

Select Committee on the Armed Forces Bill

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## The Armed Forces Bill

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Special Report of Session 2019–21

HC 1281



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**Special Report of Session 2019–21**

**HC 1281**

Report, together with formal minutes  
relating to the report

Ordered by the House of Commons  
to be printed 14 April 2021

Published on 22 April 2021  
by authority of the House of Commons

# Select Committee on the Armed Forces Bill

The Select Committee on the Armed Forces Bill was appointed by an Order of the House of Commons to consider the Armed Forces Bill.

## Membership

[James Sunderland](#) (Conservative, Bracknell) (Chair)

[Stuart Anderson](#) (Conservative, Wolverhampton South West)

[Tonia Antoniazzi](#) (Labour, Gower)

[Dan Carden](#) (Labour, Liverpool, Walton)

[Miss Sarah Dines](#) (Conservative, Derbyshire Dales)

[Leo Docherty](#) (Conservative, Aldershot)

[Martin Docherty-Hughes](#) (Scottish National Party, West Dunbartonshire)

[Darren Henry](#) (Conservative, Broxtowe)

[Mrs Sharon Hodgson](#) (Labour, Washington and Sunderland West)

[Mr Richard Holden](#) (Conservative, North West Durham)

[Rt Hon Kevan Jones](#) (Labour, North Durham)

[Jack Lopresti](#) (Conservative, Filton and Bradley Stoke)

[Johnny Mercer](#) (Conservative, Plymouth, Moor View)

[Carol Monaghan](#) (Scottish National Party, Glasgow North West)

[Stephen Morgan](#) (Labour, Portsmouth South)

[Mrs Heather Wheeler](#) (Conservative, South Derbyshire)

## Powers

Extract from the Votes and Proceedings, 8 February 2021:

“Select Committee on the Armed Forces Bill,—Ordered, That the following provisions shall apply to the Select Committee on the Armed Forces Bill:

(1) The Committee shall have 16 members, to be nominated by the Committee of Selection.

(2) The Committee shall have power—

(a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place and to report from day to day the minutes of evidence taken before it;

(b) to admit the public during the examination of witnesses and during consideration of the Bill (but not otherwise) ; and

(c) to appoint specialist advisers either to supply information not readily available or to elucidate matters of complexity relating to the provisions of the Bill.

(3) The order of the House of 24 March 2020 (Select Committees (Participation and Reporting) (Temporary Order)) shall apply to the Committee as if it had the power to report from time to time.”

## Publications

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You can follow the Committee on Twitter using [@ArmedForcesBill](https://twitter.com/ArmedForcesBill).

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# Summary

The Armed Forces Bill 2021 (Bill 244) was introduced to the House of Commons on 26 January 2021. This type of Bill is of constitutional significance, dating back to the 1688 Bill of Rights and is a key component of the requirement for Parliamentary consent for the raising and keeping of a standing army during peacetime. Armed Forces Bills are by convention committed to an ad-hoc select committee of the House of Commons after Second Reading. We were appointed on 24 February 2021 for this purpose.

Following the precedent set by past select committees on Armed Forces Bills, we undertook a select committee-style evidence-based inquiry, followed by formal line-by-line consideration. The written and oral evidence received as well as the transcripts from line-by-line consideration are on our website. Results from our public survey on the Armed Forces Bill and related matters can be found in the annex.

We found that the convention of committing the Armed Forces Bill to a select committee in addition to its usual Committee Stage grants the Bill additional scrutiny. We welcomed the freedom to determine our programme of evidence taking, and the flexibility to adapt it as we progressed in our scrutiny. We recognised the greater degree of consensus and collaboration that a select committee format encourages and recommend that select committee scrutiny continues to be the convention for future Armed Forces Bills.

We faced some difficulty securing documents and necessary visit approval from the Ministry of Defence, in part due to our limited timeframe to work. We recommend that future select committees on Armed Forces Bills be

given at least three calendar months to operate and advise that it is essential that the Government provide requested documents in a timely manner and authorise reasonable visit requests.

We inquired into specific areas of the Bill, focusing on the Armed Forces Covenant, the Service Justice System and the Service Complaints System. We also explored additional areas including diversity in the Armed Forces, healthcare and housing.

We welcomed the Bill, which seeks to further incorporate the Armed Forces Covenant into law, and note that this change is important for, and is welcomed by, Service personnel, veterans and their families. However, we recognise that there are concerns around how the new legal duty to have due regard to the Armed Forces Covenant will work in practice. This was due, in part, to the delay in the publication of the draft Statutory Guidance and the decision not to have prescribed outcomes, and around some areas of the Covenant being brought into law whilst others not. There are also concerns that the Bill applies to local government and some public bodies but not to central nor devolved governments. We also heard evidence in regard to the lack of alternative routes of redress for veterans.

As a first step, we recommend that questions be included in future editions of the annual Continuous Attitude Surveys for the Regular Armed Forces, Service Families and the Reserves on whether the Covenant has had a positive or negative impact on respondents in the areas of housing, healthcare and education in the last 12 months. We also recommend that the Government conducts a review, within 24 months after this Bill becomes an act, to look at how the new legal duty to have due regard to the Armed Forces Covenant works in practice and whether it is negatively impacting other areas of the Covenant. The Armed Forces Covenant Annual Report should review the effectiveness of the legislation and comment on future scope of the duty. We recommend that the House of Commons Defence Select Committee conduct post-legislative scrutiny into how the Armed Forces Act has worked in practice once it has come into force. The Ministry of Defence should submit a memorandum to the Defence Committee 24 months after the Armed Forces Bill 2021 becomes an Act.

On the Service Justice System we found that the Bill, combined with non-legislative measures in the process of being implemented following the Lyons review, demonstrates a commitment to improving the system and ensuring that it has the confidence of those subject to it and of the wider public. We heard evidence from those closely involved in the Service Justice System that confidence in the investigative function of the system is imperative. We therefore welcome efforts to reform the Service Justice System following the Lyons review but recognise that concerns remain surrounding concurrent jurisdiction and the decision not to implement this

recommendation of the Lyons review. We recommend that the Ministry of Defence work quickly to introduce the Defence Serious Crime Capability, and work to ensure clear protocols are in place to allow effective cooperation with civilian police forces.

Turning to the Service Complaints System we welcome efforts to speed up the process, provided that the necessary safeguards remain in place to ensure fair access. We found that concerns remain around the system, particularly tackling delay in resolving cases, which reduces confidence and negatively impacts all parties. We thought it particularly concerning that female and BAME personnel continue to be overrepresented amongst complainants. We note that responses to our survey indicate that only 15% of respondents believe the decision to reduce the time limit in which an appeal can be made from 6 weeks to 2 weeks gave them enough time to receive “fair treatment”. We also note that 34.8% of respondents answered that they were “not sure”. Our conclusion based on this is that there needs to be greater clarity on this matter. We recommend that the Ministry of Defence prioritise implementing all recommendations of the Wigston review within 6 months, ensuring that solutions take account of the needs of victims and provide appropriate avenues to redress external to the single Services’ chain of command where needed.

We welcome and encourage a more diverse Armed Forces and are in no doubt that the majority of Service people benefit enormously from their time in the Services. We heard encouraging evidence that the experience of Armed Forces personnel with protected characteristics has improved. However, we recognise that there is more to be done. We recommend that a metric be added to the Annual Report on the Armed Forces Covenant to report on the experience of those with protected characteristics. We welcome the Minister committing to “find a mechanism of restorative justice” for veterans dismissed due to their perceived sexuality during the years of the ban on homosexuality in the Armed Forces and the Minister should report back to the House on progress within three months. We also fully support the important work of the Defence Committee’s Sub-Committee on Women in the Armed Forces. Once it has reported, the Ministry of Defence should carefully consider its conclusions and recommendations.

We inquired into the provision of healthcare to veterans, particularly in mental health, and found it encouraging that the provision is improving. We conclude, however, that more should be done and recommend that:

- a. The Government should urgently set out how it plans to meet targets for the Transition, Intervention and Liaison Service, Complex Treatment Services and Improving Access to Psychological Therapy.

- b. Further work should be done to ensure that the principle of “priority treatment” is better understood by both veterans and service providers.
- c. Work should be undertaken to minimise variation in the level of services across the UK, with specific funding required in Northern Ireland to deal with the challenges faced by veterans attempting to access mental health services there.
- d. Work should be undertaken to improve data collection with regard to the numbers of serving personnel and veterans requiring treatment for addiction and other mental health illnesses. The Minister gave a commitment that there should be “a single front door and clear pathway people can navigate” for treatment for addiction and other mental health issues and we encourage the Department to do further work on this, alongside the NHS and partners such as Tom Harrison House.

Finally, we found that the level of satisfaction for personnel and families living in Service housing is still too low. Whilst work has been undertaken to improve this, accommodation is an area that needs to be prioritised by the Ministry of Defence. We note that by excluding central government as a responsible public body, Service accommodation is not covered by the new legal duty to have due regard. We conclude that the Government may wish to consider adding housing as an area where the legal duty applies in the future.

Members of the Committee also look forward to the House having an opportunity to scrutinise the long-promised legislation addressing the investigation and prosecution of former Armed Forces Personnel who served in Northern Ireland.

The Government should respond to the conclusions and recommendations of this report by written ministerial statement, within two calendar months. We urge the Government to take on board our specific conclusions and recommendations and to ensure that it engages with Members across the House during later stages of the Bill’s consideration.

# Introduction

## The Armed Forces Bill

- 1.** The Armed Forces Bill 2021 (Bill 244) was introduced in the House of Commons on 26 January 2021.<sup>1</sup> This type of Bill is of constitutional significance, dating back to the 1688 Bill of Rights and is a key component of the requirement for Parliamentary consent for the raising and keeping of a standing army during peacetime. In modern times this consent is given through the presentation of an Armed Forces Bill every five years.
- 2.** The primary purpose of this Bill is to renew the Armed Forces Act 2006 (itself renewed by the Armed Forces Acts of 2011 and 2016). The Armed Forces Act 2006 (hereafter AFA 2006) provides the legal basis for the Armed Forces and the system of military law which exists in the UK. It sets out the Service justice system that underpins the maintenance of discipline throughout the chain of command. Without the Act, commanding officers would have no powers of punishment for either disciplinary or criminal misconduct and there would be no means to compel personnel to obey orders. Without renewal, the AFA 2006 will expire at the end of 2021.<sup>2</sup>
- 3.** The Armed Forces Bill also contains a number of measures relating to the Armed Forces that fall outside simple renewal of the AFA 2006, including:
  - Amendment of the Service Justice System;
  - Creation of a new Service Police Complaints Commissioner;

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<sup>1</sup> [Armed Forces Bill \[Bill 244 \(2019-21\)\]](#)

<sup>2</sup> *Armed Forces Bill 2019-2021*, [CBP9128](#), House of Commons Library, 2 February 2021

- Creation of a legal duty to have due regard to the principles of the Armed Forces Covenant;
- Introduction of time limits on Service complaint appeals;
- Flexible working for Reserve personnel;
- Changes to sentencing and rehabilitation;
- Posthumous pardons for those convicted of abolished service offences;
- Alignment of the time limits for war pensions appeals in Scotland and Northern Ireland with those in England and Wales; and
- Allowance for a British overseas territory (i.e. Gibraltar) to bring the Royal Gibraltar Regiment into the UK's service justice system.<sup>3</sup>

## The Select Committee on the Armed Forces Bill

- 4.** Armed Forces Bills are, by convention, committed to an ad-hoc select committee of the House of Commons after Second Reading.<sup>4</sup> The current Armed Forces Bill received its Second Reading on 8 February 2021 and the Committee was appointed on 24 February with a tight deadline to report the Bill back to the House by 29 April.<sup>5</sup> As a select committee, we had the power to:

- Take oral and written evidence on the substance of the Bill;
- Undertake UK and overseas visits;
- Deliberate in public to consider formally and amend the Bill as we saw fit; and
- Publish a Special Report setting out any conclusions or recommendations.

Following our scrutiny of the Bill, it will be considered in a Committee of the Whole House.

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<sup>3</sup> *Armed Forces Bill 2019–2021*, [CBP9128](#), House of Commons Library, 2 February 2021

<sup>4</sup> HC Deb, 8 February 2021, [cols 49–127](#) [Commons Chamber]

<sup>5</sup> Votes and Proceedings, [8 February 2021](#); [24 February 2021](#)

5. The convention of committing the Armed Forces Bill to a select committee in addition to its Committee Stage grants the Bill additional scrutiny. We have welcomed the freedom to determine our programme of evidence taking, and the flexibility to adapt it as we progressed in our scrutiny. This means we have been able to explore and analyse the various aspects of the Bill in depth. We also recognise the value of the greater degree of consensus and collaboration that a select committee format encourages. *We recommend that select committee scrutiny continues to be the convention for the Armed Forces Bill.*

6. *We look forward to the House having an opportunity to scrutinise the long-promised legislation addressing the investigation and prosecution of former Armed Forces Personnel who served in Northern Ireland.*

## Our Inquiry

7. Following the precedent set by past select committees on Armed Forces Bills, we resolved to undertake a select committee-style evidence-based inquiry, followed by formal line-by-line consideration of the Bill. For this latter stage we followed the procedure for consideration of the Bill similar to that of a public bill committee, but broke new ground in being the first Committee in the House of Commons to consider a Bill via virtual means.
8. We formally launched our inquiry on Wednesday 3 March, issuing a public call for written evidence.<sup>6</sup> We then held six oral evidence sessions, featuring seventeen panels and forty-five witnesses.<sup>7</sup> These evidence sessions took place in just under three weeks.

To complement this programme of oral evidence we received 30 written evidence submissions from a range of organisations and individuals, including the Ministry of Defence (MoD).<sup>8</sup> We also launched a public survey on the Armed Forces Bill and related matters, which ran from Monday 22 March to Monday 5 April and received 3,337 submissions.<sup>9</sup> Analysis of the survey results can be found in the annex.<sup>10</sup> We are grateful to all who contributed to our inquiry.

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6 Select Committee on the Armed Forces Bill, 3 March 2021, [House of Commons launches new Select Committee on the Armed Forces Bill](#)

7 Select Committee on the Armed Forces Bill, [Oral evidence transcripts](#)

8 Select Committee on the Armed Forces Bill, [Written evidence](#)

9 Select Committee on the Armed Forces Bill, 22 March 2021, [Select Committee on the Armed Forces Bill launches survey on Bill](#)

10 The full data set will not be published. Please email [afbillcom@parliament.uk](mailto:afbillcom@parliament.uk) if you would like to be sent a redacted copy of the data set.

Our programme of work concluded with two sittings to consider the Bill line-by-line on Thursday 25 March and Wednesday 31 March.<sup>11</sup> We agreed this Special Report at our final private meeting on Wednesday 14 April.

## Engagement with the Ministry of Defence

9. We are grateful for the assistance provided by the MoD and other branches of Government in our scrutiny of this Bill. We would have appreciated more timely assistance when we asked the Department for documentation, vital to our scrutiny, and regarding approval for visits to Service personnel accommodation. The Committee regrets that the MoD were not prepared to approve a virtual visit to service accommodation.
10. On 3 March, the Committee instructed the Chair to write to the Minister for Defence People and Veterans to request that the Statutory Guidance relating to the duties imposed by new sections 343AA to 343AD of the AFA 2006, under Clause 8 of the Bill, be shared with the Committee at the earliest opportunity.<sup>12</sup> Owing to the short timetable for the Committee to consider the Bill, the Chair wrote again to the Minister on 18 March reiterating this request. In this letter the Chair asked that impact assessments for the Bill, including the equality and diversity impact assessment, be made available to the Committee urgently.<sup>13</sup> The MoD ultimately shared a draft Armed Forces Covenant Statutory Guidance Framework on 24 March, for which we were grateful.<sup>14</sup> However, this was only after the Minister for Defence People and Veterans had appeared before the Committee to give evidence, at the final oral evidence session. We were therefore not able to formally collect evidence from witnesses on their views of the draft framework or properly scrutinise the draft statutory guidance.
11. A separate issue arose in securing visit authorisation from the MoD. We made clear during early meetings that we wished to take part in a virtual visit to Service accommodation. A visit was provisionally arranged for the morning of Thursday 18 March, for us to meet virtually with tri-Service personnel and discuss both single living and Service family accommodation. Unfortunately, late on Wednesday 17 March we were informed that the visit would not be taking place, as the Secretary of State had refused authority for Service personnel to speak to the Committee. This was a disappointing development, particularly considering the short notice of the refusal. On 19 March the Chair wrote to the Secretary of State asking for the visit to be rearranged and for a clear explanation of the reasons for the refusal.<sup>15</sup> We did not receive a formal response.

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11 [Select Committee on the Armed Forces Bill, 25 March 2021 and 31 March 2021](#)

12 [Correspondence from the Chair to the Minister for Defence People and Veterans](#), 4 March 2021

13 [Correspondence from the Chair to the Minister for Defence People and Veterans](#), 18 March 2021

14 [Correspondence from the Minister for Defence People and Veterans to the Chair](#), 24 March 2021

15 [Correspondence from the Chair to the Secretary of State for Defence](#), 19 March 2021

**12.** Once the membership for this Committee was approved by the House, just over eight weeks remained before the Committee had to report the Bill. This limited timeframe resulted in challenges securing witnesses, arranging visits and scrutinising the Bill in the detail which we would have liked. *Future select committees on Armed Forces Bills should be given more time to complete their work. We recommend that there be at least three calendar months between committal to a select committee and the deadline for it to report.*

**13.** We have faced difficulty securing documents and necessary visit approval from the Ministry of Defence. We request an explanation for the delay in responding to reasonable requests for documents and for the refusal of the virtual visit at the last minute. This Committee is an important part of the scrutiny of the Armed Forces Bill and has the power to undertake visits. *It is essential that, in future, the Government provide requested documents in a timely manner and authorise reasonable visit requests in order for this Committee to properly carry out its scrutiny.*

## This Special Report

**14.** This Special Report gives an outline of the issues we considered in detail and makes a number of observations and recommendations on matters within the Bill and of relevance to the Armed Forces which require the Government's attention. We hope that this report, along with the oral and written evidence we have received, and the records of our deliberations will assist the House in its further consideration of the Bill.

**15.** *The Government should respond to the recommendations made by the Committee in this special report by written ministerial statement, within two calendar months. The Government should ensure that it engages with Members across the House at later stages of consideration of this Bill, taking on board our specific conclusions and recommendations.*

# The Armed Forces Covenant

## Background to the Armed Forces Covenant

- 16.** The Armed Forces Covenant was first published in May 2011 although its principles were first conceived in the then Government’s 2008 Command Paper “The Nation’s Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans”.<sup>16</sup> The Covenant defined the extent of the Armed Forces community<sup>17</sup> and set out fifteen thematic areas within which support to that community should be provided (including terms and conditions of service, healthcare, education, housing, benefits/tax, family life and transition).<sup>18</sup> It further sought to identify the organisations and institutions which would be required to provide that support, and to articulate the obligations and principles which underpin the Covenant.<sup>19</sup> The Covenant articulates the view that the nation has a moral obligation to members of the Armed Forces Community in return for the sacrifices they make. It states that those who serve or have served in the Armed Forces, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. It also states that special consideration is appropriate in some cases, particularly for those who have been injured or bereaved. These principles were enshrined in law in the Armed Forces Act 2011.<sup>20</sup>

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16 Ministry of Defence, [The Armed Forces Covenant](#), 16 May 2011; Ministry of Defence, *The Nation’s Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans*, [Cm 7424](#), July 2008

17 Ministry of Defence, [The Armed Forces Covenant](#), 16 May 2011, p 4; The Armed Forces community includes Regular personnel, Reservists, Veterans, the immediate families of those categories of individual, and the immediate family of those Service personnel and veterans who have died.

18 Ministry of Defence, [The Armed Forces Covenant](#), 16 May 2011, pp 6–9

19 Ministry of Defence, [The Armed Forces Covenant](#), 16 May 2011, pp 10–11

20 Armed Forces Act 2011 (ch18), [section 2](#) (which inserted section 343A in the Armed Forces Act 2006)

- 17.** The Armed Forces Act 2011 requires the Secretary of State to lay an Annual Report before Parliament on the implementation of the Covenant.<sup>21</sup> The first Covenant Annual Report was published in 2012 and a Report has been published for each subsequent year.<sup>22</sup> In preparing the Annual Report, the Defence Secretary must have particular regard to:
- the unique obligations of, and sacrifices made by, the Armed Forces;
  - the principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the Armed Forces; and
  - the principle that special provision for service people may be justified by the effects on such people of membership, or former membership, of the Armed Forces.
- 18.** Although the Annual Reports have evolved over the years in content and format, common to each edition has been a list of commitments for the year ahead and reflections on measures previously introduced. Each Annual Report also contains a section of unedited observations from the external members of the Covenant Reference Group (CRG).<sup>23</sup> The CRG brings together representatives of Government Departments and external organisations, including the Confederation of Service Charities (COBSEO), the Royal British Legion and the single Service Families Federations.<sup>24</sup>
- 19.** In recent years the Scottish and Welsh Governments have published their own annual reports on the support they provide to the Armed Forces community.<sup>25</sup> All 407 local authorities in mainland Great Britain and four Northern Ireland councils have pledged to uphold the Armed Forces Covenant.<sup>26</sup> Many have appointed Armed Forces Champions, or equivalent roles, to help implement the commitments made in the Covenant. In addition, other public bodies have also appointed such advocates in their policy areas.

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21 Armed Forces Act 2011 (ch18), [section 2](#)

22 Ministry of Defence, [Armed Forces Covenant Annual Reports](#)

23 For example, Ministry of Defence, [Armed Forces Covenant Report 2020](#), 7 December 2020, pp 13–26

24 A list of Covenant Reference Group Members is set out in HL Deb, 20 May 2013, [col 29WA](#)

25 For example, see Scottish Government, [Support for the Veterans and Armed Forces Community 2020](#), 15 November 2020, and Welsh Government, [Armed Forces Covenant: Annual Report 2019](#), 30 September 2020

26 “[Who has signed the Covenant?](#)”, Armed Forces Covenant, accessed 30 November 2020. A list of local authorities who have signed the Covenant, by region, can be found on Gov.uk: [Armed Forces Covenants for communities](#)

- 20.** The MoD also carries out a Regular Armed Forces Continuous Attitude Survey,<sup>27</sup> a Tri-Service Families Continuous Attitude Survey<sup>28</sup> and a Reserves Continuous Attitude Survey.<sup>29</sup> These surveys inform the development of policy and measure the impact of decisions affecting each cohort.

## Clause 8

- 21.** In the 2019 Queen’s Speech, the Government announced that the Armed Forces Covenant would be “further incorporated into law”.<sup>30</sup> Clause 8 of the Bill inserts a new section into the AFA 2006.<sup>31</sup> The clause amends Part 16A of the AFA 2006 to impose a duty to have due regard to the principles of the Armed Forces Covenant. The new duty to have due regard applies to specified persons or bodies when exercising certain housing, education or healthcare functions. Subsequent clauses then specify the persons or bodies who are subject to the duty in England, Wales, Scotland and Northern Ireland and reflect the relevant legislation for each nation.<sup>32</sup>

Clause 343AE provides for the Secretary of State to issue guidance in relation to the duties imposed by the Bill to which those persons or bodies subject to the duty must have regard when exercising any of the listed functions. The Secretary of State is required to consult the relevant Welsh or Scottish Ministers or the Northern Ireland Executive so far as the guidance or regulations relates to devolved functions. The guidance must be published.

Clause 343AF enables the Secretary of State to widen the duties in clauses 343AA to 343AD by specifying additional persons or bodies who will be subject to the duties, and by specifying additional functions in relation which the duty may apply (e.g. areas other than healthcare, housing and education). The Secretary of State is required to consult the relevant devolved administrations when exercising this power. The power is exercisable by way of regulations, subject to the affirmative procedure.<sup>33</sup>

- 22.** During our assessment of Clause 8, we considered:
- Whether the duty to have due regard is the correct approach;
  - Why some areas of the Covenant are included and others not;
  - The application of the duty to local government and some public bodies but not to central and devolved government;

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27 Ministry of Defence, [Armed Forces Continuous Attitude Survey: index](#)

28 Ministry of Defence, [Tri-service families continuous attitude survey: index](#)

29 Ministry of Defence, [Tri-service reserves continuous attitude survey: index](#)

30 HM Government, [Queen’s Speech December 2019](#), 19 December 2019

31 [Armed Forces Bill](#) Clause 8 [Bill 244 (2019–21)]

32 [Armed Forces Bill](#) Clause 8, New Sections 343AA, 343B, 343AC and 343AD [Bill 244 (2019–21)]

33 UK Parliament, [Affirmative procedure](#)

- The importance of statutory guidance; and
- How to measure results when outcomes are not prescribed.

## A Duty of Due Regard

- 23.** Most of our witnesses agreed that a duty of due regard was an appropriate mechanism to bring the Covenant further into law. Michael King, Local Government and Social Care Ombudsman, thought that it was a concept with which local government was familiar and that it was a workable mechanism.<sup>34</sup> 55% of respondents to our survey agreed that the introduction of the duty of due regard would help current and former Service personnel and their families receive the support set out in the Armed Forces Covenant.<sup>35</sup>
- 24.** However, representatives from local government called for greater clarity and detail of what the duty would entail, the Government’s expectations and whether there would be additional resource burdens.<sup>36</sup> They also highlighted that it could be difficult to identify veterans to whom they would be expected to apply the duty. The Royal British Legion told us that they hoped that those local authorities with a smaller or more hidden resident Armed Forces community would benefit most from the new due regard duty and the level of awareness that it may bring.<sup>37</sup> They also suggested that the inclusion of a question in the forthcoming census regarding whether a respondent was a member of the Armed Forces community would help “shed more light on local armed forces populations, thereby enabling a more accurate assessment in due course of the Bill’s impact on local authorities”. In addition to the census, the MoD highlighted two other initiatives: the publication of the annual population of veterans which gives data on various matters down to county level and the ‘map of need’ which examined the services applied for by veterans and families through the Veterans Gateway.<sup>38</sup>

## Policy areas within scope of the Bill

- 25.** The Bill places a duty to have due regard to the covenant principles on public bodies responsible for the delivery of functions in housing, education and healthcare. At Second Reading, the Minister told the House, “we have chosen those three areas because they are the bedrock of a stable and secure life”.<sup>39</sup>

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34 Q99

35 See the annex for more survey data.

36 Qq56–57

37 Q8

38 Q317

39 HC Deb, 8 February 2021, [col 54](#)

- 26.** In its written evidence, Cobseo, while generally welcoming the Bill, expressed concern about limiting the Bill’s provisions to housing, healthcare and education:

Limiting the scope of the legislation to Healthcare, and some aspects of Housing and Education, means that many issues of vital concern to veterans, such as social care, pensions, compensation, employment, benefits and support within the criminal justice system, are not included. We would have preferred a broader scope, but note the intent to facilitate future upgrades, and we will be looking to see progress on this as we move forward.<sup>40</sup>

Laura Pett, Head of Public Affairs and Campaigns at the Royal British Legion, was also concerned that the Bill appeared not to acknowledge the interconnectivity of Covenant areas, citing, for example, that housing problems are rarely experienced in isolation to an employment problem.<sup>41</sup>

- 27.** Evidence also highlighted the risk that the focus on these three areas could negatively impact other areas of the Covenant, Cobseo’s written evidence stated:

We are concerned that by setting a legal standard in some areas, hard-pressed Public Sector providers may compensate by reducing support elsewhere. We note that it is the Government’s intent that this legislation builds on the progress already made, but care will be needed to ensure that there are no unintended consequences.<sup>42</sup>

- 28.** Laura Pett also mentioned the risk that policy areas not within the scope of the Bill might see their importance downgraded.<sup>43</sup> Ministers from the Scottish and Welsh Governments agreed that there was a risk that other areas of the Covenant would be seen as less important and highlighted social care and employability as being important areas not covered by the Bill.<sup>44</sup>

## Public bodies within scope of the Bill

- 29.** Some concerns have been raised that the Bill’s provisions apply only to local government, and some education and health bodies but not to the UK national government and the devolved administrations. Laura Pett of the Royal British Legion said:

The annual report on the Covenant each year outlines just how much Covenant-related activity is undertaken by national Governments,

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40 Cobseo ([AFB0001](#)), para 3

41 Q2

42 Cobseo ([AFB0001](#)), para 3

43 Q2

44 Q267

and shows that, even where delivery of services may be local, the source of policy development and direction is very often central or devolved Government. As such, we strongly believe that national Governments and devolved Administrations should be within the scope of the Bill, rather than just local government and some health and education bodies. That would really reflect the day-to-day experience of the armed forces community, as well as the realities of policy development and the precedent set by other legislation that incorporates duties of due regard.<sup>45</sup>

General (retired) Sir John McColl of Cobseo added:

I do think that there is a strong argument for the inclusion of central Government functions in this, and I am particularly focused on the immigration issue as an example of that. At the moment, the central Government traction that we have is that there is a moral requirement for Government to comply with the Covenant. That is fine as long as it works, but in some cases it absolutely does not work.<sup>46</sup>

**30.** Given the role of the UK and Welsh Governments in setting national and strategic policy that directly impacts on how local services operate, Maureen Webber, Community Safety Spokesperson at the Welsh Local Government Association, thought there may be some merit in extending the duty to the devolved administrations.<sup>47</sup> Ministers from the Welsh and Scottish Governments emphasised that this was a UK Government Bill but that any expansion of the application of the Bill to the UK Government and the devolved administrations would need to be undertaken by consultation and agreement.<sup>48</sup>

**31.** When questioned about the MoD's exemption from the duty of due regard, as a department of central government and in respect of the services it provides such as Defence Medical Services and Service accommodation, Lieutenant General James Swift OBE, Chief of Defence People, responded:

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,

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45 Q5

46 Q3

47 Q65

48 Q266

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.<sup>49</sup>

## Statutory guidance

- 32.** The Secretary of State may issue guidance relating to the duties to be imposed. The guidance is subject to consultation, including with the devolved administrations, and must be published once finalised. The importance of this guidance, especially its early publication and the need for consultation, has been strongly emphasised by many witnesses. None of our witnesses told us that they had seen a draft of the guidance. Therefore, we made repeated requests to see the draft Statutory Guidance.<sup>50</sup> At the start of our inquiry, the Bill Team privately provided us with a framework representing the Department’s current thinking on how the guidance relating to the Covenant might be structured, and what it might cover. However, it was not until the end of our evidence session programme that we received further detail.<sup>51</sup>
- 33.** Our witnesses thought it important that the guidance drew on the expertise and experience of those who have worked in the Covenant areas for some time or will be tasked with implementing it, as well as those who stand to benefit most from the Bill’s provisions. Given the significance of the statutory guidance, in terms of the implementation of the Bill’s provisions, Service charities stressed the importance of the principles of the Covenant being reflected in their entirety and not caveated or circumscribed in any way.<sup>52</sup>
- 34.** Local government witnesses felt it was essential that they were fully consulted on the guidance and were keen to produce it alongside the Government.<sup>53</sup> Witnesses from the Convention of Scottish Local Authorities and the Welsh Local Government Association stressed the importance of the guidance taking account of the different legislation, legal systems and delivery mechanisms in place across the UK.<sup>54</sup> Scottish and Welsh Government ministers agreed that if the guidance did not take account of the devolved position it would cause confusion and emphasised the importance of their having an input at an early stage.<sup>55</sup>

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49 Q312

50 [Correspondence from the Chair to the Minister for Defence People and Veterans](#), 4 March 2021; [Correspondence from the Chair to the Minister for Defence People and Veterans](#), 18 March 2021

51 [Correspondence from the Minister for Defence People and Veterans to the Chair](#), 24 March 2021

52 Q13; Qq30–34

53 Q74

54 Q73

55 Q272

- 35.** The MoD told us that they intend to publish the Statutory Guidance after the Bill’s Royal Assent allowing them to take into account comments made during the Bill’s passage through Parliament.<sup>56</sup> The MoD confirmed that the devolved administrations would be involved in the drafting of the guidance and that it would include details of the redress available to beneficiaries and encourage service providers to signpost this, as had been suggested by the Local Government and Social Care Ombudsman in his evidence.<sup>57</sup>

## Outcomes and enforcement

- 36.** At Second Reading, the Minister for Defence People and Veterans emphasised that the Bill did not place specific delivery outcomes on public bodies “not least because it is important that relevant public bodies retain the flexibility required to tailor decisions on service delivery to local circumstances”.<sup>58</sup>

- 37.** On this matter Ted Arnold, Senior Public Affairs and Policy Manager at Help for Heroes, told us:

We understand that local authorities want to be able to deliver the principles of the Covenant through a variety of mechanisms and in different ways. However, without clarity on how application of due regard will be monitored, there is an element of those who feel they have been let down or are the victim of a postcode lottery and have no real legal recourse.

I think the ultimate danger is that when services are strapped for cash, they will adhere to that minimum requirement about what they have to do and that might not necessarily be to give due regard, and in some cases, it may be below the existing voluntary arrangements.<sup>59</sup>

- 38.** General (retired) Sir John McColl of Cobseo added:

I think there is the potential for a legal requirement being placed upon local authorities for them to improve their performance. There is also the potential that it will not have the intended effect, because of the reasons that Laura and Ted have outlined. And the answer is: we don’t know and, frankly, nobody knows. So, what we need is to be able to monitor that closely, to see how it develops.<sup>60</sup>

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56 Q314

57 Qq315–316; Q96

58 HC Deb, 8 February 2021, [col 54](#)

59 Q18

60 Q18

**39.** In her oral evidence, Maria Lyle, Director of the RAF Families Federation, was cautious about applying measures to assess the effectiveness of the Bill’s provisions:

I am in two minds about this one, if I am honest. Having been caught up in the past in an absolute thicket of Government trying to measure local authorities and NHS providers, and it becoming an industry in itself, I am slightly wary of how the measurement is applied and whether it will be of actual benefit to the personnel and families we support. Having said that, I think if you don’t set yourself a target and there is no baseline, it is very difficult to know if it is worthwhile at all, so I agree that some measurement is needed.

[...]

I think the question around how we measure and enforce this is, unfortunately, a slightly grey one. The question is more around, where is the political will and focus to deliver on the key outcomes? If we are just legislating for the point of putting measurements in that might never be achieved and will generate lots of effort in reporting on them, then I would be wary of that as a solution.<sup>61</sup>

**40.** Local government witnesses were keen to emphasise that it was difficult to assess the resource implications of the Bill without clarity, especially resulting from lack of sight of the Statutory Guidance, on what was expected of them under the duty of due regard provisions in the Bill. They argued that it would be erroneous for central government to infer that there were no resource or funding implications.<sup>62</sup>

**41.** We welcome this Bill further incorporating the Armed Forces Covenant into law. It is clear that this change is important for, and is welcomed by, service personnel, veterans and their families.

**42.** We recognise that there are concerns around how the duty to have due regard will work in practice, due in part to the delay in the publication of the draft Statutory Guidance and the decision not to have prescribed outcomes, and around some areas of the Covenant being brought into law whilst others are not. There are also concerns that the Bill applies to local government and some public bodies but not to central nor devolved governments. We further recognise continued concern with regards to the lack of alternative routes of redress for veterans.

61 Q27

62 Local Government Association ([AFB0003](#)); Welsh Local Government Association ([AFB0015](#)); Convention of Scottish Local Authorities ([AFB0028](#))

- 43.** *While we note the Government’s intention not to facilitate prescribed outcomes and that it is still considering appropriate mechanisms to measure the effectiveness of the Bill’s provisions, it is important to gauge the impact of the Bill’s measures on the delivery of the Armed Forces Covenant. Therefore, as a first step, we recommend that questions be included in future editions of the annual Continuous Attitude Surveys for the Regular Armed Forces, Service Families and the Reserves on whether the Covenant has had a positive or negative impact on respondents in the areas of housing, healthcare and education in the last 12 months.*
- 44.** *We recommend that, if enacted, the Government should review after 24 months of operation how the duty to have ‘due regard’ works in practice and whether it is negatively impacting other areas of the Covenant. The Armed Forces Covenant Annual Report should review the effectiveness of the legislation and comment on future scope.*
- 45.** *The House of Commons Defence Select Committee should conduct post-legislative scrutiny into how the Armed Forces Act has worked in practice once it has come into force. The Ministry of Defence should submit a memorandum to the Defence Committee 24 months after the legislation is enacted, which the Committee could then use as the basis for this work.*

# The Service Justice System

## Background to the Service Justice System

- 46.** The Service Justice System (SJS) provides the legal framework to allow the Armed Forces to operate under a single system whether in the UK or overseas. It mirrors the civilian criminal system as closely as possible, but also includes offences unique to the Armed Forces, such as desertion, absence without leave or misconduct. While in the UK, Service personnel are subject to both Service and civilian criminal jurisdiction. When overseas, the SJS ensures personnel are subject to the same disciplinary system wherever they are serving, and allows the Service police to investigate offences abroad where the civilian police do not have jurisdiction. Service law applies to some civilians to a limited extent, such as those working or residing in designated areas. Prior to the AFA 2006 the three Services each had their own system of Service law. The AFA 2006 brought these together into a single tri-Service system with extensive changes to the legislation underpinning military law and Service discipline, with more limited changes in subsequent Armed Forces Acts.<sup>63</sup>

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<sup>63</sup> Further background on the structure of the SJS, including changes made by the AFA 06 and information about civilians subject to Service law can be found in the briefing paper: *The review of the service justice system*, [CBP9118](#), House of Commons Library, January 2021.

## The Service Justice System Review (Lyons review)

- 47.** A review of the SJS was commissioned by the MoD in 2017, with the purpose “to ensure [the SJS] continues to be necessary, fair and efficient”,<sup>64</sup> timed so that it could inform the current Armed Forces Bill. It was published in February 2020.<sup>65</sup> His Honour Shaun Lyons CBE, a retired senior Crown Court judge, carried out the review, supported by the former Chief Constable for Merseyside, Sir Jon Murphy, on the policing review. The review followed criticism of some aspects of the SJS, including the use of qualified majority verdicts in the Court Martial, and the handling of serious cases committed by Service personnel in the UK, which are subject to concurrent jurisdiction.<sup>66</sup> The matter of concurrent jurisdiction was debated extensively during the passage of the AFA 2006 which established it, and has been revisited by predecessor select committees on the Armed Forces Bill since.<sup>67</sup> The three parts of the review make a total of 84 recommendations, and many do not require legislative changes.<sup>68</sup>

## Clauses relating to the Service Justice System

- 48.** Clauses 2–7 and 11–19 of this Bill relate in whole or in part to the SJS, and some directly implement recommendations made by the Lyons’ review.<sup>69</sup> Some are minor or technical in nature and the reasons for them are made clear by the Explanatory Notes, and will not be discussed further here. Other clauses make more substantial changes, for example, the introduction of ‘slip-rules’ to allow for mistakes to be rectified more easily.<sup>70</sup> In evidence, both the Judge Advocate General (JAG) Alan Large and the Director of Service Prosecutions (DSP) Jonathan Rees QC spoke of the administrative burden placed on the Summary Appeal Court by the absence of ‘slip-rules’, with the DSP describing their inclusion in this Bill as a “hugely

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64 [Service Justice review: part 1, 1.1](#)

65 Ministry of Defence, [Service Justice System review](#), 27 February 2020

66 Concurrent jurisdiction applies to offences committed by Service personnel or those subject to Service law, while in the UK, which are also criminal offences under civilian law. They can therefore be investigated and prosecuted under either system.

67 Select Committee on the Armed Forces Bill, Special Report of Session 2010–11, [The Armed Forces Bill](#), HC779; Select Committee on the Armed Forces Bill, Special Report of Session 2005–06, [Armed Forces Bill](#), HC828-I; Select Committee on the Armed Forces Bill, [24 November 2015](#)

68 The recommendations requiring legislative change are discussed in detail in *The review of the service justice system*, [CBP9118](#), House of Commons Library, January 2021.

69 Detailed examination of each clause can be found in the [Explanatory Notes](#), accompanying the Bill, and the briefing paper *The Armed Forces Bill 2019–2021*, [CBP9128](#), House of Commons Library, February 2021.

70 [Armed Forces Bill](#) Clauses 4–6 [Bill 244 (2019–21)]

sensible thing to do”.<sup>71</sup> Similarly, there is a new power to nominate Circuit Judges to sit as JAGs as a measure to increase resilience and efficiency within the SJS.<sup>72</sup>

- 49.** Clause 2 and Schedule 1 concern the constitution of the Court Martial and implement several recommendations from Lyons’ review. These include fixing the size of Court Martial Boards at three or six (six for more serious offences, determined by sentence), and a move to qualified majority verdicts instead of the simple majority system used currently. The use of simple majority verdicts had been criticised by some, including the former JAG HH Jeff Blackett, and Liberty, who proposed that unanimous verdicts be sought in the first instance.<sup>73</sup> This was considered in detail by Lyons’ review, and he recommended adopting qualified majorities of five to one for six-member boards, requiring unanimity if membership dropped to five. When we asked whether he was content with the Government’s approach of continuing to require a qualified majority on five-member boards, he said:

The need for unanimity, if you drop down to five, means that there may be retrials. Retrials are not good for military efficiency, and I accept that a reversion to the majority principle in this case is sufficient.<sup>74</sup>

Clause 2 also implements Lyons’ recommendation that rank-based eligibility to sit on Court Martial boards be extended to OR-7.<sup>75</sup> In the review he noted that the Army and RAF agreed with this proposal, but there was concern from the Navy.<sup>76</sup> In evidence he added:

I really am in the art of the possible; let me be quite honest. I wished to start this slight democratisation of the system. Dealing as we are with a hierarchical society, I believed that the best way was to step down one to these very senior and reliable non-commissioned officers and see how it goes. I am not saying in the future that it should not spread further.<sup>77</sup>

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71 Q164

72 [Armed Forces Bill](#) Clause 3 [Bill 244 (2019–21)]

73 [Military judge raises court martial concerns](#), BBC News, 25 June 2013  
[Military Justice – second rate justice](#), Liberty, January 2019

74 Q124

75 [Service Justice review: part 2](#), Recommendation 26

76 [Service Justice review: part 2](#), Page 57, para 171.

77 Q132

Responding to the question of why it should not go further than OR-7, the Minister for Defence People and Veterans said:

We need to take this sequentially. It is an important move down to OR-7, and it will be reviewed again in due course. We want to make this the fairest justice system available, and if that includes moving beyond OR-7, we will do so in future.<sup>78</sup>

- 50.** Implementing another of Lyons’ recommendations, Clause 11 and Schedule 4 concern oversight of the Service police, and establish a new office of Service Police Complaints Commissioner.<sup>79</sup> It is intended that this will mirror the functions of the Independent Office for Police Complaints (IOPC), providing oversight and creating a new regime for handling complaints. During the SJS review, Lyons considered whether this function could be met by an existing body, specifically the IOPC or the Service Complaints Ombudsman for the Armed Forces (SCOAF). He concluded that with additional resource either body could, but neither was ideal.<sup>80</sup>

Nicola Williams, the former SCOAF, agreed:

I think a separate body is the right approach. There were some discussions early on that my office would deal with those types of complaints, but we were not set up to deal with that. The types of complaints that people would make—and this is the reason why separate offices are better—would be about criminal matters. The SCOAF is not set up to deal with criminal matters, so a separate body is definitely better.<sup>81</sup>

Further clauses concerning sentencing, such as giving the Court Martial powers to apply deprivation orders and driving disqualifications, were welcomed by some witnesses and are expected to improve the effectiveness of the SJS.<sup>82</sup>

## Concurrent Jurisdiction

- 51.** Prior to the AFA 2006, serious crimes committed by Service personnel in the UK would be tried through the civilian justice system (CJS), with Service law applying overseas and to Service-specific offences. This led to occasional cases where multiple offences by the same defendant were tried separately under different systems.<sup>83</sup> The principle of jurisdictional concurrency, established by the AFA 2006, means that any criminal offence committed by Service personnel in the UK can be tried either through the CJS, or the SJS.

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78 Armed Forces Bill Committee, 25 March 2021, [col 7](#)

79 [Service Justice review: part 2](#), Recommendation 44

80 [Service Justice review: part 2](#), Page 108, para 318

81 Q178

82 Q160

83 Q108

This also means that in situations described above, where there are both UK and overseas offences, they could be prosecuted together by the SJS rather than requiring two separate trials. While the principle of maintaining concurrent jurisdiction to be used in these rare cases is accepted, concerns remain about the extent to which the Court Martial should be trying serious cases, and this was considered extensively in the SJS review. In evidence, Lyons said:

I was surprised when I started my review and found that MMR [murder, manslaughter, rape] and particularly rapes committed by service personnel in the UK were being prosecuted in the SJS. I had known that the 2006 Act revoked the 50-year exclusion of MMR from the SJS jurisdiction, but I had always understood that the inclusion in the 2006 Act was to cope with rare or exceptional circumstances.<sup>84</sup>

Discussing the difference between the stated intention of the then Government when AFA 2006 was passed and current practice, the Minister for Defence People and Veterans said:

[...] those were policy statements made nearly 15 years ago by Ministers in a different Government. Those policy statements did not alter the legal position set out in the Act: that of concurrent jurisdiction. We are considering what the position should be today and for the future, not what the position was 15 years ago.<sup>85</sup>

We heard that concern around concurrent jurisdiction often centres on the quality of investigations, and comparative conviction rates, especially for sexual offences.<sup>86</sup> Witnesses particularly spoke of hesitancy amongst those reporting rape, with the dual deterrent to reporting of poor outcomes at trial and perceived potential career impact. The Victims' Commissioner, Dame Vera Baird QC, said:

Rape and sexual assault are hugely under-reported, and it is all the harder to report something when you are inside a system that is hierarchical and you may be jeopardising your own career by making a complaint about somebody, or you may indeed be complaining about somebody who is above you in the hierarchy. How is that not a power imbalance that actively deters people who have been wronged from seeking justice?<sup>87</sup>

**52.** HH Shaun Lyons and Professor Sir Jon Murphy made parallel recommendations in the SJS review, about serious crimes being investigated and prosecuted in the CJS, with the provision for joint civilian-led police

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84 Q105

85 Armed Forces Bill Committee, 25 March 2021, [col 10](#)

86 These themes have been explored in depth by the [Service Justice System review](#); [Military Justice – second rate justice](#), Liberty, January 2019; The Centre for Military Justice ([AFB0022](#))

87 Q189

investigations as a solution to the relative inexperience of Service police in investigating such crimes compared to civilian officers.<sup>88</sup> Sir Jon Murphy explained his recommendation:

In my opinion, in the UK, the best service can be achieved by the civilian police supported by the SIB [Special Investigations Bureau]. Civilian police have specialised homicide investigation teams and sex offence units dedicated to just that. The officers are dealing with just those offenses on a daily basis. They have specialist forensic officers and forensic medical examiners, with dedicated facilities. They have dedicated witness and victim support units. They have specialist CPS prosecutors and they are not diverted from investigations to perform other functions or complete training, causing unnecessary delay and not best serving the victims with justice. None of those things exist in the service police.<sup>89</sup>

- 53.** These recommendations have not been implemented by Clause 7 of the Bill, which relates to concurrent jurisdiction. Instead, the Government has chosen to address this with a new statutory requirement for a protocol to be agreed between the DSP and the Director of Public Prosecutions (DPP) in England and Wales, with additional protocols to be agreed with counterparts in Northern Ireland and Scotland.<sup>90</sup> The DSP indicated that he expected protocols to be broadly similar across the UK.<sup>91</sup> Referring to the clause not containing any presumption towards either system, Emma Norton of the Centre for Military Justice said:

If you accept that murder or sudden deaths should be dealt with by the civilian police, you have to ask yourself why that is. It is presumably because it is considered to be problematic for very serious alleged offences on military property to be dealt with by military authorities. All the women I represent would say that the same must apply for questions of rape. If you accept it for sudden deaths, you must accept it for rape. Currently, the protocol as drafted does not provide any direction on that at all. What Judge Lyons said was incredibly clear and very well evidenced. He made it clear that we are not talking about huge numbers of cases, so in the situation where the numbers are relatively small but the damage that can be caused to the reputation of the Armed Forces is so high, you really struggle to understand why they are so resistant to it. I don't think it goes far enough, and the clause does need to be amended.<sup>92</sup>

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88 [Service Justice review: part 1](#) Recommendation 1, and [Service Justice review Policing review: part 1](#), Recommendation 10

89 Q109

90 [Armed Forces Bill](#) Clause 7 [Bill 244 (2019–21)]

91 Q155

92 Q187

Those within the SJS provided a different view. The DSP Jonathan Rees QC said:

I have experience of both jurisdictions now. The prosecuting officers whom I have at hand to go to the court martial and prosecute serious sexual offences are the equivalent of their counterparts in the civilian system. They have the same training. They need to have a sufficient amount of experience before I allow them to do cases at a certain level. Some of them have been at the Bar. Some of them, as I say, have had huge amounts of experience and training. They are extremely good at what they do, but these are difficult cases. I am confident, certainly about the part that I can control—the quality of the prosecution—that the SPA is fit for purpose in that sense.<sup>93</sup>

- 54.** HH Jeff Blackett, former JAG, agreed with the Government’s approach on this issue. While acknowledging poor conviction rates, he noted that referral rates were higher in the SJS and suggested that “if all those cases were put into the civilian system, they would get lost.”, adding that the Court Martial system was in “significantly better shape” than in 2006.<sup>94</sup>

In response to HH Jeff Blackett’s comments of referral rates, Emma Norton said:

It is no good referring high numbers to prosecutors if the quality of those service police investigations is not good enough. I direct you back to the Lyons review, which sets out why that is the case. I also think that the rate of charging is lower in the military justice system than it is in the civil justice system. According to the MoD, it is 47% versus 35% in the service justice system. None of this addresses the huge problems with under-reporting that have been referred to. We get glimpses of the real lived experiences of women. In the last Army sexual harassment survey, 7% of women reported an incident that would amount to a sexual assault if they had reported it, but most of them clearly don’t because the number of service police investigations opened in that period is very low. It is very hard to grasp the explanation for why outcomes at court martial are so low. Just to be clear, it is 10%. With the number of cases that actually start at court martial and end in a conviction, it is a 10% conviction rate, and nobody seems to be taking issue with that.<sup>95</sup>

The Minister for Defence People and Veterans has highlighted that if there is disagreement between the DSP and DPP over which court should try cases, the final decision would rest with the DPP.<sup>96</sup>

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93 Q162

94 Q147

95 Q194

96 Q375

**55.** It should be noted that a Prosecutors’ Protocol already exists between the DSP and the DPP for England and Wales. As well as creating a statutory duty for a new protocol to be agreed, the Bill ensures this is also replicated for Scotland and Northern Ireland. Arrangements for the application of concurrent jurisdiction by police is covered separately, by an Memorandum of Understanding (MOU) agreed in 2008.<sup>97</sup> The SJS review recommended that both be reviewed “to ensure that they reflect the current requirements of the SJS and CJS”.<sup>98</sup> While not on the face of this Bill, several witnesses highlighted the importance of a clear policing protocol, and the DSP told us:

[...] there are occasions when prosecutors—no doubt both at the CPS and at the SPA, the authority of which I am the head—look and see that, on the facts of a particular case, the protocol doesn’t appear to have been properly applied. Because we have very good relations with the CPS, we get involved in discussions to see whether there a possibility of changing the jurisdiction. As previous witnesses have said, part of the key to this is making sure that the police protocol, which is contained in a memorandum of understanding dating back to 2008, is developed in conjunction with the protocol that I have to agree with the DPP, for example, so that they complement each other and the new principles that we are planning to put into the new protocol, which we have to agree under the Bill, are reflected in the police protocol.<sup>99</sup>

HH Shaun Lyons also highlighted the importance of clarity from the outset of investigations, as “that is where jurisdiction starts.”<sup>100</sup> Sir Jon Murphy added that:

It is not ideal when an investigation passes from one jurisdiction to another, but as the judge has highlighted, it is really important that the protocol is not only clear but is followed. In some respects the protocol needs to be quite specific, to avoid giving people latitude to make decisions that were never intended.<sup>101</sup>

## The Defence Serious Crime Capability

**56.** While not included in the Bill as it does not at this time require legislation, we heard from some witnesses that the Government’s work on the Defence Serious Crime Capability is welcome, and may address some concerns over the quality of investigations by the Service police. HH Jeff Blackett said:

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97 Home Office Circular [028/2008](#), accessed 29/03/2021

98 [Service Justice review: part 2](#), Recommendation 20

99 Q152

100 Q113

101 Q113

Anything that brings the elements of the service justice system together with the civilian system is good, so the establishment of a defence serious crime unit—of course, it is not on the face of the Bill, but it is work that is going on—is probably one of the biggest recommendations that came out that will improve the system.<sup>102</sup>

Work is still in the scoping stage, with more information due later this year, and it is not clear at present whether it will take the form that Sir Jon Murphy recommended, as a tri-Service unit.<sup>103</sup> When asked about this Lieutenant General James Swift told us:

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.<sup>104</sup>

**57.** The intention of the Lyons review was to ensure that the SJS remained “necessary, fair and efficient”, and this Bill (combined with the non-legislative measures accepted by the Government and in the process of being implemented) demonstrates a commitment to improving the system and ensuring it has the confidence of those subject to it and of the public at large. We have heard from those closely involved that confidence in the investigative function of the SJS is imperative, and while the ongoing work in the area does not require legislation, it is no less important.

**58.** We therefore welcome efforts to reform the Service Justice System following the Lyons review. We do, however, recognise some concerns remain surrounding concurrent jurisdiction and the decision not to implement this recommendation of the Lyons Review. *The Ministry of Defence should work quickly to introduce the Defence Serious Crime Capability, and ensure clear protocols are in place to allow effective cooperation with civilian police forces.*

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102 Q142

103 [Service Justice review Policing review: part 1](#), Recommendation 2.

104 Q339

# The Service Complaints System

## Background to the Service Complaints System

- 59.** The Service complaints system provides an avenue for personnel subject to Service law to raise a grievance related to their Service life, similar to other workplace grievance systems. It was established in its current form by the AFA 2006, replacing single Service processes. The AFA 2006 also introduced oversight in the form of the Service Complaints Commissioner, which was later replaced by a Service Complaints Ombudsman for the Armed Forces (SCOAF) in 2015.<sup>105</sup> At the same time the appeals process was also streamlined, reducing it to one level of appeal rather than two. Once a decision has been made at this level, the complainant can ask the Ombudsman to investigate whether they feel it was not handled correctly or the final decision is wrong, or if they feel their complaint has been subject to undue delay or was wrongly rejected for investigation.<sup>106</sup>
- 60.** The Service complaints system has been subject to criticism, especially for delay, and the Defence Committee said in 2019 that “we seriously doubt that the current Service complaints system is fit for purpose”.<sup>107</sup> The SCOAF also

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105 Armed Forces (Service Complaints and Financial Assistance) Act 2015, [section 1](#)

106 Service Complaints Ombudsman for the Armed Forces: [What the Ombudsman can and can't do](#), accessed 29 March 2021

107 Defence Committee, Sixteenth report of session 2017–19, [Fairness without fear: the work of the Service Complaints Ombudsman](#), HC 1889, 7 August 2019

makes an annual report to the MoD and concluded in the last annual report that it was “not efficient, effective, or fair.”<sup>108</sup> This report also noted that Black, Asian and minority ethnic (BAME) and female Service personnel were overrepresented in the Service complaints system, proportionally making more complaints.<sup>109</sup> The performance target of resolving 90% of complaints within 24 weeks has never been met.<sup>110</sup>

## The Wigston review

- 61.** In April 2019 the then Secretary of State for Defence Gavin Williamson commissioned Air Marshal Michael Wigston to conduct a review into inappropriate behaviours in the Armed Forces. This identified “a pressing need to reform the Service Complaints system”, and echoed the findings of the Ombudsman that BAME and female personnel were disproportionately affected by such behaviours.<sup>111</sup> Wigston made 36 recommendations, which were accepted, and a progress review in 2020 stated that “good progress has been made” in implementation, despite the Covid-19 pandemic.<sup>112</sup> Some witnesses however expressed concerns. Nicola Williams, the former SCOAF, said that while the Wigston review was “excellent”, only one recommendation had been implemented to date.<sup>113</sup> Others felt that the proposed solution to the recommendation for a Defence Authority would not be providing a new, separate route for complaints outside of the Chain of Command.<sup>114</sup> Addressing how the new Director of Diversity and Inclusion fulfilled this role, Lieutenant General James Swift OBE said:

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.<sup>115</sup>

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108 [Service Complaints Ombudsman Annual Report 2019](#), p5

109 Both female and BAME personnel were overrepresented in the Service Complaints system (23% and 12%) compared to their representation in the Armed Forces (11% and 8%), [Service Complaints Ombudsman Annual Report 2019](#), Executive summary, p.xii

110 [Service Complaints Ombudsman Annual Report 2019](#), p7

111 [Wigston Review into inappropriate behaviours](#), p4, p10

112 [Unacceptable behaviours: progress review 2020](#), p4

113 Q179

114 The Centre for Military Justice ([AFB0022](#))

115 Q336

## Clause 10

- 62.** Clause 10 of the Bill concerns appeals against a first instance decision and applications to the SCOAF for complaints that have been finally determined.<sup>116</sup> The current time limit for both is six weeks, and Clause 10 would reduce this to two weeks, with the regulations allowing exemptions in some cases.<sup>117</sup> It also reduces grounds for appeal against first instance decisions, with the stated aim of reducing the number of speculative appeals. The Government also states that these measures are “part of wider reforms to increase efficiency and speed up the process within the statutory service complaints system.”<sup>118</sup> While wider efforts to reduce the long delays seen in the complaints system have been argued to be necessary and the changes in the Bill relatively narrow, some witnesses had reservations about this clause. Lieutenant Colonel (retired) Diane Allen OBE, a former officer in the British Army, called it “profoundly unfair”.<sup>119</sup>

The current SCOAF, Mariette Hughes, told us that despite supporting other reform measures, she had “significant concerns” about the changes in Clause 10.<sup>120</sup> Nicola Williams, the former SCOAF, said:

Certainly, in my experience as the ombudsman—I am speaking on the basis of five years’ experience—the delays are in the front part of the system, not the back. In other words, the delay is usually on the way to a level 1 decision and not from a level 1 to a level 2, to appeal, or from appeals to the Service Complaints Ombudsman. Therefore, if you reduce the time limit from six weeks to two, not only is that a drastic reduction—a two-thirds reduction right off the bat—but it also will not actually address the wrong. It will come across, in my respectful submission, as if you are trying to prevent people from exercising their right to appeal, although there is no attempt in the Bill to reduce the length of time that the matter takes to get to a level 1 decision.<sup>121</sup>

- 63.** We heard from the MoD about some of the other measures they are introducing to tackle delay at the ‘front-end’ of the system, including central admissibility functions and standing decision boards with specialists in common areas for complaints, functions currently carried out by commanding officers. David Howarth, Head of Service Complaints and Justice Transformation, MoD, also told us:

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116 [Armed Forces Bill](#) Clause 10 [Bill 244 (2019–21)]

117 [The Explanatory Notes](#) give the example of where the requirements of the person’s service has reasonably prevented them from meeting the two-week deadline.

118 *Ibid.*, p18

119 Q200

120 SCOAF (Service Complaints Ombudsman for the Armed Forces) ([AFB0011](#))

121 Q168

[...] 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.<sup>122</sup>

**64.** We heard that reducing the burden on commanding officers reviewing complaints and speeding up the process for all parties is crucial, as “delay is the single most corrosive factor in service complaints from top to bottom.”<sup>123</sup>

**65.** We welcome efforts to speed up the complaints process, provided that necessary safeguards remain in place to ensure fair access. Concerns remain around the Service Complaints System, particularly tackling delay which reduces confidence and negatively impacts all parties. It is particularly concerning that female and BAME personnel continue to be overrepresented amongst complainants and we note with concern that the response to our survey indicated that only 15% of respondents believe the decision to reduce the time limit in which an appeal can be made from 6 weeks to 2 weeks gave them enough time to receive “fair treatment”. We also note that 34.8% of respondents responded that they were “not sure” and there therefore needs to be greater clarity on this matter. *The Ministry of Defence should prioritise implementing all recommendations of the Wigston review within 6 months, ensuring solutions take account of the needs of victims and provide appropriate avenues to redress external to the single Services’ chain of command where needed.*

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122 Q326

123 Q175

# Additional Areas of Scrutiny

## Diversity in the Armed Forces

- 66.** The make-up of the Armed Forces has changed dramatically over recent decades, and it is now more diverse than it has ever been. For example, in April 2000 only around 1% identified as being from a non-white ethnic group, and by October 2020 this had increased to 9.1%.<sup>124</sup> Likewise the percentage of female Service personnel has been increasing almost every year, from 8% in April 2000 to 11% by October 2020.<sup>125</sup>

### Service complaints

- 67.** During our evidence sessions, we heard testimony from witnesses that the experience of those with protected characteristics is not always a positive one. As highlighted already in our discussion of the Service complaints system, female and BAME personnel make up a disproportionate number of complaints, and the Wigston review into inappropriate behaviours was clear about the need for cultural change. The latest Armed Forces Continuous Attitude Survey found that “over one in ten (12%) personnel report that they have been subject to bullying, discrimination or harassment in the last 12 months, unchanged since this question was first asked in 2015”—but 90% did not make a complaint.<sup>126</sup> The House of Commons Defence Sub-Committee inquiry into Women in the Armed Forces is gathering evidence on the experience of female Service personnel, including their interactions

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<sup>124</sup> *UK Defence Personnel Statistics*, [CBP7930](#), House of Commons Library, 8 March 2021, p7

<sup>125</sup> *UK Defence Personnel Statistics*, [CBP7930](#), House of Commons Library, 8 March 2021, p7

<sup>126</sup> [Armed Forces Continuous Attitude Survey 2020 main report](#), p18

with the SJS and complaints system.<sup>127</sup> Some of the evidence we and the Sub-Committee have received shows that there is a lack of confidence in both systems, with Tony Wright of Forward Assist mentioning a great degree of underreporting of sexual assault by female Service personnel.<sup>128</sup> Asked whether enough is being done to support these groups in the complaints system, Nicola Williams told us that:

I don't think enough is being done generally. I can understand why, although I do not agree with the approach. There has been less attention paid to the specific needs and experiences of those particular cohorts, and more a one-size-fits-all approach. That has not worked and never has worked for both ethnic minority and female personnel within the service complaints system. That is because equality, which is one size fits all, is not the same as equity, which should bear in mind the unique experiences of those cohorts.<sup>129</sup>

- 68.** While it is clear that female and BAME personnel are overrepresented in the complaints system, it is not possible to directly compare for LGBT+ personnel, as sexual orientation is not mandatory to declare, and less than 22% of all personnel declared a sexual orientation as of 1 October 2020.<sup>130</sup> Caroline Paige and Craig Jones MBE, Joint Chief Executives of Fighting with Pride, also told us they expected there would be a degree of underreporting from this group “not least because in that process there might be the perception of outing yourself.”<sup>131</sup> In the Wigston review however, it is noted that Stonewall’s research indicated that “26–36% of Lesbian, Gay, Bisexual and Transgender Service people have experienced negative comments or conduct from colleagues at work because of their sexual orientation.”<sup>132</sup>

## Experience of veterans

- 69.** Fighting with Pride also told us that the Armed Forces have become much more inclusive in recent years, but this is juxtaposed with the experience of LGBT+ veterans who left under the ban on homosexuality, lifted in 2000. While we were told that initiatives such as the return of medals and posthumous pardons are welcome, supporting these veterans who may have suffered hardship for many years as a result of this policy is a key challenge for Government, and one it says it is working to address.<sup>133</sup> On this matter the Minister for Defence People and Veterans said:

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127 Defence Sub-Committee, [Women in the Armed Forces: From Recruitment to Civilian Life](#)

128 Q184

129 Q174

130 21.9% of UK Regular Forces, *UK armed forces biannual diversity statistics: 1 October 2020*, [Sexual Orientation](#)

131 Q214

132 [Wigston Review into inappropriate behaviours](#), p10

133 Select Committee on the Armed Forces Bill, 31 March 2021, [col 33](#)

I am absolutely determined that we will find a mechanism of restorative justice for that cohort. [...] I cannot rewrite history, and I cannot promise that every last penny that was lost out on because people did not achieve their long service and good conduct. There is not a mechanism possible to make that happen. What I will do, and what we are doing at the moment as part of cross-Government activity involving the Cabinet Office, the Ministry of Defence, the Office of Veteran's Affairs and the Home Office is find a mechanism, working with Fighting with Pride, Stonewall and others, to address the appalling injustice for this cohort of veterans.

I give a commitment today to write to the Prime Minister to ask him to reflect on my apology to the LGBT community last year, and to ask him to consider doing so on a national level. [...] I hope that the hon. Member for Liverpool, Walton will [...] work with me to get to a place where this cohort is properly looked after and some sort of restorative justice takes place<sup>134</sup>

- 70.** We also heard evidence that those with protected characteristics should be given specific consideration when it comes to applying the Covenant. We heard that some of the groups discussed feel invisible or unwelcome in the veterans' sector. Caroline Paige told us:

Fighting with Pride was delighted to work with SSAFA earlier this year and late last year, and with Cobseo—the Confederation of Service Charities—to make an observation in the annual report to the covenant that diversity and inclusion was not included and there was no mention whatsoever of protected characteristics. That is all very well and great—the covenant is a promise to all in the military family, that they deserve our respect and support and fair treatment, and demonstrates the value of their contribution—but people can sign up to the Armed Forces Covenant and have that logo on their website, saying that they support the Armed Forces Covenant, but actually they may have values that differ from the modern military, in terms of how they regard veterans who have protected characteristics.<sup>135</sup>

- 71.** David McMullen of Citizenship 4 Soldiers also told us that Commonwealth soldiers were facing hardship due to their immigration status and could not use the Covenant to access services in the same way.<sup>136</sup> Commenting on the visa fees his organisation is campaigning against, he said:

It is not in the essence of the Armed Forces Covenant, which specifically says that it will understand that those “who have served

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134 Select Committee on the Armed Forces Bill, 31 March 2021, [col 94](#)

135 Q210

136 Q209

in the Armed Forces, and their families, should be treated with fairness and respect in the communities, economy and society they serve”. That definitely has not happened.<sup>137</sup>

**72.** As noted earlier, we wrote to the Minister early in our inquiry to request any Diversity and Equality Impact Assessments available for this Bill, but none have been forthcoming.<sup>138</sup> Since they are overrepresented in the system, measures on Service complaints appeals are likely to disproportionately impact female and BAME Service personnel. It is also not clear whether the Statutory Guidance will include any reference to protected characteristics when applying the duty for due regard.

**73.** We are in no doubt that the majority of Service people benefit enormously from their time in the Services and heard encouraging evidence that the experience of those with protected characteristics has improved. However specific concerns remain, and we recognise there is more to be done. Diversity is a source of strength for the Armed Forces and all should welcome and encourage a more diverse Armed Forces. *We recommend that a metric be added to the Annual Report on the Armed Forces Covenant to report on the experience of those with protected characteristics.*

**74.** *The Minister for Defence People and Veterans committed to “find a mechanism of restorative justice” for veterans dismissed due to their perceived sexuality during the years of the ban on homosexuality and the Minister should report back to the House on progress within three months.*

**75.** We fully support the important work of the Defence Committee’s Sub-Committee on Women in the Armed Forces. *Once it has reported, the Ministry of Defence should carefully consider its conclusions and recommendations.*

## Healthcare

**76.** We considered that the healthcare of Service personnel and veterans was of the highest importance and we therefore inquired specifically into these matters during our oral evidence sessions. On health, the Bill will introduce a new duty on some public bodies to have due regard to the Armed Forces Covenant (see Chapter 2). We wanted, in particular, to build on the work of the Defence Committee by inquiring into the mental health treatment

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<sup>137</sup> Q208

<sup>138</sup> [Correspondence from Chair to Minister for Defence People and Veterans](#), 18 March 2021

of veterans.<sup>139</sup> We therefore heard from representatives of Combat Stress, Forces in Mind Trust, the Department of Health and Social Care, NHS England, the Scottish Government, and Cardiff and Vale University Health Board.<sup>140</sup>

- 77.** On the status of veterans’ healthcare Air Vice-Marshal (retired) Ray Lock CBE, Chief Executive of Forces in Mind Trust, told us that the provision of healthcare to former serving personnel and their families, particularly in the mental health area was “improving remarkably”. The retired Air Vice-Marshal spoke positively about the veterans’ mental health pathway as well as veteran aware general practices and hospitals.<sup>141</sup> Professor Catherine Kinane, Medical Director at Combat Stress, told us that “great progress is being made” in veterans’ mental health with the NHS “very keen to learn” having made “great strides forward to understand veterans”.<sup>142</sup> Dr Jonathan Leach, Armed Forces Clinical Lead at NHS England, told us that the NHS has done “a huge amount of work” to understand veterans’ particular needs.<sup>143</sup> Nadine Dorries MP, Minister for Patient Safety, Suicide Prevention and Mental Health at the Department of Health and Social Care, explained the investments and programmes introduced in order to support veterans mental health services, highlighting the Transition, Intervention and Liaison Service (TILS) and the Complex Treatment Service (CTS).<sup>144</sup>
- 78.** Despite the above evidence the 2020 Armed Forces Covenant Annual Report illustrated that some wait times for veteran specific treatments have not met targets with a wait of 37 days for face-to-face appointments to be offered through TILS, against a target of 14 days.<sup>145</sup> There was an increase in wait time for appointments through CTS, at 33 days, up from 18 in 2018–19.<sup>146</sup> The number of veterans who complete treatments after referrals through Improving Access to Psychological Therapy (IAPT) is 42.4%, down from 47.6% in 2014–15.<sup>147</sup> During our evidence collection the Minister for Patient Safety, Suicide Prevention and Mental Health was asked about the waiting times for TILS, with the Minister explaining the systems for GPs and referrals, and stating that Op Courage has helped to keep waiting times to a minimum and that she believed that the position was “successful and improving”. The

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139 Oral evidence taken before the Defence Committee on [12 January 2021](#) and [26 January 2021](#), HC (2019–21) 1133; Defence Committee, Eleventh Report of Session 2017–19, [Mental Health and the Armed Forces, Part One: The Scale of mental health issues](#), HC 813; Defence Committee, [Fourteenth Report of Session 2017–19, Mental Health and the Armed Forces, Part Two: The Provision of Care](#), HC 1481

140 Qq216–234; Qq289–311

141 Q216

142 Qq217–218 [Professor Kinane]

143 Q294

144 Q295

145 Ministry of Defence, [Armed Forces Covenant Report 2020](#), 7 December 2020, p 116

146 Ministry of Defence, [Armed Forces Covenant Report 2020](#), 7 December 2020, p 117

147 Ministry of Defence, [Armed Forces Covenant Report 2020](#), 7 December 2020, p 114

Minister told us that specific and bespoke schemes such as TILs, CTS, and other services can meet the needs of veterans and can deal with veterans' problems incredibly quickly.<sup>148</sup>

- 79.** Additionally, whilst Air Vice-Marshal (retired) Lock felt that improvements had been made he told us that there are areas where the provision could improve even further with Professor Kinane also commenting that there is “an awful lot to learn”.<sup>149</sup> One of these areas for improvement was around the level of understanding of “priority treatment”. The Minister for Patient Safety, Suicide Prevention and Mental Health told us that “priority treatment” forms part of the Armed Forces Covenant and means that veterans should receive priority treatment where it relates to a condition that results from their time in the Armed Forces, subject to clinical need.<sup>150</sup> Dr Felix Davies, Operations Director at Combat Stress, told us, however, that there is a lack of awareness and some confusion about “priority treatment” for veterans, with work still needed to promote its principles as part of the covenant and to clarify what this means in practice.<sup>151</sup> Professor Kinane told us that priority treatment is not yet embedded or broadly understood within healthcare.<sup>152</sup>
- 80.** When asked about the risks of a “postcode lottery” for veterans healthcare, Professor Kinane told us that the whole NHS does not progress at the same pace uniformly, with some areas of excellence and some areas “dragging behind”.<sup>153</sup> Dr Davies told us that the variation across the healthcare system was a challenge, and that he would welcome moves to consolidate and collaborate across the sector and across the UK.<sup>154</sup> Professor Kinane made a specific point about improving services in Northern Ireland, arguing for funding for Combat Stress to carry on treating veterans with complex mental health problems.<sup>155</sup> Dr Davies explained further that:

Northern Ireland is the only nation of the four UK nations that does not have any NHS-provided or commissioned services specifically for veterans. We are conscious that there is a lack of statutory funding for veteran mental health provision in Northern Ireland, and that has an impact on the capacity of provision for veterans there, a number of whom are veterans of Op Banner and are living in the environment where they once served, so there are multiple complications there.<sup>156</sup>

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148 Qq299–300

149 Q216 [Air Vice Marshall (retd) Lock]; Q219 [Professor Kinane]

150 Q289

151 Q220

152 Q221

153 Q225

154 Q225

155 Q217

156 Q218

**81.** The evidence also touched on veterans suffering with alcohol and substance addiction, with levels of alcohol abuse much higher among veterans than in the general population, according to Professor Kinane. Professor Kinane told us that this was a barrier to accessing effective psychological treatment for other mental health conditions, as the individual has to have substance misuse treatment and be “dry” for a period of time in order to be able to then access psychological help.<sup>157</sup> Dr Davies emphasised the importance of integrating the treatment of substance misuse with the treatment of the underlying mental health condition.<sup>158</sup> Tom Harrison House, a centre providing a specialist addiction recovery programme for UK Armed Forces veterans and emergency services personnel, told us about the lack of provision for veterans when it comes to addiction treatment and the difficulty that the centre has encountered when trying to work alongside the Armed Forces and MoD.<sup>159</sup>

- 82.** We welcome the fact that the provision of healthcare to veterans, particularly in mental health, is improving. More however, should be done. *We recommend that:*
- a. *The Government urgently set out how it plans to meet targets for the Transition, Intervention and Liaison Service, Complex Treatment Services and Improving Access to Psychological Therapy;*
  - b. *Further work be done to ensure that the principle of “priority treatment” is better understood by both veterans and service providers;*
  - c. *Work be undertaken to minimise variation in the level of services across the UK, with specific funding required in Northern Ireland to deal with the challenges faced by veterans attempting to access mental health services there; and*
  - d. *Work be undertaken to improve data collection with regard to the numbers of serving personnel and veterans requiring treatment for addiction and other mental health illnesses. The Minister gave a commitment that there should be “a single front door and clear pathway people can navigate” for treatment for addiction and other mental health issues and we encourage the Department to do further work on this, alongside the NHS and partners such as Tom Harrison House.*

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157 Q228

158 Q228

159 Tom Harrison House ([AFB0012](#))

## Housing

- 83.** Subsidised accommodation is considered a key part of the ‘offer’ given to serving personnel. It reflects the unique nature of Service life—the need to be mobile, the lack of choice in location and accommodation and the remoteness of some bases.<sup>160</sup> However the National Audit Office reported on single living accommodation and found that the MoD is not meeting its commitment to provide high-quality subsidised accommodation to all Service personnel.<sup>161</sup> An earlier National Audit Office report highlighted that only 50% of those living in Service Family Accommodation were satisfied with the standard of their accommodation in 2016.<sup>162</sup> For these reasons we inquired specifically into the state of Service accommodation. Whilst the Bill will introduce a new duty on some public bodies in housing to have due regard to the Armed Forces Covenant (see Chapter 2), it does not apply to Service accommodation providers. We heard from a representative of the Defence Infrastructure Organisation, which directly manages Service family accommodation and provides the support and maintenance to single living accommodation, and Amey Defence Service, which maintains some defence infrastructure and housing.
- 84.** David Brewer, Chief Operating Officer at the Defence Infrastructure Organisation, characterised the state of Service accommodation by telling us that:

There are some common characteristics across both those groups of accommodation [single living accommodation and Service family accommodation], the principal one being variability. There is some very good accommodation; there is quite a lot of adequate accommodation, and there is a small amount that is poor. Looking across the single living accommodation first, approximately half of that is in good condition, close to half is in a fair condition, and we rate about 7% as poor. That poor accommodation is not always fully occupied. It is often not used, or it is used for very short durations. The picture is probably a little better in family accommodation, which has really shown improvement over the last three or four years, with investment increasing, but it still has quite a long way to go.<sup>163</sup>

Tim Redfern, Managing Director of Amey Defence Service, agreed that the estate was mixed in its quality but added that the levels of investment in the estate over the last three years have increased, and he thought that the

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160 *Armed Forces Housing*, [CBP07985](#), House of Commons Library, 15 June 2017

161 National Audit Office, [Improving Single Living Accommodation](#), HC (2019–21) 1129, p 10

162 National Audit Office, [Service Family Accommodation](#), June 2016

163 Q235

estate was getting better.<sup>164</sup> David Brewer acknowledged that there were some areas where accommodation is not at the right standard, in particular regarding heating and hot water failures.<sup>165</sup>

**85.** Tim Redfern told us that the nature of the “fix on fail” contract that Amey Defence Service provides does not meet the expectation of the personnel but said that there is insufficient money in the contract to meet people’s expectations.<sup>166</sup> David Brewer explained that whilst they are introducing a much stronger element of planned preventative maintenance there is still a “backlog of an old and tired estate that needs to be brought up to standard”.<sup>167</sup>

**86.** The level of satisfaction for personnel and families living in Service housing is still too low. Whilst work has been undertaken to improve this, accommodation is an area that needs to be prioritised by the Ministry of Defence. The Committee notes that by excluding central government as a responsible public body, Service accommodation is not covered by the duty of due regard. The Government may wish to consider adding this as an area where the duty applies in the future.

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164 Q236

165 Q238

166 Q254

167 Q255

# Conclusions and recommendations

## Introduction

- 1.** The convention of committing the Armed Forces Bill to a select committee in addition to its Committee Stage grants the Bill additional scrutiny. We have welcomed the freedom to determine our programme of evidence taking, and the flexibility to adapt it as we progressed in our scrutiny. This means we have been able to explore and analyse the various aspects of the Bill in depth. We also recognise the value of the greater degree of consensus and collaboration that a select committee format encourages. *We recommend that select committee scrutiny continues to be the convention for the Armed Forces Bill.* (Paragraph 5)
- 2.** We look forward to the House having an opportunity to scrutinise the long-promised legislation addressing the investigation and prosecution of former Armed Forces Personnel who served in Northern Ireland. (Paragraph 6)
- 3.** Once the membership for this Committee was approved by the House, just over eight weeks remained before the Committee had to report the Bill. This limited timeframe resulted in challenges securing witnesses, arranging visits and scrutinising the Bill in the detail which we would have liked. *Future select committees on Armed Forces Bills should be given more time to complete their work. We recommend that there be at least three calendar months between committal to a select committee and the deadline for it to report.* (Paragraph 12)
- 4.** We have faced difficulty securing documents and necessary visit approval from the Ministry of Defence. We request an explanation for the delay in responding to reasonable requests for documents and for the refusal of the virtual visit at the last minute. This Committee is an important part of the scrutiny of the Armed Forces Bill and has the power to undertake visits.

*It is essential that, in future, the Government provide requested documents in a timely manner and authorise reasonable visit requests in order for this Committee to properly carry out its scrutiny. (Paragraph 13)*

- 5.** The Government should respond to the recommendations made by the Committee in this special report by written ministerial statement, within two calendar months. *The Government should ensure that it engages with Members across the House at later stages of consideration of this Bill, taking on board our specific conclusions and recommendations. (Paragraph 15)*

## The Armed Forces Covenant

- 6.** We welcome this Bill further incorporating the Armed Forces Covenant into law. It is clear that this change is important for, and is welcomed by, service personnel, veterans and their families. (Paragraph 41)
- 7.** We recognise that there are concerns around how the duty to have due regard will work in practice, due in part to the delay in the publication of the draft Statutory Guidance and the decision not to have prescribed outcomes, and around some areas of the Covenant being brought into law whilst others are not. There are also concerns that the Bill applies to local government and some public bodies but not to central nor devolved governments. We further recognise continued concern with regards to the lack of alternative routes of redress for veterans. (Paragraph 42)
- 8.** *While we note the Government's intention not to facilitate prescribed outcomes and that it is still considering appropriate mechanisms to measure the effectiveness of the Bill's provisions, it is important to gauge the impact of the Bill's measures on the delivery of the Armed Forces Covenant. Therefore, as a first step, we recommend that questions be included in future editions of the annual Continuous Attitude Surveys for the Regular Armed Forces, Service Families and the Reserves on whether the Covenant has had a positive or negative impact on respondents in the areas of housing, healthcare and education in the last 12 months. (Paragraph 43)*
- 9.** *We recommend that, if enacted, the Government should review after 24 months of operation how the duty to have 'due regard' works in practice and whether it is negatively impacting other areas of the Covenant. The Armed Forces Covenant Annual Report should review the effectiveness of the legislation and comment on future scope. (Paragraph 44)*
- 10.** *The House of Commons Defence Select Committee should conduct post-legislative scrutiny into how the Armed Forces Act has worked in practice once it has come into force. The Ministry of Defence should submit a*

*memorandum to the Defence Committee 24 months after the legislation is enacted, which the Committee could then use as the basis for this work.*  
(Paragraph 45)

## The Service Justice System

- 11.** The intention of the Lyons review was to ensure that the SJS remained “necessary, fair and efficient”, and this Bill (combined with the non-legislative measures accepted by the Government and in the process of being implemented) demonstrates a commitment to improving the system and ensuring it has the confidence of those subject to it and of the public at large. We have heard from those closely involved that confidence in the investigative function of the SJS is imperative, and while the ongoing work in the area does not require legislation, it is no less important. (Paragraph 57)
- 12.** We therefore welcome efforts to reform the Service Justice System following the Lyons review. We do, however, recognise some concerns remain surrounding concurrent jurisdiction and the decision not to implement this recommendation of the Lyons Review. *The Ministry of Defence should work quickly to introduce the Defence Serious Crime Capability, and ensure clear protocols are in place to allow effective cooperation with civilian police forces.* (Paragraph 58)

## The Service Complaints System

- 13.** We welcome efforts to speed up the complaints process, provided that necessary safeguards remain in place to ensure fair access. Concerns remain around the Service Complaints System, particularly tackling delay which reduces confidence and negatively impacts all parties. It is particularly concerning that female and BAME personnel continue to be overrepresented amongst complainants and we note with concern that the response to our survey indicated that only 15% of respondents believe the decision to reduce the time limit in which an appeal can be made from 6 weeks to 2 weeks gave them enough time to receive “fair treatment”. We also note that 34.8% of respondents responded that they were “not sure” and there therefore needs to be greater clarity on this matter. *The Ministry of Defence should prioritise implementing all recommendations of the Wigston review within 6 months, ensuring solutions take account of the needs of victims and provide appropriate avenues to redress external to the single Services’ chain of command where needed.* (Paragraph 65)

## Additional Areas of Scrutiny

14. We are in no doubt that the majority of Service people benefit enormously from their time in the Services and heard encouraging evidence that the experience of those with protected characteristics has improved. However specific concerns remain, and we recognise there is more to be done. Diversity is a source of strength for the Armed Forces and all should welcome and encourage a more diverse Armed Forces. *We recommend that a metric be added to the Annual Report on the Armed Forces Covenant to report on the experience of those with protected characteristics.* (Paragraph 73)
15. *The Minister for Defence People and Veterans committed to “find a mechanism of restorative justice” for veterans dismissed due to their perceived sexuality during the years of the ban on homosexuality and the Minister should report back to the House on progress within three months.* (Paragraph 74)
16. We fully support the important work of the Defence Committee’s Sub-Committee on Women in the Armed Forces. *Once it has reported, the Ministry of Defence should carefully consider its conclusions and recommendations.* (Paragraph 75)
17. We welcome the fact that the provision of healthcare to veterans, particularly in mental health, is improving. More however, should be done. *We recommend that:*
  - a. *The Government urgently set out how it plans to meet targets for the Transition, Intervention and Liaison Service, Complex Treatment Services and Improving Access to Psychological Therapy;*
  - b. *Further work be done to ensure that the principle of “priority treatment” is better understood by both veterans and service providers;*
  - c. *Work be undertaken to minimise variation in the level of services across the UK, with specific funding required in Northern Ireland to deal with the challenges faced by veterans attempting to access mental health services there; and*
  - d. *Work be undertaken to improve data collection with regard to the numbers of serving personnel and veterans requiring treatment for addiction and other mental health illnesses. The Minister gave a commitment that there should be “a single front door and clear pathway people can navigate” for treatment for addiction and other mental health issues and we encourage the Department to do further work on this, alongside the NHS and partners such as Tom Harrison House.* (Paragraph 82)

- 18.** The level of satisfaction for personnel and families living in Service housing is still too low. Whilst work has been undertaken to improve this, accommodation is an area that needs to be prioritised by the Ministry of Defence. The Committee notes that by excluding central government as a responsible public body, Service accommodation is not covered by the duty of due regard. The Government may wish to consider adding this as an area where the duty applies in the future. (Paragraph 86)

# Annex: Survey Results

## Full list of questions and options asked in the survey

The Committee conducted a survey between 22 March 2021 and 5 April 2021. The survey was public, and anyone could respond to it, with 3,337 submissions received. Below is a list of questions asked in the survey. Later sections of this annex contain an analysis of the responses to the qualitative questions (asking the respondent to type in their answer) and a summary of all quantitative responses (asking respondents to choose an answer from a list of options). For a full anonymised data set, please email [afbillcom@parliament.uk](mailto:afbillcom@parliament.uk).

### 1. Which of the following best describes you

- Veteran of the Armed Forces
- Currently serving member of the Armed Forces
- None of the above
- Direct family of a veteran
- Direct family of current Service personnel
- Civilian subject to service law

### 2. What is your current rank? Or what was the highest rank you achieved while serving?

- Commissioned
- Non-commissioned
- Other

### 3. Where are you currently based?

- England

- Scotland
- Outside of the UK
- Wales
- Northern Ireland

**4. The Armed Forces Bill, as currently drafted, would introduce a “duty to have due regard” to the Armed Forces Covenant. Do you think this will help current and former service personnel and their families the support set out in the Armed Forces Covenant?**

- Yes
- I am not sure
- No

*If the respondent answered no to question 4:*

**4A. Why do you think this won’t help current and former service personnel and their families receive the support set out in the Armed Forces Covenant?**

- Respondent fills in textbox.

**5. Is the Armed Forces Bill’s focus on healthcare, education and housing matters appropriate?**

- Yes
- I am not sure
- No

**6. Other than healthcare, education and housing matters, which of the following do you think should be included in the Armed Forces Covenant provisions in the Bill (Please tick all that apply):**

- Pensions
- Social Care
- Employment
- Benefits
- Compensation
- Support with the criminal justice system
- Immigration
- Other

**7. Do you think this Bill will help you address practical problems you might face during or after your service?**

- Yes
- I am not sure
- No

*If the respondent answered no to question 7:*

**7A. Why do you think the Bill will not help address practical problems you may face during or after your service?**

- Respondent fills in text box.

**8. Do you think the Armed Forces Covenant is applied evenly across service personnel, no matter where they serve or are based?**

- Yes
- I am not sure
- No

*If the respondent answered no to question 8:*

**8A. Who do you think the Armed Forces Covenant isn't applied evenly across service personnel based on where they serve?**

- Respondent fills in text box.

**9. Are the specified bodies listed in the Bill in respect of housing, education and healthcare correct/appropriate?**

- Yes
- I am not sure
- No

*If the respondent answered no to question 9:*

**9A. How do you think the list of specified bodies in the Bill should be expanded or changed to include more public bodies and other stakeholders?**

- Respondent fills in text box.

**10. Will the provisions in this Bill on the Armed Forces Covenant impact differently on Serving personnel (both Regulars and Reservists), veterans, and their families?**

- Yes
- I am not sure
- No

*If the respondent answered yes to question 10:*

**10A. How will the provisions in this Bill on the Armed Forces Covenant impact differently on Serving personnel (both Regulars and Reservists), veterans, and their families?**

- Respondent fills in text box.

**11. Do you think the Bill as currently drafted will improve the way in which serious crimes are handled in the Armed Forces?**

- Yes
- I am not sure
- No

*If the respondent answered no to question 11:*

**11A. Why do you think that the Bill as currently drafted will not improve the way in which serious crimes are handled in the Armed Forces?**

- Respondent fills in text box.

**12. The Bill seeks to make changes to the service complaint appeals process. Do you think the Bill as currently drafted strikes the right balance between ensuring fair access to appeals and ensuring complaints are handled efficiently?**

- Yes
- I am not sure
- No

**13. The Bill seeks to reduce the time limit in which an appeal can be made from 6 weeks to 2 weeks. Are there enough safeguards in place to ensure those who cannot meet the new time limits get fair treatment?**

- Yes
- I am not sure
- No

#### **14. Please let us know if there is anything else you think we should consider when scrutinising the Bill?**

- Respondent fills in text box.

## **Qualitative Analysis of Survey results**

The Committee conducted a survey between 22 March 2021 and 5 April 2021. The survey was public, and anyone could respond to it, with 3,337 submissions received. Below is an analysis of the questions in the survey where respondents could type in their own answers rather than selecting from a list of options. An overview of the remaining questions in the survey can be found towards the end of the annex.

The majority of respondents stated that they were veterans (2,255), based in England (2,678) and non-commissioned (2,153). Responses were analysed thematically using NVivo (Release 1), a qualitative software analysis software tool. Thematic analysis involves systematically identifying patterns within qualitative data through reduction, abstraction and re-structuring, to identify recurring topics and ideas that come up repeatedly. Themes were initially identified using the automated insights tool in Nvivo. This uses machine-based algorithms to analyse the content and sentence structure and detects significant noun phrases to identify the most frequently occurring themes. The process collects the themes and counts their mentions across all the data in the files being processed and filters themes to show groups that represent the largest proportion of the content. This was used as the starting point to code the data and undertake more detailed thematic analysis.

The survey responses received are likely to demonstrate ‘self-selection’ or ‘volunteer’ bias, whereby they overrepresent individuals who have strong opinions or interests. As such, this report is intended to summarise and reflect the key perspectives of the individuals as outlined in the survey responses received and should not be interpreted as representative of all individuals.

### **Overview of key findings**

Nearly four times as many respondents reported that the introduction of a “duty to have due regard” would help current and former service personnel and their families receive the support set out in the Armed Forces Covenant, compared to those who said that it would not. For respondents who did not think that it would help, the key issue was that a duty to have due regard was perceived as ‘lip service’ and too vague and open to interpretation to result in meaningful change.

Nearly three times as many respondents reported that the Bill would help them to address practical problems they might face during or after their service, compared to those who said that it would not. For respondents who did not think that it would help, one key issue centred on perceptions that the Bill would not result in more effective support because organisations had either not heard of the Covenant or enforcement of it was inadequate. Another key issue was a perception that the remit of the Bill was not sufficient to address some of the key practical problems faced by personnel after service. This includes support in accessing employment and access to physical and mental health care. Respondents noted that it would not address inequalities in access to benefits and the immigration status of foreign and Commonwealth service personnel and veterans. Respondents also noted that it would not provide support for veterans who leave the UK or address practical problems faced by longer-term veterans, including access to welfare benefits when in receipt of an Armed Forces pension.

More respondents reported that they thought the Armed Forces Covenant is applied evenly across service personnel than that it was not, although the majority of respondents reported that they were not sure. Respondents who did not think that it was applied evenly reported a ‘postcode lottery’ across the UK, especially in relation to access to NHS and Local Authority services. Another key theme was that respondents thought that it was not applied evenly to foreign and Commonwealth veterans. In addition, respondents noted that it was not applied evenly to lower-ranking and junior personnel, and to serving personnel and veterans in Northern Ireland.

Three times as many respondents reported that the specified bodies listed in the Bill in respect of housing, education and healthcare are correct/ appropriate, compared to those who reported that they were not, although the vast majority of respondents reported that they were not sure. The key suggestion put forward by respondents was that the list should be expanded to include more–or all–UK and devolved central government departments, agencies and public bodies as well as local government. Respondents also called for increased education about the Armed Forces Covenant to ensure that public bodies and other stakeholders were aware of what it requires. Some respondents also called for listed bodies to be incentivised or compelled to fulfil their obligations. Many respondents called for ‘champions’ or dedicated roles within Local Authorities or central government departments and agencies to ensure accountability and to ensure that the needs of serving personnel and veterans are taken into account. Some respondents suggested that there should be increased engagement with, or employment of, veterans by public bodies to increase understanding of the issues that they face. Many respondents noted a need for the list to include specialist bodies and groups supporting veterans, as well as GPs, private landlords and housing associations and

other organisations providing services used by veterans and their families, including mental health support. A few respondents noted that it should be expanded to include relevant bodies on immigration if the Bill was amended to include foreign and Commonwealth veterans.

More respondents reported that they thought the provisions in the Bill impact differently on Serving personnel, veterans, and their families than did not, although the vast majority of respondents reported that they were not sure. Many responses were highly positive about the overall potential impact of the Bill, reporting that they thought it would provide help and support for serving personnel, veterans and their families. Many respondents noted that they thought the Bill would provide less support for Veterans. Some respondents reported that they thought it would provide less benefit for Reservists and some highlighted that it would not provide support to foreign and Commonwealth serving personnel and veterans.

Nearly double as many respondents reported that the Bill will improve the way in which serious crimes are handled in the Armed Forces, compared to those that reported that it would not. However, the vast majority of respondents reported that they were not sure. For respondents who did not think that it would improve the system, this was because they thought that serious crime should be handled by civil police, not military police, because the civilian system was perceived as more efficient and appropriate for dealing with cases of this nature.

1047 respondents answered the question inviting them to comment on anything else they would like the Committee to consider when scrutinising the Bill. Comments centred on the need for:

- better support for personnel leaving the Armed Forces to reintegrate into civilian life, especially in relation to physical and mental health, housing and employment,
- the need to increase knowledge about the Covenant amongst service providers,
- the need for some form of mechanism to assess progress in whether changes made by the Bill lead to positive change, and
- equality in access to benefits and immigration status for foreign and Commonwealth veterans and their families.

Some respondents called for more support for veterans who settle outside the UK, better support and more legal protection for Armed Forces personnel and veterans, and for reassessment of pension provisions for veterans who left the service before 1975.

## Introduction of a duty to have due regard

Responding to the question on whether the introduction of a “duty to have due regard” to the Armed Forces Covenant in the Armed Forces Bill (as currently drafted), would help current and former service personnel and their families receive the support set out in the Armed Forces Covenant, nearly four times as many respondents reported that it would help (1961), compared to those who reported that it would not help (503).

Of those who answered that it would not help, 483 respondents answered the follow-up question on why they thought it would not help current and former service personnel and their families receive the support set out in the Armed Forces Covenant. For these respondents, the key issue was that a duty to have due regard was perceived as optional ‘lip service’ and too vague and open to interpretation to result in meaningful change.

### **Box 1: Comments from the survey on introducing a duty to have due regard**

“A “duty to have due regard” implies optional compliance. Consideration should be given to having explicit compliance with certain aspects (service personnel not being disadvantaged as a result of service) and other aspects that are optional.”

“Due regard is too non-specific - it can be regarded, then ignored.”

“It’s not practical or measurable. What is the measurement of effectiveness for proving someone has or has not show[n] “duty to have due regard”?”

“Duty to have due regard is not duty of care.”

“It’s not strong enough and just plays lip service without making any meaningful difference.”

## Practical problems

Responding to the question on whether the Bill (as currently drafted) would help them to address practical problems they might face during or after their service, nearly three times as many respondents reported that it would help (1461), compared to those who reported that it would not help (545).

Of those who answered that it would not help, 495 respondents answered the follow-up question on why they thought it would not help address practical problems they might face during or after their service. For these respondents, one key issue centred on perceptions that the Bill would not result in more effective support because organisations had either not heard of the Covenant or enforcement of it was inadequate.

**Box 2: Comments from the survey on the Armed Forces Covenant helping those that it applies to in tackling practical problems**

“Because it may be enshrined in law but local authorities, health services etc will ignore it and say that they base their support on need and no other category.”

“Because in some parts of the country nobody’s heard of it.”

“Because when you leave the government forgets about you.”

“Authorities sign up to the covenant yet just pay lip service.”

Another key issue was a perception that the remit of the Bill was not sufficient to address some of the practical problems faced after service. This includes support in accessing employment and access to physical and mental health care. Respondents noted that it would not address inequalities in access to benefits and the immigration status of foreign and Commonwealth service personnel and veterans. Respondents also noted that it would not provide support for veterans who leave the UK or address practical problems faced by longer-term veterans, including access to welfare benefits when in receipt of an Armed Forces pension.

**Box 3: Practical problems faced after service**

“Job market changed, skill sets required different.”

“We need help with employment with an engaging proactive job service.”

“Needs to address indefinite leave to remain for Commonwealth service personnel without visa charges.”

“One major one it [is] lacking is the discrimination that service personnel suffer when leaving the Armed Forces when seeking new employment.”

“That a war pension should not be taking into account when things like housing and council tax benefits are calculated.”

“Again, these are all words I’ve heard before from various UK governments. On top of that, I live in Australia and there appears to be very little for veterans who leave the UK.”

“As it does not compel action, and it does not protect the armed forces, in particular to pension rights, immigration rights for those who have served but come from another country.”

“It may help someone leaving the Services but what about the veteran that has fallen on hardship later in life? ... I am not entitled to any benefits because I have a Service pension.”

## Application of Armed Forces Covenant

Responding to the question on whether the Armed Forces Covenant is applied evenly across service personnel, no matter where they serve or are based, more respondents answered no (1170) than yes (813), although the majority of respondents reported that they were not sure (1292).

Of those who answered that they did not think that it was applied evenly across service personnel based on where they serve, 1065 respondents answered the follow-up question on who they thought it was not applied evenly to. One key theme was that respondents thought that it was not applied evenly across the UK. Respondents referred frequently to a 'postcode lottery', especially in relation to access to NHS and Local Authority services.

### **Box 4: Application of the Armed Forces Covenant**

“There is always a postcode lottery in how obligations are interpreted.”

“It’s variable region by region and depending upon the local authority.”

“Postcode lottery - varying approaches to the covenant across different regions.”

Another key theme was that respondents thought that it was not applied evenly to foreign and Commonwealth veterans. In addition, respondents noted that it was not applied evenly to lower-ranking and junior personnel, and to serving personnel and veterans in Northern Ireland.

### **Box 5: Applications of the Armed Forces Covenant by seniority**

“It is definitely biased towards UK citizens, leaving commonwealth soldiers outside of the coverage of the covenant once leaving service.”

“It doesn’t address the inequalities faces by commonwealth soldiers.”

“Northern Ireland - where there are hundreds of thousands of disabled veterans.”

“The Covenant is generally administered by local authorities and they are inconsistent in their quality. I’m addition some doctors [don’t] agree with the health care aspects of the Covenant and will not support it.”

“Foreign and commonwealth soldiers and Northern Ireland veterans and serving soldiers.”

“Junior ranks; Gurkhas and Commonwealth personnel.”

“The officers get easily preferential treatment with more time to access courses. Junior ranks are far too often denied time and resources during resettlement.”

“Officers get the best of it. Junior ranks get thrown to the wolves.”

## **Specified bodies**

Responding to the question on whether the specified bodies listed in the Bill in respect of housing, education and healthcare to have a duty of due regard of the Armed Forces Covenant are correct/appropriate, three times as many respondents reported that they were correct/appropriate (913), compared to those who reported that they were not (305). However, the vast majority of respondents reported that they were not sure (2034).

720 respondents answered the question on how the list of specified bodies in the Bill should be expanded or changed to include more public bodies and other stakeholders. The key suggestion put forward by respondents was that the list should be expanded to include more-or all-UK and devolved central government departments, agencies and public bodies as well as local government.

**Box 6: Specified bodies to have duty of due regard list to be expanded or changed to**

“All public services provided by central and local government.”

“All local government bodies providing services or functions for the members of the Armed Forces and their families.”

“It should be mandated that all public bodies are included, better advertising for non-public stakeholders is a must.”

Respondents also called for increased education about the Armed Forces Covenant to ensure that public bodies and other stakeholders were aware of what it requires and some respondents called for listed bodies to be incentivised or compelled to fulfil their obligations. Many respondents called for ‘champions’ or dedicated roles within Local Authorities or central government departments and agencies to ensure that the needs of serving personnel and veterans were taken into account and for accountability. Some respondents suggested that there should be increased engagement with, or employment of, veterans by public bodies to increase understanding of the issues that they face.

**Box 7: How to increase awareness of the Armed Forces Covenant and the responsibilities on relevant bodies under it**

“More education of the Covenant is required - my GP practice has not heard of it and do not understand their responsibility to former service personnel with pre-existing medical issues.”

“They need to be educated to actually provide the priority treatment ... housing officers, GP’s, hospitals, etc don’t have a clue.”

“The public bodies are listed, what is not listed is a system for enforcement or appeal.”

“By putting forward the benefits of assisting ex and serving personnel and incentivising various bodies to fulfil their obligations under the covenant.”

“By compelling public bodies and other stakeholders to engage in the programme.”

“Better education of public bodies and other stakeholders, further strength to the implementation.”

“City councils should have a Veterans officer.”

“Every department to have an armed forces ambassador.”

“Ex-service persons who have experienced these issues should be integrated into the public bodies and stakeholders.”

Many respondents noted a need for the list to include specialist bodies and groups supporting veterans, as well as GPs, private landlords and housing associations and other organisations providing services used by veterans and their families, including mental health support. A few respondents noted that it should be expanded to include relevant bodies on immigration, if the Bill was amended to include foreign and Commonwealth veterans.

**Box 8: Additions to the list of specified bodies to have a duty of due regard to the Armed Forces Covenant**

“Include more public bodies and stakeholders, including private landlords and Housing associations, and include employment agencies.”

“Any mental health organisations. Any drug/alcohol services required.”

“Include groups who are supporting those suffering from mental health and homeless veterans.”

## Impact on serving personnel and veterans

Responding to the question on whether the provisions in the Bill on the Armed Forces Covenant impact differently on Serving personnel (both Regulars and Reservists), veterans, and their families, more respondents answered yes (795) than no (484), although the vast majority of respondents reported that they were not sure (1944).

522 respondents answered the question on how the provisions in the Bill would impact differently on Serving personnel (both Regulars and Reservists), veterans, and their families. Many responses were highly positive about the overall potential impact of the Bill, reporting that they thought it would provide help and support for serving personnel, veterans and their families.

### **Box 9: Overall impact of the Armed Forces Bill 2020**

“If the Bill is passed, then current and future service personnel will feel secure in their roles knowing the country will continue to support them when they have left the Armed Forces.”

“It will help and support all serving personnel, veterans and they families.”

Many respondents noted that they thought the Bill would provide less support for Veterans. Some respondents reported that they thought it would provide less benefit for Reservists and some highlighted that it would not provide support to foreign and Commonwealth serving personnel and veterans.

### **Box 10: Different impact of the Armed Forces Bill**

“Veterans will be impacted less than serving personnel.”

“Because Veterans issues differ vastly than serving personnel.”

“Reservists are less likely to benefit from this.”

“It does nothing for Serving Personnel who are not British Citizens.”

## Handling of serious crimes

Responding to the question on whether the Bill, as currently drafted, will improve the way in which serious crimes are handled in the Armed Forces, nearly double as many respondents (934) reported that it would, compared to those that reported that it would not (501). However, the vast majority of respondents reported that they were not sure (1761).

Of those who answered that they did not think that it would improve the way in which serious crimes are handled in the Armed Forces, 388 respondents answered the follow-up question on why they thought that it would not improve it. For these respondents, the key issue was that they thought that serious crime should be handled by civil police, not military police, because the civilian system was perceived as more efficient and appropriate for dealing with cases of this nature.

**Box 11: Handling of serious crime within the Armed Forces**

“Serious crimes within the UK should be dealt with by civilian police forces. They are experienced and have the in-depth knowledge required by such investigations.”

“Because it doesn’t put Armed Forces personnel under the jurisdiction of the criminal justice system. Offences with a direct civilian equivalent (rape, sexual assault, theft etc) should be investigate by civilian police and prosecuted through the CPS.”

“The training of service police differs from civilian police and military requirements could influence methods of investigation.”

“They should be referred to civilian police who regularly deal with these cases. Military Police in my experience often make mistakes in serious criminal proceedings that lead to incorrect handling of evidence/ mistrials.”

“Crimes should be generically referred to Civilian Police especially if assault or sexual.”

“All matters should be handed over to the civilian police to investigate so it is dealt with appropriately but more importantly in a timely matter.”

## Additional comments

1047 respondents answered the question inviting them to comment on anything else they would like the committee to consider when scrutinising the Bill. Comments centred on the need for:

- better support for personnel leaving the Armed Forces to reintegrate into civilian life, especially in relation to physical and mental health, housing and employment
- the need to increase knowledge about the Covenant amongst service providers
- the need for some form of mechanism to assess progress in whether changes made by the Bill lead to positive change

- equality in access to benefits and immigration status for foreign and Commonwealth veterans and their families.

**Box 12: Additional comments**

“Provide improved aftercare for service personnel that suffer mental health issues as a result of military service.”

“Dedicated mental health care for veterans.”

“More focus on mental health provision, it isn’t just about PTSD, long serving personnel really struggle to adjust back into civvy Street. More should be done to help homeless ex services personnel.”

“Please ensure long serving personnel receive good education and training for civilian life including handling money well before they leave service before they leave.”

“Try looking at homelessness in the veteran community try implementing an actual fast track system for mental health sufferers and educate GPs.”

“Whilst housing is part of the bill, specific emphasis needs to be put in place to address the high number of veterans who are rough sleepers and falling through the cracks. In addition, although healthcare is included, there is a massive shortage of mental healthcare capacity in the NHS and veterans in crisis should not have to rely on charities to find and provide appropriate care.”

“Please make more people aware of it, especially health authorities, I was screaming blue black and white trying to get appropriate health care for my dad, or even just someone to listen, I felt failed by the whole system.”

“Transferable skills for the civilian world for service personnel.”

“Housing, equality for overseas/commonwealth veterans, mental health support, employment support.”

“The issues have been identified, a Bill has been proposed and until it is tried and measured against previous performance how can we tell it will work?”

“All commonwealth service personnel & their families should be offered the right to UK citizens on retirement.”

Some respondents called for more support for veterans who settle outside the UK, better support and more legal protection for Armed Forces personnel and veterans, and for reassessment of pension provisions for veterans who left the service before 1975.

**Box 13: Further additional comments**

“Help for those ex service personnel who have settle outside the UK.”

“Pensions for pre 1975 serving personnel.”

“When service personnel are sent into an area to do their jobs they should not be prosecuted for doing what the government sent them to do.”

## Word cloud

Word cloud showing the most frequently occurring words in the responses to the closed question, ‘Other than healthcare, education and housing matters, which of the following do you think should be included in the Armed Forces Covenant provisions in the Bill (Please tick all that apply)’, n=3,316. Frequently occurring words are in larger fonts. Three different designs are included of the same data. To give an indication of the frequency of commonly occurring words, ‘pensions’ = 2,521 and ‘immigration’-1,311.



## Qualitative survey results



Which of the following best describes you?		
Answer	Respondents	Percentage
Veteran of the Armed Forces	2,255	67.6%
Currently serving member of the Armed Forces	718	21.5%
None of the above	150	4.5%
Direct family of a veteran	132	4.0%
Direct family of current Service personnel	67	2.0%
Civilian subject to service law	15	0.4%
Total	3,337	100.0%

What is your current rank? Or what was the highest rank you achieved while serving?		
Answer	Respondents	Percentage
Commissioned	465	15.6%
Non-commissioned	2,153	72.4%
Other	355	11.9%
Total	2,973	100.0%

Where are you currently based?		
Answer	Respondents	Percentage
England	2,678	80.3%
Scotland	183	5.5%
Outside of the UK	179	5.4%
Wales	158	4.7%
Northern Ireland	139	4.2%
Total	3,337	100.0%

The Armed Forces Bill, as currently drafted, would introduce a “duty to have due regard” to the Armed Forces Covenant. Do you think this will help current and former service personnel and their families the support set out in the Armed Forces Covenant?		
Answer	Respondents	Percentage
Yes	1,961	58.8%
I am not sure	868	26.0%
No	503	15.1%
(blank)	5	0.1%
Total	3,337	100.0%

Is the Armed Forces Bill’s focus on healthcare, education and housing matters appropriate?		
Answer	Respondents	Percentage
Yes	2,115	63.4%
I am not sure	641	19.2%
No	562	16.8%
(blank)	19	0.6%
Total	3,337	100.0%

Other than healthcare, education and housing matters, which of the following do you think should be included in the Armed Forces Covenant provisions in the Bill (Please tick all that apply):		
Answer	Respondents	Percentage
Pensions	2,517	75.4%
Social Care	2,312	69.3%
Employment	2,269	68.0%
Benefits	1,930	57.8%
Compensation	1,606	48.1%
Support with the criminal justice system	1,519	45.5%
Immigration	1,307	39.2%
Other	263	7.9%

Do you think this Bill will help you address practical problems you might face during or after your service?		
Answer	Respondents	Percentage
Yes	1,461	43.8%
I am not sure	1,294	38.8%
No	545	16.3%
(blank)	37	1.1%
Total	3,337	100.0%

Do you think the Armed Forces Covenant is applied evenly across service personnel, no matter where they serve or are based?		
Answer	Respondents	Percentage
Yes	813	24.4%
I am not sure	1,292	38.7%
No	1,170	35.1%
(blank)	62	1.9%
Total	3,337	100.0%

Are the specified bodies listed in the Bill in respect of housing, education and healthcare correct/appropriate?		
Answer	Respondents	Percentage
Yes	913	27.4%
I am not sure	2,034	61.0%
No	305	9.1%
(blank)	85	2.5%
Total	3,337	100.0%

Will the provisions in this Bill on the Armed Forces Covenant impact differently on Serving personnel (both Regulars and Reservists), veterans, and their families?		
Answer	Respondents	Percentage
Yes	795	23.8%
I am not sure	1,944	58.3%
No	484	14.5%
(blank)	114	3.4%
Total	3,337	100.0%

Do you think the Bill as currently drafted will improve the way in which serious crimes are handled in the Armed Forces?		
Answer	Respondents	Percentage
Yes	934	28.0%
I am not sure	1,761	52.8%
No	501	15.0%
(blank)	141	4.2%
Total	3,337	100.0%

The Bill seeks to make changes to the service complaint appeals process. Do you think the Bill as currently drafted strikes the right balance between ensuring fair access to appeals and ensuring complaints are handled efficiently?		
Answer	Respondents	Percentage
Yes	1,070	32.1%
I am not sure	1,465	43.9%
No	620	18.6%
(blank)	182	5.5%
Total	3,337	100.0%

The Bill seeks to reduce the time limit in which an appeal can be made from 6 weeks to 2 weeks. Are there enough safeguards in place to ensure those who cannot meet the new time limits get fair treatment?		
Answer	Respondents	Percentage
Yes	507	15.2%
I am not sure	1,160	34.8%
No	1,507	45.2%
(blank)	163	4.9%
Total	3,337	100.0%

# Formal Minutes

**Wednesday 3 March 2021**

## Members present:

Stuart Anderson  
Tonia Antoniazzi  
Dan Carden  
Miss Sarah Dines  
Leo Docherty  
Martin Docherty-Hughes  
Darren Henry  
Mrs Sharon Hodgson  
Richard Holden  
Rt Hon Kevan Jones  
Jack Lopresti  
Johnny Mercer  
Carol Monaghan  
Stephen Morgan  
Mr James Sunderland  
Mrs Heather Wheeler

## Declarations of interest

Members disclosed their interests, in accordance with the resolution of the House of 13 July 1992. (For details of declaration of interests, see Appendix.)

## Election of Chair

Mr James Sunderland was called to the Chair.

## Committee working methods

*Resolved*, That the Committee examine witnesses in public, except where it otherwise orders.

*Resolved*, That witnesses who submit written evidence to the Committee are authorised to publish it on their own account in accordance with Standing Order No. 135, subject always to the discretion of the Chair or where the Committee otherwise orders.

*Resolved*, That the Committee shall not consider individual cases.

*Resolved*, That the Committee shall delegate the following matters to the Chair's discretion:

- i. Agree the circulated agenda for Committee meetings (subject to the right of any Committee member to raise issues for the Committee to consider);
- ii. Engage in correspondence on Committee matters which is not sufficiently significant to require approval by the Committee or is of a routine nature;
- iii. Arrange informal meetings in Westminster on matters relating to the Committee's remit (for example, with visiting parliamentarians);
- iv. Authorise the issue of press notices about forthcoming evidence sessions, new inquiries and reports;
- v. take decisions which are consequential on matters already decided by the Committee or which are urgent.

## Future programme

Motion made, and Question put, That the Committee take evidence on matters relating to Northern Ireland legacy – (Mr James Sunderland.)

The Committee divided.

### **Ayes, 7**

Tonia Antoniazzi

Dan Carden

Martin Docherty-Hughes

Sharon Hodgson

Rt Hon Kevan Jones

### **Noes, 8**

Stuart Anderson

Sarah Dines

Leo Docherty

Darren Henry

Richard Holden

**Ayes, 7**

Carol Monaghan

Stephen Morgan

**Noes, 8**

Jack Lopresti

Johnny Mercer

Heather Wheeler

Question accordingly negatived.

*Resolved*, That the Committee take oral evidence from the following:

General (ret'd) Sir John McColl, Chair, Confederation of Service Charities

Laura Pett, Head of Public Affairs and Policy Manager, Royal British Legion

Ted Arnold, Senior Public Affairs and Policy Manager, Help for Heroes

Anna Wright, Chief Executive Officer, Naval Families Federation

Collette Musgrave, Chief Executive Officer, Army Families Federation

Maria Lyle, Director, Royal Air Forces Families Federation

Canon Peter Bruinvels CC, Armed Forces Champion and Civilian-Military Liaison Adviser, Kent and Surrey County Councils

Colonel (ret'd) John Rollins, Chief Executive Officer, Reserve Forces and Cadets Association for Northern Ireland

Councillor Ian Hudspeth, Chair of Community Wellbeing Board, Local Government Association

Councillor Maureen Webber, Community Safety Spokesperson, Welsh Local Government Association

Mike Callaghan, National Policy Manager, Convention of Scottish Local Authorities

Michael King, Local Government and Social Care Ombudsman

His Honour Shaun Lyons CBE

Professor Sir Jon Murphy, Professor of Advanced Policing Studies, Liverpool John Moores University,

His Honour Jeff Blackett, former Judge Advocate General

His Honour Alan Macdonald Large, Judge Advocate General

Jonathan Rees QC, Director Service Prosecutions

Nicola Williams, former Service Complaints Ombudsman

Emma Norton, Founder, Centre for Military Justice

Tony Wright, CEO, Forward Assist

Lieutenant Colonel (ret'd) Diane Allen OBE

Caroline Paige, Joint Chief Executive, Fighting with Pride

Craig Jones MBE, Joint Chief Executive, Fighting with Pride

Hannah Blythyn MS, Deputy Minister for Housing and Local Government, Welsh Government

Graeme Dey MSP, Minister for Parliamentary Business and Veterans, Scottish Government

Lieutenant General James Swift, Chief of Defence People, Ministry of Defence

Helen Helliwell, Director Armed Forces People Policy, 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

David Howarth, Head Service Complaints and Justice Transformation, Ministry of Defence

*Resolved*, That the Committee request written evidence from Tom Harrison House.

[Adjourned till Thursday 4 March at 2pm

## Thursday 4 March 2021

### Members present:

Mr James Sunderland, in the Chair

Stuart Anderson

Tonia Antoniazzi

Dan Carden

Miss Sarah Dines

Leo Docherty

Martin Docherty-Hughes

Darren Henry

Mrs Sharon Hodgson

Richard Holden

Rt Hon Kevan Jones

Jack Lopresti

Johnny Mercer

Carol Monaghan

Stephen Morgan

Mrs Heather Wheeler

## Evidence reported for publication

*Ordered*, That the following written evidence be reported to the House for publication:

Correspondence, dated 4 March 2021, with the Minister for Defence People and Veterans in relation to the publication of statutory guidance

Confederation of Service Charities (AFB0001)

## Future programme

The Committee considered this matter.

*Resolved*, That the Committee take oral evidence from the following:

Dame Vera Baird DBE QC, Victims' Commissioner

David McMullen, Citizenship 4 Soldiers

Air-Vice Marshal (retd) Ray Lock CBE

Chief Executive, Forces in Mind Trust

Professor Catherine Kinane, Medical Director, Combat Stress

Dr Felix Davies, Operations Director, Combat Stress

David Brewer, Chief Operating Officer, Defence Infrastructure Organisation

Tim Redfern, Managing Director, Amey Defence Service

Nadine Dorries MP, Minister of State, Department of Health and Social Care

William Vineall, Director and Chair of the Armed Forces Partnership Board, Department of Health and Social Care

Kate Davies CBE, Director of Health and Justice, Armed Forces and Sexual Assault Referral Centres, NHS England

Dr Jonathan Leach, Armed Forces Clinical Lead, NHS England

Dr Fiona Jenkins MBE, Veterans Lead and Executive Director for Therapies and Health Science, Cardiff and Vale University Health Board

Professor Jason Leitch, National Clinical Director, Scottish Government

Johnny Mercer MP, Minister for Defence People and Veterans, Ministry of Defence and Minister for Veterans' Affairs at Cabinet Office

Damian Paterson, Deputy Director, Office for Veterans' Affairs

*Resolved*, That the Committee request written evidence from the Scottish Veterans Commissioner and the Veterans Commissioner for Northern Ireland.

## Oral evidence: Armed Forces Bill

General (ret'd) Sir John McColl, Chair, Confederation of Service Charities; Laura Pett, Head of Public Affairs and Campaigns, The Royal British Legion; Ted Arnold, Senior Public Affairs and Policy Manager, Help for Heroes; Anna Wright, Chief Executive Officer, Naval Families Federation; Collette Musgrave, Chief Executive Officer, Army Families Federation; Maria Lyle, Director, Royal Air Force Families Federation; Colonel (ret'd) John Rollins, Chief Executive Officer, Reserve Forces and Cadets Association for Northern Ireland; and Canon Peter Bruinvels CC, Armed Forces Champion and Civilian-Military Liaison Adviser, Kent and Surrey County Councils gave oral evidence.

[Adjourned till Wednesday 10th March at 9.00am

## Wednesday 10 March 2021

### Members present:

Mr James Sunderland, in the Chair

Stuart Anderson

Tonia Antoniazzi  
Dan Carden  
Miss Sarah Dines  
Leo Docherty  
Martin Docherty-Hughes  
Darren Henry  
Mrs Sharon Hodgson  
Richard Holden  
Rt Hon Kevan Jones  
Jack Lopresti  
Johnny Mercer  
Carol Monaghan  
Stephen Morgan  
Mrs Heather Wheeler

## Evidence reported for publication

*Ordered*, That the following written evidence be reported to the House for publication:

Local Government Association (AFB0003)

## Oral evidence: Armed Forces Bill

Cllr Ian Hudspeth, Chair of Community Wellbeing Board, Local Government Association; Cllr Maureen Webber, Community Safety Spokesperson, Welsh Local Government Association; Mike Callaghan, National Policy Manager, Convention of Scottish Local Authorities; Michael King, Local Government and Social Care Ombudsman gave oral evidence.

[Adjourned till Thursday 11th March at 2.00pm]

## Thursday 11 March 2021

### Members present:

Mr James Sunderland, in the Chair  
Stuart Anderson  
Tonia Antoniazzi

Dan Carden  
Miss Sarah Dines  
Leo Docherty  
Martin Docherty-Hughes  
Darren Henry  
Mrs Sharon Hodgson  
Richard Holden  
Rt Hon Kevan Jones  
Jack Lopresti  
Johnny Mercer  
Carol Monaghan  
Stephen Morgan  
Mrs Heather Wheeler

### Evidence reported for publication

*Ordered*, That the following written evidence be reported to the House for publication:

Crown Prosecution Service and Service Prosecuting Authority (AFB0004)

### Virtual line by line consideration

Motion made, and Question put, That the Committee instruct the House authorities to reassess their recommendation to proceed with virtual proceedings for the Committee's line-by-line sessions- (Mr James Sunderland.)

The Committee divided.

**Ayes, 3**

Martin Docherty-Hughes

Rt Hon Kevan Jones

Carol Monaghan

**Noes, 8**

Stuart Anderson

Sarah Dines

Leo Docherty

Darren Henry

Richard Holden

Jack Lopresti

Johnny Mercer

Heather Wheeler

Question accordingly negatived.

### Oral evidence: Armed Forces Bill

His Honour Shaun Lyons CBE; Professor Sir Jon Murphy, Professor of Advanced Policing Studies, Liverpool John Moores University; His Honour Jeff Blackett, former Judge Advocate General; His Honour Judge Alan Large, Judge Advocate General and Jonathan Rees QC, Director of Service Prosecutions gave oral evidence.

[Adjourned till Wednesday 17th March at 9.00am

## Wednesday 17 March 2021

### Members present:

Mr James Sunderland, in the Chair

Stuart Anderson

Tonia Antoniazzi

Dan Carden

Miss Sarah Dines

Leo Docherty

Martin Docherty-Hughes

Darren Henry

Mrs Sharon Hodgson

Richard Holden  
Rt Hon Kevan Jones  
Jack Lopresti  
Johnny Mercer  
Stephen Morgan

## Evidence reported for publication

*Ordered*, That the following written evidence be reported to the House for publication:

Forward Assist (AFB0005)

Service Children's Progression Alliance (AFB0006)

Army Families Federation (AFB0007)

## Oral evidence: Armed Forces Bill

Nicola Williams, former Service Complaints Ombudsman; Emma Norton, Founder, Centre for Military Justice; Dame Vera Baird DBE QC, Victims' Commissioner; Tony Wright, CEO, Forward Assist; Caroline Paige, Joint Chief Executive and Craig Jones, Joint Chief Executive, Fighting with Pride; David McMullen, Citizenship 4 Soldiers and Lieutenant Colonel (ret'd) Diane Allen OBE gave oral evidence.

[Adjourned till Thursday 18th March at 2.45pm]

# Thursday 18 March 2021

## Members present:

Mr James Sunderland, in the Chair  
Stuart Anderson  
Tonia Antoniazzi  
Dan Carden  
Miss Sarah Dines  
Leo Docherty  
Martin Docherty-Hughes  
Darren Henry  
Mrs Sharon Hodgson Richard Holden

Rt Hon Kevan Jones

Jack Lopresti

Carol Monaghan

Stephen Morgan

## Evidence reported for publication

*Ordered*, That the following written evidence be reported to the House for publication:

Correspondence, dated 18 March 2021, with the Minister for Defence People and Veterans in relation to the publication of statutory guidance

Correspondence, dated 18 March 2021, with the Secretary of State for Defence in relation to visits to Service accommodation

SSAFA - the Armed Forces charity (AFB0008)

Local Government and Social Care Ombudsman (AFB0009)

## Oral evidence: Armed Forces Bill

Air-Vice Marshal (retd) Ray Lock CBE, Chief Executive, Forces in Mind Trust; Professor Catherine Kinane, Medical Director and Dr Felix Davies, Operations Director, Combat Stress; David Brewer, Chief Operating Officer, Defence Infrastructure Organisation; Tim Redfern, Managing Director, Amey Defence Service; Hannah Blythyn MS, Deputy Minister for Housing and Local Government, Welsh Government and Graeme Dey MSP, Minister for Parliamentary Business and Veterans, Scottish Government gave oral evidence.

[Adjourned till Wednesday 24th March at 9.00am

## Wednesday 24 March 2021

### Members present:

Mr James Sunderland, in the Chair

Stuart Anderson

Tonia Antoniazzi

Miss Sarah Dines

Leo Docherty

Martin Docherty-Hughes

Darren Henry  
Mrs Sharon Hodgson  
Richard Holden  
Rt Hon Kevan Jones  
Jack Lopresti  
Stephen Morgan  
Mrs Heather Wheeler

## Evidence reported for publication

*Ordered,* That the following written evidence be reported to the House for publication:

Child Rights International Network (AFB0010)  
Service Complaints Ombudsman for the Armed Forces (AFB0011)  
Tom Harrison House (AFB0012)  
RAF Families Federation (AFB0013)  
Quakers in Britain (AFB0014)  
Welsh Local Government Association (AFB0015)  
Scottish Veterans Commissioner (AFB0017)  
Together (Scottish Alliance for Children's Rights) (AFB0018)  
Naval Families Federation (AFB0020)  
Dr Justin Moorhead & Dr Carly Lightowlers (AFB0021)  
The Centre for Military Justice (ABF0022)  
Royal Caledonian Education Trust (AFB0023)  
Dr Alan Mckenna (AFB0024)  
Help for Heroes (AFB0025)  
Veterans Commissioner for Northern Ireland (AFB0026)  
The Royal British Legion (AFB0027)

## Oral evidence: Armed Forces Bill

Nadine Dorries MP, Minister of State, and William Vineall, Director and Chair of the Armed Forces Partnership Board, Department of Health and Social Care; Kate Davies CBE, Director of Health and Justice, Armed Forces and Sexual Assault Referral Centres, and Dr Jonathan Leach, Armed Forces Clinical Lead, NHS England; Professor Jason Leitch, National Clinical Director, Scottish Government; Dr Fiona Jenkins MBE, Veterans Lead and Executive Director for Therapies and Health Science, Cardiff and Vale University Health Board; Lieutenant General James Swift, Chief of Defence People, Helen Helliwell, Director Armed Forces People Policy, Caron Tassel, Head People Secretariat, and David Howarth, Head Service Complaints and Justice Transformation, Ministry of Defence and Ben Bridge, Deputy Director, Command, Discipline and Constitutional Law Team, Ministry of Defence Legal Advisers; 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 gave oral evidence.

[Adjourned till Thursday 25th March at 2.00pm]

## Thursday 24 March 2021

Members present:

Mr James Sunderland, in the Chair

Stuart Anderson

Tonia Antoniazzi

Dan Carden

Miss Sarah Dines

Leo Docherty

Martin Docherty-Hughes

Darren Henry

Mrs Sharon Hodgson

Richard Holden

Rt Hon Kevan Jones

Jack Lopresti

Johnny Mercer

Carol Monaghan

Stephen Morgan

Mrs Heather Wheeler

## Armed Forces Bill

The Committee deliberated.

*Resolved*, That the Armed Forces Bill be now considered.

[The text of amendments and new clauses proposed are recorded in the proceedings of the Committee relating to the Bill on 24 March 2021 in the Official Report (Hansard).]

Clauses 1 to 7 agreed to.

Clause 7.

Amendment (19) proposed. – (Stephen Morgan.)

Question proposed, That the Amendment be made:-Amendment, by leave, withdrawn.

Clause agreed to.

Clause 8.

Amendment (7) proposed. – (Stephen Morgan.)

Question proposed, That the Amendment be made:-Amendment, by leave, withdrawn.

Clause agreed to.

Clause 9 agreed to.

Clause 10.

Amendment (20) proposed. – (Stephen Morgan.)

Question proposed, That the Amendment be made.

The Committee divided.

**Ayes, 7**

Tonia Antoniazzi  
Dan Carden  
Martin Docherty-Hughes  
Sharon Hodgson  
Rt Hon Kevan Jones  
Carol Monaghan  
Stephen Morgan

**Noes, 8**

Stuart Anderson  
Sarah Dines  
Leo Docherty  
Darren Henry  
Richard Holden  
Jack Lopresti  
Johnny Mercer  
Heather Wheeler

Question accordingly negatived.

Clauses 11 to 26 agreed to.

A Clause (NC1) – (Carol Monaghan) – brought up, and read the first time.

Question proposed, That the Clause be read a second time.

The Committee divided.

**Ayes, 2**

Martin Docherty-Hughes  
Carol Monaghan

**Noes, 9**

Stuart Anderson  
Sarah Dines  
Leo Docherty  
Darren Henry  
Richard Holden  
Rt Hon Kevan Jones  
Jack Lopresti  
Johnny Mercer  
Heather Wheeler

Question accordingly negatived.

A Clause (NC3) – (Carol Monaghan) – brought up, and read the first time.

Question proposed, That the Clause be read a second time: - Clause, by leave, withdrawn.

[Adjourned till Wednesday 31st March at 9.00am

## Wednesday 31 March 2021

### Members present:

Mr James Sunderland, in the Chair

Stuart Anderson

Tonia Antoniazzi

Dan Carden

Miss Sarah Dines

Leo Docherty

Martin Docherty-Hughes

Darren Henry

Mrs Sharon Hodgson

Richard Holden

Rt Hon Kevan Jones

Jack Lopresti

Johnny Mercer

Carol Monaghan

Stephen Morgan

Mrs Heather Wheeler

### Armed Forces Bill

The Committee deliberated.

*Resolved*, That the Armed Forces Bill be further considered.

[The text of amendments and new clauses proposed are recorded in the proceedings of the Committee relating to the Bill on 31 March 2021 in the Official Report (Hansard).]

A Clause (NC4) – (Carol Monaghan) – brought up, and read the first time.

Question proposed, That the Clause be read a second time.

The Committee divided.

**Ayes, 7**

Tonia Antoniazzi

Dan Carden

Martin Docherty-Hughes

Sharon Hodgson

Rt Hon Kevan Jones

Carol Monaghan

Stephen Morgan

**Noes, 8**

Stuart Anderson

Sarah Dines

Leo Docherty

Darren Henry

Richard Holden

Jack Lopresti

Johnny Mercer

Heather Wheeler

Question accordingly negatived.

A Clause (NC5) – (Carol Monaghan) – brought up, and read the first time.

Question proposed, That the Clause be read a second time: - Clause, by leave, withdrawn.

A Clause (NC6) – (Dan Carden) – brought up, and read the first time.

Question proposed, That the Clause be read a second time: - Clause, by leave, withdrawn.

A Clause (NC7) – (Kevan Jones) – brought up, and read the first time.

Question proposed, That the Clause be read a second time.

The Committee divided.

**Ayes, 7**

Tonia Antoniazzi  
Dan Carden  
Martin Docherty-Hughes  
Sharon Hodgson  
Rt Hon Kevan Jones  
Carol Monaghan  
Stephen Morgan

**Noes, 8**

Stuart Anderson  
Sarah Dines  
Leo Docherty  
Darren Henry  
Richard Holden  
Jack Lopresti  
Johnny Mercer  
Heather Wheeler

Question accordingly negatived.

A Clause (NC8) – (Kevan Jones) – brought up, and read the first time.

Question proposed, That the Clause be read a second time.

The Committee divided.

**Ayes, 7**

Tonia Antoniazzi  
Dan Carden  
Martin Docherty-Hughes  
Sharon Hodgson  
Rt Hon Kevan Jones  
Carol Monaghan  
Stephen Morgan

**Noes, 8**

Stuart Anderson  
Sarah Dines  
Leo Docherty  
Darren Henry  
Richard Holden  
Jack Lopresti  
Johnny Mercer  
Heather Wheeler

Question accordingly negatived.

A Clause (NC11) – (Stephen Morgan) – brought up, and read the first time.

Question proposed, That the Clause be read a second time: - Clause, by leave, withdrawn.

A Clause (NC12) – (Stephen Morgan) – brought up, and read the first time.

Question proposed, That the Clause be read a second time.

The Committee divided.

**Ayes, 7**

Tonia Antoniazzi

Dan Carden

Martin Docherty-Hughes

Sharon Hodgson

Rt Hon Kevan Jones

Carol Monaghan

Stephen Morgan

**Noes, 8**

Stuart Anderson

Sarah Dines

Leo Docherty

Darren Henry

Richard Holden

Jack Lopresti

Johnny Mercer

Heather Wheeler

Question accordingly negatived.

A Clause (NC13) – (Stephen Morgan) – brought up, and read the first time.

Question proposed, That the Clause be read a second time: - Clause, by leave, withdrawn.

A Clause (NC14) – (Stephen Morgan) – brought up, and read the first time.

Question proposed, That the Clause be read a second time.

The Committee divided.

**Ayes, 7**

Tonia Antoniazzi  
Dan Carden  
Martin Docherty-Hughes  
Sharon Hodgson  
Rt Hon Kevan Jones  
Carol Monaghan  
Stephen Morgan

**Noes, 8**

Stuart Anderson  
Sarah Dines  
Leo Docherty  
Darren Henry  
Richard Holden  
Jack Lopresti  
Johnny Mercer  
Heather Wheeler

Question accordingly negatived.

A Clause (NC15) – (Stephen Morgan) – brought up, and read the first time.

Question proposed, That the Clause be read a second time.

The Committee divided.

**Ayes, 7**

Tonia Antoniazzi  
Dan Carden  
Martin Docherty-Hughes  
Sharon Hodgson  
Rt Hon Kevan Jones  
Carol Monaghan  
Stephen Morgan

**Noes, 8**

Stuart Anderson  
Sarah Dines  
Leo Docherty  
Darren Henry  
Richard Holden  
Jack Lopresti  
Johnny Mercer  
Heather Wheeler

Question accordingly negatived.

A Clause (NC16) – (Stephen Morgan) – brought up, and read the first time.

Question proposed, That the Clause be read a second time: - Clause, by leave, withdrawn.

A Clause (NC17) – (Stephen Morgan) – brought up, and read the first time.

Question proposed, That the Clause be read a second time: - Clause, by leave, withdrawn.

Schedule 1.

Amendment (1) proposed. – (Carol Monaghan)

Question proposed, That the Amendment be made.

The Committee divided.

**Ayes, 7**

**Noes, 8**

Tonia Antoniazzi

Stuart Anderson

Dan Carden

Sarah Dines

Martin Docherty-Hughes

Leo Docherty

Sharon Hodgson

Darren Henry

Rt Hon Kevan Jones

Richard Holden

Carol Monaghan

Jack Lopresti

Stephen Morgan

Johnny Mercer

Heather Wheeler

Question accordingly negatived.

Schedules 1–5 agreed to.

Bill to be reported, unamended.

*Resolved*, That the Committee do sit in private.

## Evidence reported for publication

*Ordered*, That the following written evidence be reported to the House for publication:

Correspondence, dated 31 March 2021, with the Minister for Defence People and Veterans providing a draft copy of the statutory guidance

Correspondence, dated 31 March 2021, with the Judge Advocate General clarifying position on comments made during oral evidence session held on 11 March 2021

Canon Peter Bruinvels CC (AFB0016)

COSLA (AFB0028)

British Medical Association (AFB0029)

ForcesWatch (AFB0030)

## Select Committee on the Armed Forces Bill: Chair's draft Special Report

The Committee considered this matter.

[Adjourned till Wednesday 14th April at 9.00am

## Wednesday 14 April 2021

### Members present:

Mr James Sunderland, in the Chair

Stuart Anderson

Tonia Antoniazzi

Dan Carden

Miss Sarah Dines

Leo Docherty

Darren Henry

Mrs Sharon Hodgson

Richard Holden

Rt Hon Kevan Jones

Jack Lopresti

Johnny Mercer

Stephen Morgan

Mrs Heather Wheeler

### Evidence reported for publication

*Ordered*, That the following written evidence be reported to the House for publication:

Forces in Mind Trust (AFB0032)

Ministry of Defence (AFB0033)

## Armed Forces Bill

The Committee considered this matter.

Draft Special Report (Armed Forces Bill), proposed by the Chair, brought up and read.

*Ordered*, That the draft Special Report be read a second time, paragraph by paragraph.

Paragraphs 1 – 86 read and agreed to.

Annex agreed to.

Summary agreed to.

*Resolved*, That the Report be the Special Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

*Ordered*, That the Armed Forces Bill, without amendment, be reported to the House.

## APPENDIX 1

### Register of Members' Interests

#### **Anderson, Stuart (Wolverhampton South West)**

#### **Other shareholdings, valued at more than £70,000**

Until 18 May 2020, Travel Safety Ltd, a company which provides technology to help companies keep their staff safe while travelling. Until 27 February 2020, my shareholding amounted to more than 15%. (Registered 07 January 2020; updated 13 March 2020 and 20 May 2020)

#### **Miscellaneous**

From 24 January 2020, member of the Wolverhampton Towns Board. This is an unpaid role. (Registered 04 February 2020)

#### **Antoniazzi, Tonia (Gower)**

Nil

**Carden, Dan (Liverpool, Walton)**

Nil

**Dines, Miss Sarah (Derbyshire Dales)**

**Employment and earnings**

Payments from Wollen Michelmore, 15–21 Market Street, Newton Abbot TQ12 2RN, for legal services provided as a barrister:

13 January 2020, received £804.48 plus VAT. Hours: none since my election. (Registered 14 February 2020)

17 February 2020, received £715.38 plus VAT. Hours: none since my election. (Registered 17 February 2020)

20 January 2020, received £2,188.17 plus VAT, from Sternberg Reed Taylor & Gill, Focal House, 12/18 Station Parade, Barking IG11 8D, for legal services provided as a barrister. Hours: none since my election. (Registered 14 February 2020)

20 January 2020, received £216.23 plus VAT from Stephenson's LLP, Unit 3 Brewery Yard, Deva City Office Park, Trinity Way, Salford, Manchester M3 7BB, for legal services provided as a barrister. Hours: none since my election. (Registered 14 February 2020)

12 February 2020, received £1,000 plus VAT from AMZ Law, 449 Edgware Road, London W2 1TH, for legal services provided as a barrister. Hours: none since my election. (Registered 14 February 2020)

2 March 2020, received £2,376 plus VAT from Glaisyers, 10 Rowchester Court, Printing House St, Birmingham B4 6DZ, for legal services provided as a barrister. Hours: none since my election. (Registered 05 March 2020)

2 March 2020, received £2,376 plus VAT from Hutsby Mees Solicitors, 5 6 7a Saint Marys Grove, Stafford ST16 2AT, for legal services provided as a barrister. Hours: none since my election. (Registered 05 March 2020)

Payments from Brendan Fleming Solicitors of 165 Newhall Street, St Paul's Square, Birmingham B3 1SW, for legal services provided as a barrister:

15 April 2020, received £19,942.22 plus VAT. Hours: none since my election. (Registered 01 June 2020)

7 September 2020, received £28,922.18 plus VAT. Hours: none since my election. (Registered 28 September 2020)

9 September 2020, received £581.25 plus VAT from Setfords Solicitors, Jenner House, 1A Jenner Road, Guildford GU1 3PH, for legal services provided as a barrister. Hours: none since my election. (Registered 28 September 2020)

**Land and property portfolio: (i) value over £100,000 and/or (ii) giving rental income of over £10,000 a year**

Farmland in Essex: (i) and (ii). (Registered 10 January 2020) Three houses in Essex: (i) and (ii). (Registered 10 January 2020) A house in Sussex: (i) and (ii). (Registered 10 January 2020)

A house in London: (i) and (ii). (Registered 10 January 2020)

A commercial property (office accommodation) in Essex: (i) and (ii). (Registered 10 January 2020)

**Docherty, Leo (Aldershot)**

**Land and property portfolio: (i) value over £100,000 and/or (ii) giving rental income of over £10,000 a year**

Flat in Edinburgh: (i). (Registered 03 July 2017)

From 16 August 2019 until 17 August 2020, a cottage in Oxfordshire owned jointly with my wife: (i) and (ii). (Registered 04 September 2019; updated 16 October 2020)

**Docherty-Hughes, Martin (West Dunbartonshire)**

Nil

**Henry, Darren (Broxtowe)**

**Gifts, benefits and hospitality from UK sources**

Name of donor: KB Packaging

Address of donor: Merlin Way, Quarry Hill Industrial Estate, Ilkeston, Derbyshire DE7 4RH

Amount of donation or nature and value if donation in kind: From October 2019 to March 2020, £475 a month towards my rent in my constituency; £2,850 in total

Date received: 29 October 2019 - 29 March 2020

Date accepted: 29 October 2019

Donor status: company, registration 02071209 (Registered 10 January 2020; updated 03 February 2020)

## **Miscellaneous**

From 17 January 2020, member of the Stapleford Town Board. This is an unpaid role. (Registered 29 January 2020)

### **Hodgson, Mrs Sharon (Washington and Sunderland West)**

#### **Family members employed and paid from parliamentary expenses**

I employ my husband, Alan Hodgson, as Office Manager.

### **Holden, Mr Richard (North West Durham)**

#### **Support linked to an MP but received by a local party organisation or indirectly via a central party organisation**

Name of donor: Carlton Club Political Committee

Address of donor: 69 St. James's Street, London SW1A 1PJ

Amount of donation or nature and value if donation in kind: £2,500

Donor status: unincorporated association

(Registered 07 September 2020)

Name of donor: The Fat Badger Public House

Address of donor: Cold Bath Rd, Harrogate HG2 ONF

Amount of donation or nature and value if donation in kind: £9,000

Donor status: company, registration 09962436

(Registered 01 October 2020)

#### **Shareholdings: over 15% of issued share capital**

Bowland Communications Limited. (Registered 09 January 2020)

### **Jones, Mr Kevan (North Durham)**

## **Miscellaneous**

I am an unremunerated director of NE First Credit Union (previously the Prince Bishop Community Bank), a non-profit making credit union. I spend about an hour per month attending Board meetings. (Registered 05 October 2012; updated 19 July 2018)

From April 2018, Trustee (unpaid) of the Commonwealth War Graves Foundation, a charitable foundation that highlights the work of the Commonwealth War Graves Commission. (Registered 26 July 2018; updated 10 January 2020)

From 11 February 2020, an Hon. Vice President of the Society of Maritime Industries, a non-profit company. This is an unremunerated post.  
(Registered 13 February 2020)

**Lopresti, Jack (Filton and Bradley Stoke)**

**Miscellaneous**

Name of donor: Kayan Aviation Capital Ltd

Address of donor: 5th Floor, One New Change, London EC4M 9AF

Amount of donation or nature and value if donation in kind: £750

Date received: 24 December 2020

Date accepted: 24 December 2020

Donor status: company, registration 11196033

Name of donor: Kayan Aviation Capital Ltd

Address of donor: 5th Floor, One New Change, London EC4M 9AF

Amount of donation or nature and value if donation in kind: £750

Date received: 29 December 2020

Date accepted: 29 December 2020

Donor status: company, registration 11196033

**Mercer, Johnny (Plymouth, Moor View)**

**Shareholdings: over 15% of issued share capital**

From 9 November 2018, Mercer Consulting Associates Ltd (not trading).  
(Registered 17 September 2019)

**Family members employed and paid from parliamentary expenses**

I employ my wife, Felicity Cornelius-Mercer, as Principal Secretary.  
(Registered 02 June 2015; updated 28 April 2016 and 24 April 2018)

**Monaghan, Carol (Glasgow North West)**

**Visits outside the UK**

Name of donor: Satellite Applications Catapult Ltd

Address of donor: Electron Building, Fermi Avenue, Didcot OX11 0QR

Estimate of the probable value (or amount of any donation): Flights, accommodation and transport in USA, total value £6,600

Destination of visit: Denver, Colorado and Florida, USA Dates of visit: 3–7 February 2020

Purpose of visit: To experience the launch of Solar Orbiter and advance MPs' understanding of the USA's space programme and UK space policy topics. Also to visit NASA, US Space Force and UK space companies' US operations.

(Registered 19 February 2020)

**Land and property portfolio: (i) value over £100,000 and/or (ii) giving rental income of over £10,000 a year**

From 18 November 2019, owned jointly with my spouse, a house in Comhairle nan Eilean Siar: (i). (Registered 19 December 2019)

**Morgan, Stephen (Portsmouth South)**

**Employment and earnings**

Councillor and Labour Group Leader, Portsmouth City Council, Civic Offices, Guildhall Walk, Portsmouth PO1 2AL. From April 2019 until further notice, I receive a monthly allowance of £1,210.67 (£1,175.79 from April 2018 to March 2019). Hours: 25–40 hrs per month (5–10 hrs a week). The allowance is given to local voluntary and charitable organisations. (Registered 06 July 2017; updated 16 January 2018 and 08 October 2019)

**Visits outside the UK**

Name of donor: Satellite Applications Catapult Ltd

Address of donor: Electron Building, Fermi Avenue, Didcot OX11 0QR

Estimate of the probable value (or amount of any donation): Flights, accommodation and transport in USA, total value £6,600

Destination of visit: Denver, Colorado and Florida, USA

Dates of visit: 3–8 February 2020 Purpose of visit: To experience the launch of Solar

Orbiter and advance MPs' understanding of the USA's space programme and UK space policy topics. Also to visit NASA, US Space Force and UK space companies' US operations. (Registered 14 February 2020)

**Sunderland, James (Bracknell)**

**Land and property portfolio: (i) value over £100,000 and/or (ii) giving rental income of over £10,000 a year**

Shop with flat in Hampshire, co-owned with my wife: (i) and (ii). Before 5 August 2020, rental income was only received from the flat. (Registered 09 January 2020; updated 28 September 2020)

**Shareholdings: over 15% of issued share capital**

Until 31 December 2019, Selborne Stores. (Registered 09 January 2020; updated 28 September 2020)

**Other shareholdings, valued at more than £70,000**

Lloyds Bank plc, shares co-owned with my wife. (Registered 09 January 2020)

**Miscellaneous**

On 16 April 2020, I secured a donation from Dell of fifteen laptops for the Citizens Advice Bureau in Bracknell. (Registered 11 May 2020)

On 30 April 2020, I secured a donation from Hewlett Packard Enterprise of fifteen laptops for the Citizens Advice Bureau in Bracknell. (Registered 11 May 2020)

**Wheeler, Mrs Heather (South Derbyshire)**

**Land and property portfolio: (i) value over £100,000 and/or (ii) giving rental income of over £10,000 a year**

Holiday cottage in France: (i). (Registered 14 November 2012)

# Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

## Thursday 04 March 2021

**General (ret'd) Sir John McColl**, Chair, Confederation of Service Charities; **Laura Pett**, Head of Public Affairs and Campaigns, The Royal British Legion; **Ted Arnold**, Senior Public Affairs and Policy Manager, Help for Heroes

[Q1-20](#)

**Anna Wright**, Chief Executive Officer, Naval Families Federation; **Collette Musgrave**, Chief Executive Officer, Army Families Federation; **Maria Lyle**, Director, Royal Air Force Families Federation

[Q21-42](#)

**Colonel (ret'd) John Rollins**, Chief Executive Officer, Reserve Forces and Cadets Association for Northern Ireland; **Canon Peter Bruinvels CC**, Armed Forces Champion and Civilian-Military Liaison Adviser, Kent and Surrey County Councils

[Q43-51](#)

## Wednesday 10 March 2021

**Cllr Ian Hudspeth**, Chair of Community Wellbeing Board, Local Government Association (LGA); **Cllr Maureen Webber**, Community Safety Spokesperson, Welsh Local Government Association; **Mike Callaghan**, National Policy Manager, Convention of Scottish Local Authorities (COSLA)

[Q52-89](#)

**Michael King**, Local Government and Social Care Ombudsman

[Q90-103](#)

## Thursday 11 March 2021

**His Honour Shaun Lyons CBE**; **Professor Sir Jon Murphy**, Professor of Advanced Policing Studies, Liverpool John Moores University

[Q104-132](#)

**His Honour Jeff Blackett**, former Judge Advocate General

[Q133-151](#)

**His Honour Judge Alan Large**, Judge Advocate General; **Jonathan Rees QC**, Director of Service Prosecutions

[Q152-167](#)

## Wednesday 17 March 2021

**Nicola Williams (Former Service Complaints Ombudsman)** [Q168-183](#)

**Emma Norton**, Founder, Centre for Military Justice (CMJ); **Dame Vera Baird DBE QC, Victims Commissioner**; **Mr Tony Wright**, CEO, Forward Assist [Q184-199](#)

**Caroline Paige**, Joint Chief Executive, Fighting with Pride; **Craig Jones**, Joint Chief Executive, Fighting with Pride; **David McMullen, Citizenship 4 Soldiers; Lieutenant Colonel (retd) Diane Allen OBE** [Q200-215](#)

## Thursday 18 March 2021

**Professor Catherine Kinane**, Medical Director, Combat Stress; **Dr Felix Davies**, Operations Director, Combat Stress; **Air-Vice Marshal (retd) Ray Lock CBE**, Chief Executive, Forces in Mind Trust [Q216-234](#)

**David Brewer**, Chief Operating Officer, Defence Infrastructure Organisation; **Tim Redfern**, Managing Director, Amey Defence Service [Q235-258](#)

**Hannah Blythyn MS**, Deputy Minister for Housing and Local Government, Welsh Government; **Graeme Dey MSP**, Minister for Parliamentary Business and Veterans, Scottish Government [Q259-288](#)

## Wednesday 24 March 2021

**Nadine Dorries MP**, Minister of State, Department of Health and Social Care; **William Vineall**, Director and Chair of the Armed Forces Partnership Board, Department of Health and Social Care; **Kate Davies CBE**, Director of Health and Justice, Armed Forces and Sexual Assault Referral Centres, NHS England; **Professor Jason Leitch**, National Clinical Director, Scottish Government; **Dr Fiona Jenkins**, Veterans Lead and Executive Director for Therapies and Health Science, Cardiff and Vale University Health Board; **Dr Jonathan Leach**, Armed Forces Clinical Lead, NHS England [Q289-311](#)

**Lieutenant General James Swift**, Chief of Defence People, Ministry of Defence; **Helen Helliwell**, Director Armed Forces People Policy, Ministry of Defence; **Caron Tassel**, Head People Secretariat, Ministry of Defence; **David Howarth**, Head Service

Complaints and Justice Transformation, Ministry of Defence; **Ben Bridge**, Deputy Director, Command, Discipline and Constitutional Law team, Ministry of Defence Legal Advisers

[Q312-340](#)

**Johnny Mercer MP, Minister for Defence People and Veterans**, Minister for Defence People and Veterans, Ministry of Defence, Ministry of Defence and Minister for Veterans' Affairs, Cabinet Office; **Damian Paterson**, Deputy Director, Office for Veterans' Affairs

[Q341-378](#)

## Parliamentary Debates

The Committee considered the Bill formally on the following dates. The Official Reports can be viewed on the [publications page](#) of the Armed Forces Bill website.

[Thursday 25 March 2021](#)

[Wednesday 31 March 2021](#)

# Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

AFB numbers are generated by the evidence processing system and so may not be complete.

- 1 Army Families Federation ([AFB0007](#))
- 2 BMA (British Medical Association) ([AFB0029](#))
- 3 Bruinvels CC, Canon Peter (Armed Forces Champion and Civilian-Military Liaison Adviser, Kent and Surrey County Councils) ([AFB0016](#))
- 4 Child Rights International Network (CRIN) ([AFB0010](#))
- 5 Convention of Scottish Local Authorities (COSLA) ([AFB0028](#))
- 6 Crown Prosecution Service and Service Prosecuting Authority ([AFB0004](#))
- 7 Forces Watch ([AFB0030](#))
- 8 Forward Assist ([AFB0005](#))
- 9 Help for Heroes ([AFB0025](#))
- 10 Local Government Association ([AFB0003](#))
- 11 Local Government and Social Care Ombudsman (LGSCO) ([AFB0009](#))
- 12 Lock, Air-Vice Marshal Ray (Chief Executive, Forces in Mind Trust) ([AFB0032](#))
- 13 McColl, General Sir John (Chairman, Cobseo) ([AFB0001](#))
- 14 Mckenna, Dr Alan ([AFB0024](#))
- 15 Ministry of Defence ([AFB0033](#))
- 16 Moorhead, Dr Justin (Lecturer in Criminal Justice , Liverpool John Moores University); and Lightowlers, Dr Carly (Senior Lecturer , Liverpool University) ([AFB0021](#))
- 17 Naval Families Federation ([AFB0020](#))
- 18 Quakers in Britain ([AFB0014](#))
- 19 RAF Families Federation ([AFB0013](#))
- 20 Royal Caledonian Education Trust ([AFB0023](#))
- 21 SCOAF (Service Complaints Ombudsman for the Armed Forces) ([AFB0011](#))
- 22 SSAFA, the Armed Forces charity ([AFB0008](#))
- 23 Scottish Veterans Commissioner ([AFB0017](#))

- 24 Service Children’s Progression Alliance ([AFB0006](#))
- 25 The Centre for Military Justice ([AFB0022](#))
- 26 The Royal British Legion ([AFB0027](#))
- 27 Together (Scottish Alliance for Children’s Rights) ([AFB0018](#))
- 28 Tom Harrison House ([AFB0012](#))
- 29 Veterans Commissioner for Northern Ireland ([AFB0026](#))
- 30 WLGA ([AFB0015](#))