

Select Committee on the Armed Forces Bill

Oral evidence: Armed Forces Bill, Session 6, HC 1281

Wednesday 24 March 2021

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

Questions 289-379

Witnesses

[I](#): Nadine Dorries MP, Minister for Patient Safety, Suicide Prevention and Mental Health, Department of Health and Social Care, Kate Davies CBE, Director of Health and Justice, Armed forces and Sexual Assault Referral Centres at NHS England, Dr Fiona Jenkins MBE, Veterans lead and Executive Director for Therapies and Health Science at Cardiff and Vale University Health Board, and Interim Executive Director for Therapies and Health Science, Cwm Taf Morgannwg Health Board, William Vineall, Director and Chair of the Armed Forces Partnership Board, Department of Health and Social Care, Professor Jason Leitch, National Clinical Director, Scottish Government, and Dr Jonathan Leach, Armed Forces Clinical Lead, NHS England.

[II](#): Lieutenant General James Swift, Chief of Defence People, Ministry of Defence, Caron Tassel, Head People Secretariat, Ministry of Defence, Ben Bridge, Deputy Director, Command, Discipline and Constitutional Law team, Ministry of Defence Legal Advisers, Helen Helliwell, Director of Armed Forces People Policy, Ministry of Defence, and David Howarth, Head Service Complaints and Justice Transformation, Ministry of Defence.

[III](#): Johnny Mercer MP, Minister for Defence People and Veterans, Ministry of Defence, and Minister for Veterans' Affairs, Cabinet Office, and Damian Paterson, Deputy Director, Office for Veterans' Affairs.



Examination of Witnesses

Witnesses: Lieutenant General James Swift, Helen Helliwell, Caron Tassel, David Howarth and Ben Bridge.

Chair: Good morning once again. I am James Sunderland MP. It is a great privilege to welcome witnesses and Members to the second panel of the final day of evidence gathering in support of the Armed Forces Bill.

I am pleased to introduce a number of expert witnesses for this panel, led by Lieutenant General James Swift, Chief of Defence People at the MoD. We also have Helen Helliwell, Director Armed Forces People Policy; Caron Tassel, Head People Secretariat; David Howarth, Head Service Complaints and Justice Transformation; and, lastly, Ben Bridge, Head of Legal Advice, all at the MoD.

We have a list of prescribed questions. Time is short—we only have 40 minutes for this session—so will Stephen Morgan come straight in, please?

Q312 **Stephen Morgan:** The MoD is exempt from the duty to have due regard in areas that are in desperate need of improvement, such as accommodation and defence medical services. How will service personnel benefit from the Bill? That is a question for the Chief of Defence People.

Lieutenant General Swift: Thank you, Mr Morgan. The question comes in two parts really. The MoD is already, in many ways, subject to a duty of regard to the principles of the Covenant. We are held to account for the delivery of the Covenant through a statutory requirement to report to Government annually, as you are aware. Indeed, the central Government's delivery of the Covenant and related issues is regularly scrutinised through Defence oral questions, the House of Commons Defence Committee and other such means. Often, variation in the service delivery across local areas can inadvertently disadvantage the Armed Forces community, and that is obviously what the Bill is focused on.

As for service personnel, the second part of your question, how will they benefit from the delivery of the vital services focused on here? The key is probably that the Bill is only one part of what we are doing in support of the whole community, including service personnel. I draw your attention to the forthcoming families strategies, in response to the Selous review, and the forthcoming defence accommodation strategy, both of which will be published this year and will directly target the needs of our servicepeople and their families. That work runs in parallel to that happening in the Bill.

Q313 **Stephen Morgan:** To follow on from that, are you concerned that the Bill's narrow drafting and lack of prescribed outcomes will reinforce the existing postcode lottery in Covenant delivery for service personnel and veterans?



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Lieutenant General Swift: No. I think the Bill seeks to achieve greater awareness across all the bodies that provide such services to the Armed Forces community. In so doing, that will be a levelling up, greatly supporting the needs of the Armed Forces community.

Q314 **Stephen Morgan:** I will turn to my question on statutory guidance now. As a Committee, we have written to the Minister for clarity on what the statutory guidance will include, but we have still not received a reply. Will you share with us further clarity on the issue? Will it be one volume or different publications for each policy area?

Lieutenant General Swift: I will defer to my colleague Helen Helliwell on this one.

Helen Helliwell: Thank you, and good morning everyone. Yes, the statutory guidance is in draft form at the moment. It will be ready for publication just after Royal Assent. The reason why we are keeping the drafting open with all our stakeholders is to ensure that we pick up all the comments that are coming through as the Bill passes through. Definitely, the guidance will be available shortly after Royal Assent, and we are very much doing it with a collaborative approach with our stakeholders.

Q315 **Stephen Morgan:** How will the guidance take into account different legislation and service providers in the devolved nations?

Helen Helliwell: The Secretary of State has a duty to involve the devolved Administrations in writing the guidance, and they are part of our usual stakeholder group on the Covenant as well.

I also point to all the guidance already published in support of the Armed Forces Covenant, in particular on the Armed Forces Covenant website and through the Forces in Mind Trust, which we commissioned specifically. We have commissioned a number of independent reports where they have provided guidance for local authorities and local deliveries on how to support the delivery of the Armed Forces Covenant at local level. So there is a lot of guidance out there already, but specifically for the Bill we will be consulting with devolved Administrations as well.

Q316 **Stephen Morgan:** Will it include details of the redress available and place a duty on service providers to inform beneficiaries of the redress available to them?

Helen Helliwell: Yes, I think that would be the usual course of action—that we should encourage providers of services to tell people how they can seek redress as we would in the usual way.

Chair: Thank you. Sarah Dines has a supplementary.

Miss Dines: I want to come in a bit later please, Chair.

Chair: Thank you. We will move on to the next question with Jack Lopresti.

Q317 **Jack Lopresti:** General Swift and Helen Helliwell, witnesses have told us



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that there is a difficulty in delivering the Covenant because of the difficulty in identifying veterans and where they live. How can service providers apply due regard if they cannot identify those to whom the Covenant applies? Is there a role for local forces champions to co-ordinate and identify veterans and feed that back?

Helen Helliwell: I am happy to start that one. Clearly for the first time ever we have got the veterans marker in the census, which is great news. I know you are hearing from Office for Veterans' Affairs officials in the next session, and they will be keen to tell you how we take that forward, but I will make two other points.

We also publish an annual population of veterans—the last one was published in May 2019—and that has statistics on matters such as health and smoking behaviours, veterans' employment and education levels and their accommodation status. It provides stats down to county level. That is already published and available on the gov.uk website—you can google for it.

We have also been working with Northumbria University on the map of need, which looks at all the veterans and families applying for services through the Veterans' Gateway. There are some 17,000 services on the gateway. It is a monthly, published report which shows providers what services those veterans and family members are looking to access through the gateway and where they are located. That provides a postcode heat map of where veterans and family members are seeking specific services. Again, that is published monthly on the website.

Jack Lopresti: That sounds great. Thank you. Does the General want to come in?

Lieutenant General Swift: I think Helen probably captured it all there.

Chair: Thank you, General.

Q318 **Martin Docherty-Hughes:** This question might be for Ben Bridge. Ministers from the Scottish and Welsh Governments told us in previous sessions that some entitlements such as free childcare, free prescriptions and university education vary between the UK nations. How will the duty of due regard apply when service personnel and their families move between the different home nations with different entitlements? Could they, for example, take the more generous entitlements in certain areas with them to other areas with less generous entitlements?

Lieutenant General Swift: I will start with that, Mr Docherty-Hughes, and then go to Mr Bridge in case he has got anything he would like to add. Obviously, entitlements on devolved issues are local matters, and the Covenant is not seeking to advantage the armed forces community. Rather, as you know, it is seeking to ensure there is no disadvantage and, specifically in this measure, to improve the understanding of service personnel and their families. We have discussed that already. What we already do within the armed forces is seek to take into account the needs of service personnel and their families when assigning them—for example,



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if they have special educational needs—and particularly when we consider assigning them overseas. Ben, is there anything you want to add to that?

Ben Bridge: All I would add really, General, is that it is a duty of due regard and that applies to these local authorities and other public bodies. As I think others have said in evidence to you, this is a duty to be considered. It is not necessarily an outcomes duty. It is obviously a legal obligation for these bodies to consider the principles of the Covenant.

Q319 **Martin Docherty-Hughes:** Mr Bridge, you said local authorities. Let's put the devolved Governments aside then. If someone is in my local authority of West Dunbartonshire, for example, working in Faslane and then moves to Portsmouth and thinks they get a better delivery in West Dunbartonshire, does the due regard then fall on Portsmouth to deliver upon what they got in West Dunbartonshire?

Ben Bridge: It would be a matter for the local authority that is providing the services to consider the obligations. It would not necessarily require them to provide them a certain type of service in relation to where that individual had moved, but it would require them to consider the matter. As the General has already said, the issue around mobility is obviously one of the big issues that the services take into account when people are moving around the country.

Q320 **Martin Docherty-Hughes:** Just a brief point on, for example, childcare. If it is delivered in West Dunbartonshire but funded by the Scottish Government, say to 1,400 hours a year, but they then move to Portsmouth and they only get 500 or 600 hours, who is culpable? Is it Portsmouth, West Dunbartonshire, the Scottish Government or the UK Government, in terms of the due regard?

Ben Bridge: The due regard will fall on the service provider at the point at which they are providing the service.

Q321 **Martin Docherty-Hughes:** So there is every possibility that where funding from Scotland is not equalised somewhere else, a member of the armed services who moves from Scotland to England, Wales or Northern Ireland, could claim with their local authority to give them that service? They might not want to give them it, but they would be able to ask for it.

Ben Bridge: I don't know whether anyone else wants to come in on this point but, as we are saying, it is an obligation on local authorities to consider the principles and it is the service provider that is doing that. What this is not doing is prescribing one national outcome that works across the country. It is local-service specific. I don't know if anyone else wants to come in on this point.

Martin Docherty-Hughes: I will hand back to the Chair, but it would be really interesting for colleagues from other parts of the United Kingdom if their local authorities might have to stump up and ask the British Treasury to fund that. It would be very interesting to hear more from them.

Chair: Thank you. Stephen Morgan, do you still want to ask your question about statutory guidance?



Stephen Morgan: Thank you, Chair—the question has been covered.

Q322 **Mr Jones:** There are no outcomes stipulated in the Bill; Martin has just outlined the problems around that. How, then, will you assess the effectiveness of the Bill when it is implemented?

Helen Helliwell: We have the Armed Forces Covenant tracker, which is the key tool that we use to monitor all Covenant commitments. That is then part of the annual report, which is published to Parliament. In respect to the legislation, we are working with the Forces in Mind Trust. They commissioned our latest “Our Community—Our Covenant” report. That looks into local delivery of the Covenant. That will provide a baseline just before the Bill comes into force.

We will then look to work with them about how we measure progress. We will have a formal review after 12 months and, as you know, we will be able to assess at that time whether additional funding is needed or whether we need to bring in additional bodies. So we definitely do plan to review it, and we are working with an independent charity body to commission that kind of research for us.

Q323 **Mr Jones:** Can I follow up on that very helpful answer? Will you set targets or will there be a matrix that people will have to judge by? How will it actually be assessed? Will it be anecdotal?

Helen Helliwell: There are not targets as such, but we do have KPIs and we are growing that number of KPIs in the Covenant report itself, as you have probably seen, over the years. It is still very much a work in progress, so we will certainly take that on board as we have our discussions with the Forces in Mind Trust. I get that you all want some data and numbers and figures behind it, as we all will. It is just that targets aren't necessarily the best way of doing that, given the different populations across the UK in terms of armed forces need and where they reside and so on. It will not be a one-size-fits-all.

Q324 **Mr Jones:** In terms of those KPIs you just described, will local authorities and organisations be reflected by this Bill? Are they aware of what those KPIs will be?

Helen Helliwell: We already have some in the Armed Forces Covenant report, and it is now for us to work with the Forces in Mind Trust and all those stakeholders. We will do that through various governance mechanisms across Government and with the local authorities to work together on what that might be, so that we are able to robustly show the difference that the Bill has made.

Q325 **Mr Jones:** I take your point about the targets, but are you hoping to get to a position in the future whereby you agree some KPIs with service delivery organisations?

Helen Helliwell: I don't want to firmly say yes, that is the right way to go, before we have had those conversations with those bodies, but I will certainly take that feedback on board as we start to develop how we will measure effectiveness.



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Mr Jones: Thank you very much, Helen.

Q326 **Chair:** Thank you very much indeed. I will come in here and ask personally about the service complaints system. I have some experience of this myself, so I would like to ask a number of witnesses please: what is being done to tackle delays in the service complaints system, and whether you agree that confidence in the system is low?

David Howarth: There are a number of areas where we are taking action to try to improve timeliness in the service complaints system. As it currently stands, the system is very much driven by tasks that fall to the commanding officer to deal with, and the commanding officer does not have much time as there are very many pressures upon them. At the moment they deal with questions about admissibility and they are generally the people who take decisions on service complaints.

We are making changes there, creating central admissibility functions. That will be a team that looks at all the complaints that come in and makes the admissibility decisions, and they will be experts in doing that so will be able to do it a lot faster than the commanding officers do at present.

In addition, we are going to be setting up standing decision boards as specialists in the areas the complaints are made. At the moment, again, the commanding officer is required to become a policy expert on everything that comes in, not just on things that are within their field of responsibility. We will be setting up specialist decision bodies that understand the matters that are being raised in the complaints, such as pension policy, for example.

There are other things as well. We are making the guidance for complainants much easier to read; we are going to give them early access to assisting officers to help them through the process; we are simplifying a lot of the forms and the content; we are also going to be providing access to informal resolution, if that is appropriate, for low-level complaints, and providing commanding officers with the ability to deal with low-level complaints through minor awards that will keep them out of the system.

There are a bunch of other things as well; alongside what is in the Bill, there is a programme of many other reforms going through at the moment. In terms of confidence, we mainly measure confidence in the system through a couple of things: the armed forces and reserved forces continuous attitude surveys deal with service complaints, and we use the Service Complaints Ombudsman's annual reports as well.

I think it is fair to say that confidence is fairly low, looking at those reports. A lot of the reforms we are doing at the moment are to address that level of confidence and attempt to improve it. I will finish there.

Q327 **Chair:** Thank you. Indeed, who would be a commanding officer. Could I ask Ben Bridge to come in, please?

Ben Bridge: I do not have much to add to that, Chair. All I would say is that what we do in the Armed Forces Bill is set out the matters which



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require changes to primary legislation. For the service complaints measures—the programme David was outlining—actually only a small amount of that requires changes to primary legislation, so those are the measures that are appearing in the Bill.

David is outlining a much wider programme. The Bill needs to be seen in the context of that wider work.

Chair: Thank you, Ben. Again, for what it is worth, I welcome the ability for mistakes to be more easily rectified. Having had experience of that in a previous life, I think it is the right thing to do. I thank both of you for your answers.

Q328 **Martin Docherty-Hughes:** Where do you think the thinking about the right level of eligibility to sit on court martial boards has come from in the Bill? For example, it is no one below an OR-7. Does the Ministry have experience of different reactions to that from the three services?

Caron Tassel: We thought that changing the level of rank to go on to the board was the right thing to do because it would increase diversity of experience. It also broadens the number of people who are eligible to sit on the board. With the services, we thought very carefully about where to draw the line. The court martial boards are determining not just matters of innocence and guilt but, with a judge, the appropriate punishment to be awarded. When it comes to awarding the punishment, the judge is really relying on the collective service experience of the board members to assist in deciding the appropriate sentence.

A sentence in a court martial, very much like in a Crown court, is for punishment and deterrence. In the service justice system, it is also about maintaining discipline and operational effectiveness. The view is that an appreciation of those factors comes with experience and, to a certain extent, with rank and the exercise of command over others. There was a general consensus of opinion that that experience is best gained by people who are at the rank of OR-7 and above. We concluded that the line had been drawn in the right place.

Q329 **Martin Docherty-Hughes:** Maybe I can go slightly further on that: I know we are very short of time. Thank you for that, Caron. I do not know about the Crown court—the Court of Session is more my thing. If you are below an OR-7—an ordinary rank below 7—and have had a number of years of lived experience that could be shared on a court martial board, why would you not be included? It seems rather odd that the lower ranks below 7, who may have had a substantial amount of experience that could inform the decision-making process, would be excluded in a judicial process when judging their peers.

Caron Tassel: It is really about experience at that rank. As you go up the ranks, you have more experience of leading other people. You also have the experience of having been in that rank yourself. When you move up, you have a better sense of how the actions of people can have an effect on discipline and operational effectiveness. You just have a broader view,



and it is that that really needs to feed into the determination of what would be the best sentence in those circumstances.

Q330 Martin Docherty-Hughes: Briefly, a former justice gave evidence last week or the week before, and they basically said that the decision was because of culture. That is what they said when it comes to the Bill: it is only OR-7 and above because that is the culture of the armed forces. It was quite a shocking moment, I think, for the Bill Committee.

Caron Tassel: That is certainly not our thinking. It is really about experience and who can best help the judge reach the right level. I don't know whether he was transposing culture for experience, but really we would say it is experience.

Q331 Martin Docherty-Hughes: You do not think that anyone below OR-7 has that experience?

Caron Tassel: I think the line needs to be drawn somewhere, and this is where we would be comfortable. It is where we think, "This is the right point at which people can contribute to that decision making." On balance, I think it has been drawn right.

Chair: Thank you, Martin. I am going to bring in Sharon Hodgson now for a supplementary.

Q332 Mrs Hodgson: Actually, my supplementary is to the question that James asked a little earlier about the current system for making complaints. Do you feel that the current system discourages people from making complaints? Specifically, I am thinking about the chain of command reporting. Do you feel that the proposals in this Bill will address this issue? If so, what specifically? Can I address that to Lieutenant General James Swift, and perhaps Helen and Caron if you want to come in?

Lieutenant General Swift: Thank you very much, Mrs Hodgson. I personally think that that is not an issue. I think that there is definitely an issue, as David commented, that we need to do more to increase the confidence in the service complaints system. The statistics that we gather tell us that there is something that we need to do there, and work is under way to make it much simpler to use, as David suggested. We are also looking at how we can publish the outcomes in such a way that we can protect the necessary data protection confidentiality, but also make it clear to people that it is worth complaining, because we take it seriously and something happens. At the moment, I do not believe that we are doing enough in that area, so that is an area that I would like to tackle.

Your point about the chain of command: there are two ways that we have already addressed that. The first is that in the service complaints system you can at all stages appeal to the ombudsman anyway, and the ombudsman, as you know, is totally outside the chain of command and is independent. That is the first check. The second check is something that we recently introduced. Noting that only 25% of service complaints are bullying, harassment and discrimination-related, but that none the less they are important, we have introduced an anonymous bullying,



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harassment and discrimination helpline, which is available to all the military and, indeed, the civil service in Defence, so that they can use that both to report a problem outside the chain of command and—really importantly—to get help from trained experts at the end of the helpline, who can, if that is what they require, signpost them or help them immediately themselves.

Caron Tassel: I do not think I have anything further to add to that, I am afraid.

Helen Helliwell: I think James summed it up really nicely. We know what we need to do, and there is a plan to get after it.

Q333 **Tonia Antoniazzi:** I wanted to pick up on something Helen said, quite a bit earlier. You said that the statutory guidance would be ready after Royal Assent to the Bill. Are you saying, then, that we would be passing a Bill without knowing if and how it helps our forces communities?

Helen Helliwell: My understanding is that it is currently being drafted. It is out with stakeholders, but actual publication will come just as Royal Assent—so we can get any last-minute conversations that come up as it is passing. The stakeholders involved are involved now, and will be throughout the rest of this journey. So it will not be new to them when it is finally published, because they will have seen it in its drafting. It is just that, I understand from the team, they want to wait until as far as possible down the process, to make sure that we are capturing all the comments as the Bill goes through. Also, as I said, there is a lot of guidance out there, published already, on how to implement the principles of the Armed Forces Covenant.

Q334 **Tonia Antoniazzi:** Thank you, Helen. My other question is for David and Ben. Does the Ministry of Defence support the Wigston review's recommendation for an independent defence authority?

Lieutenant General Swift: Perhaps if you are happy, Ms Antoniazzi, I could answer that for you, because I spoke to Air Chief Marshal Wigston about this only last month. If it would help, would you like me to address it?

Q335 **Tonia Antoniazzi:** If you would like to, that would be great; and then if the others have a comment after you have spoken that would be appropriate. Thank you.

Lieutenant General Swift: Terrific, thank you. In his report he recommended a defence authority that provided central oversight and support, tracking and analysing of all related data, and the ability to identify and share good practice. He then wanted that person to be outside the single service chain of command, answerable to a senior responsible officer, and have access to the permanent secretary and the Chief of the Defence Staff. I picked this up with him specifically last month, in a routine call, just to understand, because it was one of the things that we did not address straight away. He agrees with me that we have now addressed it in the establishment of a director for diversity and inclusion:



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a senior civil servant at the rank of pay band 2 who works in the centre of defence, so is nothing to do with the single services and is, coincidentally, responsible to me—and I am the SRO for this work, so that is good. Importantly, because D&I is so important to defence at the moment, she has a direct right of access to the permanent secretary and the CDS on this and other matters. In her portfolio, as well as other aspects of D&I, she has service complaints and service justice, so that new directorate is that defence authority that Air Marshal Wigston was recommending to you when he produced his report.

Tonia Antoniazzi: Thank you very much, Lieutenant General. David, or Ben, would you have a comment?

David Howarth: No, I didn't have anything further to add to what the General just said, thank you.

Ben Bridge: Nothing further from me, thank you.

Tonia Antoniazzi: Thank you. Back to you, Chair.

Chair: We have about 10 minutes left and two questions. Before I bring in Stuart Anderson, I will ask Kevan Jones for a supplementary.

Q336 **Mr Jones:** I hear what the General said about that, but how independent will that directorate be in terms of both the armed forces and the MoD? Is it not going to be seen as the MoD and the armed forces marking their own homework?

Lieutenant General Swift: The total independence in this place continues to be driven by the service complaints ombudsman, who, as you know, sits completely outside of MoD processes.

What Air Marshal Wigston was driving for here was for someone who could take a holistic view across defence and really drive best practice, and that is what the director of D&I will do, in order to make sure that we achieve greater momentum in this important area.

Q337 **Stuart Anderson:** This question was for David or Ben, but I think you might need to come in on this one, General. It is about the scoping work that is under way for the defence serious crime capability. Can you please provide a brief update on where that is?

Lieutenant General Swift: I would welcome doing so, and indeed, we updated the Service Justice Board on this only yesterday, as well as the chiefs of staff last week, because it is a really important bit of work, recommended by Professor Sir Jon Murphy. We have to make sure that we sustain and improve our investigatory performance on serious crimes, in order that we can continue to develop the service justice system. So thank you for the opportunity to give a brief update, and noting the time, I will be brief.

The first thing that we focused on is making sure that there is a common understanding of what we mean by serious crime. Of course, that has to apply across various jurisdictions, and, not least, overseas. That has now



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been agreed. The next is making sure that we have a common view as to what we need to achieve in the crime strategy. That is being considered by the chief police officers as we speak, and we'll make sure that we co-ordinate the investigatory process across the piece.

Then, there are eight or nine key work strands, which I will run through in a second, all of which are maturing this summer. The first of those is designing a central crime management unit. Next is determining an approach and process for the tasking and co-ordination of an investigation. Then, there is victim and witness care; sexual and violent offences support; organisational learning; common skills framework; and—this is really important—training and co-ordination, including secondment of police staff to Home Office police forces to learn from and with them. Finally, there is accreditation co-ordination. As I say, those work strands will all culminate this summer with Ministers, and we will take on the next step thereafter.

Q338 Stuart Anderson: Thank you, General. You mentioned Sir Jon Murphy. How closely is this work following his recommendations, particularly around the creation of the tri-service unit?

Lieutenant General Swift: The key thing that Sir Jon was aiming for was to further improve the investigatory process, both making sure that our people were properly trained and making sure that they are working in a consistent and coherent manner, in order to produce the best possible investigations. It absolutely addresses all of those, not least through the central crime management tasking and then the common standards of training and learning from and with the Home Office. So it gets at that, and will therefore deliver his intent.

Stuart Anderson: Thank you, General. Over to you, Chair.

Chair: Thank you, Stuart. For the final question, I ask Sharon Hodgson to come in, please.

Q339 Mrs Hodgson: This is to any of the witnesses; perhaps we can specifically start with Lieutenant General Swift, and then anyone else who wants to can come in. Minority ethnic and female personnel are disproportionately more likely to make complaints. Can you provide your perspective on the challenges they continue to face, and do you think this Bill will help to achieve the cultural change that is needed to address instances of bullying and harassment?

Lieutenant General Swift: Thank you for asking me to start on this one, Mrs Hodgson, because the cultural change piece is so important to the improvements that we need to make. When I have finished, I might ask David Howarth to address your first bit on the over-representation of people from ethnic minorities and women in the service complaints system, because we have commissioned some work on that recently and he will be able to update the Committee on it.

As for the cultural change, for me the key for cultural change is strong leadership; visible actions; a continued focus, and not just a flash in the



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pan; training; education; and any mechanism that allows you to raise problems confidently if and when they occur. We are seeking to address all those, supported, not least, by a ruthless determination to root out poor behaviour.

The Ministers, the permanent secretary and the chiefs of staff are intimately engaged in this process and have really seized the need to lead it from the top, and then we hold them to account every quarter for what they have done, to make sure that what they are doing is driving change and improvement.

However, that is not sufficient. This process needs to be led at all levels in the organisation. For that to happen, all levels of the organisation need to understand that there is a problem and that they are part of the solution. If I'm honest, not everyone in the organisation understands those things, so that part of this process is really important.

One of the things we have been doing is a series of lived experience opportunities. I have personally witnessed a number of them, which, frankly, have shocked people into understanding that there is an issue, and those people have then lent in. But that is really draining on the brave people who are sharing those experiences, so we have to be careful how we use that sort of tool. We have also developed some class-leading active bystander training, which we have now rolled out as mandatory to everybody, so that people understand that they have got a role to play in this.

Of course, when, sadly, instances of unacceptable behaviour occur, we are then investigating them quickly and robustly, and taking action against them is essential. And you will have seen in recent cases that the chiefs are absolutely wedded to doing that.

So that is what we are trying to do to address the culture, and you can tell from the passion in my voice that this is really important to us and to me personally. David, do you want to pick up the over-representation point?

David Howarth: Yes, certainly. As the general mentioned, on the back of a recommendation from the service complaints ombudsman, we commissioned some independent research into the question of the over-representation of women and minority ethnic people in the service complaints system. One of the interesting things that the research threw up is that much of this is about confidence in the system, and that is affecting people across the board. So white men are also very likely to have low confidence in the system and are also less likely to complain.

The research identified some policy and procedural areas that we need to get on top of. There are issues around childcare, investment in infrastructure, and equipment for female servicepersons. So a lot of the issues out there affect women particularly, and minority ethnic groups as well. There are also some cultural issues around whether the senior male cohort are more likely to take a paternal approach perhaps to some groups and not others, in terms of helping them through the system.



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We hope to have that report finalised fairly soon. Then we will look at it and see if there are any other things that we need to do in addition. The main point it flagged up was that there is a general lack of confidence in the system, not just amongst women and BAME people, but there are specific issues that they might complain about which would bring out more complaints.

Mrs Hodgson: Thank you, both. Do any of the other three witnesses have anything to add? No? Thank you all for appearing before us this morning. It has been a really good session. Back to you, Chair.

Q340 **Chair:** Thank you, Sharon. Just before we finish, in the interest of balance, can I ask CDP if enough is being done to filter out vexatious complaints?

Lieutenant General Swift: You will be aware of the Overseas Operations (Service Personnel and Veterans) Bill that is going through the House at the moment, which seeks to address that issue for overseas operations. That will make a big difference when, in due course, it receives Assent. So, yes, I believe that is the case.

Specifically, within the area of service complaints, it is something we track carefully. We are agreeing guidance on vexatious and malicious complaints with the service complaints ombudsman in order that we can get the balance right, between making sure that people can complain when they need to and aren't vexatious, if that happens.

Chair: Thank you. I urge you to be mindful of the fact that the process itself can be as stressful for the complainant as it is for the recipient of that complaint. From my own experience, we are probably not doing enough to protect the chain of command from those who seek to settle a score.

I will bring this session to a close now. It has been fascinating and enlightening. I thank our witnesses, Lieutenant General James Swift, Helen Helliwell, Caron Tassel, David Howarth and Ben Bridge for their time today. Thank you so much indeed.