

Anonymous written evidence submission

WOMEN IN THE ARMED FORCES: FROM RECRUITMENT TO CIVILIAN LIFE

References:

1. Joint Service Publication (JSP) 831, Redress of Individual Grievances, Service Complaints
2. Data Protection Act 1998, Data Protection Act 2018, General Data Protection Regulation
3. Joint Service Publication 832, Guide to Service Inquires
4. Health and Safety Executive Letter to the Army, March 2011
5. Joint Service Publication 757, Brief 8, JPA Appraisal, Page 14
6. Joint Service Publication 441, Defence Records Management Policy and Procedures
7. Letters to the Defence Council, June 2019, July 2019
8. Letter to the Chief of Defence People, July 2019
9. Letter from the Chief of Defence People, August 2019
10. Correspondence with staff at the Service Complaints Ombudsman 12/2019 – 02/2020
11. Letter from the Service Complaints Secretariat, March 2020
12. Letter to the Service Complaints Secretariat, May 2020
13. Letter to the Service Complaints Ombudsman, May 2020

My submission to the House of Commons Defence Committee Inquiry is aimed to assist with an overhaul of the current system to make Defence a safer and fairer employer for female personnel of all ranks in a diverse global platform. Details of the incidents submitted in this report and supportive evidence can be produced on request.

In the 1990s, I responded to an Army advert in a professional Journal. I resigned from my NHS position to commence a career in the Armed Forces. I hoped to serve my country and to be able to practice high clinical standards. Raised in a military family, duty, loyalty and service were instilled in my ethos towards humanity and authority.

Race and Sex Discrimination

From my initial interview at recruitment to the involvement of the Service Complaints Commissioner (2008-2015) and her successor the Service Complaints Ombudsman (2016-2020), my journey was

marked by incidents of race and sex discrimination, harassment, data doctoring, data withholding and concealment of injustice.

I can evidence unequivocally that the Army is dismissive of any report and victimises anyone that reports incidents of discrimination, harassment, violence and inappropriate behaviour whether informally or by invoking the Ministry of Defence internal grievance policies.

From direct racial and sexual verbal abuse to intimidation, acts of violence, burning of my uniform and placing live bullets inside my empty weapon following live fire tactical training tests, at times I narrowly survived by sheer luck. I persevered on the naïve belief that a few bad apples do not represent the Ministry of Defence. I endured the journey at times of hell, because I refused to accept that sexism and racism is institutional in our Armed Forces.

My initial response to those incidents was silence followed by informal reporting. Following assault by my senior in the clinical environment where I was treating military patients, my professional duty to protect patients and staff from harm compelled me to submit a service complaint as per the Ministry of Defence internal grievance policies¹. In less than 24 hours and for the next 10 years, my employment grievance was weaponised by the chain of command to destroy my career, health and livelihood.

Service Complaints Commissioner – Lack of Jurisdiction

After several years in office at significant costs to the public purse, the Service Complaints Commissioner conceded in 2015 to her lack of jurisdiction to intervene. Her role was a good samaritan, at best and an ambassador for wasting millions of valuable public funds, at worst.

Service Complaints Ombudsman – Lack of Independence

In 2020, I was able to evidence unequivocally that the Service Complaints Ombudsman lacks independence to deal with delays, maladministration and substance complaints. The Service Complaints Ombudsman consistently under-performing in breaches of Parliamentary legislation and Joint Service Publication¹ for timeliness and procedure; relies entirely on the narrative from the Service Complaints Secretariat to give decisions and recommendations.

With 14-month delays to allocate cases, the Service Complaints Ombudsman includes her own delays in the same investigation of the delays caused by the Army. This creates an immediate conflict of interest. Whilst complainants are expected to comment her report for accuracy within a narrow timeframe and are bound by Joint Service Publications¹, the Service Complaints Ombudsman operates with total impunity.

The Service Complaints Ombudsman fails to exercise her legislative power¹ to seek disclosure of data withheld unlawfully by the Army. Legitimate concerns about the conduct of cases where staff have omitted crucial evidence from the complainant and published incomplete reports in breaches of Data Protection Act 2018² 'rights to restrictions' have been dismissed, leaving Judicial Review as the only avenue to seek redress. Judicial Review is not affordable nor accessible to service personnel and veterans. At Judicial Reviews, the Service Complaints Ombudsman is represented by Defence Legal Services funded by the Ministry of Defence.

Despite relying on public funds, feedback from service personnel is concealed from public view and external scrutiny. The Service Complaints Ombudsman must be aware that her position as a fair, impartial and independent body is untenable.

Absence of Advice & Representation

The Service Complaints Secretariat, the Service Complaints Ombudsman and the chain of command as the respondents have access to 24/7 free legal advice and assistance. Complainants are denied access to independent expert advice unless able to fund this privately. Assisting officers do not have remit to assist outside Joint Service Publication 831 in matters of Service Inquiry³ or data disclosure. The role of the assisting officer is to assist and not advocate¹. Military charities lack expertise and funding to assist with outstanding service complaints.

Implications

As a result of the dysfunctional service complaints system with no safeguarding and independent oversight, I endured over a decade of collateral deceit, denials, attrition, obfuscation and concealment of crucial information. I had to seek several interventions from the Health and Safety Executive⁴ and the Information Commissioner's Office that found the Ministry of Defence in breaches of existing Health and Safety regulations and Data Protection Act.

Medical Data

In attempt to deny my service-related injuries, more than 5 years of crucial medical data including the assault, consultant orthopaedic reports, radiographic scans and diagnostic tests disappeared from the Defence Medical Information Capability Programme. The Information Commissioner's Office found the Ministry of Defence in breaches of Data Protection Act 1998 as the Army conceded to withholding a large volume of the medical data I was entitled to.

Security Vetting Data

In retaliation to my service grievance, all my security vetting data disappeared from the Defence administration system. Army Personnel Centre claimed that I had never previously submitted any vetting application. The Information Commissioner's Office found the Ministry of Defence in breaches of Data Protection Act 1998 on the basis that my previous training at the Royal Military Academy Sandhurst and tens of assignments in the U.K. and overseas required strict compliance with the Ministry of Defence vetting requirement.

Military Account

My password protected military account was accessed without authority and my confidential report was doctored, commented and processed in breaches of Joint Service Publication 757⁵ and Computer Misuse Act 1990. Army Personnel Centre published falsified data on Joint Personnel Administration and claimed that I did this myself. Three telephone calls were made to Joint Personnel Administration Centre in Glasgow to gain unauthorised access to my password protected military account. One telephone call was for password reset. The Army claimed that it was not able to identify the originator of the calls. The British Telecom and the Information Commissioner's Office advised that the Army could. The Service Personnel and Veterans Agency described the incident as 'Daytime Forgery'. My military colleagues referred to the act as 'Treachery towards her Majesty's Armed Forces'.

The Army aborted the Royal Military Police investigations and denied my Subject Access Requests seeking clarification. The service complaint I submitted on advice from officer commanding Royal Military Police was not addressed within the imposed time limitations¹ or at all. The Army failed to

action the Royal Military Police recommendations to Court Martial a key respondent. Following further harassment incidents, the Royal Military Police advised that I must consider serving unaccompanied to protect my family and remain vigilant when showering and being alone. The officer investigating said 'Ma'am, we are all wondering what is going to happen to you next'.

My password protected accounts and personal data were compromised and open to subversion. My position as an officer in the British Army was untenable. As a servant of the Crown with no employment contract, I could not claim constructive dismissal.

Information Commissioner's Office

I had to seek a third intervention from the Information Commissioner's Office who appointed its criminal investigation team to launch a 2-year long investigation, formal interviews and flights to Army Personnel Centre in Glasgow. Their findings supported my service grievances. The investigating officer a former member of the Royal Military Police Special Investigation Branch said, 'until now, we did not know such incidents could happen in the British Army'.

MP and Defence Minister

My MP, wrote to the Defence Minister to seek answers. Their effort was hampered by misinformation from the Army claiming that the long delays were due to having to investigate my service complaints. In reality, forensic evidence was either overlooked or destroyed and key witnesses and I were excluded from all Army's initial investigations in breaches of Joint Service Publication 831¹. The Army refused to disclose crucial information that would lead to criminal prosecution of the perpetrators. Following 4 years of gross maladministration and delays at Level 1, my service complaints were sent to Level 2 without an outcome or a brief. My grievances were held at Level 3 for further 6 years without authority in Queen's regulations. In an unprecedented move, the Army threatened monetary sanctions to coerce me to withdraw the service complaints.

Formal Interviews Director Generals Army Medical Services

I was ordered to command and deliver high clinical output at 3 separate locations with untreated service-related injuries and without an assignment order. This placed me outside the Army's

administration system for all matters of discipline, career management, training, medical treatment, retention and pay. I could not request leave, receive mail, or claim expenses.

At a witnessed interview with former Director General Army Medical Services at Royal Military Academy Sandhurst, the General advised that my journey closely resembled that of a military professional officer who had been labelled 'a Jew from London' as he believed my ethnicity was the cause of the incidents I continued to suffer. The General compared race discrimination in the Army Medical Services to that of 'Hitler' and an 'evil' that he was determined to destroy and asked that I remained in support of his plans. The Army later denied the General's statement. My Subject Access Request seeking copy of the minutes of the formal interview with the General remains outstanding.

At interview with the new Director General Army Medical Services, the General conceded that my case was due to sex discrimination in the Army Medical Services. His plan to resolve my case was hampered by his military assistant publicly conceding that my career was stalled due to my decision to raise grievances. I wrote to the General seeking clarification but was met with silence.

I learnt that victimisation is institutional in the Army.

Impact

Health

The Army Incident Notification Cell and the chain of command failed to action my accident report forms. The Army failed to apply Surgeon General's Policy Letter and Joint Service Publication 375 to identify causation and prevent aggravation of my acute injuries. The Army's failure to carry out timely work place assessments, unreasonable demands, denials, delays and concealment of crucial medical information led to a chronic disability.

I was left with no option but to invoke an investigation by the Health and Safety Executive to expose injustice and safeguard other health care professionals from similar harm.

The Health and Safety Executive informed me that during their investigative visit, the chain of command referred to my injuries as female exclusive and irrelevant compared to war amputees. I learnt from the Health and Safety Executive that the Army did not apply best practice and learn

lessons. This led to other health care professionals suffering similar injury requiring further investigations by the Health and Safety Executive at significant costs to the Ministry of Defence.

Following the Health and Safety Executive investigations, a senior consultant in occupational medicine disclosed written evidence that the Ministry of Defence and my chain of command had been warned about the risks of such injuries to health care professionals in June 2006 and that JSP 375 had been published in 2003.

The Royal Navy medical services logged in my service health records that their electronic medical notes on the impact of the harassment incidents was deleted by unauthorised access. As a result, staff began to make copies of and store my case notes in locked cabinets. A senior consultant advised 'you have been incredibly strong. We know officers who have been broken by a fraction of what you have experienced', 'the stronger you are, the harder they will try to destroy you', 'given your experiences in the Army, do you regret raising concerns?', 'your chain of command have offered to write you a glorious professional reference if you agree to overlook your physical injuries and withdraw your service complaints'.

I replied, 'I cannot sacrifice my duty to prevent harm in exchange for a dishonest proposal. I paid a heavy price with my career and health. If I had my time again, I would raise concerns according to my professional duty, but I would have no hesitation to resign rather than retain in an organisation that rewards dishonesty and conceals injustice'.

The consultant handed me a prescription note that read 'Lawyer'. With no employment contract or redress, I sought assistance from the Royal British Legion that assigned my case to solicitors affiliated to the Legion. My experience was not positive. I did not receive expert advice and assistance in Armed Forces matters and had to self-represent in key areas. I have urged the Legion to scrutinise and introduce a system of feedback for service personnel that find themselves injured or in untenable employment positions and must seek their help.

Employment

Despite postgraduate qualifications, decades of experience and impeccable professional records, the Army medical services denied me timely career interview and employment in a relevant administrative role following my decision to submit a service complaint. Several white male clinicians

without relevant postgraduate qualifications were employed in administrative roles with the same pay and pension prospects.

The Army denied me an occupational health report on the nature of employment, I could undertake as a civilian. I could not attend resettlement due to the gravity of the ongoing harassment incidents, threats of physical violence and lack of resolution to my service complaints.

Transition to civilian life with service-related injuries is complex as potential employers view service related disability as a barrier to employment opportunities. There is widespread stigma associated with disability acquired during service. I was forced to engage with the service complaints process and self-represent for a further decade without welfare support or funding to seek assistance.

Judicial Redress

Despite several invitations by Advisory, Conciliation and Arbitration Services, the Army refused free conciliation and or direct negotiations to resolve my case.

I was unable to seek redress at an Employment Tribunal due to the Defence Council refusing to give determination and disclose crucial information. My case was time-bound and subjected to jurisdiction on matters outside my control.

The Army instructed a civilian barrister to prevent my case from being heard. The barrister was reported to the Court administration for racial slander. He later claimed that 'they (Defence Legal Services)' ordered the doctoring of my confidential report to protect the interests of the Ministry of Defence. His admissions were in stark contrast to signed witness statements by perpetrators claiming that 'they (chain of command)' doctored my confidential report to comply with Army administration. I learnt that the Army is prepared to conceal discrimination and data doctoring with potential criminal intent at any cost.

The Defence Council failing to give determination, the Army refused to consider my service complaints in the High Court and instructed lawyers to coerce me to withdraw them.

Service Inquiry

After denying me from justice and misleading the Defence Minister, the Army Board decided to hold a 10-year delayed Inquiry when the Service Complaints Ombudsman ruled the Army's decade long delays as unjust but failed to also adjudicate on how, when and which body must give determination. The Defence Council refused to delegate the Service Complaints Panel with an independent civilian to determine my case. I was sent back to the same system that caused the initial injustice without directions, a timetable, welfare support, representation or independent oversight.

The Inquiry appointed a senior military lawyer funded by the Ministry of Defence to advise and represent its interests. I was denied the same and expected to deal with the Inquiry alone. I had to borrow £20k to instruct an expert military barrister to attend the Inquiry on my behalf. I was denied key witnesses and information. Crucially the Inquiry ignored my contemporaneous evidence and the findings of fact by the Health and Safety Executive and the Information Commissioner's Office. Contrary to the rule of law on admissible evidence, the Inquiry failed to verify the respondents' retrospective beliefs and purported evidence claimed to be my personal data.

The Army failed to log my service complaints on Joint Personnel Administration system and prevent respondents from meddling with my accounts and personal records as reprisal. At the Inquiry, a key female respondent proven to make deceitful claims, conceded to being given the opportunity to end my career for personal motive. This was akin to the Army offering the gun to the perpetrator to shoot the victim.

The Army Board made significant admissions but failed to explain how for over a decade some senior officers were unable to navigate Joint Service Publication 831¹ to my case without facing any disciplinary sanction. It was too late to seek judicial redress.

Data Withholding

The Service Complaints Secretariat, in breaches of Joint Service Publication 441⁶, has since refused to disclose information that proves beyond doubt key respondents obtained, shared and retained in ungoverned spaces my personal data, by acts of forgery and perjury with criminal intent and that as a result, the Army Board proceedings were flawed.

The Service Complaints Secretariat is refusing to disclose information that would identify the respondent that made unauthorised comments in my confidential report in breaches of Computer Misuse Act 1990.

In response to my Subject Access Requests and the Information Commissioner's Office Investigations, the Army claimed that the personal data I have been requesting was shredded on orders from the Health and Safety Executive 'due to asbestos contamination'. The Health and Safety Executive and key witnesses did not support the Army's claim. When asked to evidence its claim, the Army failed to provide copy of the asbestos incident report forms and the claimed authority from the Health and Safety Executive to shred my data. The Army remains to clarify how the Army Board was able to rely on the same data if it was previously shredded and how the Army was able to shred data that was in audio and not paper format⁷.

In response to the Information Commissioner's Office seeking justification for the lawfulness of its actions, the Service Complaints Secretariat claimed that 'service complaints are legal processes'. I wrote to the Chief of Defence People seeking clarification⁸. The Chief of Defence People rejected the Service Complaints Secretariat's claim⁹.

The Service Complaints Secretariat has found a new loophole to refuse disclosure of data that would lead to criminal prosecution of the perpetrators by applying retrospective Legal Professional Privilege. I understand this strategy is in breaches of Solicitors Regulation Authority code of conduct and the rule of law that prohibits retrospective concealment of criminal acts.

The Service Complaints Ombudsman failed to discharge her legislative power to seek disclosure of data concealed unlawfully by the Army¹. Her investigator dismissed 50 pages of evidence that disproved the Service Complaints Secretariat's narrative. The report and key findings by expert Counsel that attended the Inquiry on my behalf were concealed by the Service Complaints Secretariat and overlooked by the investigator at the Service Complaints Ombudsman, despite my objections¹⁰.

After 4 years of engagement, I learnt that the Service Complaints Ombudsman does not act with integrity, impartiality or independence. The dichotomy between the Service Complaints Ombudsman reporting injustice and her staff concealing the same is apparent here.

The Service Complaints Ombudsman merely asked the Service Complaints Secretariat to apologise for lack of data disclosure despite the absent data rendering her adjudication and the Parliamentary intent redundant. The Service Complaints Secretariat offered a disingenuous apology by repeating claims that were proven to be untrue¹¹.

I wrote to the Service Complaints Secretariat to express grave concerns that:

‘a) The department has a right to an opinion on the narrative of cases but it cannot be based on doctoring, false evidence or withholding information by false pretences’.

‘b) Over several years the department sought to deny accountability for what it claims, even when it was shown to be distorted, misinformed or false beyond reason’.

‘c) When power is enjoyed without respect to the Offer of Service and the Army’s core values, the trust that service personnel and their families place in those that execute the service complaints process is broken beyond repair’.

I requested that the Service Complaints Secretariat apologise for misinformation and disclose the data that I have been requesting since 2012 without further delay¹².

I wrote to the Service Complaints Ombudsman and requested that she investigate how the Army could repeat claims that were proven to be misinformed in order to meet with her recommendations. I sought clarification on how her staff could publish incomplete reports in breaches of Data Protection Act 2018 and General Data Protection Regulations ‘right to restriction’, in the knowledge that their report was misinformed¹³.

The Service Complaints Ombudsman did not respond. I learnt that the Service Complaints Ombudsman is a key contributor to the dysfunctional service complaints system and a risk to the health and welfare of those that must seek her help.

Summary

My experience of the service complaints process revealed a deeply entrenched and deeply flawed patriarchal culture with senior officers lacking the temerity to break ranks and protect lives.

Concealment of injustice is endemic as bystanders choose to turn a blind eye to serious breaches of values rather than risk careers. Professional officers are often told that they are officers first and doctors, dentists and lawyers second to the detriment of victims that rely on their professional standards to do the right thing. Perpetrators of crime are rewarded for their denials and witnesses are regarded as loyal subjects for their silence. In reality, the reputation of Defence is eroded, public funds are wasted and recruitment and retention is adversely impacted due to weakening of public confidence.

Service complaints are a human resource issue. Their independent investigation could protect the Ministry of Defence and its people from harm. Under the current system, Defence mistakenly views service complaints as hostile fire and complainants as enemy target that must be destroyed by strategic warfare at any cost to the public purse.

The Ministry of Defence could protect lives by committing to address all service-related injuries and grievances promptly and informally before the individual's end date of service or within 90 days for death in service. The Defence Legal Services' role is best restricted to advising in matters of Defence in strict compliance with Solicitors Regulation Authority and the Bar Standards Board code of conduct. The Defence Legal Services should be made redundant in all matters related to service complaints unless complainants are granted equal access and funding by the Ministry of Defence. The Royal Military Police and the Special Investigation Branch must be able to operate independent from Defence Legal Services.

The Chief of Defence People could overrule all historical data withheld in matters of service complaints and end decades of injustice. An Armed Forces fully committed to change will make redundant the offices of a Service Complaints Ombudsman and divert millions of valuable public funds towards supporting brave men and women who paid the ultimate sacrifice.

Change will require education and strong moral leadership that rewards honesty, integrity and moral courage to create a diverse and inspiring Armed Forces for generations whose lives our decisions will affect and shape.

26 February 2021