

## Written evidence submitted by the Ministry of Defence

*Letter from Johnny Mercer MP, Parliamentary Under-Secretary and Minister for Defence People and Veterans*

In line with the commitment made in our response to the Committee's report, *The Work of the Service Complaints Commissioner for the Armed Forces*, it was agreed that we would engage with the Committee on the recruitment of any successors. I wrote to you on 22 July 2020 to consult with the Committee on person and role specification, timeline for recruitment activity and the recruitment strategy for the position.

As you will be aware, the Committee is required to hold a pre-appointment hearing with the selected candidate, the hearing in this case is scheduled to take place on 1 December 2020. I now write to you to inform you that the candidate I have selected to be appointed as the next SCO and therefore appear before the Committee is Mariette Hughes. I attach a copy of the candidate's CV and information about the campaign for your reference.

Once the Committee has held the pre-appointment hearing and produced their subsequent report addressing the candidate's suitability to conduct the role, the Palace will be approached for HM The Queen's approval of the appointment.

13 November 2020

## ATTACHMENTS

### **Mariette Hughes CV**

Strategic, motivated and dynamic leader, with excellent analytical skills. Experienced in leading from the front with high visibility and credibility. Proven track record in driving delivery and improvement at individual, team, department and organisational level. Confident leader, able to communicate effectively at all levels.

### **Professional experience**

#### Legal Ombudsman

Interim Chief Ombudsman [September 2020 onwards]

Director of Operations (Interim) [July 2020 onwards]

#### *Duties/responsibilities:*

- Provide strategic oversight and leadership to the organisation;
- Lead on and be accountable for the delivery of the organisation's business plans and KPI's and provide full assurance to the Chair and the OLC Board;
- Ensure all decisions made by the organisation, whether corporate or scheme related are open, fair, independent and based on clear evidence and compliant with policy and procedure;
- Manage significant budget and expenditure, and ensuring principles of managing public money are followed;
- Make final and binding decisions on complex legal complaints, and

- Line manage a number of multi-disciplinary teams including Operational Delivery, Transformation, L&D and Research, and External Affairs.

Head of External Affairs, Service Policy & Impact [March 2018 – present]

*Duties/responsibilities:*

- Lead schedule of external engagements, taking responsibility for increasing external confidence in the organisation;
- Analyse themes and trends and drive improvements to performance, incorporating professional delivery and quality of service;
- Make service policy decisions affecting the delivery of the Legal Ombudsman scheme;
- Lead on stakeholder engagement and feeding back to service providers; and
- Influence and drive the transformation agenda, considering developments to structures, processes and guidance.

Ombudsman [September 2016 – March 2018]

*Duties/responsibilities:*

- Issue legally binding, accurate and logical written decisions in the context of complaints about legal service providers;
- Provide training, support and mentoring to other members of staff;
- Provide support in specialised areas of legal knowledge;
- Write, publish and update internal guidance, and Support the organisation in performing to agreed KPIs.

Investigator [September 2014 – September 2016]

*Duties/responsibilities:*

- Negotiate informal resolutions where possible, both in writing and verbally;
- Write Preliminary Decisions to clearly demonstrate the conclusions reached through analysis of the evidence, and
- Provide an independent and fair service to all stakeholders.

Chubb Fire & Security

Engineer Support [July 2011 – September 2014]

*Duties/responsibilities:*

- Provide constructive and direct feedback to the engineering workforce;
- Assist with the resolution of customer disputes through negotiation;
- Ensure team meets deadlines and completes all work to a high standard, and
- Process all paperwork in line with set timescales and processes.

**Qualifications and training**

- Conversations with Impact, Gambling Commission training course (December 2017)
- Introducing Leasehold Conveyancing [Residential Leases], CPD course BPP University (February 2017)
- Introducing Residential Conveyancing, CPD course BPP University (February 2017)
- Aspiring Leaders, Legal Ombudsman training course (April 2016)
- NVQ Business Administration, Level 2 (March 2013)

**Education**

2009 BA (Hons) Modern Languages, 2:1 - University of Durham

2004 A levels: French (A), Maths (B), German (B), General Studies (A), Latin (A – AS level) - King Edwards VI Camp Hill Girls Sixth Form

**Interests**

Keen American football player, representing Great Britain and Birmingham Lions (national champions).

**References** – Available on request.

**Service Complaints Ombudsman – Declaration of Interests**

**Conflicts of Interests**

Do you have any business or personal interests that might be relevant to the work of the body/bodies for which you have applied and which could lead to a real or perceived conflict of interests were you to be appointed? (Failure to disclose such information could result in an appointment being terminated.)

Yes:

No: ✓

If yes, please give details:

**Political Activity**

In the last five years, have you been employed by a political party, held a significant office in a party, stood as a candidate for a party in an election, publicly spoken on behalf of a political party, or made significant donations or loans to a party?

Yes:

No: ✓

If yes, please give details:

**Other Ministerial Appointments held**

Do you currently hold any appointments made by or on behalf of Ministers?

Yes:

No: ✓

If yes, please provide the information below:

*Body, period of appointment, payments received, government dept*

n/a

**Declaration**

I confirm that to the best of my knowledge and belief, the information given in this form is complete and correct. I understand that if I am appointed and the information, I have provided is subsequently found to be untrue then my tenure of office may be terminated.

I understand that my application will be considered for membership of the NDPB, without commitment and agree to the NDPB and Ministry of Defence holding information about my application electronically, within the terms of the Data Protection Acts of 1984 and 1998.

I understand that if appointed, details of my membership of the NDPB will be published.

Signature: Mariette Hughes Date: 25 August 2020

### **Service Complaints Ombudsman Job Description and Criteria**

The Service Complaints Ombudsman (SCO) provides independent and impartial oversight of the handling of the Service Complaints system for UK Armed Forces. The Ombudsman achieves this through three main functions:

- Helping Service personnel access the complaints system;
- Investigating, including the reviewing decisions of admissibility;
- Reporting to Parliament

The SCO is a statutory Crown appointment made on the recommendation of the Secretary of States for Defence. It is one of the department's most significant public appointments and is subject to pre-appointment hearing before the House of Commons' Defence Select Committee (HCDC).

We are looking to appoint a confident and dynamic individual who has a real interest in supporting our Service Personnel through the effective oversight of their complaints system.

The key responsibilities of the role are to:

- provide strategic direction, for the Office of the SCO;
- provide independent and impartial oversight of the handling of the Services Complaints system;
- undertake public facing representation as the Ombudsman for the Service Complaints system;
- engage with senior stakeholders in the Armed Forces on a strategic level, and to undertake engagement visits both in the UK and overseas with members of the Armed Forces community to raise awareness of the role of Ombudsman and the Service Complaints system;
- act as first point of contact for those who feel unable to make their complaint through the chain of command;
- review decisions made by the Specified Officer to not accept a complaint or the appeal of a complaint (review of admissibility);
- investigate allegations of alleged undue delay in a Service matter or Service Complaint;
- investigate allegations of alleged maladministration at the conclusion of the Service Complaints process;
- investigate the substance of Service Complaints that have been finally determined where the Complainant does not agree with the outcome;
- report to Parliament via the Secretary of Defence each calendar year on how the Service Complaints system is operating and whether it is efficient, effective and fair; and,
- make recommendations to the Ministry of Defence for the improvement of the Service Complaints system.

Candidates must demonstrate all of the following essential criteria.

**Essential criteria:**

- Excellent oral communication and inter-personal skills with an ability to communicate effectively with people at all levels including Ministers, the most junior to the most senior of those serving in the Armed Forces and other interested parties, such as MPs, the House of Commons Defence Committee, Service charities and families.
- Excellent analytical skills with an ability to examine complex and detailed information and make sound, evidence-based judgements and recommendations.
- Excellent written communication skills with ability to produce reports which include evidence-based recommendations.

**Desirable criteria:**

- Proven ability to work in an environment of close parliamentary, media and public scrutiny.
- Previous ability of working within and/or management of a grievance related environment.
- Additional proven ability of financial accountability linked to management of a budget.
- Previous experience of working within a legal environment or a role with a legislative background.

The successful candidate must abide by the Seven Principles of Public Life and the Code of Conduct for Board Members.

**Eligibility**

The position of the SCO is independent of the Ministry of Defence. The Armed Forces Act 2006 states that the incumbent cannot be a serving member of the regular or reserve Armed Forces or employed in the Civil Service (section 365B(3)). This means that those with recent Armed Forces or Civil Service experience are also unlikely to be eligible. If you have any questions about your eligibility, please contact Defence Business Services in the first instance.

**Location**

The Office of the SCO is currently located in a non-MOD establishment in central London. This is under review due to end of the tenancy agreement in March 2021; but the office is very likely to be based in central London.

**Appointment**

Recruitment will be conducted in accordance with Cabinet Office's 2016 Governance Code on Public Appointments and regulated by the Commissioner for Public Appointments. The appointment will be for a term of five years which is non-renewable.

**Time Commitment**

The role is full time, equivalent to 5 days per week. The exact number of hours each week may vary according to caseload.

**Remuneration**

Remuneration will be at £130,000 per year.

### **Expenses**

Travel expenses and subsistence will be paid when travel is required as part of the role in line with MOD guidance.

### **Induction Programme**

The successful candidate will be appointed as SCO with effect from 1 January 2021. They will need to be available from that date, with earlier availability for a meeting with Secretary of State for Defence (if elected by SofS) and the pre-appointment hearing by the HCDC which will take place on 3 November 2020. The induction programme will aim to familiarise the incumbent with the Armed Forces, the complaints process and the role of the SCO. It will consist of visits to units (within the UK) and introductions to key personnel.

### **Security Clearance**

The successful candidate will be required to pass a Security Clearance and will further be subject to the provisions of the Official Secrets Act. They will be required to exercise care in the use of official information acquired in the course of official duties and not to disclose information which is held in confidence

Due to the nature of the post it is not appropriate for the SCO to occupy paid party-political posts or hold sensitive, senior or prominent positions in any political organisation.

### **Pre-appointment Hearing by House of Commons Defence Select Committee**

Pre-appointment hearings are in public and involve the HCDC taking evidence from the preferred candidate. Questions are likely to focus on professional competence and personal independence. The candidate will receive a briefing on what to expect from the session. Following the pre-appointment hearing, the Committee will normally publish a report setting out their views on the suitability of the candidate and submit to the Secretary of State for Defence. Whilst non-binding, Ministers will consider any relevant comments made by the Committee before deciding whether to proceed with the appointment. The report and candidate's CV may be released into the public domain by the Committee.

**Service Complaints Ombudsman Campaign Information**

|   |  |
|---|--|
| Campaign Launch date  | 4 August 2020  |
| Campaign closing date   | 26 August 2020   |
| Reasons for any delay in the timetable to that originally published | One interview of the shortlisted candidates took place on 7 October 2020 due to candidate availability.<br><br>The HCDC hearing is taking place later than initially intended due to requirement to seek the Prime Ministers approval of the appointment prior to the hearing. |
| Advertising strategy  | Advertised online on the Centre for Public Appointments, Women on Boards and Non-Executive Directors websites.<br><br>Additional paid for online newspaper adverts were placed on The Times, The Guardian, The Independent and The Law Gazette websites.                       |
| Advisory Assessment Panel   | <u>Panel chair</u> : Lt Gen James Swift, Chief of Defence People<br><br><u>Other panel member</u> : Helen Helliwell, Director Armed Forces People Policy<br><br><u>SIPM</u> : Cindy Butts, Independent Panel Member  |
| Number of applicants  | 50   |
| Number of candidates invited to interview                           | 5  |
| Number of candidates found appointable                              | 3  |

**Declared Diversity Data**

Table A – Gender

|          | Male | Female | Identify other way | Not declared |
|----------|------|--------|--------------------|--------------|
| Longlist | 29   | 15     | 0                  | 1            |

Table B – Ethnicity

|          | White | Ethnic minority | Not declared |
|----------|-------|-----------------|--------------|
| Longlist | 33    | 9               | 3            |

Table C – Disability

|          | Disabled | Not-disabled | Not declared |
|----------|----------|--------------|--------------|
| Longlist | 4        | 40           | 1            |

\* Diversity data for the shortlisted candidates has not be included due to the small number of candidates and the requirement to comply with ONS guidance on statistical disclosure control where candidates could be identified.

**Recruitment of SCO – Recruitment Plan**

| Date                             | Action                           | Comments  |
|----------------------------------|----------------------------------|---|
| <b>22 July - 1 Sept - RECESS</b> |                                  |   |
| 27 Jul                           | Launch competition (4 weeks)     | Advert for role launched. Advert also to be launched on: Centre for Public Appointments, Women on Boards and Non-Executive Directors websites [plus national newspapers]                            |
| 26 Aug                           | Advert closes                    | It is at this point where, dependent on the outcome of the recruitment campaign, the current recruitment process will be suspended and the recruitment without competition process will be invoked. |
| 24 – 26 Aug                      | Longlist                         | Longlist of candidates produced from those who submitted an application.  |
| 9 – 11 Sep                       | Short listing                    | AAP to identify candidates to shortlist for interview.  |
| 28 Sep – 2 Oct                   | Interviews                       | AAP to interview shortlisted candidates   |
| 12 Nov                           | HCDC                             | Minister write to the HCDC on the selected appointable candidate  |
| 12 Nov                           | HCDC info                        | Information for hearing to be sent to committee (see pre-appt scrutiny guidance for what it must include) and candidate prepared for the hearing (also covered in guidance)                         |
| 1 Dec                            | HCDC pre-appointment hearing     | HCDC to hold a pre-appointment hearing with the appointable candidate   |
| 3 Dec                            | HCDC issues report               | The HCDC will provide its written report on its findings following pre-appointment hearing with the appointable candidate.  |
| 14 – 22 Dec                      | Announcement of appointment      | Announcement of appointment made on <a href="http://www.gov.uk">www.gov.uk</a> and Cabinet Office Public Appointments' website.   |
| 31 Dec                           | Current incumbent ceases in post |   |
| 1 Jan 2021                       | Appointment commences            | New SCO takes up post   |

***November 2020***