

## Written evidence submitted by ForcesWatch to the Select Committee on the Armed Forces Bill

ForcesWatch is an independent organisation researching and raising public awareness about civil-military relations in the UK, and specifically how these impact civil society. We consider that we represent concerns held by many members of the public and we are contributing this submission on that basis.

We welcome the opportunity to submit to the Committee and will mainly focus on the proposals relating to the Armed Forces Covenant. However, we would also like to endorse submissions relating to areas of our work that have been expertly covered by other organisations:

### Summary

1. We endorse submissions and amendments in support of raising the age of military recruitment to 18 and support taking reforms to the service justice system further. We do not support the erosion of rights of serving personnel by reducing the time frame for appeal.
2. We question the necessity and wisdom of imposing a legal duty on public bodies to show 'due regard' to their commitments under the Armed Forces Covenant. The proposals are vague and unfounded and risk creating division within society. We oppose the Secretary of State having powers to extend the list of bodies and functions, and oppose amendments to extend the services covered by the legislation.

### Raising the age of armed forces recruitment in the UK to 18 years

We endorse the submissions of Child Rights International Network, Together and Quakers in Britain and support **new clauses NC1, NC2 and NC3**. We ask the Committee to consider the issue as the UN Committee on the Rights of the Child does – prioritising children's rights and the best interests of young people's welfare. The planned reduction in armed forces personnel is the perfect opportunity for changing a policy that has been retained by the UK against the growing international consensus towards all-adult forces. Prioritising the military's need to fulfill recruitment targets over the welfare of young people is deeply problematic, particularly as the short and long-term risks associated with joining the armed forces aged 16 and 17 are now well documented. To give just one example - suicide rates in the armed forces are more common among younger

personnel and greatly exceed rates within the civilian population. That fact alone should be enough to bring about an increase in the recruitment age, and to refocus on encouraging young people who are interested in a military career to apply when they are 18.

### **Changes to the service complaints system**

We endorse the submission from the Centre for Military Justice and echo concerns that the opportunity to implement previous recommendations is not being taken, particularly with reference to serious offences which would more appropriately be tried in civilian courts. Since the last Armed Forces Bill, issues relating to discrimination, harassment and service justice have been in the headlines and addressed by parliamentary committees and MoD reviews on many occasions. When we see an individual story behind the alarmingly high statistics, we glimpse the damaging experience that many personnel have been through in having to deal not only with the original injustice, but the inadequacies of the military justice system. The high level of submissions to the Women in the Armed Forces inquiry is an indication that large numbers of service personnel are being seriously let down because of the challenging military environment and inadequate attempts to reform it.

#### *Decrease in appeal timeframe*

We are very concerned about **proposals under Clause 10** to decrease the appeal time to two weeks and support **Amendment 20** for the removal of this change from the legislation. This is an unworkable timeframe and, as a high proportion of complaints are made by female personnel and personnel from BAME backgrounds, we believe that decreasing the appeal time will disproportionately impact those who need more, not less, support from the military justice system.

### **Armed Forces Covenant**

Over the last ten years we have developed deep concerns about aspects of the Armed Forces Community and Corporate Covenants. While the Covenant has sought to reduce disadvantage for the armed forces community and veterans in access to services, signatories to the Covenant have also pledged to encourage support for the armed forces in their locality in a more general way, such as through Armed Forces Day or 'military ethos' events in schools. As our research

into military recruitment shows, the presence of the armed forces in schools and at community events presents a sanitised image of military life that masks the impact that armed conflict can have on individuals. There is a risk that this contributes to the overall harm associated with military service, which service providers are left to address without adequate support from central government. Furthermore, the promotional side of the Covenant is beyond what should reasonably be expected from non-military public bodies, including schools.

### **Removing disadvantage**

We are concerned about creating a statutory duty for local bodies in relation to Covenant commitments on the following grounds:

#### *Shifting responsibility*

The legal obligation for provision of services will fall on public bodies at a local level when the duty should be held at a national level, where decision-making about military and veteran affairs is made. It is central government that sends armed forces personnel to war, it must be central government that is held legally responsible for the care and wellbeing of that community, and the provision of services that are necessary as a direct consequence of participation in military activities. The government is passing its responsibilities onto other bodies which do not have the resources to adequately finance what will become legal obligations. As discussed in the House, the Royal British Legion has highlighted that many of the areas in which personnel and veterans experience problems are the responsibility of national governments or are based on national guidance to delivery agencies. We also suspect that additional funding for already underfunded services will not accompany the new legal requirements.

#### *Additional legislation unnecessary*

The Covenant annual report, and submissions from local authority associations to this Committee, show that many Covenant projects and structures are already in place. It is unclear why this requires extra legislation, and there is a need for clarity on how a public body might be challenged - if at all - were it deemed to not be showing 'due regard'. How would enforcement proceed? Is this a case of using a sledgehammer to crack a nut?

#### *Extension of bodies and functions covered*

We oppose the **amendments 8, 11, 14, 17** suggesting that the statutory duty should cover a greater range of areas. This would extend the obligation into less easily defined areas of service provision; for example an 'employment function' or 'social care function' could be interpreted very widely with numerous service providers across society.

We also oppose **powers under Clause 8** for the Secretary of State to extend bodies and functions covered by the legislation. This would open up the possibility that all areas of public activity must pay 'due regard' to the needs of the armed forces and veteran community, above those of the specific communities they may serve or wider equality concerns.

### *Equality concerns*

The Covenant also raises issues around equality, both in relation to service access for non-veteran civilians with similar needs, and in respect to other public servants with demanding jobs. There is a risk of erosion of the commonly held principle - although not always the common practice - that public services are based solely on need. The financial difficulties faced by local government has eroded funding available for services covered by the Covenant. Elevating the needs of the armed forces may be appropriate in very particular circumstances, but applying this in a general way, and reinforcing it with legal obligations, is verproblematic. As we have seen with the Overseas Operations Bill, the public response to a sense of armed forces exceptionalism is strong and serves neither the best interests of personnel, nor wider society, over the long term.

### **Encouraging general support for the armed forces**

While it is important that individual service personnel, veterans and their families do not face hostility or disadvantage, public outreach activities undertaken by the armed forces are about far more than developing understanding. They serve to create acceptance of military approaches and to generate new recruits. It is easy to lose sight of the damaging effects of military conflict, on all sides, when armed intervention is presented as normal and requiring no debate.

We have worked with local groups working for peace who have challenged their local authorities for allowing recruitment stalls with weaponry and military vehicles in public spaces, and at Armed Forces Day and similar events. Such displays attract young people of recruiting age but also much younger children.

When challenged, some councils have cited their pledge under the Armed Forces Covenant as reason for allowing the display of weapons to a young impressionable audience to continue.

With growing calls for an active dialogue with young people around violence, most urgently because of deaths and injuries due to knife crime in particular, a wider conversation about the allure of weapons is vital. More details about our concerns around this practice can be found at: <https://www.forceswatch.net/kids-with-guns/>

The Armed Forces Covenant has changed the context within which such local decisions are made, with an assumption in favour of allowing activity requested by local armed forces. Councils are also putting significant sums of money into events such as Armed Forces Day. Our research indicates that local councils spend upwards of a quarter of a million pounds, with some spending up to twice this, for hosting the annual national Armed Forces Day event. The MoD contribute just £25,000. Asking local communities to foot the bill at a time when they will also be making cuts to local services, is not only unethical but undermines the Covenant in regard to service provision, where the money could be far better spent.

We are concerned that **powers under Clause 8** for the Secretary of State to expand the bodies and functions covered by statutory duties, could result in the legislation being extended to create an obligation for public bodies to show and encourage general support for the armed forces. In any case, it is likely that councils and other public bodies will feel obliged to put additional money and effort into events and other shows of support for fear of contravening their statutory duty. Likewise, they may feel obliged to allow recruitment activity which they previously considered inappropriate. How much they will have to do to satisfy the requirements will be unclear. Local finances and autonomy will be undermined.

### **A statutory duty to show 'due regard' threatens public good will**

In encouraging support for the armed forces public bodies must bear in mind the feelings of their wider communities. Military action is a highly political and divisive activity, and a spectrum of views and lived experience are represented in any community and workforce. Surveys have shown a lack of support for military

action overseas at the same time as indicating a high regard amongst the public for serving personnel and veterans.

This spectrum of opinion and experience in relation to military action must be respected, particularly where significant parts of the community have personal experience of the damage caused by military conflict elsewhere in the world. Attempting to create a unified show of public support for the military risks creating division in the community; backing this up with statutory duties would significantly exacerbate it.

***29 March 2021***

***Written evidence submitted to the Select Committee on the Armed Forces Bill***