

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
COMMITTEES

Select Committee on the Armed Forces Bill

ARMED FORCES BILL

Second Sitting

Wednesday 31 March 2021

CONTENTS

New clauses considered.
SCHEDULES 1 TO 5 agreed to.
Bill to be reported, without amendment.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

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Sunday 4 April 2021

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The Committee consisted of the following Members:

Chair: JAMES SUNDERLAND

- | | |
|---|--|
| † Anderson, Stuart (<i>Wolverhampton South West</i>) (Con) | † Holden, Mr Richard (<i>North West Durham</i>) (Con) |
| † Antoniazzi, Tonia (<i>Gower</i>) (Lab) | † Jones, Mr Kevan (<i>North Durham</i>) (Lab) |
| † Carden, Dan (<i>Liverpool, Walton</i>) (Lab) | † Lopresti, Jack (<i>Filton and Bradley Stoke</i>) (Con) |
| † Dines, Miss Sarah (<i>Derbyshire Dales</i>) (Con) | † Mercer, Johnny (<i>Minister for Defence People and Veterans</i>) |
| † Docherty, Leo (<i>Aldershot</i>) (Con) | † Monaghan, Carol (<i>Glasgow North West</i>) (SNP) |
| † Docherty-Hughes, Martin (<i>West Dunbartonshire</i>) (SNP) | † Morgan, Stephen (<i>Portsmouth South</i>) (Lab) |
| † Henry, Darren (<i>Broxtowe</i>) (Con) | † Wheeler, Mrs Heather (<i>South Derbyshire</i>) (Con) |
| † Hodgson, Mrs Sharon (<i>Washington and Sunderland West</i>) (Lab) | Yohanna Sallberg, Matthew Congreve, <i>Committee Clerks</i> |
| | † attended the Committee |

Select Committee on the Armed Forces Bill

Wednesday 31 March 2021

[JAMES SUNDERLAND *in the Chair*]

Armed Forces Bill

9 am

The Chair: Before we begin, I remind Members that *Hansard* colleagues would be grateful if you could email your speaking notes to hansardnotes@parliament.uk. As before, to indicate that you wish to speak, please raise your hand in front of the camera or use the “hand up” function in Zoom. To intervene or to make a point of order, please unmute and state that. Members being intervened on are reminded to repeat any part of their speech that may have been interrupted by the intervention.

Before we proceed, I will make a handful of short admin points. First, new clauses are being voted on in numerical order—so at the end, even if they are grouped. We agreed on day one that Members could intervene directly on the person speaking, or equally by putting their hand up. Spontaneity is important in the debate. We will go to the very end of all the new clauses and votes today. It may take longer or shorter than the allotted time. Once again, this is a brand new way of working for all of us, so please be patient.

New Clause 4

ARMED FORCES REPRESENTATIVE BODY

“(1) The Armed Forces Act 2006 is amended as follows.

(2) After section 333 insert the following new clause—

‘333A Armed Forces Representative Body

In accordance with HM Government’s obligations under Article 11 of the European Convention on Human Rights, there is to be an Armed Forces Representative Body, existing outside the rank structure, but accountable to members and to Parliament in order to:

- (a) represent personnel in matters of discipline: summary hearings, courts martial and other disciplinary hearings;
- (b) aid personnel in the redress of individual grievances, and through the service complaints process;
- (c) negotiate on behalf of personnel on matters relating to, but not limited to pay, terms and conditions and terms of enlistment;
- (d) act as an advocate for general welfare of personnel during and immediately after their enlistment.

This Representative Body shall not have the ability to strike.”—(*Martin Docherty-Hughes.*)

This new clause would oblige the UK Government to legislate for the creation of an Armed Forces Representative Body similar to the Police Federation.

Brought up, and read the First time.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 19— *Armed Forces Federation*—

“(1) The Armed Forces Act 2006 is amended as follows.

(2) After section 333, insert the following new clauses—

‘333A Armed Forces Federation

(1) There shall be an Armed Forces Federation for the United Kingdom for the purpose of representing members of the Armed Forces in the United Kingdom in all matters affecting their welfare and efficiency, except for—

- (a) questions of promotion affecting individuals, and
- (b) (subject to subsection (2)) questions of discipline affecting individuals.

(2) The Armed Forces Federation may represent a member of the armed forces at any proceedings or on an appeal from any such proceedings.

(3) The Armed Forces Federation shall act through local and central representative bodies.

(4) This section applies to reservists of the Armed Forces as it applies to members of the Armed Forces, and references to the Armed Forces shall be construed accordingly.

333B Regulations for the Armed Forces Federation

“(1) The Secretary of State may by regulations—

- (a) prescribe the constitution and proceedings of the Armed Forces Federation, or
- (b) authorise the Federation to make rules concerning such matters relating to their constitution and proceedings as may be specified in the regulations.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision—

- (a) with respect to the membership of the Federation;
- (b) with respect to the raising of funds by the Federation by voluntary subscription and the use and management of funds derived from such subscriptions;
- (c) with respect to the manner in which representations may be made by committees or bodies of the Federation to officers of the Armed Forces and the Secretary of State; and
- (d) for the payment by the Secretary of State of expenses incurred in connection with the Federation and for the use by the Federation of premises provided by local Armed Forces bodies for Armed Forces purposes.

(3) Regulations under this section may contain such supplementary and transitional provisions as appear to the Secretary of State to be appropriate, including provisions adapting references in any enactment (including this Act) to committees or other bodies of the Federation.

(4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) This section applies to reservists of the Armed Forces as it applies to members of the Armed Forces.”

This new clause would create a representative body for the Armed Forces, akin to the Police Federation.

Martin Docherty-Hughes: Good morning to my colleagues in Committee. For a Bill that for some time tried to narrow in scope, the Armed Forces Bill has always had a way of getting us to debate some quite meaty and fundamental issues about who we want to be as a political state. If I say so myself, new clause 4, at least for the Opposition, brings together most of the threads that we have been talking about over the last month. Some on the Committee, including current and former members of the Defence Committee, will, I am sure, be bored stiff of my going on about an armed forces representative body, because I have been banging

on about it before my private Member's Bill in 2018 and since. I will try not to go over too many of the points that I made in that speech three years ago.

Since I became a member of the Defence Committee in 2017, I have lost count of the number of witnesses that we have had before us who have spoken about the difficulty in achieving institutional and organisational change in the Ministry of Defence, not just in personnel but in other areas such as procurement. The MOD has the fifth-largest budget in Whitehall, and if it were a city it would be bigger than Dundee or Brighton, so from my perspective, why on earth do we continue to create hideously complicated, bespoke personnel solutions when there exists a model of employer-employee relations that works for the rest of society? Is that not the very point of a whole-of-society approach to defence?

While I continue to be impressed by the knowledge, dedication and positivity of those who work in the military charity sector, I have no doubt that the multifarious nature of the sector is easily exploited by the Ministry of Defence to ensure that it keeps things exactly as it likes them. A proper representative body would be able to encompass the diversity of the armed forces family, and speak with one strong voice that Secretaries of State and the Government could not ignore when it was convenient.

Take the recent Overseas Operations (Service Personnel and Veterans) Bill. Although no one in the Opposition was likely to support it in principle, I understood the genuinely held beliefs of colleagues who wanted to see an end to repeated and vexatious prosecutions. The Ministry of Defence understood that also, and very astutely slipped in part 2 of the Bill, which put time limits on the ability of personnel to take action against the failings of the Ministry of Defence as an employer, cleverly packaging two unrelated issues together to ensure that the downside—the UK's commitment to the international rule of law being watered down—was sweetened by giving more protection against actions by the very people that the Bill was supposed to protect.

I do not think that a proper representative body would have allowed that to pass, even if it supported the principles of the Bill, because it would have understood it to be the pig in the poke that it was. My final point is about the difference between the Scottish National party's new clause 4 and our colleagues in the Labour party's new clause 19 on an armed forces federation. I believe the principal difference between the two—I am happy to be corrected—is that new clause 19 seeks to create a federation that represents personnel in all matters except pay. From the conversations I have had with colleagues, I understand what provisions they would like to put in place to ensure that personnel are represented in pay negotiations, but I would like to hear more about why they think that the trade union-style model does not work in this specific instance.

In the week after the highest-ranking officer in the British Army for quite some time was convicted of a crime, the financial rewards for those in higher ranks come sharply into focus, with all the associated layers of class subtlety ingrained within the armed forces that this contains. We all know, even if we are afraid to say it, that there will not be many pongoes or matelots getting help to send their weans to private school, despite the fact that they undertake the most dangerous and demanding roles in the military.

The Minister for Defence People and Veterans (Johnny Mercer): I just thought that I would factually correct a couple of issues. The stuff around the education allowance is cross-ranks, so playing to class divisions is just a load of nonsense, as was the rest about leveraging in pieces to another Bill. Does my hon. Friend understand the causal link between civilian claims and part 2 of the Bill, leading to part 1 and criminal prosecutions, or is this just some sort of diatribe against the whole thing?

Martin Docherty-Hughes: It seems as though the Minister has woken up rather grumpy this morning. I do not think we see the lower ranks being found guilty of manipulating their position to pay for their weans to go to private school.

Johnny Mercer: They have.

Martin Docherty-Hughes: We will move on.

Carol Monaghan (Glasgow North West) (SNP): The Minister is quite correct to say that a private school allowance or boarding school allowance is available across every rank, so we agree that that is factually correct. What is also factually correct is that it is almost exclusively utilised by commissioned officers rather than non-commissioned ranks.

Martin Docherty-Hughes: I am grateful to my hon. Friend for reminding the Minister of his own policy.

Johnny Mercer: Will my hon. Friend give way?

Martin Docherty-Hughes: I am not giving way any further. The Minister has had enough time; he has had plenty of time. I am afraid the Minister will just need to sit down and mute himself.

Negotiating pay and conditions was essential to the betterment of working-class people in the shipbuilding and associated industries that many of my forebears served in. I cannot imagine why that would not be the case for those members of my family and for my constituents serving in the armed forces today.

As with all the other new clauses that my hon. Friend the Member for Glasgow North West and I have tabled, I do not expect new clause 4 to pass, but I ask Members of the governing party to reflect on the fact that this may be the way things have always been done or part of the charm of serving in the armed forces, but young people today will increasingly ask themselves why working in the NHS comes with a framework of obligations that people can expect from their employers and a host of independent advice that they can rely on, whereas public service in the armed forces does not. No amount of effusive praise that we give them in the House of Commons makes up for that.

One Armed Forces Day or Week each year does not make up for the 365-days-a-year protection that would be created by an organisation that allowed them all to speak with one strong voice. That is why I think an armed forces representative body gets to the very heart of everything we have been talking about on this Bill Committee—to the heart of what kind of country we want to live in, and how the social contract between the Government, the people and their armed forces should work.

Stephen Morgan (Portsmouth South) (Lab): New clause 19 is designed to provide for the establishment of a federation for the armed forces. It owes much to the

[Stephen Morgan]

British Armed Forces Federation, which pioneered service representation. This issue has been close to the heart of my right hon. Friend the Member for North Durham, and I am loth to let an Armed Forces Bill go without raising it. It has been clear for some time that the armed forces need independent advice and representation. Witnesses that I have seen before this Committee have reinforced that point and we continue to hear shocking stories of abuse that takes place within units. We have also heard that continued delays discourage the use of the service complaints system, and of a concerning perception that someone's career will be under threat if they complain persistently. Most members of the armed forces have also endured a real-terms pay cut for most of the last decade.

Given the renewed emphasis that Ministers appear to be placing on the value of people as assets to national defence, the time may be right to formalise representation and support for service personnel on issues such as welfare and pay. I want to stress that this federation would not be equivalent to a trade union for the armed forces. It would not conduct or condone any form of industrial action or insubordination within the armed forces. The federation would work with the Ministry of Defence to put in place a form of understanding that could deal with such issues. It would also recognise the importance of the chain of command. We can learn from positive forerunners such as the British Armed Forces Federation, which clearly reinforces the point that the chain of command is to be recognised, not overridden.

Although the proposal might be seen to be radical or dangerous by some, other nations, including the US and Australia, already have similar models embedded into existing military command structures. Given that Ministers in this Government have been so fond of looking to Australia for solutions, I hope that they will feel able to do so again. The nominally independent Armed Forces Pay Review Body and the service complaints ombudsman present a clear direction of travel towards independence.

Our armed forces give their lives for us. Ministers should seize this opportunity and also give them a voice.

Carol Monaghan: I just want to add a couple of comments. Both these new clauses seem to worry the Government, and we have to wonder why. I think many personnel will wonder, "Why would the Government not wish to support these proposals?" A body that can speak for armed forces personnel on issues such as housing, terms and conditions, and pay would surely be a benefit. If personnel could raise these issues themselves, it could avoid situations such as those that we have seen recently through the National Audit Office report on the poor quality of single living accommodation.

It is important that we look at other bodies that work. The Police Federation would be a good example. In the Police Federation, individuals do not have the ability to strike and there is no threat to the chain of command. Despite us raising these issues time and again, the Government simply throw the same lazy arguments back at us. Those lazy arguments include, "We don't want anything that undermines the chain of command." This organisation would operate separately;

it would be a body that personnel could go to without breaching the chain of command. All of us here understand the importance of that.

What arguments is the Minister going to come up with for opposing these new clauses? We have heard the same arguments time and again on strikes and chain of command, but we have said that these new clauses are no threat to those things. What can the Minister tell us other than that? Why would he not want to support personnel when they are looking for improvement? I do not think any of us would argue about what they want. They want decent housing, and decent terms and conditions; and we should not have any problem with that. I am really interested to hear what the Minister has to say.

Johnny Mercer: What we have seen there is the granularity of the problem when it comes to debating these issues. The Scottish nationalist party Members have put forward two things that are fundamentally and factually inaccurate to support their argument—

Carol Monaghan: On a point of order, Mr Sunderland. Could you remind the Minister that the name of our party is the Scottish National party? He is using that other term deliberately and continues to do so.

9.15 am

The Chair: The point of order has been noted; I have no doubt that the Minister is aware.

Johnny Mercer: Colleagues have put forward two arguments that are factually not true. I just do not know how to respond when colleagues put forward points of view that they know to be untrue, which I correct on the record, yet they still advance them as though they are on some crusade for the benefit of the members of our armed forces. It really is sixth-form-debating-level behaviour and it means that I cannot respond to their points—

Carol Monaghan: Will the Minister give way?

Johnny Mercer: No, I will not give way, because my hon. Friends even corrected each other when one said that the continuity of education allowance was only for officers, which it is not, and then split between commissioned—

Carol Monaghan: On a point of order, Mr Sunderland. The Minister is now trying to rewrite the record. I was very careful in what I said and I pointed out to him that I agreed 100% with what he said about the education allowance being available for all. However, I did say that it was almost exclusively used by officers, and that is the case.

Johnny Mercer: It is not the case; it is about a 45%-55% split.

Martin Docherty-Hughes: Will the Minister give way?

Johnny Mercer: I would be delighted to give way.

Martin Docherty-Hughes: I am concerned that the Minister is trying to rewrite the record, because all I said—I will remind myself of what I said—was that the most senior member of the armed forces, or of the Army at that point, was found guilty of misusing that fund. I never said anything about anybody not being able to access it.

Johnny Mercer: No, the hon. Gentleman said that matelots and pongoes, the lower ranks, do not get to use the fund, which is factually incorrect. I am sorry; I do not mean to be obtuse with Members, but I have come into this role to serve members of the armed forces and I will not stand idly by if people make things up. If someone is going to debate these issues and bring forward things that are not true, which I am afraid largely emanate from the Scottish nationalist party, it will be very difficult to engage. However, I will address the other points.

The new clauses seek to create through primary legislation a representative body for the armed forces that is similar in many respects to the Police Federation. New clause 19 proposes that details of how such a federation would operate would be set out in regulations. Of course the Government understand that Members from all parties in the House wish to support our armed forces and protect their interests; that is at the heart of what we do and I believe our actions show that. However, we are not persuaded that there is a requirement or indeed a groundswell of support for a federation along the lines that have been suggested. The interests of our armed forces personnel are already represented through a range of mechanisms, not least the chain of command.

On matters of pay, the Armed Forces Pay Review Body and the Senior Salaries Review Body provide annual recommendations on pay for the armed forces to the Prime Minister. Evidence is gathered from a number of sources, including the bodies commissioning their own independent analysis of pay comparability and taking written and oral evidence from the MOD and from service families federations, as well as spending a significant amount of time visiting military establishments within the UK and overseas.

Staying on the subject of pay, I should highlight that the X-Factor addition to basic military pay, which is currently at 14.5%, recognises the special conditions of military life, including limits on the ability of service personnel to negotiate on this issue.

Mr Kevan Jones (North Durham) (Lab): Will the Minister give way?

Johnny Mercer: I would be delighted to give way.

Mr Jones: The Minister is making various claims about the Armed Forces Pay Review Body, and he is correct that it does great work in assessing the different effects of armed forces life, but it depends on Ministers and the Treasury accepting its recommendations. There was not a problem until 2010, but there has been since. How do ordinary members of the armed forces ensure that their pay issues are taken into account if the Government, who have ignored the recommendations of the Armed Forces Pay Review Body on numerous occasions since 2010, ignore those recommendations?

Johnny Mercer: They have not ignored them. I sat on the last one, and I advocated for the pay of the armed forces. The Government have a clear role when it comes to pay across the public sector. They work hard to maintain the independence of these bodies, which are robust in challenging the Government to make sure our people are paid fairly. My right hon. Friend will have seen that the integrated review talks about a new way of operating, which will have to be reflected in a new reward and recognition scheme that looks at pay across the ranks, across the trades and across employment, to make sure that people are remunerated and recognised in line with what we are asking them to do. I understand the point he is making, but I do not accept that the Government have turned down these recommendations and are cracking on willy-nilly with pay.

Mr Jones: I accept that the Minister might accept the pay review body's recommendations, but he does not implement them. In 2013 the Government refused to reappoint Professor Alasdair Smith when he recommended things they did not like. There was not a problem until 2010, but since 2010, although the Conservative party says it stands for the armed forces, the Government have not implemented the pay review body's recommendations. As we heard earlier, it would be okay not to have a representative body if the Government automatically accepted the pay review body's recommendations, which I am proud that the last Labour Government did, but this Government have not done that.

Johnny Mercer: Okay. Staying with the subject of pay, I should highlight that the X-factor addition to basic military pay, which is currently at 14.5%, recognises the special conditions of military life, including limits on the ability of service personnel to negotiate on this issue.

Importantly, the service complaints ombudsman provides independent and impartial scrutiny of the handling of service complaints made by members of the UK armed forces regarding any aspect of their service life. Improvements to the service complaints process are being progressed, and those do not require primary legislation, although there is one small measure in the Bill that seeks to change the legislation in certain circumstances.

I should also mention that there are provisions in the service complaints system and the service justice system for support to be provided to those who make complaints or allegations, and to those who are the subject of such actions. There is also legal aid for those facing charges in the service courts, and there are assisting officers at summary hearings.

The Committee can be assured that individuals are not left without support and assistance. On many other issues, the Soldiers, Sailors, Airmen and Families Association, the Royal Naval Association, the Royal Air Forces Association, Veterans UK and a great many more regimental associations and groups throughout the country have regular access to the chain of command and Ministers to represent their members' interests. As I mentioned, the chain of command remains an important route through which personnel can make representations about matters of interest and concern.

[Johnny Mercer]

In addition, there are a range of other mechanisms for service personnel to have a voice on matters that concern them. The annual armed forces continuous attitude survey asks personnel about all aspects of their service life, and the results are used to inform the development of policy and to measure the impact of decisions affecting personnel, including major programmes and the armed forces covenant. The survey results are published. I should add that service personnel play an active role in the development of policies that affect them, and I see that every day in the work that goes on under the Chief of Defence People, Lieutenant General James Swift.

The Committee might not be aware that the Chiefs of Staff Committee, chaired by the Chief of the Defence Staff, has a WO1, Mr Haughton, as its senior enlisted adviser, and he has a voice on all the matters that come before that committee. As a further example of our commitment to improving diversity, all Army officers at two-star and above have a reverse mentor, which supports diversity of thought across all areas of the service.

Finally, Ministers and senior officers hold regular town hall meetings for all staff—service and civilians—to brief them on developments and issues and provide an opportunity for everyone to ask questions about those developments.

Tonia Antoniazzi (Gower) (Lab): I hope the Minister enjoys his virtual visit to Gower. Has that already taken place?

Johnny Mercer: I have not been to Gower.

Tonia Antoniazzi: Sorry, I thought the Minister was paying a visit—a virtual one.

Anyway, in written evidence, Forward Assist said:

“Survivors need military leaders to both hear them and protect them when they make complaints. Sadly, in many cases the current system allows victims to remain hidden, silenced and unacknowledged whilst perpetrators are free to offend again.”

Does the Minister agree with that? What he is saying goes against that.

Johnny Mercer: May I ask my hon. Friend to repeat that? I did not understand the question.

Tonia Antoniazzi: We had written evidence, and I wonder if the Minister agrees with it. He says that there is a sufficient system in place, but Forward Assist said:

“Survivors need military leaders to both hear them and protect them when they make complaints. Sadly, in many cases the current system allows victims to remain hidden, silenced and unacknowledged whilst perpetrators are free to offend again.”

That really concerns me.

Johnny Mercer: Yes, it really concerns me. Forward Assist does a load of brilliant work in this area, and I have been clear on the record before that too many incidents of unacceptable behaviour go on. The female experience in the military is nowhere near where I want it to be. We are contributing to the Defence Sub-Committee inquiry on the female experience, and I will be the

Minister answering that. That is all acknowledged. I think that is a separate matter from a representative body.

I hope that I have clearly explained the rationale for the Government’s approach and the provisions that do exist and that, following those assurances, the hon. Member for West Dunbartonshire will agree to withdraw the new clause.

Martin Docherty-Hughes: I am afraid that I will not withdraw the new clause but press it to a vote.

Question put. That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 8.

Division No. 3]

AYES

Antoniazzi, Tonia	Jones, rh Mr Kevan
Carden, Dan	Monaghan, Carol
Docherty-Hughes, Martin	Morgan, Stephen
Hodgson, Mrs Sharon	

NOES

Anderson, Stuart	Holden, Mr Richard
Dines, Miss Sarah	Lopresti, Jack
Docherty, Leo	Mercer, Johnny
Henry, Darren	Wheeler, Mrs Heather

Question accordingly negatived.

New Clause 5

UPDATING GENDER NEUTRAL DRAFTING

“(1) Section 1 of the Armed Forces Act 2006 is amended as follows—

(2) In subsection (1) for ‘he’ substitute ‘they’.

(3) In subsection (1)(c) for ‘him’ substitute ‘them’.

(4) In subsection (2) for ‘he’ substitute ‘they’.”—(*Carol Monaghan.*)

This new clause would allow for gender neutral language to be used in legislation pertaining to service personnel.

Brought up, and read the First time.

9.30 am

Carol Monaghan: I beg to move, that the clause be read a Second time.

I hope the Committee will agree to the new clause, which would establish gender-neutral drafting in the Armed Forces Act 2006. The Act should reflect the diversity of military service personnel and veterans in the UK armed forces. The armed forces should be a safe and inclusive environment for all those who serve, regardless of gender, sexual orientation, religion, ethnicity or class. That inclusivity and respect must permeate all levels of military organisation, including at legislative level. By adopting gender-neutral language in the Armed Forces Act, we can demonstrate that the legal commitment to inclusivity for all gender identities permeates it. Words have power, and language matters. It is important that we adapt the legislation to reflect the true democracy of our armed forces, and I hope the Government feel able to support this new clause.

Johnny Mercer: Hon. Members seek to amend section 1 of the Armed Forces Act 2006 by substituting the gender-specific words in that text with gender-neutral language. Clearly, gender-neutral drafting in legislation is important, and it has been deemed essential by successive Governments in recent times. The practice now is that new primary legislation is drafted in a gender-neutral way. On 8 March 2007, the then Leader of the House of Commons, Mr Jack Straw, announced that all future Government Bills would be gender neutral

“so far as it is practicable”.—[*Official Report*, 8 March 2007; Vol. 457, c. 143W.]

That approach is reflected in the Office of the Parliamentary Counsel’s current drafting guidance. In accordance with that guidance, this Bill, including the amendments it makes to the Armed Forces Act 2006, has been drafted in a gender-neutral way.

However, the Armed Forces Act 2006 was drafted before the new approach of gender-neutral language was adopted, and it is not drafted in a gender-neutral way. While, as I say, the practice is now to draft in a gender-neutral way, it is not the Government’s practice to update language in all legislation that is not otherwise being amended. In short, it is one thing to insert gender-neutral legislation, as this Bill does; it is quite another to revise existing legislative text, as this new clause proposes.

Further, from a common-sense perspective, the proposed new clause is rather narrow, seeking only to amend one small part of the Armed Forces Act 2006 and leaving much of the Act in the old, gendered-pronoun style. Conversely, it would be rather impractical and time-consuming to revisit the entirety of the Act. The Government will, of course, continue to adopt gender-neutral drafting when amending the Armed Forces Act 2006 for other reasons. On that basis, I hope the hon. Member will agree to withdraw her new clause.

Carol Monaghan: The Minister’s response is rather disappointing. Yes, this new clause does refer to just one part of the 2006 Act, but it was hoped that that would then permeate through all of the Act. It is disappointing, when we are talking about the importance of diversity in the armed forces, that the Minister is not willing to look at this proposal. It would not be a huge amount of work to amend the entire Act; it would simply involve updating these particular gender-specific words. I am not going to push this new clause to a vote, but I am disappointed by the Minister’s response. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 6

DUTY OF CARE FOR ALCOHOL, DRUGS AND GAMBLING DISORDERS

“(1) The Armed Forces Act 2006 is amended as follows.

(2) After section 20(2)(d) insert—

‘(e) the person is dependent on, or has a propensity to misuse, alcohol or drugs.’

(3) After section 20(3) insert—

‘(3A) The Secretary of State has a duty of care to offer a specific pathway for support and treatment for current and previously serving service personnel who experience—

(a) a propensity to misuse, alcohol and drugs,

(b) alcohol or drug dependency, and

(c) gambling disorder.

(3B) The Secretary of State must include in the annual Armed Forces Covenant report—

(a) the number of people accessing treatment and support as set out in section (1), and

(b) the current provisions for rehabilitation facilities for Armed Forces personnel who are experiencing a propensity to misuse or have a dependency on alcohol, drugs and gambling.”—(*Dan Carden.*)

This new clause places a duty of care onto the Ministry of Defence to provide treatment pathways to serving personnel and veterans who experience alcohol, drug and gambling disorders and will include the number of people accessing treatment and current rehabilitation provisions in the annual Armed Forces Covenant report.

Brought up, and read the First time.

Dan Carden (Liverpool, Walton) (Lab): I beg to move, That the clause be read a Second time.

This new clause would place a duty of care on the Ministry of Defence in relation to finding a pathway to treatment for people suffering with addiction. We are familiar with the existing narrative that many of our armed forces community will, at some stage, struggle with their mental health. While there is agreement that we must prioritise the mental health and wellbeing of our armed forces, alcohol, drug and gambling use disorders—otherwise known as addiction—do not receive the same consideration, and serving personnel and veterans experiencing addiction are being failed by the current system.

In society, we should afford the same attention, resources and support to addiction as to any other mental health matter, because addiction is an illness—an illness with a higher prevalence across the services. The new clause would place a duty of care on the Ministry of Defence to ensure that it has a role to play in finding a pathway to treatment for those men and women who have given service. Combat Stress confirms that military personnel are more likely to suffer from substance misuse problems than civilians, yet there is only one veteran-specific addiction treatment facility in the whole of the UK—Tom Harrison House, in Anfield, in my constituency.

Turning to alcohol, drugs and gambling in times of uncertainty or hardship is normalised in the UK. The latest Office for National Statistics alcohol-specific deaths data show that this is now a national crisis. Our armed forces are a niche community with distinct values that make engagement with local services difficult. Many veterans and their families are isolated and do not receive the treatment they need and deserve. I have met many veterans visiting Tom Harrison House who felt completely let down by the MOD. I am yet to meet one who has received the support they need for their addiction through the Army, Navy or Air Force. Too often—in fact, it is the norm—people have to hit rock bottom to get picked up and offered support. Even then, treatment is not always available. One veteran told me:

“I gave my life to service, I was trained to lack empathy; conditioned to survive; asking for help was a weakness; encouraged to drink and when there was nothing left for me to give, I was discharged, without any re-conditioning, no support; completely alone.”

That experience is unacceptable.

We just do not know how many veterans experience substance use disorders, as there is such limited reporting. The new clause would address that lack of understanding.

[Dan Carden]

As it stands, the MOD plays no role in the pathway of support for veterans who require treatment for addiction and other mental health issues, even though we know that the effect of service is often a determining factor in a veteran's illness. Once personnel have left service, they rely on the NHS and local authorities, and of course the UK's third sector organisations provide help and support. I absolutely value their work, but the MOD has a responsibility to those men and women that it has shirked for too long. Veterans are expected to use the same pathway as civilians—through the NHS and local authority services—yet drug and alcohol services have been decimated in the past 10 years, with part one of Dame Carol Black's review on drugs detailing that, in some local authorities, funding for these services has been cut by 40%. We expect veterans to navigate an underfunded system that does not cater for veteran-specific needs.

We know that addiction is often a symptom of deeper psychological problems. Substances are ways to escape and self-medicate. Although co-occurrence of substance use and mental health diagnoses is widely understood, to access mental health services the person must often address the substance use first. The Committee heard at first hand from Combat Stress just how obstructive that is to recovery. This fractured approach leaves too many in prolonged pain and suffering as they continue to fall between the cracks. While the Bill will enshrine the armed forces covenant into law, public bodies having that due regard will not help the many veterans who experience addiction.

Mr Jones: My hon. Friend is talking about veterans, but does he agree that there is a big issue with drug and alcohol misuse in the services? The services' main response is usually to dismiss people with those issues. Does he think more should be done to get treatment for those individuals while they are in service?

Dan Carden: I am grateful to my right hon. Friend. We know that levels of treatment do not match the levels of addiction that we believe exist. I will finish on this point. Currently, there is a zero-tolerance approach to alcohol and drug misuse in the forces, and that approach lacks understanding and is outdated. Other professions, including our doctors, the police force, the fire service and pharmacists, provide occupational support for substance use, and our armed forces should follow suit. I hope the Minister will address that issue.

New clause 6 will ensure that these men and women have access to a pathway of support for problematic alcohol, drug and gambling use, and it will allow information on service personnel and veterans' treatment, and the provision for it, to be included in the annual armed forces covenant report.

Johnny Mercer: This is a really important new clause, and there are some really good points in there. I am grateful to my hon. Friend the Member for Liverpool, Walton for raising these issues, because addiction is something that is particularly close to my heart, and we as a society and a Government need to do more on it. He raised some important issues. I will not just read him the blurb of what is available, because he knows

about that. I will address a couple of the points that he made. I cannot accept the new clause, but I will talk about what we can do to address some of these issues.

I pay tribute to my hon. Friend for his lobbying in this cause. I know he has worked hard on it over a number of years. Tom Harrison House is a real beacon of support for those enduring substance abuse and addiction challenges, and I pay tribute to its work. When it comes to the responsibility for providing pathways for veterans, the difficulty that we have with the new clause is that, in this country, veterans are not an individual cohort on their own; they are civilians who have served, who were picked from society and will return to society. So, along the lines of what I have done with Operation Courage to ensure that there is a single front door and clear pathways that people can navigate, we must ensure that there are addiction pathways through these treatment services.

I ask my hon. Friend to come and see me in the Department, and perhaps we can visit Tom Harrison House. This has long been an issue for me. The third sector does amazing stuff in this field, but some organisations will not treat people until they have finished drinking, or whatever the addiction challenge may be, and we have to do more on that. I would like to visit Tom Harrison House and really listen to hear what the people there would do with the current situation. We have a sort of trailblazer going on in the NHS with Op Courage, and I do not see why we cannot do that with addiction services.

My hon. Friend talked about having a zero-tolerance approach in terms of people who have served. We do not have a zero-tolerance approach to those who are using drug and alcohol services; we provide support. I have seen that in units down in Plymouth, where people have received support for alcohol abuse. There certainly used to be a zero-tolerance approach to drugs, but there is not one now. We do what we can, cognisant of the way that society has changed. However, we are very clear that drug use is not compatible with service life, and that position has been upheld and proved time and again.

9.45 am

I cannot accept the new clause because it would essentially give the MOD responsibility for civilian services, but I can try to achieve the same effect by making a joint visit to Tom Harrison House and really understanding where the points of pressure are in ensuring that care pathway for our people, and work together to make sure that we can look after such people, who—my hon. Friend the Member for Liverpool, Walton makes a really strong and valid point—have been quietly shielded out from other services that other people have had access to. It is something that I feel very strongly about.

Mr Jones: My experience, like the Minister's, is that there is support within the military for individuals; I think I was the one who changed the policy around zero tolerance of drug use. May I ask about the support for such individuals? There will be individuals who have to leave the armed services because of drug and alcohol issues. What support is given to them? Transition for those individuals to get support in civilian life is important. Is there a specific pathway for people who have to leave because of drug and alcohol problems in the armed

services, or are they just left to their own devices? That would be a way to stop some of those individuals falling further into the addictions that have grasped them.

Johnny Mercer: They are not left to their own devices. There is now something called the Defence Transition Services, which were set up last year. They are specifically tailored to put our arms around all those individuals who are leaving service. They are not specifically tailored to those who suffer from addiction. The service is agile enough to deal with all our vulnerable service leavers, particularly those coming out of care and things like that. They can now access Defence Medical Services up to six months after they leave, but there is always more to do in this space. That is why I am keen to see my hon. Friend the Member for Liverpool, Walton at Tom Harrison House.

Mr Jones: I welcome what the Minister says, but if he is looking at the broader issue around veterans, could he perhaps also look at the support that he has given to individuals who have to leave because of addiction problems? I accept that there is a transition process, but some more work could be done to look at specific support for those who have to leave because of drug and alcohol-related issues.

Johnny Mercer: Yes, of course I will. I give a commitment to the Committee to work with my hon. Friend the Member for Liverpool, Walton to design the pathways and report back in future on what we can do better. With those assurances, I hope he will agree to withdraw the motion.

Dan Carden: I thank the Minister for the way that he has engaged with these issues, and for the work that he has already done. One of the key problems that we have is the poor set of data, and I look forward to working with him to see what we can do in the Bill on those issues. In the light of the Minister's commitments to meet and his offer to visit Tom Harrison House, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 7

WELFARE OF OPERATION BANNER VETERANS

"No later than 12 months following the day on which this Act is passed, and every 12 months thereafter, the Secretary of State must publish a report which must include the number of Operation Banner veterans who—

- (a) have contacted the Office of Veteran Affairs,
- (b) are accessing mental health treatment,
- (c) are in the street homeless population, and
- (d) are within the prison population."—(*Mr Jones.*)

This new clause will ensure that the Government offers consideration to the overall welfare of those service personnel that served in Operation Banner.

Brought up, and read the First time.

Mr Jones: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 15—*Duty to report*—

"The Secretary of State to place a duty on all public services to include a question on whether the respondent is a veteran, has previously served in the Armed Forces or is a reservist to all new service users."

See explanatory statement for NC14.

Mr Jones: New clause 7 is designed to get a commitment on looking at Northern Ireland veterans. I was very disappointed that the Government voted down our proposal for the Committee to take evidence from Northern Ireland veterans. Even the compromise of asking for written evidence was voted down, which was a disappointing approach from the Government.

Operation Banner was the longest continuous operation for our armed forces in Northern Ireland, running from 1969 to 2007. During that time, 1,441 members of the armed forces lost their lives in the service of their country in Northern Ireland. It sadly began in 1971 with the death of a member of the Royal Artillery Regiment, Robert Curtis, who was 20 years old and is buried in the West Road Cemetery in Newcastle, and it ended with Lance Bombardier Stephen Restorick, 23, when he was shot by a sniper at Bessbrook in County Armagh in February 1997.

Those two men are the bookends of the individuals who lost their lives, but many of those individuals serving in Northern Ireland had joined the armed forces mainly from communities such as the one I grew up in, from areas that they had left because of unemployment. They proudly served their country and were asked to take part in an operation that was vital for the security of our country, which exposed them to risk not only in Northern Ireland, but on the UK mainland, as we saw with the tragedies of the bomb attacks and deaths of service personnel. They paid a huge price—not only those who died, but those who served—and to a large extent they are the forgotten veterans.

We rightly honour the veterans of overseas campaigns who have lost their lives or suffered injury, but Northern Ireland and Operation Banner were slightly different. Because the operation took place in the UK, there is a tendency to think that somehow it is politically embarrassing for those individuals to be recognised, and because it went on for so long and did not retain public interest once it had ended, they were not kept in the headlines. There needs to be more research and focus on those individuals and on giving them recognition.

My amendment calls for a report to be commissioned by the Secretary of State specifically into the effects of Operation Banner on those individuals. Many will now be somewhere in their late 70s and possibly early 80s. While I accept that many will have gone on, as many members of the armed forces do, to successful civilian careers, the veterans I have spoken to over the years, and the individuals I knew growing up who had served in Northern Ireland, have suffered. There is a lack of research on that, although I commend recent reports from the Forces in Mind Trust, Queen's University Belfast and Ulster University, which were very good and specifically looked at Northern Ireland veterans.

There are two sides to this: there are the Northern Ireland veterans who are now resident in the UK, but I know from a number of visits I have made to Northern Ireland that there is also an ongoing problem with mental health support for those who served and live still in Northern Ireland. Some of the issues in the summary of the report that came out in 2017 were quite interesting.

One such issue was that those veterans felt there was a lack of trust, and another was a desire—quite rightly, I think—for some kind of public recognition for their service. I accept that they were awarded medals but, in the context of the broader question, because of the

[Mr Kevan Jones]

political nature of the Northern Ireland conflict, that recognition has not been given them. Also, in sections of certain communities, there is a social stigma against certain individuals who served in Northern Ireland. We need to do research and have the data and evidence to support the individuals who served. They were ordinary men, mainly, although there were also women. They came from communities across the UK, many in northern towns, and they served their country.

Added to that, we have the ongoing uncertainty on prosecutions, with 12 individuals still being investigated for crimes that allegedly took place throughout their service in Northern Ireland, some dating back over 50 years. In many cases, they have been investigated on numerous occasions. Obviously, a case that has been highlighted recently is that of Dennis Hutchings, who is 79 years of age. What strikes me about all the cases is that the individuals who are facing the torment—and I mean torment—of a prosecution hanging over their heads are mainly from the lower ranks.

I accept that things were done in Northern Ireland throughout the campaign that we would look back on and not agree with; the Army, and the way in which the armed forces operate, has changed radically in those 50 years, but the idea that young servicemen who were serving their country should be the target now of prosecution when those who made the decisions higher up, including politicians and those in higher ranks in the armed forces, were not held to account in any way for those actions is not acceptable.

I know that the Prime Minister and the Minister have said that legislation will be introduced to deal with those prosecutions, but it is like tomorrow; it never comes. The Prime Minister promised it. It was promised in the last Conservative manifesto. It was also promised in the Overseas Operations (Service Personnel and Veterans) Bill. Nothing came forward. The Minister then said that it would be in this Bill, but clearly it is not. It has now been parcelled off. I understand it is now said not to be a MOD matter, but a matter for the Northern Ireland Office.

I take a very clear view on this issue, and it is already there in law. Is it in the public interest to persecute and chase down individuals for incidents that happened, in some cases—such as Dennis's—50 years ago, when they have been investigated on several occasions? That cannot be a good and right way of treating people who were doing their duty by their country in horrendously difficult circumstances and keeping us all safe. At the end of the day, that is what they were there to do.

Veterans now think that the promises that have been made by the Government are pretty hollow, and unless legislation is introduced very quickly some individuals will face the courts. The terrible thing is the uncertainty hanging over those individuals—that at any time they could get a knock at the door and be asked to account for actions that took place in some cases, such as Dennis Hutchings's, 50 years ago. That cannot be right.

As part of the efforts to highlight the plight of veterans, I welcome the Forces in Mind Trust research that has been done already, but we need the MOD, if it is really committed to these individuals, to do a wider piece of work looking at the effects of service in Northern

Ireland, and to not forget those individuals, who were doing their duty by their country. I accept that a lot of things in this Armed Forces Bill might be problematic, but it is the only time we have as parliamentarians every five years to address issues that affect not only the veterans community, but members of our armed forces. I think if we were to do this, it would send a clear message that we are not forgetting these individuals and are trying not only to do the research, but to put in place policies that actually help them.

I plead with the Government to stop promising things that they are not going to deliver. If they are not going to deliver on the prosecutions, they should just say so. I think it is pretty dishonest to have a situation whereby these individuals are being promised something, including by the Prime Minister, that is not yet being achieved.

10 am

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): It is a pleasure to follow my right hon. Friend the Member for North Durham. He is not only a fellow north-east MP, but a highly regarded Member of this House and an expert on these issues, having served not only as an armed forces Minister, but on every one of these Bills since he was elected in 2001. I am therefore very proud to serve on this Committee alongside him.

I rise to speak to new clause 15, which would mean the Secretary of State had to place a duty on all public services to ask new service users a question about whether the respondent is a veteran, has previously served in the armed forces or is a reservist. I know that some services do this already, but this new clause would ensure that all public services ask the question and record the answer. I will come on to reporting when we discuss new clause 14.

Since taking on the role of shadow Minister for Veterans last year, I have heard that veterans and reservists are, more often than not, not asked about their service history and may not feel that it is relevant to the service they are accessing. They could therefore access a public service without anyone ever knowing of their service history. While this may be fine on some occasions, on others it could be a huge barrier to a veteran or reservist receiving the services they really need. That is why the Opposition tabled new clause 15.

In written evidence, the Local Government Association recognised the challenge of identifying veterans in their communities, and went on to say:

“More information about the number of veterans in our communities would help councils better plan their local services to make sure we have the right services in place.”

This new clause would therefore ensure that the majority of veterans and reservists are captured by public services when they access one for the first time. This will, I hope, improve the experiences of veterans and reservists, and allow public services to tailor their offering to the veteran and reservist population in their local area.

I know that some people may not identify themselves as a veteran, perhaps thinking that that term refers to someone older or from one of the world wars or someone having seen active service, which is why the new clause includes asking if the person has previously served in the armed forces. I hope that the Minister will consider this new clause, which will help improve the experience of veterans and reservists when accessing public services

for the first time and assist public services in tailoring their offer to the local population. As I mentioned, I will raise reporting when we come to new clause 14.

Johnny Mercer: I will address new clauses 7 and 15 together. I enjoyed the contributions.

There are some serious points here about the recognition of veterans—particularly our Northern Ireland veterans—which I have worked very hard on over the last couple of years. There is no tiered system of veterans. We are as proud of our Northern Ireland veterans as we are of those who served in Iraq and Afghanistan. Operation Banner was a deeply challenging environment. When I came to this House, I came here with a mandate to improve veterans' care and the experiences of those who serve. There is perhaps no greater symptom of the betrayal of our veterans by Governments over the past 40 years than prosecuting or going after those who served in Northern Ireland when no new evidence exists and it is simply a question of the politics having changed. There is no other country in the world that endures these issues among its veteran population. The more people who speak on this matter and who become aware of it, the more that the individuals going through these processes will feel support.

The Prime Minister has made commitments to end this disgrace. I have made commitments to end this disgrace. Those commitments stand. It is an incredibly difficult environment and space in which to operate. At no stage have I just cast this matter off to the Northern Ireland Office, as has been alleged by my right hon. Friend the Member for North Durham. I work on this every day in the Department. Unlike my predecessors, I will achieve a result for those people who served in Northern Ireland. We will slowly make progress towards that.

Let me turn to the matter of welfare for those who supported on Op Banner. The creation of the Office for Veterans' Affairs in 2019 is a marker of this Government's commitment to her veterans. That never existed before; in previous Governments, under previous Ministers, there was never an Office for Veterans' Affairs that took responsibility for these issues. We continue to demonstrate our commitment to supporting veterans and making the United Kingdom the best place in the world to be a veteran.

In the strategy for our veterans, the Government committed to improve the collection and analysis of data on veterans' needs and experiences to inform future policy. I accept that we have poor data on veterans. If we had changed that—perhaps 10 years ago—we would be in a far better position now to calibrate programmes and understand the nuanced challenges in the transition from service life into the community. But we did not do that 10 years ago. We are doing it now. The first money that came into the Office for Veterans' Affairs went into data and studies to try to understand the scale of the problem, so that we can implement evidence-based policies that genuinely affect and improve the lives of our veterans.

We are going to publish an annual veterans report, which will set out the progress made each year on delivering these objectives so that we can be held to account. As part of this data strategy that will improve collection and analysis of information across a wide

range of topics—including veterans' health and wellbeing; mental health; the frequency of the tragedy that is suicide; employment; housing; and relationships—we are working with stakeholders, other Departments and the devolved Administrations to understand what data already exists, where there are gaps in knowledge and how the gaps could be mitigated, including, where relevant, by adding new veteran markers to datasets. That is happening.

The 2021 census in England and Wales also represented a key opportunity. Using the expertise of the Office for National Statistics, we will be able to use anonymised data provided by the census to better understand the veteran population in England and Wales as a whole, and the huge range of topics affecting their lives, including their health and wellbeing.

New clause 15 seeks to

“place a duty on all public services to include a question on whether the respondent is a veteran, has previously served in the Armed Forces or is a reservist to all new service users.”

This would place an undue and unnecessary burden on public bodies. In keeping with the initial action plan of the January 2020 UK Government's strategy for our veterans and the New Decade, New Approach agreement, my Department is currently conducting a review of welfare services provided to all veterans living in Northern Ireland.

The Ulster Defence Regiment and the Royal Irish Regiment (Home Service) Aftercare Service was established in 2007 to provide welfare support for Op Banner veterans and their families from within an established service delivery network. My Department recognises that the delivery of veterans' welfare support in Northern Ireland has grown in a specific way. However, I can provide assurance that a review of the aftercare service has commenced and will establish the potential of the aftercare service to support better our veterans UK-wide in the welfare structure. For that reason, it is imperative that, before further commitments are made, the review is allowed to conclude and bring forward its recommendations on long-term service delivery for veterans in Northern Ireland.

To support our veterans living in Northern Ireland further, we have, for the first time, appointed a Northern Ireland Veterans Commissioner to act as an independent voice and point of contact to support and enhance outcomes for all veterans. I hope that, following those assurances, the right hon. Member for North Durham will agree not to press the new clause.

Mr Jones: I accept that the Minister does not see veterans in tiers, but he should read the Forces in Mind Trust's research on the way in which Northern Ireland veterans are perceived by the public. I do not accept that somehow because people served in Northern Ireland they are less of a veteran than those who served in any other sphere. I agree with the Minister that they should be treated similarly, but they are a unique group of individuals who need more attention.

The Minister talks about the aftercare service in Northern Ireland. I have visited that service and accept that it is good, but most Northern Ireland veterans do not live in Northern Ireland. I certainly commend the aftercare service's work with not only veterans, but their families on the ongoing psychological problems that

[Mr Kevan Jones]

many family members experience. However, in terms of progress and getting the research, although the Minister says that the Office for Veterans' Affairs was a first, I am sorry, but it was not. The last Labour Government started the Veterans Agency and had a veterans Minister. I could go on at length about what was put in place for veterans. It is all right for him to champion the new Office for Veterans' Affairs, but he is cutting its budget at present, which cannot be right.

This area does need more research. Those facing prosecutions do not receive the recognition they deserve. I think that, in the way in which they are being dealt with, they are going through torture. In addition, other Northern Ireland veterans who are not currently being pursued for prosecutions fear that they may well be in future. That must be an awful feeling for those individuals who, if they committed a crime, it was serving bravely their Queen and country and being asked to do a very difficult job on behalf of us all. That is totally unacceptable.

Given the concentration on these veterans, commissioning the report would give a clear indication that we are taking them seriously. I understand what the Minister says about his commitment to the issue of Northern Ireland prosecutions, but frankly those are words that we have heard from both him and the Prime Minister. What the veterans need now is firm action. Without that, they will continue to feel let down. I would therefore like to press the new clause to a vote to ensure that the MOD does the research and gives the recognition and support to those brave servicemen and women who served on behalf of our country in Operation Banner.

Johnny Mercer: I recognise what happened last time on the Armed Forces Bill. My hon. Friend the Member for North Durham attempts to leverage this in and follows it up with a press release to make out that he is standing up for Northern Ireland veterans. I want to place on the record that, yes, I am the first veterans Minister and this is the first Prime Minister to commit to end this intolerable process for our veterans. There was a time when I stood alone on this issue and although I welcome his support now, people are not as forgetful or as dim as he would like to think. He was the armed forces Minister. He was in Government for a considerable period of time when absolutely nothing was done on this issue.

Mr Jones: That is not true and the Minister knows it.

10.15 am

Johnny Mercer: This issue has been put on the political spectrum by myself and by this Prime Minister. We will bring forward legislation to protect these people. I will not accept lessons from people for whom I served—right? I was a veteran when the right hon. Gentleman was a Minister in the Department and I know exactly what it was like, so—

Mr Jones: The Minister should be proud of what the last Labour Government did; we did not cut armed forces numbers.

Johnny Mercer: It is a total joke, because I would not be here if veteran support was as good as the right hon. Gentleman likes to think. So he can push the new clause to a vote, he can do his press release, but ultimately he will never change anything unless he actually contributes—

Mr Jones: Well, I think that if the Minister looked at my record and the record of the last Labour Government in office, we did—[*Interruption.*]

The Chair: Order. Can I ask whether it is Kevan Jones's intention to proceed with pressing the new clause to a vote?

Johnny Mercer: Of course it is—he has got his press release ready to go.

Mr Jones: Can I just respond to that, Chair? No, I do not do press releases on this. And if the Minister actually cares to look and do some research instead of doing his lazy thing of just reading out civil service briefs, he might know that I have been committed to this issue for a long time. And in terms of the last Labour Government—

Johnny Mercer: Why didn't you do anything about it?

The Chair: Order.

Mr Jones: If the Minister wants a lesson in the long list of things that both I and my predecessors did in the last Labour Government for veterans, I shall send it to him.

The Chair: Order. Mr Jones, thank you; Minister, thank you.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 8.

Division No. 4]

AYES

Antoniazzi, Tonia	Jones, rh Mr Kevan
Carden, Dan	Monaghan, Carol
Docherty-Hughes, Martin	Morgan, Stephen
Hodgson, Mrs Sharon	

NOES

Anderson, Stuart	Holden, Mr Richard
Dines, Miss Sarah	Lopresti, Jack
Docherty, Leo	Mercer, Johnny
Henry, Darren	Wheeler, Mrs Heather

Question accordingly negated.

Johnny Mercer: On a point of order, Mr Sunderland. I seek your guidance on what I should do as the Minister when I am sat here and facts are presented to the Committee that are fundamentally untrue. The officials from the Department have just come back to me on the continuity of education allowance, which the hon. Member for Glasgow North West raised. The allegation is that it is predominantly used by officers, but the figures do not show that. I have informed her that that is the case, but

she still does not wish to correct the record. What do you suggest that I do when dealing with misinformation on this scale?

Mr Jones: Know your subject, rather than just read the brief out.

Johnny Mercer: There seems to be some distortion on the line, Mr Sunderland. I can't quite hear you.

The Chair: Thank you for the point of order. My response is quite clear on this. First, Minister, you have the right to respond on all the amendments and new clauses that we are discussing. The second part of my advice is that if you are not happy with being interjected on, or if a statement that is incorrect is made after you have spoken, you have the right to make a point of order.

Johnny Mercer: Further to that point of order, Mr Sunderland. Is there any way to reduce the heckling from the right hon. Member for Darlington North so that I can get through my speech without this persistent barrack-room heckling?

The Chair: Thank you once again, Minister. I urge all Members to stay on mute unless they are formally requested to speak or wish to intervene.

Johnny Mercer: Thank you.

New Clause 8

TERMS AND CONDITIONS OF SERVICE

“(1) The Armed Forces Act 2006 is amended as follows.

(2) Section 343A, after subsection (5) insert—

“(5A) An armed forces covenant report must include—

- (a) a comparison of the terms and conditions of service for service people with other public sector employees, and
- (b) an assessment as to whether service personnel face no financial disadvantage through their employment.”—(*Mr Jones.*)

This new clause will ensure that the principles of the Armed Forces Covenant extend to matters relating to the financial disadvantages subjected to UK serving personnel and veterans, as a result of their time in the Armed Forces.

Brought up, and read the First time.

Mr Jones: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 10—*Due regard given to service personnel*—

“(1) When preparing policy, public bodies must have regard to those matters to which the Secretary of State is to have regard in preparing an Armed Force covenant report, under section 359A (2A) of the Armed Forces Act 2006.

(2) In preparing policy, public bodies must consider whether the making of special provision for service people or descriptions of service people would be justified.

(3) The Secretary of State must lay 12 months following the day on which this Act is passed, and every 12 months thereafter,

a report which sets out how decisions made by the relevant Departments have taken due regard to the Armed Forces Covenant into account.”

This new clause will ensure the Government fully enshrines the Armed Forces Covenant into law. It clarifies the duty to have ‘due regard’, meaning public bodies and ministers must consider the same issues that the Secretary of State does in preparing the Armed Forces Covenant Annual Report.

New clause 14—*Statistics to be reported as part of the Armed Forces Covenant Report*—

“(1) The Armed Forces 2006 is amended as follows.

(2) Section 343A, after subsection (5) insert—

“(5A) An armed forces covenant report must include the number of—

- (a) veterans (or families of veterans) who have contacted the Office of Veteran Affairs or Veterans UK each year and an overview of the most commonly mentioned reasons for contact;
- (b) veterans who have applied for a Veterans Railcard;
- (c) veterans who have applied to the Civil Service Interviews Scheme, and the proportion of these who have been successful in a job offer;
- (d) veterans in the street homeless population; and
- (e) veterans who have died by suicide.”

This new clause, with NC15, will improve the Government’s collection and reporting of data on veterans in the Armed Forces Covenant Annual Report. It also places a duty on all public services to establish whether all new users are a veteran.

Mr Jones: First, may I put on the record for the Minister that my constituency is not Darlington North but North Durham, which I am proud to have represented for the past 20 years? Can I also just give him some advice? If he actually read around the subject and understood it, rather than just reading out the civil service brief, he might be able to think on his feet and answer the points. It is called preparation for Bill Committees—I am not sure he does a great deal of that.

New clause 8 gets to an issue that was raised earlier by the hon. Member for Glasgow North West—the ability of the armed forces to make representations on their terms and conditions of employment. That ability is limited, and the first issue that I will raise is pay. We have already heard about their limited ability to raise issues in other areas, but it is down to the Armed Forces Pay Review Body to look at the way in which the armed forces are remunerated. I accept that it is not a straightforward situation, due to not just the different ranks and responsibilities, but the complexity. The three services are not always easy to understand.

Because the armed forces cannot make representations on their own pay, they rely on the Armed Forces Pay Review Body to do that intensive work. Anyone who cares to read its annual reports—sadly, I do—knows that it does an excellent job of trying to gauge opinion across the armed forces, and it has comparators with other sectors. I accept there is not a complete read-across to other, civilian areas, because, for example, there are issues around abatements of pensions and other things, but the Armed Forces Pay Review Body is expert in being able to do these things.

There was not a problem until 2010, because it was assumed that no Government would not accept the pay review body’s recommendations. We are talking about standing up for our armed forces, and I was proud to be a member of a Government who accepted those recommendations in full. However, that changed in

[Mr Kevan Jones]

2010, when the coalition Government, and then the current Conservative Government, did not accept the pay recommendations. The MOD might accept them, but they are not implemented in terms of the Treasury recommendations. In 2010, an Army private was paid £17,014 per annum. Average inflation has been 2.7% over the period since then, which means a private should receive £22,338 today. However, a private earns only £20,400 today—an almost 10% cut in privates' pay since 2010.

On Second Reading, the hon. Member for Brecon and Radnorshire (Fay Jones) said that the Tory party is the party that stands up for the armed forces. I can imagine the hue and cry there would have been if I had recommended that armed forces pay should be cut in such a way when I was a Minister in the Ministry of Defence. This just shows how hollow those words are. One of the important things about a pay review body is the fact that it is independent. Clearly, in 2013, Downing Street did not like the recommendations from Alasdair Smith, who was then the chairman and whom the Government failed to reappoint, because he wanted to go beyond the 1% basic rise that had been recommended.

The Government cannot pick and choose when service personnel are treated as public servants. The wage cap in the public sector was argued for on the basis of austerity, but I would argue that members of the armed forces should be treated separately, because they have an independent body that looks at their pay. As has been raised already, they do not have the ability to make recommendations or to take any actions.

New Clause 8 is designed to ensure that the covenant report includes comparisons with the terms and conditions of service in the public sector. Many of those may well be issues that are raised by the pay review body, but I would certainly like to see that emphasis, so that we can judge what the Government are doing.

As I say, we have had a coalition Government and a Conservative Government who have cut armed forces pay, but they also made people compulsorily redundant in the early 2010s. Again, if I had recommended that as Minister for the Armed Forces, the newspaper headlines and Conservative Members would have said that it was an outrage. However, it has gone through very quietly, like the issue of armed forces pay. New clause 8 would ensure that armed forces pay is on the agenda and we have the ability to ensure that Governments of whichever colour do not renege—which this Government have done, and which the coalition Government did—on armed forces pay.

The Chair: Before I call Stephen Morgan to speak to new clause 10 and then Sharon Hodgson to speak to new clause 14, I remind Members that this sitting is being broadcast live. Members should therefore refrain from arguing in public. I remind everyone that they must formally intervene and then stay on mute when they are not speaking.

10.30 am

Stephen Morgan: New clause 10, taken together with amendments 3 to 6, is designed to ensure that the Government fulfil their commitment to fully enshrine

the armed forces covenant into law, and that it is delivered to all service personnel, veterans and their families. As I previously noted on amendments 3 to 6, the Bill as drafted attempts to absolve central Government of the responsibility to deliver the armed forces covenant. Instead, it places the burden on cash-strapped local authorities and other public bodies, and provides no new resources with which to deliver it.

The new clause would strengthen the duty of due regard. It would build a conscious commitment to all aspects of the covenant into the framework of Government public policy, and mandate Ministers to provide evidence of where they have done that. Serving personnel, veterans and their families access a great range of services from across Government Departments, local authorities and other public bodies, but the Royal British Legion has pointed out that policy areas in which members of the armed forces community experience difficulty are often ultimately the responsibility of national Government or based on national guidance provided to other delivery partners.

Placing the burden entirely on local authorities and other public bodies conveniently leaves out the responsibilities that the Government have to veterans in areas such as pensions, compensation and even social care, where central Government set the policy that is delivered by local authorities. It also means that serving personnel who rely on the MOD for most services are not currently included in scope. At the moment, the Bill does little to reinforce and support the welfare of those who are actively serving. After a year in which they have been bolstering our frontline efforts to tackle coronavirus, in addition to carrying out continued deployments overseas, nothing is more illustrative of the low ambition with which the Government have approached the Bill.

The operation of the new clause is similar to that of the Well-being of Future Generations (Wales) Act 2015, which ensures that relevant new legislation and guidance pass a climate change litmus test. Why would we not require the same standards for our armed forces communities? The covenant contains laudable commitments that should be delivered to those who have served our country with courage and distinction, but for many in service communities it is a well-meaning but nebulous document that cannot be relied on to make any tangible difference to their day-to-day lives, as we have heard from witnesses and seen in successive reports. A practical example is the debate around priority care for veterans. That is guaranteed by the covenant, but as Cobseo pointed out in the armed forces covenant annual report, it is implemented in an inconsistent manner, and its ambiguity can cause problems on the ground.

We know that the statutory guidance that will give meaning to the legislation will not be published in full until Royal Assent. That means that politicians, service charities and, most importantly, service communities will not understand whether the Bill actually delivers until it has passed. Why are the Government happy to take that chance? The new clause is an antidote to the ambiguity and fragmentation of the current system of covenant delivery. It consciously builds the concept of “no disadvantage” into policy making across public bodies and offers an opportunity to give actionable meaning to the laudable but sometimes ambiguous

commitments in the covenant. Taken together with other proposals, it will clarify the promises in the covenant and ensure that all aspects are deliverable in practice for service personnel, veterans and their families.

Mrs Hodgson: It is a pleasure to follow my right hon. Friend the Member for North Durham and my hon. Friend the Member for Portsmouth South. I rise to speak to new clause 14, which calls on the Government to record and then report the following: first, the number of veterans, or families of veterans, who have contacted the Office for Veterans' Affairs or Veterans UK each year, with an overview of the most commonly mentioned reasons for that contact; secondly, the number of veterans who have applied for a veterans' railcard, as well as the number of veterans who have applied to the civil service interview scheme, and the proportion who have been successful; thirdly, the number of veterans in the street homeless population; and, finally, the number of veterans who have died by suicide.

I know that the Minister is working on all those areas, but the reality is that without the data we cannot establish what more may need to be done. He is right to celebrate having the veterans' question on the census for the first time. I look forward to seeing the data published as a result of that. He also often celebrates the veterans' railcard and the civil service interview scheme, which is why we are keen to hear how they are doing. I have tabled some written questions to find out, and it looks like both are going really well.

New clause 14 relates to my previous speech on public services asking if someone is a veteran or reservist. Such a measure would improve services and help government—at a local and national level—to make policies to address shortfalls. For example, in July to September 2020, 460 households were reported as having additional support needs due to a member having served in the armed forces. But not all local authorities ask, or consistently record and report this data.

We have only a small insight into the number of veterans represented in the street homeless population in London. In 2019-20, 376 people seen sleeping rough in London were recorded as having served in the armed forces; 129 of them were UK nationals. That is an increase from 2018-19, when 322 people seen sleeping rough in London—115 of whom were UK nationals—were recorded as having served in the armed forces. But, again, not all rough sleepers are assessed on their armed forces history, so we cannot say for certain whether these trends reflect what is happening in the whole population of rough sleepers.

Similarly, we do not know the scale of veterans' suicide. I know that this is a complex issue that the MOD is working on, alongside a further study by Professor Nav Kapur from the University of Manchester, who is looking into the causes of veteran suicide. However, if coroners were mandated to record the service history of the person who has died by suicide, we would be a step closer to understanding the scale of veteran suicide and whether being a veteran played any part in a suicide, as it is not always a contributing factor. New clause 14 seeks to measure the scale of the issue so that we can understand and address it.

I hope that the Minister will see merit in recording and reporting this data to better improve our understanding of veterans' lives and the challenges they face, and therefore to improve the Government's response to the issue.

Johnny Mercer: These new clauses, as I understand them, are linked by a desire to broaden the kinds of issues that the Government are required to report on annually to Parliament in respect of delivery against the armed forces covenant. I will take each new clause in turn and explain why the Government do not believe that proposed additional reporting obligations will work.

New clause 8 would require the armed forces covenant annual report to include comparative data on the terms and conditions of service personnel versus other public sector employees, and an assessment of whether service personnel experience financial disadvantage because of their service. I assure the right hon. Member for North Durham that the Government are committed to ensuring that the terms and conditions of service personnel remain attractive and competitive, and that service personnel do not face financial disadvantage.

The overall remuneration package for service personnel ensures that they are compensated for the additional costs of service life. Whether based in the UK or deployed overseas, service personnel receive additional pay enhancements that recognise the unique challenges of service life, and they are further rewarded with annual pay increments, recognising their development and commitment. On top of that, service personnel continue to be rewarded with one of the most generous non-contributory pension schemes in the country.

I recognise the importance of ensuring that terms and conditions are reviewed regularly. That is the role of the independent Armed Forces Pay Review Body, which we have talked about already this morning. It provides advice to the Prime Minister and the Secretary of State on the remuneration of service personnel, and its remit compels it to consider the need for armed forces pay to be broadly comparable with pay levels in civilian life. The Armed Forces Pay Review Body already submits an annual report on its work to the Prime Minister and the Secretary of State, who then present it to Parliament for the Government to respond to. The recommendations of the AFPRB have always been accepted by the Government. We therefore consider that the additional reporting requirement proposed by this new clause would not provide to Parliament any information that is not already received in the annual AFPRB report.

I move on to new clause 10. I interpret subsections (1) and (2) as requiring all public bodies, particularly Government Departments and Ministers, to have due regard to the principle of the covenant when making policy. If my interpretation is correct, I refer my right hon. Friend the Member for North Durham to answers that I have given elsewhere about extending the scope of the duty to include central Government Departments. Broadly, central Government are already held to account in our delivery of the covenant by the statutory requirement to report annually to Parliament on progress against the covenant. I reiterate that this will remain a legal obligation.

Clause 3 would appear to require the Secretary of State to report annually to Parliament on how other Government Departments have demonstrated due regard

[Johnny Mercer]

to the covenant principles when making policy. Quite apart from the fact that that would impose a disproportionately large administrative burden on Departments—especially the MOD in having to write such a report—the Government consider that the salient information required by Parliament to monitor Government Departments’ progress in delivering the covenant is already contained in the covenant annual report.

Finally, new clause 14 would require the covenant annual report to include new statistics on veterans in several areas, including the number of veterans contacting the Office for Veterans’ Affairs and Veterans UK each year. The Government absolutely recognise the importance of measuring the progress we are making in delivering support for veterans and remain committed to continuous improvement. In terms of both the number and quality of the metrics reported against annually in the covenant report to Parliament, the OVA is working across Government to develop a framework of measures to track progress against the outcomes set out in the strategy for our veterans. We already intend to publish an annual veterans report, setting out our progress in delivering against our objectives. We anticipate that that would also include statistics reflecting the key initiatives, such as the veterans railcard, which my hon. Friend the Member for Washington and Sunderland West mentioned.

In the light of our plans for an annual veterans report, the Government are of the view that these additional reporting requirements for the covenant and the report are not necessary. I hope that, following these assurances, Members will agree to withdraw, or will not press, their new clauses.

Mr Jones: The Minister says that the Government are committed to armed forces personnel facing no financial disadvantage, but they will if the Government accept the Armed Forces Pay Review Body’s recommendations but do not actually implement them. It is important to notice that although the armed forces do have good pensions—they are an outlier in that respect—armed forces personnel do pay for them, because those pensions are taken into account when service pay is calculated by the Armed Forces Pay Review Body.

I would accept what the Minister says, and we would have no problem with this, if we had a Government who implemented the Armed Forces Pay Review Body’s recommendations, but we have not; since 2010 we have had a Government who have not implemented those. I will therefore press the new clause to a vote, because I think an extra level of reporting is needed to show that armed forces personnel are not being disadvantaged in this case by a Government who do not implement the recommendations of the Armed Forces Pay Review Body.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 8.

Division No. 5]

AYES

Antoniazzi, Tonia	Jones, rh Mr Kevan
Carden, Dan	Monaghan, Carol
Docherty-Hughes, Martin	Morgan, Stephen
Hodgson, Mrs Sharon	

NOES

Anderson, Stuart	Holden, Mr Richard
Dines, Miss Sarah	Lopresti, Jack
Docherty, Leo	Mercer, Johnny
Henry, Darren	Wheeler, Mrs Heather

Question accordingly negated.

New Clause 11

HOUSING REPORT

“(1) No later than 12 months following the day on which this Act is passed, and every 12 months thereafter, the Secretary of State must publish a report on what constitutes minimum standards for Armed Forces accommodation.

(2) The report should also include—

- number of service personnel currently living in accommodation considered to be below minimum standard, and
- the geographical spread of the accommodation deemed to be below minimum standard for Armed Forces accommodation.

(3) The first report published must include an analysis of establishing a housing charter, which would place a duty on the Ministry of Defence to produce a housing charter guaranteeing a common, minimum standard across all service accommodation.”—(Stephen Morgan.)

This new clause will require the Government to report annually on the standard of service accommodation, including the number living in accommodation below minimum standard and its geographical spread, and produce a Service Housing Charter to set and enforce a common, minimum standard across all service accommodation.

Brought up, and read the First time.

10.45 am

Stephen Morgan: I beg to move, That the clause be read a Second time.

This clause is designed to take long-overdue comprehensive action to tackle the low standard of accommodation that our service personnel face. It will require the Government to report annually on the standard of service accommodation, including the number below minimum standards and where they are located. It will also place a duty on Ministers to provide a service housing charter, which will set and enforce a common minimum standard across all service housing.

As I have said when speaking to previous amendments, as currently drafted the duty to have due regard does not apply to Government Departments. This means that service accommodation, which is the responsibility of the MOD, is not currently included in the Bill. This new clause seeks to change that, and to respond to the widespread concerns raised repeatedly by service charities, service personnel, the Select Committee on Defence and the National Audit Office.

According to the armed forces continuous attitude survey, 40% of tri-service personnel live in single living accommodation, and 31% live in service families accommodation. A third of both these groups are dissatisfied with the overall quality of their accommodation. Roughly half of both these groups are dissatisfied with the response to maintenance requests, and a further 45% of personnel are dissatisfied with the quality of that work. This has been reinforced by the recent NAO report on SLA, which detailed a £1.5 billion backlog of repairs and an appalling prevalence of issues with heating

and hot water. Even the chief operating officer of the Defence Infrastructure Organisation has conceded that the current quality-grading system for single living accommodation is complex. Yet it finds that 36% of personnel live in grade 4 or below, which is the lowest of the categories, and there is no minimum standard. Problems with heating and hot water are widespread.

The Government have committed funds to the modernisation programme, which is welcome, but it will take significant time to come to fruition. In the meantime, it is essential that we have a transparent picture of standards for which Ministers and civil servants are accountable. When we look at service family accommodation, it is the fix-on-fail contracts that cause so much trouble. Although Ministers say that Amey is meeting its key performance indicators, I suggest that these need to be reviewed, as the reality for service families is very different.

Last week, I spoke to naval families living in SFA in Portsmouth. They described huge waits for maintenance appointments and botched jobs that exacerbate problems and leave homes in shameful states of repair. I understand that service family accommodation is subject to a decent homes standard, but this in itself should be reviewed and the Government should aspire to far better for our service personnel.

Although the provision of service accommodation is split, with some being provided directly by the MOD and the rest being outsourced, it does not prevent a clear minimum standard from being applied across the board. This is simply a question of creating the homes fit for heroes that our service personnel deserve, and it should be a top priority.

It also poses a fundamental risk to recruitment, retention and morale. The 2020 armed forces continuous attitude survey found that 29% of personnel say that accommodation actively increases their propensity to leave. The Committee was due to visit service housing as part of its consideration of the Bill, but the Secretary of State mysteriously vetoed it at the last minute. Perhaps he was embarrassed by the unacceptable standards that our service personnel too often endure.

I would like to ask the Minister some very specific questions, and I look forward to his answers today. How does he justify the omission of the MOD among those responsible for having due regard to the covenant? Does he acknowledge the need for greater transparency on the overall quality of service accommodation? Will he undertake a review of Amey's KPIs, and how will the Government incentivise a move from fix-on-fail? Will he consider establishing a minimum standard across all service accommodation?

Tonia Antoniazzi: I thank my hon. Friend the Member for Portsmouth South for so clearly setting out the arguments for this new clause. For years, service personnel have had to put up with accommodation that is not up to scratch, and this Bill would have been a perfect opportunity to make some real, positive changes to rectify that.

When we heard from David Brewer and Tim Redfern a couple of weeks ago they were very keen to promote their successes but, as we all know and as recent surveys have shown, nearly half of our service personnel remain dissatisfied with their living arrangements.

I am sure we have all heard from constituents about acceptable housing, so today I would like to hear from the Minister about how exactly he is going to improve conditions for those who serve and their families. The state of accommodation has a big impact on the retention of staff. When more than a quarter of personnel are saying that accommodation is one reason for leaving the services, we know something just is not right. The loss of experienced, trained service personnel is not cost-effective, nor does it contribute to the state of readiness of our armed forces. Clarity and transparency are vital to improving conditions for our tri-service personnel, and I will be supporting the introduction of new clause 11 as it would go some way towards improving the current situation.

Johnny Mercer: My hon. Friend the Member for Portsmouth South seeks to place an obligation on the Ministry of Defence to commission an annual report to evaluate what constitutes the minimum quality standards for service accommodation and how many service personnel reside in accommodation that does not meet those criteria.

Our armed forces personnel are the heart of everything we do. As a condition of service and in recognition of their inherently mobile lifestyle, frequently remote bases and terms of service, regular service personnel are provided with high-quality, subsidised accommodation. Defence already operates a quality standard for all service family accommodation properties and is in the process of developing accommodation standards for single living accommodation. The Department has made a commitment to service personnel and their families to provide decent living standards through the service family accommodation customer service charter. The charter formally commits the Department to improve the condition and standard of the service family accommodation estate, sustaining improved levels of maintenance and repair performance and enhancing the customer service delivery that they receive from Amey Defence Services.

Defence has invested £1.2 billion over the last decade on construction and upgrades of our single living accommodation, and we continue to invest in a range of new build and renovation projects. My Department currently plans to invest a further £1.5 billion in single living accommodation, new build and upgrade projects over the next 10 to 12 years. That is more money going into SLA. As part of the wider £200 million upgrade programme for service family accommodation and single living accommodation that was announced by the Chancellor and the Secretary of State for Defence in July 2020, an additional £78 million will be invested in single living accommodation and transit accommodation by 2022.

With regard to applying a minimum standard of accommodation, I am pleased to report that service family accommodation already adheres to the decent homes standard, as defined by the Ministry of Housing, Communities and Local Government. Currently, 96.9% of SFA properties meet or exceed the standard, with work ongoing to modernise internal features across the estate. The standard of available housing is monitored on a monthly basis, and housing that does not meet the decent homes standard is not allocated to service personnel. The decent homes standard is currently being reviewed

[Johnny Mercer]

by MHCLG, and I look forward to considering the findings of the review and the impact that has on defence.

Work is ongoing through the SLA expert group to define an agreed minimum standard for SLA premises across all services. This work will also be supported by the roll-out of the SLA management information system, which will enable an evidence-based approach to the application of future funding through the analysis and exploitation of veracious accommodation data. The system has proved to be both complex and multifaceted, but it is now on track to go live in September 2021.

We conduct the armed forces continuous attitude survey annually, and it allows service personnel the opportunity to provide feedback on all aspects of service life, including accommodation. The results of the survey are used to identify particular aspects of the service accommodation package that require improvement. The publication of the defence accommodation strategy by the end of 2021 will formalise the Department's vision for our standards for such accommodation to meet the lived experience and expectations of our personnel now and in the future.

Given the scale of ongoing work to improve the standard of accommodation offered to service personnel, backed by significant investment in infrastructure and the existing procedures to monitor standards, it would be premature to require the Department to report on standards and produce a charter at this stage. The review of the decent homes standard is currently ongoing in MHCLG and is due to report in summer 2022. Following those assurances, I hope my hon. Friend will agree to withdraw the motion.

Stephen Morgan: This is perhaps the most fundamental standards issue. I posed a number of questions to the Minister, and it is regrettable that he has not answered those today. The Bill is a missed opportunity to tackle this issue, which the Government need to take further action on. I beg to ask leave to withdraw the motion, but we may return to it on Report.

Clause, by leave, withdrawn.

New Clause 12

MENTAL HEALTH REPORT

“(1) No later than 12 months following the day on which this Act is passed, and every 12 months thereafter, the Secretary of State must publish a report which must include—

- (a) a definition of what constitutes ‘priority care’ as set out in Armed Forces Covenant and how the Secretary of State is working to ensure that it is being provided, and
- (b) a review of waiting time targets for service personnel and veterans accessing mental health support.

(2) The first report published under this section must also include a resource plan to meet current Transition, Intervention and Liaison Service waiting time targets for the offer of an appointment in England and set new targets for mental health recovery through the veterans mental health pathway.”—(*Mrs Hodgson.*)

This new clause would require the Government to produce a definition of ‘priority care’ to help primary care clinicians deliver the commitments in the Armed Forces Covenant, conduct a review of mental health waiting time targets for service personnel and veterans, and produce a resource plan to meet current waiting time targets.

Brought up, and read the First time.

Question put, That the clause be read a Second Time.

The Committee divided: Ayes 7, Noes 8.

Division No. 6]

AYES

Antoniazzi, Tonia	Jones, rh Mr Kevan
Carden, Dan	Monaghan, Carol
Docherty-Hughes, Martin	Morgan, Stephen
Hodgson, Mrs Sharon	

NOES

Anderson, Stuart	Holden, Mr Richard
Dines, Miss Sarah	Lopresti, Jack
Docherty, Leo	Mercer, Johnny
Henry, Darren	Wheeler, Mrs Heather

Question accordingly negatived.

New Clause 13

INDEFINITE LEAVE TO REMAIN PAYMENTS BY COMMONWEALTH MEMBERS OF ARMED FORCES

“(1) The Immigration Act 2014 is amended as follows.

(2) In section 68 (10), after ‘regulations’ insert ‘must make exceptions in respect of any person with citizenship of a Commonwealth country (other than the United Kingdom) who is serving, or has recently served, in the UK armed forces, such exceptions to include capping the fee for any such person applying for indefinite leave to remain at no more than the actual administrative cost of processing that application, and’.”—(*Stephen Morgan.*)

This new clause will ensure that Commonwealth veterans applying for UK citizenship following their service will only pay the unit cost of an application for Indefinite Leave to Remain.

Brought up, and read the First time.

11 am

Stephen Morgan: I beg to move, That the clause be read a Second time.

The new clause is designed to address the frankly extortionate visa fees that Commonwealth veterans face to remain in the country that they fought for following their service. This is a long-standing and shameful practice, and I am pleased that Labour is bringing forward a solution. The clause proposes to ensure that Commonwealth veterans pay only the unit cost of an indefinite leave to remain application, currently set at £243.

It is a source of immense pride that those from across the world have served in our armed forces—from the 1.3 million Indians who volunteered to join the British Army in the first world war, to those who took part in operational tours of Iraq and Afghanistan. Today, more than 6,000 personnel serve in the forces from overseas, many from the Commonwealth. Alongside servicemen and women from this country, they continue to make extraordinary sacrifices and display incredible bravery, risking their lives overseas and more recently bolstering our frontline response to the coronavirus crisis, but the Government are shamefully letting them down.

Following four years of service, Commonwealth service personnel earn the right to live in Britain, but in recent years the Government have increased the fees for service personnel to apply. A service leaver with a partner and

two children will be presented with a bill of almost £10,000 to continue to live in the UK after they have served. That is an increase from just £155 in 2003. To add further insult, they are given just 48 days following the discharge in which to pay it. That is dishonourable, unfair and certainly no way to repay the bravery and sacrifice of Commonwealth service personnel.

This is not just a moral argument about appropriately recognising their service; it is an issue of basic humanity. Those eye-watering fees represent a huge part of applicants' wages, and many are not expecting them. The Royal British Legion, which has campaigned strongly on this issue for several years, suggests that around 300 Commonwealth personnel leave service and are faced with those fees. The fees leave Commonwealth veterans facing huge uncertainty and financial hardship, and feeling abandoned by the country that they have served.

Citizenship for Soldiers is doing fantastic work, as we heard in an evidence session, to advocate for those affected by this injustice. One of the claimants it represents, a 12-year veteran of the Iraq and Afghanistan campaigns, was given a bill in the region of £30,000 following an emergency operation, after he was deemed ineligible for free NHS care. As the Royal British Legion has pointed out, without leave to remain, Commonwealth veterans are cut off from being able to access employment or state support. That often leads veterans reliant on their families or charitable funds, or facing repatriation to their country of origin.

That is a breach of not only the armed forces covenant but the moral obligation that this country has to them. Successive armed forces covenant annual reports have pointed that out. The Royal British Legion and other service charities have explicitly called for this injustice to end. It should bring shame to us all. I know that many on the Committee sympathise with the new cause—including you, Mr Sunderland—and I hope that we will find the courage to support the amendment when it comes to a vote. Even the Minister has repeatedly said that this is an injustice, yet the Bill misses a crucial opportunity to end it.

Commonwealth veterans have already paid for their citizenship once, through their service to our country. I hope that colleagues from across the political spectrum will support Labour's new clause to ensure that no one has to pay twice.

Johnny Mercer: Let us be absolutely clear: Labour has done absolutely nothing on this issue since visa fees came in, and it offers nothing for our armed forces, so we should drop the doe-eyed "Labour care about humanity" stuff. Only one Government have come in and promised to do something on visa fees, and that is this Government, not one before. I am proud of that. We will provide a pathway to residency and we are looking to start a public consultation on that in the next month.

The Government highly value the service of all members of the armed forces, including Commonwealth nationals and Gurkhas from Nepal, who have a long and distinguished history of service to the UK both here and overseas. Commonwealth citizens and Gurkhas who have served at least four years or have been medically discharged as a result of their service can choose to settle in the UK after their service and pay the relevant fee.

The time before discharge that such settlement applications can be submitted has recently been extended from 10 to 18 weeks. We recognise, however, that settlement fees place a financial burden on service personnel wishing to remain in the UK after their discharge, and we recognise the strength of feeling from service charities and the public about this issue. The Defence Secretary has met the Home Secretary to consider how we could offer greater flexibility in future. We will launch a public consultation in the next month. I urge all those with an interest in the issue to respond to that consultation so that we may correct this injustice.

It is right and proper that we seek views on any change to the immigration fees policy through public consultation. In the meantime, the MOD makes clear to Commonwealth and Gurkha recruits the process by which they and their families can attain settlement in the UK, and the costs involved. The MOD is also working with the Joining Forces credit union to provide financial education, savings packages and loan packages to help non-UK personnel pay for visa costs, should they wish to remain and settle in the UK after their service. I hope that, with those assurances, the hon. Member will agree not to press the new clause.

Stephen Morgan: We do not believe that is a satisfactory response from the Minister. Ministers from successive Conservative Governments have promised a solution on this forever and a day. Commonwealth veterans should not have to wait until some time never for a consultation to kick off.

Mr Jones: Does my hon. Friend agree that the Minister did not tell the Committee that since 2010 the fees charged have increased from £840 to £2,389, which has made a real difference in the burden? Those decisions were taken by the coalition and Conservative Governments.

Stephen Morgan: I thank my right hon. Friend for that intervention. He is absolutely right. I alluded to some of the figures in my speech. Regrettably, the Minister did not cover that in his response. That is why—

Johnny Mercer: I am happy to respond.

Stephen Morgan: I will carry on, because I am near to the end of my speech. I will not press the new clause for now, but I put Ministers on notice that we will return to this issue on Report. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

The Chair: Sharon Hodgson, do you wish to move new clause 14?

Mrs Hodgson: I would like to move new clause 14 formally, Mr Sunderland. I listened intently to what the Minister said. With regard to both new clause 14 and new clause 15, I know that he says it would be an undue burden to ask this question and record this information, but I really think it is very important and useful, and I cannot see how collecting it would be anything other than a help, rather than a burden. I would therefore like to test the will of the Committee on this new clause.

New Clause 14

STATISTICS TO BE REPORTED AS PART OF THE ARMED FORCES COVENANT REPORT

“(1) The Armed Forces 2006 is amended as follows.

(2) Section 343A, after subsection (5) insert—

“(5A) An armed forces covenant report must include the number of—

- (a) veterans (or families of veterans) who have contacted the Office of Veteran Affairs or Veterans UK each year and an overview of the most commonly mentioned reasons for contact;
- (b) veterans who have applied for a Veterans Railcard;
- (c) veterans who have applied to the Civil Service Interviews Scheme, and the proportion of these who have been successful in a job offer;
- (d) veterans in the street homeless population; and
- (e) veterans who have died by suicide.”—(*Mrs Hodgson.*)

This new clause, with NC15, will improve the Government’s collection and reporting of data on veterans in the Armed Forces Covenant Annual Report. It also places a duty on all public services to establish whether all new users are a veteran.

Brought up, and read the First time.

Question put, That the clause be read a Second time

The Committee divided: Ayes 7, Noes 8.

Division No. 7]**AYES**

Antoniazzi, Tonia	Jones, rh Mr Kevan
Carden, Dan	Monaghan, Carol
Docherty-Hughes, Martin	Morgan, Stephen
Hodgson, Mrs Sharon	

NOES

Anderson, Stuart	Holden, Mr Richard
Dines, Miss Sarah	Lopresti, Jack
Docherty, Leo	Mercer, Johnny
Henry, Darren	Wheeler, Mrs Heather

Question accordingly negated.

The Chair: I ask Sharon Hodgson to confirm whether she wishes to move new clause 15.

Mrs Hodgson: As with new clause 14, I really think that this duty would not be an undue burden on any of the authorities that would have to ask this question. It would definitely provide excellent information for measuring outcomes. Again, I would like to test the will of the Committee and push this new clause to a vote.

New Clause 15

DUTY TO REPORT

“The Secretary of State to place a duty on all public services to include a question on whether the respondent is a veteran, has previously served in the Armed Forces or is a reservist to all new service users.”—(*Mrs Hodgson.*)

See explanatory statement for NC14.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 8.

Division No. 8]**AYES**

Antoniazzi, Tonia	Jones, rh Mr Kevan
Carden, Dan	Monaghan, Carol
Docherty-Hughes, Martin	Morgan, Stephen
Hodgson, Mrs Sharon	

NOES

Anderson, Stuart	Holden, Mr Richard
Dines, Miss Sarah	Lopresti, Jack
Docherty, Leo	Mercer, Johnny
Henry, Darren	Wheeler, Mrs Heather

Question accordingly negated.

New Clause 16

QUARTERLY REPORTS ON FORCES STRENGTH

“(1) The Secretary of State must lay before Parliament reports on infantry battalion soldier strength, including the percentage of combat-ready soldiers per infantry battalion.

(2) The first report must be laid no later than 3 months after the day on which this Act is passed.

(3) A further report under this section must be laid no later than three months after the previous such report.”—(*Stephen Morgan.*)

This new clause will place a duty on the Secretary of State to report to Parliament quarterly on infantry battalion soldier strength, including the percentage of battle-ready soldiers per infantry battalion.

Brought up, and read the First time.

11.15 am

Stephen Morgan: I beg to move, That the clause be read a Second time.

The new clause is designed to provide greater transparency on the strength of our fighting forces, following the Government’s broken promises on armed forces cuts. It would place a responsibility on the Secretary of State to report to Parliament each quarter on the fighting strength of our armed forces, including on the number of battle-ready soldiers per infantry battalion.

As the Committee knows, the Prime Minister promised to end the era of retreat, and that no further cuts would be made to the Army. Instead, he has further eroded our fighting strength: 45,000 personnel have been cut since 2010, and the forces were 10,000 below target strength. Now the integrated review and the Command Paper have confirmed that the Army will be further reduced to just 72,500 by 2025—smaller than at any time since the 1700s. That has been compounded by a leaked MOD report suggesting that 32 to 33 infantry battalions are short of battle-ready personnel.

The Chief of the Defence Staff said in 2015 that the ability to yield a single war-fighting division was “the standard whereby a credible army is judged”.

Recently retired British generals have said that further cuts to the Army would mean that the UK is no longer taken seriously as a military power and would damage our relationship with the US and our position in NATO. The Royal United Services Institute recently reinforced that point, suggesting that the cuts mean that the UK can no longer be considered a tier 1 or full-spectrum military power.

These sweeping changes to our armed forces represent a huge gamble with our national security. Although the battlefield is undeniably changing, it remains to be seen whether the investments made in cyber, space and electronic warfare will be enough to keep us competitive on the world stage.

Government cuts to the conventional strength of our forces today, with the promise of jam tomorrow in the form of pioneering technology, are nothing new. Tory Ministers promised the same in the 2010 and 2015 reviews, but they failed to deliver. In 2010 they promised a future force by 2020, and in 2015 they promised a war-fighting division with a strike force by 2025. It is now being promised in 2030. A recent Defence Committee report on the Army's armoured vehicle capability says that the division will be "hopelessly under-equipped" and overmatched by adversaries.

While we wait to see whether the Government finally deliver a coherent strategy for our national security, it is vital that we have a clear understanding of our fighting strength. Successive Conservative Governments have talked up their commitment to our armed forces, but they have broken their promises at every turn. Our adversaries will exploit continuing holes in our capability, and Labour is determined to ensure that our country can protect itself properly now and in the future.

Mr Jones: I rise to support this new clause because, as my hon. Friend the Member for Portsmouth South has outlined, promises have been broken not just by this Government but since 2010. In the run-up to the 2010 general election, the Conservative party argued for a larger defence budget, an increase in numbers, more equipment, and a commitment to the armed forces of our country. Since then, we have not just seen the size of the Army reduced; we have seen cuts in numbers in the Royal Navy, including the Royal Marines, and in the Royal Air Force. Under the coalition, we had the terrible situation where brave members of our armed forces were made compulsorily redundant—again, something that was never promised in 2010. Certainly, if a Labour Government had implemented that policy, Members on the Tory Benches would have opposed it and would have been highly critical of the Government for doing so.

The overall size of our armed forces does matter, not only in terms of the Army being able to deploy individuals but to ensure that, for example, the Royal Navy has enough personnel to put ships to sea. We can have as much equipment as we want, but if we do not have the individual servicemen and servicewomen to support that equipment, it is useless. In the past few years, we have seen naval ships tied up because of a lack of trained strength, so it is important that we have this report annually and also that it talks about trained strength, because the Government do play fast and loose with the numbers.

It is not just a matter of the overall size, but what the overall capability is and how many members of the armed forces can actually deploy. There has been a decade of decline in the UK's armed forces, and although the Minister and others champion the idea that they are supporting members of the armed forces, they have been part of a Government that have not only cut pay—as we have already spoken about this morning—but cut the actual numbers of the armed forces.

Another aspect I would like to raise is the lack of opportunity this will mean for many young people in constituencies such as mine, who proudly join the armed services to not only serve their country, but ensure they can have a career that they can be proud of and take those skills back into civilian life. The cuts will have an impact in constituencies across the country that provide men and women for the armed forces, because there will be a lack of opportunities. A lot of negative things are said about service in the armed forces, but I see service as a positive thing, where the people joining not only contribute to the safety that we all take for granted but, more importantly, get great career opportunities and opportunities that they would never have in civilian life. Once they leave, that expertise helps those individuals, and also helps local communities such as mine in North Durham. These cuts will limit the opportunities for those people, which saddens me, and is something we should bear in mind.

Carol Monaghan: I want to say a few words in support of this new clause. Again, it should be really straightforward. I cannot see any reason why the Government would oppose it; it simply asks for a report on numbers.

Both Members who have already spoken to this new clause have talked about the impact of reduced numbers. We must be clear that despite moves towards cyber-warfare and different types of platform, ultimately reduced numbers threatens our capability. When we are looking at operating in very difficult circumstances, the Government should take seriously any threat to our capability.

We must also think about the impact on the remaining personnel, because the burden on them increases as the numbers decrease, with fewer personnel having to do more. That has an impact on their lives, including their family life and interactions with those outside the military. It can also threaten their ability to take leave; it will be a serious issue if they have leave entitlement but are not able to take leave because there are insufficient personnel to cover. People cannot continue like that; perhaps they can for short periods, but not over months and certainly not over years or indeed their entire service. We need to think carefully about this.

To make a general point, I am concerned that we are in a Bill Committee and we are supposed to be discussing new clauses and amendments, with the Government looking at adopting those that are considered reasonable, but it seems to me at the moment that they have not taken on board a single one. That calls into question what we are all doing on a Wednesday morning participating in such a Committee. So I seek some advice on this from the Chair: surely the Government should seriously consider new clauses and amendments, particularly where there is consensus.

Mr Richard Holden (North West Durham) (Con): I agree with some of the fine words from my friend and neighbour the right hon. Member for North Durham (Mr Jones), but it is incumbent upon those proposing changes or proposing more service personnel to explain how we would achieve that and what other programmes they would like to see cut or what taxes they would like to see rise in order to pay for it—if you will the ends, you've got to will the means to the ends.

Carol Monaghan: Will the hon. Gentleman give way?

Mr Holden: Not at this moment, no; I am making a very brief point.

I know what happened just after 2010, after the right hon. Member for North Durham left the MOD: a huge amount of programmes were massively over-budget and had to be axed at the last minute, at the cost of hundreds of millions of pounds in some cases.

Mr Jones: Will the hon. Gentleman give way?

Mr Holden: Not at this stage, thank you.

We must be realistic, especially as we are looking at totally new threats from across the globe; our adversaries are operating in the grey zone, and we need to look at ways to counter them. If Opposition Members are going to propose different things, they need to explain how we can achieve them.

Mr Jones: I thank the hon. Gentleman for giving way, but say to him that that did not stop the Conservative party in 2009 and the 2010 general election, when it proposed a larger Army and an increase in the Defence budget. Yet the first thing they did was cut it. The hon. Gentleman should practise what he preaches. I do not know whether he was an adviser in 2010, but statements on the record and in the manifesto were completely turned over when the Conservatives entered the coalition Government; the first thing they did was cut the size of the armed forces and make people compulsorily redundant.

Mr Holden: I thank the right hon. Member for his comments, but, as he will know, immediately after the general election there was that lovely note left on the Chief Secretary to the Treasury's desk by the outgoing Chief Secretary to the Treasury saying that there was no money left. He will also know that a lot of the programmes that had to be axed following the 2010 general election had gone massively over-budget, which was only discovered in later years, due to obfuscation by members of the outgoing Labour Government about the actual state of the programmes. So I just say that it would be particularly helpful if, rather than trying to put more and more on the never-never as the last Labour Government did and the Opposition are proposing today, they were honest, straightforward and realistic with the British people about the choices that have to be taken.

The Chair: Before I call the Minister, does any other Member wish to come in?

Carol Monaghan: I just wanted to make a point. The hon. Member for North West Durham seemed to suggest that we were asking for numbers to be increased. It is quite important that there is clarification on that point; we are actually asking for numbers to be maintained. That is different. This Government are looking to cut numbers.

Mr Holden: Will the hon. Lady give way?

Carol Monaghan: I am happy to give way to the hon. Member, although he would not give way to me.

Mr Holden: I would just like to make the point that if we are not going to reduce numbers, we have to reduce capability in other areas. I would be very interested to know from the SNP spokesperson whether she wants to maintain the status quo, which means not responding to changing threats around the world. What is her party's proposal?

11.30 am

Carol Monaghan: I do not think this is a Bill Committee to discuss the SNP's manifesto, but we have been quite bit clear throughout that funding has to be found. If hon. Members want to discuss the SNP's manifesto, we can get rid of Trident, which is an enormous and expensive vanity project, which, frankly, we cannot afford.

Johnny Mercer: I really welcome the comments from my hon. Friend the Member for North West Durham. He is right about the absolute disaster zone we were left with in 2010. My right hon. Friend the Member for North Durham obviously likes to remind us regularly of his experiences in the MOD, but the key would be to look at them in detail and to be more honest about them. Ultimately, people watching this do not really care what happened 10, 15 or 20 years ago. What they care about is sorting out these issues now and that is what this Government are looking to do.

We have to meet the threat as it is presented in the integrated review. We have had a good defence White Paper that looks at the new and emerging threats, and the way we want to change our integrated operating concept. It is a good review. I think that members of our armed forces would like to see people get behind that, rather than talking about issues that are quite significantly out of date.

The hon. Member for Portsmouth South seeks to place an obligation on the Defence Secretary to "report to Parliament quarterly on infantry battalion soldier strength, including the percentage of battle-ready soldiers per infantry battalion."

The Government already publish on gov.uk quarterly service personnel statistics, containing detailed information on the strength, intake, outflow and gains to trained strength for the UK armed forces overall and specifically for each of the three services, including the Army. Providing a further breakdown of those figures to include infantry battalion soldier strength and the percentage of battle-ready soldiers per infantry battalion would be highly likely to prejudice the security of the armed forces for three clear reasons.

First, it would expose any extant or potential vulnerabilities and capability gaps within the force structure—a threat that will be exacerbated over the next four years as the Army reconfigures and readjusts in line with the outcomes of the integrated reviewed. Secondly, it would risk exposing any nascent and emerging capability plan. Thirdly, it could reveal the size and strength of sensitive capabilities to our adversaries.

As the hon. Member for Portsmouth South will understand, the safety and security of our service personnel and the effectiveness of our force are among my highest priorities. He will therefore understand that I am not willing to put the security of our personnel at risk in this manner. There is also a real concern that focusing

Parliament's attention disproportionately on infantry strength would serve only to undermine the guiding principle of our nation's future security.

As the Secretary of State wrote in his introduction to the defence Command Paper, it is essential that our future armed forces are

“integrated across all domains, joining up our people, equipment and information to increase their outputs and effectiveness.”

It goes without saying that providing quarterly updates on infantry strength alone would place an uncontextualised and unhelpful emphasis on one part of a large and integrated whole force that we value highly. That is why our current reporting, which is made available to all, covers that whole force.

In the light of these very real concerns, I hope that the hon. Member will agree to withdraw the new clause.

Stephen Morgan: National security is the first duty of any Government. Following the publication of the integrated review and Command Paper, it is clear that this Government have not only broken their promises on fighting strength, but taken a significant gamble with our national security in the medium term. I will withdraw this clause for now, but reserve the right to return to it on Report. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 17

REPORT ON DISMISSALS AND FORCED RESIGNATIONS FOR REASONS OF SEXUAL ORIENTATION OR GENDER IDENTITY

“(1) The Secretary of State must lay before Parliament reports on the number of people who have been dismissed or forced to resign from the Armed Forces due to their sexual orientation or gender identity, this includes—

- (a) formal documentation citing sexuality as the reason for their dismissal; or
- (b) there is evidence of sexuality or gender identity being a reason for their dismissal, though another reason is cited in formal documentation.
- (c) in this section, ‘sexuality or gender identity’ includes perceived or self-identified sexuality or gender identity.

(2) The report shall include recommendation of the sort of compensation which may be appropriate, including but not limited to—

- (a) the restoration of ranks,
- (b) pensions, and
- (c) other forms of financial compensation.

(3) The report shall include a review of those service personnel who as a result of their sexuality have criminal convictions for sex offences and/or who are on the Sex Offenders register.

(4) The report shall include discharges and forced resignations at least back to 1955.

(5) The first report must be laid no later than six months after the day on which this Act is passed.”—(*Dan Carden.*)

This new clause requires the Government to conduct a comprehensive review of the number of people who were dismissed or forced to resign from the Armed Forces due to their sexuality and to make recommendations on appropriate forms of compensation.

Brought up, and read the First time.

Dan Carden: I beg to move, That the clause be read a Second time.

This new clause seeks to right an historical wrong. Twenty-one years ago, the ban on LGBT+ personnel serving in the armed forces was lifted. During the years of the ban, it inflicted staggering cruelty on those men and women who had stepped forward to serve their country. This is a hidden history of the British military, so let me reveal some of the sorry tale.

Between the mid-1950s and 1996, men and women—predominantly men—of our armed forces who were thought to be gay were arrested, searched and questioned by officers trained for wartime interrogation. In many cases, this went on for days before they were charged, often without legal counsel or support. On many occasions, arrest was based on little evidence. It has emerged that many heterosexual personnel were falsely accused by service police officers, losing careers and, in some cases, homes and families. After harrowing investigations, these men and women were led away to military hospitals where they were subjected to degrading and shameful medical inspections, conducted in accordance with confidential Defence Council Instructions, held by every unit of the armed forces.

At court martial, in the moments before those convicted were sent down, operational medals and good conduct badges were ripped from their uniforms. They typically served six months in prison for the military criminal offence of being homosexual. It is staggering that this continued until 1996, and that administrative dismissal of LGBT+ personnel continued for a further four years, until January 2000.

As these members of our armed forces walked from prison, they were dismissed in disgrace, with criminal records as sex offenders, which from 1967 had no civilian equivalent. As they left through the main gate, they were commonly given letters instructing them to never again use their military ranks or wear items of uniform, for example in remembrance at the Cenotaph. With dignity, they continued to obey those letters. Their names were erased from the retired lists of the Army, Royal Navy and Royal Air Force as though they had never existed. These once-proud members of our military were cast out of the armed forces family and outed to their own family and friends. They lost their homes and their financial stability. Their service record cards had the top corner clipped and were marked in red pen with the annotation, “Dismissed in disgrace”, causing many a lifetime of employment issues.

In the past, in their moments of need, these personnel were shunned by military charities. I am pleased that has now changed. However, there has been no such remedy or reckoning from our Government or the Ministry of Defence. The Committee heard at first hand, from the charity Fighting with Pride, accounts of how those affected live today amidst the ashes of their former service careers. Our LGBT veterans are scattered across the United Kingdom, often away from military communities, living lives in stark contrast to those hoped for when they joined the forces. In the 21 years since the ban was lifted, nothing has been done to support those LGBT+ veterans. The impact endures amidst loneliness, isolation, shame and anger. As Canada, Germany, the United States and other nations prepare, assess and make reparations, putting right this shameful wrong is long overdue for the United Kingdom, which persisted with the ban for longer and implemented it more zealously than many others.

[Dan Carden]

The Minister, I know, has offered his apology, for which many are grateful, and he and I have talked about this issue, but does he not agree that this community of veterans, who were treated with unique cruelty, deserve an apology on behalf of the nation from the Prime Minister in Parliament? They must be supported on the pathway to royal pardons, restored to the retired list and have their medals returned. Prohibitions on their use of rank and wearing of berets at the Cenotaph must be revoked. They need resettlement support, which we offer to all other members of our armed forces, and they must be fairly compensated and have their pensions reviewed in recognition of their service and the hardships they faced, then and now.

Until that is done, this will remain a matter of national disgrace, and it will stand in the way of this Government's stated wish to be a global exemplar for both LGBT+ and veterans' communities. This amendment places a duty on the Ministry of Defence to find our LGBT+ veterans, find out how they have fared and make recommendations to Parliament about what must be done to right this wrong. Remedy must not take years, and the Government will need to work closely with community leaders.

Martin Docherty-Hughes: I congratulate the hon. Gentleman on tabling this new clause; if he does press it to a vote, both of us on the SNP Benches will support it in its entirety.

In setting out the premise for the hon. Gentleman's proposition, it is clear why there should be consensus on the many issues he has raised and that we should take this as an opportunity to move forward. Both the Opposition and the Government should fully support ensuring that the lived experience of the LGBT community, especially those who have been forced out of the armed forces, is reflected in our deliberations and seek to remedy as best as possible their lived experience at this time—especially if that requires investigations into their financial position, access to pensions or the ability, on Remembrance Sunday, to march with their comrades, wearing the badges that should never have been taken away from them. That, at least, is basic; the other issues that the hon. Gentleman has raised will require serious investigation and deliberation by the Government.

Johnny Mercer: Again, I pay tribute to the hon. Member for Liverpool, Walton for raising this issue and for the manner in which he has raised it. I have a series of things to read out about what we are doing, and I am sure he is aware of that, but I want to answer some of his points in turn.

I am clear, and so are the Secretary of State and the Prime Minister, that the experiences of those individuals that the hon. Gentleman mentions were totally unacceptable. The military got it wrong. The military are now better for recruiting from the whole of society, and I am very clear on that. I know people will be watching this today, and I will receive messages disagreeing with that—"You are saying that the military wasn't any good because they discriminated against homosexuals." The reality is that the wider the pool we pick from, when it comes to diversity, sexuality and things like

that, the better and more professional our military are in reflecting the society from which they are drawn. I make no apology for that.

11.45 am

I reiterate the apology I gave last year to our LGBT community, because it concerns me. I have spent hours with veterans who were dismissed because of their sexuality, and I am heartbroken that their experiences in the military were so different from mine. It is very hard, 20 years on, to imagine the institution as it was then, but I am clear that their experiences were unacceptable and we have to do what we can to redress it.

We have made progress, as people will have seen. I was the first Minister to apologise for this, and we are reinstating medals. To be clear, every veteran is entitled to wear their beret and medals on Remembrance Day, and I would encourage them to do so.

There are deeply challenging issues on how we seek restorative justice retrospectively for those whose careers were cut short and whose lives were decimated. For a lot of people this continued beyond their time in service. I know of people who, even now, are disadvantaged by this policy, because they have to say why they left the military. I am absolutely determined that we find a mechanism of restorative justice for that cohort.

Carol Monaghan: Will the Minister give way?

Johnny Mercer: Not at this moment, no.

I cannot rewrite history, and I cannot promise every last penny that was lost out on because people did not achieve their long service and good conduct. There is no mechanism possible to make that happen. What I will do, and what we are doing at the moment as part of cross-Government activity involving the Cabinet Office, the Ministry of Defence, the Office for Veterans' Affairs and the Home Office, is find a mechanism, working with Fighting with Pride, Stonewall and others, to address the appalling injustice for this cohort of veterans.

I give a commitment today to write to the Prime Minister to ask him to reflect on my apology to the LGBT community last year, and to ask him to consider doing so at a national level. I know that will not correct it, but it will go some way towards alleviation. I saw the impact of my apology. It is easy for those who are not in that cohort to downplay an apology or not to want to do it, because of its ramifications, but apologies are important for the cohort that went through this experience. I will write to the Prime Minister on that issue today.

In light of those things, I do not want to duplicate the work that is going on at the moment, because I want to get a solution for all these people, like Fighting with Pride, with which I am in constant communication. With those reassurances, I hope the hon. Member for Liverpool, Walton will agree to withdraw his new clause and to work with me to get to a place where this cohort is properly looked after and some sort of restorative justice takes place, in line with what I have done already. I hope he has confidence in what I have done already and in my commitment to go much further in future.

Dan Carden: I thank the Minister for his considered response and for committing to write to the Prime Minister. I will withdraw the new clause at this time.

There is a long way to go in the Bill, and I look forward to working with the Minister. The fact that he is working with Fighting with Pride and Stonewall is very positive. This is an issue of such importance that I would like to see it dealt with on a cross-party basis, with some agreement, so that restorative justice is finally done for these servicemen and women. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

Schedule 1

CONSTITUTION OF THE COURT MARTIAL

Amendment proposed: 1, in schedule 1, page 38, line 11, at end insert

“or lower ranks after a minimum service of 3 years”.—(*Martin Docherty-Hughes.*)

This amendment would extend Common Law rights for people to be tried by a jury of their peers to be extended to those in the Armed Forces.

The Committee divided: Ayes 7, Noes 8.

Division No. 9]

AYES

Antoniazzi, Tonia	Jones, rh Mr Kevan
Carden, Dan	Monaghan, Carol
Docherty-Hughes, Martin	Morgan, Stephen
Hodgson, Mrs Sharon	

NOES

Anderson, Stuart	Holden, Mr Richard
Dines, Miss Sarah	Lopresti, Jack
Docherty, Leo	Mercer, Johnny
Henry, Darren	Wheeler, Mrs Heather

Question accordingly negatived.

Schedule 1 agreed to.

Schedules 2 to 5 agreed to.

Mrs Hodgson: On a point of order, Mr Sunderland. I place on the record my thanks to you for the excellent way in which you have chaired the Committee over the last few weeks. I also thank the Clerks for their guidance and expertise, which has been much needed at times, and their colleagues in the House who have made virtual line-by-line scrutiny happen successfully for the

very first time. As I have said, we are the pioneers, and I hope that we will have made the virtual Committee experience easier for those who may come after us.

I thank the Minister for Defence People and Veterans for giving evidence to the Committee and putting the Government’s position on the record throughout. I also thank my Front-Bench colleague, my hon. Friend the Member for Portsmouth South, for his leadership on the Bill, and my hon. Friends the Members for Gower and for Liverpool, Walton for their support and work on the Committee. I especially thank my right hon. Friend the Member for North Durham for his unrivalled expertise, which has helped us to scrutinise the Bill properly.

I thank Government Members, who have been constructive throughout and made valuable contributions. I also thank Scottish National party Members for their excellent amendments and contributions throughout. I thank the staff in all of our offices, who have ensured that we have been fully briefed and prepared for the Bill, as well as the representatives of all the sector bodies, charities and lobby groups for their help in giving written and oral evidence as well as comprehensive briefings throughout.

We have somewhat raced through the Committee stage of the Bill. None the less, it has been very productive. I am sure we have laid the groundwork for our colleagues in the other place to pick up the Bill and improve it further. I hope that in later iterations the Government take on board the suggested amendments, some of which were excellent and would improve the Bill. I look forward to continuing our deliberations in the remaining stages in due course.

The Chair: Thank you very much indeed for those kind words. I echo all of them. If I may, I will add my own personal thanks to the Clerks, who have been fantastic in supporting me, the tech team and all Members. Thank you for making the Committee so successful.

That concludes our formal consideration of the Armed Forces Bill. The formal report to the House will not happen until the Committee has considered its special report, which will be done in private.

Bill to be reported, without amendment.

11.57 am

Committee rose.

