



Defence Committee

Oral evidence: Women in the Armed Forces follow-up, HC 49

Tuesday 14 November 2023

Ordered by the House of Commons to be published on 14 November 2023.

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Members present: Robert Courts (Chair); Sarah Atherton; Richard Drax; Gavin Robinson; Derek Twigg.

Questions 1 - 117

Witnesses

I: Rt. Hon. Dr Andrew Murrison MP, Minister for Defence People, Veterans and Service Families; Admiral Sir Ben Key KCB CBE, First Sea Lord; Air Marshal Paul Lloyd, Deputy Chief of the Air Staff; Lieutenant General Sharon Nesmith, Deputy Chief of the General Staff; Sam des Forges, Director of Conduct, Equity and Justice, Ministry of Defence.



Examination of witnesses

Witnesses: Dr Andrew Murrison, Admiral Sir Ben Key, Air Marshal Paul Lloyd, Lieutenant General Sharon Nesmith and Sam des Forges.

Q1 **Chair:** Welcome to the Defence Select Committee's follow-up inquiry to our recent report on women in the armed forces. We have an excellent panel in front of us today to give their evidence. I will introduce them very briefly now, and then I have one or two other matters to deal with before we get to the questions.

I am glad to welcome, to start off with, Dr Andrew Murrison, the Minister for Defence People, Veterans and Service Families; Admiral Sir Ben Key, the First Sea Lord; Air Marshal Paul Lloyd, the Deputy Chief of the Air Staff; Lieutenant General Sharon Nesmith, the Deputy Chief of the General Staff; and Sam des Forges, the Director of Conduct, Equity and Justice. Welcome, all. Thank you very much for coming today to give your evidence to us.

I have two matters to deal with before we get to the evidence itself. The first is declarations of interest from members of the Committee, if any wish to make some.

Sarah Atherton: I declare my interest as chair of the advisory board for the women veterans strategy.

Chair: Thank you very much. Before we start in earnest, I would like to set out how we have approached the written submissions that we have received. We have gathered a large quantity of personal and sensitive evidence that needs careful handling. We have decided at this point to publish submissions only from organisations, not from individuals. We have been in touch with those affected to inform them.

I would like to inform everyone who has submitted evidence that we have read and considered what they have sent to us and we will be using their submissions to inform our session today. We will publish as much of their evidence as we can as soon as we can be sure that it will not put them or others at risk of identification and/or potential harm. On behalf of the whole Committee, I would like to thank everybody who took the time, effort and courage to write to us about their experiences.

Let us turn to our evidence itself. First of all, I would like to turn to the Minister. Minister, it is only in the past six months that policies to change military cultures have come into effect, despite our report coming out in July 2021. What has taken so long?

Dr Murrison: Chairman, can I start by thanking you for your investigation? Indeed, thank you for your original investigation two years ago and your subsequent work. I have a chronology of events in front of me, which I got last night and which I thought might be useful for the Committee. It has certainly helped to organise my thinking in this matter.



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It lays out in a fair amount of detail where we have been since January 2019.

I think it is true to say that over the past 12 months there has been some frenetic activity, following sometimes tragic and in other cases unedifying events, to try to make sure that we improve matters that relate to women in the Armed Forces. I have been around this for more than 40 years. I was in the Ministry of Defence 10 years ago and I came back recently. Things have changed dramatically. It is palpable. You can feel it in relation to the way women operate in the Armed Forces. Two of my five daughters are serving officers in frontline units. I get this all the time.

I can tell you now that when I joined, least of all 10 years ago, when I was a Minister before, you would never get senior people talking about menstruation, bras or anything like that with anything other than a sense of profound embarrassment. These days, it is common parlance and it is part of normal jogging. If you just want a little vignette around what is central to this, which is culture, that would be a pretty good one. Though no doubt you will come up with examples where it has not worked—that will always be the case, so we should never be complacent—I firmly believe that life in the Armed Forces for women has got better, significantly so, and is improving.

One of the concerns I have about today's hearing is that we have done so much over the past 12 months in particular that we will not have the metrics and the data—though we have some—to support my contention that we are on the right track. I can cite AFCAS reports; I can cite feedback from the Servicewomen's Network; I can cite evidence from the tri-service sexual harassment surveys. All of them do point in the right direction. Only this morning I had some figures on outflow that compare men and women from our Armed Forces. Those are always difficult figures, but on each one of the individual metrics I have in front of me—I am perfectly happy to make this available to the Committee—women are doing better than men.

Q2 Chair: We will look forward to getting into the detail of that. That is exactly the type of issue we will be looking to address. May I just press you on the original question, though? I understand the general thrust of the point you make about things having got better, and we will pick into the detail of the level to which that can be seen to be the case during the course of this session. The concern the Committee has is about the fact that the original report, which rightly attracted a great deal of attention because it shone a light on some issues that had not perhaps been given the attention they ought to have been given, came out in July 2021.

I know you have refreshed your memory in terms of the timescale, but it might be helpful if you went through and gave us some of the key points. You could perhaps write to us or give us some written evidence that will make clear exactly why this has taken so long. Those watching will be concerned about the fact that the report came out some two years ago,



but it has taken right up until the present day to see actual concrete change. Could you address that, please?

Dr Murrison: Yes, I will. I come back to the central tenet of the points I have just raised, which is culture. You all know full well how difficult it is and how long it takes to change culture. The culture had been changing in any event, but I would say that your report, Wigston, Lyons/Murphy, Danuta Gray, Henriques and all of the other bits of work we have done in between times have been parts of a piece that has shifted the dial on this, not just in terms of service justice, though I have to say that is really central and fundamental to this, but on a range of issues.

I have no doubt you are going to come on to discuss women's healthcare, clothing—I sincerely hope there are going to be questions on that—promotion for women in the Armed Forces and recruiting women in the Armed Forces. On all of those things, there is a good news story to be told.

If I can make this plea to you, at the moment we are trying to make defence as attractive to the best possible recruits as we can. We have—I will not disguise this from the Committee—a people problem. We do not have enough of them, and we do not have the niche capabilities we require. It is not just a UK thing; it is something facing every single jurisdiction in the western world.

I want a positive picture to be painted of defence, in particular for the 50% of the population that historically has been neglected and that arguably contains more than 50% of the talent.

Q3 **Chair:** I am sure we would all entirely agree with that sentiment. We want a positive story to be told about defence. I will press you one more time, if I may, on this. My question was why the policies have taken such a long time. They have only started appearing within the last six months. Your answer to that was, in one word, culture. Do I understand you correctly that you are changing the culture before you change the policies? Is it not surely the other way around?

Dr Murrison: No, you have to do both. They both run in tandem. As an example, 12 months ago we opened the Defence Serious Crime Unit. That does not happen overnight. You delivered your reports 24 months ago; 12 months later we had opened this unit. That is actually quite a big deal. The data and anecdote that we have suggest that that has made a real change to the way we do serious crime in the Armed Forces.

In March this year, we opened the Victim Witness Care Unit. Again, that was quite a big move within the Defence Serious Crime Command. That does take months—I hope not years—to put in place. We are only now getting the cases that have been worked up by the Defence Serious Crime Unit through the courts, because these things run pretty slowly. We will be getting data coming through at this point around those cases



that have been processed in the new way. I am afraid these things do take a while.

I pay tribute to the work you did 24 months ago, as I do to those who set up the Defence Serious Crime Unit 12 months ago. The new complaints procedure we have now takes a great majority of complaints outside the unit chain of command. These are big things. They are tied in with culture, but they are things that we can do in support and, in themselves, I believe they do change the culture, if only simply because people are talking about them and they become part of the normal lexicography within defence, which they certainly have done, as I indicated in my opening remarks.

Chair: Certainly, as someone who practised at the Bar and who has long experience of the courts system, I can understand that some time is required.

Q4 **Sarah Atherton:** Minister, I have to say that all of you there have really gone to great lengths to improve the situation of women in our military over the past two years. I would like to thank you for that. There is a sense that you have taken the low-hanging fruit, though, and the more difficult issues are yet to be addressed.

You mentioned that we often talk about menstrual packs and urinary aids, but we also talk in common parlance now about rape with penetration. Why has it taken so long—you know I have pursued this with you, Minister—to release the concurrent jurisdiction protocol, which was only released two weeks prior to this session?

Dr Murrison: Well, we now have it. I have been the Minister for almost exactly 12 months. I am not going to say, necessarily, that everything that has happened—you were my predecessor—during that time can be attributed to me. I would very much like to pay tribute to your work. Nevertheless, we now have that joint protocol. We have some control over it, but we do not have all the control over it because we have another party who we have to consider when coming up with a joint protocol.

I am happy that it is now in place. If it is helpful to the Committee, I will briefly describe what it will do. It gives primacy to the civilian criminal justice system. If there is any doubt about who takes a particular case, the civilian side will always win. I hope that is helpful.

It also lays out those cases where we believe it will be useful for cases to be held in the civilian jurisdiction rather than the service jurisdiction. I do appreciate—I suspect you are going to press me on this—that there is some debate as to whether very serious crime should be dealt with at all within the military system. I would be more than happy to have that debate. I will be frank with you: there are arguments on both sides. Having considered it—I know the previous Secretary of State was very clear in his view on this matter; some of us have perhaps a slightly more



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nuanced view—I would say that on balance we have got it about right. We are always open to persuasion, but, at the moment, for a range of reasons that have been well rehearsed, we are pretty much in the right place.

Sarah Atherton: I do not agree with you, but, now that the protocol is in place, we do have to give it time to bed in. We will be certainly reviewing it in the future.

Dr Murrison: It might be worthwhile asking Sam des Forges for her views, because she has been all over this.

Sam des Forges: I do not know whether it would be helpful to add a bit of colour. The Service Prosecuting Authority is rightly independent of Defence, so it is working with the civilian prosecution authority in an independent manner to bring that in. While we have certainly expressed our desire to see that come into place as soon as possible, it is quite right that they are independent and that piece of work is being done independently, although I believe, if memory serves, the Secretary of State was one of the folks who wrote in on the consultation process. One of the common misconceptions about the service justice system is that it is Defence making the decisions. It has these independent parts.

The other thing I would say—again, you might come back to it—is that we are really trying to drive a victim-centric approach that looks at what is best for the victims and survivors of particularly serious sexual offending. Again, looking at this through the lens of the victim, the victim’s lens starts, in terms of the service justice system or the civilian justice system, at the moment they make contact with the police.

If you look at this from the moment of the allegation through to the conviction—I only have the 2022 figures; the 2023 figures are still going through and being analysed—in the service justice system about 8% of rape cases result in conviction. In the civilian justice system—it is difficult to compare because there are different numbers here and the civilian justice system does not necessarily pull these figures out in the same way we do—that figure is 2%. It is 8% versus 2%. If we look at sexual offending, again through the lens of the victim, from the moment they pick up the phone to the police, 23% of cases go to conviction in the service justice system. The figure is 6% in the civilian system.

On top of that, while I note that you have just mentioned that a lot of the changes have only come in the last six months, I really would take you to the timeline. The first Army Teamwork day was February 2022. The zero-tolerance policy for sexual offending was March 2023. June 2022 was when we brought in all the changes to the service complaints system. January was when we brought in female representation on court martial boards. The Call It Out hub was January 2023. The Victim Witness Care Unit was operational from March 2023 as well. I am not quite sure it would be correct to suggest that the changes have only just happened in the last six months.



Q5 **Chair:** You mentioned the protocol. While we are on that topic, it seems to lean towards civilian jurisdiction in cases of sexual offences. That is something the Committee has supported. How do you see that impacting the prosecution of sexual offences?

Sam des Forges: Again, we are conscious that the prosecuting authorities are independent. They are the best-placed folk to make those decisions. This protocol formalises what has been in place for many years: looking at things on a case-by-case basis and deciding what is best for a particular case. The civilian system has always had primacy on that decision.

We are not in a space where we are saying, “We wash our hands of these cases. The civilian justice system has to deal with it.” They have the final say, which has always been the case and has often been misunderstood, but we really want to make sure that we are delivering the best for our people.

We are a smaller organisation. Comparing the stats is difficult because you are talking about very different numbers. We have an additional test, because it is not just the evidential standards; we also recognise that sexual offending ultimately has a really detrimental impact on operational effectiveness and unit cohesion. We are far more likely to put things forward. If you look at it through a victim’s lens, again, we are far more likely to get those convictions.

Taking the Defence Serious Crime Unit, which was set up in December 2022, and the Victim Witness Care Unit, which came online in March 2023, the cases where they are having an influence will be not quite in court or only starting to come to court. This goes to the fact that a lot of change is being delivered. The statistics and information we are getting are those early indicators; we are seeing more cases being reported. While we have to be super careful—this is similar to the point you made about making sure that we are protecting victims and survivors—the feedback we are getting from folk is that the Victim Witness Care Unit is making a tremendously positive difference. We need to make sure that beds in. If we have the ability to grip the system we have, we can make that positive difference.

Dr Murrison: I would like to add to that. Anecdote is important because it is personal testimony. It brings these rather brutal raw figures to life. In the written evidence we have given you, we have provided some of the feedback we have had on how people have experienced the new structures, which I hope is helpful.

In trying to work out whether we should accept the proposition that this should shift, particularly for MMR cases, to the civil jurisdiction, what did it for me was the knowledge that justice delayed is justice denied. The figures are very clear. We deal with cases much more rapidly. As a constituency MP, you too will have been faced with people whose cases



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have gone on and on and on. It is hugely traumatic for them. I would rather protect the service population from that.

The other point is the expeditionary nature of service justice, which has few parallels. That is one of our strengths.

Q6 Chair: Thank you. I am grateful to you for your evidence on that. Can I just round off that question about progress in time? Minister, you referred to having refreshed your memory from the chronology. I wonder whether you would be able to write to us to give some further details. We have not had time now to go into what has been done and what has been achieved at certain times.

Dr Murrison: I will make sure that you get this. It is very useful. It is certainly a great aide-memoire to organise your thinking in this matter. I will certainly confirm that it is not the case that we have just been doing things over the past six months; it has been longer than that. Equally, we need to ensure that the things that were put in place a year ago have the time to bed in so we get some decent data out of them. A lot of it is subject to annual review. For example, the service complaints procedure is actively being reviewed. I expect to see a report on that in the spring.

Q7 Richard Drax: Good afternoon to you all. Bearing in mind that there are lots of you, Minister, I am going to start by asking you this question. If anyone else wants to jump in, please indicate.

You have almost answered the first part of my question. It comes in three parts. The first part is this. How is the MOD ensuring that zero tolerance to unacceptable sexual behaviour is making a change on the ground? How are you measuring the impact? We have had quite a bit about both so far. Minister, do you want to add any more on that before I go on to part two? Does anybody else want to add any more?

Dr Murrison: Mr Drax, you are quite right; I probably have answered the first part of your question. In terms of impact, this is of vital importance. We are 12 months in to the setting up of the Defence Serious Crime Unit and it has not been much longer since the establishment of our first measures on zero tolerance. I do not have the hard data that I think would convince you. In 12 months' time, please ask me or my successor back and give them a good grilling, at which point I think there will be no place to hide, and I hope the data will tell a good story.

In the absence of the kind of robust data I would like to be able to offer in 12 months' time, we have to look at some intermediate outcomes, which is to say early indications that we are on the right track. I would look at things like how many complaints are we getting in, for example. AFCAS, the Armed Forces continuous attitude survey, suggests that more people feel able to come forward with a complaint. That points to a culture change. It gives me an indication that people have noted the new architecture and are happy to come forward with complaints that previously they would have been reluctant to do, probably, because it overly involved the chain of command.



I would point towards things like the tri-service sexual harassment survey, which no doubt we will come on to in a few minutes. If you look at the data for that, again, the metrics are going in the right direction—not in any way at the rate I would want to see, but they are nevertheless. If you ask people in the Servicewomen’s Network what they think—they are there on the ground sensing what is going on—they will probably say there is much more that needs to be done. I would say the same thing, but I am encouraged by feedback like that and the feedback I get from individual servicemen and servicewomen about the general direction of behaviours within Defence. I find that really quite uplifting.

We also have to look at SCOAF, who I know gave evidence to you on 24 October. Ombudsmen are not usually known for being particularly effusive about the efforts of the institutions that they are assigned to monitor, but I was quite taken with her comments. She clearly feels that the complaints architecture we are putting in place is going in the right direction. I find that very compelling. I note that she has some ideas on how it may be tweaked, and I accept those. As part of our complaints architecture, at the moment we are reviewing what we have done. I expect the Chief of Defence People to come back very soon with his report and recommendations as to how we can tweak this. I found SCOAF’s evidence extremely compelling. I am sure the Committee will too.

Q8 Richard Drax: Just to pick you up on one little point, Minister, you answered the question initially by saying that you cannot give us the whole impact until the end of next year. Is it a matter of regret that it has taken all this time to get to that point?

Dr Murrison: I say 12 months’ time. As we go through this, we get more and more data based on what we have put in place. Only this morning, as I referred to in my opening remarks, I got some really quite encouraging material on outflow from the Armed Forces. I do not particularly like the figures overall, but they show that women appear to be staying more than men are. As I say, I am quite happy to share this.

Richard Drax: Yes, please do.

Dr Murrison: That is hard evidence. We must be doing something right. You yourselves have said that the great majority of women serving would recommend service life to other women. I find that compelling too.

Q9 Richard Drax: I have met several who have said they are very happy in the Armed Forces and would recommend it.

Dr Murrison: Indeed, but I do not want to give the Committee any sense of complacency. I have none. I am absolutely convinced that I have seen the future and the future is female. Throughout Defence, we see that women are being advanced. I would like to see the rate of advancement accelerated, but nevertheless we are now seeing generals, admirals and air marshals being appointed. Even more importantly than that, we are



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seeing women commanding brigades; we are seeing women commanding significant platforms; we are seeing women going through the gateways to the stars, which are our big courses—the higher command and staff course, for example, at RCDS. These are the leaders of the future.

We are seeing in the psychometric testing—I do not know whether you went through this, Richard—

Richard Drax: Thankfully not, no.

Dr Murrison: I would have hated to do psychometric testing as part of my career advancement boards. They do it now. I can tell you that women score higher for leadership and intellect than men do. That tells you what the future is going to look like.

Q10 **Richard Drax:** That is all good news. My next question slightly undermines what you have just been saying. As of 31 August 2023, 56 service personnel have been found to have engaged in unacceptable sexual behaviour committed since 19 November 2022 under the zero tolerance policy, which you have just been talking about. But 44 out of 55 were retained, which rather questions the zero tolerance or unacceptability of that sort of behaviour. Is it anything to do with length of service that some were treated better than others?

Dr Murrison: I hope their treatment would be equitable and in accordance with the facts of the case, whether it is a criminal matter or what you might call sub-threshold. It is important to make a distinction between the two.

Q11 **Richard Drax:** What does “sub-threshold” mean?

Dr Murrison: Sub-threshold would be something that does not reach a test of criminality. We are talking about unacceptable sexual behaviour. I can provide you with a list of exemplars of what that might mean.

Q12 **Richard Drax:** Those watching this might like to know why, given that you have this policy, 55 were found to have behaved unacceptably and 44 have been retained. It seems slightly odd.

Dr Murrison: This is a victim-led process. A large number of those people will be very young, to answer your second point. In a very significant number of these cases, a complaint has been raised against a person, but the victim says, “I have called it out, but I do not want that person to lose their job over this” and so they have been subject to administrative action. Nobody gets off scot-free in this process. If you have been found to do this stuff, your card will be marked. If you do it again, you are out. There is no question.

Q13 **Richard Drax:** Does the victim decide whether the person who has committed the unacceptable behaviour stays in the Armed Forces? Is that what you are saying?



Dr Murrison: For sub-threshold incidents, those that do not reach a test of criminality, the say-so of the victim is of huge weight.

Lieutenant General Sharon Nesmith: Minister, could I bring it to life with some examples? First of all, to reinforce what the Minister has already said, while some of the statistics are relatively low in number, I have absolutely no doubt in my mind that the introduction of the zero tolerance policy has changed the discussion, the conversation and the awareness around zero tolerance of unacceptable sexual behaviours.

I would almost describe it as a catalytic change in how we talk about it in our education and training. It is almost before people join the Army. Before they have arrived at basic training, we talk about our values and standards, the threshold and what happens if you cross it. It has changed the conversation around what is unacceptable sexual behaviour.

It is also catalytic in how we see life through the lens of a survivor or victim, which arguably we have not been as good at doing previously. Whether it is in the victim code of practice, which is now reinforced across the chain of command, or in making sure that we know how to signpost and support people formally through the Victim Witness Care Unit or informally within a unit, it is about being a little more conscious and knowing where to go for some of that support. While I know the statistics might not look like it has made a difference, it absolutely has. I would describe it as practically catalytic, among other things.

Perhaps I could talk about some of the numbers and what they are telling us. We need to learn from some of what the statistics tell us over time. I would go back to the fact that this was about a survivor approach; it was about seeing this through the lens of the person who makes the complaint. We have seen that quite a lot of our survivors miss the opportunity to deal with something through informal resolution at a low level. They have really wanted to call out the behaviour and address it, and for that to be part of a demonstrable change within the organisation, not necessarily a termination of service. It is through that lens that the judgments and the application of the policy have been viewed. That is what we see in some of the statistics so far. They are all reviewed up to a two-star level. They are not taken lightly. None of those judgments is taken lightly.

I would also say that, short of termination of service, there are other things that we would want to implement. That could be a lesser award below termination of service, which impacts on seniority and career progression. Perhaps more or just as importantly, it could also be a direction that rehabilitation needs to be put in place, which could be either educational training or bespoke tailored coaching and mentoring to make sure nobody makes the same mistake.

Q14 **Richard Drax:** I do not want to dwell on this too long because we have a lot more questions. Can I just give an example? Say there has been overtly sexual banter by a man to a lady serving in the Armed Forces. It



is reported by the victim. The whole case is looked at, but it does not reach a criminal bar. When the gentleman has been brought in and told by his seniors, "That is totally out," he says, "Look, I am sorry. It will not happen again." The victim, as you call her, says, "I am happy with the outcome of that". That is an example of where they are retained, whereas in the case of rape, at the far end of the thing, they are out and they are in jail, hopefully.

Lieutenant General Sharon Nesmith: When it is criminal, it is criminal, full stop, and it needs to be dealt with as a criminal offence. When it is anything short of criminal—there is quite a wide range—it should be investigated. Either the person who has been on the receiving end or somebody else has reported it. It is investigated and then taken up to two-star level to make sure that we are applying the policy in the right way.

Q15 **Richard Drax:** Minister, you said that this is recorded. If it happens again, two hits and you are out, even if it is below the threshold. Is that right?

Dr Murrison: This is administrative action. Their card is marked. It is going to remain there for three years, during which time you are not going to get promoted or advanced. It is a serious matter. Furthermore, you will be subject to rehabilitation. It is done on an individual service basis, but each one of them does that. It is not the case that we simply punish people and leave them to do the same thing again. If they do it again, they are out. There is no question.

If you go through the list of the things that we consider under USB, you will get a sense of this. It is predominantly young people who have been drawn from a society with certain norms and practices into a community where we insist on different standards. Sometimes it is a culture shock for these kids when they come into defence. They need to be apprised at very short order, and indeed even before they tip up, that there are certain expectations on them, with which they have to comply; otherwise they will end up in an unhappy place. For many of them, that is going to be quite a shock.

Q16 **Chair:** Minister, the administrative action is recorded for a period of three years and there will not be promotion during that time, if I understood that correctly. Is it then spent, as I would regard it?

Dr Murrison: Yes, correct.

Lieutenant General Sharon Nesmith: It actually depends on the sanction. When the sanction is made, it is very clear about how long that will stay on a reporting profile.

Dr Murrison: It is up to three years.

Sam des Forges: When we implemented the zero tolerance suite of policies, we wanted to review them after a year. That is something we



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are working on at the moment. We are getting evidence from a number of folks. This was aimed at being a shock to the system. It triggered a whole bunch of conversations that just had not happened before. We need to make sure that it is set at the right place. "Do we need to go harder? Where do we need to go?" We are at that point at the moment.

Chair: It is an opportunity to adjust if we have not got it right.

Sam des Forges: Absolutely, and that reflects the broader approach we are taking to all of these issues. There is no single intervention that is going to solve these challenges. We have to have a whole range of interventions. The reality is that some of them might not work as intended. We have to look at them, change them and update them based on feedback from the services and our Servicewomen's Network in terms of how they are landing on the ground.

Dr Murrison: What I do not want is people not coming forward with a complaint because they think the individual is going to be shown the door automatically. That would not be helpful.

Q17 **Chair:** You are keen to make clear that there is an element of discretion within the system as well.

Dr Murrison: Yes, there has to be. Go through the list of things that qualify as USB and imagine the sorts of vignettes and scenarios where they might happen. I am really worried that women will not come forward because they think, "If he makes a joke of a sexual nature in the bar at 10 pm, he is going to be shown the door next day." That would not be helpful, but, equally, we need to make clear that this stuff is just not acceptable. That comes back to the point I made about culture.

Q18 **Derek Twigg:** Minister, you mentioned the threshold. I just want to try to explore that a little bit. If these unacceptable sexual behaviours took place during training, in other words the colleges for the Army, Navy or RAF, when recruits were being trained, would the bar be lower? Would people be removed automatically? Would they be given a second chance if they were involved in the training of new recruits?

Dr Murrison: To be clear, trainers at phase one and phase two establishments and the Army Foundation College are scrutinised. If there is any suggestion of sexual involvement with a trainee, they are shown the door. That is way above the bar.

Q19 **Derek Twigg:** Let us just be clear. For a trainer or someone who is involved with the training of new recruits and young people, the threshold for inappropriate sexual behaviour or comments is different from the rest of the Armed Forces. Are you only shown the door from the training establishments or in fact removed from the Armed Forces? That is what I am trying to find out. Is it a different threshold for training?

Lieutenant General Sharon Nesmith: It is about the application of the policy and the judgment under the policy. Where somebody is in a



position of responsibility, a trainer or an instructor—this is what the Minister is referring to—the decision is that their service is terminated.

Q20 **Derek Twigg:** There is no second chance for them. They are out.

Sam des Forges: It is not blanket. Within the policy, there are a whole bunch of questions and considerations. If you are talking about criminal offences, where someone has been found guilty of a criminal offence, it is mandatory dismissal. Where it is below a criminal offence, recognising that criminal offences use beyond reasonable doubt versus the balance of probabilities, there are a number of questions on that presumption. You have to think about seniority. For example, if someone is very senior, one's expectations might be higher compared with someone who is 48 hours into their service.

Q21 **Derek Twigg:** I am sorry, I have maybe not made myself clear. Where they have been found guilty of a criminal offence, I understand that that would mean they should be out and moved on somewhere else, if not removed from the Armed Forces. I am talking about sexual comments made as a trainer or someone involved in training young people. It might not be a criminal offence. Are they removed automatically or do they get a second chance to stay in that training establishment? I am trying to be very clear about this.

Air Marshal Paul Lloyd: As was said, each case has to be considered—

Q22 **Derek Twigg:** With respect, this question is really about the general policy. You are saying there are different levels of sexual comments that can be made.

Air Marshal Paul Lloyd: As was said before, the policy has mitigating and aggravating factors. One aggravating factor is rank or grade differential. For example, in this job I have been involved in a case where that was a deciding factor in the termination of an individual's commission because that individual had a rank differential with the person involved. If they are of the same rank, that may be taken in mitigation. It has to be taken on a case-by-case basis.

Q23 **Derek Twigg:** If we are talking about trainees, who would be the same rank as a trainee?

Air Marshal Paul Lloyd: Ordinarily, one would look at the rank differential as a significant aggravating factor. In this case, there will be such things, so you would expect that to be the case.

Q24 **Derek Twigg:** With respect, I am talking about trainees. I am still not clear whether there is an automatic expulsion either out of the training establishment or, eventually, out of the Armed Forces, if that happens in a training establishment.

Air Marshal Paul Lloyd: Not for trainers, about whom we are clear, but for trainees.



Derek Twigg: Yes.

Sam des Forges: There is a list of mitigating factors in the policy and one of them says, "Youth or inexperience of the perpetrator. For example, a person under 18 who is still in Phase 1 training."

Q25 **Derek Twigg:** What about the trainers? I mean someone who is involved with the training of young people and new recruits.

Sam des Forges: Sexual relations between trainers and trainees—

Q26 **Derek Twigg:** I am not talking about sexual relations. We are getting confused. I would expect automatic expulsion, if that were the case. I am talking about inappropriate sexual comments made by someone who is a trainer or involved in the training of new recruits.

Sam des Forges: That would form part of the aggravating factors.

Q27 **Derek Twigg:** Would they be out of training automatically, initially?

Sam des Forges: You have to look at cases on an individual basis, but that forms part of the aggravating factors.

Q28 **Derek Twigg:** In making a sexual comment, would it be an aggravating factor if you said that to a 17-year-old female recruit, for instance?

Lieutenant General Sharon Nesmith: If a trainer or instructor has a relationship with a trainee, they are dismissed. Their service is terminated.

Derek Twigg: I understand that.

Lieutenant General Sharon Nesmith: If they have displayed unacceptable sexual behaviours, as we have now defined them, the policy is absolutely applied to them and their behaviour through administrative action.

Q29 **Derek Twigg:** What does that mean?

Lieutenant General Sharon Nesmith: That does not necessarily mean it is a termination of service.

Q30 **Derek Twigg:** What about being taken out of the training establishment?

Lieutenant General Sharon Nesmith: Yes, that could well be the case.

Q31 **Chair:** Is that an option?

Lieutenant General Sharon Nesmith: Yes, it is an option.

Q32 **Derek Twigg:** It is not automatic. If someone who is responsible for training, whatever level they are, displays inappropriate sexual behaviour or language in a training establishment, that it is not an automatic removal from the training establishment.

Lieutenant General Sharon Nesmith: It is not an automatic removal.



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Dr Murrison: I have to say, though, that there would be a very strong course of action. We cannot really talk about hypotheticals. If you made lewd or suggestive comments to a trainee as a trainer, I really cannot see how that is compatible with remaining in a training establishment.

Q33 **Derek Twigg:** That is not what we have just heard. You have said it depends on a case-by-case basis.

Dr Murrison: Of course it does. We are talking about sub-threshold. I would have thought there has to be some form of discretion. It would be remarkable, in the hypothetical situation you have just described, Mr Twigg, that such a person would remain in that establishment.

Chair: Okay, let us stop there on that point. I am conscious that we have a great deal more ground to cover. We may debate whether that is right or wrong in due course. That is a different matter from understanding what the position is. If I understand correctly, there is an element of discretion for those sub-threshold cases.

Derek Twigg: The Minister is not saying that.

Q34 **Chair:** I do not want to put words in your mouth, Minister, but, to be fair, you are agreeing with the General that there is an element of discretion. There are factors you would look at, but in your mind you think it is inconceivable that that action would not be taken.

Dr Murrison: That is exactly right.

Chair: Can I now turn to Sarah Atherton to ask her question on this point? Then we need to move on.

Q35 **Sarah Atherton:** What a confusing picture you have just given everyone watching this. The Secretary of State who brought this in said zero tolerance was, as we believe, zero tolerance. It did not have to meet a criminal threshold. It was not two strikes and out, if it is administrative. There was no discretion in it. It was zero tolerance. You have just demonstrated to us, quite frankly, a very confusing picture. Could you write to the Committee, Minister, and define what your zero tolerance policy is?

Dr Murrison: Look, life is complicated, isn't it? All its complexities—

Q36 **Sarah Atherton:** It is not how it was set out to be, Minister. Zero tolerance is zero tolerance. You have now deviated from that.

Dr Murrison: No. We also have to comply with general law. Are you asking me to mandate that every trainee who makes a lewd or suggestive comment, who makes a joke, who does wolf-whistling or who comments on somebody's appearance in what is interpreted as a sexual way should automatically be shown the door? I would struggle with that.

Q37 **Chair:** Minister, the Committee is looking at two issues here, and it is important that we are discrete about them. It would be helpful if you



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were to write to us to clarify this. As I say, we can look at whether it is right or wrong. That is a different matter. We just need to understand the picture.

The point Derek Twigg is concerned about is in a training context, as distinct from what you might do in a broader service context. If I understood Sarah's question correctly, she is underlining that and saying that she would expect to see a zero tolerance culture within the context of training. I think I have understood that correctly. Could you address that for us?

Dr Murrison: I am happy to do that. I will probably repeat what I and others have said here, but I am perfectly happy to write a clarifying note, if that would be helpful.

Chair: There is clearly an element of confusion here as to exactly what you mean by zero tolerance.

Dr Murrison: I am pretty clear on what it means, but I am very happy to write in clarification.

Sam des Forges: We are doing that one-year review, and we can take these points and consider them as part of that review.

Chair: I am so sorry. We could spend a lot of time discussing and debating this, but there are a number of other issues that I need to get to. For the first of those, I will turn to Sarah. We are now going to look at some of the individual service issues.

Q38 **Sarah Atherton:** The non-statutory inquiry into unacceptable behaviour in the Red Arrows found a deeply embedded problematic culture and bystander culture. How do you approach a unit or team where there are deep-seated cultural issues? What do you do with the Red Arrows?

Air Marshal Paul Lloyd: I am aware that my Chief was here a week ago and you had a lengthy discussion on this very topic. I will try not to repeat what he said, but I will reiterate the unreserved apology we send out to any individual who experienced unacceptable behaviours. That is not acceptable within the Royal Air Force and not at a service that I, the Chief or the senior leadership want to be part of.

As you said, we dealt with the issues following the NSI in a decisive manner. Two individuals are no longer in the service. We are now on the journey. Pretty much the whole of the squadron has changed. There is a different leadership from the one there was before. The Chief was there again last week meeting the team. He is happy and we are positive about the cultural change that is beginning to happen. As I said, it is a long journey, but we will continue to monitor the situation.

Going back to your point around how we monitor those organisations, this is where things like cultural surveys are really important. We have now instigated a rolling two-year review. Every two years, every



organisation sends out a cultural survey to test the organisation, and not only that, but when commanders take up a post, in the first six months, they are mandated to have a cultural survey carried out on their organisation. This is part of the journey for us in building our understanding. Again, this has only been happening since last September. It is still early days to build up any big data, but this is the work we are doing now to try to understand how we can nip any issues in the bud.

We have already seen some cases where cultural surveys have highlighted individuals starting their command maybe not in the way we would like to see. We have helped those individuals to understand their impact on their organisation. They were not intending to be seen in that way. They maybe started a little bit keener than they should have done. We have helped them through that to make sure that the organisation moves forwards.

Q39 Sarah Atherton: I have been contacted by quite a few people involved in that investigation. I want to raise two points with you regarding concerns about admissibility conclusions. Are you confident with the admissibility conclusions made during that investigation? Quite a few people feel that some of the evidence passed the criminal threshold, but it was never seen like that by the SPA.

Air Marshal Paul Lloyd: These cases happened before the Defence Serious Crimes Unit existed, but they were referred to the service police. They did not pass the test to be considered criminal behaviour. I am not a lawyer or a policeman. I cannot comment on that, but I believe that was the case. Again, in other cases, very comprehensive investigations were concluded. A huge amount of evidence was taken. We have not been led to believe in any way that the evidence was not comprehensive.

Q40 Sarah Atherton: I have had evidence given to me, which concurs with the statement by Kevan Jones, who is a colleague of ours, to CAS, and counters what the Minister has just said, indicating that one of the pilots was promoted during this investigation. Can you confirm now whether he was promoted during the investigation?

Air Marshal Paul Lloyd: I cannot talk about individual cases. You are referring to the same case as you did when the Chief was in here a week ago. This is the case that came out in the paper.

Sarah Atherton: Yes.

Air Marshal Paul Lloyd: In terms of process, I can confirm that we do not promote individuals on squadrons. Promotion happens across the Air Force. The decision is not taken within a single unit. What we could be talking about here is an increase in the level of responsibility.

Q41 Chair: Can we be clear about the definition of promotion, please?



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Air Marshal Paul Lloyd: "Promotion" means an increase in rank. That is what we mean when we talk about promotion.

Q42 **Chair:** What else might you be talking about in this context?

Air Marshal Paul Lloyd: We might now be talking about changes in responsibility. I will take it out of that context, rather than talking about an individual case. For example, in other squadrons an individual may take on the leadership of larger-sized formations, which is an increase in responsibility. Another individual on the ground crew side may take the responsibility for leading the logistics of a detachment. Those are the sorts of things we are talking about here.

An individual may be given more responsibility, but they are not promoted. To us "promotion" means an increase of rank. The individuals we are talking about were not promoted. They were left at the same rank.

Q43 **Sarah Atherton:** Most worrying for me was the treatment of the whistleblowers involved in this. This is the cultural change we are all striving for. They were trying to stand up and do the right thing. We have also embraced, along with "rape with penetration", "urinary" and "menstrual", this new term "career fouling". I have heard accounts of people who tried to whistleblow and do the right thing, and who have had their careers fouled. Do you want to comment on that?

Air Marshal Paul Lloyd: I cannot comment on that because I am not aware of any cases where that has been the case. Again, this has been protracted over many years. As the Minister said, we have moved a long way. We now have the Witness Victim Care Unit, etc. to allow people to come forward anonymously. In no way would we wish for any whistleblower or anybody to have their career fouled because that would be inappropriate and it would stop people coming forward. I am not aware that is the case in any situation.

Q44 **Chair:** Just before we go on, if I may, could I just follow up on this point? Forgive me. One of the things that is disturbing about this report is the failure of leadership at squadron level. Of course, leadership is taught at levels other than just squadron level. How confident are you that the failures of leadership that led to these issues have been tackled not just within the Red Arrows but across the whole Air Force?

Air Marshal Paul Lloyd: I am very confident that that has been the case. The comprehensive inquiry looked at all aspects of that. Where people were found to have had failures in leadership, they have been dealt with. As we said before, we are a learning organisation. This has brought sharp focus to the need at all levels of leadership.

Q45 **Chair:** Would you say these were individual failings rather than an institutional failing?



Air Marshal Paul Lloyd: We are talking about an individual unit rather than the Royal Air Force. Following that event, again, the team carried out—this was before I took on this role—a number of cultural surveys across other organisations within the Royal Air Force. They did not find some of these behaviours.

As my Chief said last time, this is not the RAF we recognise. In fact, many women have come forward and said that it is not the RAF they recognise. Certainly, in that organisation at that time, the behaviour was not acceptable.

Chair: Air Marshal, thank you very much indeed. Sarah, forgive me.

Dr Murrison: Before we come on to submarines, could I just make a comment about RAFAT? The Red Arrows have been put on notice. There is no question about that. They are best described as being in special measures following this performance. They are subject to the most intense scrutiny of any part of Defence at the moment. None of them can be under any misapprehension about what is expected of them.

I am comforted by the knowledge that there has been significant churn since this happened. We have a fresher slate of people who now populate this organisation. You will also know that RAF Scampton, their home, has now closed and they have gone elsewhere. You will also be aware that there are ongoing climate assessments of this organisation to make sure that they are where we want them to be.

No part of Defence, including the Red Arrows, can expect special treatment, despite their high profile, if they start to tarnish the good name of Defence and give entirely the wrong impression to the public they serve and in particular to those who may be tempted to join the Armed Forces.

Q46 **Sarah Atherton:** Air Marshal, I have a quick one: how many hours, bottle to throttle?

Air Marshal Paul Lloyd: Off the top of my head, I am not sure whether there is a policy, but it is deemed to be appropriate. I will have to come back to you on that one as to what exactly the policy is.

Q47 **Sarah Atherton:** Admiral, the Submarine Service has had its own problems. I know there is an investigation going on, but can you give us an update on where that investigation is at?

Admiral Sir Ben Key: Thank you very much for the opportunity to talk about one of the most distressing examples I have found since I took over the leadership of the service. The abhorrent behaviour, which we are seeking to drive out, was really distressing for us all to hear about a year ago today.

The first thing to say is that the investigation continues. Clearly, given the nature of the investigation, aspects have had to be passed across to



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the Defence Serious Crime Unit because of the potential for criminal aspects to be investigated. Those have been running in parallel. The legal minds around this table will know better than I the manner in which that has to be conducted to protect the integrity of the investigation and the primacy of the potential criminal allegations.

I understand that good progress has been made and the investigation teams are continuing. I do not have, and nor would it be appropriate for me to have, an up-to-date day-by-day review of where they have got to. That is not the nature of an independent investigation. I am reassured that they are continuing.

These things take time because they are complicated. They place the victims at the heart of the process, which is really important. We need to make sure that we do them thoroughly. We are therefore continually in this balance between making sure that something is done comprehensively and gives anyone who wishes to come forward to contribute to it the opportunity to do so and, at the same time, making sure that it does not add to the sense of drag that particularly those who referred behaviour several years ago have clearly experienced, because of the lack of confidence that they had in the complaint system at the time.

We are constantly trying to strike that balance. Of course, one of the purposes of a non-statutory investigation is to be a learning tool. One of the things I have been clear about—the investigation team are very aware of this—is that, if there are immediate lessons, recommendations and actions that it is obvious we need to start making progress on, they should be passed across.

I know you have had contact with Commodore Catherine Jordan, who leads the culture team that I set up in the immediate aftermath of these incidents coming to light to try to step-change how we think about the development of an inclusive and open culture across the service. I have established Catherine in a role where she directly reports to me. She has the authority to roam across the service, not just within the Submarine Service but more broadly. She has pulled together those groups of people who were exhibiting great best practice across the service into a unified organisation.

I am confident that while the investigation continues we are not just sitting on our hands pretending there are not things that we are going to learn from it. We are beginning to see evidential impact of the work Commodore Jordan is leading on my behalf to improve the lived experience for women, particularly in the Submarine Service but across the whole Royal Navy.

That is also having a benefit for men who serve. I recognise that this is a particular inquiry into women in the Armed Forces, but what we want is an open, inclusive and positive culture, where everybody who wants to be part of the Royal Navy and the Royal Marines can bring their best to work



and be acknowledged for the contributions they make. We will see positive benefit in so many other areas from what I recognise has been a deeply distressing period for a few people who were treated in an utterly abhorrent manner.

Q48 Sarah Atherton: Defence has implemented quite a number of initiatives to try to identify and manage the problem of inappropriate behaviour, such as independent reporting, victim support, etc. None of that translates to a CASD submarine situation. How are you going to manage this underwater? How are you going to manage, record and deal with inappropriate behaviour in a submarine setting?

Admiral Sir Ben Key: We are doing a number of things to support command teams before they go on patrol to ensure that we are identifying people who can set the right culture when they themselves are under huge personal pressure. We are giving them a guide rope to cling on to. None of us here, I do not think, has personal experience of being the commanding officer of a submarine that has dived for a long period of time operating under very demanding circumstances.

The first thing we are doing is making sure that the command teams are trained and better supported before they go to understand, both within themselves and across their whole ship's company, those early signs of the pressure of social isolation. A number of additional people are trained, particularly the coxswains, who sit slightly to one side of the command team so that they can provide independent support. There are a number of safeguards about the number of women who serve on board and how many mess decks are given over to women, so that people do not feel they are so alone. Clearly a number of the submarines will go out with medical teams as well, who bring additional perspectives into all of this.

It is true that giving access to a victim of a serious crime such as rape during a patrol related to the highest elements of national security, and how we would deal with that, is going to be an extremely difficult judgment call for the commanding officer at the time. I have been clear with the commanding officers that, in the same way that they should not imperil the safety of their ships' companies unduly, they also have to look after their combat effectiveness.

You will not be surprised that I am not going to give the Committee—particularly not in session—detail of the instructions that we have given, because that has significant operational implications associated with it, but commanding officers ultimately do have discretion. We have to trust them. We have to prepare them as best we can, support them before and after, and make sure that they have tools and techniques available to them during.

Thankfully, in very recent years, since we really started to get after this particular issue, we have not had some of the incidents that I know—from my own personal experience when I was the fleet commander—



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previously took place, which have undoubtedly caused very difficult environments on board. We are determined to root that out, because we ask so much of the people who serve anywhere in the Armed Forces, but particularly in a dive submarine, cut off from the normal social linkages that we tend to assume for granted. We owe them a huge amount of determination to make sure that they can go down there, confident and comfortable that the cultural environment that they enjoy is one in which they feel safe.

Q49 Gavin Robinson: Good morning, all. Admiral, I know you had planned to spend most of your day with us today, but at the rate of pace it seems the rest of the panel will as well. Minister, you did mention at the start, anticipating one of the questions that I intend to raise now, that you are on the right track when comparing the number of females applying to join the Armed Forces with the number of females leaving the Armed Forces. You referred to data that was shared with you this morning. Does that data that you received this morning capture the latest reporting period, which is 30 September 2023?

Dr Murrison: This is the latest information we have, so this is looking at this rather grainy chart. The answer is that that is correct, but, as I said to the Chair, I am more than happy to share this with you. It is the latest we have. There is usually at least a three-month delay in the information we get. Obviously it is not real time; it is usually about three months out of date.

Q50 Gavin Robinson: The information that we have, the last recorded data, is 31 March 2023. It is recorded on a six-monthly basis. I can tell you the figures in March. Can you tell me the figures?

Dr Murrison: I can tell you the outflow. That is what I was referring to. This is outflow from the Armed Forces. I raised it in support of my assertion that we have some intermediate outcomes, as I described them, to suggest that we are on the right track in terms of culture and issues like complaints. That was the way I put it.

Q51 Gavin Robinson: Minister, can you give me the net figure for the number of females applying to join the Armed Forces versus the number of females who left the Armed Forces in September 2023?

Dr Murrison: Figures exist. I do not have them off the top of my head. I am more than happy to write you with what I have.

Gavin Robinson: In March there was a deficit of 240 individuals.

Dr Murrison: Including male and female, yes.

Gavin Robinson: This is female.

Dr Murrison: Both of them are the same.

Q52 Gavin Robinson: This session, Minister, is on women in the Armed Forces, and these figures are for females. There has been a downward



trajectory over the last year. In the last 18 months, the situation has gone from positive to negative. In March, 240 more individuals were leaving than joining, so I am putting it to you: while you suggest we are on the right track, why do you think it is that we have gone from a positive rating between 2019 and 2022 to a negative rating?

Dr Murrison: This session is about women, and in assessing where we are with women we have to compare and contrast men and women. I am not happy with these figures, not at all, because both males and females are exiting the Armed Forces at a rate that I find unpalatable, but, nevertheless, the female figures are better than those for men. In trying to work out whether we are an attractive proposition to women, relatively speaking, I find some encouragement in that.

Q53 **Gavin Robinson:** There is a bit of a stretch to attach any correlation whatsoever to the disparity between males and females and to assume that that means there is a positive experience and a positive reflection for females singularly. That is the nature of this session.

For seven years from 2012 to 2019 there were more females leaving the Armed Forces than joining. That changed in 2019, and we got into a positive flow situation where there were more females joining the Armed Forces than leaving. In the last 18 months, we are in negative territory. That negative territory has continued to go down. I am asking you this: with the figures that you have before you—which are the most up-to-date figures, different from ours, for the next six-month period—are they showing an uptick or a continued downward trajectory?

Dr Murrison: The figures I have described to support my contention about females doing relatively better than males are for outflow. These are the most recent figures I have. We have a recruiting problem. There is no question about that. It is not a male or female thing. It is right across the board. As I said in my opening remarks, it is not something that is unique to the UK, far from it.

Gavin Robinson: It is frustrating for us, Chair, that the Minister is holding data that he has and that we do not have the benefit of.

Dr Murrison: I can let you have all the data that we have. I do not have it on the top of my head.

Gavin Robinson: You will not be sitting before us when we have the chance to consider that ourselves and ask supplementary questions.

Q54 **Chair:** Do you have that in front of you now, Minister?

Dr Murrison: No, but I can provide you with figures going back over the past four years and more if you want me to. I am not going to mislead the Committee by giving you stuff off the top of my head. I do not hold those figures in my head, but I am more than happy to write to you.

Q55 **Gavin Robinson:** Minister, let me just ask this. In the context of a downward trajectory, a continual negative flow in the last 18 months,



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with more females leaving than joining, how can you say we are on the right track?

Dr Murrison: It is because what we are doing today is trying to work out how we improve Defence for women. I can compare men and women. That is useful to try to determine where we are. I do not like either of these figures, but the female figures are less bad than the male figures. If you are going to compare male and female, then it is a reasonable comparison. If your proposition is that Defence is a bad place for women, you look at these figures and see no evidence for that in the figures.

Q56 **Gavin Robinson:** My proposition from the figures, based on females' experience alone, is that there was a positive upward trajectory from 2019 to 2022, and that has resiled since then and the figures are now going downward.

Dr Murrison: That is the same for men.

Gavin Robinson: That is not the question.

Dr Murrison: Well, it really is.

Q57 **Chair:** Order. Minister, can I hold you there for a moment, please? The contention is very clear, as Mr Robinson said, that more women are leaving than are joining, and therefore it is not a positive environment. That is the point that has been put to you, but you may have some assistance coming from your left.

Sam des Forges: It may help to say that those statistics are published on a six-monthly basis, I believe. The numbers that the Minister is referring to are looking purely through the lens of outflows. One of the questions asked to us was, "Purely, are more women leaving?" What we have found in the evidence is that less women are leaving and more men are leaving. That was to answer that specific piece. What you are asking is the overarching piece, and it may be helpful to just hear from the services, if you are content with that, because they can talk to what they are specifically doing.

Q58 **Chair:** The data that we have was up to March, which suggested, as has been put to you, that more women are leaving than are joining. If anyone can assist us with up-to-date figures, which is what Mr Robinson is rightly asking for, then I would like to hear it. With respect, what I do not want to hear is a comparative between females and males. I have heard your point, Minister, but that is not the question we are asking.

Gavin Robinson: It is wholly irrelevant to this session.

Dr Murrison: Chair, I am more than happy to come back and talk at length about recruitment and retention in the Armed Forces in the round. What I am interested in, in terms of this particular session, with respect, is how we are handling women. What is the situation like for women? In that regard it is legitimate to compare how we are performing between



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men and women. That is the reason I am very exercised and interested in these outflow figures.

I know there is granularity in it. I know it is subtle. As I said before, we do not have hard data for a lot of the stuff we are talking about today, but we do have some soft data. This is part of that.

Chair: We have understood the point you are making, Minister. Please do not think we have not. There is a point of disagreement.

Q59 Gavin Robinson: We are not going to get to a place of moving this exchange on helpfully or productively—it is what it is—but you cannot solve a problem if you do not identify a problem. Irrespective of the comparison with male counterparts, why was there a positive trajectory for three years from 2019? Why has it been decreasing over the last 12 to 18 months? If you cannot identify those issues, you can claim absolutely no credit for positivity and no blame for negativity, because it just sounds as if the services will do what they do and we cannot crystallise or understand any rationale as to why we are getting an upward graph or a downward one. I will leave it there, because I do not think you are going to satisfy me. You are not in a position to give me the figures, let alone the rationale and the reason behind it.

Dr Murrison: I am more than happy to talk about recruitment and retention in the round. The point about these figures is that they do give us some way to better understand the place of women in this piece by comparing them with their male counterparts.

Chair: I understand the force of the point you make.

Q60 Derek Twigg: We are not going to have time today to going into the details of how we might stem, improve or reduce the size of the outflow, whatever the figures may be, but one of the advantages we have of visiting various bases is that we get to talk to service personnel across all ranks.

What I picked up, and the Committee has as well, is childcare. We went to Lossiemouth very recently, which was an excellent visit, by the way, and it was mainly women who mentioned it to me. This issue seems to be affecting the career of their partner or spouse, not just their own, if both parents are in the services. Generally it was raised as, “Yes, there is childcare, to an extent, but it is nowhere near good enough,” and it was influencing people’s future position on staying in the service.

Dr Murrison: You will have been briefed on wraparound childcare, which is something we have introduced, and that has been a great success. About 8,500 families have taken that up. We are obliged to review the success of that in a couple of years’ time and to change the programme if it seems that that is going to be advantageous. It is true to say it has been very helpful. Like you, I have visited RAF stations and spoken to service personnel directly, who have found that it has been very positive



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and retention positive. I hope we will be able to expand on that and develop it.

Q61 **Derek Twigg:** I got the clear message that it was not good enough.

Dr Murrison: Things are never good enough; of course they are not. There is always room for improvement but it has been extremely well received.

Derek Twigg: Yes, but if you want to retain people you have to do more.

Q62 **Sarah Atherton:** The expansion of wraparound childcare has been an absolute credit and a must, and has been well received. The UK Government—in England, anyway—has implemented more extensive childcare provision from nine months onwards. We certainly did not see any evidence of that happening in Lossiemouth. It is certainly not a policy that applies to the devolved Administrations. How do you plan to expand not only wraparound childcare as it was, but provision from nine months onwards for eligible service families?

Dr Murrison: Some 8,500 families have taken this up. Actually, we had thought probably something like 11,000 might take it up. There is a question as to why there is a delta. We are looking into that at the moment. You are right to say that the Government, as it were, play catch up. I am very proud that Defence was able to do this in a way that almost anticipated wider changes to childcare arrangements. As I indicated, we are keeping this under review. It is not static. It is quite likely that we will see changes going forward. I do not know, Sam, whether you want to add anything.

Q63 **Sarah Atherton:** Sam, what plans do you have?

Sam des Forges: I must admit it is not my area, so I do not quite have the details. I am very happy to write back. My understanding is that, as they are rolling it out, they are conducting regular reviews to see what they can do more broadly. I know that the exact points you made are things that are being considered, but I would not be able to give you the answer now. If it is helpful I can feed back separately.

Chair: Yes, I would be grateful if you can do that in writing afterwards. We have covered a great deal, but we have a lot more that we need to cover, so we must move on to the service justice system.

Q64 **Richard Drax:** From December 2022 to August 2023, the Defence Serious Crime Unit investigated 170 cases of sexual assault and rape. In the same period there were only 17 convictions. Why is there such a low conversion rate from investigations to convictions?

Dr Murrison: The Defence Serious Crime Unit was set up in December last year. The cases that it is working up are now reaching the courts. I am afraid there is a latency. The cases you are referring to are not cases that will have been dealt with by the Defence Serious Crime Unit. They



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are now coming on stream and going before the court, so that would be the reason for the figures you just cited.

Q65 **Richard Drax:** It is a time matter, is it?

Dr Murrison: It is.

Q66 **Richard Drax:** In that same period—and you may well give a similar answer, Minister—only nine investigations included forensic evidence from the victim. What are the challenges around gathering forensic evidence?

Dr Murrison: Not all cases will require the gathering of forensic evidence, and a lot of it, of course, is time-bounded. The guidance issued by the Faculty of Forensic and Legal Medicine is complied with by the service justice system, so what is gathered and what is presented will be in accordance with those civilian guidelines.

Q67 **Richard Drax:** Does it also indicate that people who maybe have been assaulted—women in most cases, I am sure—are not coming forward quickly enough? Time is crucial, as I understand it, for forensic evidence.

Dr Murrison: As a general point, I would urge any woman who has been subject to a serious sexual assault to come forward quickly.

Q68 **Richard Drax:** I understand that, but my question is whether they are.

Dr Murrison: That means you stand a much better chance of getting a conviction. The general point is, as I understand it, since many cases of rape in society at large fail because of the lack of forensic evidence, that it is far better that women report or have the confidence to report episodes of assault, because the chance of securing a conviction, which we know with rape is very low right across society, is very much improved.

Q69 **Richard Drax:** We understand that. That was not my question. The question is this: because this figure is low, and there is maybe some evidence that it is harder to get this forensic evidence, is it the fact that in these cases—and I do not know whether you know much about them individually—the victims concerned, for whatever reason, have not come forward sufficiently quickly? There are all kinds of reasons. It could be shame. It could be all kinds of things. Is there any evidence of that? If that is the case, what is being done to support victims to say, "You must come forward as soon as you can?"

Sam des Forges: Page 15 of the response gives more information on that. You are quite right; there is something about the timeliness of folk coming up. There is something about the Defence Serious Crime Unit, as it has stepped up and is now independent of the single-service chain of command, that folk are having more confidence to perhaps raise historic matters. I am not medically trained, but forensic medical examinations potentially involve some quite intimate examinations. For some of the sexual offending it is not necessarily relevant. It might be, for example,



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non-penetrative offences, for which that is not the right way to gather data. There are myriad reasons.

I wonder if I can just take the opportunity to highlight how folk can get in touch with both the Defence Serious Crime Unit and the Victim Witness Care Unit, because it is really important. If folk google—there are other search engines available—the Defence Serious Crime Unit they will find details on the gov.uk website, and similar for the Victim Witness Care Unit. If I may just read it out, the email address for the Victim Witness Care Unit is people-dscc-vwcugroup@mod.gov.uk.

The Victim Witness Care Unit in particular is doing some fantastic work to help folk understand the choices that are available to them and to support them through those sorts of pieces that you are talking about. The piece on forensic medical examinations is not as straightforward as it might appear. There is ongoing work with Defence Medical Services and with the SARCs in the NHS as well to continually improve what we are doing.

Equally, just as an aside, our Defence Serious Crime Unit investigators have all now completed PIP1 training, which folk will understand, and are undertaking PIP2. The Defence Serious Crime Unit folk were in the top five forces in terms of pass marks. That professionalisation and that real change of culture and approach is right the way through the Defence Serious Crime Unit, but I would really encourage folk to reach out to the Victim Witness Care Unit. I have shared some of the leaflets for you to see how we are trying to raise awareness of that.

Q70 Richard Drax: You have jumped to the next question, Sam, on the Victim Witness Care Unit. You read out the contact, but all this is not effective unless potential victims know that they can go somewhere. I take it that the moment they join both women and men have it explained to them very clearly, "If you are assaulted, this is what you do, this is where you can go, and we recommend you do it as quickly as you can," for the reasons we are discussing.

Sam des Forges: I am really conscious that we have folk in all sorts of locations across Defence, not least some of whom are under the sea, for example. There is not a single way or a single button we can press to make sure everybody sees that. We particularly use our networks as a great way to highlight those things. Our new JSP around supporting victims and survivors has just come out. You have seen some of the flyers. It is on gov.uk, as well as being embedded in some of the training and the understanding. We know we need to keep working. You cannot just say, "Right, we have put a poster up, job done." We have to keep going through that.

Q71 Richard Drax: Has anybody on the panel today come across cases where a victim has said, "I didn't know what I should do having been assaulted, and I should have done that"? Have any of the 170 cases and the only nine investigations involving forensic evidence come forward



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saying, “We just did not know what to do” or “We did not have enough advice or support”?

Sam des Forges: As you will be aware, there is an open invitation to the Committee to come and visit the Victim Witness Care Unit and the Defence Serious Crime Unit, which are probably better able to, in a safe space, share protected information with you on that front.

Chair: That is certainly something we will consider.

Q72 **Sarah Atherton:** Sam, can servicewomen self-refer to the Victim Witness Care Unit?

Sam des Forges: Absolutely, one of my aims of reading that out is just to say to folk, “Please do contact.” I know about the work that you are doing in the veteran space as well. While I cannot give a legal view, as each case has to be looked at on its merits and all of those pieces, I would encourage folk to reach out. The feedback we are getting is that it helps them understand their options. I am really wary of putting a burden of expectation on victims and survivors. I want to make sure that they have the information they need and that they can make informed decisions. That is where the Victim Witness Care Unit is really starting to help deliver some of that change.

Q73 **Sarah Atherton:** What role do commanding officers have in referring women to support services?

Sam des Forges: One of the things we have found, particularly talking to our servicewomen—and a number of the folk who have done a lot of the hard work in this space are sat behind me—is that we have to recognise that there are some amazing commanding officers in the Armed Forces, both men and women, who are real allies and real supporters. Sometimes folk feel most comfortable talking to their commanding officers. If commanding officers are approached around a criminal matter, for example, they absolutely would. Is that what you are referring to?

Q74 **Sarah Atherton:** No. Do they have to give consent for a woman to go off shift and seek support? I have evidence that commanding officers are refusing to allow women to make referrals to support services, and they are refusing to allow requests for discharge because they want to punish women for making a complaint.

Sam des Forges: I do not want to put words in the mouth of my service colleagues. They may want to pick that point up with you, but I would say that would be entirely unacceptable. If there are cases, you may well find that military colleagues would like to follow up on those. The Victim Witness Care Unit can sometimes unlock those sorts of issues via email as well.

Q75 **Sarah Atherton:** Can I go back to some of the statistics around rape? There were 62 investigations into rape in 2022. Only 16, so 25%, were



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referred to the Service Prosecuting Authority. Why is that so low? We know that six out of 10 women do not complain anyway because they risk their careers, their wellbeing and their health. The ones who actually do take this forward are pretty gutsy in doing that. They are going to be retraumatised through the process, so why such a low referral rate to the Service Prosecuting Authority?

Sam des Forges: Which period are you talking about? I did not quite catch the period you were referring to.

Sarah Atherton: I am talking about 2022. There were 62 investigations into rape in 2022, but only 25% made it to the Service Prosecuting Authority.

Sam des Forges: That is part of our aim in setting up the Defence Serious Crime Unit, really working on that professionalisation, making sure that we have the very best evidence gathering and the very best professionalisation. There is increasing work going on with the Service Prosecuting Authority to make sure that the evidence that is being pulled together is better.

Q76 **Sarah Atherton:** Let us go a bit more recent. In the first six months of this year, there were 41 investigations of rape and assault with penetration. Only five out of 41 had forensic evidence taken. The Minister has just explained how important forensic evidence is to a conviction. That is taken within the window of opportunity of 24 hours. That is 12%. Actually, it is no wonder that so few actually make it to the SPA in the first place. Does anyone want to comment on forensic evidence not being taken?

Sam des Forges: That is referring to the forensic medical investigations that we talked about. Actually, if it is a historical allegation it may not be relevant.

Q77 **Sarah Atherton:** This is for the first six months of this year. Only 12% had forensic evidence taken.

Sam des Forges: Are you talking about sexual offences?

Q78 **Sarah Atherton:** I am talking about investigations of rape and assault with penetration. Only 12% had forensic evidence taken.

Sam des Forges: I am conscious I cannot talk to specific cases, but I would really encourage you to visit the colleagues at the Defence Serious Crime Unit who can better explain that to you.

Q79 **Sarah Atherton:** Perhaps the service chiefs here could explain why forensic evidence is not being taken.

Lieutenant General Sharon Nesmith: I cannot talk about the detail of why forensic evidence has not been taken, but there are two reasons why we know there is a problem with people reporting when either a serious crime or something right of a serious crime has been committed.



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The first one, which is a very uncomfortable home truth, is that there are people who are anxious about reporting things to their chain of command. We know that. You helped call it out to us two years ago. We have done a lot around the education and training of the chain of command, so not only do they know better what to look for, but they know better how to respond when something is referred to them.

Just to go back to your point about whether a commanding officer can refuse, it is absolutely never appropriate for a commanding officer to refuse somebody who needs help or who is calling out for help because something has happened. There is still a perception around the chain of command. We are actively doing more and more to help remove that perception.

Secondly, there is a genuine concern in feeling isolated and scared. It is about knowing where you can get the support. If you have a perception and if you are uncomfortable about going to your chain of command, it is being really clear about the signposting about where there are other avenues to report. I am sorry that I cannot talk about the forensic evidence, but we know those are two things that we need to do and work harder at.

Q80 Sarah Atherton: Minister, can you confirm that the MOD intends to remove the chain of command from admissibility of all complaints from April next year?

Dr Murrison: That is now happening. There may be some complaints—and the process we are undergoing at the moment will flesh some of this out—that are more helpfully dealt with by the chain of command. SCOAF has referred to those. That would be complaints about administrative issues, for example, really low-level things, but the recommendation had been that we should remove complaints from the unit chain of command to central admissibility teams, and that has happened.

There is also a question whether that should be a tri-service thing or whether it should remain with the single services. That is a moot point, but the important thing in gaining the confidence of people to make complaints is that this complaints process architecture should be outwith the unit chain of command. That is what has happened.

Sam des Forges: For service complaints that has been the case since June 2022, for complaints of a sexual nature.

Q81 Sarah Atherton: So 80% of complaints in the Army, for example, are handled internally via the admissibility teams, which are in-house, single service, although you call them independent, but 20% are not. Is that correct? You plan to keep that 20% within the existing system.

Lieutenant General Sharon Nesmith: All of the complaints will go into a central admissibility team, and who is then tasked with the investigation depends on the type of complaint and its severity. If it is to do with something of an unacceptable sexual nature then it is passed to



an outsourced team of professionals who are able to do the investigation. If it is something that is more complex, then we pass it to our service complaint investigation teams. When there are more routine things that could be dealt with within a chain of command, we can pass them to the formations, but now we look to pass even that 20% through a different chain of command. It is not the direct chain of command that is dealing with a complaint made about or within that formation.

Q82 Sarah Atherton: How do you plan to pass on this information? From what I see it is a very confusing picture on the ground and via the services. How do you intend to pass that on to servicewomen so they know exactly what to do, when to do it, the time to do it, what to expect and where to go for support?

Sam des Forges: The Call It Out hub, which was launched in January 2023, is one of the ways of doing it. I know service colleagues have also briefed us at various levels. Again, there is not one silver bullet of communications that will do this. We have to take a number of approaches. The Call It Out hub is a helpful way of doing that when you are talking about behaviours, and it talks about the different opportunities, be it complaints or criminal matters. There is often a confusion between the service complaint system and the criminal system.

Q83 Sarah Atherton: I have read about Call It Out. There are lots of initiatives, which is great, but it is really confusing. You have Call It Out and you have My Complaint.

Sam des Forges: My Complaint is an app that has been launched. One of the things that we were super aware of was, "How do we make it easier for folk to access and make service complaints?" Not everyone has access to an IT system. What the app does—and actually, since we have launched it, we have seen an increase in complaints—is to enable folk who are more likely to have a mobile phone than perhaps a Defence IT system to go in and submit the complaint through that route.

It also has the information; as you go through it, it says, "This is the stuff you need to put in this box. Here is how you explain it. Here are the things to consider." That is less an information source and more a tool to raise complaints, but it has the information in it as well.

Dr Murrison: It is very good. I went on it this morning just to have a little look-see. There are 90 complaints that have been registered, 74 of them from men and 16 of them from women, for what that is worth. The figures are obviously small at the moment, but it is very usable. If I had a complaint then I think I would find it quite useful and easy to use.

With your indulgence, can I come back very briefly to the point about rape? I take that particularly seriously. My duty as a Defence Minister is to make sure that there is nothing inherent in Defence that is going to give women a worse experience than they would expect in civilian life. I must not put up with that under any account. It is completely contrary to



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the military covenant, which I feel very strongly about indeed, as you do. We need to identify things that are peculiar to Defence and that might get in the way of women reporting serious offences of this sort and getting what they need.

Of course, we are not simply operating as Defence. As Sam said, many of these cases will go through SARCs because they are the experts in this. Although our new-entry medical officers are trained in serious sexual assault, it is the sexual assault referral centres in the NHS that will be expected to deal with many of these cases. We are not entirely operating independently, and rightly so.

I would at all times want external scrutiny of what we do by way of the College of Policing and HMIC to make sure that what we are doing is at least comparable with what we might expect in civilian life. That is just a general point I would like to make.

Q84 Richard Drax: In my question on forensics I asked, "Was the low number due to the fact that in most cases women are not coming forward quickly enough?" You then said in your answer to another question that women are frightened of the system and are not coming forward for all kinds of reasons. You have just said that. Is that the reason why there is such a low level of forensic evidence, because the women victims are frightened, confused or ashamed, or they do not know what to do? They do not have the backup. You have just said that is the case.

Lieutenant General Sharon Nesmith: That is the case. We know that there is a perception. I cannot, hand on heart, link that to any of your particular cases or your particular data. We just know from our internal surveys. We know from the Servicewomen's Network. We know from all sorts of engagements when we are out visiting that there is still a perception. A part of me is not surprised that there is still a perception, because we still have quite a lot of work to do.

Q85 Richard Drax: In these cases, it would be interesting to find out from the victims why they did not come forward quickly enough for forensic evidence, would it not?

Lieutenant General Sharon Nesmith: Yes, and I suspect that the Victim Witness Care Unit will do that.

Sam des Forges: We have to be conscious of privacy in all of those cases.

Richard Drax: I understand.

Dr Murrison: These are small numbers. We need to be careful. They are not acceptable.

Richard Drax: One is unacceptable.



Dr Murrison: Of course it is not acceptable, but we have to be careful about drawing conclusions from small datasets like this. As a Defence Minister the big question is, "Is there something peculiar to Defence that is causing women to have a worse experience than they would otherwise?"

Q86 **Richard Drax:** That is not my point. My point was that forensic evidence is vital for finding someone guilty of rape. If that evidence is not there, it is often one person's word against another and the case is thrown out. We have seen it in civilian courts. I am sure it happens in military ones. If you can get evidence from these victims that they did not report rape immediately and get the evidence, which I totally understand is an invasion of their privacy, to a large degree, then something needs to be done to tell women, "You must come forward as quickly as you can." That is all I am asking.

Dr Murrison: Of course, you are absolutely right. I agree with that entirely, and I would say the same whether I was a Minister in the Ministry of Justice or the Ministry of Defence. That is self-evidently true.

Q87 **Gavin Robinson:** Minister, you are aware of assisting officers and the important work that they do. You are aware that in 2016 the ombudsman recommended that assisting officers go through a process of training and, in 2018, the ombudsman had to set a deadline for that training, evaluation and reporting. You are aware that as of today it is still not complete. Why is that?

Dr Murrison: Assisting officers undergo training. It is slightly complicated by the fact that victims can choose who their assisting officers are. If you go through My Complaint or the Victim Witness Care Unit you will be offered an assisting officer, but you may very well say, "Actually, I do not want that person; I want somebody else." If that is the case then there would have to be training quickly for that individual, because it is not the case that anybody can be an assisting officer. That person has to have the right skillset.

Q88 **Gavin Robinson:** The recommendation was that there be a central training system, that there be a central record held, and that there be a central appraisal of assisting officers. The ombudsman indicates that is still not complete, some seven years after the recommendation was made. That is quite separate from suggesting that there are issues about individuals selecting assisting officers. I am asking you why we are sitting here seven years later with an ombudsman indicating that a recommendation made by two predecessors still remains to be completed.

Dr Murrison: Assisting officers are trained people, and if they do not have training because they have been selected by victims then they will be provided with training. There is a package that is online, necessarily, for them to be trained to a level that is sufficient for them to do the job properly.



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Q89 **Gavin Robinson:** How satisfied are you that assisting officers are performing their duties appropriately and effectively?

Dr Murrison: Well, I think they probably are. These people have been trained to an appropriate standard. If they have not been trained to an appropriate standard but victims decide they want a particular individual, then that person is brought up to a satisfactory standard by giving them the skillsets and the training that they need.

Q90 **Gavin Robinson:** How concerned are you that the ombudsman indicated in her survey report of 2022 that 17% of complainants were not offered the benefit of an assisting officer?

Dr Murrison: If that was the case then, it is not the case now. Since then, of course, we have had the Victim Witness Care Unit in Fort Southwick, which I strongly suggest that the Committee visits. That is the central authority for providing support to victims, whether they are victim liaison officers or assisting officers.

Q91 **Gavin Robinson:** It was 2022—last year—that the ombudsman carried out that survey—

Dr Murrison: With respect, the Victim Witness Care Unit was set up in March this year.

Q92 **Gavin Robinson:** I am aware of that—you interrupted me, Minister—but 17% were not offered an assisting officer and 38% indicated that there was no benefit derived from having an assisting officer associated with their complaint. Does that cause you concern?

Dr Murrison: We set up the Victim Witness Care Unit in March this year. As I said in my introductory remarks, to be honest with you, Mr Robinson, I would be very surprised to have hard data about the performance of that unit not much more than nine months after that. We are reviewing the complaint system right now, as I said to you, and I expect a report early in the new year.

Q93 **Gavin Robinson:** How many assisting officers are you aware that there are across the three services?

Dr Murrison: I do not have a figure. We can write to you.

Chair: Write to us with that, Minister.

Q94 **Gavin Robinson:** More particularly, how many of them are female?

Dr Murrison: Again, I can write you with a breakdown.

Q95 **Gavin Robinson:** Is there nobody on the panel who has access to that information this afternoon?

Lieutenant General Sharon Nesmith: I do not have numbers on assisting officers, but for the service complaints they absolutely should be offered an assisting officer. They also have the opportunity to choose who they want as an assisting officer.



Q96 **Derek Twigg:** Does the fact that you do not have the information now suggest that it is not that important in terms of your vision?

Lieutenant General Sharon Nesmith: No, I was just trying to help with the reassurance around choice and selection of an assisting officer. There is then training that can be provided and support to our assisting officers. Now that we have gone to be more digital, the use of the application also assists some of our assisting officers.

Sam des Forges: In October 2023, we released a new training package for assisting officers for that very point.

Q97 **Derek Twigg:** You do not know how many there are at the moment.

Sam des Forges: I will not have that, but we can come back.

Q98 **Sarah Atherton:** SCOAF reported that around 8% of service complaints progressed to the ombudsman. Do you have any comment about that, Minister? It was only 8%.

Dr Murrison: I would point to the evidence that SCOAF gave to you on 24 October, which, as I said in my opening remarks, was very positive about the complaints architecture that is being put in place. SCOAF itself is a fairly new intervention. Clearly her role is under review because she has made some comments herself about how her role might be broadened out, and that is being considered in the round in relation to the review that I have just described, which will report early in the new year.

Q99 **Sarah Atherton:** She commented that she was concerned that the grounds for appeal were too narrow and did not include material errors of reasoning. Is that being reviewed?

Dr Murrison: Yes. The ombudsman service more generally, as you will be aware, is usually preoccupied with process rather than decisions that are made. What she is suggesting is that her scope should be broadened. She might intervene in those cases where there are, on the face of it, errors of judgment. She would also like to do deep dives into complaints that do not reach her desk, to assure herself that those complaints are being dealt with properly. Again, that is worthy of further investigation, and I am sympathetic to the line she has taken on that.

Q100 **Sarah Atherton:** She said she had no way of reporting commanding officers who do not meet the required standards for complaint handling, and she would like to see that, but on our inquiry into women in the Armed Forces the MOD's response said that SCOAF has the powers to do that. She did not know anything about that. What system is there? Are you going to look at a system whereby underperforming units and commanding officers can be flagged by SCOAF and reported back to you?

Dr Murrison: That is part of this deep dive thing that she wants to do, to look at the complaints ecosystem in the round and come up with reports where she thinks it is appropriate to do so about where there have been



failings in the complaints system, much of which will not, as things stand at the moment, come across her desk. As I say, I am sympathetic to that. We will explore that more thoroughly in the weeks ahead as we conduct the complaints investigation.

Admiral Sir Ben Key: It is worth adding that we are moving to a complaints system that is more comprehensive and set to one side of the chain of command in very many more dimensions than has been the case, particularly with, across all three services now, the employment of independent deciding bodies, very often retired officers or retired senior civil servants. That is giving us a dataset that we did not previously have, because they are able to sit across a range of complaints that are being delivered to them to see whether the quality of the investigations and the means of handling have been consistently of the standard we would expect. We will therefore start to see people who are not doing what we would expect being subject to either additional training or active intervention in a more deliberate fashion if that is necessary.

We have already seen a 23% increase in complaints being put on to the website since we brought the admissibility decision away from the chain of command. We have seen the work to increase the number of investigators across all three services. The increase in the number of deciding bodies is slowly—too slowly—bringing down the speed of investigation and time through to a decision, but also improving the quality of the investigations.

As the Minister said, if in a year's time you were to ask us to look at it, you should expect us to have delivered a step change in the level of performance. At the moment we are operating in some very nascent lag indicators. We want to get ourselves into a position where we start to have some lead indicators, but that is going to take us a year or so to develop.

Dr Murrison: SCOAF made it clear in her evidence to you that the number of complaints has ticked up since this was put in place. There are two conclusions you can draw from that: first, things have got worse in Defence and more people are complaining because there are more grounds for complaint; or, secondly, people have more confidence in coming forward with a complaint. She favours the latter above the former, and so do I. AFCAS evidence supports that conjecture, in that more people seem likely to consider bringing a complaint forward than was previously the case. We have pretty robust evidence at this point in time that the architecture we have been putting in place is having an effect. As the First Sea Lord has said, it is far too early to tell. In another 12 months we will be better placed.

Q101 **Sarah Atherton:** You are right about building confidence. If I look at the court martial system in 2019, 12% of cases had a sexual element. This year it was 36% of cases. That probably indicates there is more confidence in the system, but it also goes to show the scale of the



problem that you have to face.

Admiral Sir Ben Key: As well as putting in the correct architecture so that women in the services have confidence that they know where to go, that they will be listened to, supported and believed, and that action will be taken—you know we are very grateful for the work that you have done in this area, Ms Atherton, and we are all absolutely committed to getting that right—at the same time we have to shift the culture. That is not something you can do with a stroke of a pen and the invention of an app.

That takes us to invest into training. It takes us to invest into leadership teams that know how to respond and to set the right culture. It takes people to have the courage to call out and be supported by their colleagues as they do so. That is a never-ending journey that we are all committed to. I, my fellow service chiefs, the senior military and civil service leadership at Defence are all on this journey together. To think we will ever get to the end of it would be the worst sign of complacency you could possibly expect from us, but we think we are heading in the right direction.

Chair: One last substantive topic that we have not talked about is veterans. I am going to ask Derek Twigg to take us forward on that.

Q102 **Derek Twigg:** Legacy cases are clearly veterans, but also still serving personnel. In terms of encouraging, engaging and supporting women, could you maybe tell us something about that—particularly the fact that in October you announced a new Government fund to improve access to support for female veterans? How is that money being spent?

Dr Murrison: The Office for Veterans' Affairs is currently conducting a piece of work that will have a strategy for women veterans as its endpoint. That is still on course for reporting in the spring. I would not want to park my tanks on Johnny Mercer's lawn, so to speak. I would rather leave it to him, if you do not mind, to talk about the veterans piece. I do accept that there is a crossover between Defence and the veteran community that I am responsible for, particularly in transition services, so I can certainly talk to that.

Q103 **Derek Twigg:** Will the Government consider making a formal apology to the many servicewomen and servicemen whose historical sexual offences were handled inappropriately and caused lifelong consequences for them?

Dr Murrison: I am not quite sure what that means.

Derek Twigg: It means an apology for basically not dealing with them properly and correctly, and doing what you are doing now. There is a system in place that was not previously in place.

Dr Murrison: I am very proud of the changes that we have recently made.

Q104 **Derek Twigg:** But, historically, what about the people who are suffering



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because their cases were not dealt with properly?

Dr Murrison: I am not quite sure what you are driving at, but if people have a problem with the way they were handled then I would certainly encourage them to make a complaint.

Q105 **Derek Twigg:** What about an apology for the fact that cases were not dealt with appropriately and properly?

Dr Murrison: The same is true of the civilian criminal justice system.

Derek Twigg: We are talking about Defence here.

Dr Murrison: The question is whether there is something peculiar about Defence that makes matters worse.

Q106 **Derek Twigg:** So there is going to be no apology. That is what you are saying.

Dr Murrison: I do not know what you are accusing Defence of.

Q107 **Derek Twigg:** We have just been talking in the whole process today about how a system has been put in place to try to prevent the things that were happening previously, and the way these matters and complaints were dealt with. Clearly it was not in place before, people were not dealt with appropriately and properly, and in some cases they did not get the justice that they deserved.

Dr Murrison: We have made enormous improvements. We have spent most of today's session talking about those. If people have concerns that they had a poor deal from Defence, then they should make a complaint.

Q108 **Derek Twigg:** You have no regrets about what happened previously.

Dr Murrison: No, that is a little unfair. We are doing everything we can to make sure that the complaints system we have and the way of dealing particularly with serious criminal matters is robust, which is very much in line with the way that such things are dealt with.

Derek Twigg: The answer is no, then.

Q109 **Chair:** We hear that entirely, Minister. The question you are being asked is whether you will consider making an apology for the way things were handled in the past. Could you give us a yes or no to that?

Dr Murrison: Without knowing the details of precisely what you are driving at, I am not really prepared to comment. In the time available, though, I would say this. The Prime Minister recently made an apology in relation to the Etherton report, which you will be aware of. When things have gone dramatically wrong, Government are in the position of doing that and doing the right thing. I am enormously proud of the way that we have managed that particular cohort of servicepeople, who were badly seen off historically in the past, prior to 2000.

Q110 **Sarah Atherton:** Can you comment on the sexual harassment survey



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2023, Sam?

Sam des Forges: We are really clear that we want to get the best evidence we can. We have gone externally, to the University of Loughborough, to get some real insight on that. At about the same time, the Government have created a new sexual harassment survey. We have taken all of that and put it together. It is going through the various internal MOD processes to make sure that it is ethical, fair and those sorts of pieces. We have been through that. We are waiting for the feedback. I am very hopeful that we are looking at springtime to run that. The delay is because all of this work is about making sure that we make a really positive step change, and we did not want to rush something that was not properly challenged.

Q111 **Sarah Atherton:** How does the MOD collect diversity incident reporting data?

Sam des Forges: We have diversity and inclusion advisers. Sometimes folk might raise something, and I am not talking about unacceptable sexual behaviours here, but where there is an informal concern and someone is asking for some informal insight. Those are gathered anonymously to allow us to assess trends and understand whether there are areas where we have particular challenges, which could go back to the climate assessment point, or whether there are particular themes that we want to get after. At the end of the day we need to listen to our folk. Our networks are super valuable on that front.

Q112 **Sarah Atherton:** You have obviously been made aware of my FOI request, which has exceeded timescales, because I am made aware that the reporting incidence via the diversity advisers is shocking.

Sam des Forges: I am not aware of your FOI.

Q113 **Sarah Atherton:** Could you follow up the FOI? It is out of date. I somehow did not think I would get it for this session.

Sam des Forges: Apologies, it is not something I am aware of, but I am really happy to follow up with you.

Chair: We will take that commitment.

Q114 **Gavin Robinson:** Minister, at the start when you were playing whack-a-mole in trying to anticipate the questions that we were going to raise, you talked positively about changes in uniform for females. I would like to ask you about that and equipment, and how that is being rolled out throughout the three services, please.

Dr Murrison: Historically, women have been expected to wear men's clothing. They have been numerically small; they are not any more and, going forward, they will be a very large part of Defence. It is inappropriate to expect them simply to have poor adaptations of men's kit. I am very pleased that in the Army with the MTP kit and in the Navy, for example, with Rig22, it is coming on. They will be sized for women and



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women will be able to have, where necessary, equipment that is bespoke to them.

There is an operational angle to this, because you cannot expect women to cope with kit that is designed for men. I will give you an example. If you are a member of the Household Division on ceremonial duties, previously you have been expected to wear men's boots, breeches and cuirasses—those shiny things that they wear. Can you imagine how difficult that is if you are a bloke? If you are a woman it must be near purgatory. That has been changed.

On a more practical level, the Virtus architecture, as it is known—the combat vests that people wear—is now cut for women. I make the point, though, that it is a work in progress. Ballistic plates, for example, still need to be properly designed for women to make sure that they can operate comfortably and without impediment.

Q115 Gavin Robinson: It is not for now, but at DSEI I met a company that specifically does just that. It is moulding body armour for a particular form.

Dr Murrison: Coming back to my earlier point about the chain of command not being previously prepared or comfortable with discussing matters that relate purely to women such as bras, something as basic as that is now in the lexicography of the chain of command.

I will share this with you. The three services have a slightly different approach to the way that bras are now provided to servicewomen. I have a problem with that, because they cannot all be right. As this goes through, they should decide among them what best practice is and come to a settled view, but I am at least reassured that sports bras are now provided to servicewomen in one way or another.

Q116 Gavin Robinson: Minister, you have a responsibility to try to bring a level of coherence across the three services. You have outlined that. We have a responsibility to try to hold you and the Department to account as to how you operate with those three services. You are outlining step changes: a change in culture and approach, but also the physical manifestation and provision of equipment and uniforms. Are there structured points at which you are going to assess progress on this? What should we be looking for structurally and through a timeline that we can then check in to see where you are for the three services and how much progress has been made?

Dr Murrison: The way I do it is through the Servicewomen's Network, which I meet regularly, including last week. I rely very heavily on that kind of evidence. I also rely on things like AFCAS, FAMCAS and RESCAS—all the bits of data that cross my desk and tell me what the ground truth is looking like.

Q117 Gavin Robinson: Are there published targets?



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Dr Murrison: It is true to say that women who draw kit now are drawing kit that is designed for women. That is happening right now. There are some examples such as ballistic plates where I am not happy that we are there yet. Individual services can talk for themselves in terms of the availability of female kit for their people, but it is now female kit, rather than simply men's kit that has been cut down or adapted in some way.

Gavin Robinson: I appreciate that. I will just make the point that having published and identifiable targets would be useful for you to mark progress and, in turn, for us to mark progress to ensure that what has started continues and delivers for the service personnel who will benefit from it.

Chair: Thank you, Minister. On that note, what has started will continue to be scrutinised. That is perhaps the appropriate note to end this session on. This has been an enormously important session. I am very grateful to all of you for coming and giving the evidence that you have to us today. It is clearly something of the most immense importance to those who serve us, and the Committee will continue to scrutinise it. Thank you very much indeed for your evidence. We will no doubt speak of this matter again soon.