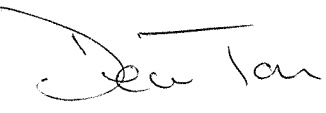


MSU/4-8-2-3

19 December 2024



Thank you for your letter dated 14 November and for your contributions and support for the Armed Forces Commissioner Bill during its Second Reading on 18 November.

### **Improving service life**

As you know, the Armed Forces Commissioner is the first in a series of steps that will be taken by the new Government to renew the nation's contract with those who serve and to improve service life. Inspired by the successful German model, the Commissioner will be a direct point of contact for the Armed Forces and their families to raise welfare issues that impact on their service life.

The Commissioner will incorporate the functions currently undertaken by the Service Complaints Ombudsman for the Armed Forces (SCOAF). Through the Commissioner's reports and recommendations, the new post will improve Parliamentary oversight and the public's understanding of the issues faced by the Armed Forces.

### **Ensuring the Commissioner's independence**

It is important that we set the parameters for the Armed Forces Commissioner, and in particular stress the impartiality and independence of their role. The Commissioner will act as an independent champion for our Armed Forces. There are several safeguards in place to ensure this is the case:

- Their role will be subject to a full public appointment process and pre-appointment scrutiny by the Defence Select Committee. As I highlighted during Second Reading, we are keen that the Committee exercises the toughest pre-appointment scrutiny and we will listen closely to the Committee's views in any pre-appointment hearing.
- Once appointed, the Secretary of State may dismiss the Commissioner but only if specified criteria (that the Commissioner is unable, unwilling or unfit to perform their functions) are fulfilled<sup>1</sup>. In the event the Secretary of State dismisses the Commissioner, they must specify their reasons for doing so via a statement to the relevant House of Parliament.<sup>2</sup>

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<sup>1</sup> Schedule 1, paragraph 5 (terms of office), subsection 5

<sup>2</sup> Schedule 1, paragraph 5 (terms of office), subsection 6

**Tanmanjeet Singh Dhesi**  
**Chair, Defence Committee**  
**House of Commons**  
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- The Commissioner will be established as a corporation sole and will therefore be independent of MOD. The Commissioner will retain the independence to make arrangements for their own office, including in relation to staff and the delegation of their functions. They will also be able to decide how to spend their money and which issues they choose to investigate.
- The Commissioner will have full discretion over what they choose to investigate, as long as it falls within the scope of a 'general service welfare matter'<sup>3</sup> as defined in the Bill (and subject to any of the limited carve outs). They cannot be directed by the government to look into certain welfare issues, nor can they be prevented from doing so, except in the very limited circumstances set out in the Bill.
- The scope for the Commissioner's investigations is wide-ranging and their findings and recommendations will be reported to Parliament. The Secretary of State may only exclude material from reports where they consider its publication would be against the interests of national security or might jeopardise someone's safety<sup>4</sup>.
- Although only a sitting member (or, in limited circumstances where there is no appropriate Minister, the Clerk of the House) has the power to lay reports before Parliament, the Secretary of State will only have 30 sitting days from receipt to lay thematic reports before Parliament, ensuring a swift turnaround<sup>5</sup>.

## **Improving the Service Complaints System**

The last annual report from the Service Complaints Ombudsman for the Armed Forces' made no additional recommendations for MOD. The Ombudsman reported that whilst there remain areas to work on, she believes the measures outlined in her 2022 Annual Report have the capability to deliver real and lasting change.

As a result of Ombudsman recommendations, changes identified through internal MOD reviews, and other reports, a number of continuous improvements have been and are being delivered to make the system more efficient, effective and transparent for those that access it.

We have a strong working relationship with the Ombudsman, and in collaboration with her and her office there has been a significant increase in the pace of change in the Service Complaints system. We are committed to continuing this improvement going forwards and are currently working with the Ombudsman to deliver those recommendations that remain open.

## **Exercising the new power under Clause 4**

As the Commissioner is an independent role, it will ultimately be up to them to decide how they choose to exercise their powers. However, we anticipate the unprecedented access provided by clause 4 to service personnel, Defence sites and information, will

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<sup>3</sup> Clause 4 (general service welfare), Section 340IA

<sup>4</sup> Section 340LA (report and recommendations: general service welfare investigations), paragraph 4

<sup>5</sup> Section 340LA (report and recommendations: general service welfare investigations), paragraph 3

give them a unique insight into life in the Forces and will allow them to make genuinely impactful recommendations to the MOD and Parliament.

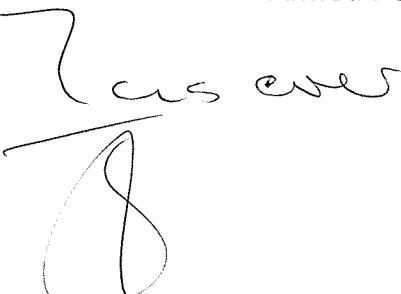
The majority of Service Complaints received by the Service Complaints Ombudsman in 2023 related to career management (35%). Whilst the current Service Complaints Ombudsman is only able to handle these on a case-by-case basis, the new Commissioner would be able to make holistic recommendations to Defence about career management within the Armed Forces, based on both their oversight of the service complaints system and using their investigatory powers under clause 4 (for example whilst visiting Defence sites). The Commissioner may wish to raise these concerns directly with the Secretary of State to seek action or, should they wish to, they could produce a thematic report and recommendations to lay before Parliament. This would highlight issues early and increase departmental accountability, increasing the likelihood of delivering change on a broader and more meaningful scale.

### **Resourcing**

The estimated resourcing requirements for the Commissioner have been calculated at £4.5–£5.5m per year. This has been calculated using both the current Service Complaints Ombudsman's volume of work and expenditure, and mapping of the German Armed Forces Commissioner's model and operational costs onto those of our own Armed Forces. It may also increase over time as the Commissioner becomes more well known.

The Commissioner will have full discretion over how those funds are used. It is also anticipated that they will use their annual report to publish their expenditure and highlight whether their resourcing is sufficient. This will then be available to Parliament.

I thank the Committee for their continued support and scrutiny of the Bill during its passage through Parliament, and for your ongoing support in our mission to improve service life for our Armed Forces and their families.



**THE RT HON JOHN HEALEY MP**

Secretary of State for Defence