an association, because it might say that it would fetter the independence of the role. Practically speaking, it is the person who holds the office and the tone that, hopefully, they lead from the front. Even if they do not, it is the tone that sets for everybody else, and that is what makes a difference.

**Chair:** I did not realise there was an Ombudsman Association for all ombudsmen to come together.

**Nicola Williams:** I was a board member of that association up until the summer.

**Chair:** I am curious as to who you complain to about the performance of the Ombudsman Association. We will not go there.

**Nicola Williams:** I do not know.

Q41 **Richard Drax:** Is there an away-day in the Cayman Islands?

**Nicola Williams:** The Cayman Islands is an interesting place. I was there for five and half years, so it certainly was not bad. You spoke before, Sarah, about small environments and people knowing everybody's business. That is the Cayman Islands for you. Issues around confidentiality are very important there.

**Chair:** I will bring us back to the detail here. The Wigston review was an important study and one of the first of its kind on that scale to bring together all the data on the inappropriate behaviours that take place in the Armed Forces, and 36 recommendations were made. Stuart, do you want to take us forward in this chapter?

Q42 **Stuart Anderson:** You have already touched on the Wigston report and you have also said that you are very straight-talking, which you have demonstrated to us today. I want to ask you a very blunt question: have they made a difference?

**Nicola Williams:** Do you mean the Wigston report on its own or all the other reports, which would include reports from my office too?

**Stuart Anderson:** I would take the Wigston report and the recommendations in there.



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**Nicola Williams:** The report is excellent. It was something very much led by the Chief of the Air Staff, now Sir Michael Wigston. It was very much led by him, but there was a lot of consultation with me. The recommendations are very good. I am disappointed that that report is now 15 months old—I think it came out last summer—and that, as far as I know, though I may well be corrected by the MOD for this, only one of the recommendations has been substantially carried forward, which is about the anti-bullying headline.

Q43 Chair: That is one out of 36?

**Nicola Williams:** Yes, as far as I know. I might be wrong with that, but I am very much aware of the anti-bullying helpline and what has been set up, and that is excellent. It has to be said that the services also have similar ones for each of the services. I know that the Army, for example, has the Speak Out helpline, and they have their own as well. That is good.

The recommendations in the Wigston report are very good and I am gratified that a lot of them echo recommendations that my office has made. I would like to see those recommendations implemented as soon as possible.

Q44 **Stuart Anderson:** Being even straighter-talking on that, I have your view on the report and the recommendations, and one out of 36—potentially some more—has been put into place. Based on that, has it made a difference to date? If the Wigston report has been produced and the recommendations have not yet been implemented, is it possible that that has not made any difference whatsoever?

**Nicola Williams:** The recommendations have not all been implemented, which is a shame, because it is 15 months since that report was produced and it is a really good piece of work. I would be silent on the matter if I did not think it was good. I do think it is good. It is not the fault of the author that the recommendations have not been implemented. I would seek to answer your question in this way: what has been done has made a difference, but there are other recommendations that should be implemented and that would make an even greater difference. It is certainly a great roadmap to use to improve things for service personnel, particularly as it focuses on inappropriate behaviour.

Q45 **Stuart Anderson:** Thank you. That answers it clearly. I would like to ask, as a follow-on, what engagement you have had with the service complaints transformation team.

**Nicola Williams:** I do not know if, by “you”, you mean my office or me personally.

**Stuart Anderson:** I mean yourself and your office.

**Nicola Williams:** We have regular engagement with that team. As of this morning, my acting chief of staff went to a meeting with that team. I



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do not know what was discussed as yet because I was very concerned about this issue. We do have regular engagement with that team, but there are the same issues that my office has had with our recommendations in our reports: we make recommendations and it seems that the movement is glacially slow on some of them. I hope that that is not going to be the case with the team. I know that they have a number of recommendations and I am sure that they will tell you this themselves. They are looking at recommendations that have been made from Wigston. They are looking at outstanding recommendations from our annual report and other issues as well. It is a lot of work.

What I do not want to see happen—I sincerely hope this will not happen—is that this team has been set up: “Let us give it to this team for them to deal with,” and then it is parked there and nothing happens. I am not accusing them of doing that, but I am concerned. I can speak from the movement that there has been on some of my recommendations that are outstanding long past the dates that they should be, and a lot of those recommendations are going to be looked at within the service transformation team.

In answer to your core question, yes, we have engagement with that team.

**Q46** **Stuart Anderson:** I have a follow-on on engagement: have you personally been involved in the Danuta Gray review of the Wigston report? Do you know what progress she has made? Do you have any updates on when she will report back?

**Nicola Williams:** I have had one meeting, which, if it was not for the virus, would have been face to face, but it was on the phone. I have had one meeting with Danuta Gray. At the time that I met with her, I know that the idea was that her review or report would be out at the end of the month. That was the timeline. I do not know whether that has happened.

**Q47** **Stuart Anderson:** Is that the end of this month?

**Nicola Williams:** The end of this month. That was certainly the timeline that I was told, for sure.

**Q48** **Sarah Atherton:** The Wigston review identified that it would take between five and 10 years of concerted effort to make any change. We are, as you have identified, only a year and a half in. We took evidence from General Nick Carter, who speculated that at least half the recommendations were being addressed, and Danuta Gray’s review of the review is due out in two days’ time.

**Nicola Williams:** Your information is more current than mine. I knew it was this month.

**Sarah Atherton:** There is a lot going on, which is quite good to hear, but do you feel you could have been more involved in her review?



**Nicola Williams:** I was not asked to be involved in it. When she spoke to me, I was more than happy to do that. The ombudsman is independent, and I suppose an argument could be made that you do not involve the ombudsman too much in things, because that qualifies their independence. Whether or not that argument is made, all I can say is that I was asked to speak to her, and I did. That has been the sole involvement in the review. There has not been anything more than that.

Q49 **Chair:** I am just looking at some of these recommendations here, and they are very serious indeed. The first four, for example, are pulling together detailed data and metadata, so capturing the data itself; primary legislation for the sharing of information with the civilian criminal justice system; performance measures put into place relating to inappropriate behaviour; and a harassment survey to be put in place by 2021. These are important measures to combat the challenge that we face. Much as there has been a review done on this—maybe it is something for the Committee to discuss as to whether we invite Danuta Gray in front of us to pursue it—that is concerning and we share your concerns that, 15 months after this report was put in, we are not seeing further progress.

**Nicola Williams:** For example, I know that one thing that the Wigston review was looking at was around the disproportionality of female and BAME service people in the service complaints system. Forgive me; I do not know exactly where it is, but I know it is there. What concerns me is that that was mentioned in that review last year, and we mentioned it in our annual report in April 2017, so you wonder what progress has been made. I am not saying that there has not been any progress at all, but it has been much slower than I would have expected, and not to the same extent. Perhaps she would be the best person to ask.

Q50 **Chair:** She would. It is important that, much as the Armed Forces as a whole focus on these wider issues of personnel, equipment and operations, the standards that we uphold are the very ones that we then go and defend when we leave these shores. If we lose sight of those, we lose sight of who we are and what we stand for, so it is important that we focus on that.

**Nicola Williams:** Also, I know that the Armed Forces are looking to recruit. If someone is thinking about joining the Armed Forces, whichever branch it is, they are going to be looking at how they perform, so it does affect recruitment as well.

**Chair:** Let us turn now to something that is current at the moment; in fact, some Committee members are involved in the progress of the Overseas Operations (Service Personnel and Veterans) Bill in the House.

Q51 **Mr Jones:** You touched on this earlier in terms of your aspiration for an Armed Forces ombudsman who would possibly cover veterans. Sarah and I are on the Bill, along with Stuart, and one of the things that has come out in evidence is, again, the length of investigations and the way in



which individuals have been treated. At the end of that, there is no recourse for complaint. I am wondering whether you see a role for the ombudsman, with more resources, to be able to take on these types of case—of people who are no longer in the Armed Forces and have sometimes been accused of things. In the worst case, which we heard the other day, it takes 17 years to deal with these, which, frankly, is ridiculous. Where do they go to complain about how they have been treated, and is that a role that the ombudsman could look at doing?

**Nicola Williams:** First, nothing should take 17 years to resolve. People leave in that time. Evidence gets corroded, just by the fluxion of time. That happens. People die within that time, whether in combat or otherwise. Nothing should take that long.

In terms of the Bill, I am reluctant to speak on it too much, only because I know there is a lot of debate about it at the moment.

**Mr Jones:** Yes, I do not want to get into that.

**Nicola Williams:** I would say that, in terms of any extra work, whether from this Bill or perhaps expanding our role to deal with veterans or anything like that, we are, first, barely resourced to do the work that we are doing right now. Secondly, the legislation would have to be changed to extend the remit of the ombudsman, because these would be people who were veterans. Right now, our ability to look at issues concerning veterans is very limited. It is usually, for example, if someone has made a recent complaint; they have left the Armed Forces a number of years ago, but the matter about which they complained has only just come to light. It is that kind of thing. That is very limited. We are dealing very largely with serving personnel.

As I said before, I am the Service Complaints Ombudsman, not the ombudsman for the Armed Forces. Perhaps an ombudsman for the Armed Forces would be better placed to look at this. The more I think about it, the more I think I need to write something about that.

**Mr Jones:** There could be a role there. I accept that we have the Armed Forces Bill again next year.

**Nicola Williams:** Yes. Normally it would be this year, but this is not a normal year.

Q52 **Mr Jones:** I have served on every one, for the last 20 years nearly, so I will no doubt get dragged into the next one. There is nothing to stop us extending the role of the ombudsman. Like you say, at the moment, you would have to change your remit to cover veterans as well.

**Nicola Williams:** As I sit here, I do not think so, except our role would be to deal with service complaints from veterans. It would be extending the remit of the office, but only in relation to service complaints and how they impacted veterans, but that would be quite a big change.

**Mr Jones:** I agree. I would not be suggesting, for example, you taking



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on the role of looking at the way in which pensions are paid, because they are already covered by the Parliamentary Ombudsman, but it is worth looking at.

**Nicola Williams:** Unfortunately, I have 10 weeks, maybe, until I leave, so whoever is going to be looking at that, it will not be me.

**Chair:** We will turn now to the Continuous Attitude Survey.

Q53 **Sarah Atherton:** To be fair, Nicola, we have mentioned this. Some 90% of personnel who are subject to bullying, discrimination or harassment do not make a complaint because they think nothing will be done. I am going to skip over that because we have touched on it, but can I go back, please, if you do not mind, to investigations? It is widely accepted that the standard of investigation is a problem.

**Nicola Williams:** Do you mean investigations by my office or investigations by the services of themselves?

Q54 **Sarah Atherton:** The services and your office. I have some evidence here from someone who has written to me, who has been involved with you since 2006, so there are time delays in both service complaints systems. The standard of investigation is a problem. I have accounts from people who say they are more traumatised, anxious and scarred through the investigation process than the outcome of that investigation, so it is the process that is causing them more distress—and long-term distress—than the outcome itself. You mentioned that perhaps a way to improve this is to extend your powers to investigate, but are there any other crimes that you think should not be investigated within the service complaints system?

**Nicola Williams:** You used the word “crimes”; we do not investigate crimes. The service complaints system, as our office is set up, is really the replacement of a workplace grievance system. The absence of a unionised armed services is the reason that we are set up.

In terms of people complaining about investigations, the time that they take and them being traumatised by the process, I would be very sorry to hear that anybody felt that they had been traumatised by the process in my office, and perhaps that might be something that we can talk about offline. If that is the case, I would like to hear about it.

I think I know the case you were talking about when you said 2006. That is very irregular. If it is the case I am thinking about, it is very much an outlier, but we did have one matter that had been in existence for a very long time when I started in post. It started even before there was independent oversight of the service complaints process.

Sadly, far too frequently, we find that there are people who perhaps might have had some sort of mental illness before they made a service complaint, which has been made exponentially worse by the service complaints process or, even more worryingly, people who did not have



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any mental distress or mental illness issues, but, as a result of going through the service complaints process, that has happened to them. We do find that.

Again, that comes back to delay and the fact that it is taking so long. If people know that a matter will take six months to be dealt with, and it is difficult for them to make a complaint—I have a poster up in my office that I inherited from my predecessor, which says, “Sometimes it takes more courage to pick up a pen than it does to pick up a rifle”, and I completely believe that—they might think, “Yes, it is going to be difficult for me for six months, but I can hack it for six months,” and then it takes a year, two years or three years, which will absolutely wear on the mental health of people making complaints.

I do not know whether this is a full way to answer your question, but in terms of my investigators, we are very aware of this because we see a lot of those types of case. All my investigators have done the mental health first aid training. I have done it as well. On top of that, we have two dedicated people in our office who have had even more training than everybody else. It is upsetting for my staff and it affects their mental health as well when they see matters like that, so it is really to deal with them.

I am not sure whether I have answered your question in the way that you would like, but no one should be traumatised. It is traumatising enough if you have to make a complaint. To be re-traumatised by the process to deal with the complaint is not something that would be acceptable from anybody, and I would include my office in that. We certainly try not to do that, and I am pretty sure that I know what the matter that you mentioned from 2006 is; it is very much one. We do not have a lot of those matters.

**Q55 Sarah Atherton:** Statistics suggest that service personnel who are alleged victims of rape are four to six times less likely to secure a conviction through the military courts than civilian courts. I am just wondering if you have an opinion on that.

**Nicola Williams:** I became aware of that statistic only in the course of my preparation for this, and particularly a recent article involving yourself as well. That is deeply worrying because, as a criminal law barrister, which is what I was primarily—I did other areas as well—and as a Crown court judge, all lawyers and judges know about the very bad statistics on prosecutions of rape and sexual assault in the civilian Crown courts. If that is worse, it is very worrying indeed.

I am not trying to sidestep your issue, but we deal with service complaints. We do not deal with criminal matters like sexual assault, indecent assault or rape, which are criminal matters that are dealt with in the military justice system, or certainly the criminal justice system as far as the military are concerned.



You have not mentioned this, and I do not know whether it is allied to your question, and I hope I am not walking into something by even mentioning it: it is around the service police. Currently, there seems to be a lacuna whereby my office does not have jurisdiction over complaints against service police. Perhaps that will be closed with the new Armed Forces Bill, when it becomes an Act, but currently we do not have that. If somebody wants to make a complaint about a service police officer, they cannot come to our office. If there are two service police officers who have an issue between themselves, they can come to our office. If someone wants to complain about a prosecution or the lack of one, they cannot come to our office for that.

Q56 **Chair:** What concerns me is the reluctance, perhaps, of anybody in uniform wanting to come forward and make a complaint, and then harbouring this concern to the point where it then causes mental stress. Are there any avenues other than yourself? Without being flippant about it, I remember the film *Casualties of War*, with Sean Penn and Michael J Fox. It was based on the true story of Hill 192. It was the padre who ended up playing a pivotal role in giving the courage to the individual soldiers to step forward and say that what happened up there in isolation was wrong. By illustration, is the padre fraternity used at all, or is that separate? Is that not encouraged as a vehicle?

**Nicola Williams:** I am very glad that you mentioned that. Whenever I do a visit anywhere, whether in the United Kingdom or abroad, I always know that there are four areas that I really want to see. I want to speak separately to junior ranks, senior ranks, officers and welfare. Welfare would be a welfare officer, if there is one, but also the padre, because I know that people will go and speak to the padre about things that they do not speak to anybody else about. Some of it might just be homesickness, but some of it might be deeper issues that they do not want to tell anybody about. They might not even, at that point, want to speak to the ombudsman. Quite often, they do not know about the existence of an ombudsman, because you tend to know about that only when you have an issue. Even once they know about it, they think, "I do not know if I want to do that, but I want to speak to somebody."

For example, when I was in the Falkland Islands a couple of years ago, the padre there was very busy with those kinds of complaint. I see it replicated all over the place, so people use it, but ultimately, if they want to make a service complaint, they will still have to make the complaint themselves. They would have to do it either through the chain of command or to our office as an alternative point of contact.

Q57 **Chair:** Is any guidance given to padres as to what they should do with any information they receive that may relate to the need for a complaint to be put forward?

**Nicola Williams:** I do not know, to be honest. I do not think it would fall within the area of a confessional. I do not think it falls within that kind of area. Anecdotally, I have had the pleasure of being invited to the



Chaplain General's conference, and that was good because they had a chance to ask me about my role and I could ask them about theirs. Admittedly, it was a couple of years ago, but it was very helpful and very illuminating. I would think that they would. If they felt that it was something that was very concerning, and particularly if they felt the person was going to harm themselves or if their mental health was very adversely affected and they did not know what would happen to them, I think that they would come forward. Ultimately, if someone wants to make a service complaint, it is for them to make that complaint. Nobody else can do it for them.

**Q58 Chair:** Interestingly, the Red Cross has a very strict impartial view. If they receive information to do with the enemy—Taliban or whatever—they are obliged not to pass it on. They are there to save lives. They have a very strict code of conduct. They are there for a very specific purpose and they do not take sides, on either side.

**Nicola Williams:** In which case, I would imagine that the same kind of code of conduct would apply, even though we are not in combat areas.

**Chair:** I am reminded: I went to a black-tie dinner on Piccadilly and I meant to go to the RAF Club, but wandered instead into the Cavalry and Guards Club, into the Chaplain General's annual dinner by mistake. I sat down for 20 minutes before I realised that I was in the wrong venue.

**Nicola Williams:** They were so polite that they did not tell you that you were in the wrong place.

**Chair:** They were very obliging. It was the Archbishop of Canterbury giving the talk, but I then rudely slipped away, and Sir Peter Wall gave me grief for being late at the other venue next door.

**Q59 Mrs Lewell-Buck:** Nicola, I apologise for my lateness in arriving. My name is Emma Lewell-Buck, member of the Defence Select Committee. Nicola, are you aware of any complaints from younger personnel, in particular those under the age of 18?

**Nicola Williams:** The short answer to that is no, which is not to say that they do not. They would be cadets and we do not deal with their complaints as a rule. In my stakeholder role, I certainly see my relationship with the people who run the cadets for each of the Armed Forces as being a stakeholder relationship with regard to them. The short answer to that is no, but I would be more than happy to come back to you on that one. Chair, there are a number of things that I need to come back to you on, so perhaps if someone would send me a list, that would really help.

**Q60 Mrs Lewell-Buck:** Do you think it is unusual that you have had no complaints from younger personnel?

**Chair:** Can we just distinguish what we are speaking about here? There are under-18s who are able to be within regiments, but not allowed to be operationally deployed, separate to OTCs or cadets and so forth, who



could very well still be in education.

**Nicola Williams:** Thank you, Chair, for making that distinction. You are right. If I go and do a focus group meeting with private soldiers, I could have someone who is under 18 in that cohort. Forgive me, but I think you asked me, Emma, whether I felt it was unusual that I did not have any complaints from them.

**Mrs Lewell-Buck:** Yes.

**Nicola Williams:** Stand fast the ones who are under 18 but serving as a Regular soldier—the ones who are in OTCs, for example. I suppose yes, and the only reason I say, “I suppose yes,” is because our office was not set up to take their complaints. Our office is set up to deal with complaints from people who are in Regular service and Reservists, and, in a very discrete way, veterans, depending on when they make their complaint or when their complaint comes to light, but not cadets or someone in an OTC. I am sure that they have issues. I am not saying that they do not, but I am just saying what the remit of my office is.

Q61 **Mr Jones:** You do cover these because what the Chair is referring to are people who, for example, are at Harrogate, at the college there. They joined at 16 and are Regular members of the Armed Forces. I think what Emma is trying to get at is whether you are surprised that you do not get more complaints. Certainly, when we did the Deepcut inquiry into phase 2 training, for example, one of the issues was around bullying in particular.

**Nicola Williams:** As I have said, the remit of my office extends to Regulars and Reservists. Even if the Regulars are under 18, it would include them. Am I surprised that I do not get more complaints from them? I am. From my own personal anecdotal experience, I remember going up to Harrogate and they were all so happy to be there and to be doing something that they always wanted to do. I probably caught them very early on. They were just so happy. They could not even conceive of the possibility that they could make a service complaint. That was clearly it. I said, “Are you happy? Do you like it? Do you think that you could make a complaint?” “No.” In fact, they were looking at me as if to say, “Why are you here? Are you ambulance-chasing for complaints?” That was their attitude towards me.

In answer to the question that you pose, in retrospect, yes, I am surprised that we do not get more.

Q62 **Mr Jones:** Is that not where we need some concentration? If you are going to embed this culture that it is not a shame to make a complaint, for example, doing it early on, even if you are an 18-year-old joining, is the way to do it. I am surprised, unless it has improved; it has perhaps improved radically. Certainly in terms of when we did the Deepcut inquiry and I was a Minister in the Ministry of Defence, there was an issue around bullying and harassment in that cohort, both in phase 1 and phase 2 training, so I am surprised—unless there is a culture there of



making a complaint.

**Nicola Williams:** You may be right on the cultural point. One of the points that I made very early on is that, if you are going to make really fundamental changes about service complaints, you have to look at the culture that still thinks that, if you make a complaint, it is your fault in some way. You are either too weak to hack it in the military or you are a grass or a snitch; there is that kind of thinking behind that. You could have service chiefs encouraging complaints, with the CDS, when CGS, saying it is cool to complain, but that has to trickle down, and perhaps it has not trickled down that much.

Q63 **Mr Jones:** It is not unique to the Armed Forces. It is in your profession, for example?

**Nicola Williams:** Absolutely. Particularly in the early days when I qualified as a barrister, a lot of things happened there that absolutely should not have happened, for sure, particularly if you were female and particularly if you were black. Everyone has to get their own house in order. I never want it to seem as though I am criticising the services as if they are such terrible outliers and everybody else is much better. There are things for which they deserve to be criticised, but they also do a lot of good things. I really want to stress that.

Q64 **Chair:** We speak about our Armed Forces being the most professional in the world, and the reason we can say that is because we absolutely are able to have these conversations that ensure that the bar remains high. That is why it is important that they continue. In that vein, I just wondered whether I could look at the numbers to do with female and BAME personnel, who are overrepresented for a number of years consecutively. Can you just expand a bit on why you think that is the case and what can be done about it?

**Nicola Williams:** The figures expressed in our annual report are around bullying, harassment and discrimination, because the percentages are slightly different. In terms of bullying, harassment and discrimination, that is when you have women being five times more likely to make a service complaint, and BAME being twice as likely to make those complaints. When you talk about career management, there is a disproportionality, but the disproportionality is not that great. For women, it is twice as likely around career management and, for BAME, it is 50% higher for career management. Why are they overrepresented, particularly around bullying, harassment and discrimination? Because they are being bullied, harassed and discriminated against more. That is the reason for that.

In fact, I think, somewhat controversially, that it is probably a good thing that they feel emboldened to make the complaints rather than sucking it up and not making a complaint. It should not happen in the first place, but at least people are coming forward to make complaints. I get a bit



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passionate about this, so maybe I have gone off the point, but that is the reason they are overrepresented.

What concerns me is that that overrepresentation has been in place for a while. In my 2016 annual report, which reports on the 2016 year and came out in April 2017, I first made the recommendation about that disproportionality. That would indicate that that had been an issue prior to that. It was not an issue that had started in 2016; it is an issue that has been going on for a long time. That is of the people who make complaints, because remember that AFCAS says that 90% of people who could make a complaint are still not making complaints.

**Q65 Chair:** Are there enough role models? This is a wider societal issue that we are just finding inside our Armed Forces as well. In visits that you have done and the work that you have been involved with, are you seeing enough role models there to be able to give a direction of travel and support, and an exemplar?

**Nicola Williams:** I am assuming that, by "role model", you mean for both those groups disaggregated: are there enough female role models and are there enough black and ethnic minority role models? Within the Armed Forces, proportionally no, because the majority of people in the Armed Forces, which have existed for hundreds of years, are white men. Therefore, the percentage of women is small and the percentage of visible ethnic minorities is small as well, although people can argue that you can be a role model at any level, and I believe that you can, in the same way that you do not have to be at the top of the shop to be the leader. You can show leadership qualities at a more junior rank. It certainly would help if there were more women and more visible ethnic minorities in more senior positions. I look forward to the day when there is a general, for example, who is a visible ethnic minority. We do have women who are, but very few at that rank across all three services.

That would help, but it is not the only thing, because the culture has to change, not just the people at the top. The culture itself has to change. If that does not change, what you have is people at the top who are very isolated and do not stay very long. That is not just in the Armed Forces; it is in any organisation. If the fundamental culture does not change, you can have people in senior positions, whether women or ethnic minorities, but they will not stay long, or they will be very damaged by the experience of being there.

**Chair:** That is very helpful indeed.

**Q66 Richard Drax:** What impact will the Covid-19 pandemic have on the number and type of complaints and on who is making the complaints?

**Nicola Williams:** I am very glad you asked me this because that was a hot topic of conversation immediately after our annual report came out. Normally, our annual report comes out in April. This year, because of the pandemic, it was delayed until May. I have meetings with the service chiefs, but I always take meetings with them about the annual report



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immediately after. By then, we were three months into lockdown, so one of the things we talked about was the impact that that would have. What I am about to say is my view, because we have not really seen this play out as yet.

If you take bullying, harassment and discrimination complaints on the one side, and career management and terms and conditions of service on the other, even those are not necessarily always discrete areas, because there is a read-across of both, this is what I believe will happen, and I suppose we will see how this plays out over the next six months: for bullying, harassment and discrimination, somebody might have had that experience and was prepared to shrug it off, but then they have a bit of time to think about it in lockdown and think, "I do not have to shrug it off. I can make a complaint about it." Whether there is any validity to it remains to be seen in the investigation process, but they will then decide to make that complaint. It could be about something that has happened before. Normally, the time limit for service complaints is three months, but, for bullying, harassment and discrimination complaints, it is six months, so you could have people who thought, "This happened to me and now I want to make a complaint about it."

On the other side, you can have people who have issues around their employment generally, and those could be issues that happened during the time of the pandemic—for example, someone who was going to be moved to another part of the country or was going to deploy, and now they cannot, and it was going with a promotion. They cannot move and they cannot get promoted, or their promotion is stopped. That is a career management issue and they might well complain about it because that has happened as a direct result of the pandemic. That could also be complained about. Those are issues that have happened during the lockdown and during the time of Covid-19.

Another thing might be somebody who has been asked to go back to their place of work. I am not saying that this has happened, but, for argument's sake, they work at Navy headquarters down in Portsmouth and are asked to go back, but they do not want to because of their concerns around social distancing and around the pandemic, and they feel that they are being forced into going back. That also could give rise to a complaint.

Bullying, harassment and discrimination could be matters that have happened before, but people have had time to think about them and they make a complaint. Around career management and conditions of service, they could be matters that have happened during the time of lockdown, particularly if somebody's promotion prospects had been stalled because they were not able to promote and deploy to other areas.

**Q67 Chair:** You touched on the way that, right across society, Covid-19 has nudged us into embracing the online world. At the very beginning, you mentioned the improvements, perhaps, to the complaints process. Could



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you just elaborate on that for me?

**Nicola Williams:** I am sorry, Chair, could you rephrase that?

**Chair:** I asked, "How simple is it for anybody to make a complaint? Have we moved to an online system?" and you then teased us with the fact that Covid-19 has perhaps helped in that way. Could you just expand a bit more on that?

**Nicola Williams:** When we were on a very strict lockdown, there was little movement in complaints generally anyway. I would think that the direction of travel will be to have an online system. A lot more things are going to be done in that way. What we have seen in terms of complaints, speaking for my office, is that they arrive in the usual way, which is people will normally ring up our office and want to get something off their chest. That is usually what happens. They emotive and then they say, "This is what I want to do." My referrals officers, of whom I have two, will then direct them as to the best way to go. I am not sure if I have answered your question.

Q68 **Chair:** There is no process at the moment? There is no online form that you can click through and then send in by simply putting in, let us say, your Army service number, which gives you an entry code, for example, so it is all secure, and then it fires off to you?

**Nicola Williams:** There might well be within the services themselves, but that is not the case with us. I know that we are trying to move to a system where we can take matters online. I believe that, with the new case management system that we will get, we will be able to do that. I do not know whether you know, but as well as me demitting office at the end of the year, the lease of our office is going to be up at the end of March, so my staff will be losing an ombudsman and then have to move at the same time. When we move, we will get a new IT system, which I think will enable us to do that.

**Chair:** It will not be the basis of an Excel spreadsheet, I presume.

**Nicola Williams:** Not if I can help it, no.

Q69 **Mr Jones:** That is an important move because, increasingly, that is what younger people do. They do things online. The Chair's suggestion of having a standard form where you put your service number in is a good one, because that is just the way that modern life is going.

**Nicola Williams:** On that point about younger people, that was one of the reasons that, when I became ombudsman, we looked at our website. We reframed our website to make it much more user friendly, so someone does not necessarily have to have an advanced degree in English law to read our website, and it can be used on a mobile phone as well as on a desktop. We have a Twitter page or a Twitter feed; I am sorry, I am not a young person so I do not know the language, but we are certainly very active on Twitter and on social media, because we are aware that is a way to reach people.



Q70 **Mr Jones:** That was my second question: whether you have that. If you are trying to raise awareness of your role, that group is very important.

**Nicola Williams:** With the best will in the world, even if I had gone to a different place every week in my five years as ombudsman, I would not have been able to cover everyone. We had to work out how else we would reach people. One was revamping our website, so that, as long as you had wi-fi and a mobile phone, you could look at our website. You can get a lot of information from it. There are the JSPs on there, for example. Another was Twitter, and the third was a blog. I have written pieces for the blog. I have also had other members of staff write that.

Q71 **Chair:** There is an awful lot of work that the MOD can do to move into the digital arena. When I was Minister there, they spent huge sums of money in-house trying to write the software programme for a payment structure, which then was not able to cope, and they had to take it outside and get a commercial enterprise to do it. This is another example where we need to embrace this. Are you aware of what our NATO allies are doing? Is there the equivalent of you in the United States, for example?

**Nicola Williams:** It is very interesting that you should ask me that, because I was not sure, quite frankly. My office belongs to ICOAF, which is the International Conference of Ombuds Institutions for the Armed Forces. In fact, two years ago, your predecessor Chair was a guest of ours when we hosted it in London. I was very proud to do that. It is a big deal to host a conference like that, particularly when you have only been ombudsman for, at that time, two and a half years, so I was very happy to do it.

In terms of the representation from the States, we would usually get the inspector general who would turn up. In 2018, I and my then chief of staff did a big visit to North America. It was really because we were going to BATUS, but we also thought that, if we were going that way, we should go everywhere. We went to Washington and the Pentagon, and I met my opposite number. There is no equivalent read-over. My opposite number there has less independence. For example, my direct opposite number cannot overturn decisions made by senior service personnel with regard to service complaints. They cannot do that. What they do have is a bigger staff and a much bigger budget. It is not exactly the same. We are probably a hybrid between that person and the inspectors general for the different Armed Forces.

**Chair:** I see; that is interesting.

Q72 **Stuart Anderson:** I just wanted to nip back in quickly on what you and Kevan were discussing about complaints from under-18s. I signed up to the Army when I was 16, and I do not think you are going to increase the number, purely because a lot of soldiers, when they have gone through training and got to battalion, have just done the most remarkable thing in their life and they realise they have achieved something phenomenal.



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They probably do not know what would be expected. When you are going through training, you are pushed to the ultimate limit. When they ask you to get through a field, they do not ask you nicely. You are training to go to war, but you accept it is a hard routine and it was not bullying. To then arrive in a battalion, it would be right to push this culture and make complaints, but I do not think that those new soldiers will take that on. That is just a personal view from experience.

What I would like to discuss is measures of success. You have already touched on this, but, if I was to look, the only measure of success that the service complaints system has is the target to resolve 90% of service complaints within 24 weeks. When I was reading the briefing papers for this, I saw that it has never been met. I had to read that twice. Why? Can you explain this?

**Nicola Williams:** It predates my position in role, either as ombudsman or as commissioner. I can tell you anecdotally that, when I started as the commissioner in 2015, one of my first visits was to the Navy and I met the then Second Sea Lord—not the one in post now—who complained bitterly about that metric. He said it was completely unreasonable and that that was the reason they had not met it, and wanted me to go about changing it. I thought, “I have only been in post 10 days, so I am not going to be doing that.” What was interesting was that I then met his opposite numbers in the other services, and everybody complained about it. That was the reason, when I did the first annual report, that one of the recommendations was to look at that metric again, because there is no point in having something if it is not working.

Why has it never been met? I do not know. I can hazard a guess. You would have to ask the individual services about this. The service secretariats would say that they are under-resourced in terms of personnel and possibly in terms of finances. It is right that some cases take longer than others. Bullying, harassment and discrimination cases are usually more complex and take longer. In cases that are appealed from level 1 to level 2, sometimes the fact of the appeal can extend the process beyond 24 weeks.

Having said that, I know that the changes that the service transformation team want to make are to try to get those time limits as close to civilian life as possible, with the understanding that civilian life and service life are completely different, so they are not going to be the same, but to get them closer and to shorten them. In civilian life, it does not take 24 weeks to resolve a complaint. Why has it not happened? I do not know.

Certainly, as of 2019, only 46% of complaints that were made tri-service, because some services perform better than others, were decided within 24 weeks as opposed to the 90% that was decided. That was the reason I had made the recommendation that this should be looked at again. To date, that has not been substantially complied with. It is part of the MOD transformation team’s work and I know that they are looking to try to work out an appropriate metric. They are also trying to decide whether



they should have two separate ones: one for bullying, harassment and discrimination cases, and the other for career management cases, with the former being longer than the latter. It is a disappointment to me that, bearing in mind how long ago that recommendation was made—three and a half years ago now—it has still not been substantially complied with.

**Q73** **Stuart Anderson:** It is clear to me that any target that has never been met is not a fair target, but what is more concerning is you have just answered that no new key performance indicators have been put out. This has not changed. That is very concerning for me. You touched on this at the very beginning in your opening statement when you said that delays impact the wellbeing of both the complainants and the respondents. Do they impact them massively or by a small amount? Can you explain, from your experience, how this is impacting both of those parties?

**Nicola Williams:** I can speak with complete authority about the matters that I personally see, and I personally sign off. We have hundreds of complaints that come to my office. The most difficult ones are the ones that I see, and they are usually the really intractable ones that have been going for a very long time. A lot of them concern bullying, harassment and discrimination, but not all of them.

In the ones that I have seen, particularly where the person has been made mentally unwell because of the process itself, it has been just because it has taken so long. That is really what it is. Seeing as the service transformation team is charged with transforming the service complaints process, they might be the best people to have in front of you, or perhaps even the Secretary of State himself might be able to tell you that. What you have right now is a process that is taking far too long, and the longer it goes on, the more difficult it is for the mental health of both the complainant and the respondent.

**Q74** **Stuart Anderson:** The key issue is the mental health of people going through this process. I know that we have the Secretary of State in front of us in the near future, and we can raise that then.

**Nicola Williams:** People have called us. For example, there was a very distressing incident where someone who was very unhappy, which is a very mild way of putting it, called my office and threatened to commit suicide while one of my staff members was on the phone. In fact, he was near a trainline and had dropped his phone. At the time that he dropped his phone, we thought that he had thrown himself under the train, but it turned out that that did not happen. I say that because, clearly, that person was not mentally well, but also because it has a terrible impact on my staff members.

**Chair:** MPs also go through, very sadly, similar experiences in very stressful situations.

**Q75** **Mr Jones:** On that point, I accept that some cases might take longer,



such as bullying and harassment, but just in terms of good HR and dealing with your staff, allowing a career management complaint to go more than 24 weeks is ridiculous. No company would do that, because they would want to get it solved and move on, not only in terms of the complainant, but if they are complaining about somebody else. Does it not come back to the cultural point in terms of not recognising that, first, you have to take this seriously, and, secondly, that if you do it properly and resolve it quickly, you might retain that person longer in the service, but also, for everyone else in that career group, it might be better?

**Nicola Williams:** I take your point. We take complaints from both Regulars and Reservists. They will think long and hard. Most people do not want to make a service complaint about anything, so they will be thinking long and hard about this, and something has really pushed them beyond the point of no return when they make a service complaint. They have made their complaint and it is taking longer than 24 weeks. If they are a Regular, they are not going to leave the service because of that. Where you find attrition is with people who are Reservists and are making a complaint, and they think, "I am a Reservist. I do not have to stay. I can just go," or, worse, they have an issue that they could complain about, but they do not make a complaint and just leave. They vote with their feet. That is more worrying, particularly when, as a nation, we are trying to recruit into our Armed Forces.

Q76 **Chair:** Thank you very much indeed. We have exhausted our questions to you. It has been really illuminating, but there are also a number of gaps that we need to fill, and we will certainly explore with the Secretary of State. On behalf of the Committee, can I say thank you to you, Nicola, not just for today, but for what you have done for the last five years? I know that the Armed Forces will also be very grateful for your support and how you have advanced this absolutely important cause of keeping the standards as high as possible in our Armed Forces. I do not know whether you are involved in the selection of your successor.

**Nicola Williams:** I am not, no.

Q77 **Chair:** We look forward to inviting them in due course, and I hope that it will be a full-time role, not part-time.

**Nicola Williams:** It is my understanding that it is now going to be a full-time role.

**Chair:** That is good to know. Someone has been listening to our Committee as we have been discussing these matters, and a decision has already been made. Nicola, thank you so much for coming here today. On behalf of the Committee, thank you.