

Written evidence submitted by the Ministry of Defence
Follow up answers to HCDG Evidence Session on Work of the Chief of Defence Staff, 7 July
2020

1. Further information on the new "integrated operating concept" and "future operating concept" (including whether there will be a publicly available version) (Q1 and Q35)

As part of the work on the Integrated Review, the MOD has developed an Integrated Operating Concept for 2025 and beyond (IOpC 25) which sets a new paradigm of modern deterrence. CDS launched the IOpC 25 on 30 September, together with a public-facing document. The Future Operating Concept is less mature, but when fully developed it will describe how the Armed Forces will be employed in the 2030s.

2. Further information on an "integrated force as distinct from a joint force for 2030" (Q35)

In positing an 'integrated force', we are responding to a recognition that 'joint' is no longer enough. We must be better integrated across government, with our allies and across the five domains (maritime, land, air, space, and cyber and electromagnetic) and three levels of warfare (strategic, operational and tactical) to counter the threat posed by adversaries adept at integrating all the state levers of power, and to protect our interests and national advantage. We will continue to refine the detail around phrases such as 'integrated force' as the accompanying conceptual framework matures.

3. Progress on the implementation of "net assessment" in Defence (Q39)

The Government is committed to putting a rigorous assessment of the threats we face and the changing balance of advantage at the heart of its decision making.

Strategic Net Assessment (SNA) is designed to assess the MOD's ability to maintain its competitive advantage in the future strategic environment. It is about the diagnosis of a future strategic issue, not its prescription (this will be addressed by other parts of the MOD's strategic planning organisation). Its work naturally focuses on the defence and military implications of strategic problems, but it will take account of the full range of national levers of power, and through wide use of external expertise offer a strategic diagnostic approach that is unique in UK government.

We are building on the work to date to establish an SNA in the MOD by incorporating it into a new assessment, analysis and challenge area in the MOD's Strategy Directorate. This unit will support Defence Ministers by offering alternative perspectives informed by a combination of thorough analysis, including Net Assessment, and policy and strategy expertise.

4. Clarification of the oversight arrangements for the Integrated Review (Qq43-47)

The Integrated Review is being led by the Prime Minister, supported by a cross-Whitehall team in the Cabinet Office and a small team in Downing Street. Departments across Whitehall are contributing to the IR and decisions will ultimately be made by the National Security Council, which the Prime Minister chairs.

The Government announced on 21 October that it will conduct a one-year Spending Review for 2021-22. The implications of that decision for the Integrated Review are currently being considered, and the Government will provide an update to Parliament once these have been decided.

The Defence Secretary is responsible for the MOD's IR proposition. He and his ministerial team have been heavily involved in the process and will remain so throughout. At an official level, the Strategy Director is the Senior Responsible Owner, working in collaboration with numerous stakeholders including the Chiefs and reporting to a Review Small Group that is chaired by the Permanent Secretary.

5. Further information on the "initiatives that will get after the leadership culture" (Q75)

Recognising that diversity and inclusion are not just morally right but mission critical for the successful delivery of defence, urgent actions are being taken forward with a number of initiatives delivering this year. To lead this work, the MOD has significantly expanded the Diversity and Inclusion team.

The Defence People Team are already delivering a number of initiatives that will deliver this year. This includes:

- Through use of the Leadership in Action programme, we are reinforcing the existing Civilian leadership objective supporting both short and long term Diversity and Inclusions activities. DS Sec will be writing out to the Military on the importance placed on the mandatory Diversity and Inclusion objective in annual reports;
- As part of the MOD work for the Year of Inclusion, we have signed up to the Women in Defence Charter;
- A review of the staff networks to be completed by the end of this year. These networks provide support for members but also bring the lived experience of staff with protected characteristics into policy making and launching of new initiatives; they are vital to ensure we fully understand the impact of our work. This review will allow me to provide reassurance they are correctly supported and that best practice is shared, with staff time devoted to these networks used effectively;
- The MOD Senior leadership already have access to reverse mentoring; this is being expanded. Following publicising the networks, more staff having recently joined, enabling even more of our leaders' insight of the lived experience of staff with protected characteristics;
- We are expanding the recruitment of Allies. This will mean we have more staff trained and publicly supporting staff with protected characteristics. These visible supporters bolster other initiatives, to demonstrate to staff across the department that they are supported and that there is help available to them. Allies provide visible leadership and have made a personable commitment to assist in driving change in Defence;
- The Line Management in Defence programme is being redesigned as a virtual programme. During this process we will ensure the content is aligned with the Wigston Principles. The MOD's new early talent programme will now be available at all locations with the pilot cohort launching in January 2021, and significant work is already underway to support this launch;
- Diversity and Inclusion must be delivered through Defence and is not just an activity for the centre. All MOD Front Line Commands, Top Level Budgets and Arms Length Bodies will have published a diversity and inclusion action plan by September 2020 and will be held accountable for its delivery.

6. Further information on Danuta Gray's review of the Wigston report (including terms of reference, timescale, to whom it reports, how it will be taken forward and whether it will be made public) (Qq76-77)

Danuta Gray began the review on 15 July 2020. Terms of reference are enclosed at Annex A. The review assessed progress made against the recommendations in the single Services, UK Strategic Command and Head Office. The review has been submitted to the Secretary of State who will

determine how it should be taken forwards. The findings of the review will be published in due course.

7. Data on complaints made by those aged 15 to 18 (Q78)

The Department's answer to this question was already provided in answer to PQ07847 on 14 July 2020 by the Minister for Defence People and Veterans. The answer has been repeated below for convenience:

The Service Complaints (SC) procedure exists to provide recourse to members of the Armed Forces (or those who are subject to Service Law) who are aggrieved due to the actions of either individuals, or the Service as a whole. SCs can cover a range of issues, from allowances and promotions to bullying and harassment. I can confirm to the honourable member that in this calendar year (1 Jan 2020 to date), less than five Service Complaints (SCs) have been received from Service Personnel aged 16–18. As 16 is the lowest age a person can join the UK Armed Forces, there were no SCs from those aged 15. Due to the figure being less than five (this has been rounded to comply with data protection), the outcomes cannot be given in order to protect the identities of those concerned.

8. Further information on the proposed "six-year long-stop" for veterans and serving personnel bringing civil claims (Qq92-94)

The Overseas Operations (Service Personnel and Veterans) Bill introduces six-year limitation longstops for personal injury and/or death claims, and for claims under the Human Rights Act 1998, in respect of overseas military operations.

The six-year time limit for certain tort claims recognises the uniquely challenging context of overseas operations, and will bring the time limit for death and personal injury claims into line with other tort claims, for example assault and false imprisonment. The time limit for bringing claims under the Human Rights Act has been aligned with the time limit for death and personal injury claims for consistency.

In *Stubbings v UK*, a judgment that has been repeatedly confirmed, the European Court of Human Rights upheld an absolute six-year limitation period. The court noted the need in civil litigation for limitation periods because they ensure legal certainty and finality, the avoidance of stale claims, and prevent injustice where adjudicating upon events in the distant past involve unreliable and incomplete evidence because of the passage of time.

Six years is considered to be a reasonable timeframe for claimants to gather the necessary evidence to bring a claim; beyond this point, witnesses' recollections can fade, making it difficult for the claimant to pursue a claim and for the defendant properly to defend the claim. The six-year time limit will mean witnesses, in particular service personnel and veterans, will not be expected to give evidence in relation to incidents that happened a long time ago. By introducing absolute longstops, we can provide our service personnel and veterans with certainty that the MOD will not be calling upon them indefinitely to give evidence about incidents during historical overseas operations.

The Bill does not change how the time limit is calculated. The time limit will still be calculated from either the date of the incident, or from the date of knowledge. This means that for conditions like PTSD that may not be diagnosed until much later, the six years would start from the date of diagnosis. In the event of a late diagnosis, Service personnel and veterans will be able to bring claims against the MOD even if it is more than six years from the date of the incident. Service personnel and veterans also benefit from the Armed Forces Compensation Scheme, which has a 7-year time limit for bringing claims.

ANNEX A

TERMS OF REFERENCE FOR ONE YEAR ON REVIEW OF IMPLEMENTATION OF WIGSTON REVIEW

Introduction

1. The Wigston Review into Inappropriate Behaviour was published by the then Secretary of State for Defence on 15 July 2019, and its recommendations accepted in full. The current Secretary of State has directed that a review take place of the progress that has been made by Defence (defined for this purpose as Head Office and the single Services) in implementing the recommendations.

Detail

2. The Review will be led by Danuta Gray, Chair of MOD's People Committee. Secretariat support will be provided by Elizabeth Cameron of the Wigston Review Implementation Team. The review will begin on 15 July 2020 and complete on [15 October 2020].

3. The intention of the Wigston Review was to enable and energise Defence to put in place the measures that are needed to bear down on inappropriate behaviour, to reduce the amount of inappropriate behaviour that occurs and to make it easier for individuals to come forward when it does. This can only be achieved through a change in the culture of Defence, and the Wigston report estimated that it would take 5-10 years of concerted activity to make a measurable difference.

4. It would be unrealistic therefore to expect to see changes in the culture after 1 year. Nevertheless, Ministers need to know whether an acceptable start has been made, in order to be able to direct greater effort or a change of direction if necessary.

5. The Review will therefore examine the progress that has been made by Head Office and the single Services in implementing each of the recommendations. This will identify which recommendations have been:

- Implemented
- Not yet implemented but in progress, or plans agreed
- Not implemented

6. The Wigston Report recognised that its work had been conducted at pace and without the benefit of the full range of evidence that would have been available in a longer exercise, and that further work may reinforce or reveal contrasting interpretations of the evidence. The Review should therefore consider whether Defence has found this to be the case, and whether it believes that the intentions of the Wigston Report could be achieved in different ways.

7. It is recognised that covid-19 emerged as a major pandemic health crisis during the implementation period, and that with the agreement of Ministers implementation was paused from 23 March to the beginning of June to enable the single Services to focus on support to the civil community. Although being conducted one year on, the review therefore covers less than 12 months of activity.

Stakeholders

8. The leader of the Review will be free to interview whichever members of Defence she chooses, but because the intent of the Wigston report was to change culture, and because culture change needs to be led from the top, the review is expected to interview at least the Chief of Defence Staff,

Permanent Secretary, single Service Chiefs of Staff, Vice Chief of Defence Staff, Chief of Defence People and Civilian HR Director.

Final Report

9. The report is to be submitted to the Secretary of State for Defence by 15 October 2020. It is intended that the report will be published in the public domain.