

Defence Committee

Oral evidence: [Awards for Valour \(Protection\) Bill](#),
HC 658

Tuesday 6 Sep 2016

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Members present: Dr Julian Lewis (Chair); Douglas Chapman; Mr James Gray; Johnny Mercer; Jim Shannon; Ruth Smeeth; Mr John Spellar; Bob Stewart; Phil Wilson.

Questions 1-62

Witnesses

[I](#): Gareth Johnson MP, Bill Promoter.

[II](#): Professor Edgar Jones, Professor in the History of Medicine and Psychiatry, King's College London, Wing Commander (Rtd) Dr Hugh Milroy OBE, Chief Executive, Veterans Aid, and Professor Ian Palmer, Professor of Military Psychiatry.

Examination of witness

Witness: Gareth Johnson MP, Bill Promoter.

- Q1 **Chair:** Good morning everybody. Welcome to this special sitting of the Defence Committee to consider a Private Members Bill: the Awards for Valour (Protection) Bill. It is my great pleasure to welcome our colleague, Gareth Johnson, who I believe came fifth in the Private Members Bill ballot and has chosen this subject for his Bill.

Gareth, why did you choose this particular area as the subject of your Private Members Bill? What exactly is the Bill meant to achieve?

Gareth Johnson: Good morning, Mr Chairman and the Committee.

It was brought to my attention that a law was passed in the United States to prevent anybody from stealing valour. The law that was brought in would, for example, prevent anybody from falsely claiming to have been the recipient of a Purple Heart. I carried out some fairly rudimentary research, which revealed that no such law currently exists in the United Kingdom to prevent the theft of valour. It used to exist; but unfortunately, it appears that the Armed Forces Act 2006 inadvertently repealed the relevant provision. Arrests took place that had to be rescinded because there was nothing to prevent Walter Mitty types from claiming that they had been courageous and had been given an award to recognise that courage. Nothing could be done by the police or the courts to challenge that and stop it happening.

My Bill aims to ensure that something can be done and that we can prevent the theft of valour, which can currently go ahead unchecked. I am, however, very keen to ensure that there are assurances so that, for example, relatives who wish to sport their loved one's medals to show respect for their bravery can continue to do so unfettered by this legislation.

- Q2 **Chair:** You mean when the person who won the awards has passed away?

Gareth Johnson: Yes, or, in fact, while they are still alive. Under my proposals, you can still sport medals that belong to a loved one—for example, a member of your family—and do so out respect for that individual, and you will not be caught by the provision. A very good custom has developed in this country whereby, generally speaking, people will wear medals that have been won by members of their families on the right breast, and they do so in honour of that achievement. That is not something that I want to get in the way of one bit. I hope that the Committee understands that.

- Q3 **Chair:** We are talking here about medals that have been awarded by Her Majesty or the state, as it were, for official purposes. What about the crop of medals, or medal lookalikes, that are often purchased by people who

don't have official recognition. Presumably, they are regarded as an irrelevance to the Bill.

Gareth Johnson: That's a very good question, Mr Chairman. The Bill aims to prevent the sporting of medals or insignia, or anything so closely resembling a medal that it would lead to deception. It includes three civilian medals: the George Medal, the George Cross and the Queen's Gallantry Medal. Those are the three civilian awards that are currently included in my draft Bill. There is hopefully a degree of containment about the Bill. We could carry on ad infinitum adding more awards, certificates and commemorations, but all that would happen is the Bill would become unwieldy and unworkable. I have tried to narrow it down to military medals, plus the George Cross, the George Medal and the Queen's Gallantry Medal. That is it. It wouldn't include, for example, a long service medal awarded by the police service.

Q4 **Chair:** But if, for example, there had been struck an unrecognised medal for something like having been a national serviceman, were that done privately, that would not be affected by your Bill, unless the medal in some way resembled some other medal that had been officially awarded.

Gareth Johnson: That's correct, Sir. It would have to be a military medal that was bestowed on someone by Her Majesty. A private medal would not come under the Bill.

Q5 **Chair:** I am going to ask one of our colleagues, who has more than a few medals himself, to come in in a moment. Before I do, can you tell us from your experience whether service and ex-service personnel have really strong views on this subject?

Gareth Johnson: I am president of my local Royal British Legion. I have not served in the military myself, but I am president there. We have had a couple of instances of people who have, in a rather Walter Mitty style, pretended that they have received honours when that is not the case. I don't think it is untypical of a constituency to have a couple of people who have behaved in that way. My understanding from the media is that there are hundreds of people who have been behaving in the manner which the Bill seeks to address. When I have spoken to members of my local British Legion, they have seemed to be fully supportive of the Bill. I have met the national Royal British Legion, and they in no way seek to obstruct this Bill. Those ex-servicemen from around the country who have contacted me have all, exclusively, been supportive of the principles behind the Bill.

I hope that the Bill receives cross-party support and support from right across the military. I don't think that many people would welcome people cheating valour, as they can right now. What is so wrong at the moment is that those people who have been courageous and have been given medals are undermined by these Walter Mitty characters who are pretending that they, too, are courageous. When you allow that to happen, it casts doubt on those people who have actually been brave and had that recognised.

Chair: Very clear. Colonel Bob Stewart.

Q6 **Bob Stewart:** I have some medals, but I also wear fake ones, because it

would cost a fortune if the real ones got stolen. They are actually exact duplicates, Gareth, but I'm sure there is no problem with that. What actual harm do these rather strange individuals do to society or to other soldiers or sailors?

Gareth Johnson: If I may, Mr Stewart, I will answer the point you made first of all, which is that wearing the fake medals you mentioned would not be caught by this Bill because there would be no intention to deceive, and therefore there would be no criminality as a consequence of this Act—if it becomes an Act.

As far as the other points you made are concerned, from my understanding there are different types of Walter Mitty characters. There are people who have serious mental health problems and need help, frankly. The reason I have put in the Bill that there needs to be an intention to deceive is that if you are not master of your own mind, you are not capable of forming that necessary intent. Therefore, someone with a serious mental health problem who sports medals should not, as is often the case with criminal law in this situation, fall foul of the law to the point where they are incarcerated. The court will presumably go down a hospital order route.

There are, though, other people—not just those who want to be flamboyant characters, but people who genuinely want to deceive. At the moment, if you wear medals in order to gain financially, that is a criminal offence under the Fraud Act. However, there is nothing to stop people at the moment trying to curry favour, to curry respect and to look like they are a big player in the local community. There was a councillor in Kent who was elected, and in his literature he made false claims about the medals he was awarded during military service. That councillor stood down from the party he was a member of, but he is still a councillor today—that is my understanding. There is nothing against the law in doing so. This is where it is wrong. This is where we need to have extra provisions open to the police and to the courts. In circumstances where someone is deceiving people and trying to cheat and to steal valour, there should be a provision that prevents that from happening.

Q7 **Bob Stewart:** I think you covered most of my next question, so I will not labour it. Gareth, do you think over the last few years there has been an increase in these Walter Mitty types? In our briefing papers, we have one guy who was wearing the DSO and bar, the DCM—anyone who knows these things will straight away spot that you can't have the two—the Military Cross with a bar and the Distinguished Flying Cross, all in one row, right the way across his chest. He must be a little bit mental, but he was actually charged, brought to court and found guilty. Do you think there is an increase in these Walter Mitty types, as people call them? The Army, the Navy and the Air Force have a "Walt watch", which identifies fakes. My real question is this: what about the guys who wear SAS berets, who I have outed on occasion, Special Forces berets or Special Reconnaissance Regiment berets? Is that part of the Bill as well?

Gareth Johnson: To answer your question, it is very difficult to get accurate figures on whether this problem is getting worse or diminishing,

simply because people cannot be arrested, and therefore there are no reliable statistics on the number of people brought to book. We don't know how many people are quietly spoken to at parades and told, "Look, please go somewhere else. You're offending people." There is no way of telling.

Bob Stewart: It's actually quite a lot, Gareth.

Gareth Johnson: I wouldn't disagree with that or dispute it in any way. It seems, from the national newspapers and from the organisations you mentioned, Mr Stewart, that hundreds a year are being dealt with informally, but it is very difficult to get reliable figures because there is no power of arrest at the moment to deal with these people.

I appreciate that the members of this Committee will be able to spot where someone is being fraudulent in the medals they are wearing, but many people won't be. The person you mentioned was a man called Roger Day, who was arrested for wearing 17 medals. I have heard of situations where people are wearing medals that cover everything from the Boer War right up to the Falklands. Clearly, you can't have earned all those medals, but at first glance, to the untrained eye, people don't know, and therefore they give that person an elevated position. They give them respect, which you should ordinarily do, but in their particular case that is not deserved. That is what is at the heart of this Bill—preventing that from happening. Your medals, Mr Stewart, you wear because you have earned them. Someone else should not be able to come in and steal that valour from you.

Q8 **Chair:** On the question of that very case, I understand that although the person concerned was convicted of wearing a DSO, a Military Cross and various other unearned medals, the conviction was overturned, because just a short time before had come both the repeal of the earlier Acts that criminalised that and the introduction of the new Act, combining the three separate service discipline Acts, which did not criminalise it, so would you say that this is a particularly strong example of why you feel your Bill is necessary?

Gareth Johnson: Yes, because there has not been another prosecution since then, because it has not been against the law. Clearly, the court, on that occasion, felt it was a serious enough offence for that man to be given a community sentence and felt that he had done wrong; the man himself admitted he had done wrong, and the whole process went through. It was only subsequently, as you say Mr Chairman, that his solicitors realised they had made a mistake and the matter was overturned. But that shows the seriousness with which courts can take the matter. I am not saying that every circumstance would warrant an arrest, but I am saying that there are occasions, when it is done in the most unpleasant manner, that would warrant an arrest, where you can stop offence that is being caused to many people.

Q9 **Bob Stewart:** I have one comment. When I tried to duplicate my medals, I was questioned by the medal company and asked to give the date and time of the medal, which is good. That happened. So I do not know how

this guy got hold of these things, but presumably some people are less scrupulous.

Gareth Johnson: I'm pleased to hear that.

Chair: The internet is coming up a bit later in our questions, actually.

Gareth Johnson: Ironically, Mr Day, who I have just spoken to, sold "his" medals, I understand, for £360 on eBay. That is my understanding.

Q10 **Chair:** Out there causing mischief, are they?

Gareth Johnson: Quite. The internet is a wonderful thing. eBay is a wonderful thing. All these other auction sites are wonderful things, but it does open up an opportunity for people to purchase medals. Most people buy those medals for legitimate reasons: they are collectors; they are not buying them to sport them and pretend that they are heroes. That is not what most people buy medals for.

Q11 **Jim Shannon:** What you have told us so far perhaps has answered this question. Do you see the Bill as an attempt to criminalise a specific award for valour or gallantry, or would it apply to all military medals—campaign and long service medals?

Gareth Johnson: Mr Shannon, I do intend that it cover all military medals and insignias that represent an award for gallantry. There are also three civilian medals that are included: the George Cross, the George Medal and the Queen's Gallantry Medal. It should cover all medals that are awarded with the consent of the monarch. If that is the case, it will be covered by this Bill.

Q12 **Jim Shannon:** Following on from that then, is it deceitful to wear a campaign medal or a good conduct medal? Is that really of the same gravity as, for instance, wearing a Military Cross, a DSO or a Victoria Cross? It would be a giveaway, however, if you were wearing one of them. Can I just get your thoughts on that?

Gareth Johnson: All that the draft Bill—I emphasise the word draft—specifies at the moment is any person wearing a military medal or insignia representing an award for gallantry. Therefore, it would be for the court to decide whether an item came under that. It also goes on to mention an article or emblem resembling any such military medal or insignia, or the civilian medals. So it covers a wide range of things, I would argue.

The challenge in drafting the Bill has been: where do you stop? There are certain types of medal that are commemorative only; they are not awards for gallantry. Some medals simply recognise that someone has taken part in a particular conflict and they should be covered by this Bill. I have to try to contain this Bill, so that it is workable, and the decision I have come to in presenting the draft Bill to the Committee is that it should be military awards that have been given with the consent of Her Majesty and those three civilian awards that I mentioned.

Q13 **Bob Stewart:** They may be civilian awards, but they are awarded to

servicemen as well. The Queen's Gallantry Medal, the George Medal and the George Cross are often awarded to people in uniform.

Gareth Johnson: Yes, and if I could help you further with this, Mr Shannon, the Bill always makes it clear, for the purposes of this section, that military medal or insignia means a medal insignia clasp, ribbon, bar or equivalent, authorised by the monarch in connection with acts or acts of particular service undertaken as a member of the United Kingdom's armed forces.

It shows you that it does try to cover these Walter Mitty types who simply wear the ribbons. We know there are those who wear clasps. They should not escape this Bill, in my opinion. But as I say, I have to try to contain it to a certain extent and that is what I have attempted to do here.

Q14 **Jim Shannon:** To follow on with the question: does it cover the decorations awarded by foreign Governments? In other words, how far do you go with that? Does it cover foreign Governments awarding medals or decorations as well?

Gareth Johnson: If it is a decoration given under the consent of Her Majesty then yes, it will cover that, if it is a military award. The only non-military decorations that will be covered are those three civilian ones I mentioned.

Jim Shannon: So foreign Governments giving to—

Gareth Johnson: No, it has to be as a member of the United Kingdom's armed forces and by our monarch, not from a foreign president, for example. An award given to a British soldier by a foreign ruler would not be covered under this.

I appreciate there may be times when that should be covered, but again, it comes down to me trying to contain this so it is manageable. Neither does it cover foreign soldiers who may come here. The légion d'honneur will not be covered by this. It is trying to get the balance right between containment, so this is workable as a Bill, while ensuring that 99.9% of cases will be covered.

Q15 **Phil Wilson:** What penalties would you consider are appropriate for this offence? In America, they have higher penalties for higher awards, such as the Congressional Medal of Honour. For lower medals, I think it is six months. For the Congressional Medal of Honour, it is a year. Do you think we should have something like that in law as well?

Gareth Johnson: The Bill proposes a six-month maximum sentence. The reason why I have made it an imprisonable matter is multifaceted. First, it gives a power of arrest to the police. The police cannot arrest unless it is an imprisonable matter or they have a separate power of arrest. I could put a separate power of arrest in the Bill, but the maximum term of imprisonment creates that. It also ensures that a court can give community service. Courts cannot give community service for matters that are not imprisonable. It therefore gives the court wider powers to deal with people who offend under this Bill.

Finally, with repeat offences, in the most unpleasant, nasty incidents, it may be appropriate for someone to spend time behind bars for this kind of action. The ability to do that is here in this Bill. Six months in prison means it can only be dealt with at a magistrates court; it will not go to a Crown court unless it is linked with something else. This keeps it as a summary-only matter that can be dealt with by local magistrates, understanding the local area where the offence was committed.

Q16 Chair: Is it your view that it would likely be a suspended sentence in all probability, even in the more serious cases?

Gareth Johnson: I think so. That is something that has to be left to the discretion of the court. I can, however, envisage circumstances where imprisonment—suspended or immediate—would be an appropriate penalty for offences under this Bill.

Q17 Phil Wilson: Is the size of the fine specified in the draft Bill?

Gareth Johnson: As it is six months in prison, the fine would be maximum level 5, so that is £5,000. That would be the maximum.

Q18 Phil Wilson: Much higher than what they have in America. I think it is a few hundred dollars.

Gareth Johnson: I am not entirely sure what their range of penalties are for fines.

Q19 Phil Wilson: Do you think that, considering the disgust people feel at this kind of action, naming and shaming someone is sufficient, rather than taking these people to court?

Gareth Johnson: That can sometimes be an effective remedy. I think you could say that for a whole range of different criminal offences. We know that certain people suffer more because of the naming and shaming they have had to endure, rather than somebody who has not in other circumstances. Yes, that may be an appropriate way of dealing with instances of this kind. It may still be appropriate for someone to have a quiet word with someone. But that is also the case for a whole range of criminal offences and I do not think that, because that may be an effective remedy, that should prevent this becoming law.

Chair: Bob, I think you wanted to come back on that.

Q20 Bob Stewart: No, if Phil has finished I will go on. I totally agree with the idea of having an online database. There are such things now, but it is very complicated to get answers on gallantry medals and things. If nothing else, let's encourage the Government to put up a database, so that people can check these things very quickly. That would be very easy to do, actually, for all gallantry awards, including "mentioned in despatches".

Gareth Johnson: Having that list is an effective tool, but it has its limitations. You would then have to be able to establish the identity of the person and then if they are someone who is fraudulently claiming they had

a medal, what do you do now? There needs to be a consequence of their behaviour, and this Bill aims to give that consequence.

- Q21 **Ruth Smeeth:** I think you have probably answered this question, but can you confirm that there are not any existing criminal offences, either through the Fraud Act 2006 or the Uniforms Act, where criminal charges could be brought?

Gareth Johnson: There are some that could be brought, Ms Smeeth. For example, under the Uniforms Act, if someone is wearing a uniform with intent to deceive, that is a criminal offence. However, it does not just apply when they are just wearing medals. This therefore gives that extra option.

If someone is wearing medals and is doing so in a fraudulent way in an attempt to get money—if you go in and see your bank manager sporting medals and try to get a mortgage—that is a criminal offence and you could be prosecuted for that. This aims to deal with those Walter Mitty characters who are trying to curry favour and respect that they do not otherwise deserve and I am just speculating on what may come their way, if you like. They want to be seen in a better light by their peers and I think that that is wrong, and that undermines those people who have genuinely been given awards for bravery. So there are circumstances that are adequately covered by the law at the moment, but I think in a lot of instances it is insufficient.

- Q22 **Ruth Smeeth:** There is obviously, especially in America, almost a cottage industry in exposing military imposters. Has the internet provided an easier way to do that? Evidently, it has, so, with new offences, do you think you would be encouraging even more potential vigilante options?

Gareth Johnson: I think all of us as Members of Parliament agree that the internet is a double-edged sword: it has its benefits and it certainly has its downsides. Therefore, you cannot always rely on what you read on your computer. That is the case for so-called Walter Mitty groups as much as anybody else. Yes, there have been circumstances where it has helped to expose people who have been fraudsters, but I do not regard it as a reliable source that you can leave purely on its own.

I have had very little dealings with some of the Walter Mitty groups—the Mitty hunters, the Walt hunters or whatever they want to call themselves. I have had some contact from some people who are involved in them, so I do not know whether they are particularly effective or whether their practices are sharp or not—I would not like to comment. Perhaps there is some very good work that they do carry out, but I would not want to see the policing, if you like, of fraudulent behaviour by Walter Mittys left entirely to those groups. I think it is entirely appropriate that we have the police able to take sanctions as well.

- Q23 **Johnny Mercer:** You have covered the piece about families and protection for them, which is great. How would you define “family member”?

Gareth Johnson: It is a very good question, Mr Mercer, and this is something that we mulled over for quite some time. Courts are used to defining family. That tends to include only immediate family. What it does not do—I am first to concede this—is cover adequately partners, friends and so on. Again, I have had to curtail it. The reason I put family in there is because I wanted to ensure that we took a belt-and-braces approach to family members who wanted to wear their loved one's medals out of honour to their courage. So they have a double safeguard under the Bill. First, they have the safeguard of being able to show that they were not acting in any way with intent to deceive. Secondly, if they are a family member, that gives them extra protection. I have to make a judgment as to how far I give that extra protection to other groups. If I try to include friends and other loosely defined people connected to these people, it all becomes very difficult, so I have left it purely as family members. The court would be able to interpret that. Again, 99 times out of 100, it will be obvious what the situation is. But even if they were a family member, if it was done with intent to deceive, they could fall foul of this law. So it is not a case that simply because you are a nephew of someone you can go around wearing your uncle's medals with intent to deceive. The law would prevent that from happening under this Bill.

- Q24 **Johnny Mercer:** Would the Bill seek to criminalise the false representation of entitlement to a decoration or medal without a person even wearing it? Let me give you an example. Any links to any members of this Committee are purely coincidental, but say you've got Corporal Bob going down the pub and racking up a not insignificant bar bill and gobbing off about winning a Military Cross in Normandy or whatever. Would this legislation apply in that case?

Gareth Johnson: It would. The first subsection of this Bill indicates that someone who wears or represents themselves as being entitled to wear would be covered. So if someone goes along saying, "I won a Victoria Cross and look what's happened to me; it's dreadful; I need some help and assistance," they would fall foul of this law because they are making a false claim.

- Q25 **Johnny Mercer:** Because they are trying to gain from it.

Gareth Johnson: It is not simply whether you are wearing one; it is if you are purporting that you are entitled to wear them.

- Q26 **Chair:** Is that only if they are trying to gain something, or is it out of just boastfulness that they would still be caught?

Gareth Johnson: If it was carried out in a way that was intending to deceive people, it would be covered by this Bill.

- Q27 **Chair:** Even just to get the prestige or the credit.

Gareth Johnson: Yes.

- Q28 **Bob Stewart:** There is one problem with the issue of the Elizabeth Cross, which is awarded to the next of kin, which is a good thing. Johnny and others will know about this. It was a very good introduction quite a few

years ago now, but the problem is who actually gets it. You can apply this to who can wear it. It goes to Johnny's point about the family being a problem. There were many arguments between, for example, the mother and the girlfriend. Who gets the Elizabeth Cross when the boy—or the girl—has been killed? This caused a lot of aggravation. We will not be able to deal with it in legislation because it is too difficult. I just raise the point that this could actually apply here as right to wear medals on the right breast as well.

Gareth Johnson: I think we would all accept that, generally speaking, awarding medals for valour is a positive thing. It is a good thing. I would also argue, therefore, that it should be protected and enhanced, and this Bill seeks to do that to ensure that those people who have legitimately been awarded medals for valour are given the protection of being believed when they wear their medals, because, otherwise, there is a sanction.

- Q29 **Mr Gray:** Mr Johnson, can I play devil's advocate for a moment or two? If I want to, I can wear an old Etonian tie or a gown that depicts me as having a PhD from Cambridge University. I could even say that I am a member of the Cabinet. I can do and say almost anything I like. Unless I am gaining money by it, it is all part of British eccentricity. People will say, "You're an idiot: you're not an old Etonian, you didn't go to Cambridge and you aren't in the Cabinet", but none the less, I am entitled to do so. Leaving aside gallantry honours, why should that not apply to ordinary medals?

Gareth Johnson: It's a very good point, Mr Gray. It illustrates clearly the reasons why I have had to narrow this to deal with a particular problem. It does not cover, for example, knighthoods, MBEs or OBEs and that sort of thing—deliberately so. Again, it would allow the Bill to get out of control and become too unwieldy. This doesn't seek to end fraudsters completely. We will never do that. There will always be people who claim they are something they are not and, unfortunately, that is always going to be the way of the world. What this endeavours to do is to prevent people, as we have seen before, joining in Remembrance parades, wearing medals, pretending they are courageous when they are not—pretending they are better people than they actually are and seeking to actually get some kind of reward or favour or enhancement in their character as a result.

- Q30 **Mr Gray:** But there is no law against claiming to be a better person than you actually are. We politicians do it all the time. That is part of our trade.

Gareth Johnson: What we don't do and what we shouldn't do is sport medals and claim that we have received awards that we haven't actually had. I can see how that could cause the greatest amount of offence to those people who have maybe lost loved ones in conflict or who have actually received those awards themselves after they have put their lives on the line and some impostor comes in and pretends they are the same as them.

- Q31 **Mr Gray:** Yes, but that might apply, if you don't mind my saying so, to proper graduates of PhDs from Cambridge University, some of whom are

in this room, if they saw me wearing my PhD gown, or to the one or two Etonians in this room—if they saw me wearing an Etonian tie, they would be offended but they would just say, “Come on, Gray, you idiot”. It would be a laugh, it would not be a great— Surely this is a sort of high-handed Governmental interference in what is part of Great British eccentricity and weirdness?

Gareth Johnson: I think there is a world of difference between wearing an Old Etonian tie in order to curry favour or for people to see you as better and someone who is trying to claim they have served Queen and country, been courageous, been awarded a medal, put their neck on the line—

Mr Gray: It’s not just courageous; it’s any medal.

Gareth Johnson: Yes, but what that does, and the whole point of this, is when people carry out behaviour like this, it undermines those people who have actually served Queen and country and have sacrificed and have put their neck on the line for us, and we owe them some protection that they do not currently have.

Q32 **Mr Gray:** In America, a similar Act has been found to be in contravention of human rights. People have been saying, “It is my human right to wear a duff medal if I want to.” Do you think there is any risk there would be a similar challenge under the European convention on human rights?

Gareth Johnson: This doesn’t stop people wearing medals. What it does is stop people wearing medals with the intent to deceive people into thinking that they have been legitimately awarded to them. It specifically excludes people wearing them for re-enactments or broadcasts in a manner that is not trying to make people believe they are heroes. That is the difference.

Q33 **Mr Gray:** That wasn’t the question. The question is, couldn’t I go to the European Court of Human Rights and say, “I’m a bit weird: I like wearing VCs and MCs—I haven’t got them, but I like wearing them—and under the Human Rights Act that is my human right to do that if I want to”?

Gareth Johnson: And you could do so, provided you don’t intend to deceive. What this doesn’t do is prevent people from wearing medals. What it does is prevent people from wearing medals in a way that is intending to deceive people into thinking they have been legitimately awarded to that person.

Q34 **Mr Gray:** What is the Government’s view of this?

Gareth Johnson: I’ve spoken to Mark Lancaster, the Minister who is responsible for this area of Government. He is supportive. He hasn’t seen the draft Bill—I’ll give him that caveat—but he is supportive of the principle behind it. I have also spoken to Michael Fallon about it. He indicated to the then Leader of the House, Chris Grayling, that his Department was supportive of the principles behind the Bill. I therefore hope that, once they have seen the draft Bill, they will continue being supportive.

Q35 **Mr Gray:** You've got the No. 1 slot on 25 November or something?

Gareth Johnson: I've got the fifth slot.

Q36 **Mr Gray:** Fifth overall, but you've got the No. 1 slot on that particular day, so if you are not talked out, you get to Committee. Is that right?

Gareth Johnson: That's right. That's exactly as I understand it, and that is why I hope there will be support across the House for the principles behind this. I am open to suggestions as to how we can improve this. It is just a draft, and I very much welcome the views of the Committee.

Q37 **Mr Gray:** Have you tried to get the Government to say, if you are talked out or if you lose in Committee or elsewhere, that they would take it up as a Government Bill?

Gareth Johnson: No, but I very much hope so. I anticipate, in I believe two years' time, another Armed Forces Bill—we've just had one, so it may be longer than that before we get another Armed Forces Bill. There may well be a Bill it could be tagged on to. I hope we don't have to go down that line because, of course, for every year that goes past when this isn't in force, there are more and more occasions where people are able to cause unnecessary upset and hurt.

Q38 **Chair:** Just to finish off, I want to come back to James's point a moment or two ago. Most legislation that is enacted here has to conform to the provisions of the ECHR, does it not? Have you investigated at all as to whether there is any reason to believe that your Bill, as it stands, could be struck down by the ECHR?

Gareth Johnson: There's nothing on the face of it to suggest that it would be, for the reasons that I just explained to Mr Gray. It is also not retrospective; it would only take effect a day after Royal Assent, and therefore should not fall foul of that part of the Human Rights Act.

This Bill needs to be properly looked at. It is still in its draft form. I am not saying it is a perfect Bill. Its wording is not right. I believe that its principles are right, but there may well be areas where I can improve the wording and the drafting. There need to be more checks carried out on the legislation to ensure that it complies with the European Court of Human Rights legislation. I am a lawyer by trade. I specialise in criminal law, so I have some experience of dealing with these things. As I understand it, it shouldn't fall foul of the European Court of Human Rights, but then that Court never ceases to amaze me.

Q39 **Chair:** And just finally, unless there is anybody else with an afterthought, let us go back to the fact that this used to be the law, did it not? Effectively, you are trying to reinstate a law that formerly existed. Have you been given any reason to suppose that when it was the law, it in any way caused any problems, and therefore there was some reason why it was not carried forward? Was it purely an oversight, as far as you can find out, that it was not carried forward when the individual service discipline Acts were amalgamated?

Gareth Johnson: It's a very interesting point, Mr Chairman, because, fairly uniquely, we have an opportunity with this Private Members Bill of knowing what it was like when the law applied. As far as I know, there were no problems at all when this law was in place. The problems occurred only since it was inadvertently revoked by the Armed Forces Act 2006. That is when the problems seem to have commenced. I hope this will revert us back to a situation when valour was properly protected without causing problems to people who are innocently simply trying to pay tribute to their loved ones.

Chair: On that note, thank you very much indeed. We come to the second panel. Needless to say, we will be following the progress of your Bill with great interest.

Examination of witnesses

Witnesses: Professor Edgar Jones, Professor in the History of Medicine and Psychiatry, King's College London, Wing Commander (Rtd) Dr Hugh Milroy OBE, Chief Executive, Veterans Aid, and Professor Ian Palmer, Professor of Military Psychiatry.

Q40 **Chair:** Welcome to the panel. I am going to ask each of the three members of this panel to introduce themselves for the record and say a few words about their interest in and qualifications in this field. I believe, Dr Milroy, that you have a few opening remarks that you want to make.

Dr Milroy: However you want to do it, Chairman.

Chair: Any other opening marks that anybody wants to make at the same time will be fine. Let us start with Professor Palmer. Would you say a few words about yourself?

Professor Palmer: Thank you for inviting me. My name is Ian Palmer. I am quite an unusual person, having served in the Army for 25 years, a large part of which was as a psychiatrist. I am the first professor of tri-service psychiatry for the services. I am also a service user—I had a medical discharge for a mental health condition—so I speak to both sides of it. After I left, I ran the medical assessment programme for six years, and spent over 1,000 hours listening to veterans. I have worked for about 10 years as the psychiatric adviser to Veterans Aid—a charity I chose for its exemplary record in making sure the veterans that are there are there and come from their background.

Dr Milroy: I am Hugh Milroy. Thank you very much for inviting me. I have been involved with Veterans Aid for 21 years. I did my PhD among the homeless on the streets, looking at veteran issues. I served 17 years in the Royal Air Force and was head of community and social care for the Royal Air Force at that time. I have been deeply involved in this on an international basis, simply because it is a daily occurrence for us. It is a

very diverting subject for us. I am very pleased to be here to tell you of some of the things I have come across.

Professor Jones: I am Edgar Jones. Thank you for inviting me. I am the one civilian member of the panel. I originally trained as a historian but then did 10 years training at Guy's Hospital and took a PhD in clinical psychopathology. For the last 20 years I have been researching the military and particularly military psychiatry. I have done studies on war pensioners. Most recently, I published a paper with Hugh Milroy on stolen trauma. I teach an MSc on war and psychiatry.

Chair: Thank you very much indeed. We are going to start with James Gray.

- Q41 **Mr Gray:** Leaving aside fraud, which is obviously against the law anyhow, and leaving aside the greatest awards for gallantry, where there is clear distaste about everybody wearing a VC, what harm does it do if some innocent person, absurdly and childishly and eccentrically, chooses to go out and buy some dodgy medals and wear them? What harm is there in that?

Dr Milroy: The one thing that has struck me over the years of involvement with this is the fact that we have, and this House has, put a lot of effort into the covenant, to try to make sure that we have a bond between the nation, the military and this House. At every step—this comes up, because it is a daily occurrence—it is breaking the trust of those who should be supporting the military family. I say that because it has been said to me by Members of this House.

The other thing that is really important here is that we have had no sense of the enormity of it, but because Veterans Aid is very much working on a national basis, we see that this is happening all over the country. It is an issue that matters. My worry is that if this puts people off joining the military—*reductio ad absurdum*—if this makes people start to have less pride in the military, we may not get people joining. In real terms, that will harm the defence of the nation.

- Q42 **Mr Gray:** But why would it? Surely a harmless eccentric that chooses to go to an antique shop and buy a couple of duff medals—why would that put anybody off joining the military?

Dr Milroy: It is very far from being an eccentric with the medals. In fact, the medals thing is quite interesting. I rarely come across any case like that. What we normally come across is someone trying to get advantage—pecuniary advantage; trying to get housing. There are all sorts of things—

- Q43 **Mr Gray:** But that is fraud. That is against the law. What we are talking about here is somebody wearing them. They are not entitled to wear them but are just wearing them. I am just puzzled as to what damage you think that is causing. Why is that a bad thing to do? I mentioned to the last panel that I could wear an old Etonian tie if I wanted to. I can wear a PhD gown from Cambridge. I can wear a crown and go around saying I'm actually the Queen. All of those things would be absurd and

childish and I would be mocked for it, but there is not a law against it. It is part of British eccentricity. Why should there be a law against this?

Professor Palmer: Well, all I can say is that anything that smacks of fraud—we are putting them into the “British eccentric” sort of place—impugns the integrity of the medal, impugns the integrity of the uniform, and it is those sort of actions that are passed. It is about that impugning, but it is also about the gullibility of the public, the gullibility of health professionals, and that spreads over. People who serve and ex-service personnel don’t like to see it. We can say, “Okay, I’m a fairly intelligent guy. Oh, he’s just an eccentric,” but actually it may not mean the same to everyone else. In terms of harm—define harm.

Q44 **Mr Gray:** We’re asking you to define harm.

Professor Palmer: I can’t.

Q45 **Mr Gray:** If you cannot define harm, I am going to say, why have the Bill in that case? We need to know where the harm is, otherwise why put an Act of Parliament on the statute book?

Professor Palmer: It is the harm to whom—the harm to the individual or to his family. There is a harm to the family if they are found out, because they will have told a bunch of lies about the medals. They will have created a service. They don’t just put them on and go to medal parades. The whole thing about this is that everyone around them has bought into the narrative.

Q46 **Mr Gray:** This is common practice. I can go down to the pub and say, “Hey, listen, I have played rugby for England and I’ve got an Olympic medal for high jumping.” I can say those things and people will laugh at me, a lot—especially Johnny Mercer—but there is no law against it. People will just think: “Well, you’re silly”, “That’s ridiculous”, “Don’t be crazy,” or, “You’re pathetic.” My family might get caught up in that and they will say, “Your dad claimed he was an Olympic gold medallist,” but there is no law against it.

Professor Palmer: No.

Professor Jones: There is harm to the reputation of veterans, because these stories get into the press and they are repeated and coming through on a regular basis. After a while it has an insidious effect on the way the general population views the veteran population. The trouble is that today the military footprint is so small that most people do not understand what it is to be in the military; they’re not very good at identifying fakers. This would not have been such an issue in 1945, when you had mass conscription, when doctors, healthcare professionals—anyone in authority—would have probably had direct involvement with the armed forces. That is not true today, so the general public is very reliant on what they read in the newspaper for their impression of how the veteran population behaves. If they repeatedly see stories of veterans bigging up their careers, pretending to do wonderful things which they haven’t done, it erodes public trust in a group of people of which they don’t have intuitive understanding.

- Q47 **Mr Gray:** If these are non-veterans, but just people who go down to an antique shop and buy some of these medals—"I'm not a veteran, I've never been in the Army, I'm just bonkers"—what's wrong with that?

Dr Milroy: I get your point. You can argue both sides. What we are saying—I think all of us have come to this point—is that it is making a laughing stock of the armed forces. It is making a laughing stock of veterans and all of the effort that has gone into them getting these medals.

Professor Jones: It also takes time to work out that the person who has gone, who's never been in the military but who has nevertheless read a few books, bought these medals—it takes time for them to be exposed. They could, plausibly for several years, have got away with pretending to have decoration and rank which they are not entitled to.

- Q48 **Jim Shannon:** I have a question about what you feel the motivation is for those who do it. Is it because they are Walter Mitty-type characters who want to live a life that is different from the one they normally have, or is it because of monetary value? What is the motivation for those who wish to wear medals that quite clearly they haven't either earned or been given for their gallantry?

Dr Milroy: My experience has been that it is for all sorts of reasons. Whether it is pecuniary advantage, love rats, or whatever, the point is that they have been using it for advantage. Certainly, the ones with the medals that I have come across—and it has not been that many that I have met with medals—it has been about acknowledgment. No one ever chooses to present themselves as a being a former chef in the RLC; they are normally in the SAS. So it is an issue about acknowledgement, bravado—for deeply personal reasons.

Professor Jones: Sometimes it's also mitigation if there is a court case coming up—a justification of having, say, PTSD to be used in mitigating circumstances. I agree with you: there is a whole range of things. Actually, if you suffer from mental illness, there is huge stigma about mental illness throughout society and in the military. It is a way of deflecting attention from the illness you may have, or giving an explanation for it.

- Q49 **Johnny Mercer:** I want to jump in here because I think James raises a really important point. There is no point having a Bill for having a Bill's sake. It needs to mean something and it needs to do something. Where's the harm? People would be offended if you said—not that anyone is ever going to say this—"I was once an MP." Obviously no one would do that, but should there be a law against that? What this tells me is that we don't need a Bill, we need a fully functioning, proper veterans affairs department that you can go and speak to and say, "Right, what is this guy's service history?" and they can tell you and you can then configure your services properly.

I absolutely see where this is coming from but this—together with the explosion of PTSD charities and all the rest of it—comes about because

there is a singular lack of control and interest in this sector, I'm afraid, from those who should have the interest, which is Government. I absolutely have enormous sympathy for those who would feel affected by this but, personally, it is just yet another symptom of a Government disinterested in the veteran population. They are trying to patch that with a Bill to say, "Don't do this, because it's illegal; don't do that," whereas actually they should be working with you. There should be a hotline, where you can go to the department of veterans affairs and say, "Right. Has this guy served? He's telling us he's got PTSD." They may suggest, "Well, he's done this and that," and you may think, "Well, maybe it's not PTSD. Maybe it's alcoholism or depression, and we can actually treat that and focus the resources on those who need them."

Professor Palmer: I suppose it's also important that it acts as a spur for the Walter Mitty hunters—the people who go out to try to find these individuals and work outside the law, and over whom there is no control.

Q50 **Johnny Mercer:** Sorry, what's wrong with what I've just said?

Dr Milroy: I am in agreement with you. It seems to me that we've been going round the same buoys for a long time with veterans, and we need a national debate about who veterans are in the 21st century in Britain.

Q51 **Johnny Mercer:** But why do we not have a department of veterans affairs in this country, when there is one in the States, one in Canada and one in Australia? If it is good enough for everyone else, why do we not have it?

Dr Milroy: We should have a department of veterans affairs, a veterans' charter—a living charter, so that every veteran knows their rights—and a means of identification, because it is so common for people just to access services. As Bob Dylan sang, "When you ain't got nothing, you got nothing to lose"—so why not? I couldn't agree more. We need to say as a nation, "Where are we going with our veterans?" In 10 years' time, when no one can spell "Afghanistan", what social and economic outcomes do we want for our veterans in this country?

Johnny Mercer: I make this point to the Committee and to you, Mr Chairman, because it is fundamental to these debates: we have this stuff plastered on—Bills here, Bills there—but where is the Minister with the cross-departmental authority and the budget to actually make something happen for these guys? They are not there, and I don't know how we use your power or our power as a Committee to help. These guys will keep on coming in and saying this, I'm afraid. I know I am passionate about this, and I apologise, but we have to get this right, and this is another example of it.

Q52 **Chair:** You never have to apologise for being passionate, but we do have to focus on the particular agenda we have today. But there are many opportunities when Ministers come before the Committee to challenge them on these very points, and I am sure we will.

To come back to the specifics of the Bill, do you agree that one problem is that if a general impression gets around that a lot of people out there

in public, particularly on Veterans Day or on Remembrance Day, are wearing decorations to which they are not entitled, we may end up with genuine veterans being challenged to justify wearing the medals that they have really earned? The father of my partner has a post-war Distinguished Flying Cross, and on one occasion when I was with him, somebody—not too brutally, but nevertheless—asked him how he got it and whether he was entitled to it. He is a pretty tough customer and he was certainly able to satisfy them in forthright terms, but should genuine veterans be put on the spot in that way if something is happening to undermine the credibility of people who normally and rightly appear on parade on appropriate occasions with medals that they have justly earned?

Dr Milroy: Yes, 100%. It is hugely difficult, because people do take offence. I was at the 360th anniversary of the Grenadier Guards in Bruges at the weekend and, lo and behold, a man walked past me wearing the Silver Jubilee Medal. He was about 40 years old. Well, it didn't work, and it stood out—the band sergeant-major picked it up immediately. So this is a very real issue. How it affects people is down to personal opinion, but it is quite clear to me that it is diverting services. We have no coherent way of dealing with this. As a service, we at Veterans Aid check everyone, but we get people coming from other charities—as we know, there are many—who clearly have not been checked.

Q53 **Chair:** It is a form of corruption, really: corruption of the status and value of awards given for good reason.

Dr Milroy: Trust is the key element here. I am an ex-serviceman, like Professor Palmer. I want us to have a bond between the public and the military. If we lose that by our inability to address who veterans are in the 21st century, we have missed a trick. I really do fear that maybe one of the reasons we're not recruiting well is that people may not wish to let "Little Johnny" join up—no offence.

Johnny Mercer: No. I have often been referred to as "Little Johnny", mainly by my wife.

Q54 **Ruth Smeeth:** Could each of you in turn explain whether you believe that there is a need for legislation in this area, or would non-legislative solutions, such as that outlined by my colleague, be slightly more helpful?

Dr Milroy: I believe that there is no point in passing any legislation that is not enforceable or that makes this House look ridiculous, so it seems to me that we need the wider debate before we have legislation. Who are veterans in 21st century Britain? I'm not convinced there has ever been a decent debate on that. I watched the Armed Forces Bill going through the Lords and when it got to padres' salaries I thought, "We've lost the plot here. This is just pointless." So there are big issues. It's still a sizeable community within this country. It will drop off, of course, as people get older, as we see, but the reality is that there are still many people in this country who are veterans. I feel that we owe them more than just adding on simple pieces of legislation.

Q55 **Johnny Mercer:** 2.6 million people.

Dr Milroy: Yes, and it allows the charities to exploit things as well. The fact is that some of them are genuinely bigging these things up—that's a good phrase. My children use it to me all the time. But charities are bigging these issues up for what end? I'd love Veterans Aid to go out of business, but the fact is—and it gets ridiculous, it gets absurd. But then you realise what's behind it.

I have something with me. May I show the Committee? This was from a charity that came to us. It is in fact a pine cone and it was from a gardening charity who came to us looking for clients. They described this to us as our men having real problems picking up pine cones in the garden, because it reminds them of unexploded grenades. Well, I think that anyone who has ever served would see that for what it is, but the fact is that they were marketing that. So it allows people, because we haven't addressed these issues as a nation, to get away with "pine cones".

Professor Palmer: I suspect that, in a way, the medals issue is a pointer, or a flag, for other things, because it's very difficult—I mean, I have found it very hard to disentangle it from what is actually going on underneath, and it's everything from fantasy to fraud; it's not PTSD. So there are a series of things—there are medals and PTSD—that are short-hand for much more complicated things. However, it's also quite complicated because of the way that medicine has changed. I mean, the good thing about Veterans Aid is that it looks at need and the whole thing, so we only put mental health requirements as part of the gastroenterological or neurological requirements, but we look after their accommodation and everything else. So, I think it's difficult to disentangle and I suppose that an Act would underline—in part, at least—that we are taking this issue seriously.

Q56 **Chair:** Do you think that there is a sort of trickle-down effect, on the basis that the thing above all that people are respected for is having put their lives on the line in the service of the country, and therefore if people are allowed—without punishment—to get away with impersonation of someone in that category, then all the more will the infection spread, at lower levels of deception?

Professor Palmer: I think it goes to the old sociological concept of gain. The primary gain is intrapsychic gain. In other words, what is it about yourself that this is doing? So you have a T-shirt that says, "The older I get, the better I was. I wasn't in the catering corps; I was an SAS killer," and so on. You big it up. It's okay if you are just sitting and talking to yourself in the mirror, but if you're telling your family and everyone else, they start to believe you, and then it spreads out from there, when you get the secondary gain. So the family are supporting you; we perhaps help. I had a patient one time who was clinging on desperately to his PTSD to keep his marriage together; she couldn't leave him and the treatment was for her to go.

Then there is the tertiary gain, because that action is then within society. I have worked in Hackney and so forth, where people will feign mental disorders to get benefits and other things. It's the thing that doctors don't like, because they don't want to confront anyone in a surgery—they don't want that sort of thing—but it's a sort of unwritten secret that something else is there, and if you don't address that thing you get things wrong.

Professor Jones: Can I address the legislation point? It clearly was against the law from the Army Act 1955 to the Armed Forces Act 2006. I confess that I wanted to look up the level of prosecutions over that period because I sense it is quite low, but I think it had a deterrent effect. Once it is known that you could be prosecuted, people would think twice about buying medals and wearing them.

The point I want to make to James Gray comes because I am a civilian. There is a big difference between me going out and buying a PhD gown and wearing it and me going and buying some decorations for valour, because the person who had won the decorations for valour put their life at risk at a very young age when they had their whole life before them. My faking a PhD is no big deal; I'll be found out. I think there is something special about the nature of medals that trumps these other acquisitions that people have, because people are risking their lives.

Q57 **Phil Wilson:** How do you think the service and veterans themselves react to military impostors? Do you think that reaction, whatever it is, is justified?

Dr Milroy: There are lots of anti reactions to this as an issue. It is in the parlance now: Walting and bloating by lots of people who have served a very short time and exaggerate their service. It is amazing that wherever I go people will start talking about it. It is always linked with PTSD; that is the lingua franca now. We have got people genuinely who have spent two weekends in the old Territorial Army and have claimed PTSD for the rest of their lives.

It is out there and an issue. I feel that it upsets a lot of ex-service people. People I was with at the weekend were all offended by it. They actually talk about it and ask why doesn't this House do something about it and why doesn't the Government do something about it. For me, as a veteran—I did only 17 years—yes, I am offended.

Professor Palmer: Ex-service personnel who see people going forward for help and erroneously not having the diagnosis, not there that they know about, actually think, "I am not going to go to that service because if they think he is a real soldier, why should I bother?"

There is a lot of subtlety in this, a lot of conflation. When I was working at the Medical Assessment Programme, a lot of psychologists conflated sailors and airmen with SAS frontline soldiers. A lot of people conflate Army Catering Corps with infantry up at the front. There is only one trade out of 140 that is infantry soldier.

There are all sorts of issues that can't be got at, and they can't be got at in medicine because no one wants a fight in the surgery, unless you are a forensics psychiatrist, of course.

Professor Jones: At the moment, the veterans themselves are policing this embellishment and fraud through the internet and I'm not completely happy with that. I would much prefer that it was handled by police forces and done in a properly regimented way. For example, Trevor Howard, when he was a young film actor, had it put around that he had a Military Cross from Arnhem and that got into all the publicity. The Metropolitan Police went and had a quiet word with him and it was immediately taken off. It was done in a proper, formal way, whereas at the moment you sense it is trial by internet and trial by shame. There is an opportunity there for people to make mistakes and for bullying. It is just not regulated at the moment.

Q58 **Phil Wilson:** Would that Trevor Howard incident have been under the 1955 Act?

Professor Jones: It was before that, in fact. It was considered illegal, but I think the 1955 Army Act maybe regularised it. I think it was illegal before then. I think he was claiming this in about 1948. The interesting thing is that, despite that warning, his publicists still continued to push that line informally.

Q59 **Johnny Mercer:** Are military impostors a new phenomenon? Are there characteristics of modern conflicts or the perception of modern conflicts that might give rise to a high incidence of this behaviour? If so, is there any way of measuring it?

Dr Milroy: The internet has made a big difference here because people can buy things on eBay and the internet and get themselves out there as keyboard warriors almost immediately. There was one in the paper yesterday who has been banned from all the dating websites because he was wearing burns and he was wearing a Royal Marine uniform, and of course he did not know that the Royal Marines wear the lovat-coloured uniform, and so I think that is what has made the difference in all of this. We veterans probably have more of a sense of the national issue, but the internet has certainly spread it, and we should pay attention to that. I am pleased that this issue has been brought forward because we should do something. But I am uncomfortable about trial by keyboard warriors.

Johnny Mercer: Absolutely.

Professor Palmer: I have great trouble—my grandfather was in the Somme and my father was in the Royal Air Force in Bomber Command and equating his experience, when you went to war and you did not know when you were coming back, and to think that you are actually in Afghanistan or somewhere else with horrible bits to it but also quite good bits. I was speaking to Andy McNab a while ago, and he was saying that the guys on the front line take pictures of the burger bars and the showers and so forth, and the guys in the showers and the burger bars take photographs of the sangars up the front. Narratives are important, and

everyone has a different narrative for different audiences. This is part of a narrative that speaks to different people at different times.

Chair: Ruth, you have got a few further points about the internet, I believe?

- Q60 **Ruth Smeeth:** Yes, on keyboard warriors. One of the benefits, potentially, of the internet is that it has enabled some people to verify. But we have also then foreseen an increase in the number of online groups that are investigating. Do you think that we need a legal avenue, rather than allowing these people to act as vigilantes and taking the law into their own hands? Is that one reason why this would be a very sensible move?

Dr Milroy: I think that we should put something in place because of that. The inability to identify an ex-serviceman is an issue: in the US, they use your national insurance number as your military number. Here we have a separate number. People can make them up, and as long as it sounds kosher people will start to roll on it. They are easily picked up on the internet, you can see people's numbers. So I think there are issues around it. Actually, we should deal with the bigger problem first. But there are things that people do not know when using the internet. For example, something went very viral recently about a man walking around the Tube: a homeless veteran, nine years in the Royal Anglian Regiment, he gave a service number starting with "29". Everyone immediately knew. When I phoned the *Evening Standard* to point out that they knew, as soon as they saw my number they said, "He's a fake, isn't he." I said, "Yes, 100%." Because the number—and the story looks great—starting with 29 was never issued. So it works both ways. It was very good to be able to pick something up like this very quickly. But equally there is very real harm associated with putting someone on trial like that.

- Q61 **Chair:** We have heard quite a lot about people deliberately faking it, but are false claims sometimes a result of more serious mental health problems, and what is the argument there about criminalisation? Would it be said that criminalising might make the situation worse for such people—who should be helped—or would you put them in the same category as other people who commit criminal offences but are then found to have a mental illness, and it gets taken into account at the sentencing stage?

Professor Palmer: I mentioned earlier about conflation, and there is sort of a thought that mental illness is all the same thing. If you work in adult services in the UK, it is serious and enduring mental illness, which is schizophrenia, manic depressive psychosis and the like. Whereas a lot of this sort of psychiatric work—when I was in the Army, psychiatric conditions would never be seen by a psychiatrist necessarily; it could be because it is easy in the forces. But actually they would be run by a general practitioner. So these are the sort of conditions that are disturbing and difficult, but they are not necessarily severe and enduring. The business of fabrication can be everything from a delusional disorder, which really does need to be dealt with because that is along the lines of

schizophrenia and so forth and is very difficult to treat. But most of them relate to fantasy, and that drifts into fraud. I had a young lad from Afghanistan who clearly hadn't been where he had been, but he just did it to impress his girlfriend. Luckily, we got it early and had a little chat, and it moved away. So I think you can't really take that into account—to say, "Well, we are not going to have the law because it might upset one or two people." I suspect the numbers are not great, but I think it is important that they are recognised, because it is a marker that we are taking veterans seriously.

Dr Milroy: In my experience of this, people with mental health issues don't do this.

Professor Jones: I would like to add a point there. We have studied large numbers of war pension files given to genuine veterans with psychological disorders, and they do elaborate. There is a very good reason why they do that, because their pension is determined by the level of symptoms that they have. If you haven't got a job, you are living in a terrible place and you have a war pension for depression, anxiety or PTSD, you would be foolish, in a sense, not to emphasise your symptoms. I have looked at random samples of war pension files from the second world war, the first world war onwards, and there is a quite natural tendency to present your disorder in the most favourable light—because why wouldn't you? You're broke, you haven't got a job. The War Pensions Agency knows that as well as anyone, so they have lots of procedures in place to assess people on an annual basis, because it is a natural tendency among the sub-group of the population. So there are people who are absolutely genuine servicemen, with absolutely genuine mental illness, but they will sometimes elaborate—no question.

Chair: And finally, Bob Stewart.

Q62 **Bob Stewart:** Just a quick one, to take a summary. Are you all in favour of this Bill being made law?

Professor Palmer: Yes.

Dr Milroy: Yes.

Professor Jones: Yes.

Bob Stewart: All in favour.

Chair: Thank you very much for your specialist contributions today, which have greatly aided us. We look forward to producing our own conclusions as a result of what we heard in the course of these two hearings.