

Select Committee on the Armed Forces Bill

Oral evidence: Armed Forces Bill, Session 4, HC 1281

Wednesday 17 March 2021

Ordered by the House of Commons to be published on 17 March 2021.

[Watch the meeting](#)

Members present: James Sunderland (Chair); Stuart Anderson; Tonia Antoniazzi; Dan Carden; Miss Sarah Dines; Leo Docherty; Martin Docherty-Hughes; Darren Henry; Mrs Sharon Hodgson; Mr Richard Holden; Mr Kevan Jones; Jack Lopresti; Johnny Mercer; Stephen Morgan.

Questions 168-215

Witnesses

[I](#): Nicola Williams, Former Service Complaints Ombudsman.

[II](#): Tony Wright, CEO at Forward Assist, Emma Norton, Founder at Centre for Military Justice, and Dame Vera Baird QC, Victims' Commissioner.

[III](#): Caroline Paige, Joint Chief Executive at Fighting with Pride, Craig Jones MBE, Joint Chief Executive at Fighting with Pride, David McMullen, Citizenship4Soldiers, and Lieutenant Colonel (retd) Diane Allen OBE

Written evidence from witnesses:

[AFB0005 – Forward Assist](#)



Examination of witnesses

Witnesses: Tony Wright, Emma Norton and Dame Vera Baird QC.

Chair: It is a great privilege to welcome three guests to answer our questions. First of all, we have Emma Norton from the Centre for Military Justice, Tony Wright, who is the founder and chief executive of Forward Assist, and Dame Vera Baird, who is the Victims' Commissioner. You are all very welcome. Thank you for attending this morning.

Q184 **Stephen Morgan:** Thank you all for being witnesses before the Committee today. This is a question to all panellists. What is your experience of the service justice system in its current form? I will take Dame Vera first, please.

Dame Vera Baird: Good morning and thank you very much for inviting me to join the panel. I am the Victims' Commissioner for England and Wales. My responsibility is keeping under review the victims' code, promoting the role of victims and witnesses, and encouraging good practice in the treatment of victims and witnesses, which clearly includes victims and witnesses in the military system as well.

I have quite recently been asked to join the Service Justice Board. I am very pleased with that offer. My staff have also joined the executive that supports the board, but I have not yet been to my first meeting, so although I have read the papers that is a limiting factor on the views that I express today.

By way of background, I was a Member of Parliament, and in 2006 I was on the equivalent to this Committee for the Armed Forces Bill. When I became the Solicitor General in 2007, I was on the Service Justice Board, so I have that background to help me. I have met Judge Advocate General Large as preparation for me going to my first board, and that was very helpful indeed, and I met his predecessor, Jeff Blackett, in my earlier engagement.

One thing that I wanted to emphasise about my exposure to the service justice system is that I was a police and crime commissioner in Northumbria and we designed a system of workplace champions for domestic abuse and sexual violence victims, which were first of all for employment situations. The point of them was just for someone independent of management or whatever to be a place of resort if you were troubled by any of those afflictions and you did not know where to go.

People were badged. They were usually busy doing other things in the workforce, so you could be talking to them about anything at all. It was not obvious that you were going for help with these particular problems. What was terrific—I have always been very pleased, and it has borne great fruit—was that a commanding officer of Albemarle barracks, which is to the west of Newcastle, directly approached me and asked me to



HOUSE OF COMMONS

introduce a system of domestic and sexual abuse champions within that barracks.

We did that. We trained a number of the military, raised awareness, and got them into the role of champions. We also appreciated the huge difficulties of trying to make a complaint within a military system through the chain of command, and that quite a few complainants were likely not to be military but to be civilians. We also trained 15 civilians around the barracks to be those kinds of friends.

All that the role involved was badging themselves clearly; taking a complaint sympathetically; occasionally, if they thought it was right, asking a question before there had been a complaint, if they were worried there might be one; and then directing them to professional help.

That independence, particularly of the chain of command, combined with an understanding of the military world was invaluable. We got a good deal of improved awareness and, I am sorry to say, quite a lot of complaints and we were able to give a lot of help. That is probably the most key piece of experience I have to bring to this now, given that I am at a very early stage of engaging with the justice board itself.

Stephen Morgan: Thank you very much. Emma Norton, it is good to see you again.

Emma Norton: Hi, thank you for the question. My experience of the service justice system is almost exclusively advising, supporting and representing victims of sexual violence who are serving and who allege that they have been a victim of sexual violence by fellow service personnel, and representing bereaved families at inquests following a sudden death on military property. That is predominantly my experience. My background is from civil proceedings, but that is what I have been doing for the last few years and what I now do exclusively.

The kinds of legal cases that we are bringing vary enormously. They can be employment tribunals or judicial reviews, or often we are just doing low-level advocacy or casework support, helping people through the service complaints process. That is the experience that I bring, and I want to represent the views of the victims in this situation. I think that is very important.

Stephen Morgan: Thank you. Tony?

Tony Wright: Thank you. My background is social work and probation. Over the years I would mop up, if you like, people after they left the military. They come back to civilian life and they struggle or slip through the welfare safety net. Our charity, Forward Assist, and Salute Her, which is predominantly working with women veterans, have in the last couple of years identified issues around sexual abuse in the military.

We are dealing with people who have significant problems and difficulties that were probably not reported at the time, but sometime later the symptoms of post-traumatic stress from the sexual assault manifest



HOUSE OF COMMONS

themselves. We are picking up and working with those individuals to help and support them.

In my experience, there are two things. One is about women. For quite a few years now I have been talking about the issue of supporting women veterans who have been victims of sexual assault. Like the women that we represent and work with, I get the feeling that women do not particularly matter. I know that is a controversial statement, but when I have brought it to the attention of everybody in Parliament and elsewhere it has been a very quiet uptake, if anything. Only two MPs actually got back to me and said, "I have read your report, and this is really interesting." I am absolutely delighted we are discussing these issues here.

If we look at sexual assault, there is a real issue of under-reporting. Out of our 618 people, we have about 20 women who reported it at the time and did not have a particularly great experience. There is only one who said they had a positive experience. I agree that we need an independent safeguarding officer in military camps, who is not in the military but totally separate.

There is a huge learning curve where the military need to start understanding safeguarding and diversity and having a duty of care for people. We could help with that; in fact, we have solutions to that. We have been to America to look at how the Americans work with victims of sexual assault. We could bring an awful lot to the table. At the minute, I think we are just touching the tip of the iceberg.

Q185 Stephen Morgan: Thank you for that, Tony. You mentioned the poor take-up from parliamentarians. Why do you think that is?

Tony Wright: I think, a bit like the military, they find it really difficult to talk about sexual abuse. That has been quoted back to me. People have said, "Look, this is the British Army. We don't talk about sex." As my colleague Paula said the other day, "We're not talking about sex." We are talking about rape and sexual assault, and the damage that has caused, both in the short and long term. So that is really naive.

So that is really naive. I just think it is difficult subject matter. It surprises me, because this is reflected in every other setting, whether we are talking about women in Parliament, for instance—there were issues around sexual assault and harassment—or universities. Anywhere there are women, women have been subjected to sexual assault and harassment.

We just need to grow up a little bit and actually say, "Look, there is an issue. The military have got a problem. What can we do to solve it?", and stop looking to the military and the military charities, in a sense, to solve this problem, because the expertise is not there. The expertise to deal with these issues is in the wider community.

I agree with Dame Vera Baird that if you brought that outside knowledge and understanding to bear on this issue, we could quickly start resolving it and getting some equity and justice but also, more importantly, support for the victims and families. That's the bit that I really get annoyed at.



HOUSE OF COMMONS

Every time there is a horrendous assault in the military, people say, "Well, this could do really bad damage to the reputation of the British military," but nobody ever says, "Yes, and we have put in some support mechanisms for the victim and their family." And as I say, that is needed not only in the short term, but in the long term.

Q186 **Stephen Morgan:** Thank you for that. My next question is to all the witnesses. Do you think that the proposals on the prosecutors' protocol are enough to address concerns about the jurisdiction of trials for the most serious offences committed in the UK—and if not, why not? And why do you feel that the Government have taken the approach they have?

Dame Vera Baird: Why concurrent jurisdiction exists is beyond my remit as Victims' Commissioner. I imagine that it's largely about overseas matters, where the England and Wales system does not run. So I can't, I think, assist with that, especially at this early stage of engagement.

But I want none the less to take the opportunity to thank Tony, whom I have known for a number of years—Forward Assist is a north-east-based and very fine charity—for the way he organised support for women who were ex-military. It was amazing, because it just was about a kind of ambience of Help for Heroes—it is absolutely great that we have Help for Heroes, but there are a huge number of women heroes who have suffered as women.

We have seen this over the last weekend and few days: women suffer habitual disrespect and disregard, going into abuse and harassment, and don't make reports. Tony was outstanding in the region in trying to engage with that cohort and visiting back—I'm talking about the fact that his veterans, when they had left, told him all about how they had been, as women, not safeguarded very well in the military. So I wanted to take the opportunity to say that, but I think concurrent jurisdiction is probably not a victims' issue.

Q187 **Stephen Morgan:** Tony, would you like to go next?

Tony Wright: I probably covered this in my last answer. I think the victim needs to be central to every aspect of military justice—during and afterwards. That is my point about duty of care. Whether something happens overseas or in the UK, that is a key issue.

One of the things I got a bit concerned about was this. If we are talking about the most serious offences of rape, for instance—if we categorise that—and assault, one of the issues that the women have raised with us is that there are lots of problems in the long term for women where there has been, for want of a better term, "revenge porn" or a video image of them being sexually assaulted that is still on social media. We need to look at that as well, because it can have a long-term impact on the mental wellbeing of the individual. The question is how we could safeguard those people and have those images removed if we wanted to.

It is difficult subject matter, but I don't think avoiding talking about difficult subject matter and pretending that we're all British and we don't talk about sex is the way forward. We must address it with open conversations about this topic.

Emma Norton: I think the first thing to say is that the fact that the Government recognises that the protocol needs to be on a statutory footing is a very positive thing. It recognises the importance of the decisions that need to be made very early on in a case about where the case needs to go—is it military or civilian?

To date, there has been a lack of clarity around that, so that is really important, but the clause as drafted is a total blank canvas. All it does really is reflect a protocol that already exists and lots of us feel is not working very effectively. It needs to be amended to ensure, as Judge Lyons recommended, that manslaughter and rape cases, when they are alleged to have happened in the UK, are dealt with in the civilian justice system, not the service justice system.

It is really important to know that the current practice is that sudden deaths on military properties in the UK already go to the civilian police. Why is that? That protocol does not always work correctly, as Deepcut tells you. I spoke to three of the Deepcut families over the weekend, and they are very concerned about the fact that this clause does not contain a specific direction that sudden deaths should go to the civilian police, because they are worried that the same thing might happen again.

If you accept that murder or sudden deaths should be dealt with by the civilian police, you have to ask yourself why that is. It is presumably because it is considered to be problematic for very serious alleged offences on military property to be dealt with by military authorities.

All the women I represent would say that the same must apply for questions of rape. If you accept it for sudden deaths, you must accept it for rape. Currently, the protocol as drafted does not provide any direction on that at all. What Judge Lyons said was incredibly clear and very well evidenced. He made it clear that we are not talking about huge numbers of cases, so in the situation where the numbers are relatively small but the damage that can be caused to the reputation of the Armed Forces is so high, you really struggle to understand why they are so resistant to it. I don't think it goes far enough, and the clause does need to be amended.

Chair: Thank you. This is certainly bringing in some eager debate, and we have several interventions. Can I please come to Tonia Antoniazzi first?

Q188 **Tonia Antoniazzi:** This is for Tony for the sake of time and being brief, but anybody can answer it. Tony, everything you have said, particularly around this being difficult subject matter, is so true. Last week in Committee, one statement really stood out to me, and I asked Priti Patel about it this week. The statement was: "our servicepeople are thoroughly good people, but they drink too much, something goes wrong and they end up in court." I am very concerned that these attitudes are being



HOUSE OF COMMONS

reflected at the highest level. Is this something that you are seeing? Do you think it is a problem?

Tony Wright: Absolutely, I think it is a problem. That attitude is probably something dated pre-world war one or world war two. It is Dickensian, and it doesn't help the matter at all. There is no excuse for sexual assault and rape. We are back to, "The individual was dressed inappropriately. How much were they drinking?" This is classic stuff that we have been dealing with for years when representing the needs of victims in the civilian community. That is where the skills are. We need to bring those independent individuals into the military to help with that.

I have also been campaigning as a social worker for it to be social work-led, so that we can really care co-ordinate and care plan. It should be multi-disciplinary. What we don't want to get involved in is the tyranny of pathology, where you report a rape and they go, "Well, there's something wrong with you"—there's not. We need to help the victims move forward in their lives and address the issues that, nine times out of 10, they had no control over in the first place.

I have had similar experiences of raising it with charity leads, and they have said, as I said before, "Well, this is just what the Army don't need." There is no thinking there about the victim. I talk about women's sexual trauma, but there are also a lot of males who are sexually abused in the military. That is a much under-reported group. I have just written a paper with interviews with 20 males who have experienced it. If you want, I can get a copy to you as soon as it is ready, but it will be published on the website.

Chair: I am conscious that time is marching on. We have a lot to get through, so could I please ask very humbly that questions and answers are kept as short as possible? I am going to bring in Kevan Jones next.

Q189 **Mr Jones:** I think you all said that what you need is independent oversight, and there is actually an example of this already in the military. For example, it came out of Lord Justice Blake's report on Deepcut that Ofsted now inspects junior places such as Harrogate and other training establishments. How important do you think independent oversight is?

I have another question for Vera about the role of victims. Clearly, there has been great movement in the civilian system—perhaps there is more to do in terms of the voice of victims. How do you think the type of movement that we have seen in the civilian work could be moved over into the military system?

Dame Vera Baird: Thanks for the question. If the request behind the concurrent jurisdiction point was where I think rape should go, it should undoubtedly not stay in the military system. It should go into the civilian system, where there is the expertise that Tony and Emma have talked about, which is what you are pinpointing now, Mr Jones—how we deal with people.



HOUSE OF COMMONS

Rape and sexual assault are hugely under-reported, and it is all the harder to report something when you are inside a system that is hierarchical and you may be jeopardising your own career by making a complaint about somebody, or you may indeed be complaining about somebody who is above you in the hierarchy. How is that not a power imbalance that actively deters people who have been wronged from seeking justice?

I have to say I don't know who said that quote about "our people" being the very best, and sometimes they get drunk and mistakes are made. But I hope it was nobody connected to the military justice system, because in it there is a presumption that the defendant has done no wrong and it is all some sort of muddle.

Where does that leave a victim, either one who is "one of our people" but at the moment is not getting any recognition that they are, or, as must be the case very often, a wife, a contractor on a base, or a civilian? Where on earth does the justice system, if it was part of the justice system that speaks like that, leave a person any prospect of having an interest in trying to get justice in a system where attitudes like that are made evident?

Things have come along in the civilian system. I want to make it very clear that the Crown court overall, and particularly the prosecution service, do not do rape well in the civilian system. But it is where it should be, not least of all because of the availability of independent support, absolutely from square one.

If you want to talk to somebody about this, you need somebody with whom you can get expertise, you can have confidentiality, you can have independence and you can have a representative for yourself, so that you can go over the pros and cons of how to take it forward and unburden yourself about how it is helping you. That does not seem as if it is likely to be available in the hierarchical military system, so that in itself is a really good argument for taking rape and sexual assault outside.

That support goes on. You can then have an independent sexual violence adviser to help you all the way through. They are your advocate with the authorities. They can find out all the basic information about time, communication and how you will be dealt with. They can press for you to have good support in court.

I have heard Judge Large talk about the need to roll out remote evidence centres, so that you can give evidence away from being in the middle of the heart of the military system—remote from wherever the court is, so that you are not worried about meeting the defendant on the court steps, or about the power that is evident in the uniformed people who are at court.

I have heard Judge Large talk, too, about extending what is in fact section 28 of the Youth Justice and Criminal Evidence Act, which is the ability to pre-record your evidence and then have your cross-examination also pre-recorded. When your evidence-in-chief has been sent to the defence, they



HOUSE OF COMMONS

prepare their cross-examination and do it quickly, and you are then out of the stress of the justice system. When that trial happens, those videos are your evidence. Then people can move on with their lives.

All those things are currently available—patchily, but they are improving externally. I don't think any of them is likely to be available in the military system. I unhesitatingly support what Emma said, and what I think Tony has implied—that this is business for the civilian justice system.

Chair: Thank you very much. We move on to Martin Docherty-Hughes.

Q190 **Martin Docherty-Hughes:** Thank you, Chair. Just for Dame Vera's information, the issue that Tonia Antoniazzi raised was actually, I believe—and I will stand corrected—mentioned by a senior member of the military judiciary in front of this Committee last week. If that doesn't horrify Members and those giving evidence or watching, it should. May I first go to Tony in terms of women in the Armed Forces?

Tony, you may be aware that the Defence Sub-Committee is at the moment investigating the experiences and challenges of female serving personnel and veterans, and I agree with you. The evidence in front of us as members of that Sub-Committee is horrific.

My colleague Kevan Jones has mentioned independent oversight. Do any of the three of you believe it is also about time that we had independent representation from members of the Armed Forces, especially the ranks? For example, in Denmark they have the Danish Central Association of Permanent Defence Personnel, which is, in effect, a trade union for the ranks.

Tony Wright: I completely agree with Dame Vera that we do need independent representation. At the very point that somebody lodges a complaint or makes an allegation, they should be supported throughout.

What we are seeing is that nine times out of 10 it isn't taken seriously—that the man or woman is actually told not to take it forward if they want to have a substantial military career. It is minimised, and almost without exception the problem is placed on the victim—that they caused that issue.

That is what causes not only short-term damage, but also long-term damage to people, and I think it is going to come out of the military. I am absolutely convinced that if we had specialist, independent social workers who understood this issue and understood best practice in supporting victims, we would get a completely different outcome.

At the minute you have got people overseeing these assaults and rapes who actually have no understanding of the needs of those individuals. That is the issue, and I am delighted to hear Dame Vera's on that board, because I think she'll be able to bring a lot of expertise to that panel and simply move it forward.

We work very closely with Emma. When Emma gets clients, there is an element for the Salute Her team to work with those women to support



HOUSE OF COMMONS

them through that process, and that might be years after the assault. The military can't come up with the answer to this. That's my final line.

Emma Norton: I'd like to go back to the previous point and acknowledge the collective intake of breath there was at the current JAG's comments about that. I just want to flag that I am concerned that there is a bit of a segue being put out that the problem is not with court martials and the way the service police investigate and prosecute rape; it's about the law of rape, and I think you can have those two conversations at the same time. You can't mask the very different outcomes you tend to see in court martial by saying the problem is with the law of rape.

There are problems with the way in which the civilian police are investigating, and the way civilian prosecutors are handling rape cases. We know that. But as Dame Vera has said, there is a much wider body of expertise going on there. The Government are currently undertaking an end-to-end rape review.

There is a huge body of work and pressure that has been brought to bear to improve that system, and it is absolutely vital that servicewomen are a part of that, not siloed off and dealt with separately. I think it is really important to call it out.

Q191 **Martin Docherty-Hughes:** Dame Vera, do you expect that this would never happen and any other employed section of the Government's structure? Why is it seemingly acceptable in the Ministry of Defence?

Dame Vera Baird: That is a big, wide question. My basic position here is that this does not sound to me like the right way to deal with victims. Indeed, I am absolutely convinced of that. Why it is different anywhere else, I don't know at all. The independent level of support that you talked about in your opening question is absolutely key to victims, who are in a power imbalance in the first place because of the abuse they have suffered and complain of, and are in an extra power imbalance because they are in the military and it is hierarchical.

There are all these concerns about not having all ranks on military juries. It seems quite odd to me that it is a slightly superior level of people who are allowed to be capable fact finders. I appreciate that there a second limb to that, because they help with the sentencing as well, but I cannot see that an experienced person at a lower rank, who has perhaps come in to the military from the probation service or something like that, should not be able to help make those kinds of decisions. I just have a slightly worrying picture about the narrow nature of how decisions are taken, and indeed, about the cohort of people who are taking them.

Martin Docherty-Hughes: Thank you. Back to you, Chair.

Q192 **Dan Carden:** Tony Wright, I have read the written evidence from Forward Assist in which you talk about the long-term impact on victims in terms of trauma and mental ill-health. What guarantees of long-term support and treatment should we and the Government be considering, and should a duty of care be placed on the Secretary of State to ensure that there is



long-term support and care?

Tony Wright: I could not agree more. If you are looking at sexual assault, I can guarantee—not 100%, but almost—that if not addressed early on, and even if it were addressed early on, it will result in some form of post-traumatic stress. In the same way that we have quite a lot of services out there for people with combat-related post-traumatic stress, I think the under-reported element of this is that we need absolutely distinct gender-specific services for individuals who have sexual assault-related post-traumatic stress.

We know what will happen: the problem is that, like every other form of post-traumatic stress, it might not manifest itself until years later. Some of the symptoms will include self-isolation, drug and alcohol misuse, drug and alcohol problems, and homelessness. It really is a very significant trauma, and one that is very difficult to get over if you are not getting appropriate support at the time, and indeed, trauma-informed support afterwards. At the minute, our two charities are very much geared towards meeting the needs of those individuals.

During the course of this lockdown, the women veterans caseload leapt from 200 to 640 women veterans. That is because they come to us—we are not advertising. We are saying, “If you have been a victim of military sexual trauma,” which is the term that should be adopted, “then come and talk to us and we’ll see what we can get.” The caseload increases every day.

Dan Carden: Thank you.

Q193 **Tonia Antoniazzi:** Emma, you have already spoken about this, so you have the opportunity to be brief, but it would be good to have it on the record. You have been quite clear that you would like to see serious offences, especially rape, prosecuted in the civilian system. Are your concerns mainly around prosecution or the investigation by police?

Emma Norton: It is both. I think that is a bit of a false distinction, because as you heard from the director of service prosecutions last week, the SPA can be involved during the life of a service police investigation by offering advice, giving direction, and identifying lines of inquiry. Certainly, the problems that have been raised with me by clients pertain to both. We will not have time to go into detail now, but where they are identifying failures in the service police, those are very important, and they reflect the kinds of things that are in the Lyons report. They are also saying that either the Service Prosecuting Authority was not involved at an early enough stage to direct, control and prevent those problems from happening, or it was and failed to spot them. So it is both.

Q194 **Tonia Antoniazzi:** If you have anything else to add in writing, we would welcome that as well, Emma. It was noted in an evidence session last week that although conviction rates are lower in the SJS, prosecution rates are considerably higher. Why do you think the civilian system is more appropriate when the prosecution rate is so low?



HOUSE OF COMMONS

Emma Norton: I think it is right to say that the rate of referral from the police to the prosecutors is higher in the military justice system than in the civil system. I would note, though, that our detractors often like to say that you're comparing apples and pears and you mustn't draw these conclusions, except when it suits them. We are drawing that conclusion in relation to outcomes at court martial and they don't seem to like that in quite the same way. It is no good referring high numbers to prosecutors if the quality of those service police investigations is not good enough. I direct you back to the Lyons review, which sets out why that is the case.

I also think that the rate of charging is lower in the military justice system than it is in the civil justice system. According to the MoD, it is 47% versus 35% in the service justice system. None of this addresses the huge problems with under-reporting that have been referred to. We get glimpses of the real lived experiences of women. In the last Army sexual harassment survey, 7% of women reported an incident that would amount to a sexual assault if they had reported it, but most of them clearly don't because the number of service police investigations opened in that period is very low.

It is very hard to grasp the explanation for why outcomes at court martial are so low. Just to be clear, it is 10%. With the number of cases that actually start at court martial and end in a conviction, it is a 10% conviction rate, and nobody seems to be taking issue with that.

Q195 **Tonia Antoniazzi:** Do you think there are any circumstances where it would be more appropriate for a rape offence committed in the UK to be prosecuted through the service justice system?

Emma Norton: Very rarely, yes—exactly as envisaged by Judge Lyons. There might be very rare cases where somebody is alleged to have committed an offence here and overseas, and there might be very good reasons why those cases need to be tried together in a single set of proceedings. In that situation, it might be right, yes.

Chair: We have a hard stop at 10.45 am, so we have about seven minutes left. Jack Lopresti next.

Q196 **Jack Lopresti:** I had a few points to make, but I will stick with one. This is for all the panel. Thank you for joining us this morning. Do you think the service justice system collectively places enough emphasis on the needs of the victim, or is it more concerned with operational effectiveness? How is the balance struck? As I say, that is to all the panel. I think the Chair is concerned about time, so please be brief.

Tony Wright: The answer to that is no. I think I have made that pretty clear. I don't think it has anything to do with operational effectiveness. I think it's all about reputation. But when it comes to reputation, that ship sailed with Deepcut.

Dame Vera Baird: I defer to the expertise of those who have been more involved. I hope that operational effectiveness is not somehow brought into a question of sexual assault, and how to deal with injustice and how



HOUSE OF COMMONS

to deal appropriately with both parties. I can see that the fear that operational effectiveness is a very important point in considerations of how to take complaints forward probably is a further deterrent to people in the military making a complaint.

I suppose a soldier who has been raped by a very important individual, particularly a technically accomplished, heroic individual—a fast jet pilot or something—might feel that it is pointless complaining about how they have been treated by that individual. They might feel that he is very important to the military and that it probably will not make any difference. I am not saying that that is true, but I am sure that it is something that will deter people from complaining. The military system has to make it extremely clear that that is not a factor, or you will continue to discourage people from making complaints. On reputation, these days institutions need to move from pretending that sexual assault does not happen and towards saying that they know it does and that they are systematically ensuring that they deal with it well. That is where good reputation can be built.

Chair: Thank you. I have an observation, addressed to Tony Wright. In the interests of balance and fairness, I point out that the very sad incidents in Deepcut occurred in 1995 and 2002. I would hazard a guess that the Armed Forces have come a very long way since then. I call Tonia Antoniazzi.

Q197 **Tonia Antoniazzi:** Dame Vera, your office aims to promote good practice across the criminal justice services, and you talked about your work with them. How closely do you work with them, and have you made any recommendations to the SPA?

Dame Vera Baird: No. As I said at the beginning, I have just been invited some months ago to join the Service Justice Board. We have had some provisional meetings, and I have met with JAG. I am not in a position to make any recommendations yet. However, I am learning a great deal this morning, and I have seen similar issues raised in the documents that I am looking at.

I should just say, in all fairness, that the service justice system seems to have a system of victim liaison officers, which looks like something that really could be built on. A problem in the civilian system is that victims do not always get the perfect model, which I described earlier, of a professional friend, as it were, attached to them from the start. Many do, but some do not. However, so long as that victim liaison officer role is professionalised—I understand there is a concern about how professional it is, which I will be able to help look at—having a single point of contact that is there exclusively to support a person may be something we can learn from the military justice system and make sure that, in every case, it transfers over to the civilian system.

Another advantage of the justice system in the military is that it is not, as in the civilian system, absolutely riddled with backlogs, which mean that people are called to court, sent away, called to court and sent away in the



HOUSE OF COMMONS

hope that their case will get on. That does not happen in the military justice system. Right now is not an ideal time to be thinking of swelling the caseloads in the criminal system, but every other argument is in favour of doing that, and the Ministry of Justice has taken substantial steps to tackle the backlog. That is my own view, although I am in no position to make recommendations now.

I have a recollection that when the question of concurrent jurisdiction was raised back in 2006, which is when the first steps were made to try to bring the system closer to the civilian system, it was only intended exceptionally that rape, murder and manslaughter would be in the military justice system. I do not think it was envisaged a sort of either/or that you could opt into in some way; I think it was thought to be exceptional. I think what Emma just said about the exceptional circumstances that can justify it were in the minds of the Committee at that time, so it is a slight surprise to me that there is this argument still, especially since all the testimony you have had this morning makes it obvious that those who are concerned with victims are very clear that it should be in the civilian system.

Tonia Antoniazzi: Thank you, Dame Vera. In the interests of time, Chair, I will hand back to you.

Chair: The Clerk has just informed me that we can go to 10.50 am. This is a really important session—very productive. I call Sharon Hodgson.

Q198 **Mrs Hodgson:** I am grateful, Chair; I was worried that I was going get squeezed out. Good morning, everyone. Thank you so much for joining us and for your evidence. This has been a really powerful session. It is great to see you again, Tony, and to hear the fabulous accent that we share. You work with people leaving the service. Have you encountered people who have chosen to leave the service as a direct result of their experiences with the service justice system or complaints system?

Tony Wright: Yes, we have. Quite a few people have got so demoralised by, as was referred to earlier, how long it takes, the fact that they are not believed or that they do not think they will get justice. For some it is just a case of bad advice. They do not know where to go or what to do, and they feel ostracised by their own group, if you like. Again, Dame Vera gave a perfect example of what could happen if they make a complaint. If you make a complaint about one of your colleagues, in a close-knit group, that is the reason for what we call military sexual trauma—when a complaint is made, it is in exceptional circumstances, where the needs of the country, if not the military, come first and your needs are secondary. So if you have been raped, you have to continue to work with those individuals—or, as I say, it is located with you and moved on. So people frequently leave because they are so demoralised and just cannot take it anymore. It is a very stressful experience.

Q199 **Mrs Hodgson:** Can you tell me a bit more about your work on the Salute Her campaign and what that has told you about the experience of women veterans? If I can squeeze another one in at the same time, you have



HOUSE OF COMMONS

just mentioned military sexual trauma, and I know you have done a lot of research into that. Can you explain more about that concept and why you feel it should be recognised in the UK?

Tony Wright: Salute Her is very much a gender-specific service designed for women only. Forward Assist picks up the male element of any support we give victims and survivors of military sexual trauma. The key bit of that is that it is all based on consultation. For our first report “No Man’s Land”, we interviewed 100 women and they told us what their experiences were. I was as surprised as anyone else of the outcome when 52% of them said they had suffered sexual assault in the military, and that was random. That report is on our website, if you want to read it.

Military sexual trauma, as you say, is recognised by America and Canada; not so much by Australia and New Zealand. An awful lot of work has been done on that issue. Military sexual trauma is the experience—it is not a diagnosis, it is more of an injury, and I am sure Craig will talk about it later. It is a mixture of unique factors, with somebody being sexually assaulted on a base separating it and making it a little bit different from a civilian setting. In a civilian setting, one would hope you could get away from the perpetrator—unless you were in a relationship with them, and then we are into a whole different thing with intimate partner violence and so on. It is the unique circumstances of serving in the military. I think in my written submission I gave an explanation on that, and there is also an explanation in the Salute Her section of the website.

Mrs Hodgson: Excellent. Thank you so much, Tony.

Chair: I am afraid we will have to stop there because we are pushing 10.50 and we have another session right up behind us. Can I please thank all our witnesses? Emma Norton, Tony Wright and Dame Vera Baird, thank you so much for your time. That was a fascinating session. Quite clearly, the evidence has been recorded and we will take it forward.