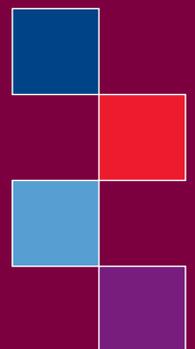


MINISTRY OF DEFENCE

**The Government's response to The House of
Commons Defence Committee's third report of
session 2004-05, on Duty of Care**





**THE GOVERNMENT'S RESPONSE TO THE HOUSE OF COMMONS
DEFENCE COMMITTEE'S THIRD REPORT OF SESSION 2004-05,
ON DUTY OF CARE**

Presented to Parliament by
The Secretary of State for Defence
By Command of Her Majesty

July 2005

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THE GOVERNMENT'S RESPONSE TO THE HOUSE OF COMMONS DEFENCE COMMITTEE'S THIRD REPORT OF SESSION 2004-05, ON DUTY OF CARE

1. This paper sets out the Government's response to the Defence Select Committee's Report, Duty of Care, (third report of session 2004-5, published on 14 March 2005). The Government welcomes this report, which provides a balanced view of a complex and dynamic environment. Our people are our most valuable asset, and we take our responsibilities for recruits and trainees very seriously. Part of that responsibility is to provide training that is as robust as possible to help individuals take their place in a physically and mentally demanding operational environment.

2. We welcome the Committee's recognition of the considerable efforts made to date by the Armed Forces to improve care and we also acknowledge that failings do occur, either at an individual level or in terms of process. We are keen to identify such failings promptly, and are committed to a process of continuing improvement.

3. Specifically we:

- Accept that the Department's moral responsibilities to its employees are as important as its legal responsibilities, and that new guidance is needed on under 18s. But we do not consider that the recruitment age for all three Services should be raised to 18. The Services need to attract those under 18 in order to compete effectively in an increasingly competitive employment market, and any move to increase the minimum recruiting age would have an acute impact on the Services' ability to meet their recruiting targets and hence operational commitments. We also believe that by recruiting from this age group, the Services provide valuable and constructive training and employment to many young people.
- Accept that there is a case for introducing an independent element to the complaints system: there are different models for this, in this country and abroad, and their implications need detailed examination. We will carry out this work ahead of the introduction of the Armed Forces Bill planned for later this year.

RESPONSE TO RECOMMENDATIONS

The Committee's Conclusions and Recommendations are listed separately below, followed by the Department's response to each.

1. The Army is the largest Service, it has the largest training organisation, and it is also the Service in which duty of care concerns have most regularly been raised. A large proportion of this report therefore deals with the Army. Where we have made recommendations we would expect MoD to consider their tri-Service applicability as appropriate. (Paragraph 8)

The Department agrees that recommendations dealing with the Army should also be considered for their tri-service applicability as appropriate, and this is reflected in our response to the Report.

2. We accept that MoD's distinction between moral obligations and legal requirements may aid its internal process of identifying responsibilities in law. However, we do not consider the distinction helpful to the development of duty of care policy. By maintaining a dividing line between its legal and moral obligations, MoD is open to the criticism that it considers obligations that are not legally enforceable to be less important. A precise and unambiguous statement setting out the moral obligations of the Armed Forces to their personnel would provide clarity for those charged with providing duty of care, and for those entering the Services.

We therefore recommend that MoD produce a clear and concise statement of its duty of care and welfare obligations for recruits and trainees in the three Services. We would expect such a statement to go beyond reiterating the ethos and standards of the Services. (Paragraph 30)

The Department does not consider its moral obligations towards its personnel as any less important than its legal obligations. Commanding Officers are responsible for the care of all Servicemen and women under their command, but nonetheless the Department agrees that it is desirable to set out clearly the nature of the obligations, to record best practice and apply it evenly. A guidance note dealing with the care and management of under-18s is currently being finalised in consultation with the Services and will be issued shortly.

3. In the Armed Forces, pressure remains on recruiting officers to meet recruiting target numbers. MoD must make it clear to the Services' recruiting organisations that pressure to meet recruiting targets should not lead recruiting staff to dilute standards or admit applicants who do not meet the mandatory minimum entry criteria. (Paragraph 37)

The recruitment of sufficient, motivated people of the right calibre is critical to the maintenance of operational effectiveness. All recruits have to undergo intensive training, which is both physically demanding and mentally taxing. Furthermore, all recruits must be medically and physically fit for world-wide deployment. Consequently, and in order to maintain our standing in the world, all three Services strive to ensure that recruiting standards are not diluted and that all applicants meet or surpass minimum entry criteria.

4. We expect MoD to build on work to identify aspects of the recruitment processes that would benefit from greater tri-Service harmonisation, and better sharing of best practice between the Services. (Paragraph 40)

Recruiting harmonisation began in the 1990s with the creation of the Tri-Service Armed Forces Careers Offices. Tri-Service harmonisation of recruit policy and procedures is achieved through the Defence Recruiting Committee (DRC) and its components, the Defence Recruiting Planning Group (DRPG) and sub committees. Recruiting policy staffs from each of the Services, plus MOD Centre staffs, are members of the DRC, DRPG and all the sub groups; representatives of outside bodies, e.g. DWP Jobcentre Plus and Central Office of Information, attend sub committee meetings. Whilst each of the Services has its own ethos and attracts recruits with perspectives defined along single-service preferences, the DRC aims to promote harmonisation, economy of scale, efficiencies and build upon best practice wherever practicable. Areas of Tri-Service recruiting co-operation include: marketing and research; selection testing; processes, procedures and documentation; recruiting management information systems; ethnic minority recruiting. In addition, considerable liaison takes place across the three Services' recruiting organisations at working level to ensure common and best practice approaches.

5. Some young men and women may join the Services as a last resort, which does not necessarily mean that they have made a wrong choice. Military life will not immediately appeal to all young people, who may perceive it as too disciplined or prescriptive. There is no reason why those who join the Services, as "a last resort" should not find it a satisfying and rewarding career. (Paragraph 42)

The Department agrees with the Committee's observations.

6. MoD has acknowledged the need to collect more relevant data about its

recruits. We welcome MoD's intention to collect more information about the socio-economic background of recruits to all three Services. We recommend that, in parallel with collecting data on socio-economic background, MoD should research whether socioeconomic background influences Service personnel's subsequent careers. We acknowledge that, for many youngsters, particularly those from deprived or disadvantaged backgrounds, the Armed Forces provide an opportunity that may have been denied them in civilian life. (Paragraph 44)

The Department agrees that it is important to understand relevant factors about the target recruit population and as the Committee notes we already undertake research into the socioeconomic background of recruits. We note the Committee's recommendation for further research. The cost of this would need to be fully justified by expected benefits and balanced with other considerations across the three Services. Nevertheless, work is in hand to scope how we collect and manage data with a view to improving the process.

7. The nature of recruits inevitably reflects changes in society as a whole. Training regimes must be able to adapt to changes in the characteristics of the young people from whom they recruit. (Paragraph 48)

As already noted research is underway to provide a greater understanding of the target recruit population. Training regimes are adapted in ways that reflect changes in the characteristics of recruits, although the overriding balance to be achieved during training is to ensure that the recruit reaches an acceptable operational performance standard and to this end training is specifically designed to meet the operational requirement.

8. The recruits and trainees we met during our visits to initial training establishments clearly possessed initiative and ambition, qualities that have always been rewarded in the Armed Forces. Young people coming into the Armed Forces today may possess highly relevant and desirable abilities that are perhaps less readily identified than those previously looked for in recruits, but which we believe nonetheless can be harnessed and developed to the benefit of the Services as well as to the individuals themselves. (Paragraph 49)

The Department fully shares the Committee's view.

9. We recommend that MoD review the material provided to those making enquiries at Armed Forces Recruiting Officers to ensure that it sets out clearly recruits' rights and responsibilities and the nature of the commitment they are making in language that potential recruits will understand. (Paragraph 53)

10. We recommend that the recruitment process includes a requirement on recruits to acquaint themselves with the documentation setting out their rights and responsibilities. Recruiting officers should ensure that potential recruits are assisted in fulfilling that requirement. (Paragraph 54)

The Department notes the Committee's recommendation and will ensure that this best practice is followed.

11. We recommend that MoD ensure that Armed Forces Careers Offices provide tailored literature for parents explaining the commitment made by the recruit to the Armed Forces and the commitment the Armed Forces make to the recruit. (Paragraph 57)

Recruiting staffs from all three Services and current recruiting literature make every effort to explain the recruits' rights and responsibilities and the nature of the commitment to the Armed Forces. We agree that literature provided to the potential recruit and appropriate adult (parent/guardian) should be reviewed and amended to ensure it is appropriate to the target audience.

12. We acknowledge MoD's preference for an appropriate adult, whether parent, guardian or other mature adult, to be involved in the recruiting process. However, we recommend that MoD produce clear guidance and direction on this issue, such that recruiting officers are obliged to discuss with potential recruits the desirability of involving their parents or an appropriate adult in the recruiting process. (Paragraph 58)

Recruiting staffs welcome parents/guardians who wish to be involved in the recruiting process and recruiters inform potential recruits that it is desirable for an appropriate adult to be involved in the process. Young applicants are invited to advise their parents that they are welcome to participate in all pre-testing or post acceptance briefings about entry and that they may accompany minors during the medical examination. In some cases, however, potential recruits do not want their parents to be involved and similarly some parents/guardians may themselves not wish any involvement. We would not, therefore, wish to be over prescriptive over this point, but will continue to keep current procedures under review.

13. Much of the material we received relates to the risk factors associated with young people, particularly those from disadvantaged backgrounds. Undoubtedly some individuals who apply to join the Armed Forces are vulnerable. It is not necessarily the case, however, that that vulnerability will impede an individual's Service career. (Paragraph 61)

The Department shares the Committee's view.

14. Concerns have been raised about the appropriateness of recruiting under 18 year olds into the Armed Forces. We recommend that MoD examine the potential impact of raising the recruitment age for all three Services to 18. (Paragraph 62)

In FY 2003/04, 8,215 of the intake into the UK Regular Forces were aged under 18 at their last birthday. Broken down by Service the figures are:

- Royal Navy (including Royal Marines) 1,075 (26%)
- Army 6,210 (41%)
- RAF 930 (22%)

In today's environment the majority (more than 60%) of those under 18 years of age are opting to enter further education: this figure is likely to increase in the coming years. The recruiting market has also become increasingly competitive: the Armed Forces must recruit school leavers if they are to be able to compete for the better candidates and meet current recruiting needs.

Once individuals attain the age of 18 years they are more difficult to attract as recruits. By that time they fall into two broad categories: those who have continued in academic study and whose aspirations tend towards officer entry, and those who have already entered employment. Given the very different nature of Service life and commitment, we wish to recruit people before they have made other lifestyle choices.

The proportion of ethnic minority recruits is also considerably higher amongst the under 18s, and raising the entrance age could adversely impact on the ethnic minority recruiting achievement.

In recruiting under-18s, the Services also offer valuable training and employment opportunities to young people, and there is much evidence that for most this is a richly beneficial and rewarding experience that serves them well, not only in their Service career, but also in civilian life.

15. We recommend that the Armed Forces ensure that those under 18 years of age are only placed in training environments and accommodation suitable for their age. (Paragraph 63)

The Department fully acknowledges the added responsibilities that arise from recruiting those aged under 18. As the Committee has noted, there is separation of Junior Entry in the Army, but it would be difficult to mandate the separation of Single Entry recruits to the Armed Forces in general. The separation of those under 18 may produce barriers in training that do not realistically reflect the reality of the Service environment. The Armed Forces are currently seeking alternative ways to manage recruits acknowledging the differing levels of maturity in the entry population.

16. The cadet organisations provide a valuable resource for the Armed Forces. Members of the cadet organisations are exposed to a taste of Service life, including discipline, physical hardship and self-reliance. Experience as a cadet can motivate people to join the Armed Forces once they are old enough. We recommend that cadet organisations provide advice to older cadets, drafted in collaboration with the Armed Forces, to ensure that cadets are fully aware of the challenges of a Service career. (Paragraph 67)

The Cadet Forces aim to provide a disciplined yet enjoyable environment for young people to allow them to develop qualities such as leadership, responsibility, self reliance, resourcefulness, endurance and perseverance. The self-confidence and self-discipline required in Service life are equally vital in the civil life of the nation today.

While the Department welcomes the fact that some cadets find their experience a positive influence in a decision to join the Services, it does not regard the Cadet Forces as a recruiting organisation for the Regular or Reserve Forces. We do not believe it is appropriate that adult volunteers in the Cadet Forces offer formal advice to Cadets on careers in the Armed Forces as it is not part of their responsibilities or expertise.

17. The cadet organisations have a more comprehensive approach to their responsibilities to duty of care than the Armed Forces because they are subject to child protection legislation. We recommend that MoD consider whether some aspects of the cadet organisations' duty of care arrangements might be appropriate in caring for the youngest recruits to the Armed Services. (Paragraph 68)

There are significant differences between the Cadet Forces and the regular Forces. Although the Cadet Forces are sponsored by MoD the cadets are not members of the Armed Forces. Children from the age of 12 are the Cadets' core business, very different from the regular Services where the youngest recruit will be a young adult of 16. Although Cadets spend time away from home for short periods of time this cannot be compared to the time spent in the initial training environment as preparation for regular service in the Armed Forces.

18. We are concerned that, by relying on a narrowly legal argument, MoD is not accepting the appropriate responsibility for under 18 year olds in its care. We recommend that MoD formulate policy for care of under 18 year olds as if it acted in loco parentis. (Paragraph 69)

The Department does accept appropriate responsibility for those Service personnel who are under 18. Commanding Officers (COs) are responsible for the care of all the Servicemen and women under their command, and are accountable accordingly. They take their responsibilities towards all their people extremely seriously, and are very well aware of the particular welfare needs of Service personnel, including recruits and trainees, and of under 18s, even if they are not formally in loco parentis.

The age of the Serviceman or woman, the all-encompassing nature of Service life (in particular, initial training), and other factors particular to the individual such as his or her maturity and intelligence are relevant to the degree of care required to meet the duty.

19. We are concerned that there seems to be an inconsistency in the MoD's approach to Criminal Records Bureau checks for personnel who supervise recruits and trainees under 18 years of age. Best practice must be for MoD to use all available avenues to protect recruits and trainees from unsuitable supervisors and instructors. We recommend that all instructors who will supervise under 18 year olds are subject to Criminal Records Bureau and military records checks before they take up a post in which they will supervise recruits. (Paragraph 71)

The Services take all available facts into account in considering an individual's suitability for appointment to a post.

The Department does not believe there is an inconsistency in our approach to Criminal Records Bureau (CRB) checks for personnel who supervise recruits and trainees under 18 years of age. Our evidence submitted to the Committee during its inquiry (Ev 262) explained our legal understanding that CRB checks did not apply to those working with Service personnel between the ages of 16 and 18 because they are in full time employment.

We note however the Committee's recommendation and the proposals contained in the Home Office consultation document "Making Safeguarding Everybody's Business: A Post Richard Vetting Scheme" to provide employers with the option of carrying out enhanced checks on the basis of their risk assessment. We will accordingly investigate further with the Services and the Home Office the possibility of undertaking Criminal Records Bureau checks on personnel who supervise those recruits and trainees who are under 18.

20. When the Armed Forces recruits people under the age of 18, they take on additional responsibilities. DOC found that insufficient effort had been put into ensuring that these are met. We note that 'urgent' work is in hand to provide guidance on the policy relating to under 18 year olds. We consider the lack of current guidance to be a serious failing by MoD. (Paragraph 74)

The Directorate of Operational Capability (DOC)'s Reappraisal of Initial Training (DOC 3) identified a need for further guidance on the responsibilities of COs to Under 18s. COs are well seized of their responsibilities in general terms towards younger recruits and trainees, and there are already some excellent local policies and procedures in place. Nonetheless, it is clearly desirable to record best practice and apply it. Therefore we have undertaken a review of extant guidance available to Commanding Officers, and drawn together

existing best practice. The result - a Guidance Note - is currently being finalised and we anticipate that it will be issued shortly. The final version will include material on: Health & Safety at Work; Arming/Guarding; Initial Briefing; Mentoring/Interviewing; and Contact with parents.

21. MoD does not currently have statistics on the number of recruits who have left local authority care. There would be benefits for the Armed Forces in identifying, for management and pastoral purposes, care leavers entering the Services. Recruitment processes should provide applicants with an opportunity to provide this information. (Paragraph 76)

22. We recommend that MoD investigate whether those who have been in the care of a local authority are at greater risk of duty of care failures in the Armed Forces. We expect MoD to report the findings of that research to us in its response to this report. (Paragraph 77)

23. The Armed Forces need to acknowledge that care leavers should be regarded as a special group with special needs and should take steps to identify and meet those needs. We recommend that the Armed Forces explore the possibility of enabling care leavers to continue to have access to social workers. (Paragraph 78)

The Department notes the Committee's view. Many candidates already provide this information, which is in any event available on recruitment for those care leavers aged under 18.

There is already a responsibility placed upon Social Services to monitor the wellbeing of care leavers and those joining the Armed Forces have unrestricted access to local authority Social Service workers.

The Department does not, however, agree that it is appropriate formally to monitor or investigate individuals who have been in local authority care. Care leavers often wish to keep this information private as they embark on a new stage of their lives, and a new career in the Armed Forces.

24. Recruits can have low educational achievement but still be bright. The Armed Forces have been highly effective in taking recruits with little educational achievement and turning many of them into highly trained, capable and successful service personnel. (Paragraph 84)

The Department shares the Committee's views.

25. We recommend that Armed Forces' training organisations review their literature to recruits to ensure that it is clear and understandable. (Paragraph 86)

The Department agrees that there is a clear need to ensure that recruits fully understand the literature provided to them during initial training. We will undertake a review of the literature provided to recruits at various stages of initial training with a view to making improvements where required.

26. We commend the Army for its commitment to remedial educational programmes; although we do not consider lack of educational achievement when entering the Services to be a bar to a successful military career. (Paragraph 89)

The Department shares the Committee's views. The Services welcome personnel from all backgrounds and a wide range of ability, and as the Committee is aware, many of those from disadvantaged backgrounds, or with limited attainments on entry, go on to have successful careers.

27. We recommend that MoD undertake a cost-benefit analysis of remedial educational programmes to determine the benefit of extending their use. We further recommend analysis of the impact of remedial educational programmes on the future careers of Service personnel to determine whether such programmes offer benefits beyond improving basic skills. (Paragraph 90)

The Department intends to undertake research into the impact of poor basic skills on drop out rates from Phase 1 and 2 training. This will inform the cost benefit analysis of options to provide systematic support to those needing it. The priority is to enable everyone to achieve functional numeracy and literacy as a platform for future development, and procedures and supporting programmes are being reviewed.

The Department regards career and professional development activity undertaken throughout an individual's career as being the key to enabling staff to develop and ultimately progress. However, individuals may decide to improve their knowledge and skills by undertaking further education and or professional development activity; we do not believe the fact that they may have required additional support in reaching a basic starting standard is an issue for the Services.

28. We acknowledge the limitations of psychological screening for potential recruits. Nevertheless, we recommend that the Armed Forces continue to pursue ways of extending screening used in recruitment in order to improve initial filtering of applicants. We further recommend that MoD consider techniques to identify and monitor Service personnel through their careers in order to determine whether vulnerabilities displayed later in a career can be linked to factors at recruitment or during training. We further recommend that the Armed Forces place a greater emphasis on training supervisors to enable them to better identify those displaying at risk' behaviour. (Paragraph 96)

The Department welcomes any measures to minimise psychological symptoms and illness in personnel, including deliberate self-harm and suicide in recruits. Through both internal experts and civilian specialist advisers and regular monitoring of the literature, close touch is maintained with developments in thinking and best practice.

Evidence is presently lacking on the value of recruit psychological screening. A limitation of the initiative to obtain GP notes for new recruits is the fact that not all relevant behaviours, symptoms or episodes of self-harm will come to the attention of the GP. As a result positive evidence of difficulties is helpful but silence cannot exclude problems.

Over the last 18 months multidisciplinary single Service and civilian groups have been set up to establish evidence based policy and good practice to support mental well-being across the Armed Forces. An enhanced training and communications strategy tailored to different levels and requirements is being finalised. For recruits the focus is on self-awareness of normal response to stress- how to get and keep good mental health. Commander training, as relevant to rank and responsibility, broadens out to consider detection of possible mental health difficulty - changes in behaviour, attitudes, fall-off in work performance etc, going on to support measures and finally appropriate referral to specialist help.

We understand that it may be particularly hard for a young recruit to seek help for mental or emotional problems. Tackling stigma and discrimination is therefore a central part of Armed Force's mental well-being policy. The need to change culture, so that seeking appropriate help for mental health problems becomes a natural reaction, is a much wider issue for society as a whole at large. We are in close touch with the Department of Health and devolved administrations in taking this work forward.

29. The number of recruits entering training is not the only measure of the success or failure of the recruitment process. MoD should identify and promote best practice recruitment procedures that have been shown to reduce wastage rates. Wastage costs the Armed Forces money, and has welfare implications for recruits who leave, and their instructors. (Paragraph 100)

The Department agrees the desirability of identification and promotion of best practice recruitment procedures that reduce wastage rates. The ultimate measure of the success of the recruitment process is the number of recruits who pass through from initial training to the trained strength and reduced wastage rates that demonstrate efficient and effective recruitment and training processes. The Services will continue their efforts in this respect.

30. We recommend that all the Services adopt procedures that allow recruits who express a wish to leave training an opportunity to leave their training establishment and contemplate further before making a firm decision on their future. We recommend that the Armed Forces apply commonsense and understanding while dealing with recruits who ask to leave or are due to be discharged, particularly in respect of recruits who are retained in the Armed Forces solely for purpose of serving out punishments that have been awarded as a result of actions associated with the recruits wish to leave the Service immediately. (Paragraph 105)

The Services acknowledge the merit of timely and pragmatic management of those who desire to leave and seek to apply common sense and understanding to those individuals.

31. Since the first DOC report, MoD has acted to address some duty of care issues. The desire to find an immediate response, and to implement those changes that can be made with the minimum additional resource is laudable, but of greater importance is a demonstrable commitment by the Armed Forces to longer-term improvements in initial training establishments. We recommend that the Armed Forces devise a programme of improvements that is affordable, reviewable and consistent with the high priority the issue merits. (Paragraph 133)

Considerable effort has been made to address the issues raised by the DOC in the first appraisal of Initial Training. We intend to continue our efforts to improve the welfare arrangements and conditions for those undergoing initial training and therefore our action plans remain under continuous review and subject to future audit by DOC, the Adult Learning Inspectorate and the new Directorate of Individual Training Capability (DITC). The Department agrees that improvements should be pursued over the long term.

32. Initial training competes with front-line operations and other MoD activities for the limited resources available. We do not intend to argue the merits of all those activities, but we note that, compared to some aspects of defence spending, the sums necessary to deliver appreciable benefits in initial training are relatively small. (Paragraph 134)

The Department welcomes the Committee's understanding of the need to achieve a balance between funding the operational requirement and aspects of initial training within limited resource. We are also engaged in a programme of modernisation, through the Defence Training Review project which aims to deliver substantial improvements in training.

33. The Service training agencies have produced duty of care policies for senior officers to implement within training establishments. What is not clear to us is whether those further down the chain of command—the junior officers, senior and junior NCOs— are provided with sufficient support and advice on duty of care issues. (Paragraph 135)

34. We have found that there is insufficient awareness of duty of care policy throughout the chain of command. Effective implementation of policy is hampered by a lack of understanding of its purpose, particularly on the part of those delivering the policy objectives to trainees. (Paragraph 136)

The Department notes the Committee's comment. The Care of Trainees course is designed to provide support to those working in training establishments.

35. We looked at how duty of care information is given to recruits. We commend MoD for providing clear and concise material on duty of care issues, and improved contact with and information about front-line units for trainees. We commend the use of contracts and covenants to set out clearly what is expected of recruits. (Paragraph 142)

The Department welcomes the Committee's conclusion.

36. During both phases of training, unless a recruit decides to exclude his or her parents from their Service career, parents or guardians should be provided with contact details of welfare officers and Commanding Officers. Parents or guardians should receive information on possible behavioural changes in their children that may indicate they are having problems; in addition parents and guardians should receive advice on what to do if they notice such changes. Parents should be given advice on who to contact if their concerns are serious or have not been dealt with to their satisfaction. If a recruit's parents are divorced or no longer live together, both parents should receive information and advice. (Paragraph 147)

The Department agrees with the Committee's recommendation. Phase one training establishments already attempt to establish contact with the parents of new recruits.

37. We were told about the Navy's approach to assessing trainee's deemed at 'risk'. We were impressed by the use of a traffic light system of designating risk and tracking individuals. (Paragraph 158)

The Department notes the Committee's observation.

38. We are concerned at the ad hoc nature of duty of care structures. A formalised structure, locally adapted as necessary, would help with monitoring the support provided by training establishments. We recognise the benefits of a range of people and agencies being involved in welfare provision, but note that the fragmented nature of support structures may create a situation in which there is no single "owner" of welfare issues. (Paragraph 163)

39. The three Services share many components of their duty of care structures. The common elements are intended to encourage recruits to voice their concerns and ensure that people and agencies are available to listen to those concerns and act on them. Those goals will be thwarted if recruits do not feel able to seek assistance; if people and agencies are not easily accessible or approachable; or are unable to reassure recruits that they have the necessary or appropriate authority to bring about a resolution. (Paragraph 164)

The Department accepts that welfare and support structures vary between Services and between establishments and can sometimes seem ad hoc. A tri-service review into the provision of welfare support to the greater Service community is due to be completed by December 2005. The work already underway includes a gap analysis intended to identify shortfalls and to identify opportunities for rationalisation. We agree with the Committee's observations about the accessibility of assistance and the ability to bring about a resolution.

40. The welfare forums provide an opportunity for frequent discussion on welfare issues. Units should provide MoD with information on the frequency of meetings, the attendance of key figures, such as the Commanding Officer and any changes in the frequency or arrangements for meetings. (Paragraph 165)

The Department notes the Committee's observation and will look further at the issue of welfare forums providing MoD with detailed information. The current welfare review will address structural and process issues. We are not presently convinced, however, that it is always appropriate for Commanding Officers to attend welfare forums, as current experience suggests that most benefit is derived from lower level meetings. It is the function of the chain of command to pass information up and down as necessary.

41. MoD should ensure that best practice for duty of care structures is shared within and between Services. (Paragraph 166)

The Department fully agrees with the Committee's observation.

42. The Armed Forces regard the chain of command as the backbone that enables them to work effectively. The importance of the chain of command and the role of the Commanding Officer in setting the standards that the rest of the unit's commanders will follow should not be underestimated. Therefore, it is imperative that Commanding Officers are made fully aware of their role and responsibilities in delivering appropriate duty of care across initial training establishments. (Paragraph 168)

The Department fully shares the Committee's assessment of the importance of the chain of command and the role Commanding Officers. They are well aware of their central role in fulfilling the duty of care both within training establishments and the Armed Forces as a whole.

43. We are not convinced on the limited evidence currently available that Empowered Officers are an approach that is working. We have heard throughout our inquiry that recruits are reluctant to discuss their concerns with the chain of command. Recruits who are not comfortable talking to an NCO may be even less inclined to seek out an officer. (Paragraph 176)

44. The approachability of officers varies both among the Services and within

Services. From our observations at units in the UK and abroad, we have noticed that the degree of proximity does influence the relationship between officers and other ranks. For example, in the Royal Navy, submariners who serve in close proximity to one another may feel more at ease with officers than those serving on surface vessels. The Empowered Officer is less likely to be an effective resource for recruits and trainees who are have not had the opportunity to build relationships with officers. (Paragraph 177)

45. MoD seems to have no contingency plan in the event of the Empowered Officer model failing. We are not convinced that the Empowered Officer model will work. We therefore recommend that MoD, consider urgently alternative approaches to providing a conduit for recruit and trainee complaints outside the chain of command. (Paragraph 178)

46. We recommend that MoD urgently review the possibility of SSAFA or similar qualified civilian staff providing an alternative to the Empowered Officer. (Paragraph 182)

47. We are persuaded by the arguments in favour of a non-military model, in which a civilian would have a position equivalent to the Empowered Officer, with direct access to the welfare services within a unit, and authority to make binding recommendations. (Paragraph 183)

48. We further recommend that MoD consider introducing professionally trained counsellors in training establishments who would be available to recruits and trainees. Such counsellors should be able to initiate monitoring and support for individuals at risk without hindrance from the chain of command. We expect that MoD will consider best practice in this area from other disciplined organisations including the police force. (Paragraph 184)

The Department notes the Committee's recommendations. The welfare review will examine the possible harmonisation of welfare provision across the three Services, how to ensure the adoption of best practice and determine the most efficient use of welfare resources. The Department accepts that the Empowered Officer concept is not working perfectly at the moment. However, it has only been in operation for a year and until the time that new arrangements are introduced, the Services will continue to refine and improve the arrangements in order to provide a further avenue of approach for trainees to that of the chain of command, doctors, padres and medical workers.

49. Traditionally, the chaplaincy has provided more guidance and advice to recruits. We are concerned that chaplains may not be regarded by all recruits to be as approachable as the Armed Forces assume. As the nature of the recruit population changes, it is possible that chaplains will become a less recognisable source of advice for new recruits. This is an issue the Armed Forces will need to address if they are to ensure that the role of the chaplaincy is not diminished and that chaplains remain a source of counsel for recruits. (Paragraph 187)

The Department notes the Committee's concern. The second DOC report found that chaplains are generally held in high regard by recruits, regardless of faith, and found no evidence suggesting that individuals from other faiths are disinclined to approach the chaplain.

Chaplains are not the sole source of advice and help. The chaplain's role is to provide

for the spiritual, moral, and pastoral needs of the individual and his family and his role complements the overall welfare effort.

The nature of military chaplaincy is proactive. The chaplain shares the trainees' experience. He will be on exercise, take part in physical training, and be about on the ranges. The chaplain has no command role, he does not assess performance in training, but he does develop his relationship with trainees to win their trust and encourage them to confide in him, as appropriate.

50. The Armed Forces have relied on chaplains being perceived by recruits as removed from the chain of command. We suspect that for some recruits the Chaplains are as remote as any senior officer. There is evidence that recruits find Royal Navy Chaplains more accessible because they lack a fixed rank. We recommend that the other Services consider adopting that approach. (Paragraph 188)

Chaplains are addressed both officially and otherwise by their ecclesiastical title or official appointment and not by their relative rank or military title. They are known as "padre" by all ranks. In combat clothing, the chaplain will have the sign of the cross on his collar and the title "padre" on his name tape.

The Department acknowledges that badges of rank may be perceived as inhibiting the chaplain's access to junior ranks. On the other hand, Chaplains operate in a hierarchical organisation, and the Army and RAF find that their relative rank gives them access to the chain of command and the ability to intercede effectively on behalf of servicemen and servicewomen at the appropriate level. The Department's view, however, is that the personality of the chaplain and his ability to gain the trust of the trainees and develop the appropriate relationship is more important than rank.

51. The Army's desire to have full control of welfare support is understandable, and may be desirable. However, we have heard many witnesses urge the introduction of an independent, civilian, trained welfare service, such as SSAFA provide. (Paragraph 189)

52. We commend SSAFA's commitment to provide a source of advice and support to Service personnel and their families. (Paragraph 191)

The Department notes the Committee's observations, but would make it clear that the Army Welfare Service (AWS) is not under the control of the chain of command of the individual seeking assistance, but rather seeks to work in partnership to bridge the gap between the requirements of the Service and the needs of serving soldiers and their families. Although the Army welfare officers are mainly serving personnel, their numbers include civilian posts. All welfare workers are professionally trained and equipped with the required skills and knowledge to do their job effectively.

53. We commend the work of individuals working within the non-uniformed welfare services. We recognise, however, that there is considerable variation in the services provided by these organisations at different establishments depending not least on the Commanding Officer's support and interest. We are concerned that Commanding Officers may be tempted to 'tick the box' of welfare provision merely on the basis that an organisation is present within an establishment and not give that provision the importance it very much deserves. (Paragraph 196)

The welfare review has been mapping the different services and organisations that

provide welfare services to the Armed Forces. The welfare contribution that each organisation provides to Commanding Officers will be assessed, gaps and overlaps in provision highlighted, and the interface between such organisations and Commanding Officers reviewed.

54. We recommend that MoD provides induction courses for civilian medical staff taking up posts at initial training establishments to ensure that they are fully acquainted with the implications of working in a military environment and the sensitive boundaries between patient confidentiality and justifiable service concerns. (Paragraph 201)

The importance of induction training for civilian medical staff is fully accepted and recognised. It is essential that they have a good understanding of the military environment in which they are working.

55. We recommend that instructors and supervisory staff receive more comprehensive advice about medical issues and instructions not to order recruits to take part in physical exercise against medical advice. (Paragraph 205)

Policy advice for instructors and supervisory staff is promulgated on a single-Service basis. The Services will review the quality of the advice available and the way in which it is promulgated to all staff that need to see it. Recruits should not be ordered to take part in physical exercise against medical advice.

56. It is difficult for an individual with psychological problems or stress to seek help. That difficulty may be compounded in the Armed Forces, where there is a culture that complaining is a sign of weakness. Ease of access and encouragement to use welfare services are therefore crucial in order to ensure a further and unnecessary obstacle is not placed in the way of a vulnerable recruit seeking assistance. (Paragraph 206)

57. We recommend that MoD reinforce the message that recruits and trainees should have unhindered access to welfare services and that the chain of command cannot impede such access or demand explanations for or need to know why such access has been sought. MoD should monitor the availability of welfare providers outside normal working hours and ensure that welfare services are available at appropriate times. (Paragraph 207)

The Department agrees that no obstacle should be placed in the way of an individual seeking assistance, and the respective training agencies will reinforce this message to training establishments.

58. MoD has recently provided the resources necessary to increase instructor numbers at training establishments. We would welcome assurances that appropriate funding will continue thereafter. (Paragraph 211)

The funding of instructor manpower is subject to regular review to ensure that appropriate arrangements are maintained. However, as with all funding commitments, instructor numbers have to take their place in the allocation of Departmental resources and must be prioritised during the normal planning phase.

59. The phase 2 benchmark supervisory ratio of 1:38 has been set without regard to whether supervisors are military or civilian. The wider use of civilian

instructors at phase 2 initial training establishments means that the ratio of military supervisors to recruits may actually be higher. In setting benchmark supervisory ratios, MoD should also state the acceptable ratio of military to civilian personnel. (Paragraph 212)

60. We are not yet convinced that the supervisory ratios are appropriate in all establishments and at all times of the day and night. (Paragraph 213)

The Department agrees that more work is required on supervisory regimes. The determination of an appropriate supervisory regime for each training environment must be based on a full assessment of the risks. The question of the levels of civilian and military personnel employed in the initial training environments will be examined as part of a review of supervisory arrangements to ensure that the most appropriate regimes have been put into place at all times in the initial training environment.

61. On 7 September 2004 Leslie Skinner was convicted of five counts of indecent assault relating to 4 male soldiers at Deepcut barracks between 1992 and 1997. In the view of Surrey Police there was no connection between the Skinner case and the deaths at Deepcut. (Paragraph 219)

62. We recommend that MoD bolster vetting procedures for both civilian and military instructors. The case of Leslie Skinner suggests a disturbing level of indifference or incompetence; neither of which is acceptable. (Paragraph 220)

The MOD accepts that the decision to post Skinner to Deepcut was a bad one. Army policy, then and now, requires that individuals are posted in the full knowledge of the facts to an appropriate post. This is being reinforced by additional guidance to the Army Personnel Centre in Glasgow.

63. We visited the Armed Forces Chaplaincy Centre at Amport House and the ITGIS where instructors are trained. We were impressed by the quality of the Chaplain instructors. (Paragraph 223)

64. The importance of training for instructors and supervisors has been recognised by the Armed Forces' recent actions. Such action taken to address the training needs of instructors and supervisors has helped improve the lot of both trainers and trainees. (Paragraph 226)

The Department welcomes the Committee's conclusions.

65. Commanding Officers explained to us the difficulties which they faced in ensuring that instructors had received training before taking up their post. However, it is imperative that trainers start their new role fully equipped for the task. MoD should consider how posting arrangements to initial training establishments can be restructured to ensure that sufficient time and resources are available to enable all instructors to receive pre-employment training. (Paragraph 227)

The Department recognises the need for instructors to be trained before taking up posts in the training environment and is considering how best to enable instructors to receive pre-employment training and to ensure that training is consistent across the Services.

66. We recommend that MoD bring forward proposals to improve conditions for

instructors. We further recommend that the Armed Forces make definite proposals to show that satisfactory completion of an instructor tour will have positive effect on an individual's subsequent career. (Paragraph 231)

The Department agrees that the satisfactory completion of an instructor tour should have a positive effect on an individual's subsequent career. Work is currently underway to improve further instructor training and career development options. Whilst performance in the job is reflected through performance appraisal arrangements, the training agencies will give careful consideration of ways to improve the job profile of instructors and ensuring that appropriate recognition is given to those who undertake the role.

67. We are concerned that in some cases recruits pass out of phase 1 without the necessary preparation to attempt phase 2 training. (Paragraph 234)

Phase 1 training is delivered on a single service basis, and provides initial training in basic military skills. Phase 2 training is initial specialist training, which gives Service personnel the necessary skills for their first employment. It normally follows on directly from Phase 1. There is thus a distinct difference between Phase 1 and 2 training, although no recruit should transfer from Phase 1 to 2 training without having first reached an acceptable standard.

68. The division of phase 1 and phase 2 is recent and seems not to have been entirely successful. We recommend that the Armed Forces consider the opportunities for greater integration of the two phases. (Paragraph 237)

The Department agrees that there is a need to ensure that progression between Phase 1 and 2 training is as smooth as possible. Work continues to determine how best to reduce the gap between phases of training.

69. We heard evidence about the problems experienced by soldiers awaiting trade training SATT. The Army seem to be resigned to SATT as a fact of life. We are not persuaded by arguments that SATT is an inherent and unavoidable characteristic of initial training and consider the substantial reduction of SATT levels should be a major priority for MoD. The management of SATT could be improved by, for example, using time held on SATT for additional training, such as improving recruits' basic skills. We recommend that MoD set out guidance on the types of activity that should be encouraged, and funded, for trainees on SATT. The guidance should describe activities to be avoided or limited in application. (Paragraph 242)

70. The Army explained that SATT derived in part from recruiting practices. We recommend that the Army advise recruits of the implications of starting phase 1 training at a time which will lead to SATT at the start of their phase 2 training. We do not agree with the Army that recruits should not postpone entry. We also recommend that the Army consider restructuring phase 1 and phase 2 in order to diminish SATT by, for example, sending recruits on basic skills courses when they would otherwise be on SATT. We further recommend that MoD apply, across the three Services, the best practice for trainees on SATT we saw at RAF Halton. (Paragraph 243)

The Armed Forces continue to take active steps to reduce SATT levels. The practice of signing up applicants for Army Phase 1 training at the earliest opportunity has, to a great extent, ceased except for a few trades that remain difficult to recruit. Holdovers are largely attributable to extensions of training for specific reasons and time spent in a holdover situation is spent on productive training time and managed as such. Examples include core

military skills such as first aid and weapon training, adventure training and classes to improve their literacy and numeracy.

71. Poor accommodation and recreational facilities create a depressing environment and add to feelings of alienation and isolation among recruits and trainees. Poor quality facilities may also increase the prevalence of vandalism and other anti-social behaviour that can undermine morale. We expect MoD to resolve the planning issues that have blighted infrastructure improvements as a matter of urgency. (Paragraph 247)

The Department agrees that much Single Living Accommodation (SLA) needs to be improved across the MoD Estate. Long term planning for new build, upgrade and refurbishment of SLA (including training establishments) has been programmed, with the first phase agreed up to FY 07/08. With the exception of the refurbishment of Lympstone the rest are new build programmes. These are:

Bed spaces

- **Vimy Barracks** - 672
- **Pirbright** - 980
- **Lympstone** - 718
- **Honington** - 98
- **Collingwood** - 111
- **Raleigh** - 288

The estimated cost of these projects is some £73.5M. Additionally there will be further projects designed to improve Single Living Accommodation if extra in year funding becomes available. Further plans are also being developed for subsequent years, subject to the availability of funding. The Defence Training Review project also offers the potential of significant improvement to the training estate.

72. We have found patchy data collection to be a problem throughout this inquiry. MoD should produce a comprehensive list of issues for which data is lacking and prioritise the need for data collection in relation to each item. (Paragraph 252)

The Department notes the Committee's observations and proposes to conduct a scoping study to investigate improvements that can be made to data management and its use. The scale of this task is, however, significant.

73. We recommend that MoD review its working definition of bullying in order to bring it in line with definitions used in other organisations. (Paragraph 265)

The Department introduced new harassment complaint procedures in April 2005, which apply to the Department as a whole. They include a new definition of harassment and bullying which replaces the varying definitions used by each of the three Services and the Civil Service. In drafting the definition, benchmarking was carried out with external organisations and we are confident that the new MoD definition of harassment and bullying is robust and effective.

74. The Armed Forces' policy on bullying relies on the victim reporting incidents. We recommend MoD revise its policy to place the emphasis on prevention. (Paragraph 266)

The Ministry of Defence's Unified Diversity Strategy sets out the need for awareness of diversity issues by all individuals and the need for all personnel in the chain of command to ensure that their personal conduct and that of others around them is exemplary. This has been reinforced by the recent issue of the new harassment complaints procedure which contains explicit instructions to all personnel on the need to challenge inappropriate behaviour. These principles are also included in a range of single Service instructions, and emphasised during training.

75. We conclude that bullying exists in the Armed Forces and that it is under-reported. We further conclude that it is not possible to identify trends based on the currently available statistical evidence. We therefore recommend that MoD identify robust methods of capturing data on bullying trends that take account of the extent of under-reporting. Nevertheless, the assertion that the Armed Forces does not tolerate bullying does not sit well with the levels of bullying MoD acknowledge. (Paragraph 274)

The Department is confident that formal complaints are recorded, but we acknowledge that informal complaints may not be captured in the data available, often by mutual agreement of the parties concerned who wish to ensure that problems are resolved in a low-key manner. This may have led to the impression of under-reporting. We are reviewing and monitoring arrangements to ensure that trends can be properly identified and the effects of our policies can be accurately assessed.

76. As this Committee has previously noted, the Services are engaged in changing working environments and practices to reduce harassment. However, sexual and racial harassment remains a problem throughout the Armed Forces. Recent press reports have highlighted incidents of sexual harassment in the RAF, which is considered to perform relatively well in relation to most duty of care issues. MoD must ensure that all three Services are vigilant and guard against complacency. (Paragraph 277)

The Ministry of Defence signed an Agreement with the Equal Opportunities Commission on 23 June 2005 setting out a range of measures to prevent and deal with sexual harassment in the Armed Forces. The agreed measures will be implemented in a rigorous timescale and will be monitored by the Commission to ensure that the outcomes set out in the Agreement are achieved.

The measures agreed with the Commission will also assist in reinforcing the general principles set out in the Department's Unified Diversity Strategy, building confidence in the complaints procedure and improving monitoring of the effectiveness of our policies.

77. We recommend that MoD ensure all instructors are made aware that punishments involving physical activity should not be imposed against medical advice. (Paragraph 280)

The Department agrees that it is inappropriate to impose physical activity as remedial training against medical advice. We are examining the current policy used to address a trainee's shortcomings in performance during Phase 1 and Phase 2 training to ensure that they achieve the required standard.

78. As we have stated earlier the inconclusive nature of the information on bullying makes it difficult to draw definite conclusions. On balance, we consider it likely that more bullying occurs among recruits than by NCOs and junior officers

on recruits. Nevertheless, we find it difficult to discount the evidence that members of the chain of command are responsible for some bullying. Reducing bullying by the chain of command requires cultural change and improved support. (Paragraph 284)

Bullying, especially by superiors in the chain of command, is totally unacceptable, although the Department acknowledges that sustained effort continues to be required to ensure that harassment and bullying at all levels is eliminated.

Diversity and Equality training is included in induction and career and command training. The principles are reinforced in a range of single-Service publications. All officers at one-star level attend the mandatory Senior Officers' Equality and Diversity Seminar at the Joint Equality and Diversity Training Centre, Shrivenham. Refresher training is also mandatory.

79. We recommend that MoD undertake research into the relationship between low educational attainment and duty of care problems, in particular bullying and self-harm. (Paragraph 287)

The Army has sponsored a study into the causal factors of self-harm. The Department will consider further the application of the proposed study across all three Services.

80. The Armed Forces generally and the Army in particular should consider whether their adherence to a culture and ethos that discourages complaint is detrimental to implementing the improvements necessary to the training regime. Recommending that the Armed Forces change their culture may seem a big step, but the culture can change relatively quickly and painlessly, as the Minister himself said in relation to racial and sexual intolerance. We believe that cultural change is both possible and necessary. (Paragraph 296)

81. We recommend that the Armed Forces, and the Army in particular, consider how to promote a culture that discourages bullying and encourages all Service personnel to take action to reduce harassment and bullying. (Paragraph 297)

The Department accepts the Committee's conclusion. The fact that Armed Forces personnel must be prepared to risk their lives in combat situations differentiates the Services from civilian organisations and requires that a unique culture and ethos be maintained. It is recognised, however, that improvements should be made to encourage individuals to feel free to seek informal or formal resolutions to personal complaints, and that the paradigm in which loyalty and complaint are seen as mutually exclusive must be challenged.

82. We urge MoD to consider how mechanisms could be established to provide independent advice for all non-commissioned personnel. (Paragraph 302)

The Department agrees that there is a need to provide support and advice to all personnel involved in a complaint, whether complainant or accused. As part of our response to the Committee's recommendations at paragraphs 420 to 427 we will consider how best to provide support for all involved with the aim of resolving complaints quickly and at the lowest appropriate level.

83. We are concerned that, given the general recognition that much bullying goes unreported, these relatively low figures suggest that there may be a significant

number of incidents that should lead to disciplinary action, but have not been reported or investigated. (Paragraph 303)

See response to Paragraph 274 on Page 18.

84. We have concluded that in the past insufficient weight has been given to the issue of bullying, which led to a tolerance of, or at least insufficient action being taken against, bullying. In recent years, attempts have been made to implement what is termed “zero tolerance”, but much bullying by both superiors and peers will continue to go unreported unless the culture changes. Accessible and independent channels for reporting are essential. The Armed Forces, and in particular the Army, still do not seem to understand the extent to which their hierarchical structures make it likely that abuses will not be reported. (Paragraph 308)

85. The Armed Forces’ approach puts the emphasis on the victim of bullying as a weak individual. While maintaining and improving the process for victims, MoD must explore ways to bear down on the bullies. (Paragraph 309)

Considerable work has been carried out in recent years to develop policies designed to foster a culture in which bullying and harassment of any kind are recognised as unacceptable and to ensure that such behaviour is challenged whenever it occurs. Nevertheless, the Services recognise that the challenge now is to change the culture on the ground. They are committed to achieving this. The Services have also done much work recently to ensure that complainants are not stigmatised by virtue of making a complaint.

It is accepted that accessibility of reporting channels is essential but the Department believes that much has already been done: Helplines, Equal Opportunity Advisers, Welfare Staff, etc. are able to assist individuals who consider themselves to be the victims of harassment or bullying and their availability is widely-publicised. Nevertheless, we are reviewing whether further changes may be made to improve the approachability of such support services.

86. We note that supervisors are trained to identify risk factors in recruit behaviour. We recommend that such training be extended and provided to all permanent staff at initial training establishments. We further recommend that recruits and trainees be trained to identify ‘at risk’ behaviour in their peers. (Paragraph 322)

The Department recognises the need to enable all staff and trainees to understand and identify ‘at risk’ behaviour. Induction training content currently delivered to staff and trainees will be reviewed to ensure that good practice is utilised and shared.

87. The MoD should ensure that the regulations on access to firearms are clear, understood and implemented throughout initial training establishments. (Paragraph 326)

The Department agrees with the Committee’s recommendation. Comprehensive guidance relating to the issue, control and security of firearms is laid down in a series of Joint Service Publications. A review of the policy, led by the Director General of Training and Education and involving the Services, is currently underway. Vigilance will be maintained in all matters concerning the issue and use of firearms in training.

88. Guard duty has a training value. It would not be appropriate to bar trainees from undertaking a role which they will probably have to conduct once they are deployed.

We therefore recommend that trainees continue to undertake guard duty but do so only in pairs. The MoD should ensure that the guidance on guard duty is fully implemented at all initial training establishments. MoD must ensure that under 18 year olds do not undertake armed guard duty. (Paragraph 327)

Before recruits in the Army and RAF are issued with arms and ammunition for employment on security duties they receive adequate training in weapon handling, marksmanship, weapon safety and rules of engagement and have attained the minimum training standards. Armed guards must also have completed Phase 1 training. It is expressly forbidden for weapons to be handed over without supervision. We are currently reviewing the policy relating to Under 18s performing guard duty. Recruits under the age of 18 only perform guard duty in pairs and are supervised by a Junior Non Commissioned Officer. In the Royal Navy, the routine armed guarding of all major establishments, including the initial training establishments is carried out by members of the Military Provost Guard Service (MPGS).

89. MoD and Service Police have clear guidelines they must follow in the event of a serious incident at training establishments. It is not clear, however, how widely those instructions are disseminated, and whether, for example, all those in the guard room at a unit who would be expected to be the first to be informed of an incident would be fully aware of the imperative of protecting the scene and ensuring that evidence is not tampered with. We recommend that MoD ensure instructions are not only available to units, but are adhered to. (Paragraph 334)

The Department agrees with the Committee's recommendation, and will ensure that appropriate guidance is available and is followed.

90. We note that the Service Police have emphasised the need to "think murder". Nevertheless, previous failings on the part of both civil and military police forces cannot pass without comment. The lack of transparency in the investigative process and its outcome has fuelled the disquiet surrounding incidents. In relation to the Deepcut investigations, we recommend as full a disclosure of information as possible. We would encourage the publication of Devon and Cornwall's Police's review of the Surrey Police investigation. (Paragraph 338)

The Department notes the Committee's conclusions, although the military police contribution to the Deepcut investigations was provided at the request of either the Surrey Police or HM Coroner's Office. All the information gathered by the RMP was passed to Surrey Police and forms part of their material.

The question of publication of the Devon and Cornwall Police review is a matter for the Chief Constable of Surrey Police.

91. We note the MoD's intention to agree a protocol between the Home Department Police Forces and the Service Police. MoD and the Home Office should consider whether that protocol and the existing protocol with Ministry of Defence Police should extend the offences for which civilian police should have primacy. We consider that the protocols may establish a presumption of civil police primacy for allegations of grievous bodily harm or sexual assault. We expect MoD to conclude the new protocol and amend the existing protocol as a matter of urgency. We expect MoD's response to our report to indicate when those changes are to be implemented. (Paragraph 339)

The existing protocol between the MDP and Home Department Police Forces (HDPFs) is being renegotiated to include the Service Police, rather than negotiating a separate protocol between the Service Police and HDPFs. This work has already started and we hope to agree the document by the end of July. The civil police already have primacy to investigate all criminal offences in the UK, but are content for the Service Police to investigate most crimes committed by Service personnel on or against the Defence Estate, MoD property and Service personnel. It is vital the Service Police to retain the ability to investigate offences such as GBH and sexual assault, as this allows them to develop and hone investigative skills they will need overseas and on operations, where they will have to investigate the whole range of offences, including murder and rape. A separate protocol on dealing with deaths (or injuries likely to result in death) on military establishments is also being developed. Nottinghamshire Police have the lead.

92. We note the curious wording of MoD guidance (on ‘suspected suicides’), which refers to the “current climate of accountability and public awareness”. We strongly recommend that MoD redraft this guidance to remove any suggestion that investigations into cases of sudden death should be exacting only because of the current spotlight on such cases. (Paragraph 340)

The guidance to which the Committee refers is contained in the Provost Manual (Army Code 62040) and not MoD policy. The Provost Manual contains instructions and direction from PM (A) as Head of Service, to Provost units. The guidance on ‘suspected suicides’ has now been reviewed, amended in line with the Committee’s recommendation. It was re-issued on 15 Mar 05.

93. Next of kin and other interested parties should be made aware of the time and location of a Board of Inquiry as early as possible, irrespective of whether they have expressed a wish to attend. We are disappointed that MoD has taken the view that next of kin should be allowed to attend Boards of Inquiry only in exceptional circumstances. We consider that the presumption should be that next of kin should be allowed to attend and only in exceptional circumstances should they not be. Where the deceased is under 18 the parents, whether or not named as next of kin, should be included. (Paragraph 343)

94. We believe that there should be a presumption that the Report of a Board of Inquiry should be provided to the next of kin as a matter of course. The appropriate liaison officer should brief the next of kin on the content of the Board of Inquiry, and explain distressing or technical issues to them. (Paragraph 344)

The Department accepts the Committee’s recommendation that Next of Kin should be informed of the time and location of a Board of Inquiry. However, it remains our view that Next of Kin should not attend Boards of Inquiry except in exceptional circumstances. Boards of inquiry are intended as a wholly internal procedure and are convened for Service purposes. The presence of families may inhibit the openness of witnesses, in addition to being impractical as Boards of Inquiry can last for months and necessitate travel both inside and outside the UK.

The Department, however, recognises that Next of Kin will have a close interest in the Board’s work and new procedures have been established to keep them informed of progress. Next of Kin may if they wish also be given a private briefing on the Board’s findings by the Board President and it has been MOD policy since 1992 to release BOI reports on fatalities and serious accidents to next-of-kin or a close relative with the minimum of redaction e.g. third party data and security sensitive data.

95. We are concerned by the evidence we have heard on the conduct of Coroner's inquests and Procurator Fiscal's investigations. We are aware that improvements have been made and Coroners are becoming more professional. We expect inquests into non-combat deaths at initial training establishments to be conducted to the highest standards. (Paragraph 346)

The Department notes the Committee's observations, which are matters for HM Coroners and Procurators Fiscal.

96. Investigative procedures need to be, and need to be seen to be, independent and effective in order to provide confidence in the system. Despite the primacy of civilian police in serious incidents, concerns remain about the immediate response at training establishments to ensure that all possible evidence is retained and preserved. (Paragraph 350)

The Department notes the Committee's observations. Once immediate actions have been taken to preserve life and 'make safe' any weapon, the priority is to preserve the crime scene and secure evidence. We will ensure that guidance to this effect is given appropriate circulation outside the police community. The Committee will note that the draft protocol on deaths in military establishments stresses the importance of this point.

97. We recommend the Armed Forces redraft the next of kin forms to take account of potentially complex parental relationships. Consideration should be given to a section that explicitly states if certain people are not to be contacted directly by the Services. The procedures for briefing soldiers on the implications of what they write on the form should be reviewed to ensure that they fully understand what will happen in the event of certain individuals being included or excluded. (Paragraph 353)

The Department notes the Committee's recommendation. Procedures for nominating Emergency Contacts were reviewed prior to the publication of the new Joint Service Publication 751, Joint Casualty and Compassionate Policy, (issued in February 2005). This guidance supersedes all single Service Casualty Manuals and stipulates that individuals will be responsible for inputting all Emergency Contact details directly on to the system, without supervision. The importance of accuracy and the implications of who is or is not nominated will form part of user instruction. This system represents a considerable expansion of the record for each individual and should take into account more complex family situations.

98. We have to conclude that the level of support given to the families of those who die in non-combat circumstances falls well short of what is provided to families of combat casualties. It seems that the established procedures for informing next of kin, and supporting bereaved relatives were ignored in the cases presented to us. (Paragraph 360)

99. We accept that it is not always possible to ensure those who are appointed as Casualty Notification Officers have received appropriate training. We recommend that MoD ensure that Casualty Notification Officers receive appropriate briefing before informing the next of kin, and that such briefing takes account of the failings that have occurred in the past. We further recommend that all Casualty Visiting Officers are trained in appropriate counselling techniques. Casualty Visiting Officers should also be able to advise families on all aspects of the investigative processes, including the Coroner's inquest (or Procurator Fiscal's

investigations) and Board of Inquiry. Casualty Visiting Officers should, as a matter of course, provide families with advice on the appropriate bodies to which they can turn for financial and legal assistance for those processes. (Paragraph 361)

Significant changes in procedures have been introduced over the past two years and further improvements are anticipated. All Casualty Notification Officers (CNOs) and Casualty Visiting Officers (CVOs) are briefed to try and establish if there are any issues that could affect communication with the immediate and the wider family, for example, divorced or separated parents, estranged wives or children from a previous relationship. If necessary, a second or third CVO will be appointed.

While CVOs are carefully trained, the Department does not believe that they should receive training in counselling techniques, as this is specialist work which should be left to professionals. CVOs, or in some cases specialist Business Visit Officers, routinely advise families on appropriate sources of financial and legal assistance.

100. The way in which personal items were returned to those families who gave evidence to us was unacceptable and contributed considerable additional distress. The procedures in place at the time were clearly not followed. We welcome the improvements in the procedures that MoD has made. It is essential, however, that MoD not only ensure that the revised procedures are followed in all cases, but that they are also implemented with sensitivity and an awareness of the distress that can be caused. (Paragraph 365)

The Department very much regrets that some families whose children have died have been unhappy with how the Services have handled the return of their loved one's possessions. This is not always a straightforward process, particularly if a police investigation is involved, and we try to act with tact and sensitivity. Joint Service Publication 751, which came into effect in April 2005, now contains new guidance based on experiences in Op TELIC.

101. For far too long in the past the Armed Forces, and the Army in particular, failed to grasp the nettle of duty of care. Arguments about the level of resources available and the need to divert resources to the front-line should not have been used to mask the Armed Forces' failure to tackle these issues in that period. (Paragraph 375)

102. It was not until the summer of 2002, some five months after the death of Pte. Geoff Gray whilst on guard duty at Deepcut, that a significant and coherent attempt was made by MoD and the Army to address duty of care issues in its initial training establishments. (Paragraph 376)

The Department accepts that, in the past, mistakes have been made. However, as the Committee notes, the Armed Forces have made considerable efforts to improve the care we provide and we are committed to a process of continuous improvement.

103. We recognise the commitment and integrity with which the Directorate of Operational Capability has approached its three evaluations of initial training. We also recognise that these appraisals have successfully brought to the attention of MoD and the Armed Forces' chain of command the need for a focus on welfare and supervision issues in initial training. This has resulted in MoD providing extra resources for more supervisory personnel and to improve accommodation. We also welcome DOC's highlighting of areas of good practice, particularly in the management of SATT. The internal audit role of DOC is important and clearly has credibility in MoD. We recommend that DOC appraisals of initial training should be regular and ongoing. (Paragraph 383)

The Department agrees that the role of DOC in conducting three appraisals of initial training has been of value. Combined with the existing internal audit resources and the use of the Directorate of Individual Training Capability (DITC), the latest DOC assessment will provide an appropriate internal check of the improvement activity in this area. Further DOC assessment is planned for 2007. In addition, the ALI will conduct further evaluations of Service training.

104. We welcome the establishment of the post of Director General of Training and Education as an important step in the development of a coordinated joint approach to training and education. We recommend that his remit be expanded to include responsibility for developing policies, priorities and targets for welfare across the three Services' training establishments. This would include the identification and active promotion of good practice across the Services. (Paragraph 385)

The establishment of the post of Director General of Training and Education is recognised as a focus for tri-Service individual Training issues. A Best Practice Working Group led from within the Director General's area has been established and is the forum for the acknowledgement and sharing of good practice across the Services.

105. We welcome the fact that MoD has provided the necessary funds for the implementation of many of the DOC report recommendations. We recommend that MoD commits itself to providing the necessary additional resources for the full implementation of the DOC report. (Paragraph 389)

The Department notes the Committee's observation. We are committed to taking the DOC recommendations forward as part of a consolidated response to the issues raised in this report and the findings of the Adult Learning Inspectorate report on care and welfare. The allocation of Departmental resources will, however, need to be prioritised as part of the normal planning process.

106. MoD needs to ensure that the chain of command drives through a permanent change in attitude in the Army from one that accepts unnecessary risk in its training regime to one that considers effective welfare and training as vital to producing operationally effective Servicemen and women. (Paragraph 391)

The Army is acutely aware of its responsibilities to minimise risk to its trainee population, although it is unrealistic to expect that risk can ever be completely eradicated.

107. We recommend that regular conferences of Commanding Officers and expert welfare professionals be established, at which changes in policy would be discussed and good practice identified and shared. We recommend that such seminars should also be a forum for the consideration of future reports on the Army's training system. The output of those meetings should then inform the work of the Director General of Training and Education. (Paragraph 393)

108. We recommend that MoD encourage development of a community of welfare practitioners. This could include instructors, the Army Welfare Service, chaplains and medical officers. Such a community of practitioners could be a vehicle for the exchange of information on areas such as changes in legislation or policy, approaches to particular welfare issues or the identification of good practice. The process might involve conferences, web-based groups or in-house journals. We believe that such measures would promote an integrated approach to welfare concerns across the three Services. (Paragraph 394)

Regular Conferences for Commanding Officers, expert welfare professionals and other welfare providers will be considered as part of the review currently being undertaken by the Director General of Training and Education and the tri-service welfare review.

109. We note the effective way the Armed Forces shares best practice on flight safety between air and ground crew. We recommend that MoD consider providing resources for the establishment of a similar forum for welfare practitioners in all three Services. An in-house magazine and website could provide instructors with the means to share experiences of providing welfare in training establishments, promulgate good practice and provide instructors with a means of discussing welfare issues. We believe that such a magazine could significantly contribute to the sharing of good practice within the three Services. (Paragraph 396)

Forums for the exchange of welfare best practice already exist in the form of the Armed Forces Welfare Policy Strategy Group and the Tri-Service Welfare Working Group, both of which meet on a regular basis. The creation of an in-house magazine and website will be considered at these forums.

110. The Adult Learning Inspectorate has, since May 2004, been inspecting Armed Forces training establishments. We welcome MoD's decision to introduce external oversight of the Services' training systems as a necessary measure to add assurance to the audit process conducted by the Director of Operational Capability. (Paragraph 398)

The Department welcomes the Committee's comments on the introduction of external oversight of training by the ALI. The ALI have been provided with open access to the initial training environment to conduct the survey of the Duty of Care and Welfare provision and their first report was published on 21 March 2005. The MoD also intends to strengthen the Directorate of Individual Training Capability (DITC) to carry out the DOC role in the training environment as a matter of routine.

111. We note the Minister's judgment that Adult Learning Inspectorate has the requisite experience and analytical skills to overcome an initial lack of familiarity with the Service training environment. Any external organisation could be criticised for lacking familiarity with the unique characteristics of initial training in the Armed Forces. With independence necessarily comes a degree of professional detachment, and we regard that as an important component of the credibility of such audits. An assessment of ALI's work, however, must await publication of its first report. (Paragraph 410)

In selecting the ALI to provide an external view of Initial Training the Department identified the body it believes is most suited with the appropriate capability to provide us with the detailed information and independent view required in order to further improve.

112. Although we recognise that the chain of command is central to the culture and ethos of the Services, we do not believe that a Military Ombudsman or an external complaints mechanism would constitute an obstacle for the chain of command. We criticised earlier in this report the effectiveness of Empowered Officers and other existing complaints procedures. We noted how Service personnel have recourse outside the chain of command for allegations of sexual and racial discrimination. (Paragraph 420)

113. There is an increasing expectation among the general population that public

bodies will be subject to some form of independent scrutiny of their actions. We therefore recommend that an independent military complaints commission be established. It would have the authority and capability to make recommendations which would be binding on the Armed Forces. It would also have a research capacity that would enable it to examine trends that it had identified. (Paragraph 423)

114. It would be for the commission itself to decide whether to undertake an investigation, but we would expect it to take into account the seriousness of the allegation. The commission should have the authority to consider past cases. In deciding whether to pursue a past case, the commission might consider any investigations or inquiries that had already been conducted as is the case for the Police Ombudsman for Northern Ireland which has retrospective powers. (Paragraph 424)

115. The primary goal of the commission would be to resolve complaints made to it. If the commission decided to pursue a complaint, it would have the right of access to all documentation, and to Service personnel, in order to enable it to establish whether the correct procedures had been followed and whether there were matters that required criminal investigation. We do not envisage that, for matters unrelated to duty of care, the commission would replace existing grievance mechanisms. (Paragraph 425)

116. The commission should be required to make an annual report to Parliament. (Paragraph 426)

117. We recommend that the commission be established in such a way as to assure both complainants and the public of its independence from the Armed Forces. We believe that the commission would help MoD identify lessons that need to be learned. We also believe that a truly independent scrutiny mechanism would contribute to bolstering public confidence in the Services. (Paragraph 427)

118. We are not persuaded at this time of the case for a public inquiry into the noncombat deaths of trainees at Deepcut barracks or other training establishments. Unless the Blake review unearths significant new evidence, there are no grounds to believe that a public inquiry could add substantially to the investigations that have already taken place. We also note that some of the physical and forensic evidence that would be fundamental to any new investigation has been lost. (Paragraph 446)

The system for making and dealing with complaints, on all matters of concern to an individual, is comprehensive. It is intended to ensure that a complaint, if it cannot be disposed of at the lowest working level – and this is always a prime responsibility of a Commanding Officer – can be considered at successively higher levels. Welfare staffs are also available at units to give face-to-face advice to those who are troubled. The Department acknowledges, however, that the process is slow and may not always be perceived as accessible and fair.

Accordingly, changes were introduced to the system from 1 April 2005 to harmonise procedures concerning harassment complaints across the three Services and the MOD Civil Service, and to make the process more transparent and quicker. The Armed Forces Bill, which we plan to introduce later this year, will propose further changes to the resolution of complaints, as outlined in the Department's memorandum to the Defence Committee and we will consider the case for an independent element as part

of those changes: there are different models for this, in this country and abroad, and their implications need detailed examination

119. We are not persuaded that a public inquiry is the best means of investigating the culture of training at Army training establishments. We believe that the internal audit of initial training by DOC, augmented by the external assurance provided by ALI, will be more effective in addressing cultural issues in initial training. We recommend that the effectiveness of DOC's internal audit and ALI's external assurance are reviewed. (Paragraph 447)

The Department notes, and agrees with, the Committee's observations. The effectiveness of the DOC's audit and the ALI review will be assessed as part of the Department's follow-up work on their recommendation.

120. We recognise that there have been non-combat deaths in the Armed Forces that merit further investigation. We are not convinced, given the statutory framework under which it would have to be established, that a public inquiry would be the most effective way of investigating those deaths or importantly bringing closure for the families. However, the independent military complaints commission that we have recommended would have the retrospective power to investigate any individual case referred to it. The final decision whether or not to investigate would rest with the independent commission. (Paragraph 448)

The Department notes the Committee's observations.

Conclusion

121. The Army has failed to recognise that it is not sufficient simply to put structures in place. What matters is that they work. As we concluded earlier, the Empowered Officer concept is not working and does not provide sufficient independence and advice as envisaged by Directorate of Operational Capability. We have also highlighted difficulties with chaplains, the WRVS, medical services and helplines. Concerns also remain about the ability of supervisors to fulfil their duty of care obligations. Put together, therefore, we remain convinced that despite the considerable efforts made to date, there is still more to be done. In addition, we are concerned that the advances that have been made may stagnate or be reversed once the spotlight moves away from welfare issues. We therefore seek assurances from MoD that duty of care will remain a primary area of its work. We therefore recommend that our successor Committee should carry out a further inquiry, in say three years, to monitor progress and the maintenance of high standards in this area. (Paragraph 458)

The Department agrees that duty of care issues will remain a primary area of work and is committed to seeking continuous improvement in this important area.



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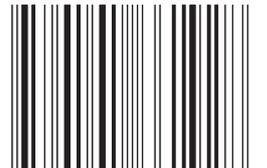
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