



House of Commons
Defence Committee

Duty of Care

Third Report of Session 2004–05

Volume I



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Report, together with formal minutes

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The Defence Committee

The Defence Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Defence and its associated public bodies.

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Conclusions and recommendations

Introduction

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)

Definition of Duty of Care

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)

Recruitment

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)
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)

Socio-economic background

5. Some young men and women may join the Services as a last resort, that 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)
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 socio-economic 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)

Character of recruit population

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)
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)

Information for applicants and parents

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)
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)
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)

Entry criteria and risk

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)

Age

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)
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)
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)
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)
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)
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)
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)

Applicants from local authority care

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)

Education

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

Screening

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)

Wastage and right to leave

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)
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)

Resources

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)
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)

Duty of Care information

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)

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)
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)

Duty of Care structures

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

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)

Empowered Officers

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 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)

Chaplains

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)
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)

SSAFA

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)

WRVS and other non-uniformed welfare providers

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)

Medical services

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)
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)

Access to welfare staff

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)

Supervision

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)
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)

Instructors: selection and training

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)
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)

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)
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)

Managing the training regime

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)
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)
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)

Accommodation and facilities

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)

Monitoring and data collection

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)

Bullying and harassment

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)
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)
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)
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)
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)
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)
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)

Culture and ethos

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)

Armed Forces response to bullying

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

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)

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)

Suicide and self-harm

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)

Access to firearms

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

Guarding

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)

Investigations

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)
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)
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)
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)

Boards of Inquiry

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)

Coroners' inquests

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)
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)

Treatment of bereaved families

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)
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)

Disposal of effects

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)

Review and implementation

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)
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)

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)
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)
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)
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)
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)

External assurance

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)

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)
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)

Public inquiries and the Blake Review

- 118.** We are not persuaded at this time of the case for a public inquiry into the non-combat 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)
- 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 ALL, will be more effective in addressing cultural issues in initial training. We recommend that the effectiveness of DOC's internal audit and ALL's external assurance are reviewed. (Paragraph 447)
- 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)

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)

1 Introduction

1. The primary purpose of training in the Armed Forces is to produce sufficient, capable and motivated Service personnel to meet the military needs of the nation. The Minister of State for the Armed Forces told us that initial training provides “an essential foundation element” of military capability,¹ which encompasses a wide range of roles, such as peace keeping and support, as well as fighting wars. The training organisations within the United Kingdom’s Armed Forces undertake the transformation from civilian to operationally capable Servicemen and women, quickly and in large numbers. More than 20,000 recruits pass through the training organisations each year.² The United Kingdom’s Armed Forces are considered by many to be the most effective in the world. The training regimes have produced individuals that have created that reputation for military excellence. The training of those who embark on a career in the Services must be sufficient to maintain the high standards essential for front-line forces to carry out the diverse tasks assigned to them.

2. Our inquiry was prompted by individual deaths of recruits and trainees at initial training establishments especially the deaths of four young soldiers, between 1995 and 2002, at the Princess Royal Barracks, Deepcut, Surrey.³ Following the death of Pte James Collinson in 2002, Surrey Police re-opened the investigations into the earlier three. In autumn 2003, they submitted a report on each of the four deaths to the Surrey Coroner. In March 2004, Surrey Police published its Final (fifth) Report on wider issues and concerns about the Army’s care regime that had arisen during those investigations.⁴

3. The Final Report recommended “a broader enquiry” to “provide assurance that the current momentum in the development and implementation of regime improvements [in the Army] is sustained”, and to “consider the need for independent oversight of Army recruit training to support the Army in striking the right balance between tough training and the control of avoidable risk”. According to Surrey Police “evidence of bullying” also supported “the case for a broader enquiry”.⁵

4. Following publication of Surrey Police’s Final Report, we considered the contribution a select committee inquiry could make to improving MoD’s duty of care. On 19 March 2004 we published the terms of reference for our inquiry.⁶ From the outset we have acknowledged that this inquiry was particularly sensitive because of the interest of the families of those who have died at initial training establishments. We are also aware of the media’s keen interest in this subject. We have been clear throughout this inquiry that we would not be investigating individual deaths, at Deepcut or at other initial training establishments. In this report, we have not questioned the findings of the police or of the coroner in relation to the circumstances of specific deaths. We have, however, drawn general conclusions relating to the role of the police and the coroner in non-combat deaths.

1 Q 127

2 Ev 235

3 Pte Sean Benton (1995); Pte Cheryl James (1995); Pte Geoff Gray (2001); Pte James Collinson (2002).

4 The Deepcut Investigation Final Report, Surrey Police, 2004 *hereinafter* Surrey Police Final Report.

5 Surrey Police Final Report, paras 1.24–1.33, 4.17–4.18.

6 Defence Committee press notice, no. 17, 19 March 2004. www.parliament.uk/parliamentary_committees/defence-_committee/def190304_no_17.cfm

We have continually emphasised that our inquiry was not an alternative to the public inquiry that has been called for by the families of some of the trainees who died at initial training establishments. Instead our intention was to inquire into how effectively the Armed Forces discharge their duty of care to their trainees and, if necessary, to make recommendations for improvements.

Previous work of the Committee

5. Our concern for the welfare of men and women in the Armed Forces is not new. Some of the issues discussed in this report have previously been considered by this Committee, our predecessor Defence Committees, and associated Defence-related Select Committees. In 1988, our predecessors produced a report on *Ethnic monitoring and the Armed Forces*, which included recommendations to MoD on collecting data, monitoring, harassment and bullying.⁷ Similar issues were considered in Defence Committee reports in 1992 and 1993 on the Statements on the Defence Estimates, as well as recommendations on tackling sexual harassment.⁸

6. Our predecessor Committee's report on *Military Training*, published in September 1994, highlighted several duty of care issues. The report is included in the chronology in Surrey Police's Final Report.⁹ Some members of the Defence Committee also served on the Select Committee on the Armed Forces Bill, in 1996, which criticised MoD's lack of progress in relation to recruiting ethnic minority recruits.¹⁰ Our predecessor Defence Committee's report in 1998 on the *Strategic Defence Review* and particularly its 2001 report, *Strategic Defence Review: Policy for People* noted improvements to MoD's policies for dealing with some duty of care issues but pressed for further improvement.¹¹

Scope of the inquiry

7. Our terms of reference for this inquiry are as follows:

- To examine how the Armed Forces discharge their duty of care responsibilities to recruits under initial training.
- To consider what improvements might be made to the duty of care regime for these recruits, consistent with maintaining operational effectiveness.
- To examine the Armed Forces' ability to assess risk to recruits under training and their ability to recommend improvements to the care regime.
- To examine the effectiveness with which these recommendations are implemented.

7 First Report from the Defence Committee, Session 1987–88, *Ethnic Monitoring and the Armed Forces*, HC 391

8 First Report from the Defence Committee, Session 1992–93, *Statement on the Defence Estimates 1992*, HC 218; Ninth Report from the Defence Committee, Session 1992–93, *Statement on the Defence Estimates 1993*, HC 869

9 Ninth Report from the Defence Committee, Session 1993–94, *Military Training*, HC 93

10 Special Report from the Select Committee on the Armed Forces Bill, Session 1995–96, HC 143

11 Eighth Report from the Defence Committee, Session 1997–98, *The Strategic Defence Review*, HC 138-I; Second Report from the Defence Committee, Session 2000–01, *The Strategic Defence Review: Policy for people*, HC 29-I

- To consider the need for independent oversight of Armed Forces recruit training.¹²

8. We have taken a tri-Service approach to our inquiry. Since the establishment of the post of Director General of Training & Education (DGT&E) in 2002, training policy has become increasingly tri-Service in nature, and it is important to judge whether that change that will result in improvements. However, a substantial amount of the information available has solely related to the Army. **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.**

Conduct of the inquiry

9. We received a substantial amount of written evidence in relation to this inquiry, most of which was supplied by MoD and the Armed Forces. We have noted and welcomed MoD's readiness to assist the Committee and provide us with the information requested. This has not always been the case in the past.¹³ Although we acknowledge that we have requested extensive amounts of material from MoD for this inquiry, we are disappointed that on occasions the material provided in response to our requests has been convoluted or ambiguous. We suspect that in many cases this is due to failings in recording or monitoring procedures. We return to this issue later in the report.

10. We received submissions from professional bodies, welfare organisations, academics and other interested parties. We also received written submissions from the families of several of those who have died in initial training establishments and elsewhere in the Services. In addition, we have received submissions from serving and former Service personnel. We are grateful to all those who submitted written evidence, and in particular to those families and individuals who provided us with a personal perspective on some of the particularly disturbing and distressing aspects of this inquiry.

11. We held ten public evidence sessions, during which we heard from 37 witnesses. We held our first oral evidence on 26 May 2004, with Lieutenant General Anthony Palmer, the Deputy Chief of Defence Staff (Personnel), Rear Admiral Simon Goodall, Director General Training & Education (DGT&E), Colonel David Eccles, Chief of Staff, Army Training and Recruitment Agency (ATRA) and Mr Julian Miller, Director General of Service Personnel Policy, MoD. Over the following months we heard evidence from academics and professional bodies,¹⁴ from welfare providers¹⁵ and the Adult Learning Inspectorate.¹⁶ We

12 Defence Committee press notice, No. 17, 19 March 2004

13 See Third Report from the Defence Committee, Session 2003–04, *Lessons of Iraq* HC 57-I, paras 17–21

14 Mr Lawrence Waterman, President-Elect and Mr Jeremy Corfield, Corporate Member, Institution of Occupational Health (IOSH); Professor Geoff Chivers, Director, and Mr Tom Mulhall, Director of Security Programmes, Centre for Hazard and Risk Management (Charm), Professor Keith Hawton, Director Centre for Suicide Research and Professor of Psychiatry, Oxford University, and Professor Simon Wessely, Director, Kings' Centre for Military Health Research and Professor of Psychiatry, King's College London; Ms Sandra Caldwell, Director, Field Operations Directorate, Ms Elizabeth Gynnell, Head of Division, Better Working Environment Directorate, Health and Safety Executive (HSE).

15 Mrs Denise Murphy, Head of Services & Welfare & Customer Services Director, and Mrs Morag Antrobus, Senior Operations Manager, Services Welfare, Womens Royal Volunteer Service, Commodore Paul Branscombe CBE, Deputy Controller, Service Support and Mrs Kate Burgess OBE, Director of Social Work, Soldiers, Sailors and Airmen Families Association (SSAFA) Forces Help.

took evidence from Mr Dennis O'Connor CBE, formerly Chief Constable and Chief Superintendent Craig Denholm of the Surrey Police. Brigadier Mungo Melvin OBE, Director of Operational Capability, and Group Captain Stephen Howard, RAF, Assistant Director of Operational Capability gave evidence to us, accompanied by Rear Admiral Goodall.

12. Brigadier Melvin and Group Captain Howard provided us with evidence on the three reports into Armed Forces initial training establishments produced by the Directorate of Operational Capability (DOC), which reports to MoD, the Vice Chief of the Defence Staff (VCDS) and the Minister for the Armed Forces. DOC's three reports—an appraisal in the autumn of 2002 and two follow-up reappraisals in 2003 and 2004—recommended substantial improvements to be made in the duty of care regimes. We have referred in this report to DOC's reports as DOC(1), DOC(2) and DOC(3).¹⁷

13. We took evidence from the families of recruits who died at ITC Catterick,¹⁸ and at Deepcut barracks.¹⁹ We also held a public informal meeting with families whose children died overseas, or were no longer trainees, and therefore fell outside the terms of reference of this inquiry, but whose experiences the Committee considered relevant to some of the wider issues. At our final evidence session, on 15 December 2004, we took evidence from the Rt Hon Adam Ingram MP, Minister of State for the Armed Forces, Colonel David Eccles, Chief of Staff, ATRA and Martin Fuller, Director, Service Personnel Policy, Service Conditions, Ministry of Defence.

14. We visited 15 training establishments where we met a large number of Service personnel, including recruits, instructors, supervisors, military and civilian welfare staff and officers.²⁰ Our overall impression of initial training and many of our conclusions and recommendations have been informed by views we heard in the course of these visits. We offered recruits the opportunity to contact us in confidence by e-mail with their experiences of life in initial training. We received three responses to this invitation, but we wish that more serving personnel had felt able to give us their view of initial training. We also visited the Armed Forces Chaplaincy Centre and the Defence Centre of Training Support at RAF Halton to observe the courses at these establishments. We visited the Peel Centre at Hendon Police College to discuss duty of care issues in a comparable, disciplined service. The Chairman attended the five day Army trainers' course at Lichfield.

16 Mr David Sherlock, Chief Inspector, Ms Lesley Davies, Assistant Director of Inspection, and Ms Barbara Hughes, Inspector, Adult learning Inspectorate.

17 Directorate of Operational Capability, Appraisal of Initial Training, December 2002, hereinafter DOC (1); Directorate of Operational Capability, Re-appraisal of Initial Training, July 2003, hereinafter DOC (2); Directorate of Operational Capability DOC Reappraisal of Initial Training (DOC 3) Oct 04, October 2004 hereinafter DOC (3).

18 Mrs Lynn Farr, Mrs Janette Mattin, Ms June Sharples, Mrs Claudia Beckley-Lines, and Mr Justin Hugheston-Roberts, Solicitor Advocate, Msrs Rose Williams and Partners.

19 Mr Des and Mrs Doreen James, Mr James and Mrs Yvonne Collinson, and Mr Geoff and Mrs Diane Gray.

20 The list of visits is published as Annex A to this report.

15. We commissioned a review of reports into duty of care and related issues from Mr Ivan Zverhanovski of Kings College London, with the aim of identifying common themes and the implementation of recommendations.²¹ We are grateful for his contribution to this inquiry; and for the assistance of our specialist advisers: Rear Admiral Richard Cobbold, Professor Cary Cooper, Professor Christopher Dandeker, Professor Michael Kerfoot, Air Vice Marshal Professor Tony Mason, Professor Stephen Palmer and Brigadier Austin Thorp.

21 Published as Annex B to this report.

2 Background to the inquiry

16. The Armed Forces require a fundamentally different commitment from that required in any other sphere of activity. In 1998, General Sir Michael Rose, a former Adjutant General wrote:

Soldiers are not merely civilians in uniform: they form the distinctive group within our society that need a different set of moral values in order to succeed in circumstances which greatly differ from those prevailing in civilian life. For no other group in society is required either to kill other human beings, or expressly sacrifice their lives for the nation.²²

The ability to carry out that commitment depends on members of the Armed Forces receiving the right training.

17. A central question when considering the duty of care provided by the Armed Forces is the relationship between duty of care and operational need. The two are linked by the necessity to provide sufficiently robust training such that, once trainees have completed their training and been posted to front-line units, they do not put themselves or their colleagues' lives at unnecessary risk.²³ It would not be acceptable if, in order to produce that operational effectiveness, the training regime includes elements that go beyond robust training and stray into bullying behaviour. The Surrey Police Final Report acknowledges that:

It is important to recognise the significant challenges faced by the Army in reconciling the potentially conflicting demands of maintaining a necessarily robust training regime, designed to sustain it among the most professional armies in the world, while at the same time discharging its duty of care to young recruits.²⁴

The Armed Forces would have failed in their duty of care if recruits and trainees were not adequately trained and tested for operations. The Minister told us:

As they come out of that phase 2 training they could find themselves in Iraq or Afghanistan or in some other hotspot, and they then have to have that steel and that resolve. They have to look after themselves but they have to look after others round about them. Robustness should not be bullying or aggressive but it seems to me to be about instinctively driving that discipline into people so that they know they have to perform because their life depends upon it, other lives depend upon it, and they have to perhaps make the ultimate sacrifice. It makes them unique. None of the rest of us has ever been asked to do that. The Armed Forces are unique in that sense.²⁵

18. Although training must be robust, there are legal and moral obligations on those in command of training to ensure that recruits and trainees receive the appropriate duty of care. Robust training and duty of care are not mutually exclusive. General Palmer told us

²² 'How soon could our Army lose a war', *Daily Telegraph*, 5 April 1998.

²³ Qq 7, 89, 171. See Ev 232–235

²⁴ Surrey Police Final Report, para 1.22.

²⁵ Q 1358

that the major duty of care was to ensure that those who go from the training organisation into the frontline are properly prepared.²⁶ He went on to say it was “completely incompatible” for the training regime to be both “full of bullies and harassers”, and producing successful soldiers.²⁷

19. The Armed Forces are risk-taking organisations, the nature of the work they undertake is high risk and training to join the Armed Forces must necessarily have a higher risk associated with it than training for other professions. There is a balance between protecting individual rights and compromising the effectiveness of the Armed Forces. Lieutenant Colonel (Retired) Richard Haes, who produced a report in 2001 on duty of care of recruits at Deepcut Barracks, stated in his written evidence:

I fear that in all this we might lose sight of the need to maintain our fundamental cutting edge of operational effectiveness by adopting a risk aversion policy as a solution.²⁸

It is because Service training is high risk that the Armed Forces have a greater obligation to provide an adequate duty of care for their recruits and trainees. Nevertheless, it is important to ensure risk is not reduced to such levels that recruits are not prepared properly for operations.

Definition of Duty of Care

20. The Armed Forces’ duty of care is derived from both the legislative obligations on employers and a moral obligation to look after their employees that the Services acknowledge.²⁹ MoD interprets the phrase ‘duty of care’ narrowly, to encompass only its legal responsibilities.³⁰ The term ‘supervisory care’ is used by MoD to describe both the legal and moral component of looking after its employees. MoD summarised its legal obligations by reference to the tests a Court would apply in determining whether a duty of care was owed. The Court would consider in turn whether an injury was reasonably foreseeable; the proximity between the person alleged to owe the duty and the person claiming it is owed, and whether it would be fair, just and reasonable to impose a duty.³¹ We have not used MoD’s distinction between legal and moral obligations in this inquiry. The phrase ‘duty of care’ is used throughout this report—meaning both legal and moral obligations.

26 Q 7

27 Q 109

28 Ev 419

29 Ev 234

30 Ev 234, 261–262

31 Ev 261–262

21. We have concentrated on welfare and psychological aspects of the duty of care owed to recruits and trainees, rather than the duty to ensure that training in a particular aspect of military activity is safe. In other words, we have not considered whether the Armed Forces should improve the way trainees are taught to drive a tank or fire a gun. These are important issues that are inspected by the Health and Safety Executive.³²

The Legal component of duty of care.

22. Duty of care, as defined by MoD, derives from health and safety, equal opportunities and anti-discrimination legislation. The Health and Safety at Work etc Act, 1974, and associated secondary legislation set out the legal obligations on all employers to provide a safe place to work. The Act extends to matters that are foreseeable and within the employer's control. The Act covers mental as well as physical well-being; and includes issues such as stress and violence in the workplace. Secondary legislation covers:

- Machinery safety, including suitability, maintenance and inspection of work equipment, and information and training. Service issue weapons fall within the definition of work equipment.³³
- Reporting accidents at work that result in death, major injury or incapacity,³⁴ although these provisions apply only to members of the Armed Forces who are not on duty.
- Conducting suitable and sufficient risk assessments and controlling hazards identified.³⁵

23. Regulations specifically relating to young people less than 18 years old place a duty on employers to consider the psychological and physical capacity of their young employees. Employers are also required to provide information on preventive and protective measures to both employees under 18 years old and their parents or guardians before the young person starts work.³⁶

24. The legislation applies to the Armed Forces, but the Secretary of State may disapply it in the interests of national security.³⁷ There is no Crown exemption from the Act and associated regulations, but there are exemptions under the legislation that provide alternative administrative procedures for Crown enforcement. Those alternative mechanisms include the issuing of Crown Notices and Crown Censures.³⁸ MoD does enjoy

32 Q 155, Ev 373–386

33 Provision and Use of Work Equipment Regulations 1998 (S.I. 1998 No. 2306) (PUWER), as amended.

34 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (S.I. 1995 No. 3163) (RIDDOR). Accidents are defined as including any act of non-consensual physical violence done to a person at work. Certain defined types of disease and dangerous occurrences are also reportable. Absence resulting from work related stress is not a reportable disease. Acts of suicide, other than on a relevant transport system, are also non-reportable.

35 Management of Safety and Health at Work Regulations 1999 (S.I. 1999 No. 3242).

36 Implemented in the UK by the Health and Safety (Young Persons) Regulations 1997 (S.I. 1997 No. 135).

37 The instruction was incorporated into the MoD Health and Safety Handbook, Joint Service Publication 375 Volume 2 Chapter 10 in April 1997. See also Qq 156–158

38 By virtue of section 48 (1), of the Health and Safety at Work etc Act, 1974, the Act and regulations made under the Act bind the Crown, including MoD. The only exceptions are those sections dealing with criminal enforcement, which do not apply ("Crown immunity"). Instead, alternative administrative procedures exist for Crown

some further exemptions and disapplications as a result of the unique nature of its activities.³⁹ Not all of the legal duties imposed by statute are absolute. Some apply “as far as is reasonably practicable”, and allow for a balance to be struck between the degree of risk and the time, trouble, cost and physical difficulty involved in avoiding the risk.

25. The Armed Forces Health and Safety Policy includes the principle of meeting “subject to operational constraints, the requirements of the Health and Safety at Work legislation applicable in the UK and overseas”. This policy and MoD’s statutory responsibilities apply to all serving Armed Forces personnel (both Regular and Reservists), Cadets and civilian personnel. Other principles underpinning the policy include:

- to exercise health and safety responsibilities throughout the command chain and on an individual basis operationally and non-operationally, including the provision of information and appropriate levels of instruction and training;
- to have in place, monitor and regularly review a rigorous continuous programme of health and safety improvement.

26. The Armed Forces are subject to anti-discrimination legislation.⁴⁰ Sexual discrimination legislation currently applies to the Armed Forces, but does allow women to be excluded from posts in which the Armed Forces have judged that they would undermine and degrade combat effectiveness—for example, all cap-badged posts in the Regular Infantry are presently closed to women.⁴¹ The Race Relations Act 1976 makes it unlawful to treat one person less favourably than another on racial grounds.⁴² The Act applies to service in the Armed Forces, but there are important procedural differences involved in bringing a complaint. MoD has instituted a Race Equality Scheme 2002–2005 in response to its duty to promote race equality under the 1976 Act, as amended by the Race Relations (Amendment) Act 2000.⁴³ The Employment Equality (Religion or Belief) Regulations 2003, which apply to the Armed Forces, prohibit discrimination in employment on the grounds of religion or religious belief. In addition, members of the Armed Forces are entitled to the protections of the European Convention on Human Rights.⁴⁴ The Employment Equality (Sexual Orientation) Regulations 2003, which prohibit discrimination in employment on the grounds of sexual orientation, also apply.

Moral component of duty of care

27. MoD’s supervisory care obligations encompass, in addition to its legal responsibilities, a moral obligation to its employees. Each Service interprets its moral obligations in a

enforcement, including issue of Crown Notices and Crown Censures, as described in Cabinet Office Personnel Information Note PIN 45.

39 Ev 377

40 Legislation relating to discrimination on grounds of sexual orientation, religion and transsexual people also apply to the Armed Forces.

41 Sex Discrimination Act 1975, as amended by the Sex Discrimination (Application to Armed Forces etc) Regulations 1994 (S.I. 1994 No. 3276).

42 Amended by the Race Relations Act 1976 (Amendment) Regulations 2003 (S.I. 2003 No. 1626), which implement the Race Directive 2000/43/EC

43 The Race Relations (Amendment) Act 2000 covers public authority functions not previously covered by the Race Relations Act 1976.

44 Enshrined in UK law by the Human Rights Act 1998.

different way based on their individual cultures. The ‘Moral Component’ of the Army’s Military Covenant, states:

Enduring moral strength requires inner qualities in all soldiers, which must be reflected collectively throughout the Army. These are listed in ‘The Values and Standards of the British Army’ as Selfless Commitment, Courage, Discipline, Integrity, Loyalty and Respect for Others.⁴⁵

28. Colonel Haes’ written evidence states that:

A clearly defined Duty of Care and Supervision policy that details exactly what standard of care both trainee and staff should expect in ATRA to satisfy the Military Covenant promise [and a] care policy directive with quantified delivery targets and a ring-fenced budget would go a long way to preventing a deterioration in future.⁴⁶

29. We are not aware of any of the Service training organisations producing a single document setting out its moral duty of care obligations to individual recruits. Where references to moral responsibilities are made they refer to an individual’s responsibility to uphold the values and standards of the Service.

30. 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.

Princess Royal Barracks, Deepcut

31. The deaths of four young soldiers at Deepcut Barracks, and the inquiries conducted into those deaths became a catalyst for the Armed Forces to reconsider their duty of care policies and their implementation. Those deaths also prompted this inquiry. As we explained in paragraph 4 we have not examined the specific circumstances of the deaths of Pte Sean Benton, Pte Cheryl James, Pte Geoff Gray and Pte James Collinson in this inquiry. Surrey Police have investigated each of the deaths and they are properly matters for the police, the Coroner and, potentially, the legal system. In the course of their investigations, Surrey Police became aware of aspects of the training regime that caused them concern. Their Final Report highlights those concerns.

32. The media have frequently reported allegations of bullying at Deepcut. A recent newspaper article quoted former Deepcut recruits who had formed a group which was

45 Army Doctrine Publication Volume 5: Soldiering—The Military Covenant.

46 Ev 390

collecting statements about bullying at the camp. Ms Joanna Jones, a member of the group is quoted:

Staff crossed the boundaries of discipline into humiliation and control through the use of fear... A handful of staff members made our training unattainable and not only soul-destroying but, for some, life-destroying. Senior officers stood back and watched the morale plummet, self-harming soar and people die and did nothing.⁴⁷

Another member of the group, Mr Paul Kerr, left the Army after five weeks at Deepcut. He refers to an incident in which a recruit was punched in the head by a sergeant, and another in which a “boy was thrown against a wall so violently by a member of staff I thought he had broken his back”.⁴⁸ Another member of the group, James McAleese, trained at Deepcut for several weeks. He said: “The general atmosphere at Deepcut was one of depression with a high boredom factor, bullying and humiliation.”⁴⁹ We were contacted by a trainee currently at Deepcut, who states:

I can see how many of the young, less mature ‘soldiers’ would sometime deem themselves to be ‘picked on’ and ‘bullied’ as it were. At the end of the day parades and strangely timed [physical exercise] sessions employed as punishment will be used if it prevents 17–19 year old ‘boys and girls’ behaving in a way that is not becoming of a British Soldier... and believe me, spitting at Sergeants, underage drinking, theft, fighting and genuine levels of unhygienic conduct (to name a few) are all acts that deserve a punishment. In the 8 months I have been here I have seen no beatings, public downgradings, assaults (sexual, physical or otherwise) or anything from the permanent staff towards the recruits. If there is any, the recruits do that to each other.

It is not the staff who are in the wrong at this time, it is the British Army for letting such obnoxious, rude, immature youths complete phase 1 training and progress to trade training while they should still be in bed for 10pm on week nights and asking parents to support their paper round wages with pocket money.

Deepcut is not a nice place. Accommodation poor, food indifferent, but it would be a damn nicer place with people here that want to actually want to be in the Army rather than people who either can’t get jobs in civvy street or whose parents have thrown them out.

I can only speak for my Squadron here and am sure some ‘incidents’ do occur.⁵⁰

33. We are unable to gauge whether this submission is indicative of the view of most trainees currently serving at Deepcut Barracks. It does provide a counterpoint to the majority of evidence about bullying and of conditions at the camp.

34. Evidence from the families of the four recruits who died at Deepcut Barracks identifies issues to be addressed by MoD concerning initial training establishments and Deepcut in

47 “Deepcut troops reveal scale of cruelty at base”, *Scotland on Sunday*, 23 May 2004

48 *Ibid*

49 *Ibid*

50 Ev 499

particular. Written evidence from Mr and Mrs James included criticisms of MoD and Surrey Police for its handling of the investigation into their daughter's death in 1995 and renewed the Deepcut families' call for a public inquiry into the four Deepcut deaths.⁵¹ Mr and Mrs Collinson submitted evidence cataloguing their complaints about the way in which they were treated by the Army and MoD after their son's death at Deepcut in 2002. They also called for a public inquiry to cover: supervision and armed guarding; bullying; deaths at training establishments; liaison with families of recruits; and independent oversight of armed forces training.⁵²

35. Evidence submitted by Mr and Mrs Gray on behalf of *Deepcut and Beyond* listed alleged failures by the Army chain of command in its supervision of recruits at Deepcut.⁵³ Their evidence also calls for an 'independent and judicial public inquiry'; makes recommendations for the establishment of an Armed Services Ombudsman; and makes 32 specific recommendations designed to improve the provision of duty of care to recruits.⁵⁴ We note that the Minister announced a review to consider the circumstances surrounding the four Deepcut deaths and we have met Mr Nicholas Blake QC, who is to undertake the review. We consider Mr Blake's inquiry later in this report (see paragraphs 441–446).

51 Ev 389–391; see also Surrey Police Final Report, para 1.10.

52 Ev 385–387

53 Ev 377–381, *The Deepcut and Beyond: Armed Services Families' Justice Group*, represents the families of those who have died at Armed Forces initial training establishments

54 *Ibid*

3 Recruitment

36. For many people considering a career in the Armed Forces the initial contact will be with an Armed Forces Careers Office or a single Service Careers Information Officer. The Armed Forces duty of care begins at this point—potential recruits will expect to receive an honest description of life and work in the Armed Forces; and an honest description of the standards that they will need to reach and maintain in order to enter, and flourish in a Service career.⁵⁵ General Palmer told us that “from the moment somebody walks into an Armed Forces Careers Office... an attempt is made to make sure that they understand exactly the nature of the commitment they are making.”⁵⁶ Recruitment officers balance managing the expectations of recruits with promoting Service life and the potential for personal improvement that the Armed Forces can provide.⁵⁷

37. The recruitment organisations are asked to meet targets for numbers of recruits which reflect the Forces’ manpower requirements.⁵⁸ In the recent past, the Armed Forces have been under-manned.⁵⁹ Currently recruitment is buoyant, particularly in the Army. In all three Services the number of applicants is at least double the recruiting target.⁶⁰ Manpower requirements are expected to fall following the announcement of future force structures in the *Future Capabilities* White Paper.⁶¹ The reduced recruitment requirements should enable the Armed Forces to be more selective in their recruitment, with a consequential increase in the standard of recruits.⁶² The supporting essays to the *Delivering Security in a Changing World* White Paper, nevertheless, note that “Innovation in recruitment and retention is vital if we are to continue to recruit the best individuals from across society”.⁶³ The White Paper also refers to the future reduction in the recruiting pool.⁶⁴ Mr Ivor Caplin MP, the Minister responsible for recruits, wrote to the Committee to explain that, although there were no recruiting bans, the Services’ manpower requirements had altered. Some of the reductions in recruit numbers, the Minister explained, were due to improvements in the initial training process. For example, the Royal Navy reduced phase 1 and 2 wastage by about 10 per cent over 2 years, which enabled the training organisation to deliver “the required trained output from a smaller number of recruits”.⁶⁵ **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**

55 Q 39

56 Q 39

57 The Naval Recruiting and Training Agency (NRTA), for example, provide all staff with a booklet - Recruit/Trainee Management of Expectations, FOTR’s NRTA Staff Guide - that sets out the importance of managing the expectations of recruits and trainees.

58 Ev 246. For 2003–04 the non-officer recruiting targets were: Army 13,833; RAF 4,154; Navy 2,644; RM 1,182.

59 Q 10; Defence Committee, Fifth Report of Session 2003–04, *Defence White Paper 2003*, HC 456-I, paras 133 to 137

60 Ev 246, 254

61 Ministry of Defence, *Future Capabilities: Delivering Security in a Changing World*, Cm 6269, July 2004, para 3.6

62 HC 456-I (2003–04) pp 47–48

63 Ministry of Defence, *Delivering Security in a Changing World: Supporting Essays*, Cm 6041-II, July 2004, p 17

64 Cm 6041-II, p 17. HC 456-I (2003–04), pp 47–48

65 Ev 254

targets should not lead recruiting staff to dilute standards or admit applicants who do not meet the mandatory minimum entry criteria.

Recruitment process

38. In all three Services, applicants pass through a series of tests and interviews that assess them against eligibility criteria and gauge their aptitude for the various trades on offer.⁶⁶ All of the Services assess the medical condition of applicants. The Royal Marines and Army also assess applicants' fitness. Army applicants progress from an initial interview to tests to assess personality traits and basic skills.⁶⁷ These tests are considered in more detail at paragraphs 79–80 below. Successful applicants are sent to a Recruit Selection Centre where they undergo fitness and medical tests. Following further interviews, the applicant will be accepted, rejected or deferred. If they are accepted, they receive a provisional job offer and are allocated a place in training.⁶⁸ At Lichfield Recruit Selection Centre, we were told that the Army's recruit selection programme not only assessed suitability for training, but also introduced recruits to military ethos. The Centres' aim to motivate and prepare recruits for initial training.

39. In the Royal Navy those who pass the initial assessment progress to psychometric tests, interviews, medical and fitness tests, and security clearance.⁶⁹ For the Royal Marines there is an additional selection process at the Commando Training Centre, Lympstone which consists of a further interview and a range of physical fitness assessments.⁷⁰ In the RAF, airman and airman aircrew applicants sit the RAF Ground Trades Test Battery to determine the trades for which they are eligible. Applicants are also interviewed and undergo medical assessments.⁷¹

40. Although the basic elements are similar, the three Services approach recruitment in different ways because they have different requirements, and they appeal to different sections of the population. For example, the Army and Royal Marines place more emphasis on physical fitness tests than the Royal Navy or RAF. Some of the differences in approach have simply grown up over time or reflect different historic practices. **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.**

Socio-economic background

41. There is a perception that the Army recruits most of its soldiers from the least privileged socio-economic groups. MoD argues that there is little evidence to substantiate that view; but this is, at least in part, because currently MoD does not collect data on

66 Ev 235–242

67 BARB-British Army Recruit Battery; PQAP-Personal Qualities Assessment Profile; BSIA-Basic Skills Initial Assessment

68 Ev 235–238; DOC (1), Annex D.

69 Ev 246–247. About 20 to 25% are rejected at the initial stage. The principal reasons for rejecting information seekers are: under age (11%); over age (4%); not meeting residency requirements (5%); not meeting nationality requirements (3%); asthmatic history (2%).

70 Ev 252

71 Ev 239, 246

recruits' socio-economic background.⁷² However, MoD did provide us with the results of a survey relating to Army recruits from the Cardiff area between 1998 and 2000. That study found that the majority of recruits came from a 'broken home' or 'deprived background' and had left school with no qualifications.⁷³ Lieutenant Colonel Strutt, who produced a paper on bullying and culture shock in the Infantry, reported 32 per cent of recruits come from poor housing conditions and 45 per cent come from 'broken homes'.⁷⁴ Professor Wessely told us that some members of the Armed Forces who 'are quite clearly risky', and may come from 'somewhat dubious backgrounds', nevertheless the vast majority of them seem to do well and the military actually does very well by them.⁷⁵ He added 'I know that is not the purpose of the Army, but it is a side effect of the Army; it does address a socially excluded group which very few other people can tackle'.⁷⁶

42. The Cardiff survey found that 40 per cent of respondents joined the Army as a last resort.⁷⁷ Mrs Farr told us that some of the recruits who had contacted her went into the Army for the "wrong reasons", and some regarded the Armed Forces as a last chance for a career.⁷⁸ **Some young men and women may join the Services as a last resort; that 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.**

43. Evidence suggests that socio-economic background and educational attainment may be linked to the likelihood of background of recruits is an individual becoming a victim of duty-of-important consideration in the provision of duty of care difficulties. The 'Bullying in Britain: testimonies from teenagers' study found that individuals were less likely to be bullied if they lived with both parents. The 'Tackling Bullying: listening to the views of children and young people' report states that "There is some evidence that children from lower socio-economic backgrounds are more likely to suffer bullying than others [...] and that bullying is more prevalent in socially and culturally disadvantaged areas".⁷⁹ Colonel Strutt concluded that:

72 Ev 255–256

73 *Ibid*

74 "I'm your mother now", *Culture Shock and the Infantry Recruit*, MDA Dissertation Lieutenant Colonel DG Strutt PWRR, Department of Defence Management and Security Analysis, July 2003, *hereinafter* *I'm your mother now*, p9.

75 Q 408

76 *Ibid*

77 Ev 255–256, see also "I'm your mother now", pp 75–76.

78 Ev 391

79 Qq 404, 408, 422, 435. *Bullying in Britain: testimonies from teenagers*, A Katz, A Buchanan, V Bream, Young Voice, January 2001; *Tackling bullying: Listing to the views of Children and Young People*, C Oliver and M Candappa, Thomas Coram Research Unit, Institute of Education, University of London. See also *Risk, Psychiatry and the Military*, The 15th Liddell Hart Lecture, Professor Simon Wessely, 2 March 2004, *hereinafter* *Risk, Psychiatry and the Military*; and *Screening for vulnerability to psychological disorders in the military: an historical survey*, E Jones, KC Hyams, S Wessely, *Journal of Medical Screening*, Vol 10, No 1, 2003, *hereinafter* *Screening for vulnerability to psychological disorders*.

Detailed socio-cultural profiling of recruits and better use of the information with [Corporal] Instructors involved could reduce both the stress experienced by recruits and the difficulties experienced by the [Corporal] Instructors.⁸⁰

44. Neither the RAF nor the Royal Navy collects statistics on applicants' socio-economic background, although the RAF is initiating a project to collect some relevant data.⁸¹ MoD has acknowledged the need to collect more relevant information.⁸² DGT&E has obtained a demographic statistical database and social trends are to be reviewed annually. However, it is not clear how such information will influence initial training methodology.⁸³ Without more comprehensive data, it is not possible to gauge the impact of socio-economic background on the subsequent experience of recruits in the training system. **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 socio-economic 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.**

Character of recruit population

45. During our visits and evidence sessions members of all three Services gave us their opinions on the character of young recruits. The Army seemed to hold the most pessimistic view of their raw material—the Commander's Edition of the Army's Values and Standards describes society as “one in which traditional, shared values are less effectively transmitted, and concepts such as honour and loyalty are less well understood”.⁸⁴ It suggests that young people now have “less deference for authority and a greater awareness of individual rights”.⁸⁵ The Armed Forces believe that those applying to join the Services now differ in character from those who joined in the past, and in particular have less understanding of discipline.⁸⁶ Professor Chivers, Director of the Centre for Hazard and Risk Management (CHaRM) noted that at a recent tri-Service recruitment event the Army was much more concerned about the suitability of the recruit population than the other Services. He told us that the Army representatives “were extremely frank and open in saying how extremely worried they were about the calibre of young people they had to take.”⁸⁷ Colonel Strutt notes:

The decline in the traditional family, the rise of individualism and the increasing influence of consumerism, clashes with the central Infantry paradigm in such a way that the infantry, and Army in general, appear increasingly as an organisation which

80 “I'm your mother now”, p 76

81 Ev 257

82 Ev 256

83 Ev 348

84 *Values and Standards of the British Army, Commanders Edition herinafter Army's Values and Standards*, para 2

85 *Army's Values and Standards*, para 2

86 Q 130

87 Q 236

removes choice and personal freedom. The Infantry must of course work with the raw material available and it cannot expect to influence society.⁸⁸

46. In certain respects, the greater awareness of individual rights represents the main challenge to trainers, who need “softer skills” such as mentoring and listening skills, and greater awareness of the needs and vulnerabilities of the recruits in their charge.⁸⁹ During our discussions with Army instructors and supervisors at initial training establishments, it became clear that some of them were frustrated by the lack of basic personal and social skills among recruits. That frustration was reflected in the interviews with Corporal Instructors conducted by Colonel Strutt, who was told by an experienced instructor: “I thought I was coming here to teach them to be soldiers, I spend the first couple of weeks teaching them to shave, shower and shit without them cocking it up.”⁹⁰

47. Each generation portrays the young as having fewer favourable characteristics than their predecessors. Society changes over time and those joining the Forces will reflect those changes. The Minister gave as an example the reduced tolerance towards racist and sexist behaviour in the general population, which happened in a fairly short time span. He argued that over time that intolerance of racist and sexist behaviour would become more prevalent among recruits and in the Armed Forces as a whole.⁹¹ Another example of the differences between present and previous recruits is young people’s greater awareness of information technology, which MoD acknowledges is a growing requirement in the Armed Forces.⁹² Instructors are reported to consider current recruits to have better hand-eye coordination than preceding generations, possibly due to their familiarity with computer games.⁹³ Rear Admiral Goodall agreed that while some “very vulnerable people” come into the Services, in general today’s recruits were “sparky” and “agile between the ears”.⁹⁴ He was confident that “there has not been a drop in standards in the performance of the British Armed Forces”.⁹⁵ Those different attributes present a challenge to the Armed Forces’ training organisation, which needs to adapt to draw out the positive, and diminish the negative aspects of recruits’ behaviour.

48. 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.

49. 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

88 *“I’m your mother now”*, pp66–67

89 Qq 89, 123

90 *“I’m your mother now”*, pp62–63

91 Q 1357

92 ONS: Internet Access Datasets. The DfES Skills for Life survey, October 2003, found that younger respondents had stronger ICT skills than older respondents. 16–19 year olds had stronger practical skills than 20–24 year olds and other groups were significantly more likely to perform at a higher level than the next age group up. See Cm 6041-II, p 18

93 *“All guns blazing”*, *The Guardian*, 8 February 2005

94 Q 854

95 Q 853

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.

Information for applicants and parents

50. Recruiting staff are responsible for providing applicants with sufficient information to allow them to make an informed decision about whether they are suited to a career in the Armed Forces. General Palmer told us that recruits should be in no doubt that they are entering a “robust organisation where they will be put under pressure” and that “they are themselves making a commitment to us as well as we making a commitment to them.”⁹⁶

51. We were told that before applicants sign up they receive written material, and may be given videos, or visits to units if they wish.⁹⁷ In the Royal Navy, the advice to recruiting officers is to provide realistic, accurate and consistent information. The advice highlights the importance of ensuring that the material has been understood, and has been provided at an appropriate time.⁹⁸ DOC (2) noted the need for further orientation measures for recruits to overcome the dramatic change in lifestyle involved in joining the Services.⁹⁹ General Palmer told us that once applicants pass the initial assessment stage they had an opportunity to meet trainers and current recruits and trainers.¹⁰⁰ The Armed Forces are extending their use of pre-acquaint courses and centres to allow applicants to have a taste of Service life before signing up.¹⁰¹

52. The families who gave evidence to us said that they and their children had received little information about Service life.¹⁰² As Mr Gray told us “The only contact we had with the Recruitment Office was a letter asking myself and my wife to go down and sign up [Geoff]to join the Army because he was under 18.”¹⁰³ The Catterick families told us that what their sons had received reinforced the image of a “boys own” world where they could play soldiers.¹⁰⁴ We consider the involvement of families in the training process later in this report.

53. We have considered a range of written material provided to recruits by the three Services. In general the pamphlets and brochures are clear and understandable. However, since a significant proportion of the those applying to the Armed Forces, and the Army in particular, have poor basic skills, they may not assimilate all of the information available, particularly that related to duty of care issues. **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.**

96 Q 39

97 *Ibid*

98 Royal Navy, *Recruit/Trainee Management of Expectations*, FOTR’s NRTA Staff guide.

99 DOC (2), para 22.

100 Q 39

101 Q 51, DOC (2), para 22.

102 Qq 908–911, 913, 914, 973–978, 980; 1102, 1103, 1110–1114; Ev 369–371

103 Q 1102

104 Q 935

54. Many potential recruits will focus on the more exhilarating aspects of a career in the Armed Forces, and are unlikely to be concerned about any less exciting information provided. **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.**

55. General Palmer said it was a fundamental point that recruits, and for those under 18, their parents, should understand the nature of the organisation and the commitment being made.¹⁰⁵ He said that parents often accompany applicants to the careers office and, indeed, are encouraged to do so.¹⁰⁶ Colonel Eccles told us that the Armed Forces:

very much welcome the involvement of parents, guardians or whoever else right from the very beginning, and we have discovered through long experience that if a potential recruit comes along with somebody—a grandfather, an uncle, a parent, whoever—it is much better, it aids the process, and it is very much encouraged. When youngsters come in for the first time, if they are on their own, people often say, “The next time you come back ...”, because that person will come to the recruiting office on another occasion before they go off to the Recruit Selection Centre, “... please bring somebody with you”.¹⁰⁷

56. Colonel Eccles told us that encouraging parents or a mature adult to accompany an applicant to the recruitment office was considered best practice.¹⁰⁸ However, the families’ evidence suggested that they had little or no interaction with the recruitment process beyond the legal requirement to sign up those under 18.¹⁰⁹ Colonel Eccles admitted that currently there are no administrative instructions to recruiting officers to encourage parental or adult involvement in the recruiting process.¹¹⁰ Parental involvement is probably most important for the youngest cohorts of potential recruits. For older applicants, who may be more independent from parental or other adult guidance, the provision of information to parents, or their direct involvement in the recruiting process, may be less crucial.

57. 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.

58. 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.

105 Q 39

106 *Ibid*

107 Q 1314

108 *Ibid*

109 Qq 39, 908–911, 913, 914, 973–978, 980; 1102, 1103, 1110–1114; Ev 369–371

110 Q 1316

Entry criteria and risk

59. The eligibility and suitability of non-officer applicants is tested against certain criteria. Requirements vary between Services and within Services depending on the job for which the applicant is applying. Some criteria, such as those relating to certain types of criminal conviction, create a straightforward bar to entry.¹¹¹ Other criteria, such as those relating to education, may be applied differentially.

60. The criteria set down limits, such as age ranges, or educational attainment. Both of those examples can have duty of care implications, for example the youngest permitted recruits are considered to have a potential risk associated with them. Similarly, those with the lowest permitted level of educational attainment may also be considered a potential at risk group. Risk, in this context, relates to the risk of a person becoming a focus of duty of care issues, such as bullying, drug abuse, or self-harm. The identification of risk could mean that a person would be less likely to succeed in the Service environment, although that is by no means certain. We consider some of these issues in more detail below. The breadth of the entry criteria has been related to the manpower requirements of the Armed Forces. Colonel Haes argued that, in the Army, the need to bolster recruitment numbers in the late 1990s led to a ‘widening’ of the ‘gateway’—that is reducing the stringency of the entry criteria—which allowed the Army to accept “lower graded applicants”.¹¹²

61. 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.

Age

62. The Armed Forces set minimum and maximum age limits for recruits. The lower age limit for non-officer recruits for all three Services is 16 years of age.¹¹³ The maximum age limits reflect the physical nature of the work undertaken and vary between 27 years for the Army and 33 years for the Royal Navy.¹¹⁴ Those at the lower end of the age range present the greatest concern in relation to duty of care, particularly those less than 18 years old, who, according to MoD are children in domestic and international law other than in relation to full-time employment.¹¹⁵ All three Services require parental consent for those enlisting below the age of 18.¹¹⁶ In the Army most 16 year olds are enlisted through junior entry, which means that they are sent to ATR Bassingbourne or AFC Harrogate to complete extended phase 1 training. Having completed phase 1 training, recruits are sent to phase 2 establishments where they are trained and live alongside older trainees. The decision to enlist those under 18 years of age through junior or main entry is based on the

¹¹¹ Ev 238–239. For example, in the Army an applicant with a conviction for an offence with a racial element or under the Sexual Offences Act; Street Offences Act; Indecency with Children Act; Protection of Children Act; Sex Offenders Act, will not be considered.

¹¹² Ev 388

¹¹³ Ev 238

¹¹⁴ *Ibid*

¹¹⁵ Ev 262

¹¹⁶ Ev 241

age at which soldiers will finish initial training. Therefore those embarking on longer phase 2 courses may be enlisted through main entry. The Religious Society of Friends (Quakers) evidence argued that those under 18 years old should not be allowed to enlist in the Armed Forces.¹¹⁷ **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.**

63. 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. (See paragraph 327).

Cadets

64. The cadet organisations comprise the Combined Cadet Force, the Sea Cadet Corps, the Army Cadet Force and the Air Training Corps. The cadet forces are voluntary youth organisations. There are currently 130,000 young people in the cadets. Although the cadet organisations are sponsored by MoD, cadets themselves are not members of the Armed Forces.

65. Those entering the cadet forces are usually aged between 12 and 14 years. Once they reach 18, cadets are subject to a special set of rules, similar to those relating to other adult instructors. The welfare of cadets is covered by child protection legislation, and similar arrangements apply as in other youth organisations. For example, the Air Cadet Organisation vets all adults through the Criminal Records Bureau; imposes a probationary period on all adults before confirmation of appointment; issues adults a range of literature on child protection; gives formal training to uniformed adults; and issues repeat orders drawing attention to duty of care responsibilities.¹¹⁸

66. The most recent Army Continuous Attitude Survey shows that 34 per cent of serving soldiers were in a cadet organisation.¹¹⁹ Several of the families told us their children had been in the cadet forces, and that that experience had influenced their decision to enter the Services as a career.¹²⁰ In addition, membership of the cadet forces may reassure both the individual and their parents that they are familiar with Service life. For example Mr Collinson told us that his son had entered the Army cadets when he was 12 years old, and had flourished in that organisation.¹²¹

67. 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.

117 Ev 402–404

118 Ev 472–475

119 Ministry of Defence, *Responses to Continuous Attitude Survey 2003*, August 2004, www.mod.uk/publications, hereinafter *Continuous Attitude Survey*.

120 Qq 909, 910, 916, 1104, 1106

121 Q 1106

68. 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.

Under 18 year olds

69. At 1 April 2004, 6,690 Members of the Armed Forces were under 18 years of age. This represents 3.2 per cent of all Armed Forces' personnel.¹²² There is some confusion about whether for those under 18 the Armed Forces act in place of the parent (in loco parentis).¹²³ Some officers we spoke to certainly felt they acted in loco parentis. MoD told us that the Armed Forces do not act in loco parentis because legally someone between the ages of 16 and 18 is not considered a child if they are in full time employment, and as such the rights and obligations attached to a parent or guardian do not apply to the Commanding Officer of someone under 18 years old.¹²⁴ We are not convinced by MoD's argument. Outside the Armed Forces, it would be unusual for full-time employers to have responsibility for a 16 year old employee for 24 hours a day. Whether or not the Armed Forces act in loco parentis, there are additional requirements and additional risks associated with employing those under 18 years old.¹²⁵ 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.

70. DOC (1) recommended that Commanding Officers pay particular attention to the way under 18 year olds are supervised.¹²⁶ The records of the working group taking forward DOC recommendations in 2004, refer to the continuing need to clarify the legal position of under 18 year olds in relation to duty of care.¹²⁷ Those records include references to specific areas in which the training policy relating to under 18 year olds requires action:

- Additional supervisory measures.
- Contact with parents of under 18 year old trainees.
- Criminal Records Bureau checks on supervisory staff.¹²⁸

MoD state, however, that "the legislation and the need for CRB checks did not apply to those working with Service personnel between the ages of 16 and 18".¹²⁹ We are not convinced by MoD's reliance on the legal argument. The recent case of Private Leslie

¹²² HC Deb, 20 December 2004, col 1375 W

¹²³ Ev 262, 387, 400, 402, 404

¹²⁴ Ev 262, 421

¹²⁵ Ev 262

¹²⁶ DOC (1), paras 29, 30; Ev 346

¹²⁷ Ev 332ff

¹²⁸ Ev 338

¹²⁹ Ev 262

Skinner highlighted the possible consequences of failing to make the most basic checks into an instructors' background.

71. 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.

72. DOC found that MoD had not developed tri-Service guidance relating to the policy towards under-18 year olds during initial training. In relation to the Army, ATRA has circulated guidelines designed for the civil service although DOC notes that in "basing policies on dealing with under-18s on these extemporized arrangements, the military will not be subscribing to MoD's perception of its wider duties under 'Duty of Care'."¹³⁰ We are aware that the Vice Chief of the Defence Staff has "set urgent work in hand to address this point".¹³¹

73. In the past, the special requirements of those under 18 were explicitly acknowledged by the Army, which recruited into training regiments solely comprised of those under 18 years old when they joined the Forces. Having abandoned that policy there is now a range of ages living and working together in initial training establishments. There is evidence that mixing of age groups can present difficulties as there is potential for conflict between mature men and those who are "in their eyes little more than children".¹³²

74. 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.

130 Ev 342

131 *Ibid*

132 "I'm your mother now", pp 58, 75.

Applicants from local authority care

75. The Soldiers, Sailors, Airmen and Families Association—Forces Help (SSAFA) referred to the special category of recruits who come from local authority care. They emphasised the need not to stigmatise this group and stated that they were not aware of MoD or the Services having a policy to ensure the legislative responsibilities for those leaving local authority care were considered.¹³³ MoD does not seem to have statistics on the proportion of recruits who are leaving local authority care. Academic research has shown that there is a high incidence, between 50 and 75 percent, of young people in local authority care suffering psychiatric disorders.¹³⁴ As a group, care leavers are therefore more likely to be vulnerable, and in civilian life, social workers continue to have access to care leavers up to the age of 21.¹³⁵

76. 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.

77. 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.

78. 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.

Education

79. The three Services have different educational requirements for non-officer recruits. In the Royal Navy all potential recruits have to complete a Recruiting Test (RT). Entry to some branches such as technicians requires GCSEs, or equivalent. In addition to passing the RT, artificer applicants are required to complete two further academic tests. In the RAF, all candidates are required to sit the RAF Ground Trades Test Battery (GTTB) in order to determine the trade or trades for which they are eligible. There are no formal qualification requirements for the majority of Airmen trades although Airmen Aircrew require three specific GCSEs at minimum Grade C.

80. In the Army, applicants take the British Army Recruit Battery (BARB) entrance test irrespective of his or her academic qualifications. The results in the BARB will determine whether an applicant is eligible for Service, and if so the particular form of training, or trade, for which they are qualified. Some trades require additional academic qualifications. Applicants also have to take a basic skills test, BSIA, which can be taken as many times as required but, as with the BARB, applicants must wait a minimum of 28 days between each

133 Ev 339, 400

134 See *Prevalence of psychiatric disorders in young people in the care system*, JB McCann, A James, S Wilson and G Dunn, 1996, *BMJ*, 313, 1529-1530; *Meeting the psychiatric needs of children in foster care: social workers' views*, J Phillips, 1997, *Psychiatric Bulletin*, 21, 609-611; *Mental health of children and adolescents in Great Britain*. H Meltzer, R Gatward, R Goodman and T Ford, 2000, The Stationery Office.

135 Ev 400, 429, 433

test.¹³⁶ Mrs Farr told us that the Commanding Officer at ITC Catterick had found that a “large percentage” of recruits at the base, had failed the BARB when re-examined.¹³⁷

Basic skills

81. Rear Admiral Goodall told us the Armed Forces recruit across a broad educational spectrum, from those with very basic skills through to post-graduate physicists; and that certain sections of the Army recruited those at the weaker end of the educational spectrum.¹³⁸ He told us that “the Army in particular... has a significant problem with basic skills provision.”¹³⁹ We heard on our visit to Upavon that, compared to the cohort as a whole, a relatively high proportion of recruits to the Army has skills deficits, such as poor literacy and numeracy, or other special needs problems such as dyslexia and dyspraxia.¹⁴⁰

82. Rear Admiral Goodall told us that “very few” applicants had a reading age of seven, but those with a reading age of 11 were not uncommon.¹⁴¹ General Palmer confirmed that “probably 30 per cent of those entering the infantry as a trade have a reading age of 11 or less”, while MoD’s figures suggests 50 per cent of all recruits entering the Service have literacy or numeracy skills at levels at or below Entry Level 3—equivalent to those expected of an 11 year old. MoD states that this is “broadly comparable” with the national average.¹⁴² A survey by MoD, in 2003–04, of recruits at Army Training Regiments (ATRs) found that 41.2 per cent had literacy skills at Entry Level 3 or below; and 47.04 per cent had numeracy levels at Entry Level 3 or below.¹⁴³

83. Since April 2004, applicants with the equivalent of a reading age of a five year old have been rejected. Col Eccles did not consider that that policy would “make a huge difference to the overall composition of our cohorts”.¹⁴⁴ We were told that an applicant with “less than an entry level 2 standard (a reading age of a seven year old) of literacy and numeracy... is given a programme of work, probably with a local FE college, and asked to come back when their standard has been raised to at least entry standard level 3 (a reading age of an 11 year old).”¹⁴⁵ The Army accepts applicants at entry level 2. Those applicants are required to do remedial work with the aim of advancing them to at least level 1 early in

136 Ev 239

137 Q 934

138 Q 83

139 Q 83 National Curriculum Basic Skills Levels

GCSE Level A-C	Level 2
GCSE Level D-G	Level 1
11 year old	Entry Level 3
7 year old	Entry Level 2
5 year old	Entry Level 1

140 Ev 242

141 Q 85

142 Qq 85–88, Ev 256–257. The DfES Skills for Life survey conducted in October 2003, found 16% of adults had literacy levels of Entry level 3 or below; 47 % had numeracy skills at Entry Level 3 or below.

143 Ev 256–257

144 Q 1310

145 Q 841

their training (which equates to a pass at GCSE Grade D to G; or passing a foundation GNVQ, or Level 1 NVQ).¹⁴⁶ About 1 per cent of recruits are at entry level 2; and about 24 per cent at entry level 3.¹⁴⁷

84. The Minister reminded us that people with basic skills deficiencies can still be bright. He continued: “We have to take from the population which is out there and then make the best of them and judge it on output, not on input”.¹⁴⁸ We do not disagree with that opinion. **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.**

85. The educational standard of recruits and trainees has a direct influence on their ability not only to do their jobs, but also to access welfare and support information. All three Services provide recruits and trainees with written welfare information and the Armed Forces should be aware of the difficulties some of their personnel may have in assimilating that material. For example, Mrs Farr told us of a dyslexic soldier who had been AWOL, who was given one hour to read a booklet on his rights prior to his court martial.¹⁴⁹

86. Basic skills deficiencies also have operational implications. We were told that operational literature, such as Rules of Engagement, could be provided in a way that assisted individuals with basic literacy difficulties. **We recommend that Armed Forces’ training organisations review their literature to recruits to ensure that it is clear and understandable.**

Armed Forces remedial work

87. Rear Admiral Goodall confirmed that the Armed Forces have a “basic skills policy and that policy is to screen and apply remedial measures to ensure that within three years... all recruits are at least at national level 1.”¹⁵⁰ If a basic skills deficiency is identified in a potential recruit the Careers Information Office will provide them with contacts at local Further Education colleges and approved private providers. Within the training regime Basic Skills training is provided for recruits below level 1, this training takes place during phase 1 training. In the Field Army further basic skills testing and training is provided to ensure all personnel attain a minimum of a level 1 qualification in numeracy and literacy within three years of entry.¹⁵¹ We consider basic skills training to be essential. The Armed Forces have an opportunity to make use of the time that needs to be spent on basic skills to improve the flow of recruits through initial training. We refer to basic skills training later in this report where we consider the transition from phase 1 to phase 2.

88. Rear Admiral Goodall gave the Committee an example of the remedial work undertaken at ITC Catterick, where recruits are sent on courses provided by Darlington

146 Qq 841–847

147 Qq 842, 846

148 Q 1302

149 Q 922

150 Q 83

151 Ev 279

College.¹⁵² He said that of the 307 soldiers who attended those courses in the year to July 2004, on average 60 to 70 per cent had “dyslexia problems, so that is a significant problem on top of the reading age”. However, by the end of the course, 40 per cent had gained a qualification at a significantly higher level. He added that those who go through the courses “gain self-confidence, motivation and self-awareness”.¹⁵³ Despite the Army’s commitment to educational standards among recruits and trainees, Col Eccles confirmed that a proportion of those entering the Field Army had significant basic skills deficiencies.¹⁵⁴

89. 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.

90. 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.

Screening

91. Health screening aims to identify common or severe treatable illnesses and conditions within a given population. The Armed Forces use a combination of psychometric and personal assessment tests, medical references and interviews. The psychometric test provides information on psychological suitability, which in theory enables the Armed Forces to exclude at the earliest opportunity those not suited to the Services.¹⁵⁵ Psychological screening is used by other organisations with a duty of care to young people to identify individuals at a higher risk of behaviours, such as substance abuse, or self-harm. For example, the Youth Justice Board screens for common or important mental health problems in adolescence, such as alcohol and drug use, traumatic experiences, anxiety, depression and tendency to self-harm. It aims to identify those who have a higher risk of mental health difficulties. Anyone ‘screening positive’ is interviewed to draw out symptoms of mental health problems in key areas to allow appropriate support and resources to be identified.¹⁵⁶

92. Pre-existing factors that would normally be taken into account when determining the vulnerability of young people include: poor educational attendance and attainment; a history of local authority care; history of self-harming or bullying; history of abuse, neglect or violence in the home; drug, alcohol or substance abuse.¹⁵⁷ The Armed Forces recruit some young people who come from high risk backgrounds, or who have high risk behaviours. It is important for instructors to appreciate the needs of young people joining

¹⁵² See Q 850ff, Ev 371

¹⁵³ Q 851, see Ev 371

¹⁵⁴ Qq 1303–1305

¹⁵⁵ Qq 168, 404ff, see Ev 240

¹⁵⁶ Children and Young People entering the youth justice system are assessed using the Youth Justice Board Assessment Tool, *Asset*, <http://www.youth-justice-board.gov.uk>. See also Ev 428ff.

¹⁵⁷ Ev 400, 429, 433. See also *The Nature of Adolescence, 3rd Edition*, John Coleman and Leo Hendry, Trust for the Study of Adolescence <http://www.tsa.uk.com>.

the Armed Forces, given the changing nature of society, the profile of recruits and the range of issues they may face. DOC (3) notes the ATRA initiative to obtain the medical histories from new recruits' GPs, which was supported by the Institution of Occupational Safety and Health (IOSH).¹⁵⁸

93. The Surrey Police Final Report recommended screening at the recruitment stage to identify vulnerable people, and putting in place measures to track recruits through their training to identify developing vulnerability.¹⁵⁹ Mr Waterman, President-elect of the Institution of Occupational Safety and Health, suggested that where circumstances warranted the Armed Forces should be able to extend a psychological tests at the recruitment stage into an ongoing assessment during the training period. He noted that reducing the attrition rate by more effective screening of those not suited to a career in the Armed Forces would release some of the pressure on the supervisory regime. He said:

it would be worth properly exploring ways in which the initial assessment and evaluation of potential recruits could perhaps be enhanced by improved testing in order to reduce that attrition rate. One of the benefits of doing that is that at a stroke you would address... the ratio of supervisors, because half of the supervisory time is spent supervising people who are not going to end up being transferred into active units.¹⁶⁰

94. Opinion is, however, divided on the ability of screening to identify early indications of mental health problems in recruits to the Armed Forces; such as depression, or tendencies to self-harm or suicide. Beyond the current psychometric and personality tests, screening designed specifically to identify potential to self-harm or suicide is, according to a number of experts, simply not possible or desirable.¹⁶¹ Professor Hawton, Director of the Centre of Suicide Research at Oxford University, considered screening at the point of application for a rare event in the future to be verging on the impossible.¹⁶² The application of such testing in the Armed Forces could lead to many being unreasonably excluded from service.¹⁶³ Professor Simon Wessley, Director of the King's Centre for Military Health Research at Kings College, London in a lecture on Risk, Psychiatry and the Military explained:

there were many reasons why screening for psychological vulnerability to breakdown before deployment failed... reasons that remain fundamentally unchanged to the present day. A major risk factor of breakdown is experiencing a traumatic event—but that hasn't happened yet—and may not, so pre-deployment screening is deprived of the best single predictive factor. And what remains are a collection of risk factors, which whilst statistically significant, are all relatively weak predictors of future breakdown.¹⁶⁴

158 DOC (3), para 31, Q 150

159 Ev 421

160 Q 168

161 QQ 408ff. See also *Risk, Psychiatry and the Military*

162 Q 408

163 *Ibid*

164 *Risk, Psychiatry and the Military*

95. Professor Wessely told us that he had done a considerable amount of work on screening for psychological vulnerabilities in the military and that “there is no shadow of doubt whatsoever” that such screening would fail and moreover “that screening for vulnerability to natural disorders is ineffective and counter-productive”.¹⁶⁵ He added that in the military, if one took a simple risk factor such as coming from a broken home “that would eliminate nearly the entire Army”.¹⁶⁶ Professor Wessely also referred to a study from World War II which identified the negative impact of psychological screening due to individuals becoming stigmatised.¹⁶⁷ He did consider it possible, and desirable, to identify individuals who may be exhibiting behaviours that would indicate a risk of self-harm or suicide.¹⁶⁸ Such individuals could then be monitored to assess whether additional support was necessary.

96. 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.

Transition to Service life

97. The transition to service life, which for most young people will be their first taste of being away from home, and being in a disciplined environment, can be traumatic. The ability to cope with that transition will depend on several characteristics, such as the age and maturity of the individual, and their previous experience of discipline. The families that gave evidence to us said that their children had generally enjoyed the transition to Army life during their time in phase 1.¹⁶⁹ Mr Gray told us that when his son had finished phase 1 training “he was much more mature. Physically he was very, very fit. At his passing out parade the Commanding Officer said that they had changed from boys to men, and you could definitely see that in Geoff’s case”.¹⁷⁰

¹⁶⁵ Q 408

¹⁶⁶ *Ibid*

¹⁶⁷ Q 415. See also *Screening for vulnerability to psychological disorders in the military*

¹⁶⁸ Q 417

¹⁶⁹ Qq 915, 916, 919, 920, 964, 1096, 1116–1119

¹⁷⁰ Q 1115

99. Table 1 illustrates the levels of wastage at the various stages in the Army's recruitment and training process. In the course of robust training, with the pressures of being away from home and in a new environment, it is understandable that many recruits will consider leaving the Services. In many cases they will decide to stay having spoken to family, friends, other recruits or staff at the training establishment. But for those who decide not to continue there is no benefit to the Services or to the individual if it is difficult to leave. It is unfortunate that we have also heard evidence from the families that suggests individuals have been confused by the 'various rules and regulations' sometimes to a disastrous extent.¹⁷⁴

100. 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.

101. The recruiting process endeavours to identify and exclude those who are unlikely to be successful in the Armed Forces. Inevitably there will be recruits who do not complete training. They may be unsuited to Service life, become injured, or they may fail to reach the required standards to progress. The training regime should enable as many recruits as possible to succeed. At HMS Collingwood we were told that efforts are made to ensure recruits have an opportunity to remain in training. If necessary recruits are allowed to take an extended period of leave to consider whether they wish to leave permanently. For those who wish to leave the Services the Armed Forces should ensure the process is swift and not disruptive.

102. In phase 1 Royal Navy and RAF recruits are entitled to exercise their Discharge As Of Right (DAOR) having completed 28 days training and up to the completion of six months training. These rights also apply to Army recruits under the age of 18. For Army recruits over the age of 18, DAOR has to be exercised before the completion of three months training. Once that time period has passed the recruit must wait until he has served his minimum period of service to leave.¹⁷⁵ Manpower requirements may influence the readiness of the Services to allow recruits to leave. DOC (1) found that in phase 1 "staff and instructors applied pressure to recruits to dissuade them from leaving, as this reflected on success rates and wastage targets."¹⁷⁶

103. We are concerned that the period of time available for recruits to exercise their right to leave training (as described previously) is unnecessarily restrictive and may lead to recruits going AWOL. We heard evidence of recruits who wanted to leave the Army outside of this time restriction who, having been refused permission to leave, went AWOL. On their eventual return to their training unit they were put on a charge. Mr James told us of the experience of one particular recruit:

174 Q 39

175 Regulation 7A(3), Army Terms of Service (Amendment) Regulations 1999 (S.I. 1999 No. 1610).

176 DOC (1), para 40.

...there was an article in a newspaper about a boy who was going AWOL from Deepcut. Every time he went back, he was being beaten up...I was put in touch with the boy directly and spoke to him on a number of occasions. The story he told me was quite horrific. So I phoned Ron Laden [Commanding Officer at RLC Deepcut], and I said: "Ron, remember what you told me—the WRVS, the WI, the Army, reputation—your fellows are just knocking hell out of this lad. What are you doing? Why are you doing it?" "Yeah", he said, "but he's useless; he just keeps running away". I said: "But you keep beating him up." "No, no, no," he said, "he just runs away all the time". I said: "Ron, honestly, I have spoken to the boy and if he is no good send him away from the Army. Why are you doing this?"¹⁷⁷

104. It is counter productive for the Services to keep recruits who have no intention of completing their training. General Palmer seemed to recognise this when he told us that:

We really do try to stress this point to make sure that people who start training do understand and subsequently, during training, that if they are unhappy, we are running a voluntary organisation and they can leave. There are various rules and regulations, but in my experience no individual who is really unhappy is forced to stay in the training organisation, because it is no good for them, it is no good for us and it upsets some of the people who want to stay.¹⁷⁸

105. We recognise the significant commitment in terms of resources and time that the Services give to training recruits. We also recognise that the Services are reluctant for recruits to exercise their right to leave training unless they are certain the recruit is making the decision after due consideration. However, we believe that recruits who wish to leave Service training, even if this occurs before four weeks' or after three months' training, should be able to do so after a period of reflection. We believe that it is better for Service men and women to be committed and motivated while training for their chosen career and note the potential risks to the well being of recruits being in the physically and mentally demanding training environment against their will. **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 recruit's wish to leave the Service immediately.**

177 Q 1190

178 Q 39

4 Structure of Initial Training

Overview

106. The Armed Forces training agencies together comprise the single largest training organisation in the country. In 2003–04 there were, at any one time, an average of 11,754 soldiers, 3,583 airmen, 2,693 Naval recruits and 1,102 Royal Marines undergoing non-officer initial training.¹⁷⁹ Armed Forces training, according to MoD, is designed to “ensure the provision of sufficient, motivated and capable personnel to deliver defence capability”.¹⁸⁰ MoD regards the training and education opportunities it provides as key to the recruitment and retention of personnel.

107. The overarching responsibility for developing and delivering education and training policy across the Services lies with the Director General of Training and Education (DGT&E) based at MoD and reporting directly to the Service Chiefs. A key part of his remit is to identify best practice from external agencies and from within the Services and apply them as tri-Service policy. Responsibility for delivering training falls to five service training agencies: the Naval Recruiting and Training Agency (NRTA); the Army Training and Recruitment Agency (ATRA); the Training Group Defence Agency (recruiting airmen); the Defence Medical Education and Training Agency and the Defence Intelligence and Security Centre.¹⁸¹ In the last two years, in recognition of the increasingly joint nature of military operations, training has been delivered in a joint environment, for example at the Defence Centre for Training Support based at RAF Halton which became fully operational in October 2004. Initial training, however, continues to be delivered by the respective Service training organisations. Responsibility for implementing training and welfare policies for recruits and trainees at training establishments lies with the Commanding Officer at each training establishment in accordance with guidelines and procedures set out by the relevant training agency. The Commanding Officer is accountable to the head of the particular training agency for implementation of these guidelines.

108. Initial Armed Forces non-officer training focuses on providing core single service competencies designed, according to MoD, to “give recruits a sense of their own Service’s ethos as well as the confidence to function in the operational environment”.¹⁸² Inevitably differences in approach and delivery do exist between the Services due to their different operational requirements, although MoD has recognised the increasing need to provide training to common standards in order to support joint operations and deployments.

109. Some trainees at initial training establishments will be experienced Servicemen and women who have served in front-line units. This inquiry focuses on personnel in phase 1 and phase 2 initial training. We have been principally concerned with inexperienced Service personnel.

179 Ev 243, 247, 249

180 Ev 232

181 Ev 233

182 *Ibid*

Phase 1 Training

110. Phase 1 military training has the common aim across the Services of taking civilians, a high proportion of whom are adolescents, and introducing them to the military way of life so that they can perform in a variety of unfamiliar, stressful and dangerous situations. Phase 1 training is designed, according to MoD, “to inculcate an understanding of the Armed Forces and the demands they place on the individual and developing, on an ongoing basis, mentally and physically robust individuals who have the flexibility to cope with the range of challenges they may face”.¹⁸³ There are a number of common elements of phase 1 training between the Services. In all three Services, phase 1 instruction is conducted by Officers, Senior NCOs (SNCOs), Junior NCOs (JNCOs) and civilians. SNCOs and JNCOs provide the majority of training and supervision. The training is designed to induct trainees into the military ethos and develop their self-discipline, teamwork and fitness. Training days are highly structured, no leave is given and the immaturity of recruits is recognised through high supervision levels both during working hours and out-of-hours. Phase 1 recruits are not required to do armed guard duty in any of the Services. Spiritual and moral development is provided by the chaplaincy service as part of timetabled sessions throughout the course and at religious services which recruits are strongly encouraged to attend by Commanding Officers. Phase 1 training courses all conclude with a passing out parade to which friends and family may be invited.

Army

111. Army phase 1 training for non-officer recruits takes place at five ATRA locations across the country: ATR Bassingbourn; AFC Harrogate; ATR Lichfield; ATR Pirbright and ATR Winchester.¹⁸⁴ ITC Catterick is a combined phase 1 and 2 training establishment for the Infantry. In 2003–04, 9,676 recruits entered phase 1 training of whom 8,190 (95.6%) passed out to phase 2 training.¹⁸⁵ Most training establishments train recruits for designated arms; for example, AFC Harrogate trains recruits for the Royal Armoured Corps, Royal Artillery and the Infantry, and ATR Lichfield provides training for phase 1 Royal Engineers and the Royal Signals. This approach is designed to develop loyalty to an individual’s cap badge and also to ensure that recruits proceed to phase 2 training with their phase 1 colleagues, thus continuing the bond of mutual support forged during phase 1.

112. Courses last for an average of 12 weeks during which the Common Military Syllabus is taught. A longer period of phase 1 training is given for recruits training for more specialised arms. The Common Military Syllabus includes classroom and practical instruction in military skills, first aid, welfare and financial advice, parade and drill, and physical fitness.

183 Ev 233

184 Ev 243

185 *Ibid*; the previous year there was a total of 11,142 phase 1 entrants of whom 9,196 (95.9%) passed out to phase 2 training.

Royal Navy

113. The Naval Training and Recruitment Agency Training has overall responsibility for the Navy's training establishments. Phase 1 training of ratings (non-officers) takes place over eight weeks at HMS Raleigh at Torpoint, near Plymouth. In 2003–04, 2,693 recruits entered phase 1 training of whom 378 (14%) failed to pass out to phase 2 due to voluntary or medical discharge or failing to meet training standards.¹⁸⁶ We were told by the Commanding Officer at HMS Raleigh that recruits are not considered fully trained after eight weeks but should have a full understanding of Naval ethos at this stage.

114. Phase 1 training comprises: parade drill training to develop a sense of discipline and team spirit; basic naval general knowledge and basic numeracy and literacy; fire fighting; first aid and the design and organisation of a warship. In addition physical fitness training, including running and swimming, is carried out throughout the course. Divisional Officers, responsible for the welfare of a maximum of 60 recruits, are attached to HMS Raleigh for the duration of the course. During this time the responsibility for the day to day welfare of recruits lies initially with senior rating instructors reporting to Divisional Officers.

Royal Marines

115. Royal Marine Commando training is carried out at the Commando Training Centre, Lympstone. Commando training combines both phase 1 basic training and phase 2 specialist training over a 30 week period with recruit intakes every two weeks. Uniquely, the Royal Marines train officer recruits alongside non-officer recruits. In 2004, 1,102 recruits entered Commando training of whom 517 (47%) failed to complete the course.¹⁸⁷ This relatively high failure rate reflects the strains placed on recruits by the intense and demanding physical and mental training regime. Instruction is delivered by Corporals who have completed three operational tours; this experience is intended to enable them to impart an operational flavour to training. A typical instructor tour at Lympstone lasts two years. Each Corporal is responsible for 2–3 recruits at one time.

Royal Air Force

116. RAF phase 1 non-officer training takes place at the Recruit Training School, RAF Halton. In 2003–04, there were 3,583 non-officer recruits into phase 1 of whom 387 (11%) failed to complete the course.¹⁸⁸

117. Phase 1 training lasts nine weeks. Importance is placed upon discipline, teamwork and self-reliance. The course includes: drill; general service knowledge; physical education; and military field skills such as first aid, weapon handling, and protection against chemical weapons.

186 Ev 249; this compares to a total of 3,510 entering training in 2002–3 of whom 705 (20%) failed to pass out to phase 2 training.

187 Ev 248; this compares to an intake of 1,123 the previous year, of whom 478 (43%) failed to complete the course.

188 *Ibid*; this compares to 3,929 recruits in 2002–03 of whom 332 (8.4%) failed to complete the course.

RAF Regiment

118. The RAF Regiment provides protection for deployed air forces against both ground and air attack. Training for the RAF Regiment is carried out at RAF Honington, Suffolk. Both phases of training take place at Honington. In 2004, 361 non-officer recruits entered training for the RAF Regiment of whom 93 (36%) failed to complete the course.¹⁸⁹ This high failure rate coincided with the RAF Regiment's training being moved to Catterick Garrison.

119. Phase 1 training, which lasts only seven weeks, is similar to that given to other RAF Recruits—emphasising the importance of discipline, teamwork and self-reliance. Greater emphasis is placed on physical fitness and weapon-handling training.

Phase 2 training

120. Phase 2 non-officer training is the initial specialist training which gives Service personnel the necessary skills for their first employment. Phase 2 training is normally carried out within operational units and can last from a few weeks to over a year for highly technical training.¹⁹⁰ Due to the varied nature of specialisms within and between the Services there is no template for phase 2 training but MoD states that:

some common threads exist across all courses. These include the teaching of essential elements of academic knowledge, together with the practical skills that the trainee will need to employ in his or her front-line employment. Additionally, phase 2 training recognises the newness of recruits and continues to build their military skills and knowledge and to reinforce the ethos of the Service they have joined.¹⁹¹

121. As in phase 1 training some common factors apply to phase 2 training across the Services. Supervised training is carried out by NCO instructors and civilians with relevant technical expertise (usually ex-servicemen and women) although there are a greater number of civilian instructors employed in phase 2 training. In phase 2, where the aim is to develop trade skills, there is more emphasis on self-sufficiency. Weekend leave is granted at the Commanding Officer's discretion and trainees have more free time in the evenings. Spiritual and moral development continues to be provided by the chaplaincy service throughout the course and at religious services. Phase 2 recruits are expected, to a varying extent, to do armed guard duty in all three Services. On completion of phase 2 trainees attend a passing out parade to which their families may be invited after which they join their operational unit.

The Army

122. Army phase 2 training takes place at ten ATRA regiments across the UK in addition to the Infantry Training Centre at Catterick, which as we have noted is responsible for both phase 1 and phase 2 training for Infantry recruits. These ATRA regiments often act as a

¹⁸⁹ DOC (3) Annex C; Ev 251; this compares to an intake of 337 in 2003 of whom 162 (52%) failed to complete the course.

¹⁹⁰ Ev 234

¹⁹¹ *Ibid*

hub for training with specific training taking place at dedicated locations. For example the training regiment at the Defence College of Logistics, based at Deepcut, sends recruits to its Leconfield base to complete their driver training. In 2003–04, 12,831 trainees entered phase 2 non-officer training of whom 3,082 (24%) failed to complete the course.¹⁹²

123. As in phase 1 establishments, phase 2 Army training is under the direct responsibility of the unit Commander in accordance with guidance contained in the ATRA handbook. Trainees receive training in their specific trade followed by on-the-job experience in an operational unit before returning to further training at an appropriate national training centre.

ITC Catterick

124. The Infantry Training Centre Catterick is the main training centre for the Infantry. In 2004 3,596 non-officer recruits entered ITC Catterick of whom 268 (7.5%) failed to complete the course.¹⁹³ The two phases of training are combined into a 24 week course. Following a general induction and orientation over the first few weeks Infantry recruits are trained according to the Infantry syllabus which places an emphasis on the development of practical skills, fieldcraft and physical and mental robustness. Specific training is given in first aid, radio communications (signals), driver training (theory) drill, map reading and nuclear biological and chemical training. Each recruit can expect to be instructed by the same group of instructors throughout the course. We were told on our visit that trainees over the age of 18 do armed guard duty from week 11 of their training only under strict supervision.

Royal Navy

125. As in phase 1, Navy phase 2 training is under the direction of the Naval Recruiting and Training Agency (NRTA). Training of Royal Navy phase 2 ratings takes place at HMS Collingwood for RN Warfare and Weapons Engineers, HMS Sultan for Marine Engineering and HMS Raleigh for RN Logistics specialists. In 2003–04 2,299 recruits entered phase 2 training of whom 277 (12%) failed to complete the course.¹⁹⁴ We were told that Naval phase 2 training is designed for a trainee to develop the necessary technical skills required to perform professional duties at sea.

126. We were also told that trainees are usually instructed to reach higher technical standards than is generally the case for Army personnel and will receive nationally recognised qualifications such as NVQs and foundation degrees on successful completion of their course. Although Naval personnel continue to be trained in weapon handling, the number of phase 2 personnel routinely employed in guarding training establishments has according to MoD “declined significantly over the last two years with the introduction of the [Military Provost Guard Service] MPGS”.¹⁹⁵

192 Ev 243; this compares with a 2002–03 total of 11,977 of whom 2,717 (22%) failed to complete the course.

193 DOC (3) Annex C, Ev 248; this compares to an intake of 4,101 in 2003 of whom 1,202 (29%) failed to complete the course.

194 *Ibid*; this compares to a 2002–3 total of 2,337 of whom 330 (14%) failed to complete the course.

195 Ev 319

Royal Air Force

127. RAF phase 2 non-officer training is designed to develop the skills of trainees for their chosen trade. Phase 2 training in the RAF is based at RAF Halton, RAF Cosford and RAF Honnington (combined phase 1 and 2 training for the RAF Regiment). These bases act as a hub for specialist training at other RAF units including RAF St Athan, the Central Air Traffic Control School, School of Fighter Control, School of Air Cartography, the RAF Movements School and the Defence Fire Services Central Training Establishment. In 2003–04 there were 2,757 non-officer recruits in phase 2 training of whom 672 (24%) failed to complete the course.¹⁹⁶ Both phases of RAF Regiment training are combined at RAF Honnington. The first seven weeks are the equivalent of phase 1. The second phase lasts for a further 17 weeks.

¹⁹⁶ Ev 248; this compares to 3,102 recruits in 2002–03 of whom 427 (14%) failed to complete the course.

5 Duty of care information and structures

Resources

128. One of the continuing themes in the DOC appraisals of initial training has been the impact of resource constraints on funding their recommendations. DOC (2) refers to the combination of the “very large throughput of recruits and trainees”; and the pressure to reduce wastage and resource constraints placing a strain on the system that has led to compromises.¹⁹⁷ DOC (2) states that resource constraints have affected “morale, ethos, motivation and welfare of both staff and trainees”.¹⁹⁸

129. The estimated outturn for the respective training agencies in 2004–05 are: Royal Navy £413 million; Army £870 million; and RAF £535 million.¹⁹⁹ The Minister told us that, following the DOC appraisal, £23,225,000 was put into the training regime, from the short-term programme, 2004 (STP 04), to fund additional instructors and other recommendations.²⁰⁰ He confirmed:

we are spending now to that higher level and there would have to be very provable reasons why you reduce that spend, why you reduce those instructors or all the other areas of spend which are going on now. So I have no plans to cut it, and I do not think there are any plans to cut it, and those who make those allegations do not understand the intensity of the way we are addressing this issue.²⁰¹

130. The training organisation has to compete with other priorities. The Minister told us:

There has to be a balance between the front line equipment, between training and exercises, and, broadly speaking, that is how we cut the cake. The examination of the Defence Training Review is to look at are we doing all of these things in the best way and say you can find efficiencies within your own system. That is part of the driver at the moment in MoD: do not assume there is someone out there with a pot of gold who is going to give us money. Although we have had very substantial uplift from the Treasury on this in the last Spending Round and in this but, like any spending department, you could do with more money.²⁰²

197 DOC (2), para 7.

198 *Ibid*

199 Ev 235

200 The Defence Management Board approved £23.225 million in STP 04. The Royal Navy received £6.118 million; the Army £16.483 million and the RAF £0.624 million.

201 Q 1364

202 Q 1367

He added:

It is never an easy equation—I use that phrase again—to solve this because there are massive demands within defence, we have only got so much to spend and we have to do it wisely and best. In my earlier statement I said this is one of the key components of our capability, what comes out of that training environment, it is of high quality, it was of high quality and it has got to remain at high quality, so investment is required.²⁰³

131. The DOC best practice working group minutes, from March 2004, make clear that funding remains a priority. The document states:

The considered view was that the allocated funding was inadequate to bring about enduring improvements in the priority areas coming out of the DOC and Surrey Police recommendations.²⁰⁴

132. There has been pressure on the resources provided to the training regime for many years.²⁰⁵ The task for those in charge of training is to make the best use of the resources they have and to re-invigorate those parts of the regime that have “an air of resigned, weary cynicism”.²⁰⁶ Rear Admiral Goodall pointed out the benefit of reducing the number of establishments in the training estate as it would save valuable funds.²⁰⁷

133. Both DOC (1) and (2) reported concerns about phase 2 Army training establishments, but concluded that there had been “a great deal of effort” put into examining and implementing recommendations from the initial appraisal.²⁰⁸ Much of what has been done has focused on improvements that could be made through ‘quick wins’.²⁰⁹ **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.**

134. **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.**

203 Ev 1367

204 Ev 333

205 Ev 386ff

206 DOC (2), para 47.

207 Q 84

208 DOC (1), paras 41ff, DOC (2), paras 27–29.

209 *Ibid*, paras 9–22

Dissemination of duty of care information

135. MoD's objectives for initial training pass down through a series of plans and strategic documents to the individual training agencies. Each training agency is charged with meeting targets for trainee numbers, and provision of a range of educational resources.²¹⁰ Policy on duty of care issues, although set from the centre, should be informed by the experience of those directly involved in the training environment; and those directly involved need to receive and understand the policy, guidance and best practice promulgated from the centre. In the Army, ATRA has responsibility for taking forward issues and providing policy and direction, and liaising with the Army Welfare Committee which is responsible for providing a number of the resources and agencies within the duty of care regime.²¹¹ In the other Services the respective training agencies take the lead in duty of care policy making and production of appropriate guidance for training staff. The formulation of policy and its promulgation within the higher levels of the training organisations seems to be conducted diligently and efficiently. This was not always the case in relation to duty of care issues. For example, the recommendations of the Haes report, were not implemented. **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.** The Director of Operational Capability, Brigadier Mungo Melvin told us:

The feedback, the loop, if I may use that expression, from recruit or trainee to the officer who is looking after him or back to his parents or to his commanding officer is important. Where those feedback groups and mechanisms to raise a problem early are not in place that is where we found difficulty.²¹²

136. **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.**

Information to trainees

137. In all three Services the welfare structures are explained during a series of briefings at the beginning of training, which are reinforced by booklets and pamphlets.²¹³ These booklets and pamphlets set out the policy in relation to, for example, harassment and bullying as well as relevant contact details and helpline numbers.²¹⁴ Recruits also receive unit-specific material, and information about the likely rigours and challenges to be faced during training, and the disciplinary regime that they will be under.²¹⁵

138. In the Navy, recruits are made aware of the welfare support systems by visits to the medical centre and chaplaincy during their first week at HMS Raleigh. The recruits also

²¹⁰ Ev 243, 246, 278–279

²¹¹ Q 73

²¹² Q 810

²¹³ Ev 276, 280–282, 291–292

²¹⁴ Ministry of Defence, *Basically fair, Equality & Diversity in the British Army*

²¹⁵ DOC (2), para 14

receive briefings by their Divisional Officer. In phase 2 trainees are “once again apprised of the duty of care regime, the message being reinforced by briefings by divisional staff and the [Officer Commanding]”.²¹⁶

139. Recruits’ loyalty to and identification with their chosen Service and trade is essential to good morale. Visits to, and from front line units help recruits identify with their Service and have a better understanding of the eventual role they will play. The RAF, for example, provides regular visits for phase 1 and 2 recruits to operational units and historic RAF sites. The Royal Navy has improved front-line links with training establishments and provides ship visits to vessels undertaking operational sea training off Plymouth.²¹⁷ In addition, recruits are given early notice of the ships that they will be posted to and the ship’s future itinerary. Similarly, the Royal Artillery has found recruits welcome early notification of their front-line unit.²¹⁸ Group Captain Howard told us that in the Army:

Catterick stood out very well with their links with the regiments and they had done a tremendous amount of work up there since our earlier reports to establish identity and to get that link where a recruit was identified on day one as a member of that particular regiment, given the t-shirt, given the beret—very simple things, but he actually felt as though he belonged and he was not just any recruit. That was very obvious, and that also helped the instructors because the regiments came back to visit their respective recruit candidates—a lot of the regiments are obviously co-located at Catterick—and the Commanders were also able to keep tabs on and watch the instructors that they had sent to the Recruit Training Centre.²¹⁹

140. The ATRA code sets out the commitment made by the trainee, and by the Commander of the training establishment. For example, the code commits the Commanding Officer to:

Provide [the recruit] with a living and working environment free from unlawful discrimination, harassment and bullying, and explain the complaints procedure to [provide the recruit], including whom to contact...

Provide reasonable and easy access to welfare personnel and facilities. Explain to [the recruit] how to contact an officer independent of the chain of command to objectively listen to serious concerns [the recruit] may have.²²⁰

Recruits make a corresponding commitment to:

Report all incidents of unlawful discrimination, harassment, bullying or unsociable behaviour immediately to the appropriate officer.²²¹

141. Training Covenants that set out a ‘contract’ between the trainer and the trainee have been widely implemented, and “assisted in setting the tone and behavioural culture in

216 Ev 282

217 Q 33; Ev 234, 268. See also *Recruit/Trainee Management of Expectations, FOTR’s NRTA Staff Guide*.

218 Ev 345

219 Q 839

220 Ev 294

221 *Ibid*

many of the establishments”. DOC (2) concluded that the covenant “made explicit what before had been implicit and supervisory staff found it useful to have a moral sanction and the ability to draw on an agreed code of conduct”.²²²

142. 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.

Parental involvement

143. As we described earlier in this report, the majority of information available to potential recruits describes what can be expected from a Service career. Little information is provided by recruiting offices on what to expect during training. The families told us that no information was provided at that stage for parents.²²³ The Commanding Officers of some training establishments will write to parents, particularly if the recruit is under 18 years of age, to introduce themselves and the establishment. However, this practice does not seem to be universal. In the Army, the sub-unit commander and troop commander both have a responsibility to liaise with trainees’ parents.²²⁴ The Commanding Officers’ letters that we have seen for the parents or guardians of those entering phase 2 training highlight the priority afforded to welfare issues and the significance of successfully completing phase 2 training. Parents are encouraged to attend their children’s passing out parade at the end of training, but are not invited to visit the base or contact staff during phase 2. At HMS Collingwood we were told about the importance of maintaining regular communication with parents of trainees, particularly the parents of trainees who were struggling in the training regime. The guidance we have seen from the RAF on approaching parents if a trainee has a problem stresses the importance of obtaining consent to make such contact. It advises training units that in exceptional circumstances they may contact parents even if the trainee has not given consent, and refers to the need to assess the parental situation. We were told that parental involvement helped to reduce wastage rates. Col Eccles, told us:

We have been focusing on the recruiting element of it at the moment but once the young person enters phase one training we do have a number of set procedures and these are laid down in the ATRA Handbook, which I hope you have seen, whereby the commanding officers can get in touch with parents at the beginning of the course and say that if they have any concerns or problems, this is the contact number they should phone. We try to establish contact at the beginning. A number of the establishments invite parents at the half way point and they all invite them at the end, so we try and maintain that linkage throughout.²²⁵

222 DOC (2), para 12.

223 See paragraphs 50–58

224 Ev 264–265

225 Q 1318

144. Despite the beneficial effect of parental involvement, none of the families we took evidence from had had any contact with Commanding Officers during their children's training. Mr Gray told us that his son:

went off and did his basic training and we had no contact with the Army whatsoever in the meantime. So I feel that, yes, there is a need for better liaison. I am not saying that we should molly-coddle young soldiers or wet nurse them, but there should be contact with the families.²²⁶

The Deepcut families told us that they would have appreciated having someone to contact at the base. And suggested that parents could be given a progress report during the training period, to let them know whether their children are doing well, or if there are any areas of concern.²²⁷

145. Some recruits will not wish to have their parents involved in their service career. Equally, in some cases, parents may not wish to be involved. We consider MoD should assume that parents will be involved unless the recruit indicates otherwise. Older recruits, will usually be more independent of their parents, and neither they nor their parents may feel the need for the level of parental involvement appropriate for younger recruits. Nevertheless, general information on the establishment and who to contact in case of emergency should be provided as a matter of course, for parents to use as they see fit.²²⁸ Moreover, the families suggested that it would be beneficial to have advice that would have allowed them to recognise the possible significance of behavioural changes in their children, for example becoming withdrawn, which may indicate a more serious problem. Such guidance should also provide advice on what to do if they suspect their child is being bullied and ensure that contacts are receptive to those concerns, and that confidentiality is respected.²²⁹

146. Recruits need to have access to methods of communication, such as mobile phones and email. DOC (2) noted that there was “official acceptance” of the need for recruits and trainees to communicate more freely by mobile phone, telephone and e-mail, which had led to the installation of additional computers and pay-phones.²³⁰ Enhancing the ability of recruits and trainees to contact their families and friends is welcome. For older recruits communication with their parents may be of less concern, however, they may have partners or dependents who they wish to contact on a regular basis. Greater access to communication should be matched by parents, or guardians having a route into the chain of command so that they have an opportunity to clarify information they may have been given by their children. We consider the Armed Forces relationship with bereaved parents in paragraphs 351–361 below.

147. 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

²²⁶ Q 1110

²²⁷ Qq 1110, 1159–1162

²²⁸ Ev 467

²²⁹ *Ibid*

²³⁰ DOC (2), para 13.

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.

Duty of Care structures

148. The Armed Forces Overarching Personnel Strategy sets out the goals of welfare structures and provision at initial training establishments.²³¹ The first line of support is provided by officers, NCOs, unit welfare officers, chaplains and medical staff. The second line of support is described as the proactive delivery of 'community' support, such as recreational facilities; and the reactive services provided to those identified as in need.²³² There is no formal single structure for welfare support in initial training establishments.²³³ Within each Service and each base the precise model or structure used to discharge duty of care responsibilities varies. The model of welfare support in a given establishment will depend on local conditions, the type of training, the age and maturity of recruits, the availability of agencies to support the establishment, the available resources and the approach taken by the Commanding Officer and welfare staff.

149. Common to all Services is the mixture of personnel from both within and outside the chain of command providing welfare support to recruits. Some aspects of the welfare regime are mandated. Each Unit is required to provide an appropriately trained Welfare Officer, a service chaplain, Women's Royal Voluntary Service (WRVS) staff and telephone or email access to the Soldiers, Sailors, Airmen and Families Association (SSAFA) run Confidential Support Line. Units are also required to have a designated 'Empowered Officer', outside a recruit's immediate chain of command, with whom they can discuss in confidence any perceived unfair treatment or welfare issue.

150. Recruits' main day to day contact will be with the supervisors and instructors. General Palmer explained:

The welfare actually starts right at the bottom with the corporal, the sergeant and the platoon commander. They are directly responsible for the individual welfare of their individual recruits. I remember when I was a platoon commander in training that every Friday we had a conference. I know this happens today and I am sure you will meet this as you go around. There you discuss every single one of your platoon, how they are getting on, what their problems are, etcetera, and that gets reported up the chain. Everybody is graded. Whether it is a training issue or a welfare issue there are plenty of mechanisms for doing that.²³⁴

151. At the other end of the chain of command the Commanding Officer is required to publish an annual Supervisory Care Directive. A full briefing and explanation of this

231 Ev 276–277

232 *Ibid*

233 *Ibid*

234 Q 74

directive forms part of the induction process for trainees and instructors on joining a training establishment. The Commanding Officer, or his designated Welfare Officer, will usually preside over regular meetings with the various constituent agencies to discuss general issues and individual cases. Colonel Eccles summarised the structure at Army training establishments:

the commanding officer will probably run a welfare forum in which he has his doctor, his chaplain, his WRVS lady, company commanders and all the people involved in this process and they will review policies and progress. They may also deal with individual cases and have a case conference to deal with people they are concerned about. That is how it is co-ordinated within a formal structure at the unit level.²³⁵

152. Training establishments should have a Welfare Committee chaired by either the Commanding Officer or his deputy that meets on a regular, probably monthly, basis bringing together the Unit Welfare Officer, Chaplain, Medical Officer, and all the welfare agencies supporting the Unit.²³⁶ At HMS Raleigh we were told about a Carers' forum which meets every seven weeks. This consists of the chaplains, medical officers and Divisional Officers who monitor and discuss welfare issues. Smaller groups hold case conferences to discuss recruits whose behaviour is deemed to place them at risk from self-harm. In the Royal Marines, welfare support is provided by 14 Welfare Officers and Naval Chaplains. Carers' meetings are held either weekly or fortnightly to discuss trends and individual cases if necessary.

153. When we visited the Defence College of Logistics at Deepcut we were told of the procedures for identifying trainees at risk. In addition to Regimental and Squadron conferences to discuss welfare issues, information on recruits was obtained by close liaison with trainers at the recruits' phase 1 training establishment; interviews with Troop Commanders during the recruits' first week, and detailed medical document checks.

154. We were told on our visits to Army phase 2 training establishments that support structures for trainees, designed to reduce the potential problems of moving into phase 2 training and identifying trainees most at risk, have in general been implemented. The Royal Armoured Corps Training Regiment, Bovington, for example, had an experienced and highly visible Empowered Officer, and provided a range of welfare services available to trainees. WRVS staff at Bovington included those with psychiatry qualifications. Although this was described to us as a 'happy coincidence' and is not replicated at other training establishments where staff often offered little more than 'tea and sympathy'.

155. The Royal Navy, and RAF, have similar structures in place to provide a forum for inter-agency discussion and to feed back into the chain of command. The Royal Navy, and RAF do not seem to have as rigid and developed a structure as the Army, which may be due to the higher level of activity the Army has been obliged to undertake in this area. Nevertheless, the Royal Navy and RAF have instituted several improvements to their recruiting and training systems following on from the DOC appraisals, for example the

235 Q 73

236 Ev 366

Royal Navy has identified the need for an additional 42 supervisory posts, and funding for the 15 'most urgent' has been provided.²³⁷

156. In the Navy, commanders are now charged with "undertaking an annual review of the unit's supervisory regime, morale, ethos and training culture".²³⁸ The Navy's primary welfare mechanism is the Divisional System, in which the Divisional Officer "commands, leads and manages those in the division".²³⁹ MoD told us that the Royal Navy is moving towards a fully civilian run welfare service, managed and manned predominantly by fully qualified social workers.²⁴⁰

157. Trainees are supervised by a Divisional Officers (usually Lieutenant Commanders). Weekly duty of care meetings are held under the guidance of the Divisional Officer with training officers, instructors, chaplains, medical staff and other welfare staff. These duty of care meetings are held to share best practice and note trends in welfare issues at the establishment. During the course of this inquiry we visited HMS Sultan and noted the range and mixture of expertise available for dealing with welfare issues particularly the inclusion at weekly Carers' group meetings of the visiting psychiatric nurse and social worker.

158. During our visit to HMS Collingwood we were told that the Carers' Forum comprised officers, chaplains and civilian welfare staff and enabled weekly exchange of information on trainees deemed 'at risk'. A traffic light system was used to designate the level of risk associated with an individual. The information was included in the Command Watch document, which provided a commentary on an individual's progress and the welfare system's interventions. **We were impressed by the use of a traffic light system of designating risk and tracking individuals.**

159. During our visit to the RAF base, DCAE Cosford, we were told that the Personnel Management Squadron (PMS) provided the focus for welfare expertise in the unit. The PMS met weekly to discuss welfare issues and monthly with the chaplains, SSAFA, medics and police staff. Welfare cases relating to individual recruits were considered separately by the PMS together with the chaplaincy team, medical staff, SSAFA, HIVE, and Community Development Worker. However, it seemed to us that there was little formal structure to the welfare arrangements at the base. On arrival at RAF Halton, recruits compose a 'pen portrait' of themselves, which instructors have found useful because they are often frank and revealing and may indicate potential behavioural problems.

160. MoD told us that "No major changes are being made to current RAF care regimes in training. However, there is a process of continuing improvement".²⁴¹ MoD referred to work in progress to re-examine the guidance on the care of under 18 year olds, and "assurance audits on the care regimes in the newly formed Defence Training

237 Ev 264

238 Ev 266

239 Ev 266

240 Ev 267

241 Ev 269

Establishments”.²⁴² Several proposed RAF initiatives were not funded under STP 04, including programmes for trainee mentoring, trainee visits, and recreational facilities.²⁴³

161. We have noted the different approaches to welfare provision across the Services. The Minister told us that, “diversity of itself could be encouraging because then people are looking at better and different ways of doing things all the time...these things have grown up organically but now all that is being examined to see what are the best practices, what is the best way forward”.²⁴⁴ We received evidence from the Metropolitan Police which identified the care and support services available for students at the Peel Centre Hendon.²⁴⁵ In addition to the support available from the Police Federation, staff associations and instructors (who act as line managers to the student officers) the Pastoral Care Unit provides confidential advice to student officers with welfare problems and provides a link to other agencies and units who may be able to assist them. During our visit to the Peel Centre we met the staff of the Pastoral Care Unit and noted the quality of support and level of experience provided by the staff we met. We note, however, that the training environment at the Peel Centre is markedly different to that of Armed Forces training establishments due not least to the much shorter residential training period, significantly higher age of the average trainee and their level of education.

162. The purpose of the duty of care regime is to not only support trainees through the training programme, but also to identify those vulnerable individuals who may be at risk. The duty of care models for all three services focus on bringing together the various welfare agencies to pool their knowledge and expertise. Nevertheless, DOC (2) found evidence of the chain of command not being fully apprised of risks at unit level.²⁴⁶ Mr Waterman told us that “...there are opportunities for improving the evaluation of those risks, looking at the ways in which they can be managed and in particular looking in a more holistic way at the environment, the psychological environment which can be created around those recruits so that they are more robust in handling those risks and tackling them”.²⁴⁷ A mechanism is therefore required by which risk can be honestly identified, articulated and understood at every level of the training regime, without the understandable concerns and constraints of confidentiality causing serious dislocation.

163. 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.

164. 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

²⁴² *Ibid*

²⁴³ *Ibid*

²⁴⁴ Q 1338

²⁴⁵ Ev 438

²⁴⁶ DOC (2), para 13

²⁴⁷ Q 169

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.

165. 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.

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

167. It is clear to us from our visits that the attitude and approach of the Commanding Officer is key to the efficacy of the duty of care regime. For example, according to Rear Admiral Goodall “the effectiveness of the Empowered Officer was dependent, to an extent on the behaviour of the Commanding Officer”.²⁴⁸ Similarly, the WRVS confirmed that the Commanding Officer set the frequency of welfare meetings and that changes in Commanding Officer could lead to changes in the regime.²⁴⁹ The Commanding Officer will influence the attitude of the entire chain of command and his or her example will be followed by subordinates.

168. 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.

Empowered officers

169. DOC recommended the establishment of the role of Empowered Officer. The Empowered Officer should be a senior ranking officer, or senior retired officer although ‘senior’ has not been defined by MoD. The role of the Empowered Officer is to provide an alternative source of advice and support, outside the trainees’ direct chain of command to whom they can report bullying or other welfare issues. Group Captain Howard, the Assistant Director of Operational Capability, told us that the units had interpreted the role in a variety of ways. He said:

Some units had a specific retired officer, post-established, where that was his prime role. Other units, it was somebody else on the station out with the training command chain that was available to be contacted by recruits, but each unit had installed somebody under the concept of an Empowered Officer, i.e. outside of their command chain.²⁵⁰

248 Q 902

249 Qq 371–372

250 Q 896

170. The rationale of providing an alternative to the chain of command is based firstly on the realisation that there have been incidents in which members of the chain of command have been involved in bullying; and secondly on the acknowledged reluctance of trainees to approach the chain of command on welfare issues. General Palmer told us that the message to recruits was “for goodness sake, if they are feeling they are being bullied or harassed to say something”.²⁵¹ The Empowered Officer has direct access to the commanding officer of the unit and can therefore bypasses the training team.²⁵²

171. Empowered Officers are supposed to attend the Unit Welfare Officers’ Course.²⁵³ However, they are not required to have specific training to assist them in their duties because, as Colonel Eccles described it to us, the qualities that an Empowered Officer required were “innate within the system”; by which he presumably meant that officers would already have the necessary skills and abilities to carry out the role of Empowered Officer without specific welfare training.²⁵⁴

172. Empowered Officers had been appointed in “almost every unit” by July 2003.²⁵⁵ However, DOC (2) found, for example in Army units and at DST Leconfield, too few Empowered Officers for the number of trainees, and that many trainees did not know the identity of their Empowered Officer.²⁵⁶ At a phase 1 establishment we visited, the names and numbers of the Empowered Officers were not included on recruit’s contact cards, and their relationship to the chain of command was not always well understood by recruits. DOC also noted that Navy units relied on the Divisional Officer system in preference to Empowered Officers.

173. DOC (2) has found that trainees were reluctant to approach officers with welfare issues or to make use of Empowered Officers.²⁵⁷ However, Group Captain Howard thought that the degree of reluctance would vary between the Services. He told us that DOC had “found a great difference between the Services and I think that is just a cultural issue in that in the Royal Navy and in the Air Force airmen and sailors work alongside officers and that is a relationship that is established from day one. The Army is very different”.²⁵⁸ Brigadier Melvin told us that :

The measure of the system is the trust in which the individuals are held, not by the chain of command but by the individuals to whom they should have recourse, and a simple measure is that if these people are the conduit for these concerns and complaints then they are being trusted. If nobody comes to the Empowered Officers that is the simple measure that they are not being seen to be trusted.²⁵⁹

251 Q 9

252 Q 144

253 Ev 366

254 Q 1344

255 DOC (2), para 12.

256 *Ibid*, para 16

257 *Ibid*, para 30

258 Q 898

259 Q 902

174. During informal discussions with trainees at initial training establishments we found that many of those we spoke to did not consider the Empowered Officer to be approachable. This was particularly the case in the Army, where one Empowered Officer told us he had received very few approaches from recruits in just over a year. Conversely, at Bovington we were told that the Empowered Officer had been approached on many occasions by trainees with a range of problems. MoD has confirmed that Empowered Officers are “utilised only on an infrequent basis”.²⁶⁰ The main point of contact with uniformed staff for most recruits remains their instructors and junior NCOs supervising them. Colonel Eccles told us that:

We need to make sure the person is sufficiently removed from the normal, day-to-day chain of command of each of the recruits, so he or she can be seen to have that separation. That is certainly something we would want to develop because perception is more important in this instance than reality, so they need to be outside the immediate chain of command of the individual and in that way be seen to be independent.²⁶¹

175. Mr Waterman told us that:

Recruits needed an independent point of contact—‘so that they can make that report with confidence that it will not affect their careers, but that it will be acted upon. Using the empowered officer is probably not the right route.’²⁶²

176. 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.

177. 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.

178. 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.

260 Ev 267; See also Q 1345

261 Q 1342

262 Q 188

Alternatives to the Empowered Officer

179. Several witnesses suggested that a more credible system would be to provide an accessible and independent complaints procedure that circumvents the chain of command.²⁶³ For example, the family of Private David McKenna, who died on 11 September 1995 at Dregghorn Barracks in Edinburgh, state:

We spoke to David the week before he died and tried to get him to report everything that was going on. He said he had no-one to talk to. The chain of command was the only thing he could use and it was this that was the problem. How could he report misconduct to the people who were doing it in the first place? On the Thursday before he died we spoke to our Minister and he was going to try to speak to the Chaplain to see if he could help...²⁶⁴

They continued:

... We took care of him for 18 years. The Army had him for just over 1 year the regiment for 4 months and he died. They certainly failed in their duty of care to our son... because he had not reported any problems the Army could not be held responsible.²⁶⁵

180. Similarly, the parents of Pte. James Collinson who died at Deepcut Barracks on March 23 2002 state:

Over the past 24 months, we have been contacted by various serving soldiers, family of serving soldiers and ex-soldiers. They share their experiences of Deepcut and other barracks. The main point of concern would appear to be that where bullying is a major issue, recruits feel they have no where to turn for help and guidance. They may be offered advice from a NCO; however any assistance would appear to require the consent of a senior officer who may be a part of the bullying ring. Where a recruit goes AWOL, they are returned to the hands of the bullies without support or understanding and become desperate for a way out.²⁶⁶

181. The Catterick families who gave us evidence argued that only someone totally independent of the Armed Forces would have the confidence of a recruit who was experiencing difficulties, particularly if they involved to the chain of command.²⁶⁷ Similarly, Mr Waterman told us:

263 Ev 378, 403

264 Ev 382

265 *Ibid*

266 Ev 386

267 Qq 1045–1047

There should also be an outlet which is independent of the command management structure for alerting people to the fact that they are not coping very well with whatever it is that they are being exposed to, whether it is deliberately part of their training or whether it is to do with the social context in which it is taking place. We think that there is room for improvement and we do think that some of that room can be explored by improving the quality of training for people who are in supervisory and managerial positions.²⁶⁸

182. SSAFA described to us how their qualified social workers, who provided independent, professional advice to Service personnel, were removed from the Army's welfare organisation. Commodore Branscombe told us that "we believe that there is a need for professionally based independent social workers to be working with these establishments".²⁶⁹ **We recommend that MoD urgently review the possibility of SSAFA or similar qualified civilian staff providing an alternative to the Empowered Officer.**

183. **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.**

184. **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.**

Chaplains

185. Chaplains receive training in military skills and organisation so that they can operate efficiently on deployments. All chaplains are also taught about the role of the military chaplaincy and how it relates to Commanding Officers and the Armed Forces' welfare agencies.²⁷⁰ In the Army and RAF chaplains retain their rank and uniform. In contrast Naval chaplains do not as a matter of course wear uniform and wear no badge of rank. We were told that this was so Naval Chaplains could assume the rank of whoever they were speaking to.

186. Traditionally the chaplaincy has provided moral guidance and information and advice outside the chain of command. During our visits to initial training establishments we were impressed by the dedication of the chaplains we met, and saw that they were generally regarded positively by recruits. But some doubts have been raised about whether young recruits, who might have little or no previous experience of organised religion, see them as an approachable source of advice or support on issues such as bullying and harassment.²⁷¹

268 Q169

269 Q 647

270 Ev 265, 284–287

271 Qq 1049–1053

military chain of command, fully confidential, and staffed by specially-trained non military personnel with appropriate experience and skills”.²⁷⁷

191. In 2003, the CSL which is available to the Army, Royal Navy and Royal Marines received 4072 contacts, 681 of which were judged to be hoax calls. Including emails the CSL received 3391 genuine contacts in 2003, more than double the previous year.²⁷⁸ The contact details for the CSL and other welfare contacts are displayed on posters at initial training establishments and repeated on credit card-sized handouts for recruits to retain. DOC (2) notes that “Some of the telephone help-lines on the credit cards were either misprinted or had no-one on the line to take the call when we tested the link during the evening of our visit”.²⁷⁹ That situation had improved by the second reappraisal. **We commend SSAFA’s commitment to provide a source of advice and support to Service personnel and their families.**

WRVS and other non-uniformed welfare providers

192. The Women’s Royal Voluntary Service (WRVS) provide Services Welfare Officers (SWOs) to assist Commanding Officers, in the Army and RAF, by providing emotional and practical support to recruits and trainees. Commanding Officers should be able to provide the WRVS with appropriate facilities with which to operate.²⁸⁰ In most initial training establishments the WRVS run recreational clubs that do not serve alcohol, and offer snooker, table tennis, television and video facilities.²⁸¹ The role of the WRVS within a unit may vary, depending on the resources available. During our visits we met highly motivated, and at one particular establishment, highly qualified WRVS staff who were able to provide support to the more formal welfare systems. However, in other establishments the WRVS may only be able to act as little more than a post-box for other agencies.

193. The WRVS are often characterised as mother figures, offering tea and sympathy, but they have an important role in referring recruits on to other welfare agencies as appropriate.²⁸² The WRVS are popular with recruits and trainees and are seen as an alternative source of confidential advice and support for recruits outside the chain of command.²⁸³ The chain of command may also refer individual recruits to the WRVS.²⁸⁴ In such cases the WRVS assess the level of risk associated with the individual and can provide a range of services, from low level counselling and support through to co-ordinating immediate action with the chain of command and other welfare and medical services.²⁸⁵

194. DOC (2) found that WRVS and HIVE (Help Information Volunteer Exchange) Services were under-funded and were characterised by run-down and inadequate

²⁷⁷ Ev DOC 13. In addition to SSAFA’s helpline there are several unofficial advice lines and websites run by former servicemen or the families of personnel who have died in the Armed Forces.

²⁷⁸ Ev 384

²⁷⁹ DOC (2) para 17.

²⁸⁰ Ev 267, 366

²⁸¹ Ev 476

²⁸² Ev 267, 476–477

²⁸³ Ev 476–477

²⁸⁴ *Ibid*

²⁸⁵ *Ibid*

facilities.²⁸⁶ Since then there has been an increase in the numbers of WRVS staff at training establishments, and services and facilities have improved.²⁸⁷

195. In addition to the WRVS there are a range of other organisations that provide welfare advice at initial training establishments, such as the Salvation Army and HIVE. During our visits we met with many Hive volunteers. HIVE provides information, such as initial arrival information for new recruits, information on the local area and facilities, and contact telephone numbers for other agencies. Colonel Eccles described the range of organisations involved in providing welfare services:

There are several institutions which have put in both non-public and public money to improve the recreational areas for recruits. The Council for Voluntary Welfare Workers for example, a number of Christian based organisations such as the Sandys Homes, the Church Army, produce quiet areas, non-alcoholic areas where youngsters can go to relax, watch television, play pool and so on.²⁸⁸

196. 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.

Medical Services

197. Medical Services provide a key component of the duty of care structure. Medical officers will frequently be the first to have an opportunity to identify psychological or physical problems. The Army's Suicide Prevention Policy guidelines for Medical Officers include guidance on the issue of confidentiality. The guidelines state:

The medical officer has a dual responsibility to the patient and to the Army, particularly to safeguard the health of members of the Armed forces and others who may be affected by their actions. To meet this responsibility, he must evaluate the risk to the patient and to others...²⁸⁹

198. The guidelines go on to set out the importance of considering the implications of maintaining patient confidentiality if a risk of suicide or self harm is identified. The risk to an individual of committing such acts can be increased if the chain of command is not aware of the risk, for example, by not removing the individual from situations where they will have access to loaded firearms.²⁹⁰

286 DOC (2), para 46

287 *Ibid*, para 12

288 Q 45

289 Ev 312

290 *Ibid*

199. The Guidelines make clear that consent for disclosure should be sought. They state:

Disclosure of personal information without consent may be justified where a failure to do so may expose the patient or others to risk or death or serious harm. Where third parties are exposed to a risk so serious that it outweighs the patient's privacy interest, you should seek consent to disclosure where practicable.²⁹¹

200. Medical Services are provided by civilians and military personnel. The question of maintaining patient confidentiality for recruits and trainees may be more complex with civilian medical personnel. We were told that Commanders can be frustrated by civilian medical staff insisting on maintaining confidentiality. A Commanding Officer may feel that they have not been given the opportunity to assess or respond to a welfare situation because the medical staff did not disclose information. We are not aware, however, of military medical staff being seen by recruits as less independent or trustworthy. There are weaknesses in the provision of medical Services at initial training establishments.²⁹² In some cases posts are not filled, or are filled by civilian locums, which can in itself cause problems due to lack of experience, for example, in identifying individuals at risk.²⁹³

201. 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.

202. We have heard of circumstances in which trainees who have suffered injuries have had to continue with inappropriate physical activities.²⁹⁴ Training staff may consider that some trainees are malingering and distrust medical advice, particularly from civilians.²⁹⁵

203. Physical fitness training clearly has to be demanding. It is also important that it is scheduled appropriately in a recruit's training day and that recruits are not expected to undergo demanding training if they are injured. In her written evidence Mrs Farr described an occasion when her son, Daniel, had to go on a run immediately after Nuclear Biological and Chemical Training (NBC):

...Daniel could not get his mask on and had to be dragged out of the chamber nearly unconscious then made to go on a two mile run. Since researching the deaths I have found out that hard physical exercise should not take place immediately after such training and also NBC training should not take place immediately after a meal or a cold, as this could cause a chemical imbalance in the body.²⁹⁶

204. Mrs Beckley-Lines' son William died after a 2 mile run, after which he collapsed and died. The cause of death was given by the Coroner as exhaustion, and sickle cell anaemia.²⁹⁷

291 313

292 DOC (3), para 13. See also DOC (1).

293 Ev 458. See also Ev 352

294 Ev 425, 459, 465

295 DOC (1), para 99. See also Ev 365, 496

296 Ev 423–424

297 Qq 1057–1059, Ev 426

William's death happened seven months after joining ITC Catterick after what Mrs Beckley-Lines described as a period of rapid weight loss after joining initial training. Mrs Beckley-Lines told us "He was 18 stones when he joined, he was 12 stones when he died".²⁹⁸ Both these cases suggest that the instructors at ITC Catterick may have failed in their duty of care to recruits who were not in the right physical condition to undergo demanding physical exercise immediately before their deaths.

205. 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.

Access to welfare staff

206. We received evidence that some recruits have had difficulty in accessing the welfare facilities provided at initial training establishments. At phase 1 initial training establishments the busy nature and length of the training week (8am–6pm for six days per week), limits a recruit's opportunity get access to welfare services without the knowledge of their immediate superiors in their chain of command. Mrs Farr told us that recruits had to ask permission to see welfare staff, "probably off the NCO who is abusing them", and therefore recruits could not gain access confidentially to welfare services.²⁹⁹ DOC (2) found a similar problem. It noted that "in some [Army] establishments, Instructors were openly hostile to WRVS staff and other 'busy-bodies' and berated trainees for resorting to them or to the officers who were responsible for their welfare".³⁰⁰ DOC (1) also found that recruits had had difficulty in getting access to the chaplaincy, and recommended that such access should not be "arbitrarily denied".³⁰¹ Some of the difficulty in getting access to welfare services was due to the non-availability of welfare staff at times when recruits were free to seek their assistance. MoD have assured us that welfare providers are now more frequently available outside normal working hours.³⁰² MoD guidance states that "untrammelled access to chaplains is guaranteed" and that although NCOs may need to know a recruits' whereabouts, they may not deny access or demand to know why an appointment with the chaplain has been requested.³⁰³ MoD state "recruits are also given unrestricted and unsupervised access to the Chaplain and the WRVS lady, who will ensure that the recruits know that they can complain safely to them, without fear of retribution".³⁰⁴ **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.**

298 Q 914

299 Qq 1009–1010

300 DOC (2), para 17; Ev 471

301 DOC (1), paras 97–98; Ev 366

302 *Ibid*

303 Ev 286

304 Ev 301

207. 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.

Supervision

208. The duty of care issue that has received the most attention within the Armed Forces is supervision. The issue was identified as a cause of concern by Colonel Haes and the DOC appraisals.³⁰⁵ During the working day supervision is provided by instructors, who are often civilian contractors in phase 2 establishments. Outside working hours, and during ‘silent hours’ NCOs are responsible for supervision. Particularly, in phase 1 establishments the NCOs providing out-of-hours supervision may also be recruits’ instructors. The two main concerns that have been raised in relation to supervision are: whether there are sufficient supervisors for the number of trainees; and whether the supervisors are trained for the duty of care aspects of their job. The Surrey Police Final Report highlighted the importance both of the ratio of supervisors to recruits and the quality of those individuals selected to deliver training. Mr Waterman referred to importance of ensuring the quality, training and motivation of supervisors, in addition to enduring an appropriate supervisory ratio.³⁰⁶

Supervisory ratios

209. The large volume of trainees passing through the training system require appropriate instructor numbers to enable the personnel fulfilling these demanding roles to discharge their training and welfare responsibilities effectively. Inadequate numbers of instructors is more pronounced at phase 2 establishments and in particular at phase 2 Army establishments.³⁰⁷ This has been recognised by MoD.³⁰⁸

210. Following DOC (1), which recommended supervisory ratios should not exceed 1:38, ratios of between 1:12 and 1:40 were set as the benchmark for the working day.³⁰⁹ The actual level is determined by the Unit Commander’s Risk Assessment, and is published in the Supervisory Care Directive, which is reviewed annually. That assessment will include consideration of the age and maturity of the trainees, the nature and distribution of accommodation, the homogeneity of the recruit class the proximity of the duty supervisor and the differing requirements of the training day including—working hours, off-duty hours and silent hours.³¹⁰ The assessment should also allow for female recruits to have access to a female within the supervisory regime.³¹¹ Supervisory ratios have in the past been

305 DOC (1) para 45ff, DOC (2), para 34ff.

306 Q 152

307 See DOC (2) 34ff

308 Q 93

309 Ev 364

310 Normal Working Hours are typically 0800 to 1700 hours; Out of hours, off duty is time spent in the training establishment outside normal working hours and silent hours. Out of hours, silent hours are typically 2300 to 0600 hours.

311 Ev 364

of instructors is particularly important given the relatively small number of instructors who are responsible for large numbers of recruits and trainees.

215. In selecting instructors the Armed Forces must ensure they are suitable and committed individuals. In addition, the Services must ensure instructors are properly supported. Professor Chivers, Director of the Centre for Hazard and Risk Management, said that “as far as possible, we need people coming forward as instructors in the Armed Forces who are there because they want to be there”.³¹⁷

216. The Army accepts that a good NCO does not necessarily make a good instructor, and Junior NCOs are not considered for Instructor posts on their first tour.³¹⁸ DOC noted:

evidence of indifferent attitudes to trainees’ concerns and administrative inquiries, often about pay. In this sense, the lower level chain of command was insufficiently responsive to the demands and needs of the trainees and there was little opportunity for the latter to seek administrative guidance elsewhere.³¹⁹

Ideally instructors should be volunteers, selected for their suitability and trained for the role. In the past, this has certainly not been the case, and individuals were posted to training establishments regardless of whether they had shown any inclination or desire to be instructors.³²⁰ In the Army, the selection process starts with the instructor unit agreeing a job description with the Army Personnel Centre, which forwards the job description to the field Army units who are required to fill the relevant post. Duty of care issues are included in the job description.³²¹ In the RAF, individuals may either apply for instructor posts or be nominated by the Personnel Management Agency. In all cases, applicants attend an instructor suitability screening board.³²² During our visits to all three Services, we have met instructors who had not volunteered to become trainers and did not seem to relish the job.

217. Colonel Haes referred to the process of increased use of civilian contractors in initial training establishments. He argued the process removed substantial numbers of military posts and replaced them in part with civilians who had no responsibility for welfare and care of trainees.³²³ General Palmer explained to us that following the identification of significant undermanning in the field Army individuals were moved from the training organisation into the Field Army, and at the same time private contracts were considered to take some of the pressure off the frontline.³²⁴ We have received written evidence from an RAF senior NCO who reinforces the view that civilianisation within the instructors has had a detrimental effect and there seems to be a general perception in the Armed Forces

317 Q 215

318 Q 123; Ev 272. See also Ev 346, 347

319 DOC (2), para 31.

320 See DOC (3), para 66.

321 Ev 272

322 Ev 274

323 Ev 419

324 Q 10

are concerned that civilian contractors undermine military ethos.³²⁵ The proportion of civilian instructors has an impact on supervision, particularly out of hours.

Vetting

218. MoD explained that civilians working on military sites are vetted in accordance with the employment that they are given. The lowest level of clearance is a “Basic Check” which simply establishes that the individual is who he or she says he or she is and is entitled to be employed. Civilians who are in close regular contact with recruits and trainees are screened by the Defence Vetting Agency, which will conduct police national computer, credit and security checks to verify that the individual is suitable for employment.³²⁶ There is no requirement to undergo a Criminal Records Bureau Check.

219. The most recent, high profile, failing of vetting instructors was the case of Private Skinner. On 7 September 2004, Private Skinner pleaded guilty to five counts of indecent assault relating to four male soldiers between 1992 and 1997. He had been court-martialled previously and was demoted and then within two months was sent as a physical training instructor to Deepcut, where all but one of the offences occurred. Chief Superintendent Denholm told us:

There are some primary issues that came out of Skinner. The first is that we identified that Skinner abused his position of authority to ensure that his victims acquiesced effectively. The victims themselves did not have sufficient faith in the chain of command or the Army’s investigative system to report the assaults: they were subsequently found by us. The victims were afraid of being branded homosexual as they felt that would place them as targets by their peers and NCOs. Having identified that Skinner may have a propensity for young males, the Army posted Skinner to Deepcut without carrying out any form of risk assessment. This placed young males, some already vulnerable through being away from their homes for the first time, in a position of jeopardy. The investigation into the offences for which Skinner was dismissed from the Army appear to have been narrow and did not consider whether there would have been any other victims.³²⁷

He confirmed that **in the view of Surrey Police there was no connection between the Skinner case and the deaths at Deepcut.**³²⁸ MoD states:

Commanding Officers are not routinely made aware of the previous convictions, spent or otherwise, of individuals in their command, unless there are practical reasons for doing so or the Commanding Officer was responsible for disciplining the individual. The relevant Manning division is responsible for appointing individuals to units. The Manning division will consider suitability based on a number of factors such as entries on conduct sheets (including all offences dealt with by the Military and declared civil convictions). Also evidence of allegations made against individuals would be considered. Each case is judged on merits. Those with a known history of

325 Ev 499

326 Ev 272

327 Ev 275

328 Q 727

sexual offences and those who we know are on the Sex Offenders Register can be tracked and should not be posted to unsuitable posts (i.e. training establishments).

220. We recommend that MoD bolster vetting procedures for both civilian and military instructors (see paragraph 71). The case of Leslie Skinner suggests a disturbing level of indifference or incompetence; neither of which is acceptable.

Instructor training

221. Instructors should pass training courses prior to their appointment. The aspiration, however, is seldom achieved. There are significant manpower costs associated with essential pre-employment training.³²⁹ Colonel Eccles told us that:

The problem is we have so many staff in the training organisation—5,000 servicemen actually in contact with trainees, which is a large chunk of the Field Army turning over all the time. We would love the incoming person to be trained before he joins, but given he or she would need to be relieved in the Field Army before they do that, it creates a problem.³³⁰

222. Instructors from all three Services receive codes of practice that define “acceptable and unacceptable behaviours and also articulate the considerable responsibility that instructors have placed upon them for others’ development”.³³¹ MoD is working to produce a Defence Code of Practice for Instructors.³³² ITGIS courses at Lichfield for Army instructors, include a welfare package which covers areas such as self-harm, suicide and homesickness—instructors are taught how to identify recruits who may be at risk, and how to manage such a situation. The Army provides the phase Two Instructor School (PTIS) also based at Lichfield, which has a similar format to ITGIS and extends the subjects of motivation, Health and Safety, Equal Opportunities and Diversity, Welfare and Drugs.³³³ RAF instructors have a personal checklist of courses to undertake some of which they must complete in their 3 week induction package before they become instructors; the rest are taken over the first 6–12 months of their appointment.

223. DOC (1) recommended supervisors be trained in coaching and mentoring skills. That training is provided by the Armed Forces Chaplaincy Centre at Amport House for RN and RAF personnel and at the Initial Training Group Instructor School for Army instructors at Lichfield.³³⁴ The Royal Marines established a Coaching Advisory Team in 2002 to help instructors understand performance psychology at high levels. This includes an understanding that different people are motivated by different factors and deal with stress differently and that trainers need to be taught to react to this appropriately. The Defence Centre of Training Support (DCTS) was established in October 2003 by amalgamation of the three service training support units. DCTS provides nine courses under its Coaching

329 Ev 346, 347; DOC (2), paras 52.

330 Q 1350

331 Ev 273

332 *Ibid*

333 Ev 274

334 Ev 273; See DOC (1), paras 63–64.

and Training Programmes.³³⁵ The Care of Trainees Course is designed to enable trainers to recognise indicators of a variety of welfare problems, develop effective listening and questioning skills; recognise possible conflicts in confidentiality and when to refer trainee personal issues. Instructors are taught counselling, mentoring and coaching skills; and recognition of symptoms that point to stress or potential suicide.³³⁶ The Navy is planning to provide additional training in the “management of distress in trainees”, which will be delivered by local NHS community psychiatry departments.³³⁷ We also visited the Armed Forces Chaplaincy Centre at Amport House, Andover to experience the courses for instructors. **We were impressed by the quality of the Chaplain instructors.**

224. The Institution of Occupational Safety and Health (IOSH) run courses on ‘Working Safely and Managing Safely’ that are used by the Royal Navy, Royal Marines and the Air Force.³³⁸ Mr Waterman said that the Army did not make use of these courses because it believes that it needs to create its own courses due to its unique nature.³³⁹ He argued that the Army was mistaken and that it would benefit from cross-fertilisation with other organisations.³⁴⁰

225. We visited the Initial Training Group Instructor School (ITGIS) at ATR Lichfield to experience at first hand instructor training. The ITGIS was established in 1999 and runs 13 instructor courses a year for up to 66 Army personnel at a time. The care of trainees in Army initial training course is based on the ATRA Code of Practice for Instructors with an emphasis on imparting soft skills such as improved listening skills and ability to spot danger signs in recruits. We also visited the care of trainees in RAF initial training course at RAF Halton. And were particularly impressed by the chaplains leading the duty of care seminars at the centre. Since January 2004, phase 2 instructor training has been run at ATR Lichfield. The school provides specific training for phase 2 instructors, including training to identify those at risk of self-harming. We noted the ability of the Lichfield trainers to demonstrate to instructors the benefits of using ‘soft’ skills when training recruits. We are keen however that these skills do not remain in the classroom at Lichfield and are maintained through regular refresher courses or workshops. At the time of our visit, we were concerned that there was a large proportion of 2,500 personnel employed as instructors who were yet to receive PTIS training. This was being addressed by PTIS staff visiting training establishments to deliver on site training. We noted the considerable strain this placed on the staff at Lichfield.

226. 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.

335 Foundation Instructional Techniques; Advanced Instructional Techniques 1, Coaching and Motivation, Care of Trainees; Conduct of Trainee Assessment; Advanced Instructional Techniques 2; Supervision and Coaching of instructors; Train the Trainer; On-the-Job Training Course; Presentation Techniques.

336 Q 124

337 Ev 275

338 Ev 395

339 Q 170

340 *Ibid*

227. 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.

Career structure and incentives

228. If the Armed Forces wish to attract the best possible individuals to the training organisation then the role of instructor or trainer must be seen as worthwhile in career terms. Professor Chivers referred to the importance of ‘instructors’ being considered worthwhile posts.³⁴¹ In the past, many in the Armed Forces did not consider such posts to be beneficial career moves. Group Captain Howard told us that DOC had found that:

...although most of the corporal, junior NCO instructors were not volunteers, a tremendous number of the senior NCO instructors had come back as volunteers, having been junior NCO instructors, and it was not until they finished their job that they realised the life skills and the quality of the job they had as an instructor... the more training you put into an instructor and the more skills he is given, the bigger the toolkit he has to go and do that job, the better. And the most motivated instructors, those that were doing the job the best and enjoying the job were those that had the most training and biggest toolkit to go and do that job.³⁴²

Brigadier Melvin added:

A volunteer instructor is normally a better instructor [...] than a pressed man. That means not only at the selection process but we have to make sure, as we indicated in the report, that the instructors have to feel valued in their career and given the right kind of rewards. It also depends fundamentally [...] that the quality of the young soldiers you got in was dependent on the quality of the instructors you gave from your unit back into the training regime; so what you put in was what you got out, and you had often to exchange the short-term disadvantage of using your best promising junior NCOs because it was absolutely vital to get them into the training organisation. That, I think, is an example of what needs to be done.³⁴³

229. Instructors are subject to considerable strains. General Palmer told us that one of his priorities in relation to duty of care was to support those in the training regime. Instructors frequently have similar accommodation and facilities to trainees and are under considerable pressure to maintain standards and throughput of trainees.

230. Regrettably, during our recent visits to initial training establishments a number of current instructors expressed doubts about the effect of the posting on their career development. MoD argue that the training that instructors now receive improves the perception of the role and that trainers can now see postings to training roles as a valuable

341 Q 215

342 Q 816

343 *Ibid*

part of their career and that the qualifications they achieve in developing as trainers will be useful after they leave the Services.³⁴⁴ Commanding Officers in the front line should also recognise the benefits of releasing their personnel to training posts. Those returning to field units from training establishments bring a range of skills and experience with them which can be of considerable advantage to front-line units.

231. We acknowledge the difficult and demanding role undertaken by instructors. The pressures on instructors may affect the quality of training and provision of duty of care. **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.**

Managing the training regime

232. Since 2002, the majority of Armed Forces training has been separated, both geographically and organisationally into two phases. Phase 1 is, for all the three Services, characterised by a frenetic pace, during which recruits are swiftly instructed in basic attributes and ethos of their Service. Phase 1 establishments provide a high level of supervision and pastoral care. Phase 2 training offers, for many trades, an extended period of study and testing. Supervision is reduced and trainees are expected to show greater maturity and self-reliance as after phase 2 training they could be posted to operational duty.

Transition between the phases

233. Concerns have been expressed about whether recruits are properly prepared by phase 1 for the rigours of phase 2 training. DOC (1) states:

The most frequent claim was that phase 1 trainees had been inadequately prepared for phase 2 and that some recruits had been passed on before proper mental and physical hardening and adjustment to Service life had taken place.³⁴⁵

234. Colonel Strutt found in interviews with instructors a “general feeling that [Corporals] feel unprepared for the experience of training recruits. They are familiar with the challenges presented by trained soldiers in battalions but are surprised at some of the difficulties experienced by recruits, especially the younger, less mature individuals”.³⁴⁶ That difficulty is made more acute by the fact that instructors are concerned that recruits from phase 1 arrive at phase 2 establishments may lack discipline, maturity and the necessary psychological preparation to embark on phase 2 training. **We are concerned that in some cases recruits pass out of phase 1 without the necessary preparation to attempt phase 2 training.**

344 Q 127

345 DOC (1), paras 43–44

346 “I’m your mother now”, p 62

235. Both Surrey Police and DOC have highlighted the detrimental impact of the transition from phase 1 to phase 2 training had on recruits and instructors.³⁴⁷ The transition between the phases, not only leads to a loss of the sense of purpose engendered during phase 1, but also increases the risks of duty of care failures. That risk can be mitigated by ensuring the phase 2 establishment has a detailed individual assessment of every recruit's performance in phase 1 and any areas of concern are clearly identified. The ATRA Handbook provides for systematic recording and reporting of information throughout training, from initial induction until arrival at the field Army. Each trainee has an individual report on phase 1 performance, which includes welfare and disciplinary material, that is passed to their phase 2 training establishment. DOC (2) found that there had been improvement in the accurate and timely transfer of personal information between phase 1 and phase 2 establishments.³⁴⁸ For example the Royal Navy now ensures that personal reports and details of trainees' performance are transferred from HMS Raleigh to phase 2 establishments in advance of the trainee's arrival.³⁴⁹

236. Combining, or co-locating the two phases may reduce some of the difficulties that have been experienced, particularly in phase 2 establishments. Mr Corfield told us "to close the gaps between phase 1 and phase 2 training is going to take a great deal of instability, boredom and a time of negative change out of a soldier's early career".³⁵⁰ General Palmer said that his personal preference would be for phase 1 and phase 2 to be combined across the board, to prevent the "upset" and "instability" introduced after phase 1.³⁵¹ While Mr Waterman said "...the seamless transition from phase 1 to phase 2... would be one of the key targets of any significant change in the training regime which would produce a benefit".³⁵² However, the opportunities for further harmonisation in the Army are limited given the wide range of trades and associated specialist courses.³⁵³ DOC (2) concluded that the institutional division of initial training into two phases limited the extent to which the trajectory could be smoothed. DOC (2) concluded that "substantial improvements" would only be achieved through additional resources.³⁵⁴

237. 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.

SATT

238. There is a lack of continuity between the end of basic training and the start of specialist training in some phase 2 initial training establishments, such as DLC Deepcut, where individuals may be on SATT (Soldiers Awaiting Trade Training) for several weeks

347 Ev 421; DOC (2), para 27.

348 DOC (2), para 14.

349 Q 33; Ev 268

350 Q 176

351 Q 93

352 Q 177

353 DOC (2), para 14.

354 *Ibid*

or months.³⁵⁵ That difficulty is largely due to the availability of courses, and is more acute in units that provide a wide range of specialist trade training some of which are linked and need to be taken in a set order. This occurs across the Services (apart from the Royal Marines and ITC Catterick where the two phases are combined) but is more pronounced in the Army, largely because of the numbers of recruits involved and the associated complexities in coordinating the commencement of trade courses with the end of phase 1 training. SATT may be exacerbated by recruits entering phase 1 at a point in time when they will not be able to move seamlessly from the end of basic training to their phase 2 training. We were told that this was a particular problem in the Army, because recruiting officers sign up applicants to enter phase 1 training at the earliest opportunity, without consideration for the likely transition to phase 2 specialist trade training. We were told that in the Royal Navy and RAF, recruiting staff were more willing to tell applicants that they would need to wait for a period before starting phase 1 training, so that the transition to phase 2 was not disjointed. Recruits may be held over for other reasons, such as recovery from injury or illness.

239. DOC (2) noted that phase 2 establishments in particular were reporting poor morale, skill-fade, and decline in motivation and physical fitness in recruits heldover on SATT.³⁵⁶ Very often the only activities provided for trainees on SATT are of a menial and unproductive nature. Mr Corfield explained to us that:

All we know is that it is potentially demotivating for people to be between training or to be on SATT, to be stuck in training establishments or other holding areas which have a very poor physical environment. To be given menial jobs and menial chores while they are there is negative and then to give those people, when they are tired, dangerous equipment, such as a weapon, again, purely from a safety and a welfare point of view does not seem a good thing to us.³⁵⁷

Similarly, Mr Waterman told the Committee:

...even if the basic training were for longer and you had an even more cohesive unit at the end of it, if you then had this disjunction, with people cooling their heels for a period of weeks, involved in a whole range of desultory tasks which do not seem to relate directly to their personal development and you have diminished the degree of supervision and pastoral care, you would be faced with a problem.³⁵⁸

240. DOC (1) states that “Holdovers during initial training should be reduced wherever possible, but where unavoidable, activity and structured programmes must be energetically lead and properly resourced”.³⁵⁹ On our visits we were told about good practice in addressing SATT and reducing the associated risks of boredom and skill-fade. At RAF Halton and at the Royal Armoured Corps Training Regiment, Bovington innovative modular courses have been introduced for those awaiting trade training. The Commanding Officer at Bovington told us that although SATT levels were still too high, it

355 See Ev 254

356 DOC (2), para 8.

357 Q 176

358 Q 177

359 DOC (1) para 48.

was now managed more imaginatively. For example, soldiers awaiting trade training for longer than a week undertake a modular course with an emphasis on military skills training. By keeping SATTs occupied with purposeful training, the Commanding Officer felt that trainee soldiers were less likely to experience skill fade, become depressed or disillusioned. 'Pipeline management' techniques such as the good information sharing between HMS Collingwood and HMS Raleigh have also demonstrated how the inflow of recruits to phase 2 establishments can be regulated effectively. We were told on our visit that the maximum SATT at HMS Collingwood and HMS Sultan is two weeks. This was ascribed to good communication between the Commanding Officers at HMS Raleigh resulting in HMS Raleigh controlling the inflow of recruits at phase 1. The Royal Navy has reduced the number of trainees awaiting phase 2 training. The Navy has also established Holdover Divisions for phase 2 trainees, in which they are offered a range of activities, such as basic skills courses, which are intended to avoid trainees spending a disproportionate amount of time doing menial tasks.³⁶⁰

241. At RAF Halton, we met staff and recruits in the newly formed Air Development Flight (ADF), which was established in July 2003 in response to the problems of low morale among those held over between training phases. Trainees on the ADF have the opportunity to undertake project work in the community, additional skills training and pre-trade courses. Those on SATT for longer than 6 weeks can expect to do fully supervised, unarmed guarding. Most of the trainees we spoke to welcomed the opportunities to keep up their fitness and brush up any weaknesses in their skills before passing on to trade training. They also told us they appreciated the more mature, equal nature of their relationship with the staff.

242. 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.

243. 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.

Accommodation and facilities

244. DOC (3)'s assessment of Army initial training establishment accommodation was "verging on unfit for purpose in its current state of repair".³⁶¹ This remains a serious concern. During our visits to Army establishments we saw examples of depressing, shabby and rundown accommodation in poor repair. Recruits we spoke to at Deepcut referred to the depressing environment. We understand the resource constraints individual units are working under and the effect of planning blight associated with the Defence Training Review on the ability of Commanding Officers to improve accommodation. This situation is unlikely to improve for several years, during which lack of space and poor accommodation, particularly when aggravated by anti-social behaviour by other occupants, will have a detrimental effect on soldiers.³⁶² We were told during several of our visits to initial training establishments that many recruits preferred to live in shared accommodation rather than single-occupancy rooms.

245. When we visited Royal Navy and RAF establishments, we found that accommodation was generally clean, tidy and well-kept. The difference in the standard of accommodation between those Services and the Army may be linked to the greater throughput of personnel and the length of training courses at Army establishments. It seemed to us that more resources had been made available for accommodation at Royal Navy and RAF establishments.

246. DOC (1) found second-rate and limited recreational facilities. The re-appraisals found that DOC's recommendations on recreational facilities had not been implemented because of a lack of resources.³⁶³ Colonel Eccles explained that the Army wished to provide more and better sports facilities, additional staff and more internet cafés.³⁶⁴ He went on to say that:

There are several institutions which have put in both non-public and public money to improve the recreational areas for recruits. The Council for Voluntary Welfare Workers for example, a number of Christian based organisations such as the Sandys Homes, the Church Army, produce quiet areas, non-alcoholic areas where youngsters can go to relax, watch television, play pool and so on. Those have improved over the last few years as well.³⁶⁵

247. Rear Admiral Goodall told us that there were still infrastructure improvements to be made, for which funds were being sought.³⁶⁶ **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.**

361 See 346; DOC (3), para 58.

362 "I'm your mother now", p 58

363 Ev 341; DOC (1), para 88ff; DOC (2), para 43ff; DOC (3) para 21 ff.

364 Q 46

365 Qq 40ff

366 Q 51; See Ev 341, 346

Monitoring and Data Collection

248. Following recommendations from DOC (1), ATRA introduced a trial initial training exit survey, with a view to creating a harmonised tri-Services survey.³⁶⁷ The survey is administered by training staff, but run and analysed by MORI.³⁶⁸ All trainees have the opportunity to fill in the survey when they leave training, even if they are leaving before completing the course.³⁶⁹ There have been individual surveys in the past which were described to us as ‘snapshots’ that could not be used to make comparisons.³⁷⁰

249. The Surrey Police Final Report stated that they had found little evidence in their investigations of the Army collecting data in a systematic way to assist in measuring performance and identifying successes and failures.³⁷¹ Chief Superintendent Denholm told us that:

What we found was missing fundamentally was a cyclical approach, if you like, to policy development and implementation. There was evidence of identifying issues and review, but there was very little evidence of substantive action being taken in relation to that. Then another report would come along, another issue would be raised, another review would come in, but again that final element of this cyclical approach was missing throughout the vast majority of the areas of work that we identified.³⁷²

Colonel Eccles agreed that in the past the Army’s “data capture hitherto has been less than perfect”.³⁷³

250. Rear Admiral Goodall explained that instructor’s performance was monitored within the training establishment by commanding officers and by the training organisations. In addition, he told us, staff from DCTS:

will have a standards and monitoring role and go out and have a look at the application of this, not least to feed back good practice into the training and, secondly, for the standards we require for accreditation we will need to have review processes which ensure that the accrediting authorities are satisfied that the skills and competencies people are developing are appropriate for that accreditation.³⁷⁴

251. We are pleased to note the initiatives flowing from the new staff of DCTS. We are nonetheless concerned by the extent of the responsibilities apparently being allocated to a small number of people. It is difficult to see how a central MoD staff, already charged with training policy formulation, joint Services co-ordination and ensuring speedy circulation of best practice can devote enough time to visit training units with sufficient frequency and

367 Qq 41–48, Ev 287, 288. DOC (1), para 69

368 Qq 42, 1327

369 Q 43

370 QQ 1327–1337

371 Ev 421–422

372 Q 669

373 Q 1327

374 Q 129

time allocation to perform a credible “standards and monitoring role”. We look forward to seeing how DCTS staff will interact with existing single Services staffs responsible for establishing and maintaining instructor standards.

252. 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.

6 Outcomes of failure of duty of care

Introduction

253. The Armed Forces have acknowledged that the training regime has been under stress in the past, and that concerns remain in certain aspects of the regime.³⁷⁵ In the previous chapter we set out a number of the factors which have contributed to that stress. Surrey Police, whose Final Report considered some of these issues in relation to Deepcut Barracks describe that report as illustrating “the cumulative effect of the risks facing recruits coupled with a lack of rigour in systemising, reviewing and challenging risk reduction measures between 1988–2002”.³⁷⁶ This section considers some of the outcomes of failing to reduce those risks.

Bullying and harassment

254. Bullying and harassment are not unique to the Armed Forces, but may be more acutely felt in a disciplined military environment, with limited opportunity to leave. We consider bullying and harassment together although they are distinct from one another. Incidents of bullying of recruits and trainees are probably the most evident form of duty of care failure; and the activity that has caused the most public concern. We have received a considerable amount of information relating to bullying, from a range of sources, including individual victims. Although the vast majority of the information we have received has related to the Army, we have received information, in confidence, that relates to incidents within the RAF and the Royal Navy.³⁷⁷ We have preserved the anonymity of those who provided this information, to both protect their privacy and ensure that any future investigation or prosecution would not be prejudiced. The Catterick families provided us with information on bullying both during oral evidence and in written submissions. We have also been provided with information gathered by Surrey Police in the course of their investigations at Deepcut Barracks. The DOC appraisals contain survey information on bullying. The Single Services’ Continuous Attitudes Surveys provide an insight into the situation within the Armed Forces as a whole. MoD has also provided us with statistics relating to complaints of bullying.³⁷⁸ It should be noted that much of this information including the statistics relates to unsubstantiated allegations.

MoD policy

255. MoD and the Armed Forces have emphasised that they have a policy of ‘zero tolerance’ toward bullying and harassment.³⁷⁹ It might seem unnecessary to ask what ‘zero tolerance’ means, but in the hierarchical and disciplined environment of the Services the definition of bullying, particularly in the context of a necessarily robust training regime, is not as self-evident as it would be in other environments. General Palmer told us: “The

375 DOC (2), para 7; DOC (3).

376 Ev 420

377 Ev 458–459

378 Ev 296–301

379 Qq 133ff; Ev 327, 368; HC Deb, 4 February 2003, col 21 WH.

policy of zero tolerance means exactly that. The idea that you should use any form of intimidation against an individual to achieve your aims, whatever those are, is just anathema to the whole organisation”.³⁸⁰ In a recent Parliamentary answer the Minister stated that no form of harassment or intimidation would be tolerated and all allegations would be investigated and appropriate action taken.³⁸¹

256. The Armed Forces overarching personnel strategy sets out MoD’s policy relating to diversity and tackling bullying and harassment. The three Services implement this policy differently.³⁸² HQ ATRA is responsible for implementing the Army policy of zero tolerance to bullying and harassment, which is set out in the Army’s Equal Opportunities Policy. The ATRA handbook explains the policy and stresses that all allegations or reports of mistreatment must be reported. The policy is set out in the Army documents ‘*Basically Fair—Equality and diversity in the British Army*’, issued to all personnel; and ‘*CGS Equality and Diversity Directive for the Army*’ issued to commanders.³⁸³ Recruits are also issued with documents that highlight the effect of bullying and define unfair treatment and explain how to deal with it.³⁸⁴ Officer cadets, soldiers and recruits also receive annual training relating to bullying and harassment.³⁸⁵

257. Col Eccles summarised the approach:

Right at the beginning of the training course, up front, there are lectures about the Army’s values and standards. The examples which are used to illustrate those points cover bullying. The ATRA code, which I mentioned earlier, is explained and bullying is covered in that. There are posters up saying “Are you being bullied”? There is a wide dissemination and lots of mechanisms for doing that.³⁸⁶

258. And General Palmer said “I do not honestly know what more we could do officially to let people know that we have a zero tolerance or what more we could do to implement it”.³⁸⁷ Professor Simon Wessely summed up the difficulty the Army has in combining caring for recruits with making them tougher as individuals:

They [soldiers] are not like middle-aged academics or Maudsley social workers. They are somewhat tough people and they are to do a difficult job of fighting, not emoting. Part of that is that they learn to repress emotions and fear. It is a subtle thing that we want to do here. We definitely do want to increase people’s willingness to admit to emotional distress and come forward, but in a way which is compatible with their overall purpose and culture. It is not an easy thing to do. It is not a simple thing

380 Qq 133, 140

381 HC Deb, 20 December 2004, col 1373W

382 Q 69

383 Ev 291

384 Ev 291–294

385 *Ibid*

386 Q 137

387 Q 134

which putting up posters around the barracks is going to achieve. It is a difficult one.³⁸⁸

259. Mr James reminded us that the initiatives that have been introduced do not focus on prevention, he said:

We have spent an incredible amount of time in the last couple of years talking about lessons that have been learned—it is a wonderful phrase—but in effect this is about prevention and cure. We seem to be hanging everything on the reporting ability of bullying by the recruits, as opposed to the prevention of bullying by the perpetrators. I am not aware of any new initiative for instance that helps us to understand any improvements that have been made in terms of training or mentoring for officers or for young soldiers to take away the bullying. Everything we hear about is, “when you are bullied, all you have to do is this”; you can phone these people and talk to them; you can ring this number; you can have anonymity—but it has already happened then.³⁸⁹

Definition of bullying

260. There seems to be no agreed definition of bullying, although most people would expect to be able to recognise it. General Palmer told us that:

what is described as bullying... covers an enormous spectrum of activity from possibly shouting at someone, to something which appals us all—not that we do shouting but there is obviously some as encouragement; the other end of the spectrum—which is gross acts of bullying which are completely unacceptable.³⁹⁰

The Minister told us that:

The definition would be any form of harassment or intimidation. I do not think there are lines to cross on that. If it is harassment or intimidation it would fall into that general generic of bullying.³⁹¹

The Army provided us with a definition of bullying in which the behaviour was defined by the intention of the person committing the act rather than by the effect of the behaviour on its recipient. Colonel Eccles described bullying as:

I think that a rule of thumb perhaps might be the motivation of the person who seems to be inflicting this activity. If it is in support of robust training and a challenge and it is all pursuant to that end and there is very careful consideration of what is being done in order to achieve that training objective, if you like, in a given situation, that is fine. If it is for some less honourable motive then perhaps we would define that as bullying. That is a useful way in which we try and describe it to our people.³⁹²

388 Q 440

389 Q 1210

390 Q 89

391 Q 1358

392 *Ibid*

261. The ‘Conduct and Behaviour’ section of the ATRA handbook describes the effect of bullying as creating an environment in which “a group or an individual may become fearful or intimidated because of the negative or hostile behaviour of another group of people or an individual which may involve a misuse of power or position”.³⁹³ The handbook gives examples of bullying such as:

- Verbal abuse, including swearing, in public or private
- Belittling or ridiculing a person, or their abilities.
- Sudden rages or displays of temper against an individual or group, often for trivial reasons
- Subjecting someone to “unnecessarily excessive or oppressive supervision”
- Persistent and unjustified criticism
- Making threats or inappropriate comments about prospects

262. In the same handbook, harassment is defined as “unwanted behaviour by one individual, whether intentional or not, that creates feelings of anxiety, humiliation, awkwardness, distress or discomfort in another”.³⁹⁴ Professor Chivers agreed that “bullying is in the eye of the person being bullied”.³⁹⁵ But Mrs Atrobus told us “what a 16 year old will perceive as bullying, particularly in that environment, is not bullying, it may be harsh discipline but it is certainly not bullying... I think sometimes there is confusion in their minds about what bullying actually is”.³⁹⁶

263. Definitions of bullying outside the Armed Forces abound. For example, the Advisory, Conciliation and Arbitration Service, defines bullying as:

offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

264. Similarly Amicus-MSF define bullying as:

Persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair penal sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress.

265. In education a range of definitions have been proposed depending on whom the definition will be used by. A significant difference between these and the Armed Forces’ definition is that the latter is the only one which does not explicitly include the impact on the victim. **We recommend that MoD review its working definition of bullying in order to bring it in line with definitions used in other organisations.**

393 Ev 280

394 *Ibid*

395 Q 215

396 Q 389

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

Level of bullying at initial training establishments

267. It is difficult to assess the level of actual bullying or abuse within initial training establishments. Bullying is, by its nature, under-reported. Bullying in the Armed Forces is probably less reported than elsewhere because of the Service ethos of non-complaint and stoicism. The Armed Forces Continuous Attitude Survey provides information on perceptions on bullying and harassment in the Armed Forces as a whole. The 2003 survey found that 85 per cent of soldiers believed bullying exists in the Army and 7 per cent considered themselves to have been bullied in the previous 12 months.³⁹⁷ The DOC reports provide information on levels of bullying and harassment, although the results of the survey are acknowledged to be lower than the reality. DOC told us:

Bullying and harassment was one of the questions we asked the recruits and both in the questionnaire and in the general discussion they all acknowledged that there was a natural pecking order amongst themselves, within the peer group; but in most units, when we asked the question directly about their instructors, we were met with a response of, "Absolutely not. We hold our instructors up and we aspire to be like them, we respect them as role models". We had to fish within that area; it was not an area that was there as an item of any prevalence with any of the units we met.³⁹⁸

268. DOC (1) states "there is no doubt that a perceptible amount of low-level bullying occurs within the training streams and our investigations indicated people (7–8%) who reckoned that they were being or had been bullied".³⁹⁹ That figure was lower by the time of DOC (3).⁴⁰⁰ The Secretary of State for Defence has also emphatically denied that bullying is endemic in the Armed Forces.⁴⁰¹

269. Statistics provided by MoD for reported complaints of bullying and harassment in Army initial training establishments for the last three years show an increase 2001–02 to 2003–04.⁴⁰² The increase is explained by MoD as "due to improved awareness and reporting".⁴⁰³ Colonel Eccles told us in December 2004 that in the previous 12 months ATRA had identified:

239 formal allegations of discrimination, harassment or bullying, of which 137 were upheld. Now the majority of those cases were dealt with summarily, which I think indicates the severity of them, that they were of a relatively low level, however three did go to court-martial.⁴⁰⁴

397 *Continuous Attitude Survey*

398 Q 868

399 DOC (1), para 71

400 DOC (3), para 7; Qq 868, 874

401 HC Deb, 10 May 2004, col 31.

402 Ev 299

403 *Ibid*

404 Q 1362

Army, between 1999 and 2003 there were 18 complaints of racial harassment, one of religious harassment, and 10 complaints of racial discrimination. The Continuous Attitude Survey 2003 found that 38 per cent of other ranks believed racial harassment existed in the Army. The Survey found that 2 per cent of the Army, 7.5 per cent of whom are from ethnic minorities, had been subject to harassment on the basis of race, colour or ethnic origin in the previous 12 months. There have been several high profile cases of racial discrimination in the Army going back many years. In a recent case a senior NCO with many years service was found to have suffered racial discrimination and harassment.⁴²⁶ In the RAF 28 per cent of personnel believed there was racial discrimination in the Service, and 27 per cent believed racial harassment occurred.⁴²⁷

276. At 1 April 2004, the Armed Forces had 18,390 female personnel.⁴²⁸ In the Army, between 1999 and 2003, the Army recorded 29 complaints alleging sexual harassment. Between 1997 and 2003, the number of complaints for sexual harassment and discrimination was 87. In the RAF, 46.3 per cent believed there was discrimination on the basis of gender, 43 per cent believed sexual harassment existed.⁴²⁹ The Royal Navy do not hold complete records prior to 2001. Between 2001 and 2003, one case involved sexual harassment.⁴³⁰ In the Royal Navy more than 24 per cent of personnel believe there is harassment on the basis of gender.⁴³¹

277. In 2001, we recommended that MoD “take full account of the views of the [Equal Opportunities Commission] and the [Commission for Racial Equality] in working towards an effective equal opportunities policy”.⁴³² The Government’s response to that report stated there “certainly there is not room for complacency”.⁴³³ **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.**

Forms of bullying

278. Studies of peer group bullying within schools suggest that there is usually a particular quality about an individual that marks him or her out as a potential victim. It may be a physical feature, cultural or racial attributes, or behavioural or social attributes. DOC states that “Left to their own devices, it is evident that recruits and trainees tend to establish their own hierarchies which can expose the weak, introspective, vulnerable or less capable individual to bullying, harassment, insensitivity and unfair treatment at the hands of the

426 “Soldier’s £171,000 from the Army for ‘Bubba’ racial slur”, *The Times*, 3 February 2005.

427 *Continuous Attitude Survey*

428 Ministry of Defence, Defence Analytical Services Agency, September 2004.

429 *Continuous Attitude Survey*

430 HC Deb, 17 January 2005, col 738W.

431 *Continuous Attitude Survey*

432 HC 29-I (2000–01), para 128

433 HC 462 (2000–01), para 43

peer group. Particularly vulnerable are those who are for some reason excluded or isolated from the group”. Mrs Antrobus, Senior Operations Manager, Services Welfare, WRVS, confirmed that the majority of cases they had dealt with were between recruits.⁴³⁴ DOC (2) noted that staff and recruits reported “low-level bullying and minor harassment” among the recruits. The report judged that most incidents were the result of friction caused by young people living in close proximity.⁴³⁵

279. Our evidence indicates that bullying exists in a wide range of forms.⁴³⁶ Where the bullying is hierarchical, for example by NCOs on recruits, there is usually an issue about power, control and domination by verbal or physical threats or abuse. DOC (2) noted that at several establishments there were reports of NCOs “over-reacting in response to frustrations with their recruits”, which had occasioned aggressive or abusive language.⁴³⁷ DOC (2) expressed concern about delegation of authority to NCOs; and found incidents of unauthorised sanctions and unprofessional behaviour that suggested that oversight of NCOs is “not as tight as it should be”.⁴³⁸ The ATRA Code of Practice for instructors refers specifically to the importance of instructors understanding their disciplinary powers to avoid “an official disciplinary procedures [being] interpreted as bullying or as an abuse of authority”.⁴³⁹ Many of the allocations of abuse by NCOs or junior officers involve the imposition of inappropriate punishments for minor infractions of military discipline.

280. MoD has provided us with the guidance relating to acceptable punishments for recruits in the three Services. ATRA’s guidance makes a distinction between a ‘correction’ and a ‘punishment’. Corrections, such as periods of short physical activity are awarded in circumstances where a recruit is ‘idle or inattentive’. **We recommend that MoD ensure all instructors are made aware that punishments involving physical activity should not be imposed against medical advice.**

281. The aim of the correction is “to motivate the individual in an appropriate way so that his or her conduct or performance improves”. Remedial training may be awarded if a correction fails to have the desired result. Remedial training “must always be reasonable, appropriate and corrective in nature”.⁴⁴⁰ The examples of remedial training we were given included extra parades for a recruit with poor timekeeping; and extra drill for a recruit with “unsatisfactory bearing”.⁴⁴¹

282. Similarly, in the RAF, examples of remedial training included “quick-change routine” for poor timekeeping; and additional drill for unsatisfactory dress or bearing. The RAF’s guidance states that recruits should not be required to muster in underwear or swimwear or in inclement weather. It further advises that remedial training on issues such as personal

434 Q 353

435 DOC (2), para 23.

436 Ev 229–236

437 DOC (2), para 23.

438 *Ibid*, para 30

439 Ministry of Defence, Army Training and Recruitment Agency, *ATRA Code of Practice for Instructors*

440 Ev 275ff

441 *Ibid*

hygiene should not be discussed in public.⁴⁴² Punishments are awarded for disciplinary offences, and are awarded by the Commanding Officer or an appropriate subordinate.

283. Bullying by superiors in the chain of command will degrade morale and discipline. The Catterick families told us that NCOs were responsible for a proportion of the bullying, including one incident, in which a soldier had his jaw broken by his corporal.⁴⁴³ Mrs Farr agreed that there was a need for discipline, but said:

there is a very fine line between discipline and abuse and this line is getting crossed over too much... There is no reason to hit someone on the jaw because they are late on guard duty and things like that. That is not discipline.⁴⁴⁴

Mr O'Connor, former Chief Constable of Surrey Police told us:

We know that there is something happening there because you see some issues reported in logs; it is picked up on the attitude surveys that the Army do themselves; it has come out in our interviews. Some degree of bullying is in all institutions, but we know, in terms of dealing with it and understanding the veracity of it, that the closer in you do it to the event the better chance you have. Once you put any time and distance between the event and the point of intervention, it is much harder actually to validate it, because you quite often end up with a one-on-one set of circumstances which you cannot corroborate easily in order to find out what truly happened. That is the difficulty in knowing just how much of this is absolutely solid and how much of it is less so. We felt there was enough of it, both in terms of what was said to us and in terms of the logs, to say that this is worth mentioning: it is something to adopt a proactive approach towards, particularly as there is some evidence—Skinner is obviously at the worst end of that spectrum—that it has happened in a fairly fearsome and dire way for some individuals.⁴⁴⁵

284. 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.

Bullying and educational achievement

285. Rear Admiral Goodall accepted that recruits entering the Services with poor literacy and numeracy skills may have poor communication skills, but was unable to comment on the likelihood of a connection between those academic deficiencies and the propensity for that individual to be bullied.⁴⁴⁶ Colonel Eccles told us that although those individuals having remedial educational work may encounter difficulties, they would also have a sense

⁴⁴² *Ibid*

⁴⁴³ Qq 929–931, 991, 998–1002

⁴⁴⁴ Q 1006

⁴⁴⁵ Q 739

⁴⁴⁶ Qq 848–849

environment.⁴⁵¹ IOSH suggested that the “team spirit and peer pressure should be harnessed to help ensure safe behaviours are embedded as ‘the group norm’”.⁴⁵²

290. Team cohesion, based on mutual trust between commanders and those they command is crucial to operational capability. Good morale, reinforced by discipline is fundamental to the success of the team.⁴⁵³ The Army’s Values and Standards document also highlights the importance of courage, discipline and integrity. It concludes:

Soldiers should therefore avoid any activity which risks degrading their professional ability, and any personal behaviour which may damage morale by putting at risk the trust and respect that must exist between individuals who depend on each other. The same principles apply to any behaviour which calls into question the integrity of those in a position of responsibility and so undermines his or her authority in the eyes of subordinates.⁴⁵⁴

291. The Service Test is used by commanders at every level to determine whether in possible cases of misconduct “to intervene in the personal lives of its soldiers”.⁴⁵⁵ The Service Test poses the question “Have the actions or behaviour of an individual adversely impacted or are they likely to impact on the efficiency or operational effectiveness of the Army”? In relation to bullying the Standards and Values document states:

operational effectiveness requires the Army to train to be physically robust and, when necessary to display controlled aggression. However the use of physical strength or the abuse of authority to intimidate or victimise others, or to give unlawful punishments, is unacceptable behaviour which will undermine trust and respect. It is also illegal. It is the responsibility of all those in a position of responsibility, but in particular of commanders, to protect others from physical and mental bullying, and report any incident promptly.⁴⁵⁶

292. The chain of command is central to the Army culture. Despite the emphasis on the responsibility of commanders to foster the desirable qualities set out in the document those qualities could also be applied to deter reporting of incidents. A commitment to self-sacrifice and the role of the team may be interpreted by some as providing official endorsement for not reporting incidents. Mr O’Connor told us that Surrey Police had concluded that “the issue of culture in the training environment is problematic... too often we thought that the culture that prevailed was tough, unquestioning and a little fatalistic in character”.⁴⁵⁷

451 *Army’s Values and Standards*

452 Ev 393

453 *Army’s Values and Standards*, para 7.

454 *Ibid*, para 19

455 *Ibid*, para 20

456 *Ibid*, para 23

457 Q 682

Mr Waterman told us:

it is possible to have an internal culture where to rat on a fellow recruit for misbehaving is regarded as unacceptable. It is equally possible to develop a culture in which the tolerance of misbehaviour is regarded as completely outwith what being a good recruit and a good soldier and a good member of a team means. So that idea of the team and the team becoming its own management, peer group pressure and all of that, for good behaviour would be an example where whatever you did with maximising numbers of supervisors would not be as effective as getting people to adopt culturally that sense of team and pride in the quality of the way in which the whole team operated. I would probably rather think of it in terms of this kind of psychological environment as well as the physical environment that these recruits are operating in.⁴⁵⁸

293. According to Surrey police a common theme of their investigation was the lack of faith that young soldiers had in the means available to them to report any problems. Surrey Police related this to the Army's culture of non-complaint.⁴⁵⁹ They provided illustrative examples of the Army's culture:

The following excerpt comes from the Charter for RLC phase 2 Trainees and was taken from the RLC website on 23 January 2003. Within a section entitled Instructors appears the following text:

Those NCOs and civilian instructors that teach on the trade courses have been specially chosen to do so. They are very competent, they know what they are talking about and they are accomplished instructors. They know their job better than you do, trust their judgement and above all—DO AS THEY TELL YOU.

If at any time you think you have a problem with an instructor, you have the right to speak with your troop commander about the subject, but be aware that if you find yourself in this position, the problem is more likely to be a fault with your attitude than it is with the instructors.

This seems to give a clear message to phase Two recruits in terms of where they stand in the organisation.

On 15 April 2004, the same document was accessed on the website. The charter remains the same with the exception that the three lines underlined above have been deleted.⁴⁶⁰

294. Surrey Police also referred to the use of the occurrence book in their evidence to us:

An example of the apparently prevailing culture was found in 2000. A female private approached a senior NCO to report that a male Private had sexually assaulted her. What follows is an extract from the NCOs statement:

458 Q 175

459 Ev 424–425

460 *Ibid*

As a result of being informed that she would be charged with being in the male accommodation, she withdrew the allegation and stated that she did not want it to be entered in the Occurrence Book. No entry was made and no further action was taken.

To the Army's credit, another NCO found out about what had happened and immediately made another more senior rank aware. As a result, the male private was arrested and, after an investigation conducted by the Royal Military Police, he was convicted of indecent assault and sentenced to a period of imprisonment. Although, on this occasion, the situation was retrieved very quickly, it is an illustration that even as recently as 2000, the issue of reported criminal allegations may not be taken seriously by some NCOs. Such attitudes and responses by NCOs may well inhibit the reporting by trainees of assault, bullying or other abuse.⁴⁶¹

295. Mr Waterman recommended that a broader cultural change would extend responsibility for monitoring and reporting duty of care rather than relying on supervisory staff.⁴⁶² He told us:

you actually have much more of a hearts and minds approach to people accepting individual and personal commitment and personal responsibility for the way they behave in terms of not just following the rules as they are written down.⁴⁶³

Professor Chivers referred to the need to identify "behaviours which are not really helpful" to the delivery of duty of care and eliminating them.⁴⁶⁴

296. 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.

297. 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.

Armed Forces response to bullying

298. MoD has provided us with evidence about the mechanisms for making complaints in each of the three Services, how those mechanisms are promulgated, and how complaints are logged and reviewed.⁴⁶⁵ Under current legislation, Service personnel are entitled to elevate any complaint relating to their service to the highest level internally, the Service Boards, but with certain exceptions, cannot take their case to an Employment Tribunal.

461 Ev 424–425

462 Q 152

463 Q 158

464 Q 221

465 Ev 296ff

Service personnel have the right to submit complaints to an Employment Tribunal under a number of provisions, notably the following: Equal Pay Act 1970; Sex Discrimination Act 1975; Race Relations Act 1976; Working Time Regulations 1998; Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000; Employment Equality (Religion or Belief) Regulations 2003; and Employment Equality (Sexual Orientation) Regulations 2003. MoD told us that, with regard to the Army:

The complainant may submit his case to an industrial tribunal within six months of the last incident. However, there is a legal requirement for service personnel to submit an internal redress of complaint before submitting an application to an employment tribunal.

In the Army, complaints of bullying can be taken directly to the Commanding Officer, but more usually they will be dealt with further down the chain of command.⁴⁶⁶ When a Commanding Officer becomes involved they are required to ensure that “any justifiable request or redress is dealt with promptly and fairly”. Furthermore they have a duty to “ensure that their soldiers are aware of, and use, the recognised channels through which they can air a grievance or concern, including access to highly confidential advisers should an individual feel that it is necessary”.⁴⁶⁷ Decisions on whether to take action and the severity of the punishment if applicable is dependent on the circumstances measured against the Service Test.⁴⁶⁸

299. Complainants are supposed to have access to the Empowered Officer.⁴⁶⁹ As we have discussed earlier (see paragraphs 169–184) recruits may be unwilling, however, to take their concerns to officers, even if they are outside the chain of command. DOC (2) noted the “discernible reluctance among recruits and trainees to approach an officer with a problem”; this was due to the recruits considering it “abnormal” to have direct contact with officers; and because the immediate chain of command would find out about it anyway.⁴⁷⁰ In the RAF, 68.5 per cent know how to complain about bullying or harassment.⁴⁷¹ For the Royal Navy and Royal Marines 21.9 per cent and 21.7 per cent respectively of other ranks who had suffered bullying did not complain because they believed that nothing would be done.⁴⁷² In the Royal Navy, 73.1 per cent of officers and 46.8 per cent of other ranks know how to complain.⁴⁷³ Of those RAF personnel who reported having been bullied, 48 per cent did not complain because they believed it would adversely affect their career.⁴⁷⁴ The numbers of complaints upheld over the three years fell from almost 70 per cent to 58 per cent.⁴⁷⁵

466 Q 353

467 *Army's Values and Standards*, para 34.

468 *Ibid*

469 Ev 291, 301

470 DOC (2), para 30.

471 *Continuous Attitude Survey*

472 *Ibid*

473 *Ibid*

474 *Ibid*

475 Ev 299

300. Low levels of reporting, and even lower levels of successful convictions, are a universal characteristic of bullying. Of those who complained of being bullied in the Army only 25 per cent of soldiers were “satisfied” or better with the “objectivity and fairness” with which the complaint was handled. The most common reasons given by those who had been bullied for their decision not to complain were: they believed it would adversely affect their career; and that they did not believe anything would be done.⁴⁷⁶

301. In dealing with these incidents the Army requires the Commanding Officer to ensure the “rights of the accused are protected and the investigations proceed on the assumption of innocence”.⁴⁷⁷ In practice this often involves separating individuals against whom allegations are made from the environment the allegation was made in by moving them to another unit.⁴⁷⁸ In the Royal Navy the same approach guides the process. Complaints are treated as Equal Opportunities matters until proven otherwise. Individuals must submit complaints within three months to their Commanding Officer. Ratings receive assistance in drawing up their complaint form if necessary.⁴⁷⁹ In the RAF, all complaints procedures follow the Service’s Equal Opportunities policy. Formal complaints are reported to Command HQs.⁴⁸⁰ The RAF do not have a specific policy relating to allegations made against instructors in the training environment, which are dealt with on a “case by case basis”.⁴⁸¹ MoD emphasised the need to retain a balance between the person making the complaint and the person complained about. DOC rejected the suggestion that instructors subject to a complaint should be suspended pending an investigation.⁴⁸²

302. In the Army a complaint follows either an informal route, through the chain of command, chaplain, medical officer or WRVS; or a formal route, by way of a submission to the Commanding Officer. When a complaint is made formally, the Commanding Officer is bound to investigate. The Commanding Officer may decide to call in outside agencies, such as the civil or Service Police, to assist with an investigation. A formal written response must be made to the complainant detailing the outcome of the investigation.⁴⁸³ If the complainant is not satisfied with the response, he or she may submit the case to an industrial tribunal within six months of the original incident.⁴⁸⁴ Colonel Eccles told us:

First of all, if we take the example of an incident where we have a trainer who is found to have bullied in a substantial way a trainee, of course each case will be judged on the circumstances and so on but as a rule of thumb the more senior the person, the more severe the way it will be dealt with. If an officer were involved, he would be dealt with extremely seriously, whereas a relatively newly-promoted NCO would not be quite so severely dealt with, but they are treated in exactly the same way and an investigation rigorously done. When we turn to, let’s call it trainee on trainee

476 *Continuous Attitude Survey*

477 Ev 275

478 *Ibid*

479 *Ibid*

480 Ev 276

481 *Ibid*

482 Q 830

483 Ev 276

484 *Ibid*

bullying, of which I have to say there is a fair amount, as we all know, again one deals with that in the same way.⁴⁸⁵

These procedures all suffer from a lack of support provided to the complainant or accused. In other disciplined services, notably the Police, support and advice is available to personnel from a federation and staff association which are independent from the chain of command. We do not recommend the establishment of independent trade unions for the Armed Forces. **We do, however, urge MoD to consider how mechanisms could be established to provide independent advice for all non-commissioned personnel.** These mechanisms could be staffed by serving or recently retired Armed Forces personnel who would give independent advice and guidance.

303. MoD provided us with figures for courts martial and summary procedures taken against instructors and others for offences which could be characterised as involving the breach of duty of care responsibilities. For the Army, between 2001 and 2003, there were 7 courts martial and 89 summary dealings.⁴⁸⁶ The court martial cases included ill-treatment, violence and indecent assault by instructors. Within the summary dealing statistics were cases of ill-treatment and verbal abuse. In several of the cases identified as bullying or involving violence, recruits committed the offences. Some cases involved relationships between instructors and female recruits, which are prohibited under Standing Orders.⁴⁸⁷ **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.**

304. The RAF did not identify any court martials relating to instructors bullying recruits, save for a case in which an instructor was found not guilty at a court martial of allegedly forcing a recruit to complete a physical training exercise while injured. The RAF identified two cases of summary dealing involving recruits, one of which was an assault.⁴⁸⁸

305. We have considered the Tri-Service Armed Forces Bill in a separate inquiry. The proposals for the Bill set out changes to the disciplinary regimes that would include “racial and sexual discrimination, bullying and harassment” being treated as a “major administration action”. Administrative action is investigated by the Commanding Officer, who can impose “career sanctions” such as letter of censure, reduction in rank, or in serious cases “termination of employment”.⁴⁸⁹

485 Q 1363

486 Ev 308, 310

487 *Ibid*

488 Ev 308

489 See Second Report from the Defence Committee (2004–05), *The Tri-Service Armed Forces Bill*, HC 64.

306. The Royal Navy was unable to provide comparative figures because their discipline database does not record whether the offender was an instructor, nor does it record whether the victim was a trainee. The figures we have been provided with for summary dealings and courts martial are therefore silent on the question of bullying offences. HMS Raleigh has had between 222 and 257 summary dealings a year between 2001 and 2003 but it is not possible to determine whether any of those involve instructors' behaviour toward trainees. There were no relevant summary dealings at Dartmouth or Lymington for those years.⁴⁹⁰

307. We discussed with DOC the procedures recommended for dealing with complaints. We accept the need to protect instructors from malicious or vexatious complaints, but the recommendations set out in DOC (3) provide little comfort for recruits wishing to complain about their NCOs. We are particularly concerned by the recommendation that a complainant can be disciplined if a complaint is not proven. Brigadier Melvin accepted that this was a serious issue that required clarification.⁴⁹¹

308. 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.

309. 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.

Suicide and self-harm

310. Government statistics to January 2003, show that, of the 1,763 non-combatant deaths in the Army from 1984 to 2001, 276 received a coroner's verdict of suicide, a further 49 were recorded as open verdicts and 41 still await a coroner's verdict. Of those 366 deaths, 29 individuals were aged 18 or under.⁴⁹² MoD statistics for 'untrained' personnel, which cover the years 1990 to 2002, provide a breakdown on the basis of rank, service, age and year of death.⁴⁹³ Those figures highlight the relatively high rate of suicide and open verdict deaths among male non-officers in the Army during phase 2 training.⁴⁹⁴ Between 1990 and 2002, there were 21 deaths among untrained non-officer Armed Forces personnel, which

490 Ev 309

491 Qq 818–832

492 HC Deb, 4 February 2003, col 20WH

493 Ev 322ff

494 *Ibid. Suicide and Open Verdict Deaths among Males in the UK Regular Armed Forces, 1984–2003*, N Blatchley, V Ward, N Fear, Defence Analytical Services Agency, August 2004, *hereinafter Suicide and Open Deaths*. *Suicide and Open Deaths* found that males in the Army had higher mortality rate for suicides than those in the Navy and in the RAF. The rates in the Army for those aged under 25 years, but not for those in older age-groups, were statistically significantly higher than equivalent rates in the other two Services.

were given suicide or open verdicts.⁴⁹⁵ Of those, 4 were in the Royal Navy, 1 was in the RAF, and 16 were Army personnel, 12 of whom were in phase 2 training. Of these 16 Army deaths, 6 were at ITC Catterick, 3 at 25 Regt RLC Deepcut, and 3 at Pirbright.⁴⁹⁶ ITC Catterick, where a high proportion of these non-combat deaths have occurred is the Army's largest infantry training base.⁴⁹⁷ Mrs Farr's written evidence set out descriptions of the cases of non-combat deaths of which she was aware.⁴⁹⁸

311. Suicide rates in the Armed Forces have received considerable scrutiny in recent years, including research by Dr Suzy Walton commissioned by the Army. The analysis of suicide and open verdict deaths found that, compared to the UK population as a whole, the suicide rate was higher than expected among male, 'other ranks' under the age of 20.⁴⁹⁹ However, MoD maintains that, given the low number of such deaths in the Armed Forces compared to the whole population, that higher rate is not statistically significant.⁵⁰⁰ That assertion should be placed in context. Within the general population individuals are not in an environment in which they are supervised 24 hours a day, and in which an organisation has been given an explicit duty to look after them.

312. Dr Walton's research highlighted the prevalence of suicides in the Army involving firearms.⁵⁰¹ The likelihood of any individual committing suicide is partly dependent on their ease of access to and knowledge of an effective method. The Army have responded to this concern by limiting access to firearms if an individual is assessed as being at risk.⁵⁰²

313. Self-harm is distinct from a deliberate act of suicide, but it carries a significant risk of accidental suicide. Despite differences in the psychological and causal links between the two behaviours, the management of both behaviours is similar. Dr Walton made recommendations for suicide prevention and management, including the implementation of a suicide vulnerability questionnaire, systematic recording of the case histories of suicides, suicide awareness training and psychological autopsy.⁵⁰³ The recommendation for a questionnaire which would assign a vulnerability score to each recruit led to the development of the Army's Suicide Voluntary Questionnaire and the preparation of risk statements for recruits.

495 Ev 324, another three deaths were awaiting verdicts.

496 *Ibid*

497 *Ibid*. Nineteen soldiers died at the Catterick Garrison between 1995 and 2001, seven of these were at the ITC. ITC Catterick trains approximately 9,000 young men a year; between about 1,700 and 2,100 are resident in any one month. At March 2003, there had been, since 1990, five deaths at Catterick Garrison which received Coroner's verdicts of suicide, one of which involved fire-arms. There have been a further three Open verdict deaths at the Garrison, two of which were fire-arm related. See also HC Deb, 7 January 2003, col 43W.

498 Ev 424–427

499 *Suicide in the British Army, Part 1: Prevalence and Methods*, December 1996, Suzy Walton, MoD para 4.1; *Suicide and Open Deaths*, p 6.

500 Ev 324–325

501 *Suicide in the British Army, Part 1: Prevalence and Methods*, December 1996, Suzy Walton, MoD; *Suicide and Open Verdict Deaths among Males in the UK Regular Armed Forces, 1984–2002: Methods Used to Commit Suicide*, V. Ward and N. Fear, Defence Analytical Services Agency, July 2004, para 3.1ff.

502 Ev 311, 320, 364–365

503 *Suicide in the British Army, Part 3, Development of a suicide vulnerability questionnaire*, July 1997, S N Walton, MoD; *Suicide in the British Army, Part 4, Validation and Modification of the suicide vulnerability questionnaire*, May 1998, S Walton, MoD; *Suicide in the British Army, Part 5, Suicide prevention and management*, September 1998, S Walton, MoD, hereinafter *Suicide in the British Army, Part 5*.

314. The importance of training supervisory staff and medical staff has been highlighted by charities working to reduce suicide.⁵⁰⁴ MoD has initiated training for supervisory and instructional staff on detecting signs of possible self-harm or suicidal intent. Individuals are referred to medical staff or a civilian psychiatric nurse as soon as warning signs are identified.⁵⁰⁵

315. The Army Suicide Prevention Working Group was also established following the Walton studies, which is represented on a number of forums considering among others: improved medical and psychological screening of recruits; case studies of self-harm incidents; and research on recent suicides “to understand the issues involved and develop organisational responses”.⁵⁰⁶

316. The group has instituted a pamphlet—‘Suicide Prevention a Commanders Guide’ which has been issued to all permanent staff at training establishments.⁵⁰⁷ The group has developed suicide prevention information for recruits and trainees, which is included in the training syllabus.⁵⁰⁸ Recruits and trainees are encouraged to report any indications among peers.⁵⁰⁹ The Walton reports into Suicides in the British Army also highlighted the need to include suicide related material in staff training programmes.⁵¹⁰ Colonel Hawley found that, in relation to self-harm, military medical staff could be ‘ambivalent’ to those committed self-harm. He states that there is “a belief common in the military collective ethos that self-harm is unacceptable; it is a sign of individual weakness. Imbued with the military ethos such a set of beliefs may lead to a more dismissive attitude to those who have attempted suicide.”⁵¹¹ Colonel Hawley found that attempted suicide is more prevalent in young females.⁵¹² At ITC Catterick, since 1998, there have been 144 reported cases of self-harm.⁵¹³ Cases of self-harm are referred to local community mental health teams for further assessment. The Community Health Team will advise commanders on employment restrictions and recommendations on appropriate medical grading will be made to the unit medical officer.⁵¹⁴

317. Dr Walton recommended that a psychological autopsy technique should be adopted which involves looking into the background of victims of what are believed to be self-inflicted deaths to identify common features, possibly facilitating early recognition of vulnerable recruits in the future during the screening process.

318. There are many reasons why an individual may commit an act of self-harm or suicide, including homesickness, relationship problems, bullying and mental disorder. A sense of

504 Ev 387–388

505 Ev 365

506 Ev 311

507 Ev 365

508 Ev 311

509 Ev 365

510 *Suicide in the British Army, Part 5.*

511 *A study of attempted suicide in the Army: 10 years of experience 1987 to 1996*, Lieutenant Colonel Hawley, October 1998, p 34.

512 *Ibid*

513 Ev 370

514 Ev 311–312

hopelessness is considered one of the most common factors in the decision to attempt suicide. Professor Hawton, Director of the Centre for Suicide Research, told us:

Various processes contribute to an individual becoming vulnerable: ‘such as feelings of hopelessness, pessimism that nothing will change in the future, feeling trapped in a situation and feeling powerless to do anything about it, loss of self esteem, shame, isolation, which may either be in reality, in the sense of being actually isolated from people around, or feeling isolated in a psychological sense and for whatever reason, being humiliating to share problems with other people or approach other people for help.’⁵¹⁵

319. As discussed earlier in this report (paragraphs 91–96) effective screening for psychological vulnerability in applicants to the Armed Forces is not considered achievable. It has been suggested, however, that some measurable attributes, such as educational achievement can provide a useful indicator of vulnerability.⁵¹⁶ Professor Wessley told us that the arguments against trying to use screening to prevent military suicides are even more compelling than those against pre-deployment screening: principally that a major risk factor not amenable to screening is the availability of the means to achieve the end—access to firearms. Professor Wessley’s view is that “Rather than concentrating on excluding people from risky backgrounds... a more sensible strategy is to consider increasing the support they receive in service”.⁵¹⁷

320. Evidence from POPYRUS (Prevention of Suicides), highlighted the need to reduce the stigma attached to suicide and seeking psychological help. A study in the United States Air Force found that a range of interventions which focused on removing the stigma attached to seeking help for a mental health, or psychosocial problem, and on enhancing the general level of understanding of mental health had been successful in reducing both the incidence of suicide and other behaviours, such as family violence.⁵¹⁸

321. Any part of the supervisory regime may identify someone at risk, the chaplain, WRVS, platoon staff, medical staff, military or civilian trainers as well as the Unit Welfare Officer. In addition recruits and trainees are encouraged to report any suicidal inclinations among their peers.⁵¹⁹ A risk assessment is carried out on anyone identified as being at risk and they are given extra supervision as required. Units have formal systems of recording and monitoring vulnerable and at risk students. A confidential register is maintained and reviewed at least monthly. The review is by an appropriate management group, possibly, but not necessarily, the Welfare Committee. A specific risk assessment is carried out before anyone on the list is placed on guard duty or given access to weapons and live ammunition.⁵²⁰

515 Q 404

516 See *Screening for vulnerability to psychological disorders*.

517 *Risk, Psychiatry and the Military*

518 *Risk of suicide and related adverse outcomes after exposure to a suicide prevention programme in the US Air Force: cohort study*, Kerry L Knox, David A Litts, G Wayne Talcott, Jill Catalano Feig, Eric D Caine, *British Medical Journal*, Volume 327, 13 December 2003, see bmj.com.

519 Ev 294

520 *Ibid*

322. Although the effectiveness and benefits of screening for potential risk of suicide are in doubt, it is possible to identify and monitor those at higher risk on the basis of known risk factors. We note the inclusion of training for supervisors in the identification of risk factors and behaviours. **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.**

Access to firearms

323. Access to firearms is one of the aspects of Service training regime that involves a higher risk to the participants than is found in civilian life.⁵²¹ The ability to handle and use a weapon is a fundamental part of Service life. Recruits have access to firearms and live ammunition either when participating in firearms training on a range, or when undertaking armed guard duty.

324. Phase 2 trainees only undertake guard duty if they have completed the necessary training and tests; and they are only permitted to draw a weapon from the armoury if accompanied by an NCO.⁵²² Trainees due to be discharged, or considered to be at risk are not permitted to undertake guard duty.⁵²³ Armed guard duty should only take place in pairs, rather than singly has occurred in the past.⁵²⁴ The parents of Pte James Collinson referred to a discussion they had had in relation to their son ‘borrowing’ a weapon on the night he died:

When we questioned how this could be permitted for a 17 year old to BORROW a weapon and ammunition, we were told “we don’t know what these young lads get up to out there on their own”.⁵²⁵

325. The Army’s Learning Account recommended that the requirement to undertake guard duties should be spread as widely as possible across the trainee or soldier population, and detached guards should be visited regularly at stipulated intervals by duty officer and NCO.⁵²⁶

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

Guarding

327. Guard duty is a necessary part of training. If deployed to a demanding operational situation recent recruits will do guard duty. Their lives and their comrades’ lives may depend on their alertness and reactions while on guard duty. Trainees therefore need to be taught how to handle firearms and to have had experience of guard duty. Nevertheless, trainees should not undertake guard duty unless they are trained to do so. Guard duty

521 Ev 421

522 Q 112

523 Qq 117, 119, Ev 319–320, 364

524 Q 119

525 Ev 385

526 Ev 364

must only be undertaken by trainees in pairs and no trainee who has been identified as being at any level of risk should be allowed to take part in guard duty. If guard duty is a necessary training function it should be managed as part of training. Trainees should not be considered as manpower available to fulfil a need. **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.**

Investigations

328. A consistent criticism from the families of recruits who died during their initial training is that the deaths of their children were not properly investigated. These families need to know that a properly conducted investigation has been undertaken as part of the process by which they may be able to come to terms with the death. It therefore is imperative for the Armed Forces to ensure that in conjunction with the proper and painstaking investigation of any death, the families are kept informed of progress and discuss with them any anomalies that may be thrown up by the investigation. Mr O'Connor told us that:

The civil police will get involved if it is rape or worse. There is a big definitional issue here. If you look through the annex you will see that there is a significant number of cases that do not quite make it to rape, so there is a definitional issue about civil police involvement.⁵²⁷

Role of police forces

329. MoD is responsible for the Ministry of Defence Police (MDP) and the Service Police Forces. The MDP's 3,800 officers are a civil Police Force, whose primary purpose is to combat the main crime and security risks faced by MoD. They do not usually act as a first responder to an incident at initial training establishments. The MDP have a policing protocol with the Home Department Police Forces, which sets out their working arrangements.⁵²⁸ The protocol states that primary responsibility for the maintenance and enforcement of the criminal law throughout England and Wales rests with the chief officers of the Home Office Police Forces. In relation to the investigation of crime the Protocol states:

The responsibility for the investigation of criminal offences committed within the jurisdiction of the Ministry of Defence Police Act 1987 as amended by the Anti-terrorism, Crime and Security Act 2001 will rest with the Chief Constable of the Ministry of Defence Police.

527 Q 740

528 Home Office Circular 24/2002, which was implemented on 3 May 2002, sets out the relationship between the Ministry of Defence Police and the Home Office police forces. It replaces HOC 17/1999 dated 25 March 1999 following the enactment of the Anti-terrorism, Crime and Security Act 2001 which amended the Ministry of Defence Police Act 1987 and provides for the Ministry of Defence Police to act outside MOD property in certain circumstances.

However, in relation to any crime or suspected crime of terrorism, or any incident involving sudden deaths within Ministry of Defence property, that force will take any immediate action necessary whilst simultaneously informing the local Chief Constable. Thereafter, the local Chief Constable in consultation with the Chief Constable of the Ministry of Defence Police will determine how the investigation should proceed.

The protocol makes no specific reference to rape. Army Standing Orders, however, require a Commanding Officer to report to the civil police “any serious sexual assault which might afford grounds for a charge of rape”.⁵²⁹

330. There are four Service Police (SP) forces in MoD: the Royal Military Police (RMP); the RAF Police; the Royal Navy Regulating Branch; and the Royal Marines Police. The SP are an integral part of the Military Criminal Justice System and their prime purposes are to support deployed military operations, maintain military discipline and police the Service community. The RMP provide policing support to the Army, and the majority of their work is general policing duties. The RMP has a Special Investigations Branch (SIB) which is the Army equivalent of the Criminal Investigation Department. The SIB deal with more serious crimes from serious assaults and fraud through to murder. The RAF and Royal Navy police forces have similar roles to the RMP and have their own SIBs. The SP are not covered by the protocol but in practice maintain the same division of responsibility with the Home Department Police Forces as the MDP. The Government have confirmed that MoD is working on producing more detailed and refined guidance for investigation of deaths at military establishments.⁵³⁰

331. The civilian police have primacy in cases of ‘rape or above’.⁵³¹ The Commanding Officer, MoD or Services police may also call in the civilian police in other circumstances if they believe the case requires their assistance. Mr O’Connor told us that:

the civil police will be involved in “deaths”—it does not prescribe it any longer to be just murder or suicide—you do not get yourself into the difficulty of pre-defining issues, so that you potentially define out your involvement, the civil police involvement. I think putting “death” in there is a good thing. It is better to put that in than the way it was framed previously. That has been helpful. I think that in the medium term there probably will be some debate about the civil police only involving themselves at rape or higher. That is a high tariff, given the nature of injuries and difficulties that can happen below that level, and I am sure there will be dynamic discussion (as they say) on that issue of at what point the civil police come into play.⁵³²

332. If the MDP or SP are leading in an inquiry they may call on civilian police resources, such as forensic services. The work of MDP or SP may be subject to peer review, which may be carried out by another MoD police force, or a civilian police force.⁵³³

529 Ev 326

530 HC Deb, 4 February 2003, col 20WH.

531 Qq 716, 1296; Ev 316–317

532 Q 715

533 Q 1297

333. Surrey Police have questioned whether the “SIB has sufficient independence” to provide reassurance to trainees “that should something happen to them the structures exist to allow them to report the matter and be confident it would be dealt with”.⁵³⁴ Certainly, the families we spoke to were not content with the standard of investigation into their children’s deaths. Mrs Sharples told us that there had been no investigation into her son’s death; there was no preservation of the scene of crime; and the gun that was assumed to have fired the fatal shot had been washed and put back on the rack without any forensic examination.⁵³⁵ Mrs Mattin told us that she believed that the verdict in her son’s death would have been different if the civilian police had investigated from the start; she considered it more likely that the scene of the incident would have been preserved and investigated more thoroughly.⁵³⁶

334. Mrs Farr said she had been told by North Yorkshire Police that they would be able to be at an incident in Catterick in 20 minutes. As she pointed out, unless there is a procedure to secure the area evidence can be lost or tampered with during that time.⁵³⁷ On the discovery of a body, the first action should be to check for signs of life, take life saving measures if appropriate and to call the police. The scene should be preserved, unless there is a risk to life or limb, as a potential scene of crime. The investigative guidance sets out the procedures relating to preservation of the scene and retention of evidence and exhibits.⁵³⁸ The guidance includes instructions for action taken before the arrival of the Services police. Unit and medical personnel will usually be the first to the scene and the guidance sets out the importance of maintaining the scene, and any evidence, such as a weapon, for subsequent examination by investigators.⁵³⁹ **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.**

335. In the Deepcut deaths, Surrey Police have accepted that they should have maintained primacy.⁵⁴⁰ The investigations into the deaths by the RMP have been criticised by the families and Surrey Police.⁵⁴¹ Mr James told us that the SIB investigating officers never spoke to him or his wife.⁵⁴² He went on to tell us that the investigation, inquest and Board of Inquiry all happened so soon after the death that, as parents, the process was completed while the shock of the loss of their child made it impossible for them to start thinking

534 Ev 421

535 Q 964

536 Qq 1060–1061. See also Qq 1062, 1071–1072

537 Q 1073

538 Ev 316–319

539 Ev 316

540 Qq 1293, 1372–1373

541 Qq 716, 1144, 1177, 1205, 1224–1227

542 Q 1128

coherently about the investigative process.⁵⁴³ The work of the Surrey Police is being peer reviewed by Devon and Cornwall police.

336. The Royal Military Police have told us that in the past there was too great a readiness to assume that a non-combat death was a suicide. They told us that following the Deepcut deaths they have revised their guidance to reinforce the need for investigators to ‘think murder’ at the outset. The Deepcut parents told us that, within hours of their children’s deaths, they were told that they had committed suicide.⁵⁴⁴ Mr Collinson told us that when he telephoned Deepcut barracks following his son’s death, to ask about the investigation, he was told “There is one body, one bullet; draw your own conclusion”.⁵⁴⁵

337. MoD guidance relating to investigations of ‘Suspected Suicide’ states:

Service Police should exercise best practice by assuming the worst-case scenario, thereby viewing cases as murder until proved otherwise. It follows that all such cases should be treated as major incidents from the outset...⁵⁴⁶

That statement is preceded in the guidance by the revealing phrase:

In the current climate of accountability and public awareness, investigations by Service Police into cases of sudden death where suicide is suspected have become more exacting and require a co-ordinated approach.⁵⁴⁷

338. Confidence in the investigation of an incident is essential. **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.**

339. **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.**

543 Q 1137

544 Qq 1244–1246; Ev 390

545 Q 1179

546 Ev 317

547 *Ibid*

340. We note the curious wording of MoD guidance, 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.

Boards of Inquiry

341. An Armed Forces’ Board of Inquiry (BOI) is an internal process convened for Service reasons to determine how a serious incident happened and why, and to make recommendations to prevent a recurrence. It is not a court of law, although those appearing before it to give evidence are entitled by law to have legal representation. Since the principal aim is to prevent recurrence of an incident, the BOI does not apportion blame to individuals. The BOI usually takes place quite soon after an incident, depending on the availability of witnesses. A BOI cannot force a witness to answer any questions that may incriminate him or her. Serving personnel may be ordered to attend Inquiries. Civilian witnesses, including former Service personnel cannot be compelled to attend nor are they bound to answer questions. MoD proposes to include a power to subpoena civilian witnesses to a BOI in the Tri-Service Armed Forces Bill. It has been usual practice not to disclose the official record of a BOI, however, MoD has stated that it is now policy to make copies of the Board of Inquiry report available to the next of kin if they so wish. However, such copies may be redacted to declassify them and to remove names, addresses and other sensitive information, but not to alter the facts.

342. In the case of some of the Catterick deaths, families had not been informed whether or not there would be a Board of Inquiry.⁵⁴⁸ The families were not told where or when a BOI would take place, or why, if there was to be no BOI, that decision had been taken.⁵⁴⁹ Nor were they given the opportunity to attend.⁵⁵⁰ Colonel Eccles told us: “It is not a public activity and it is held internally. Now in very sensitive cases, and we are aware of this, there may be an occasion when a member of the family has something to add to the Board of Inquiry”.⁵⁵¹ We have considered aspects of the Board of Inquiry procedure further in our report on the Tri-Service Armed Forces Bill.

343. **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.**

548 Q 964

549 Qq 964–967, 969–970

550 Q 968, 970

551 Q 1386

344. **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.**

Coroners' inquests

345. Coroners in England, Wales and Northern Ireland and the Procurator Fiscal in Scotland have the absolute responsibility and authority to hold inquests into the death of any person who dies in their area of jurisdiction or where a body is repatriated to that jurisdiction. The purpose of the inquest is to establish the identity of the deceased, and where, when and how he or she came to their death. The Coroner is permitted to conduct a wider examination of the circumstances of the death but may not determine liability or apportion blame. Nevertheless, the inquest may serve in certain key respects to identify deficiencies in public systems, and the Coroner is entitled under Rule 43 of the Coroner's Rules 1984 to report to a person or authority action that should be taken to prevent recurrence of similar fatalities.

346. Interested parties, including parents and spouses of the deceased are entitled to examine witnesses at the inquest and make legal submissions. Mr Ingram told us "remember that the Coroner's inquest is a judicial process by which this is done. That is where the family's legal protection sits, maybe not legal protection but the legal entitlement sits to get that examined".⁵⁵² There is, however, no public funding for legal representation at an inquest.⁵⁵³ There is no right of appeal from an inquest.⁵⁵⁴ The parents of Pte Geoff Gray described arriving at the inquest to be handed the witness statements to read in ten minutes.⁵⁵⁵ Ms Sharples told us that her son's inquest lasted ten minutes, and no statements were read out.⁵⁵⁶ Other witnesses from Catterick told us of inconsistencies and few witnesses at inquests.⁵⁵⁷ MoD have now established a procedure which means the Casualty Visiting Officer will be present at the inquest to assist the family of the deceased.⁵⁵⁸ **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.**

552 Q 1387

553 Applications may be made to the Lord Chancellor's Department for Exceptional Funding.

554 The Coroner's decision may be challenged by way of a judicial review, or applications to the Divisional Court or the High Court under the Human Rights Act 1998.

555 Q 1228

556 Qq 1003–1005

557 Q 1005

558 Q 1391

347. The Minister argued:

In terms of the Coroner's inquest, and I have been trying to encourage—there is one inquest still awaited into one of the four deaths. I have been trying to say that that would be helpful because by my definition that is a public forum; it is a public inquiry. It will go into all of these areas. People have the right to legal representation, witnesses can come forward, they can examine all of these issues. That is a matter for the Coroner.⁵⁵⁹

348. We cannot agree with the Minister's assertion that a Coroner's inquest (or Procurator Fiscal's investigation) is equivalent to a public inquiry. In the light of the evidence we have received from the families that their children's inquests were 'a shambles', it is clear that in these cases at least they did not meet the families' needs and expectations.

349. Surrey Police's written evidence refers to the use of Rule 43 Inquest Findings. The police give examples relating to access to firearms and alcohol consumption in which Rule 43 notifications were or could have been issued by the Coroner. MoD, however, has not collated Rule 43 notifications and cannot provide an account of the how many it has received or the responses to them.⁵⁶⁰

350. 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.

Treatment of bereaved families

351. The three Services have similar casualty notification regulations and procedures. All personnel complete an emergency contact, or next of kin form on which they nominate the person or persons to be contacted initially in the event of death or serious injury. The nominated person will usually be the parents, particularly for under 18 year olds, although the choice rests with the individual.⁵⁶¹ If the soldier's parents are divorced, or there are other circumstances that should be reflected on the next of kin notification the implications should be explained to the soldier. The next of kin form is updated annually as part of the unit Administrative Inspection and soldiers should notify the Administrative office if there are any changes of circumstance.

352. Currently the onus is on Services personnel to ensure that their emergency contact and next of kin details are accurate and up to date. There is room for common sense to be applied to this procedure, however, and the Armed Forces need to review its next of kin, emergency contact form to take account of circumstances that may not have been reflected on an individual's form, such as parents splitting up. MoD told us that personnel were asked to update the form on an annual basis, but the seriousness of ensuring accurate information may not have been communicated to personnel. The form could list marital

559 Q 1293

560 Ev 425–426

561 HC Deb, 10 January 2005, col 67 W.

status and living arrangements and may more usefully say who should not be contacted rather than who should be.

353. 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.

354. The Army have told us that liaison with the family of a casualty is through a Casualty Notification Officer and Casualty Visiting Officer. The Casualty Notification Officer (CNO) is nominated by a unit's Divisional Headquarters. The CNO is briefed on the details of the incident; they are not allowed to speculate about the circumstances surrounding the incident. The next of kin is identified from the Emergency Contact card. In the Army, the CNO should be of the rank of Captain or above, serving or retired, and should be "If possible, experienced in notification".⁵⁶² The CNO makes the initial visit to inform the next of kin of a death or serious injury and arranges a further visit with the Casualty Visiting Officer (CVO) who provides support and acts as liaison with MoD on matters such as pensions, welfare services, and the funeral. In some cases the RMP or civil police may appoint a family liaison officer. The CVO should also inform the next of kin of details of the incident identified in the Learning Account. The Learning Account is produced within 48 hours of an incident and provides recommendations and actions to prevent an immediate recurrence.⁵⁶³ The Commanding Officer of the deceased should remain in contact with the Casualty Notification and Visiting Officers. A senior officer will be responsible for the treatment of an individual family and should ensure that families are treated properly.⁵⁶⁴

355. The Royal Navy and RAF have similar procedures in place, although they vary in the precise roles, and requirements. In the Royal Navy, for example the initial notification is made by an officer who is normally accompanied by a chaplain or family social worker, and subsequent visits are made by officers responsible for arranging the funeral, and for dealing with issues such as pay and pensions. The Royal Navy's guidance specifically refers to the need to keep the family informed of the progress of any investigation or BOI.⁵⁶⁵

356. Some of the families who provided us with evidence were critical of the way in which they were informed of their children's death. For example, Mrs Mattin told us that she heard the circumstances of her son's death on the radio, and Mrs James told us that her daughter's grandparents almost heard the news on the television, before they could inform them in person.⁵⁶⁶ Mrs Elaine Higgins told us she was informed of her son's death by somebody who seemed both ill-suited and inadequately trained for the task. Mr Gray told us "You have got to have facts before you can go to a parent and tell them what has happened with their son"; and Mr James said:

562 Ev 328

563 Q 1329; Ev 339

564 Ev 328

565 Ev 329

566 Qq 1064–1066, 1177

I think the one thing that is common amongst anyone experiencing bereavement is their quest for answers, even the most basic answers in our case. We wanted to know what she was doing on the day before, who she was talking to, what she was talking about; and we will never know that now. I think there is a need for a professional—someone referred to a family liaison officer, and I do not know what we would call that person, but there needs to be a professional person, a single point contact—a key account manager or call it what you will—but one person who is responsible from A to Z for the communication with those parents until they are through that immediate process.⁵⁶⁷

357. The difficulties that can arise when families have split up was highlighted during our meeting with families on 2nd December 2004. Ms McManus told us that she had not been informed by the Army of her son's death, nor had she been informed about the Board of Inquiry. Similarly, Mrs Gray described how, because she had not signed her son's enlistment papers, the CNO had initially refused to tell her what had happened.⁵⁶⁸ The Minister told us: "This is a most difficult area because if someone said 'That is my next of kin, and I do not want you to communicate with someone else in my family' we have to honour the views and wishes of the dead".⁵⁶⁹ He went on to say:

If we tread over that and we start communicating to other members of the family because we are trying to be over-compassionate, people will say "They have no right, they have no ownership of that grief". This happens all the time and the people who have to manage this are put into a very invidious position. It is not unique to the Army, it is anyone who has to deal with those sets of circumstances, whom do you speak to, how do you communicate, who are you offending by not speaking to or who are offending by speaking to. This is very problematic.⁵⁷⁰

358. Mrs Farr told us how important it was for a bereaved parent to maintain contact with the Army, not only to satisfy oneself that any investigation or inquiry is being properly conducted, but also as part of the process of grieving.⁵⁷¹ However, Mrs Mattin summed up the Army's approach, saying "We are not important, they want us to GO AWAY, and that is how we are treated from the minute it happens, 'Go away'. They just do not want to know".⁵⁷² The parents of Pte James had had no contact with the Commanding Officer at Deepcut barracks, and they had no contact with an officer from the barracks until their daughter's funeral.⁵⁷³

359. The Deepcut families highlighted deficiencies in the family care provided by the Army. Specific complaints related to:

- No single point of contact resulting in mixed messages being given.

567 Q 1177

568 Qq 1147–1152

569 Q 1382

570 Q 1383

571 Qq 932, 982, 1035

572 Q 970

573 Ev 389

- Insensitive way that some of the contact was made.
- Long periods of time between contact.
- The way that some personal effects of the deceased were destroyed.
- The manner in which the remaining personal effects were returned to the families.⁵⁷⁴
- Inability to obtain, or difficulty in obtaining official records relating to their children.⁵⁷⁵

360. The treatment of bereaved families for personnel killed in action was considered by the Committee in its report *Lessons of Iraq*. In that report our principal concern related to the timing of families being informed about a casualty. We noted that MoD recognised the informing the next of kin should be ‘timely and sympathetic to the needs of the family’.⁵⁷⁶ **It is unfortunate, therefore, that 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.**

361. **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.**

Disposal of effects

362. Many of our witnesses from the families, both in the formal evidence sessions and the informal meeting stressed the suffering they had been caused by the manner in which their children’s belongings had been returned.⁵⁷⁷ The main complaints related to items not being returned; and the manner in which those effects that were returned, had been delivered. The items that were not returned included expensive pieces of electrical equipment—which were assumed to have been stolen from the deceased, as well as personal items such as deodorant.⁵⁷⁸ Such apparently mundane items are important—as Mrs Farr told us “they

574 Ev 421

575 Qq 946–961

576 HC 57-I (2003–04) para 316.

577 Qq 961, 1120, 1122–1126, 1134

578 Qq 961, 1125; Ev 387

do not send half bottles of aftershave back... that is the smell of your child. You need that..."⁵⁷⁹ Private letters were also not returned in some cases, along with photographs and other papers.⁵⁸⁰

363. The families told us of several problems with the return of personal items. Mrs Higgins told us that when her son, Aled's possessions were to be returned from Germany she had waited in all day for the delivery, which did not come. Her son's possessions were eventually left in a box on her neighbour's doorstep. There had been no inventory listing the contents of the box, and many items were missing, including her son's watch. When Aled's watch was returned, she told us that it had not been cleaned and was still covered in blood. The parents of Pte Collinson had had no notice of the return of their son's possessions.⁵⁸¹ Several of the parents, including Mr and Mrs James referred to items missing, including their daughter's diary.⁵⁸² All of the parents said that there was no inventory provided with the personal items, and that the items appeared to have been "thrown into the box" rather than being packed with any care.⁵⁸³ Several of the parents referred to other items missing, or the wrong items being returned.⁵⁸⁴ For example, Mr Collinson told us:

James had just passed his driving test and he was very proud of that, and as parents we never even got the chance to see his full driving licence, they took it upon themselves to destroy it. [...] his iron was missing, his radio was missing; a lot of his belongings were not there.

His wife added:

I think it would be fair to make the point though that some weeks after that we made a bit of a noise about the condition of James's things when they came back, and so we got a letter from Colonel Laden, who was the Commanding Officer at Deepcut at the time, assuring us that the same thing would never happen again; that the Army were going to make changes and that they would be much more considerate in the way that they returned the belongings of the deceased.⁵⁸⁵

364. The procedures for return of belongings were revised in 2000 following complaints from bereaved families.⁵⁸⁶ Items such as partly-used aerosols are now to be returned to the family, as are documents such as passports. Any items that might cause distress, such as letters from a girlfriend if the individual was married, are to be logged and stored so that they can be returned if requested. The deceased's clothing should not be laundered unless requested, or required for medical reasons. The unit is required to prepare full inventories

579 Q 961

580 Qq 961, 1119–1122, 1132

581 Ev 387

582 Qq 1119–1122, 1125, 1132, 1134, 1139

583 Q 1122

584 Qq 1122, 1124, 1125, 1134

585 Q 1125

586 Ev 330–332

of the personal effects. Guidance has also been given to improve the packing and delivery arrangements.⁵⁸⁷

365. 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.

587 *Ibid*

7 Review and Implementation

366. The Surrey Police Final Report provides evidence that the Army chain of command was made aware of significant weaknesses in its training system at various times between 1995 and 2002 but failed to act to address them.⁵⁸⁸ During this period, four internal Army reports and an internal working group, repeatedly identified welfare and supervision issues and made recommendations to rectify them. These were:

- Brigadier Evans Report—Review of phase 2 Training System at Deepcut—December 1995
- Suicide in the British Army—Dr Suzy Walton Parts 1–5—December 1996 onwards
- In 1998 the Army Suicide Management Working Group (ASMWG), an internal Army working group, was established as a result of recommendations arising from Dr Walton’s Suicide in the British Army Report
- A Study of Attempted Suicide in the Army: 10 years of experience 1987–1996—Colonel Hawley October 1998
- ATRA Duty of Care and Supervision (DoC&S) Report 1998–2001—Colonel Haes April 2001

However, these issues were neither considered nor acted upon in a coordinated manner. The Surrey Police report found that:

there does not seem to have been any over-arching mechanism to risk assess the findings of these reports and determine, direct and monitor a credible and effective organisational response. Because the reports were never considered together, the first convincing evidence of the recognition of the systemic nature of these risks, and of a coherent practical response to them, was in October 2002 when the Deputy Adjutant General produced his report.⁵⁸⁹

367. Both the Surrey Police final report and the independent literature review we commissioned found several common issues concerning welfare in initial training establishments identified by these reports but that, between 1995 and 2002, the Army consistently failed to address them.⁵⁹⁰ These issues were: supervision of recruits; recruitment and selection; training structure; accountability of ATRA command and firearms and guarding.

588 Surrey Police Final Report

589 *Ibid*, para 4.10

590 Literature Review and Analysis of Duty of Care in Armed Forces, Ivan Zverzhanovski, King’s College London, October 2004.

Reasons for failure

368. It is clear from the evidence we heard that, during the period 1995–2002, ATRA lacked an appropriately integrated structure through which welfare issues could be highlighted, solutions found, and responsibility for implementation acknowledged. As Chief Superintendent Craig Denholm, the officer in charge of the Surrey Police investigation, told us:

What we found was missing fundamentally was a cyclical approach, if you like, to policy development and implementation. There was evidence of identifying issues and review, but there was very little evidence of substantive action being taken in relation to that. Then another report would come along, another issue would be raised, another review would come in, but again that final element of this cyclical approach was missing throughout the vast majority of the areas of work that we identified.⁵⁹¹

369. When the issues raised in these reports were addressed by the Army chain of command, they did so in a fragmented and piecemeal way with scant consideration given to wider implications for the training regime as a whole. For example, following the death in 1995 of Pte The survey is administered by training staff, but run and analysed by MORI.⁵⁹² All trainees have the opportunity to fill in the survey when they leave training, even if they are leaving before completing the course.⁵⁹³ There have been individual surveys in the past which were described to us as ‘snapshots’ that could not be used to make comparisons.⁵⁹⁴

370. Following the deaths of Pte Cheryl James, and four months later of Pte Sean Benton at Deepcut barracks, the Commanding Officer, Brigadier Evans, conducted a review of phase 2 training at the RLC Deepcut barracks. Brigadier Evans made 30 recommendations, 23 of which he considered applicable solely to the Deepcut training regime and therefore actionable under his command. The remaining seven recommendations he believed had relevance for the wider ATRA training regime. We have received no evidence that any of these recommendations which related to supervision, screening, welfare, and pipeline management were assessed for relevance to other training establishments. As Surrey Police noted, ‘Evans’ external recommendations provided an opportunity to promulgate the Deepcut lessons across the Army. This opportunity was missed’.

371. When, six years later, Colonel Haes wrote his report ‘ATRA Duty of Care and Supervision’ he was unaware of the existence of not only the Evans report but also the 1996 Walton Report ‘Suicide in the British Army’, commissioned by the Army’s Director of Personnel, and the 1998 thesis ‘Attempted Suicide in the British Army’ by Colonel Hawley. This was despite the relevance to Colonel Haes’ study of some of the recommendations contained in these reports on issues such as supervision, screening, and welfare. Colonel

591 Q 669

591 The Review of the Phase 2 Training System within Deepcut, conducted by Brigadier Evans

592 Qq 42, 1326

593 Q 43

594 Qq 1326–1336

Haes told us that ‘Until I read the Surrey Police report that was the first time I became aware that other people had written the same kind of report that I had done’.⁵⁹⁵

372. This lack of institutional memory was compounded by ATRA’s complacency when presented with evidence of weaknesses in its initial training system. This complacency was illustrated by the experience of Colonel Haes who, when describing the process of formulating his 2001 ‘ATRA Duty of Care and Supervision Report 1998–2001’, told the Committee:

I briefed the main board [of ATRA] in July 2000 with the findings I had got to at that point, and I think it was indicative that one of the two star officers present, as soon as I had finished, basically said “Thank you for that but I don’t believe the picture is as bad as the boy has painted”.⁵⁹⁶

373. When asked to account for the shortcomings in its duty of care regime between 1995 and 2002 MoD cited the demands on manpower experienced by the Armed Forces under the twin pressures of operational commitments and reduced levels of recruitment. A direct consequence was that the training system suffered as resources were moved to the Field Army. General Palmer told us that:

As you will appreciate well, over that period the Army was very heavily committed and for the most part it was very under-recruited. So there were big gaps in the Field Army and they were at that time undertaking major operations: 1995 Bosnia, then there was Kosovo, Sierra Leone and on top of that there were firemen, foot and mouth, etcetera. So the context is significant over-commitment and a lot of under manning. There was significant risk operationally in the Field Army at the time. In order to look at these risks and how to mitigate their effects, a study was undertaken to see whether or not the support organisation—and that includes the training organisation—could help to reduce the under manning in the frontline and close some of these gaps. The view at the time—at the time and hindsight is all very well—was that the under manning in the Field Army was creating a significant operational risk. I cannot remember the exact date but about 250 people were moved out of the training organisation into the frontline. In addition to that there were attempts to see whether or not some private contracts could be let to undertake some of the training which was previously done by soldiers to try to relieve the pressure in the frontline. That happened as well.⁵⁹⁷

374. We recognise the pressures on resources experienced by the Army training system throughout the 1990s. However, we do not accept that this fully explains the Army’s failure to provide the necessary organisational structure to expose problems in its training system at that time or to identify solutions and successfully implement improvements. Rather these failures were the result of an organisational culture that too readily transferred risk to its training regime when faced with operational demands. This is illustrated by ATRA Headquarters’ dismissive response to the key recommendations in the Haes report, that a significant and rapid increase was needed in the number of ATRA instructors on the

595 Q 269

596 Q 243

597 Q 11

grounds that, ‘the extra staff required was impractical in a climate where resources were over-stretched and functions were therefore under-manned’.⁵⁹⁸

375. 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.

Developments since 2002

376. 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. These developments included:

- the establishment of a joint Police/Army learning account in August 2002;
- the September 2002 review of lessons learnt from the investigation of the Deepcut training establishment;
- the first Directorate of Operational Capability report into the training establishments of all three Services;
- and the establishment of the post of Director General of Training and Education which, for the first time, provided a coordinated and over-arching responsibility for education and training issues.

377. The joint Police/Army Learning Account was established by Surrey Police with the Adjutant General’s agreement in August 2002.⁵⁹⁹ Its aim was to provide Surrey Police with a means to ‘report to the Army issues that required timely and appropriate remedial action’. It also provided the Army with an auditable tracking and implementation process. By March 2004 the Learning Account contained 27 recommendations relating to risks identified in the training regime at Deepcut. These risks included: supervision policy, screening, dissemination of best practice and firearms/guarding. The Army has told us that these specific risks have been addressed.

378. In September 2002 the Adjutant General tasked the Deputy Adjutant General (DAG) to ‘assist the Surrey Police by conducting a supporting military investigation in order to identify further lessons to be learned from all four (Deepcut) cases and to make recommendations’.⁶⁰⁰ The resulting review compared the training system at Deepcut with that of other Army training establishments with the intention of identifying best practice and applying any resulting recommendations across the training regime. The review identified several areas of significant (and familiar) risk.⁶⁰¹ These were: supervision levels; screening; the number of Soldiers Awaiting Trade Training (SATT) and firearm/guarding; all of which had been previously identified in reports since 1995. The DAG review was the

⁵⁹⁸ Surrey Police Final Report, para 2.94.

⁵⁹⁹ *Ibid*, paras 1.17–1.18, 3.45ff

⁶⁰⁰ *Ibid*, para 3.5

⁶⁰¹ Deputy Adjutant General Report—Deepcut investigation final report December 2002.

first occasion in which the Army applied recommendations in a coordinated way across the Army training regime. For example, changes in regulations on access to firearms, the introduction of the Military Provost Guard Service to take over routine security and guarding at training establishments and a recognition that SATT levels were too high. In particular, DAG's recommendation for an indicative instructor: trainee supervision ratio throughout ATRA led to the recognition by the Army that the numbers of supervisory personnel needed to be increased to levels very similar to those recommended by Colonel Haes and rejected by ATRA HQ only eighteen months previously.

379. The welcome decision by Mr Adam Ingram MP, the Minister for the Armed Forces, on 3 October 2002 to task the Directorate of Operational Capability (DOC) to conduct an appraisal of the initial training of non-officer recruits of all three Services (including initial and basic specialisation training) represented a significant change in attitude by MoD in that, for the first time, it had initiated an assessment of its three training systems.⁶⁰² The aim of the appraisal, which reported directly to the Minister, was to provide a health check of training regimes and examine possible issues of morale, motivation, training practices and culture. The autumn 2002 appraisal was followed by reappraisals in the summer of 2003 and the autumn of 2004 to check progress against the recommendations identified in the original appraisal.⁶⁰³ All three appraisals were based on the outcome of questionnaires and personal interviews with thousands of recruits and trainees as well as instructors and commanding officers.

380. DOC (1), whilst assessing that 'the department has a lean hard worked initial training system in which it can have considerable confidence', found that the training system due to the high volume of throughput of trainees and too few supervisors, was 'inherently fragile'.⁶⁰⁴ In general terms DOC (1) called for a rapid increase in supervisor numbers, improved management of recruit numbers through the training system and improved accommodation for trainees and instructors. This should be underpinned by 'additional investment in the initial training pipeline or adjustments to intake flows...This has the potential to transform radically the Initial Training environment and reverse years of under-investment in this key area of operational capability'.⁶⁰⁵

381. DOC (3) recognised that although 'It was evident that considerable energy, imagination and leadership are being applied in an effort to improve the regime in which phase 1 and phase 2 trainees are trained', further progress needed to be made particularly in the areas of management of SATT, out of hours supervision and accommodation.⁶⁰⁶

382. We welcome the evaluation work that the DOC team has carried out in its three appraisals. However, questions remain over whether an internal MoD audit team whose 'primary purpose was to provide a strengthened ability to assess defence-wide operational capability through a process of operational audit' was the most suitable agency for assessing welfare systems in initial training teams.⁶⁰⁷ The Director of Operational

602 DOC (1)

603 DOC (2), DOC (3)

604 DOC (1), para 104

605 *Ibid*, para 106

606 DOC (3), para 7

607 HC Deb, 19 December 1995, col 1106WA.

Capability, Brigadier Mungo Melvin, told us that, in his opinion, his team was suitable for the task because they:

have all got command experience and a lot of operational experience and... they have all been selected for their analytical skills and are people with a good deal of intellectual rigour, and they are prepared to go in and look behind what they are presented with, so it is the overall balanced professional skills which they bring to bear that provide them with the capability, in my opinion, to do the job that you have outlined.⁶⁰⁸

383. 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.

384. The appointment of the Director General of Training and Education (DGT&E) in September 2002 was the first time that there had been a single joint focus in MoD for training and education policy.⁶⁰⁹ The DGT&E is responsible for identifying and promoting the sharing of training and education good practice. In addition to developing and implementing training and education policies across the Services DGT&E is responsible for implementing the recommendations of the DOC appraisals. The DGT&E, Rear Admiral Simon Goodall, told us that:

Hitherto the activities of the single Services were all relatively silo-ed in this respect and so with this focal point at the centre of MoD, we now have an individual who can direct the implementation of recommendations. I have created, in essence, within my organisation a smaller clone of the DOC in the Directorate of Individual Training Capability, and I intend to use that aspect of my organisation to keep the pressure on and the momentum on with revisits by DOC and, in conjunction with the ALL, keeping our foot to the pedal. I think that is a significant change in the last two years.⁶¹⁰

385. 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.

608 Q 767

609 Q 48

610 Q 781

Improvements since 2002

386. In its Final Report, Surrey Police acknowledges that the Army has made significant progress since 2002 (a “watershed” year). However they state that they:

remained concerned that more needs to be done to address areas of risk and strengthen the care regime for young soldiers in training. It is inevitable that, in any training regime fit for the Army’s purpose, trainees will be severely tested. However, the Army has a duty of care as an employer to take reasonable steps to safeguard its personnel from avoidable harm. This is particularly pertinent to the issue of young soldiers in training who are removed from the care of their family or guardians into a closed environment, where there are obvious and particular risks not experienced in other forms of employment.⁶¹¹

387. In earlier chapters of this report we have described and commented on that progress. Admiral Goodall, DGT&E, told us that ‘in implementing DOC, we have gained resources to implement, up to date, 48 of the 58 recommendations... this year £23.25 million were given to implement some key recommendations...’.⁶¹² Tangible outcomes from extra investment have included: the re-establishment of 179 instructor posts previously moved to the Field Army in the late 1990’s; the establishment of train the trainers courses at the Defence Centre for Training Support; changes to regulations pertaining to the supervision of guarding by trainees and evidence of some better management of SATT.

388. We are concerned however that MoD cannot guarantee resources in the future for the initial training regime. When we asked the Minister whether DOC’s reports were the driver for ensuring extra resources now and in the future the Minister told us:

The Treasury does not quite operate in that way with us. What happened was that I commissioned the report and I got those recommendations and said “I am now going to implement them” and you can imagine what happened next, “Where does the money come from”? You have to find out what the problem is and then you have to find the resource, and that was what was done. DOC gave us the platform on which to do that but I would just say that everyone else within the decision making chain are also seeking additional resource and this is something that has to be addressed.⁶¹³

389. 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.

390. As we have noted the Army does not historically have a good track record of committing the necessary resources to its initial training system. For that to change permanently in the future will require not just adequate resources but also a change of attitude. As Colonel Haes told us:

611 Surrey Police Final Report, p 3.

612 Q 50

613 Q 1366

Yes, there has been a sea change in attitude to duty of care and supervision. It is now flavour of the month, to use that phrase. I do have some cynicism from long years of experience as to whether it will be sustained.⁶¹⁴

391. In essence **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.** As DOC himself stated:

...it is not in our view a contradiction, it is part and parcel of operational capability that we have the right training regimes and we provide the right trained and qualified personnel going into each of the three Services to provide the bedrock of professional expertise.⁶¹⁵

392. Effecting the culture change which we recommended earlier in an organisation as large and complex as the Army will be a significant challenge. It will require the provision of a training system which has the care of recruits at its heart whilst at the same time including sufficient rigour to produce, in a relatively short time-frame, operationally effective Servicemen. We recognise the establishment of forums such as the DOC Appraisal of initial training and best practice working group as a positive step for sharing good practice amongst Commanding Officers across the Services. We also welcome the establishment of the Defence Centre for Training Support, under the command of the DGT&E, as a positive signal that MoD is committed to promoting good practice on its train the trainer course.

393. We believe, however, that more can be done to share best practice, particularly in the Army and with the other two Services. **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.**

394. **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.**

395. An example of how good practice and lessons learned can be widely shared across the Services is the in-house magazine 'Aviate' concerned with flight safety. This magazine, which also has a web site, promulgates good practice, enables the exchange of real-life flying and ground crew experiences and stimulates discussions on flight safety issues. Flight

614 Q 288

615 Q 775

safety issues are explored in a full and frank manner even if they could be considered to be critical of the chain of command. There is a sense that the magazine is written by and for practitioners and not to serve any internal political purpose.

396. 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.

402. By March 2005 ALI should have inspected all phase 1 initial training establishments and a sample of phase 2 and phase 3 establishments. Both announced and unannounced inspections have been conducted with the possibility of follow up visits. According to its terms of reference, ‘the inspections will seek to evaluate both the impact of the initial training and the arrangements for care and welfare for recruits, trainees and their families as well as the adequacy of the organisation of initial training and welfare of recruits, trainees and their families’.⁶²³

403. When questioned about the relevant experience of ALI inspectors, Ms Barbara Hughes, ALI Inspector, told us that:

We have a core team of nine full-time inspectors conducting these duty of care inspections... and they cover a range of occupational areas. They are all lead inspectors, so they have been into a range of establishments, including the armed Services. Some have worked with the police as well on survey reports. In addition to that, we are training up about 20 of our part-time associate inspectors. They will be working with us on the inspections at different stages. They have both physical training background as well as a health and care background and are particularly experienced in residential care and mental health. We feel we actually have quite a good range, alongside the colleagues who will be working with us from Her Majesty’s Inspectorate of Constabulary and the Social Care Inspectorate.⁶²⁴

404. The appointment of ALI to the role of independent auditor of welfare in the Armed Service’s training establishments was a surprise to some commentators who considered ALI’s expertise and experience to centre on auditing training systems rather than quality of care particularly for those under 18 years old. This was refuted by Mr David Sherlock, Chief Inspector of ALI, who told us that ‘We deal with residential colleges, particularly for young people with disabilities and learning difficulties who are extremely vulnerable’. He went on to say ‘We fully understand the range of challenges which young people, of the kind who are entering the Army, particularly face and we are familiar with many of the problems with residential contexts’.⁶²⁵

405. In addition to this body of experience the Common Inspection Framework, which sets out the principles applicable to the inspections of post-16 education training by both ALI and Ofsted, has at its heart, what is referred to as the ‘learner experience’. This refers to an individual’s judgment about the support and guidance they received during their training.

623 <http://docs.ali.gov.uk>.

624 Q 541

625 Q 543

406. We have heard contrasting reactions within the Services to the establishment of external oversight provided by ALI. The DGT&E argued that the involvement of ALI would supplement the Defence System Approach to Training (DSAT) which determines ‘what we should train, how we should train it and to whom we should deliver the training’.⁶²⁶ ALI’s audit would, he said, provide independent evaluation by a respected agency... provide us with the opportunity to benchmark our capabilities on a national scale and they bring with them experience across a very broad area of training and education.⁶²⁷

407. On our visits we heard rather less positive reactions from Commanding Officers. A common concern was that ALI would not have the necessary knowledge of Service culture to make adequately informed recommendations for change. At worst, we were told, such recommendations could have inadvertently adverse consequences. An example of this was given to us by Colonel David Eccles, Chief of Staff ATRA, who told us that:

A point which has come out is that the Adult Learning Inspectorate suggested at ITC Catterick, which they had just visited, that we ought to give the recruits more space in the evenings, and they tried that and what happened? They had a few more incidents of what one might call “horse play”, so a degree of supervision has to be there. It is a fine balance between giving them room to manoeuvre and supervising properly.⁶²⁸

408. It is clear that the context in which the Services operate their training regimes needs to be fully appreciated by ALI throughout the course of its audit process. The nature of Service discipline, incorporating the need to follow commands automatically in stressful and high risk circumstances, is unique and one which ALI will have to take into account when judging existing standards and making any recommendations for improvement.

409. The Minister told us that, whilst recognising this concern, he was confident that ALI would overcome these objections:

I came in as a Minister in 2001 and I had no experience, yet I was supposed to be making decisions across all of these issues. I said earlier that it takes a long time for a Defence Minister to get up to speed and you have got to get out in the territory, you have got to understand, you have got to absorb best information and you grow in your knowledge in all of this. I think that will happen with the ALI, I do not think there is any question about that, because civilians do not have experience of military life so they must go through that process. They are bringing that type of professional, analytical brain to it which can only be judged, in their case, in the report. We have said to them that it would be useful, and we have encouraged this and asked for this, to see the aftermath of the training environment, so I understand that they are going off to Iraq at the turn of the year to have a look at what comes out of the training environment. That will give them a good rounded feel for it.⁶²⁹

626 Q 28

627 *Ibid*

628 Q 1363

629 Q 1395

410. 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.

A Military Ombudsman?

411. During our inquiry we considered the merits of establishing an alternative means of exercising external and independent oversight over Army training. In particular we considered whether a UK Military Ombudsman could provide a useful means of complaint for Service personnel which would be outside the chain of command. The Independent Review of the Armed Forces Manpower Career and Remuneration Structures (the Bett Report) recommended extending the terms of reference of the Parliamentary Commissioner for Administration to permit him to deal with complaints from Service personnel about administrative matters. The recommendation was not accepted “mainly on the grounds that the Services already have procedures for dealing with the redress of complaints”.⁶³⁰ MoD has hitherto rejected the case for a Military Ombudsman a stance that was confirmed by the Minister when he told the House on 24 May 2004

I think that that is a step too far because there is a chain of command. The Armed Forces are a unique set of people—there is no doubt or question about that. They are asked to do things that no one else is asked to do. That respect of the chain of command is vital.⁶³¹

412. When we asked General Palmer for his view he commented that, ‘I think we should like to see how the ALI goes. We have, quite understandably, a plethora of people who are currently inspecting and looking at the training establishments’.⁶³²

413. Typically, where military ombudsmen have been established, their responsibilities include: overseeing and supervising the observance of law by the military and initiating legal procedures when individuals’ rights are believed to have been violated.

414. There are three main models:

- a military ombudsman appointed by and accountable to the parliament (Germany, Norway);
- an ombudsman appointed by MoD and accountable to MoD and/or parliament (Canada/Australia, Israel);
- an ombudsman which has a variety of responsibilities including the military (Sweden, Finland, Portugal).⁶³³

630 Ev 368

631 HC Deb, 24 May 2004, col 1311.

632 Q 36

415. In the German model, the Ombudsman can be instructed to investigate specific issues as determined by the Bundestag and the Defence Committee and also to take action under his own initiative in matters which suggest 'a violation of the basic rights of a member of the Armed Forces'. All Service personnel have the right to contact the Parliamentary Commissioner directly, without going through official channels. The Ombudsman has a right at any time and without prior announcement to visit any unit headquarters installations or administrative agency as part of his investigation into a complaint.⁶³⁴

416. In the Canadian model the Ombudsman is regarded as an avenue of last resort for individual complaints available only when all internal mechanisms for complaint through the chain of command have been exhausted. The Ombudsman's jurisdiction does not apply to any complaint or matter relating a military judge, court martial or summary trial. The Ombudsman also has a responsibility to provide information to individuals on their rights to redress and on his or her instigation to investigate and report publicly on any welfare issues that affect the Services.⁶³⁵

417. In Sweden responsibility for military oversight is incorporated into the general responsibilities of the Parliamentary Ombudsman. Members of the Swedish Armed Forces may submit grievances or complaints to the Parliamentary Ombudsman only after exhausting the military grievance system. Conscripts whose complaints are not settled at the local level through direct appeal to the unit officers up to the commanding officer may raise the complaint with the national conscript board and if still unsatisfied, with the Parliamentary Ombudsman. For officers a complaint can be raised by the individual through the chain of command to the Supreme Commander if necessary. If still not resolved, it is referred to the Parliamentary Ombudsman.

418. The Parliamentary Ombudsman is appointed by the Swedish Parliament. He can visit units of the Armed Forces at any time to investigate complaints or just to talk to conscripts, officers and civilian employees. Lately, on average, only about ten cases per year have reached the Parliamentary Ombudsman.⁶³⁶ In Denmark, an advisory system has been established to provide assistance and advice to soldiers and officers who feel that they have been subjected to discrimination or have been accused of discrimination. The system consists of advisers outside the chain of command. They perform this advisory function alongside their normal assignments. When exercising their advisory function, they report to a Chief Advisor who sits in the Army's Personnel Command. The advisers provide pastoral guidance or, if necessary, assistance in formulating a complaint through the chain of command. The system does not constitute an external/independent complaint process in itself.

419. The UK police force, also an organisation based on discipline with a strong ethos, has since 2002 been monitored by the Independent Police Complaints Commission (IPCC).⁶³⁷ The IPCC, which reports to Parliament, provides a channel for complaint about the police both for serving officers and members of the public. It is not part of any Government

633 Geneva Centre for the Democratic Control of Armed Forces.

634 <http://www.bundestag.de>

635 <http://www.ombudsman.forces.gc.ca>

636 Swedish Parliamentary Ombudsman: <http://www.jo.se>

637 <http://www.ipcc.gov.uk>

department and its decisions cannot be overruled other than by a court of law. The IPCC has its own teams who are able to investigate incidents of alleged police misconduct even when no complaint has been made. Senior police officers were initially resistant to an external body monitoring its work and investigating complaints about its work. Concerns included the effect it would have on operational effectiveness and additional bureaucratic burden and worries that “busy bodies” with no understanding of the challenges faced by the police would reach inappropriate decisions when judging complaints. We have seen no independent assessment of whether these fears have been borne out by experience but we have been told by senior police officers that, in contrast to the concerns expressed above, the IPCC has had a beneficial effect on police working practice and made it more transparent.

420. 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.

421. As we noted earlier in this report, society is changing. One aspect of that change is the increased expectation among the general population that public bodies will be subject to some form of independent scrutiny of their actions. The Independent Police Complaints Commission (IPCC) was established to provide that independent scrutiny for the police. The IPCC was established at a time when public confidence in law enforcement was low. There were concerns that the IPCC would lead to the politicisation of the police force or would be such an intolerable additional burden that police effectiveness would be reduced. In the event, both the public and the police have benefited from the existence of the IPCC.

422. We have sought to identify a model for the Armed Forces that would provide similar benefits of independent scrutiny as the IPCC does for the police without undermining the operational effectiveness of the Services, the maintenance of which this report acknowledges to be of fundamental importance. We set out below some of the characteristics such a body should have, but we have not proposed to describe its precise structure and organisation.

423. 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 examine trends that it had identified.

424. 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.

425. 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.

426. The commission should be required to make an annual report to Parliament.

427. 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.

9 The question of a Public Inquiry

428. The Surrey Police final report recommended that:

...a broader enquiry is necessary to provide assurance that the current momentum in the development and implementation of regime improvements is sustained. Such an enquiry should consider the need for independent oversight of Army recruit training to support the Army in striking the right balance between tough training and the control of avoidable risk. Such oversight would also provide a safeguard for young soldiers in training who are isolated from their families and do not enjoy the protection afforded by the transparencies of civil occupations.⁶³⁸

429. Since the publication of the report, MoD has faced increasing demands for further investigations into aspects of its training systems. Surrey Police's "broader enquiry" seems to have been interpreted by different people to mean rather different things, ranging from a full judicial public inquiry into individual deaths, to the kind of validation exercise of the Armed Forces training regime now being carried out by the Adult Learning Inspectorate. None of the reviews which have so far taken place has satisfied those who have called for a public inquiry.

What is a Public Inquiry?

430. There are different forms a public inquiry might take. The House of Commons Library standard note on public inquiries states:

The term 'public inquiry' has a very broad meaning, and the history of the British government shows that there are in fact a number of forms of 'inquiry' available, designed, in principle to fulfil specific functions. Sometimes the wish may be simply to establish the relevant facts, leaving their interpretation, the allocation of 'blame' and recommendations for the future to other agencies such as Ministers, Parliament or the courts. In other circumstances it may be thought desirable that the 'inquiry' itself undertake these broader, perhaps more delicate tasks. A prime purpose of some inquiries may also be to allay public (and Parliamentary) disquiet about some public issue or a 'scandal'.⁶³⁹

431. The relevant Minister usually establishes the inquiry format, who heads it, its membership, its terms of reference and the form in which the report is made. An inquiry headed by a judge or senior lawyer is often called a 'judicial inquiry' although this is simply a descriptive term.

432. Currently the Tribunals of Inquiry (Evidence) Act 1921 allows a public inquiry to be established with all the powers of the High Court as regards the examination of witnesses, production of documents and summoning of witnesses. Such an inquiry may only be established following a resolution of both Parliament. In the more than eighty years since it came into force there have been just 25 inquiries set up under the 1921 Act, the two most

⁶³⁸ Surrey Police Final Report, para 4.17.

⁶³⁹ *Investigatory inquiries*, Standard Note: SN/PC/2599, House of Commons Library, 30 November 2004.

recent being the Harold Shipman Tribunal of Inquiry set up in 2001 and the Bloody Sunday Tribunal of Inquiry set up in 1998.

433. An often-used alternative to formal public inquiries under the 1921 Act has been departmental inquiries set up by ministers. Such inquiries are usually advisory in nature and their exact remit is set out in terms of reference by the relevant minister. Recent examples include ‘Lessons learnt from the Foot and Mouth Disease Outbreak Inquiry’ (9 August 2001) and the Inquiry into the Soham Murders (June 2004). The Review by Nicholas Blake QC, which we consider later in this report, also fits the definition of a departmental inquiry.

434. Many departmental inquiries are classed as judicial inquiries because they are conducted by a judge. Although their procedures vary from case to case, in general they are investigative in character. They have no power to compel witnesses to attend but the lack of statutory power does not seem to be a major hindrance to their work. As Sir Michael Bichard, Chairman of the inquiry into the Soham murders said:

The Inquiry does not have statutory powers, but if I find that that hinders me in any way in my investigation or if I believe that an individual or organisation is not cooperating fully, then I will return to the Home Secretary and ask for such statutory powers, and he has made it clear to me that they will be made available.⁶⁴⁰

435. Examples of such judicial inquiries are the Scott Inquiry into Matrix Churchill (1992) and the Hutton Inquiry into the death of Dr David Kelly.

436. The current framework for inquiries will be revised by the Inquiries Bill, currently before Parliament. The Government’s stated aim for the Bill is to provide a framework under which future inquiries can operate effectively and produce practicable recommendations in reasonable time and at a reasonable cost. The Bill repeals the 1921 Act and the statutory basis for inquiries and makes provision for Ministers to set the terms of reference of an inquiry and appoint the chairman and other members. It also gives the Minister power to enable the inquiry to summon witnesses, and to decide whether evidence is heard in public. The Minister may also decide the extent to which the report itself is made public.⁶⁴¹

Families’ demands

437. At our evidence sessions on 1 December, the families of trainees who died at ITC Catterick welcomed the recent announcement of the Blake review but called for a broader inquiry which would look into suspicious deaths at all training establishments. Mr James, said that there should be a series of public inquiries if necessary, including a full judicial inquiry specifically into the four deaths at Deepcut.⁶⁴² Following our evidence sessions we asked the witnesses for clarification about what they wanted a public inquiry to cover.

⁶⁴⁰ *Ibid*

⁶⁴¹ First Report from the Public Administration Select Committee, Session 2004–05, *Government by Inquiry*, HC 51.

⁶⁴² Q 1248

438. We subsequently received a memorandum from representatives of “Deepcut and Beyond”—the campaigning group representing the families of trainees who died at Deepcut and ITC Catterick—which included their suggested terms of reference.⁶⁴³ These call for an inquiry into the deaths and ill treatment of Service personnel in non-combat situations with specific attention on deaths occurring at Deepcut and ITC Catterick Army barracks, Northern Ireland and overseas. They also referred to the need for an inquiry into ‘the action and performance of all public and private bodies, authorities and personnel involved’.⁶⁴⁴

MoD Response

439. MoD has long resisted calls for a public inquiry into the deaths of Deepcut. The reasons given have included concerns about the practicality of receiving evidence from the thousands of recruits who have passed through the training system since the mid-1990s, the inevitable loss of physical and forensic evidence over this time (and the reliability of recruits’ recall of events), and the potential cost of such an inquiry in light of suggestions that the Bloody Sunday Inquiry may cost, according to press estimates, in excess of £150m.⁶⁴⁵

440. The Secretary of State opposed a public inquiry into the four deaths at Deepcut in a debate in the House of Commons on 27 April 2004, arguing that the five reports by the Surrey Police had provided “very thorough and detailed” scrutiny. The Minister for the Armed Forces told us that he did not support a public inquiry into deaths at Deepcut and other establishments on the grounds that:

...when you look at a public inquiry, whether it is into those events of 1995–2002, given the fact that 12,000 troops went through that establishment at Deepcut in that period, if all of them were to be interviewed the inquiry would never finish. You can then slice it down however you want but if a substantial number came forward then how long would that inquiry take? Others are out there saying that it should be into all non-combatant deaths across all of the training establishments, and this includes even road traffic accidents.⁶⁴⁶ When all of that is added up, and these are places where there are adult workers, not just trainees, the figure out there is 1,700, and that is the figure which is out there as part of a campaign strategy. If there was a public inquiry into that, 1,700 cases, and if each was, let us say, interviewed for one day, you can then see how long that inquiry would take.⁶⁴⁷

643 Ev 500–502

644 *Ibid*

645 “Bill to limit inquiry costs”, *The Guardian*, 27 November 2004.

646 Between 1995–2002, there were 403 deaths of Service personnel as a result of road traffic accidents. See HC Deb, 8 December 2003, col 216WA

647 Q 1280

The Blake Review

441. The announcement on 30 November 2004 of a further review of the four deaths at Deepcut followed renewed media comment about the Final Surrey Police report on Deepcut and in particular the wider allegations of abuse at Army training establishments which Surrey Police had gathered as part of their inquiries.

442. Somewhat to our surprise, given his previous comments on the subject, the Minister, announced to the House that “...while I am satisfied that all that can be done is being done, there is a need for that to be seen to be done. I therefore accept the case for a further review by a fully independent figure”.⁶⁴⁸

443. On 15 December the Minister announced that Mr Nicholas Blake QC would lead the review. The terms of reference for the Blake review were to:

Urgently to review the circumstances surrounding the deaths of four soldiers at Princess Royal Barracks, Deepcut between 1995 and 2002 in light of available material and any representations that might be made in this regard, and to produce a report.⁶⁴⁹

The Minister told us on 15 December 2004 that he had announced this review because:

I do recognise the need for public reassurance and that is why I announced today the independent review by Nicholas Blake QC into the circumstances surrounding the four deaths at Deepcut between 1995 and 2002. At present I am not persuaded of the case for a public inquiry, either into events at Deepcut or, as some are urging, into all non-combatant deaths. I expect Mr Blake to provide an intensive, wholly independent and authoritative analysis of all relevant matters relating to the four tragic deaths at Deepcut.⁶⁵⁰

The Minister went on to tell us that Mr Blake would not be restricted by the terms of reference from recommending a public inquiry should he be minded:

He will make a report and his recommendations are a matter for him. I have said that we will then publicly respond to that. I do not know what his conclusions to this will be. Clearly, they can go from no further action required to what many are campaigning for in that specifically he is looking into Deepcut, because other lines of inquiry may lead him elsewhere. As I said in my opening statement, I am not yet over-convinced of the merits of this but that is not me closing my mind down.⁶⁵¹

444. It remains to be seen whether Mr Blake’s review will be able to satisfy those who have campaigned for a public inquiry into the events surrounding the deaths at Deepcut barracks. Mr Blake, described by MoD as a ‘distinguished human rights lawyer’ said in a press statement:

⁶⁴⁸ HC Deb, 30 November 2004, col 500.

⁶⁴⁹ <http://www.army.mod.uk>

⁶⁵⁰ Q 1272

⁶⁵¹ Q 1280

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.

10 Conclusion

449. If the Armed Forces are to remain dedicated to creating an effective fighting force a robust training regime will have to be maintained. The question is whether robust training in itself creates, promotes or fosters an environment in which duty of care is stifled? We have concluded that duty of care and operational capability are not mutually exclusive. The evidence we have heard, particularly in talking to Service personnel themselves persuades us there need be no conflict between providing proper levels of duty of care, and a training regime which is sufficiently robust to maintain operational effectiveness. The Royal Marines are a good example of this. It is apparent that senior officers in the training organisation share that view. What is not clear is how far that approach has been actively promulgated down the chain of command to those who are actually providing the training.

450. If robust training is not a bar on providing a duty of care a further question is whether existing training programmes take sufficient account of the nature and abilities of the young people joining the Armed Forces. It is clear from our discussions with all ranks during our visits to units for this and other inquiries that many individuals within the Armed Forces have concerns about the qualities of the young people coming into the Services today. Changing that attitude is a challenge to senior officers within all three Services.

451. In our predecessor's Report on the *Strategic Defence Review: Policy for People*, published in February 2001, it stated:

Many of the personnel whom we met during our visits, both officers and other ranks, believed that discipline standards had slackened since they joined the Services; and this was a view heard even from people who had joined as recently as five years ago. Some expressed the view that recruits were 'wrapped in cotton wool' these days...⁶⁵³

In the same Report we quoted Professor Christopher Dandeker's view of change of military ethos. He said:

... there are some changes in society to which it is in the interests of the military to conform. There are some changes in society which are not helpful to its ethos and some which are positively unhelpful to the ethos. However, not every social change should necessarily be seen as undermining the ethos of the armed services ... insofar as the younger generation become more questioning, become more self-reliant, become more effective in using new technologies, that is something which the armed services will embrace. Along with that may come a more questioning view of hierarchy and 'why should we be doing this'; which may undermine elements of traditional military ethos, but may actually be used to transform the military ethos in a way which helps the armed services in terms of the issues they face in the 21st century.⁶⁵⁴

⁶⁵³ HC 29-I (2000–2001), para 112

⁶⁵⁴ *Ibid*, para 114

We do not believe that today's recruit population is less suited to the current demands of the Armed Forces than their predecessors.

452. The personnel aspect of the operational capability of the Armed Forces depends on having sufficient manpower, trained for the task and motivated to perform in highly stressful combat situations. The performance of the training organisation is crucial to providing that capability. The training organisations have by and large been efficient at taking civilians through the training process and delivering them to the front-line in large numbers and swiftly. The quality of the training should not be underestimated: the success of the Armed Forces in the numerous operations on which they have been deployed in recent years is testament to it.

453. The Army has been the primary focus of this inquiry. First, because it is the largest Service and the largest training organisation. Second, the Army has had more, and higher profile incidents of duty of care failure over the years than the other Services. Third, the evidence from the outset of this inquiry, based in part on the results of previous reviews and investigations into aspects of duty of care, suggested that the Army had further to go in improving its duty of care regime. The Army is distinct from the other Services. Warfare training in the Army prepares individuals for greater proximity to personal combat than in the Royal Navy and RAF.

454. The Army has made great efforts to change the image and the reality of its training regime. An article on the changes in *Soldier* magazine, in November 2004, said: "Where once (long ago) foul-mouthed bullies held despotic reign over quivering recruits, now instructors are motivators, inspiring their charges to achieve fitness and new skills rather than beasting them into a military mould". That sentence encapsulates both what is wrong and right with the current approach to training. We believe the incidents that we have discussed earlier in relation to bullying would suggest that sometimes "foul-mouthed bullies" still hold "despotic reign over quivering recruits", and yet the desire to produce well-motivated and trained instructors is real, and is having results.

455. MoD state that since 1988 the Army has been subject to significant and various reorganisations and review, such as Options for Change. Much of that reorganisation pre-dates the formation of ATRA. Included within this period is the Army's fundamental review of its training organisation—the Review of the Training Base—that resulted in the formation of the Army Training Regiments and the re-design of phase I and phase 2 training. In its evidence to us MoD argue:

The frequent reviews need to be considered against this background of change and within the context of the day—some 12000 recruits passed through Deepcut between 1995 and 2002, the period over which the four deaths occurred. The death in 1995 was the first such incident for 30 years. Furthermore during this period the Army were heavily committed and were undertaking major operations in a number of theatres including Bosnia, Kosovo, Sierra Leone or providing support to the civil authorities at home, for example in the foot and mouth crisis or fire fighting. At the height of the Kosovo operation in 1999, for example, 44% of the Army were committed to operations, an increase from 36% during the previous year. With hindsight it is always possible to see where more could have been done. But the Army was active in making improvements to the training and care regimes during

the 1995–2002 period. Surrey Police however rightly identified a greater focus to the Army’s efforts to learn and implement lessons from 2002 onwards.⁶⁵⁵

456. Colonel Eccles explained that:

There is the chain of command, the hard core, in the middle and that is where any concerns should go up, but if a person has a worry about the chain of command and is reluctant to complain up the chain of command, which is the best way to do it, there are routes to go round the sides. The empowered officer is one route. If the person is not comfortable about that, there are other agencies outside that, and you have come across the WRVS and other agencies—the doctors, the chaplains—all of which are alternative routes to make their concerns felt. I do not believe there is one single solution but it is an amalgam of different systems which give us our strength and ability to deal with any issues which arise.⁶⁵⁶

457. The Armed Forces argue that they have put into practice the lessons learnt by the various reviews of initial training. We have been told that all but one of the 26 recommendations of the Joint Learning Account are complete.⁶⁵⁷ We acknowledge that much has been done that will be of benefit to recruits, trainees, instructors and the Forces as a whole. Unfortunately it is clear to us that it is not enough for MoD to ‘tick the boxes’ recommended by DOC, Surrey Police and others. What matters is to have a regime that provides the duty of care culture that engenders confidence, both within the recruit population and the public as a whole.

458. 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.

655 Ev 269

656 Q 1341

657 Ev 269. The outstanding issue relates to recruit screening, research into which is ‘in hand’.

Annex A: List of Duty of Care visits

Upavon, Wiltshire and RAF Halton Buckinghamshire (11 May 2004)

RAF Halton, Buckinghamshire (22 June 2004)

RSC Glencorse, Edinburgh (28 June 2004)

ATR Lichfield, Staffordshire (29 June 2004)

HMS Raleigh, Cornwall and CTCRM Lympstone, Devon (5–6 July 2004)

AFC Harrogate and School of Infantry Catterick, North Yorkshire (12–13 July 2004)

RAF Halton, Buckinghamshire (26–27 July 2004)

ATR Lichfield, Staffordshire (31 August to 3 September 2004)

DCL Deepcut and School of Catering, St Omer, Surrey (19 October 2004)

Adult Learning Inspectorate, Coventry (8 November 2004)

HMS Collingwood and HMS Sultan, Hampshire (9 November 2004)

DEF College of CIS Blandford, Dorset and ARMR Centre Bovington (15–16 November 2004)

Armed Forces Chaplaincy Centre, Andover (25 November 2004)

RAF Cosford, Wolverhampton (30 November 2004)

Hendon Police College (14 December 2004)

Surrey Police, Surrey (31 January 2005)

Annex B: Literature Review and Analysis

Executive Summary

This report has been commissioned by the House of Commons Defence Committee as part of its inquiry into the duty of care regimes in initial training establishments in all three services of the armed forces. It is a review of five reports produced by the Ministry of Defence (MoD) in the period between 1995 and 2002 and dealing with duty of care provision in the British Army. Brigadier Evans' report is a review of Phase 2 training and was prompted by two deaths and ten self-harm incidents at the Deepcut Barracks, Royal Logistics Corps (RLC). The Walton Report is a study of suicide in the British Army, and the Hawley Report looks at instances of attempted suicide. The Haes report reviewed duty of care and supervision in the Army Training Recruitment Agency (ATRA) and finally, the Deputy Adjutant General (DAG) opened an investigation into the role of the training structure in the deaths of four soldiers at Deepcut.

This literature review analyses the reports from the point of view of seven issues relating to duty of care: supervision; recruitment and selection; training structure; welfare provisions; information-handling and accountability; access to firearms and guard duties; and dealing with specific issues (bullying, sexual harassment, self-harm and other).

Supervision

The issue of supervision has two aspects: the supervisory ratios and the quality and motivation of supervisors. Most reports recognise that resources have been scarce and that insufficient numbers of supervisory staff can potentially heighten risk in the discharge of duty of care. Although the quality of instructors as soldiers is not in doubt, there are problems in terms of their training for the welfare aspect of their roles and issues concerning the suitability of some instructors for this role.

Recruitment and Selection: Screening and Monitoring

The importance of carefully selecting future soldiers is not lost on the authors of the surveyed reports. The need to screen recruits at the entry phase and to monitor them throughout the training period is crucial to the provision of duty of care in terms of suicide prevention and self-harm. Screening methods were however found to be of dubious effectiveness throughout the period surveyed.

Training Structure

The structure of Initial Training, consisting of basic training (Phase 1) and technical training (Phase 2), has been found to provide a negative environment for duty of care discharge. Phase 2 in particular was found to increase risks to trainees, as it features long periods of inactivity with no structured and meaningful training, programme or supervision and a turbulent environment where firearms are accessible.

Welfare Provisions

Soldiers in Initial training establishments can seek support within the Chain of Command and from voluntary staff. In several cases, a lack of coordination between military and voluntary staff, as well as negative attitudes of some military staff to the welfare aspects of their role have hampered the discharge of duty of care.

Access to Firearms and Guard Duties

The recognition that all four of the Deepcut deaths involved the use of service weapons prompted concerns that the safeguards in place were failing. By extension, the guard-duties setup, whereby trainees are issued with live ammunition and posted as guards, was acknowledged as undermining the duty of care for recruits

and the security of the premises. The MoD reports all recommend the discontinuation of the use of trainees in guard duties.

Information Handling and Accountability

The lack of a uniform system of recording duty of care incidents, and self-harm in particular, is acknowledged as a weakness in the provision and discharge of duty of care and supervision. Recommendations seek to create a more accountable reporting mechanism, which would also help improve the policy of suicide prevention.

Dealing with Particular Issues: Bullying, Sexual Harassment, Suicide Prevention

MoD reports have mostly ignored the issues of bullying and sexual harassment, prompting concern that these and other related problems are not fully recognised.

Introduction

The present report is a literature review of submissions by the MoD and other institutions. Its aim is to review past MoD reports on duty of care as to provide a background to the Duty of Care inquiry conducted by the House of Commons Defence Committee (HCDC). It also reviews a number of submissions made to the HCDC by institutions that deal with individuals of similar characteristics (in terms of age) or in similar circumstances (in terms of stress and work involved) as those likely to be part of the armed forces' Initial training regime. The objective here is to provide an overview of how the MoD has tackled duty of care issues since 1995 and the first Deepcut Barracks deaths and to establish whether the recommendations from the various reports have been implemented. In addition, the report draws upon the submissions from bodies such as the Metropolitan Police, the Health and Safety Executive and the Boarding Schools' Association (BSA) to provide a benchmark for comparisons of practices relating to duty of care.

The report is organised around the issues identified in the literature analysis as the most relevant to the provision of duty of care. Many of these figure prominently in most of the MoD reports and are highlighted for action. Some are also central to the submissions from other bodies. There are seven key areas that have been addressed by either the MoD or institutions dealing with duty of care issues: supervision; recruitment and selection process; training structure; welfare provisions; information-handling and accountability; access to firearms; dealing with some specific issues (bullying; sexual harassment; self-harm and other).

Duty of Care

The MoD definition of duty of care distinguishes between the concept's moral and legal components. The latter, referred to as 'duty of care', is 'the legal duty to take care in a limited number of circumstances [where]... a breach... would lead to successful proceedings for damages'.⁶⁵⁸ Examples include health and safety at work, and the MoD memorandum states that the Courts would use a three-stage incremental test in considering the question of duty of care: a) reasonable foreseeability of injury; b) proximity; c) whether it would be fair, just and reasonable to impose duty. The MoD is keen to point out the difference between the legal and the moral aspect, described below, and advises its staff to avoid using the term 'duty of care' except in cases when a legal duty of care is believed to exist.⁶⁵⁹

The moral component is referred to as 'supervisory care' and is used to describe the MoD's duties as a responsible employer, 'including the provision of an appropriate military, pastoral and welfare regime that goes beyond the mere delivery of military, technical or specialist training and education'.⁶⁶⁰ The supervisory

658 DCI Gen 2006 Annex D, cited in the Haes Report, p.2

659 See DCI 260/00 Duty of Care (U) (Annex D to Haes Report)

660 *Individual Training and Education in the Armed Forces*, Ministry of Defence Policy Paper, no. 6, p. 16-7

care regime is based on the Unit Commander's Risk Assessment and aims 'to provide appropriate levels of support, assistance or advice to trainees throughout the time spent at any training establishment'.⁶⁶¹

As the Haes Report notes, the armed forces are an unusual employer in that their initial training regime features duty of care both for employees (instructors, supervisors etc.) and for trainees. However, for the purpose of the HCDC inquiry into duty of care provision, this report will concentrate on the duty of care to trainees in Initial training establishments (Phase 1 and Phase 2).

The Literature

This report is based on MoD submissions and accompanying documents that relate to duty of care issues since 1995. These are analysed sequentially in separate thematic sections. The report also draws on submissions from organisations that discharge duty of care in situations similar to the armed forces' Initial training regime. However, the following MoD reports form the backbone of the study:

Brigadier Evans' Review⁶⁶²

The *Review of the Phase 2 Training System within Deepcut*, conducted by Brigadier P.A.D Evans, was prompted by the deaths of Pte Cheryl James and Pte Sean Benton and ten self-harm incidents at the Deepcut Barracks. The aim of the review was 'to identify any underlying reasons for the suicides and attempted suicides within Training Regiment and Depot RLC... [and] highlight procedures and working practices which may have a bearing on the attitude and motivation of both soldiers and instructors serving within B Squadron'.⁶⁶³ Brigadier Evans conceded that 'it is possible that the unit regime had, in some way, contributed to the unhappiness of these young soldiers'.⁶⁶⁴

As the Surrey Police report into the deaths at Deepcut points out, the Review indicates that it had not been recognised that 'the risks associated with Army recruit training at Deepcut had potentially systemic properties',⁶⁶⁵ that is to say that they were indicative of wider trend within the armed forces. The review resulted in external recommendations for the Chain of Command and internal recommendations targeting the Training Regiment. The MoD refused to accept the seven external recommendations, as they had not been commissioned by the Chain of Command, and could hence not be adopted. Five of the internal recommendations were sent to the HQ RLC Training Group for action, and 18 to the Training Regiment and Depot RLC. Out of the first five recommendations, the MoD claims to have implemented or acted upon four. All 18 recommendations of the second group were acted upon.⁶⁶⁶

Walton Report⁶⁶⁷

The Walton Report was commissioned by the Director of Personnel Services (Army) in 1996 to look into suicide in the Army. It takes as a sample all Army suicides from 1990-1996 and incorporates work from both military and civilian sources in the UK and elsewhere. The Walton Report undertook a comparative study of existing suicide-prevention methods and tailored the recommendations to the needs of the British Army. The content of the report is narrow, as Suzy Walton deals with only one particular duty of care-related problem (suicide prevention). Thus, other aspects and problems are sidelined, and the report is not a review of duty of care provisions *per se*. It is nonetheless wide in its treatment of the Army as a whole, rather than just the training establishments (the subject of the HCDC inquiry). It also provides significant insights into the work done by the MoD on one of the duty of care-related issues and through its extensive study of suicide-

661 *Ibid*

662 The Review of the Phase 2 Training System within Deepcut, conducted by Brigadier P.A.D Evans

663 Brigadier Evans' review, p. 1

664 *Ibid*, p. 2

665 Surrey Police Final Report, p. 12

666 Letter by the Rt Hon Adam Ingram to the HCDC, Reference D/Min(AF)/AI/1567P&1571P&1572P, 15 June 2004

667 *Suicide in the British Army* by Suzy Walton

prevention policies, it highlights a number of issues relevant to this report. Suicide prevention is a distinct and integral part of duty of care provision and the Walton report approaches issues of supervision, welfare provisions, screening, and information-handling and accountability.

Among its recommendations, the report advocates a more scientific approach to the identification of self-harm cases and future suicide prevention. During the final stages of the research, the Army Suicide Management Working Group (ASMWG) was established to carry forward the results of the work. The report makes ten recommendations, some of which seem to have been implemented (as will be seen below).

Hawley Report⁶⁶⁸

The Hawley report is based on the study conducted by Colonel A. Hawley, a member of the Faculty of Occupational Medicine, on the nature and scope of self-harm incidents in the British Army. The study looks at the 1,620 recorded cases of attempted suicide between 1987 and 1996. The report acknowledges the Army's duty of care as well as the potential effect of 'DofC&S' on operational and combat readiness. It makes four recommendations, one of which – the training of instructors – is also consistently mentioned by the other reports surveyed.

Haes' Report⁶⁶⁹

The Chief of Staff ATRA commissioned a report on DofC&S aimed at providing an objective analysis of duty of care and to assess Op Div capability to deliver legal duty of care and adequate levels of supervision for staff and trainees. The aim of Colonel Haes' paper was to identify areas of risk within ATRA resulting from inadequate DofC&S and to recommend options that would maintain the legal duty of care and a minimum necessary level of supervision. In addition, the report was meant to provide the basis for the Army Welfare Committee discussion of ATRA needs and brief Haes' successors on how to develop and improve the system of ATRA G1 performance.

Haes' report sought to highlight that ATRA duty of care and supervision resources were stretched to breaking-point and that it lacked a coherent or measurable DofC&S policy. Haes stressed the need for a policy to govern priorities and demarcate clear responsibilities for staff. Although Haes did provide ten broad recommendations, each with a number of sub-paragraphs, the report was dismissed by the Chain of Command as an inadequate analysis on the grounds that it failed to provide practical solutions.

Deepcut Investigation – DAG's Final Report

On 13 September 2002, DAG began a supporting military investigation to assist the Surrey Police investigation into the Deepcut deaths. The purpose of the report is to provide the findings and recommendations of the investigation, as well as the lessons learned. Departing in nature from previous reports, it adopted a larger system approach and compared Deepcut with a number of other Army training establishments. The report adopted a risk-management methodology, assuming that the risk of suicide is influenced by a combination of interrelated factors. The report is primarily concerned with these environmental factors.

DAG's Final Report contains six recommendations: the revision of the supervisory ratios; the revision of performance targets; changes to the guarding provisions; changes to the security provisions; the training of instructors and supervisors; and the implementation of the detailed observations of the Joint Learning Account. Notably, many of these recommendations were made in some of the previous reports.

668 *A Study of Attempted Suicide in the Army: 10 Years of Experience 1987 to 1996* by Colonel Hawley

669 ATRA Duty of Care and Supervision (DofC&S) Report 98-01 by Colonel Haes

Other Material Surveyed

Contributions from a number of organisations submitted to the HCDC proved relevant for this report. In particular, the submissions from the Cadets Forces, the Metropolitan Police, the Commission for Social Care Inspection (CSCI), the Youth Justice Board (YJB) and the BSA brought insights into how other institutions dealing with a similar type of population as the armed forces Initial training establishments discharge duty of care.

Two particular organisational approaches merit special attention and should be applied in Initial training establishments. The Cadets Forces seem to have much higher DofC&S standards than the MoD Initial training establishments. Also, the BSA's standards and experience in providing boarding education could be highly useful in the improvement of provisions in the armed forces' training establishments.

Supervision

Supervision has been identified by most of the literature as one of the central issues relating to duty of care. For the purpose of this inquiry, the centrality of supervision is further heightened, as the target group consists of young men and women at the initial stages of their careers in the armed forces. A large proportion of these recruits (40-50% according to the Haes report) are under the age of 18, and hence the armed forces act *in loco parentis*, adding a further dimension to the responsibility of the services for the individuals in their care.⁶⁷⁰ The armed forces receive a group of young people who have to deal with significantly altered lifestyles at one of the most sensitive period of their lives (late teens). For many, the Initial Training Phase 1 will be the first prolonged time away from home, and exposure to a military regime and discipline warrants considerable adjustment. The need for adequate levels and quality of supervision is therefore paramount in enabling a healthy environment and providing the opportunity for the recruits to achieve their full potential.

The surveyed MoD reports all recognise the issues relating to supervision and their impact on the capacity to discharge effective duty of care. It is also something noted by the Surrey Police report and their chronological review of MoD actions and assessments of duty of care provision. However, there seems to have been no meaningful improvement in the quality and ratio of supervision between 1995 and 2002.

Ratios: The Problems of Staff Over-Stretch

As noted above, the ratios of supervisors to trainees have been highlighted as one key problem for the armed forces' ability to discharge duty of care for recruits in Initial Training (Phase 1 and Phase 2). As will be seen in this section, and in the section dealing with the training structure, the problem is more acute in Phase 2 and more pronounced in the Army than in the Royal Navy (RN) and Royal Air Force (RAF) training establishments. It is also worth noting that whereas the problem of ratios is highlighted by the Army reports (Evans, Haes, DAG), it is not really discussed by Walton and Hawley (nor was this issue within their remit).

Brigadier Evans' Review

As a response to the deaths of two soldiers and ten cases of attempted self-harm in Deepcut, the *Review of Phase 2 Training System within Deepcut*, compiled by Brigadier Evans in 1995, had a narrow scope of inquiry, concentrating on only one of the two phases of Initial Training and in only one establishment of the Army Training Regiment (ATR).

Regarding ratios of staff to trainees/recruits, Brigadier Evans notes in his report that 'as a matter of urgency the Regiment should review the instructor to soldier ratio and make recommendations for any increase to the establishment'.⁶⁷¹ In his internal recommendations to the Training Regiment and Depot RLC, Brigadier Evans asks for a review of the instructor-to-soldier ratio and for results and recommendations to be made to the SO2 G2/G3, HQ RLC Training Group.

⁶⁷⁰ Haes Report, p.12

⁶⁷¹ Brigadier Evans Report, p. 6

Brigadier Evans identifies another issue concerning supervisor ratios, namely the proportion of female instruction staff. According to Evans, 'steps must be taken to establish the correct gender balance amongst staff, to reflect more closely the 3 to 1 ratio of male to female trainees'.⁶⁷² He recommends a female quota of at least 20-25% of instructors and one troop commander.

The MoD admitted that due to shortages in manpower, the instructor-to-soldier ratio was not acted upon until some years later. According to the summary of action taken in response to the internal recommendations provided by the MoD, the military manpower remained under pressure and no cover was provided until August 2002, when a 'very small enhancement to Guardroom staff was authorised'.⁶⁷³

Haes Report

The Haes report makes the strongest case for an increase in staff levels. It states that the expectation of military staff to deliver DofC&S is verging on being unrealistic; the burden falls on the same few people and the system is failing because of insufficient troops to task or it is achieved at the expense of staff working time/quality of training/private life... a majority of ATRA permanent staff are working 110% or more above WTR.⁶⁷⁴

Haes also notes that though they constitute the first line of duty of care provision in some units, guardroom resources are being stretched and suffer from significant female understaffing, which is particularly important vulnerability in terms of supervising accommodation. This last point confirms the concerns of Brigadier Evans' 1995 review (see above).

The Haes report argues for a reduction in non-core activities for ATRA along with either a reduction of a through-put of trainees and/or level of training; or, more radically, for ATRA to adopt a more minimalist approach to duty of care and supervision. According to Haes, instructors do not get sufficient contact with trainees, 'an estimated 80% of whom are "grey faces" who pass through ATRA without being known' while the other 20% take up most of ATRA's welfare capacity.⁶⁷⁵ As a result, Haes argues, problems go unnoticed; the report gives several examples,⁶⁷⁶ including that of an under-18 female with a history of alcoholism as well as the example of a suicide case that lay undiscovered for a number of days.

Haes appears particularly worried about the use of Phase 3 trainees to supervise Phase 2 students, especially when under-18s are involved. He states that the former are not qualified for the task and asks for legal advice to be taken on the policy.

Deepcut Investigation – DAG's Final Report

The investigation into the deaths at the Deepcut Barracks, led by the DAG's office, concluded that the level of supervision at Deepcut was completely inadequate. With a supervisory ratio of 1:60 at the time of the deaths, the Deepcut Barracks compared badly to similar establishments, such as Catterick and Larkhill, where the figures were 1:12 and 1:40 respectively. DAG's Report also notes that the quoted supervisory ratio applied only to working hours and when the establishment was fully manned. The out-of-hours figure for Deepcut was close to 1:200 or more. The review concluded that an increment of some 12 officers and 50 NCOs was necessary.

Thus, the first recommendation of the Deepcut Investigation report was for an increase in the supervisory ratio at the barracks to 1:38, while supervisory ratios across ATRA should be reviewed and brought to appropriate levels in line with a clearly defined and endorsed policy for all training establishments. Overall, the Army input into the Learning Account, developed with Surrey Police, states that the policy on supervisory

⁶⁷² *Ibid.*, p. 9

⁶⁷³ Annex A-3 to the Letter by The Rt Hon. Adam Ingram D/Min(AF)/AI/1567P&1571P&1572P, 15 June 2004

⁶⁷⁴ Haes Report, p. 4

⁶⁷⁵ *Ibid.*

⁶⁷⁶ *Ibid.*, p. 13

ratios should be overarching and take into account factors such as the scale, nature and duration of training; trainee quality; cohort cohesion; gender ratios; accommodation architecture and site-specific issues. As a matter of urgency, sufficient supervisory manpower for out-of-hours periods should be provided.

Other Institutions' Experience and Standards

Although it is clear that the armed forces are fully aware of the risk associated with sub-standard supervisory ratios and though the problem is one of resource rather than attitude (to the contrary, evidence suggests that most trainers often try hard despite lacking in resources), it is still useful to look at how other institutions have approached the issue.

The submissions from the Sea Cadet Corps (SCC) and the Air Cadet Organisation (ACO) do not deal with the ratio of adult supervisors for the cadets, although they do show comprehensive steps to ensure the protection of all cadets, especially those under the age of 18. HM Inspector of Prisons found that on the MoD site they were inspecting, the level of supervision appeared to be much greater than that found by Surrey Police in Deepcut Barracks, implying higher ratios than those listed in the Evans, Haes and DAG reviews. The Metropolitan Police recommends that the ratio of instructor to students during the physical part of its Officer Safety Training should be 1:8, although for other parts of the curriculum, ratios could vary and are dependent on specific factors, including the experience of staff and trainees, space and environment.⁶⁷⁷

The Boarding Schools Association's (BSA) 'Good Practice in Boarding Schools' offers the most comprehensive recommendations and assessment of staff needs. MoD's training establishments, especially those with a high proportion of under-18s, could learn much from the practice of boarding schools.⁶⁷⁸ The core National Boarding Standard is that 'staff supervising boarders outside teaching time should be sufficient in number and deployment for the age, number and needs of boarders, and the locations and activities involved'.⁶⁷⁹ It is obvious here that an effort is necessary to meet a similar standard within the Initial training establishments, especially since out-of-hours supervision has been identified as a particular problem.

Quality and Motivation:

This section deals with the training and selection of instructors and their motivation to perform their job. It questions whether the instructors have been properly inducted and equipped to deal with welfare issues as well as duty of care in general. Supervisors need to be equipped for their roles and able to act as first in line in terms of welfare provision, but they must also be selected on the basis of their suitability and motivation for the welfare role. This in turn will have a positive effect on both the quality and satisfaction of soldiers, the operational readiness and quality of the British Armed Forces as well as the ability to discharge the duty of care and supervision.

Brigadier Evans' Review

Brigadier Evans devotes great attention to the issue of recruit management and welfare. Central to both is the capacity of instructors to deal with their supervisory duties and overall, Evans notes the need for the instructors to see themselves as the first link in the welfare chain. Evans admits that the instructors are not always aware of the welfare aspect of their jobs. Hence, Evans argues that because 'the demands placed on the military staff in B Squadron require not only instructional ability but a keen awareness of welfare and counselling... welfare training for the Squadron staff must be introduced'.⁶⁸⁰ In addition, the review recognises the need for suitable people for the role and clearly expresses the need to improve the selection of instructors.

⁶⁷⁷ Ev 438ff

⁶⁷⁸ *Ibid.*

⁶⁷⁹ *Ibid.*, p. 263

⁶⁸⁰ Brigadier Evans Report, p. 9

In terms of training, Evans suggests that instructors attend relevant training prior to taking their appointments, including the roles of other elements of the welfare provision (see section below) such as the Medical Officer, the Padre or Women Royal Volunteer Service (WRVS). Noting that instructors are expected to undertake their duties without appropriate introduction to the unit, Evans recommends the introduction of an induction course for instructors as a matter of priority. Among the internal recommendations to the Training Regiment and Depot RLC, Evans includes the need to review existing induction procedures for newly arrived instructors, make recommendations regarding the content of the induction course to the Training Executive and review the procedures for the selection of instructors.

Responding to the Evans review, the MoD claimed that all newly arrived permanent staff were given a one-week induction course before working with recruits, and that this training was intensified for those staff who had close daily contact with recruits. Regarding the selection of instructors, the MoD stated that the system was being continuously improved and that increased liaison visits by COs to monitor the filling of instructor posts were taking place..

Hawley Report

Although Colonel Hawley's study into suicide attempts in the British Army between 1987 and 1996 deals specifically with self-harm incidents, it nevertheless recognises the importance of supervision in terms of the Army's duty of care and the role that instructors and supervisors can play in identifying the individuals at risk. Hence, one of Hawley's recommendations is to train Commanding Officers in identifying individuals at risk. Like Brigadier Evans, Hawley emphasises the continuous need for officers and NCOs to monitor recruits.

Haes Report

Although the Haes Report insists on the problem of manpower shortage in the discharge of duty of care and supervision, it does highlight some problems regarding staff training and motivation. Haes acknowledges that the selection of instructors in Phase 2 training is not based on their ability to provide suitable DoFC&S, and that there is a need to train ATRA instructors and supervisors to cope with the legalities and practicalities of delivering duty of care. In specific, Haes recommends that a Commanders' Guide on how to deal with self-harm be issued to all ATRA supervisors.⁶⁸¹

Deepcut Investigation – DAG's Final Report

Whereas the investigation report emphasises supervisory ratios and the conditions that might lead to suicide at Deepcut (stimulation, means), it downplays the problem of staff quality and motivation. According to the report, 'the training, supervisory and welfare staff are well led and motivated, despite the magnitude of the challenges that are beyond their power to resolve... they make every effort to counter the adverse factors described [in the report] but an established military staff:trainee ratio of 1:60 is a pervasive handicap on their effectiveness'.⁶⁸² With this comparatively upbeat assessment, the report claims that the Army's policies in terms of welfare provision matched all reasonable benchmarks of quality: the 'only area of concern identified was the quality of induction training to instructional staff in ATRA Phase 2 training establishments, which is now being addressed'.⁶⁸³ The report recommends that a common induction training package for ATRA Phase 2 instructors and supervisors be implemented in order to raise standards towards those prevailing in Phase 1. Hence, it seems that despite being noted as a problem in 1995 by Brigadier Evans, the induction for instructors remains an issue for the ATRA.

In terms of lessons learned, the report's input in the Joint Learning Account states that supervisory staff should receive training to ensure that they can better detect signs of possible self-harm or suicidal intent.

681 Haes Report, p. 16

682 Deepcut Investigation - DAG's Final Report, p. 10

683 *Ibid.*, p. 11

Other Institutions' Experience and Standards

The quality and motivation of the supervisory staff are particularly important aspects in terms of the provision of duty of care. The experience of other organisations in meeting this challenge can be insightful.

Particularly interesting is the experience of the Cadet organisations. These are voluntary, community-based organisations promoting personal and social development of young people.⁶⁸⁴ They are sponsored by the MoD and emphasise that they follow the same safety procedures as their parent services. The MoD states that regulations are developed through benchmarking against other youth organisations and, where possible, against the best practices of the Department for Education and Skills (DfES) and Local Education Authorities (LEAs). Regarding supervision, the Air Cadets Organization (ACO) maintains that its primary responsibility is to discharge its duty of care to cadets by 'ensuring that unsuitable adults are not placed in charge of them'.⁶⁸⁵ Among the particular steps, the ACO sites the vetting of all adults, the imposition of a probationary period, suitable formal instruction, training and information on duty of care provision, and the issuing of regular repeat orders drawing attention to duty of care issues. Similarly the SCC seeks to protect its cadets through the careful selection and appropriate training of supervisors.⁶⁸⁶

The CSCI National Minimum Standards for welfare provision in Further Education Colleges states that all staff with responsibilities for supervision or provision of welfare for under-18s are expected to have relevant qualifications or experience, clear job descriptions, induction training, continuing training opportunities, and a regular review of their supervisory and welfare practice. The CSCI calls for the production of a staff handbook with details of practice in supervising residential students and safeguarding their welfare (including child protection, countering bullying, use of sanctions etc.).⁶⁸⁷ Another institution, the Interactive College, states that its staff attends several inductions outlining their special responsibilities with under-18 students, and that all staff must be familiar with procedures and policies.

Finally, the submission by the BSA illustrates how properly qualified, vetted, trained and motivated staff can minimise risks relating to duty of care provision.⁶⁸⁸ Among the recommended procedures are criminal records checks, identity checks, references, a personal interview, and a verification of qualifications. The BSA also maintains that its schools are committed to the professional development of its members of staff in all aspects of boarding-school education and provide 'opportunities for in-service education in pastoral care, counselling and other aspects of boarding life'. A similar practice would be beneficial to trainers/instructors and supervisors in the armed forces, especially those dealing with under-18s.

Recruitment and Selection Process: the Need for Screening

Since the armed forces are a voluntary organisation, the recruitment and selection process is perceived as a particularly important stage in the process of maintaining combat readiness. It is also the point at which the armed forces should be able to assess the potential of future soldiers. With regard to the problem of duty of care, the recruitment and selection process has been seen in light of its potential to improve the screening of recruits. Meanwhile, the provision of information prior to trainee induction remains crucial in increasing the quality of the training, as it provides potential recruits with an early chance to gauge their suitability for the programme. As none of the material surveyed dealt with the provision of information to potential recruits, the matter will not be included in this report. However, it is worth noting that other institutions, such as the Metropolitan Police, have a scheme for providing information to recruits in the pre-joining period and a 'Marketplace' programme that provides trainee officers with career options and an opportunity to discuss possibilities and choices.⁶⁸⁹ It is not clear from the material reviewed here to what extent the armed forces offer such opportunities.

684 MoD letter, D/Parliamentary/21/47, 5 July 2004

685 Ev 472ff

686 The Sea Cadets Corps, 'Protecting our Children', Child Protection ASCR 24

687 Ev 479ff

688 See Dr Roger Morgan, *Safer Staff Recruitment*, Boarding Briefing Paper, no. 1, The Boarding Schools Association

689 Ev 438ff

Screening

Most of the reports surveyed seem to agree that some sort of screening process should be implemented in order to reduce wastage and disruption, improve the quality of the trainees and reduce the risk of self-harm or other duty of care-related problems. There is no evidence that improvements recommended by the various reports have been implemented.

Brigadier Evans' Review

In the summary of his report, Brigadier Evans concludes that the soldiers that attempted suicide should not have been allowed to graduate from Phase 1 and that they did so 'casts a doubt on the effectiveness of screening methods'.⁶⁹⁰ Brigadier Evans' review notes the instructors' belief that an increasing number of Phase 1 graduates seem poorly motivated, unwilling to respond to discipline and determined to be disruptive. More importantly, the report states that 'medical and psychological difficulties must be identified during the enlistment process... screening would help to ensure that soldiers with a prior record of attempted suicide, never enter training'.⁶⁹¹ The report calls for direct contact with a recruit's GP in order to obtain medical records. Evans also notes that the responsibility does not end with enlistment, and that even without any diagnosed psychiatric condition, military judgement must be exercised as to determine a recruit's suitability for continue training.

The external recommendations call for a review of the screening procedures prior to enlistment as to minimise the number of unsuitable recruits entering training and a review of the assessment procedures within ATRs to ensure that soldiers are not only physically fit but also mentally and psychologically capable of coping with the rigours of Army life. As both recommendations were made to the Chain of Command, they were not implemented because, as Minister Adam Ingram explained, they had not been commissioned by the Chain of Command.

Walton Report

Though aimed at suicide prevention in particular, Dr Walton's study has some useful recommendations and observations regarding screening. It suggests the adoption of a psychological autopsy technique: a retrospective investigation by a qualified professional to learn more about the nature and causes of suicide. According to Dr Walton, the technique can be particularly useful in closed communities since it can generate valuable information about organisational processes and structures that may accentuate or attenuate a suicidal tendency.⁶⁹²

The Walton report also advocates the 'tagging' of vulnerable soldiers through the Suicide Vulnerability Questionnaire developed in her study (Part 3 and 4). This system would alert the commanding officer of a new unit to the vulnerability of a soldier. Walton recognises the need to establish a system by which such tagging could be removed once the soldier is no longer considered at risk.

Hawley Report

The Hawley report demonstrates that self-injury rates in the British Army are lower than in civilian life, and attributes this partly to the medical, educational and societal selection criteria. According to Hawley, the preferred method of dealing with suicides and para-suicides (attempted suicides)⁶⁹³ 'is to select appropriate individuals at the outset'⁶⁹⁴ a claim he backs up with examples of low para-suicide rates among Royal engineers, the Royal Electrical and Mechanical Engineers and the Gurkhas. Among its recommendations,

690 Brigadier Evans Report, p. 8

691 *Ibid.*

692 Walton Report (Part 5), p. 7

693 Hawley defines para-suicide as 'a non-fatal act in which an individual deliberately causes self injury or ingests a substance in excess of any prescribed or generally recognized therapeutic dose', p. 12-13

694 Hawley Report, p. 2

Colonel Hawley's study emphasises the need for a review of the selection criteria for entry into the Army in order to help select individuals appropriately. There is however no evidence that this has been implemented.

Deepcut Investigation – DAG's Final Report

In terms of screening, DAG's investigation concludes that the inbuilt turbulence and unpredictability of Phase 2 training led to increased vulnerability among trainees. The risks are concentrated amongst the weaker and less competent, and especially among those with underlying problems, which may be exacerbated in such a psychological environment. However, the staff ratios make screening and monitoring during training very difficult. Hence, DAG's Report concludes that trainees judged to be vulnerable and at risk on psychiatric grounds should be identified, subjected to close supervision, and, if appropriate, excluded from all armed duties.

DAG's Report concedes that the selection process is unable to identify all risk categories and that, as a result, more research should be conducted in terms of AMD and Human Factor. Interestingly, it does not mention the need to improve screening at the enlistment stage.

Other Institutions' Experience and Standards

In terms of screening, most institutions agree that it is a process that continues throughout a student's/trainee's/individual's time with the organisation. Organisations like the Cadets do not have their trainees in care for long enough for this aspect to be particularly relevant. However, organisations such as the YJB and the BSA have interesting insights to share.

The YJB states that among the key standards in terms of duty of care provision, screening and assessment of young people coming into its care are crucial in reducing risk, especially in terms of self-harm and suicide prevention. It recommends that children and young people entering youth justice systems should be assessed for mental-health needs and substance abuse in order to determine whether there is a risk of the person committing serious harm to him/herself or others. The assessment information should be received by the establishments on reception of the young person. The YJB recommends that procedures to identify and manage those at risk of self-harm and suicide should exist in all establishments and that they should be 'regularly monitored, reviewed and updated'.⁶⁹⁵

The YJB approach can be particularly useful for the Initial training establishments. Initial screening would help remove those at risk from training at an early stage, while the transfer of results between institutions (from Phase 1 to Phase 2) would allow welfare workers, supervisors and instructors to follow trainees and be aware of any worrying medical history.

The BSA provides further insights into the screening of staff, dealt with in the previous section. As mentioned, the BSA insists on a high standard of checks to be performed on potential staff, and the armed forces should consider more stringent screening, especially of the staff put in charge of under-18s.

Training Structure

According to the MoD, initial training in the armed forces focuses on providing the core single-Service competencies to give recruits a sense of their Service's ethos and the confidence to function in the operational environment. Initial Training is structured in two phases. Phase 1 Training is delivered on a single-Service basis and is aimed at equipping the recruit with basic military skills and immersing him/her into the single-Service ethos required by all personnel. Phase 1 lasts on average 12 weeks, during which time the transition from civilian to service life is achieved. Phase 2 usually follows directly from Phase 1 and varies in time from a few weeks to over a year for highly technical training. In Phase 2, recruits receive initial specialist training, giving them the skills for their first employment.

It is widely recognised that the most pronounced problems in the discharge of duty of care and supervision occur during Phase 2. Recruits are at this point under less supervision and tend to have more free time. The nature of the trade-training courses that some of the trainees have to take results in recurring waiting periods, leaving sometimes long intervals of inactivity, leading to skill fade and boredom.

This section looks at how the MoD reviews assessed the impact of the training structure itself on the ability to fulfil the obligations of duty of care. The Evans review focuses most heavily on the training structure. The Walton, Hawley and Haes reports do not deal with it in a separate capacity and are not reviewed in this section. In addition, this section deals with the particular structure of training in the armed forces, an area where other institutions have little to contribute. The usual section on other institutions has therefore been omitted.

Brigadier Evans' Report

The Evans review concentrates on Phase 2 training, although some observations are also made regarding Phase 1. Overall, Evans notes the impression that soldiers B Squadron are poorly informed on the content and development of their specialist training and frustrated by the lack of programmed training and the overuse of fitness training. Trainees also complained of skill fade during the trade training, especially regarding weapons handling. The report acknowledges that the time spent in the barracks during Phase 2 in between postings or awaiting trade training can sometimes be long and calls for the provision of a progressive and imaginative training programme. It also acknowledges the need to provide trainees with meaningful and progressive training. Both of these issues are dealt with in the recommendations, where Evans calls for the introduction of a system that minimises time spent with the RLC Training Group. According to the MoD, the review of the programme was conducted and a new programme of sending recruits off to field units if they are likely to be awaiting training for longer than two weeks has been put in place. Similarly, the MoD states that low-level ad hoc military training was introduced on a 'as time and resources permit basis' to counter boredom and skill-fade complaints.

Brigadier Evans' review regrets the lack of opportunity during Phase 2 for trainees to develop unit identity in 'stark contrast to the tightly knit fraternity of basic training'.⁶⁹⁶ The report goes on to note that the trainees arriving at a Phase 2 establishment have greater personal freedom than in Phase 1 and less group identity but 'all too often, insufficient self-discipline to stay out of trouble'.⁶⁹⁷

There is a recognition that the uneven output of recruits from Phase 1 creates some problems for course scheduling in Phase 2. The report laments the inability to distribute evenly the outputs of soldiers from Phase 1, as this would enable better planning of courses (such the driver training) and would facilitate the organisation of worthwhile activities for trainees during training gaps.

In his recommendations, Brigadier Evans calls for a reconsideration of recruiting procedures in order to even out the distribution of recruits as far as possible.

The report recommends the review of the programme of Phase 2 training courses against the output at ATR Pirbright and a reduction of the gap between the completion of the Induction Course and the commencement of Phase 2 training. There seems to have been no real improvement in dealing with this issue.

Deepcut Investigation – DAG's Final Report

In terms of the training structure, DAG's Report makes it clear that the scale and complexity of the task faced by the Defence Logistics Support Training Group (DLSTG) is at or beyond the limits of feasibility.⁶⁹⁸ The pressure from manpower shortages, the complexity and size of the training operation as well as the input of trainees from Phase 1 make the task extremely difficult.

⁶⁹⁶ Brigadier Evans Report, p. 6

⁶⁹⁷ *Ibid.*

⁶⁹⁸ Deepcut Investigation – DAG's Final Report, p. 9

DAG's investigation found that soldiers awaiting trade training (SATT) were a particular problem in the training organisation. The report found that in the absence of coherent and credible training activities, soldiers become bored, de-motivated and increasingly prone to indiscipline as time passes. Such a psychological environment increases the stress of weaker individuals, who had previously been well supported by the tightly structured basic training.⁶⁹⁹

It also recognises the turbulence of the Phase 2 training where recruits might change three or four bed spaces with different people and are effectively denied the stability of private space. Although DAG's Report states that this is normal in combat situations, it does concede that it is unnecessary and destabilising in the context of basic training, which should aim at reducing the strain of transition from civilian to military life.

What is evident from these findings is the fact that problems identified by Brigadier Evans in his review remain central issues in DAG's investigation seven years later. The problem of a lack of coordination between the output of Phase 1 and the training schedules in Phase 2 seems to be causing concern but no solution was proposed by DAG's Report.

Welfare Provisions

It has already been noted that recruits and trainees have particular needs when adjusting to military life. Apart from being away from home and adapting to a new and specific way of life, some of the trainees are under 18, adding an extra dimension to the duty of care regime. Hence, a crucial part of the armed forces' duty of care provision is the welfare support and counselling that they offer to recruits. It has been noted in the section dealing with supervision that some reports found that the instructors were not qualified, and hence less able to deal effectively with trainees at risk or provide the initial level of support. In addition, a number of surveyed reports have noted deficiencies in the provision of welfare support and some of them offer recommendations in order to improve that situation. This section outlines the findings of those reports and looks at the recommendations and improvements that they have highlighted.

Brigadier Evans' Review

A considerable section of Evans' review deals with the provision of welfare support within the ATR. Accordingly, a large number of his recommendations centre on improvements to the provision of welfare-related services. The report notes the existence of a number of welfare and counselling institutions available to the trainees. The Padre, a WRVS representative and the Medical officer (able to refer patients to a Community Psychiatric Nurse and Consultant Psychiatrist) were all accessible, but there was no officer in the Regiment dedicated to the welfare of soldiers under training, where the responsibility follows the normal sub-unit chains of command Evans therefore recommends the creation of such an officer post.

Brigadier Evans states that his investigation revealed a 'lack of awareness amongst some staff, particularly JNCOs and SNCOs, of the role of the welfare agencies and concerns amongst others, the welfare professionals, that they are not sufficiently involved in the management of soldiers'.⁷⁰⁰ In addition, Evans notes the potential for much closer liaison between instructors and the welfare staff. The report found that instructors were often perceived to 'treat welfare support as an unnecessary irritation' and he recommends that instructor courses stress the need for a maximum use of all welfare provision within the barracks. It also noted the support among the Padre, Medical Officers and WRVS representatives for more regular meetings between them and the instructors to discuss individual cases. In his recommendations, Brigadier Evans calls for the development of existing Phase 2 management procedures to involve the military welfare agencies more often and increase the awareness of the role amongst military staff. In addition, the report recommends the establishment of a welfare group comprising all interested agencies, which would meet regularly, review welfare cases and coordinate support.

699 *Ibid.*

700 Brigadier Evans Report, p. 3

Recognising that unqualified instructors are often expected to provide welfare support, the Evans review recommends that the instructors attend appropriate courses (see the section on supervision) prior to taking their appointments. The review highlights the need for instructors to see themselves as first in line in the welfare chain and recommends reviewing the welfare training for instructors.

As one possible way of improving welfare provision, Brigadier Evans' report recommends examining the feasibility of making information on and the services of local civilian welfare services available to soldiers.

The lack of information available to soldiers regarding available support was also identified as a potential issue, and the report recommends that the Soldiers Induction Course programme be used to rectify the problem. The report also recommends the establishment of a single focus for the welfare of all soldiers undergoing training.

In response to the recommendations, the MoD stated that a major review was undertaken and more extensive use of WRVS and Padres made possible. In addition, posters with details of confidential help-lines were more clearly displayed in the barracks. In 1996, an Induction Training week was introduced for all arriving soldiers, where they were made aware of the Padres and WRVS facilities available to them. In response to the need for a focal point, the Regiment established the Unit Welfare Officer post.

Walton Report

The study by Dr Walton into suicide in the British Army provides an interesting and very detailed account of welfare provisions available to recruits. Overall, the Walton Report concludes that there is a good availability of staff, both military and voluntary, with whom to share problems. Dealing with the particular case of suicide, it acknowledges that all soldiers have access to psychiatric assessment as well as to a whole range of chain of command and other welfare support provisions. It is, however, the particular recommendations for a more effective system of suicide prevention that is the most central and interesting issue of the Walton Report. It is taken here that suicide prevention is a distinct and important part of the welfare system within the armed forces, one that relies on different techniques as well as the military and voluntary support staff and services.

In terms of recommendations for welfare provisions, Dr Walton suggests that the Suicide Prevention Aide-Memoir developed by the Army personnel, should continue to be distributed and 'trained in' through briefings. The aide-memoir should be checked annually and revised if necessary.

Dr Walton commends the work of the Confidential Support Line, which offers immediate telephone access to trained counsellors for soldiers in the UK, Germany and Cyprus. The report recommends that staff manning the help-line should be retrained after every year of operation in order to avoid complacency and updated on the current status of problems such as suicide.

Dr Walton further recommends that the Chaplains Character Building talks include materials specifically dealing with suicide prevention.

Hawley Report

The Hawley report makes no recommendations for the provision of welfare support other than to emphasise the aforementioned need for officers and NCOs to monitor soldiers continuously as part of a suicide-prevention strategy.

Haes Report

The Haes report makes a number of recommendations for the improvement of the welfare provisions. Overall, Haes supports the conclusion that 'welfare delivery in the Army is currently ill defined, fragmented in delivery... and delivered in a decidedly ad hoc fashion'.⁷⁰¹ His main suggestion to enhance the provision of

701 Haes Report, p. 12

welfare includes the development of a system of monitoring and assessment by creating a DofC&S risk-assessment committee at HQ ATRA and formalising the DofC&S working group, which would meet bi-annually to look at causes, effect and outcomes. The working group would produce an annual risk assessment with recommendations.

Haes also recommends the creation in each Op Div of a welfare forum including the CO Support Regiment, Padre, WRVS, AWO, SMO, UWO and DoC&S working-group representative. The welfare forums would feed the ATRA working group. In addition, Haes recommends that each Op Div has a welfare centre of excellence and an alcohol-free leisure environment involving church charity groups and with personnel of relevant expertise present.

Finally, Haes recommends a better use of the Padre network, including the issuing of mobile phones or pagers so as to improve accessibility. The material surveyed does not offer any evidence of change in this respect.

Deepcut Investigation – DAG’s Final Report

DAG’s report on the investigation does not mention welfare-support provision other than to say (as has been mentioned above) that all staff, including instructors, supervisors and welfare staff, are highly skilled and motivated, but face pressure from lack of resources and imbalanced supervisory ratios. The lessons learned recognise the importance both of the sub-unit chain of command and of information received from trainees on the psychological state of their peers judged to be at risk.

In the Annex to the report (the Joint Learning Account input) however, several entries cover duty of care discharge and welfare provisions. In terms of support to bereaved families, the DAG Report seems to have taken into account the complaints from the families of soldiers that have died at Deepcut. The Annex calls for policies on how to deal with families in the immediate and long term to be reviewed and redrafted. It also recommends that the requirement for additional training of CVOs be examined including family access to information, and recognises that immediately following a death, the Army needs to engage with the family at an appropriate level as to express sympathy and condolences without admitting any form of legal liability.

The recognition that insensitive handling of the victim’s belongings have led to increased suffering for families prompted the recommendation to review disposal procedures for military equipment and packaging instructions for personal effects.

Other Institutions’ Experience and Standards

Welfare provisions form an important part of most of the submissions and the experiences highlighted could prove useful in setting standards within the armed forces’ Initial training establishments. The standards of the Boarding School Association (BSA) are extremely comprehensive and deal with all sorts of welfare issues and the provision of support to students.⁷⁰² It is obvious that the BSA places heavy emphasis on meeting standards such as the Children Act of 1989⁷⁰³ and the National Boarding Standards.⁷⁰⁴ Although a number of standards could be a good basis for change in some of the Initial training practices, it is also important to recognise that individuals in BSA care are different and in different circumstances than Army recruits.

The BSA submission devotes considerable space to issues relating to pastoral care and discusses the recognition of symptoms of problems such as eating disorders, alcohol and substance abuse, a change to family circumstances, sexual abuse, pregnancy or self-harm. The BSA states that ‘effective pastoral care is delivered through an effective web of human relationships which exist around a pupil to support him/her and which are built up with him/her directly’.⁷⁰⁵ In an article relating to the management of pastoral issues, the role of the housemistress/master is recognised as being distant from the students, which further underlines the

702 See <http://www.boarding.org.uk>

703 See Tim Holgate, ed. (2001) *Good Practice in Boarding Schools* Boarding Schools Association, ch. 3

704 *Ibid.*, pp. 243-82

705 *Ibid.*, p. 185

importance of and reliance on staff. The BSA emphasises the positive impact of ‘building an atmosphere of trust and a sense that the care given is unconditional’.⁷⁰⁶ It underlines the need to listen and support those pupils with problems in order to help them thrive.⁷⁰⁷

It is worth noting that the Metropolitan Police is in the process of setting up its ‘Welfare Information and Guidance Unit’ (also known as the ‘Pastoral Care Unit’, although the name is under review as it is felt that Pastoral had Christian connotations). The Metropolitan Police’s current Student Officer Care and Support relies on instructional staff (as first line managers with responsibility for study support, welfare, discipline, sickness and personal issues, and acting in liaison with support units and other advice providers) and on intake managers, who refer matters of welfare and discipline to the Head of Foundation Training (the Chief Inspector or Head of Recruit and Probationer Training (Superintendent)). Officers undergoing weapons training have access to an instructor-mentor and the duty officer is available after hours to discuss welfare issues.

Information-Handling and Accountability

The investigations into the Deepcut deaths highlighted problems with the approach of the armed forces and the MoD in recording incidences relating to duty of care provisions. Throughout the period surveyed, a mechanism for recording incidents of self-harm or bullying appeared to be missing, with no system in place for how the reported information gets handled within the immediate chain of command. This has led to problems in conducting investigations as well as recording patterns of behaviour and monitoring trainees.

In terms of accountability, it is obvious that the issue relating to responsibility over the provision of duty of care needs to be clarified. A number of reports have called for responsibility to remain with the Chain of Command, although the Haes report in particular seemed very concerned with the lack of clarity in defining legal duties for Commanders and others involved in the provision of duty of care and supervision.

Brigadier Evans’ Report

The Evans review pays scant attention to the problem of information-handling when recording instances of self-harm or other duty of care issues. In the first part of the report, Brigadier Evans suggests that it would be useful to examine the records of other Phase 2 training organisations in order to put the Deepcut Barracks incidents into context. He does however note that statistics should be viewed with reservation, as ‘not all units appear to report such events, especially where they consider there was no serious threat to life’.⁷⁰⁸ The report suggests that ‘Land Command instruction should be clarified to ensure uniform reporting across the Army; if only to highlight incidence of bullying’⁷⁰⁹ as that there is an ‘inconsistency within Land Command in the reporting of attempted suicides or self-harm incidents’.⁷¹⁰

The recording of minor punishments was also identified as an area where improvements could be made. Brigadier Evans states that ‘instructors should record the award of a minor punishment within a register kept by the Squadron’, and that such punishments should be administered with discretion.⁷¹¹ A recording system would have helped trace potential bullying incidents or at least imposed a degree of accountability on the instructors, thus improving the system of duty of care provisions. According to the MoD, such a system is in place and records are kept within Squadrons. The question remains whether and how all instances are recorded, a matter that deserves further clarification.

⁷⁰⁶ *Ibid.*, p. 186

⁷⁰⁷ *Ibid.*, p. 69

⁷⁰⁸ Brigadier Evans Report, p. 2

⁷⁰⁹ *Ibid.*

⁷¹⁰ *Ibid.*, p. 8

⁷¹¹ *Ibid.*, p. 5

One of the external recommendations of the report is for Land Command to revise instructions on reporting suicide attempts in order to ensure uniform reporting standards. This recommendation, along with the other external recommendations, was not implemented by the Chain of Command.

Walton Report

Although the Walton Report concentrates on the particular issue of suicide prevention (discussed below in the final section), it has also made a number of important observations and recommendations that could benefit the organisation as a whole and the Training Regiment in particular.

The study conducted by Dr Walton recommends measures aimed at improving the collection and handling of information as to strengthen the suicide-prevention regime. It also gives a clear recommendation on where responsibility for suicide prevention should reside. The Walton report's first recommendation is that the 'focus for suicide prevention should remain a Command responsibility with professionals such as Chaplains or MOs/Psychiatrists under remit to deliver particular prevention or management packages'.⁷¹²

It is however the recommendation and findings regarding the collection, gathering and storing of information that are the most interesting. Dr Walton suggests that collation of data relating to all prevention or management packages should be undertaken by the DPS(Army). She goes on to advocate the use of the ISI death data management system developed by Human Sciences (Army) in order to facilitate the data-collection on suicide trends across the whole Army, and hence improve prevention measures. Her report stresses the importance of a uniform system of data-collection and data-management for the establishment of an effective prevention of self-harm policy.

Finally, Dr Walton raises the idea of 'tagging' soldiers at risk by including their Suicide Vulnerability Questionnaire (SVQ) scores in their personal notes, which follow him/her on any unit move or training course. Such tagging should be discontinued when the soldier in question is no longer considered at risk.

If implemented, this final recommendation in particular might go some way towards alleviating the above problems of training structure and the passage between Phase 1 and Phase 2. It may also increase the ability of Phase 2 instructors to care for all trainees, not just those who appeal for help. If managed properly and applied as detailed by Dr Walton, the 'tagging system could significantly improve the ability of supervisors to monitor recruits at risk'.

Hawley Report

The Hawley report does not devote much space to the problems dealt with in this section. It does however note that the manner in which data was collected and recorded made data-interpretation problematic.⁷¹³ Similarly, Hawley complains about the quality of the hospital notes (his primary data) and states that it was difficult to make meaningful sense of much of the data. Hence, data-collection and handling seem to have been a recurring problem.

Haes Report

Haes' report identifies some problems relating to accountability and information-handling. It calls for a greater clarity in the MoD definition of duty of care in armed forces by better delineating the gap between the legal duty (duty of care) and the moral obligation (supervision). This recommendation is in line with the overwhelming scepticism in the report regarding the quality of DofC&S provision.

In terms of information-handling, Haes recommends changing the system of recording trainee discipline so that only Regimental entries are carried forward to the Field Army on posting. In addition, Haes notes that medical reports were incomplete.

⁷¹² Walton Report, p. 31

⁷¹³ Hawley Report, p. 36

Deepcut Investigation – DAG’s Final Report

Although the report itself does not deal with the handling of information, Annex A to the report (Joint Learning Account, Army Input) recommends means of facilitating the conduct of investigations. These recommendations are a direct consequence of the problems faced by the soldiers’ families and the Surrey Police in establishing the events surrounding the Deepcut deaths as well as the deficiencies of the records regarding guard duties and access to weapons (dealt with in the next section).

The first recommendation calls on the unit in which a serious incident occurs to establish a list of potential witnesses and to track subsequent postings and locations. A further recommendation calls for all information-handling and processing, including media relations, to be dealt with by a single lead HQ, which should be established at the onset of an investigation. This should lead to the issuing of more precise information.

As access to firearms has been identified as a potential risk, the report recommends that an officer or NCO be present and record all weapons handed over between trainees. In addition, NCOs should also record the transfer of guard duties. These measures, if implemented, would reduce risk and facilitate any subsequent investigation into incidents by providing a detailed record.

Finally, in terms of responsibilities, the Army input states that Police investigating officers must take control and give clear allocation of tasks to RMP/SIB acting in support.

Other Institutions’ Experience and Standards

The submission from the Health and Safety Executive is in the context of information-handling particularly noteworthy given the MoD’s failure to implement a uniform policy of recording incidents. In light of the problems encountered by the Surrey Police investigation, it is worth considering changing the practice under which members of the armed forces on duty are exempt from The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) do not apply to members of the armed forces on duty. RIDDOR require employers to report accidents at work that result in death, major injury or incapacity for normal work for three or more days. Imposing that requirement on training establishments would help boost uniform and consistent reporting policy and improve DoFC&S provisions.

The practice of Student Officer Care and Support, implemented by the Metropolitan Police, places accountability for student officers on instructional staff (as first line managers with responsibility for study support, welfare, discipline, sickness and personal issues, and acting in a liaison with support units and other advice providers) and on intake managers, who are responsible for the management of all staff and student officers within their own intake.

The BSA submission contains an interesting section on *confidentiality* and deals with the handling of information in difficult situations (see section on welfare provision).⁷¹⁴ The standards employed by the BSA regarding confidentiality are stringent and establish the few cases when confidential information can be disclosed. These standards should be examined in more detail. The BSA for example states that ‘information should be passed on a need-to-know basis’ so that those who need to know something in order to perform their role successfully are able to so.⁷¹⁵

Access to Firearms and Guard Duties

Access to firearms is part of the norm of military training and the military profession. This aspect is virtually unique to the training of soldiers and creates a particular concern and need in terms of duty of care provision. The availability of firearms to groups of young men and women, often under 18 years of age, places an increased requirement for safety provisions to avoid both accidental harm to oneself and to others. The problem of access to firearms is in many ways related to, on one hand, issues of supervision, screening and

⁷¹⁴ *Ibid.*

⁷¹⁵ Tim Holgate, ed. (2001), *Good Practice in Boarding Schools*, Boarding Schools Association, p. 194

welfare, and, on the other, to the quality of training. In terms of supervision, the welfare system must (through screening and action by supervisors and welfare officers) be able to detect any individuals at risk and restrict their access to firearms. In term of quality of training, soldiers must be trained to handle firearms competently and responsibly before gaining access to weapons, especially if called upon to do guard duties in remote or isolated locations.

Hence, among the most important issues highlighted by the reports is the access to weapons afforded to recruits and whether the system in place has enough safeguards to prevent accidental misuse and self-harm. It can safely be concluded that access to firearms has been one of the most problematic areas in terms of duty of care and supervision, and the fact that all deaths investigated in relation to the Deepcut Barracks were caused by gunshot wounds leaves considerable cause for concern.

Among the problems that the Army reports deal with in particular, guard duties seem to be causing the most concern. As one of the reports states ‘guard and sentry duties are the highest risk activity, accounting for some 60% of suicide cases...those on singleton or detached duty are most at risk, and especially at night’.⁷¹⁶ Hence, most Army reports call for a re-think of the setup under which trainees in Phase 2 are called upon to undertake guard duties, often without supervision or proper training in weapons-handling. Failure to deal with guard-duty setups is a particular problem for the safety and security of the trainees, and must be addressed.

Brigadier Evans’ Report

Brigadier Evans’ investigation is silent on the access to firearms but discusses the problem of the guard-duty system within Deepcut as well as its impact on morale and training effectiveness. The Report seeks to provide some recommendations in order to alleviate this pressure. Evans acknowledges that though not new, the guard problem had been accentuated by a lower input of trainees in the period leading to the investigation.

The review found that Deepcut was running a complicated security system, which required up to 22 military personnel at State Black. The low input of Phase 1 trainees in the period leading to the investigation resulted in a higher load of guard duties per trainee. Evans acknowledges that the measures he had authorised to alleviate the problem were not sufficient and calls for the substitution of soldiers by for example the Military Guard Service. Hence, one of the recommendations of Evans’ review was for increased funding for a higher number of MGS at Deepcut, along with other security measures. As for the internal recommendation, Evans’ review requests a review of guard duties as a matter of priority and encourages work towards the further reduction of military manpower requirements.

In short, Evans found that the load of guard duties is an additional factor ‘undermin[ing] the unit’s ability to run the progressive and imaginative training programmes to which the staff and their soldiers clearly aspire’.⁷¹⁷ Hence, guard duties as described by Evans were clearly perceived to hamper the training provision within Deepcut and, by extension, also the overall welfare of the trainees.

The MoD submission regarding the implementation of Evans’ recommendations seeks to show that most of the problems were dealt with. In terms of reviewing the guard commitment, the MoD claims that steps were taken in the wake of the Pte Sean Benton Board of Inquiry recommendations. Accordingly, guard procedures were reviewed for relevance and a number of orders were promulgated concerning guard responsibility, the issuing of weapons and ammunition and the safeguarding of such weapons whilst in an individual’s charge. In addition, the MoD claims that it had implemented a number of additional steps such as the banning of singleton prowler patrols; the handing over of weapons only under the direct supervision of an appointed NCO; the review and reduction of some 11 guard posts and the issuing of specific instructions where they had not existed beforehand.

⁷¹⁶ Deepcut Investigation – DAG’s Final Report, p. 7

⁷¹⁷ Brigadier Evans Report, p. 9

Haes Report

Although the MoD submission presents a promising picture of ‘problems solved’, the findings by Colonel Haes in 2001 show that a number of key improvements did not take place and that the pressure on resources continued to pose a threat to the Army’s ability to discharge the duty of care and supervision in its training establishments. The Haes report clearly identifies the risk associated with overstretch of Guardroom resources and the use of Phase 2 trainees (including SATT and soldiers awaiting discharge (SAD)), stating bluntly that ‘security may be in the hands of dissatisfied, disinterested or unqualified soldiers’.⁷¹⁸ This is particularly dangerous when it applies to SAD. In addition, Haes notes the increased risk of under-qualified soldiers being issued with live ammunition for their guard duties.

In line with the Evans review, Haes recommends that to deal with the problem of under-staffed guardrooms, Military Provost Guard Service (MPGS) should as a priority measure be employed on all ATRA sites.

Deepcut Investigation – DAG’s Final Report

The DAG investigation into the deaths of Privates Benton, James, Gray and Collinson acknowledges that all were caused by the use of a service weapon, although access varied from case to case. Nevertheless, all four soldiers had either direct access to the firearms or obtained a weapon with ease.⁷¹⁹ The realisation that within training establishments, firearm use accounted for eight out of 14 soldier deaths within the categories of suicide or open verdict between 1982 and 2002 prompted the investigation to look more closely into the risks related to the use of firearms.⁷²⁰ Among the eight cases, six occurred whilst on guard duty (all four cases in Deepcut), indicating an Army-wide trend. For this reason, guard and sentry duties were identified as the most risk-prone activities.

Following the risk-management approach, the report states that in cases involving firearms, the opportunity for self-harm/suicide is usually characterised by isolation, and the investigation centres on whether the Deepcut procedures contributed to the circumstances that led to death. It found that the ‘frequency, size and limited supervision of guards at Deepcut created those circumstances’.⁷²¹ In particular, one of the most significant factors in the four deaths investigated might have been the unusually large number of soldiers (26) employed on guard duty at the highest risk periods (night/weekend) and with inadequate supervision.

The report identifies a similar problem to the one highlighted by Haes regarding guard duties performed by SATT. DAG’s Report is however more concerned with the fact that SATT carried out more guarding duties than other soldiers and the opportunity risk that this generates. Predictably, the report recommends among other things that the routine security of the Deepcut site should be taken over by MPGS as soon as practicable and at a cost of £1.7 million.

The learning account input shows that the Army has taken in the full scale of the risk surrounding guard-duty setups and access to firearms. In terms of learning account input, a whole section of DAG’s Report was devoted to the control of access to lethal weapons, followed by a section on the provision of armed guards and threat level.

DAG’s Report recommended that soldiers should hand weapons over between themselves only on the direct order of an officer or NCO and in his/her direct presence, and with the transfer duly recorded by serial number on a weapon-issue sheet. In addition, a prohibition of unauthorised handover of weapons is to be included in orders issued at each posting and relief of detached guards. The frequency of guard duties was recognised as a problem, and DAG’s Report recommends that these should be spread as widely as possible across the soldier population and that the allocation be controlled by sub-unit SNCOs. The report further recommends that sub-unit NCOs be present at and record guard-duty transfers.

718 Haes Report, p. 5

719 Deepcut Investigation – DAG’s Final Report, p. 10

720 Private Collinson, who at the time of the report’s publication was still awaiting the coroner’s report, is the 15th case.

721 Deepcut Investigation – DAG’s Final Report, p. 11

In terms of access to weapons, DAG's Report concludes that decisions on the arming of trainees should be based on their Phase 1 report, their age and maturity and their Phase 2 induction interview. Trainees should not be employed on guard duty until that assessment is complete and signed off by their troop/platoon commander. This recommendation echoes some of the fears expressed by Haes over the competence and ability of some of the guards.

The recommendations for the provision of armed guards include a tighter application of risk-assessment methods in estimating guarding requirements, in particular an assessment of the risk posed to trainees. Regarding the organisation of guard duties, it is recommended that where prowler patrols on detached location are required, the guard should be composed of a minimum of four soldiers. If composed of trainees, such a guard should be supervised by a JNCO and all singleton patrols are to be prohibited. Finally, detached guards should be visited regularly by the duty officer and NCOs.

Other Institutions' Experience and Standards

In terms of weapons-handling, only a handful of institutions have experiences to contribute, in particular the Cadet Organisations and the Metropolitan Police. The ACO states that 'it follows the same procedure used in the Regular Forces by use of the Safe System of Training, i.e. safe rifles and ammunition, safe ranges, safe planning and conduct of training, safe cadets and investigation of incidents'.⁷²² Among the safety measures, cadets are tested regularly to ensure their competence in handling rifles and ammunition.

The Metropolitan Police screens officers applying for firearms training, and according to the submission, officers in training are given full access to protective equipment and weapons and ammunition are drawn from storage by qualified instructors. Officers in training do not have any unsupervised access to firearms.

Dealing with Specific Issues: Bullying, Sexual Harassment

So far the report has dealt with general issues relating to the armed forces' ability to discharge the duty of care in their Initial training establishments. The final section deals with some of the specific issues that have been mentioned throughout the report but that, due to their importance, need to be addressed separately. These can be encountered in any organisation but the armed forces' Initial training establishments need to be particularly aware of them. Principally, they need to be ready to deal with instances of bullying and sexual or other harassment.

At this stage it is worth noting that this report is merely analysing the literature mentioned in the introduction and providing an overview of how the different reports have dealt with duty of care issues. DAG's Final Report in particular has omitted these issues as the Surrey Police investigation was still ongoing at the time of its writing. The report states that: the examination of specific factors that may have led each individual to [take their own life], such as bullying, harassment, personal problems or psychiatric disorder, remains part of the continuing Police inquiries, and so was outside the scope of this military investigation.⁷²³

Since most of the reports pay little or no attention to these issues, the bulk of this section looks at the experiences of other institutions.

Bullying

Bullying seems to be a more serious problem than the armed forces acknowledge (at least according to the Surrey Police submission to the HCDC), and most of the reports fail to address the issue as one relevant to duty of care and supervision. This section will outline experiences and standards of institutions that have sent submissions to the HCDC.

722 Ev 472ff

723 Deepcut Investigation – DAG's Final Report, p. 1

Brigadier Evans' Report

Brigadier Evans' report states that there was no suggestion of mistreatment in the deaths of either Private Benton or James, and that none of the self-harm incidents were the result of intimidation or bullying. No indication of mistreatment of any kind existed within Training Regiment and Depot RLC. As seen, the report does however recommend that reporting of self-harm incidents be harmonised throughout Land Command if only to highlight incidents of bullying. There is at this point no indication that this recommendation has been implemented.

Other Institutions' Experiences and Standards

Bullying is recognised as a serious matter by most institutions, including the armed forces. The BSA is particularly concerned with reducing bullying in its establishments, and claims that bullying is 'more common than many schools realise or are prepared to admit'.⁷²⁴ The BSA calls on schools to formulate a definition of bullying understood by all, and recognise the full extent of a case, which can begin by simple exclusion from a peer group to physical abuse. The BSA believes that the most important preventive measure is to have a clearly stated and effective anti-bullying policy that is wholeheartedly supported by all staff.

The BSA is adamant that all allegations of bullying must be dealt with seriously and rapidly, though whether to deal with it as a public or private matter remains at the discretion of the authority. The response nevertheless has to be sensitive and consideration for the victims is paramount. Overall, the BSA suggests several ways to counter bullying: improving the environment; peer counselling; assertiveness training; support groups; complaints procedures etc. Finally, the BSA sees the training of staff and the raising of awareness as crucial steps in tackling bullying.

The SCC established similar level of standards in order to prevent child abuse, whether physical, emotional, sexual, or due to neglect and bullying. Since their policy is presented holistically – covering all aspects at the same time – it will be dealt with in the next sub-section, which looks at problems relating to harassment (sexual and other sorts).

Sexual (and other) Harassment

It is interesting to note that despite the findings of the Surrey Police investigation regarding the sexual harassment of trainees, none of the MoD investigations found anything to add on the subject. As a consequence, sexual harassment does not figure among the problems explicitly highlighted by Evans, Haes or DAG's reviews. Both Evans and Haes do however raise the problem of inadequate female staff ratios, and Haes does recognise the potential DoC&S-related risk for ATRA emanating from the lack both of sufficient female supervision for female accommodation and of female RPs.

Other Institutions' Experiences and Standards

The BSA submission provides interesting insight regarding standards and recommendations. It is obvious that the BSA has a particular concern and duty to ensure the safest possible environment for its pupils and its standards are a reflection of best practice. With regards to sexual abuse, the BSA states that each school has a very clear child-protection policy (see above). Sexual abuse and rape need to be handled with extreme care and discretion.⁷²⁵ In all cases, police and social-service involvement are seen as necessary.

As noted above, the SCC has very high standards in child protection. Its policy for protecting children in the SCC provides its supervisors with a list of 'dos and don'ts', which covers the most important ways of dealing with abuse.⁷²⁶ It also establishes that the responsibility to protect lies with those in direct contact with the

⁷²⁴ Brian FitzGerald, 'Reducing Bullying in Boarding Schools' in Tim Holgate, ed. *Good Practice in Boarding Schools*, The Boarding Schools Association, pp. 88-103

⁷²⁵ *Ibid.*, p. 191

⁷²⁶ Ev 288ff

cadets. Furthermore, the guidelines establish the proper ways of responding to child abuse, including reporting allegations; suspicions or concerns; follow-up action and what to do when a cadet confides in an instructor. It prescribes the immediate suspension of any officer, instructor or unit assistant against whom allegations are made. This is also prescribed for cases in which adult members are involved.

Conclusions

This report has provided a review of five MoD reports outlining reviews and investigations into duty of care-related issues since 1995. The report by Brigadier Evans reviews training provision at Deepcut Barracks and was prompted by two deaths and ten self-harm incidents occurring there in 1995. The Walton Report makes recommendations for an effective suicide-prevention policy for the British Army. The Hawley Report is a study of self-harm incidents in the British Army during a ten-year period (1987-1996). The Haes report is a review of duty of care and supervision in the ATRA facilities. Finally, *DAG's Final Report* into the deaths of four soldiers at Deepcut Barracks provides an account of how the training environment factored into the decision to commit suicide.

The Evans, Haes and DAG reports fall into the same category of Army reviews of training practices, identifying similar problems and making recommendations that then fail to be implemented and are therefore repeated in the next review. In a similar vein, the Walton and Hawley reports identify crucial problems in terms of effective suicide-prevention policy, but their recommendations were not fully implemented in the following years.

From the different reports, this report has distilled seven key areas concerning duty of care discharge and provided an analysis of each report's solutions to the problem. It is noteworthy that the areas are interrelated, as for example the nature of the training structure and supervision affects the efficient implementation of screening and monitoring as well as the provision of welfare and support.

Effective supervision – a product of balanced supervisory ratios and qualified and motivated staff – was identified as particularly problematic but central to the discharge of duty of care. All three MoD reviews (Evans, Haes, DAG) stress that the problem of staff levels is a significant risk and that inadequate level of staffing leaves an important gap in the capacity to secure duty of care standards. It seems that recommendations to increase numbers of staff, especially female and out-of-hours cover, have fallen on deaf ears, as this same problem was also evident between 1995 and 2002.

In terms of supervisors' quality and motivation, all reports have identified the need to improve the training of instructors as to equip them for the welfare roles inherent to the posts. Problems with staff inductions and actual training were evident throughout the period, as was the need to change the instructor-selection process as to ensure that only suitable members of staff assume a post within Initial training establishments.

The second area identified in this report deals with the screening of recruits/trainees and the recruitment process itself. Screening has been identified, in one form or another, as essential to the ability of the training establishments to track trainees most at risk. Screening is important both at the entry stage, where its improvement has been continuously recommended, and throughout the soldier's life in the armed forces. However, Phase 2 soldiers are believed to be particularly at risk, as the quality of monitoring in those establishments is below the standards needed to implement successful prevention and support policies.

More emphasis needs to be placed on informing potential recruits of army careers and on improving entry-level screening. It is felt here that the problem of information provision has not been sufficiently dealt with by the surveyed reports. This is an area where progress needs to be made in order to ensure that recruits are well aware of the full extent of demands that are going to be placed on them as well as the nature of military life.

The training structure is particularly problematic, as the quality and level of supervision and training in Phase 1 are far superior and therefore less prone to risk (in terms of duty of care) than the equivalent in Phase 2. This problem has been highlighted by both Evans and DAG and seems to be the single largest unresolved issue. The nature of Phase 2 poses particular risks in terms of its turbulent environment and the fact that recruits are under less supervision and considered trained, resulting in a level of freedom that is disproportionate to the

soldiers' maturity. The structure of Initial Training seems to be a root-cause of a number of problems and feeds into difficulties relating to supervision, screening, access to firearms and welfare provision.

Welfare provisions seem to suffer from a lack of resources and staff training. Regarding the former, the facilities and support services have improved between 1995 and 2002, but remain under-funded. The lack of training in welfare roles available to supervisors, and the negative attitude of some military staff to voluntary and welfare services need to be addressed. It seems that the coordination of welfare support has not been successfully implemented and further evidence of improvement of the policy towards bereaved families should be sought.

The nature of the military profession and its initial training establishments bring young people into direct contact with firearms. This unusual professional characteristic increases the risk of harm to self and others and is exacerbated by the guard-duties system in Phase 2 establishments. This risk was identified by all three MoD reviews, especially with regards to trainees who are either not fully trained, soldiers awaiting trade training (SATT) or, worse, soldiers awaiting discharge (SAD). The system as such was recommended for revision, but due to resource constraints, the preferred option of introducing the Military Provost Guard Service (MPGS) was not met between 1995 and 2002.

Finally, the lack of a uniform system of reporting and logging incidents is worrying, even more so since it has been identified as a problem by Evans, Haes and DAG. It is obvious that the system as described by those reports hides the true extent of duty of care problems. In addition, proper handling of information is essential in establishing an effective suicide-prevention policy, as the effectiveness depends on properly assessing the causes of suicide.

In conclusion, the review produced here shows that the MoD's approach of reviewing the Initial training duty of care-related problems has failed to improve significantly the ability of its establishments to discharge DofC&S in an efficient manner. A number of findings and recommendations are present in more than one report suggesting that despite claims to the contrary, implementation of key improvements has been sporadic and inefficient.

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Tim Holgate *More Welfare Policies* Boarding Briefing Paper No11

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Submission by Anne Owners, HM Chief Inspector of Prisons to Bruce George MP Chairman of Select Committee on Defence

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Evidence from the Health and Safety Executive by Paul Wusteman, HM Principal Inspector

Submission by David Sherlock, Chief Inspector Adult Learning Inspectorate

The Metropolitan Police Service Duty of Care to Students Training, a submission of written evidence to the Defence Committee Duty of Care Inquiry by Commander Shabir Hussain

Memorandum by the Independent Monitoring Boards' Secretariat

Submission by SSAFA Forces help to HCDC Inquiry

Other submissions

Letter by Geoff & Diane Gray to Bruce George MP Chairman of Select Committee on Defence

Letter by Lynn Farr to Bruce George MP Chairman of Select Committee on Defence

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Memorandum by Lembit Opik MP

Statement of Evidence by Mr & Mrs D. James to Defence Select Committee

Submission b Lieutenant Colonel (Retd) Richard Haes OBE

Annex C: List of abbreviations

ALI	Adult Learning Inspectorate
AFC	Army Foundation College
ASMWG	Army Suicide Management Working Group
ATR	Army Training Regiment
ATRA	Army Training Recruitment Agency
AWOL	Absent Without Leave
BARB	British Army Recruitment Battery
BOI	Board of Inquiry
CHaRM	Centre for Hazard Risk Management
CIF	Common Inspection Framework
CNO	Casualty Notification Officer
CRB	Criminal Records Bureau
CRE	Commission for Racial Equality
CSL	Confidential Support Line
CTC	Commando Training Centre
CVO	Casualty Visiting Officer
DA	Deputy Adjutant General
DCAE	Defence College of Aeronautical Engineering
DAOR	Discharge As Of Right
DCL	Defence College of Logistics
DCTS	Defence Centre of Training Support
DGT&E	Director General of Training & Education
DOC	Directorate of Operational Capability
DST	Defence School of Training
DSAT	Defence Systems Approach to Training
EOC	Equal Opportunities Commission
FE	Further Education

GCSE	General Certificate of Secondary Education
GNVQ	General National Vocational Qualification
GTTB	Ground Trade Test Battery
HIVE	Help Information Volunteer Exchange
HMS	Her Majesty's Ship
IOSH	Institution of Occupational Safety and Health
IPCC	Independent Police Complaints Commission
ITC	Infantry Training Centre
ITGIS	Initial Training Group Instructor School
JNCO	Junior Non Commissioned Officer
MoD	Ministry of Defence
MDP	Ministry of Defence Police
MPGS	Military Provost Guard Service
NCO	Non Commissioned Officer
NRTA	Naval Recruitment Training Agency
NVQ	National Vocational Qualification
PMS	Personnel Management Squadron
PTE	Private
PTIS	Phase Two Instruction School
QC	Queen's Council
RAF	Royal Air Force
RLC	Royal Logistics Corps
RM	Royal Marines
RMP	Royal Military Police
RN	Royal Navy
SATT	Soldiers Awaiting Trade Training
SIB	Special Investigation Branch
SNCO	Senior Non Commissioned Officer

SP	Service Police
SSAFA	Soldiers Sailors Airmen and Families Association
STP	Short Term Programme
UWO	Unit Welfare Officer
WI	Women's Institute
WRVS	Womens' Royal Volunteer Service

Formal minutes

Wednesday 2 March 2005

Afternoon Sitting:

Members present:

Mr Bruce George, in the Chair

Mr James Cran
Mr David Crausby
Mike Gapes
Mr Mike Hancock

Mr Dai Havard
Mr Kevan Jones
Mr Frank Roy
Mr Peter Viggers

The Committee deliberated.

Draft Report (Duty of Care), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 448 read and agreed to.

A paragraph—(*Mr Mike Hancock*)—brought up and read as follows:

‘The Committee remain of the view that the two Commanding Officers of Deepcut at the time of the deaths should have given evidence about the chain of command and what they knew about what was going on in the camp and what actions they took following each of the deaths.’

Question, that the paragraph be inserted in the Report, put and negatived.

Paragraphs 449 to 458 read and agreed to.

Annexes [List Of Duty of Care Visits; Literature Review and Analysis and List of Abbreviations] agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the provisions of Standing Order No. 134 (select committees (reports)) be applied to the Report.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

Ordered, That several memoranda be reported to the House.

The Committee deliberated.

[Adjourned till Wednesday 16 March at 10.00 am

Witnesses

Wednesday 26 May 2004

Page

Lieutenant General Anthony Palmer CBE, Deputy Chief of Defence Staff (Personnel), **Rear Admiral Simon Goodall**, Director General Training and Education, **Colonel David Eccles**, Chief of Staff, Army Training and Recruitment Agency (ATRA), and **Mr Julian Miller**, Director General of Service Personnel Policy, Ministry of Defence

Ev 1

Wednesday 16 June 2004

Mr Lawrence Waterman, President-Elect, and **Mr Jeremy Corfield**, Corporate Member, Institution of Occupational Safety and Health (IOSH)

Ev 28

Professor Geoff Chivers, Director, and **Mr Tom Mulhall**, Director of Security Programmes, Centre for Hazard and Risk Management (CHaRM), Loughborough University

Ev 39

Wednesday 30 June 2004

Lieutenant Colonel (Retired) Richard Haes OBE

Ev 49

Ms Denise Murphy, Head of Services Welfare & Customer Services Director, and **Ms Morag Antrobus**, Senior Operations Manager, Services Welfare, Womens' Royal Volunteer Service

Ev 64

Wednesday 7 July 2004

Professor Keith Hawton, Director, Centre for Suicide Research and Professor of Psychiatry, Oxford University, and **Professor Simon Wessely**, Director, King's Centre for Military Health Research and Professor of Psychiatry, King's College London

Ev 73

Ms Sandra Caldwell, Director, Field Operations Directorate, and **Ms Elizabeth Gyngell**, Head of Division, Better Working Environment Directorate, Health and Safety Executive (HSE)

Ev 84

Wednesday 14 July 2004

Mr David Sherlock, Chief Inspector, **Ms Lesley Davies**, Assistant Director of Inspection, and **Ms Barbara Hughes**, Inspector, Adult Learning Inspectorate

Ev 93

Commodore Paul Branscombe CBE, Deputy Controller, Service Support, and **Mrs Kate Burgess OBE**, Director of Social Work, Soldiers', Sailors' and Airmen's Families Association (SSAFA) Forces Help

Ev 102

Wednesday 13 October 2004

Mr Dennis O'Connor CBE, formerly Chief Constable, and **Chief Superintendent Craig Denholm**, Surrey Police

Ev 114

Wednesday 10 November 2004

Brigadier Mungo Melvin OBE, Director of Operational Capability, **Group Captain Stephen Howard**, RAF, Assistant Director of Operational Capability, and **Rear Admiral Simon Goodall**, Director General Training and Education, Ministry of Defence Ev 135

Wednesday 1 December 2004

Mrs Lynn Farr, **Mrs Janette Mattin**, **Ms June Sharples**, **Mrs Claudia Beckley-Lines**, and **Mr Justin Hugheston-Roberts**, Solicitor Advocate, Messrs Rose Williams and Partners Ev 159

Mr Des James, **Mrs Doreen James**, **Mr James Collinson**, **Mrs Yvonne Collinson**, **Mr Geoff Gray**, and **Mrs Diane Gray** Ev 182

Wednesday 15 December 2004

Rt Hon Adam Ingram, a Member of the House, Minister of State, **Colonel David Eccles**, Chief of Staff, Army Training and Recruitment Agency (ATRA), and **Mr Martin Fuller**, Director, Service Personnel Policy, Service Conditions, Ministry of Defence Ev 207

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