

## 'COMMONSENSE AND UNDERSTANDING': RECOMMENDATIONS FROM THE DEFENCE COMMITTEE'S DUTY OF CARE REPORT THAT ARE STILL OUTSTANDING 10 YEARS ON

*ForcesWatch, 1 December 2015*

### EXECUTIVE SUMMARY

This report highlights seven recommendations from the Defence Committee's report *Duty of Care: Third Report of Session 2004-05* which have not been partially or fully implemented, and around which substantial concerns remain.

This report outlines the issues that led to the following recommendations made by the Defence Committee in 2005, and looks at recent concerns associated with each, with particular reference to the British Army where most of the youngest recruits, aged 16 and 17, are enlisted:

- *The impact of raising the age of recruitment should be reviewed by the Ministry of Defence.* No thorough review has taken place, despite many subsequent calls for the policy to be reconsidered.
- *Recruitment standards should not be diluted.* Educational attainment standards and criteria regarding self-harming, are being breached.
- *Information available to potential recruits, and their parents, must make clear the rights, responsibilities and the nature of the commitment, and be written in language that potential recruits will understand.* The majority of current recruitment material makes no reference to the rights, responsibilities and commitments involved in a career in the army. The limited material that reference these is complex and difficult to understand, and not readily available. Furthermore, most of the recruitment materials have a promotional rather than informational focus. Material available to parents focuses far more on the benefits of an army career rather than on adequately informing parents and there is no obligation for recruiters to engage with parents beyond obtaining a signature of consent. There are not adequate safeguards in place to ensure that consent is full and genuine, and in some case, no consent is needed.
- *Under-18s should not be allowed to undertake armed guard duty.* All four of the deaths that occurred at Deepcut and that led to the *Duty of Care* report involved a young recruit on guard duty. Two of the soldiers who died were only 17 years old. This recommendation has not been implemented and 17 year olds do still take part in armed guard duty.
- *Recruits wishing to leave the armed forces should be allowed to leave the training establishment to make a firm decision, and 'commonsense and understanding' should prevail while dealing with recruits who wish to leave or are due to be discharged.* Although there is now a provision in place so that recruits aged under 18 may now leave the armed forces if they wish, the three month notice period required is excessive. Those wishing to leave have to continue training during the

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1 ForcesWatch critically scrutinises the ethical basis of the recruitment of young people into the armed forces. We advocate changes to policy, raise public awareness of the issues and challenge the armed forces on their recruitment practices, especially those aimed at the youngest and most disadvantaged groups. See <http://forceswatch.net>

notice period and there is evidence that pressure is put on them to remain. Under-18s are still required to serve out their sentences for AWOL or other offences.

- *The Ministry of Defence should collect data about the socio-economic background of recruits, and about incidences of bullying, and research the impact of socio-economic background on subsequent careers.* Concerns remain about the lack of data collected by the MoD on the socio-economic background of recruits and incidences of bullying and assault.

This report goes on to present additional evidence and arguments about the experience of the youngest recruits including:

- Lower educational standards within the armed forces.
- Evidence that the youngest recruits are subject to higher physical and mental health risks, than older recruits, including self-harm and bullying; and have poorer long-term outcomes.
- Understanding that adolescence is a period of on-going maturation and vulnerability, and how the practices and process by which young people are recruited into the armed forces are likely to have ill effects.

This report then discusses the concept of 'in loco parentis' and 'moral obligation' with regard to the army's duty of care towards young recruits, noting that the Defence Committee were concerned in 2005 that the MoD distinguished too rigidly between legal and moral obligations, with the latter as less important. The MoD give greater recognition to their duties as employers under the Health and Safety at Work Act 1974 than to the more comprehensive demands of the Children's Act 1989. One important example of this is the failure to ensure that all staff at training establishments have DBS checks.

In 2005, the Defence Committee discussed the lack of balance between training needs and considerations for operational effectiveness, and thus made its recommendations. Ten years on, it is apparent that operational arguments, and current difficulties meeting recruiting targets, continue to prevent the armed forces from reviewing both their position on enlisting under-18s, and their recruitment practices and materials.

Raising the age of recruitment would prioritise the best interest of young people recruited in the armed forces, who would benefit from recruits who are more mature and do not need additional duty of care requirements. They would be deployable straight after training and there would be significant financial savings, as under-18s cost more to train and have a high drop out rate. Recruits who still wished to join could enlist at 18, in line with the growing international consensus around the age at which it is appropriate to become involved in preparation for armed conflict.

ForcesWatch recommends that:

- The manner in which the armed forces meet their recruitment needs must not jeopardise the best interests of young people, and that the recruitment of under-18s should stop.
- That the Defence Committee commission thorough, independent review of the policy of recruiting 16 and 17 year olds into the armed forces.
- That the other *Duty of Care* report recommendations discussed here are implemented without further delay and that the MoD report to the Defence Committee on their progress in implementing them.
- That the Defence Committee review the *Duty of Care* report and request that the MoD account for its implementation or otherwise of all remaining recommendations.

## INTRODUCTION

This report highlights seven recommendations from the Defence Committee's report *Duty of Care: Third Report of Session 2004-05* which have not been partially or fully implemented and around which substantial concerns remain.

Since the 2005 report there have been some significant changes addressing shortcomings it highlighted. These include the accommodation of the majority of under-18s in the army under one roof at Army Foundation College (Harrogate) rather than at a number of different establishments, and the introduction in 2011 of the legal right of under-18s to leave the armed forces if they wish to do so. However, there are a number of recommendations that remain outstanding ten years on.

While the scope of the 2005 inquiry was the armed forces' duty of care responsibilities to all recruits under initial training, the unimplemented recommendations discussed below are highlighted because of their particular relevance to the youngest recruits who are under the age of 18. The discussion here mainly relates to the British Army where most of the youngest recruits, aged 16 and 17, are enlisted.

This report outlines the background to the recommendations made by the Defence Committee in 2005, and looks at recent concerns associated with each. It then presents additional evidence and arguments about the experience of the youngest recruits in the forces including: limited educational opportunities within the armed forces; the growing body of evidence that the youngest recruits are subject to higher health risks and poorer long-term outcomes than older recruits; and, understanding of adolescence as a period of on-going maturation and vulnerability, and how the practices and process by which young people are recruited into the armed forces are likely to have ill effects.

This report then discusses the concept of 'in loco parentis' and 'moral obligation' with regard to the army's duty of care towards young recruits. It presents evidence that the army prioritises operational effectiveness over the rights and welfare of young people in its care, which creates a conflict of interest compromising its duty of care responsibilities, particularly in respect to the youngest recruits.

The report concludes with a number of its own recommendations, including that the *Duty of Care* recommendations highlighted in this report be implemented without further delay, and in particular, that an independent and thorough review of the policy of recruiting 16 and 17 year olds into the armed forces should take place.

## BACKGROUND

In 2005, the Defence Select Committee published their report of inquiry, *Duty of Care: Third Report of Session 2004-05*.<sup>2</sup> The inquiry had been prompted by widespread public concern following the deaths of four young soldiers at the army training barracks at Deepcut in Surrey. *The Deepcut Review* of the circumstances around the deaths was also undertaken by Nicholas Blake QC and published the following year, in 2006.<sup>3</sup> Both reports refer to other cases of bullying, non-combat deaths and duty of care issues from a variety of sources including the Surrey Police and the Deepcut and Beyond campaign group representing the families of around 50 recruits who had died in non-combat situations.

2 House of Commons Defence Committee (2005), *Duty of Care: Third Report of Session 2004-05, Volume 1*, House of Commons, <http://www.publications.parliament.uk/pa/cm200405/cmselect/cmdfence/63/63ii.pdf>

3 Nicholas Blake QC (2005), *The Deepcut Review: A review of the circumstances surrounding the deaths of four soldiers at Princess Royal Barracks, Deepcut between 1995 and 2002*, House of Commons, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228930/0795.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228930/0795.pdf)

For the *Duty of Care* report, the Defence Committee undertook a wide examination of how the armed forces 'discharge their duty of care responsibilities to recruits under initial training'. It considered improvements to the duty of care regime and examined the armed forces' 'ability to assess risk to recruits under training and their ability to recommend improvements to the care regime' and 'the effectiveness with which these recommendations are implemented'. It also considered the need for independent oversight of the training of armed forces recruits.<sup>4</sup>

The welfare of recruits into the armed forces continues to be a considerable source of concern. There has been a sustained call for the military recruitment age to be raised, in line with a growing international consensus that only adults should be allowed to enlist. The way the Deepcut deaths were dealt with by the Army, the Police and the Blake review left them largely unexplained. There was a sense amongst the families and others that the authorities had denied proper responsibility and accountability.<sup>5</sup> The civil liberties and human rights organisation, Liberty, launched its *Military Justice* campaign in 2014, calling for a fair and independent military justice system, in response to the 'great many requests for advice and assistance from other serving or former serving members of the armed forces on a very wide range of subjects - including rape and historic allegations of abuse and ill-treatment'.<sup>6</sup> Liberty is representing the families of several soldiers who have died in non-combat situations, including three of the Deepcut cases. The Defence Committee are currently conducting an inquiry into the MoD and armed forces' duty of care relating to soldiers on military exercises following a number of high profile training deaths.<sup>7</sup>

## RECOMMENDATION: AGE

### 1. 'That MoD should examine the potential impact of raising the recruitment age for all three Services to 18.' (p.7).

No thorough review of the impact of raising the age of recruitment to 18 years has ever been conducted, despite the Defence Committee's and other requests. In response to a further request from the Defence Committees in 2013 that the MoD prepare a financial cost-benefit analysis, an unusable paper containing a number of fundamental errors was prepared by the army, which did not in any case answer the question posed by the Defence Committee.<sup>8,9</sup>

The UK is the only country in Europe and the only permanent member of the UN Security Council to recruit 16 year olds into its armed forces, and is one of fewer than 20 countries in the world which recruit from the age of 16 years. The *Duty of Care* report emphasised that the youngest recruits, particularly those under the age of 18 – who are legally children – present the greatest concern in relation to duty of care (p.42).

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4 See 2., p.24.

5 Cathcart, B., (2007), 'Deepcut: the media messed up', *British Journalism Review*, Vol. 18, No. 1, pages 7-12, [http://www.bjr.org.uk/data/2007/no1\\_cathcart](http://www.bjr.org.uk/data/2007/no1_cathcart)

6 Ogilvie, S., and Norton, E., (2014), *Military justice proposals for a fair and Independent military justice system*, Liberty, <https://www.liberty-human-rights.org.uk/campaigning/military-justice>

7 House of Commons Defence Committee inquiry, 2015: 'Beyond endurance? Military exercises and the duty of care inquiry', <http://www.parliament.uk/business/committees/committees-a-z/commons-select/defence-committee/defencesubcommittee/inquiries/parliament-2015/inquiry/>

8 House of Commons Defence Committee (2013), *The Armed Forces Covenant in action? Part 4: the education of service personnel*, <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmdefence/185/185.pdf>, p.5.

9 Child Soldiers International (2015), Letter to the Secretary of State for Defence, [http://www.child-soldiers.org/research\\_report\\_reader.php?id=814](http://www.child-soldiers.org/research_report_reader.php?id=814).

The *Duty of Care* report's recommendation for a review has since been followed by a number of similar calls from national and international bodies. In 2008, the UN Committee on the Rights of the Child asked that the UK 'reconsider its active policy of recruitment of children into the armed forces'.<sup>10</sup> It also recommended that the government ensure that recruitment, 'does not occur in a manner which specifically targets ethnic minorities and children of low-income families' and, 'that parents are included from the outset and during the entire process of recruitment and enlistment.'

In 2009, the Joint Human Rights Committee called on the UK government to raise the minimum age to 18. In its report on *Children's Rights*, they recommend that, 'the UK adopt a plan of action for implementing the Optional Protocol, including these recommendations, fully in the UK, together with a clear timetable for doing so.'<sup>11</sup>

Faith and children's rights organisations and the UK's Children's Commissioners have also expressed concern about the continued recruitment of under-18s.<sup>12,13</sup> Public opinion is also clearly in favour of raising the age of recruitment; 77% of respondents who expressed a view in an Ipsos MORI poll in 2014, thought the minimum enlistment age for the army should be 18 or above.<sup>14</sup>

## RECOMMENDATION: RECRUITMENT STANDARDS

**2. 'MoD must make it clear to the Services' recruiting organisations that pressure to meet recruiting targets should not lead recruiting staff to dilute standards or admit applicants who do not meet the mandatory minimum entry criteria.' (p.5).**

The army's entry criteria regarding literacy and numeracy standards are extremely low, only requiring that new recruits have the reading age of a seven year old.<sup>15</sup> Nevertheless, it continues to enlist applicants who have a lower reading age than permitted by their own official policy: 7% of the March 2015 intake at the Army Foundation College Harrogate had the reading age of a 5-7 year old, or Entry Level 1, which is below the minimum formal requirement.<sup>16</sup> Although the *Duty of Care* report stated that, 'Since April 2004, applicants with the equivalent of a reading age of a five year old have been rejected', (p.47), this is clearly still not the case.

Given that it is doubtful that the complex terms and conditions of recruitment could be summarised in language which someone with the reading age of a seven-year old could understand, the practice of recruiting children with such low reading ages should be stopped.

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10 UN Committee on the Rights of the Child (2008), *Concluding Observations on the Initial Report of the United Kingdom of Great Britain and Northern Ireland under the Optional Protocol on the Involvement of Children in Armed Conflict*, <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPAC.GBR.CO.1.pdf> para.13

11 Joint Committee on Human Rights (2009), *Children's Rights: Twenty-fifth Report of Session 2008-09*, London: The Stationary Office, <http://www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/157/157.pdf>

12 Equality and Human Rights Commission (2010), *UK Government UPR Mid-term Report: Report from the Equality and Human Rights Commission*, p. 5, [http://www.equalityhumanrights.com/sites/default/files/documents/humanrights/hrc13\\_midterm\\_report.pdf](http://www.equalityhumanrights.com/sites/default/files/documents/humanrights/hrc13_midterm_report.pdf); Child Soldiers International (2015), 'Children's Commissioners call for an end to the recruitment of minors into the British armed forces', [http://child-soldiers.org/news\\_reader.php?id=834](http://child-soldiers.org/news_reader.php?id=834)

13 See, for example, signatories to an open letter on armed forces recruitment age (2014), [http://www.child-soldiers.org/research\\_report\\_reader.php?id=717](http://www.child-soldiers.org/research_report_reader.php?id=717)

14 Ipsos MORI (14 August 2014) survey results: [http://forceswatch.net/sites/default/files/IPSOSsurvey2014-Forces\\_age.pdf](http://forceswatch.net/sites/default/files/IPSOSsurvey2014-Forces_age.pdf)

15 See 8, p.16.

16 MoD (2015), Freedom of Information request on educational level of youngest army recruits available at [http://child-soldiers.org/research\\_report\\_reader.php?id=822](http://child-soldiers.org/research_report_reader.php?id=822). In March 2015, 74% of recruits at the Army Foundation College (Harrogate) were assessed to have literacy skills equivalent to a reading age of 11 or less, 10% had a reading age of 7 and 7% had skills equivalent to a 5-7 year old, which is below the minimum standards.

The *Duty of Care* report goes on to recommend that educational achievement be used as a measurable attribute with which to gauge psychological vulnerability to suicide (p.115). The report also highlighted the fact that socio-economic disadvantage, with is associated with low educational attainment, is a vulnerability factor for bullying (p.37), recommending that recruits with the lowest educational attainment should be considered, like the youngest recruits, an 'at risk' group for this and other duty of care issues, including self harm and drug abuse (p.42).

It is also evident that the army is contravening its own entry criteria with regard to self-harming. Figures for 2013 show that a number of recruits under the age of 18 were known to be self-harming.<sup>17</sup> Applicants who have self-harmed in the previous three years are meant to be barred from enlistment, although there is evidence that in the same year, 125 recruits under the age of 18 began training before any medical checks had been completed.<sup>18,19</sup>

## RECOMMENDATION: INFORMATION TO RECRUITS

**3. 'That MoD review the material provided to those making enquiries at Armed Forces Recruiting Offices to ensure that it sets out clearly recruits' rights and responsibilities and the nature of the commitment they are making in language that potential recruits will understand.' (p.6).**

The Defence Committee were concerned in 2005 that, while 'Recruiting staff are responsible for providing applicants with sufficient information to allow them to make an informed decision about whether they are suited to a career in the Armed Forces....The families who gave evidence to us said that they and their children had received little information about Service life.' (p.40) Regarding the terms of service, the Committee stated that, 'It is unfortunate that we have also heard evidence from the families that suggests individuals have been confused by the 'various rules and regulations' sometimes to a disastrous extent.' (p.53)

Ten years on, the majority of recruitment material makes no reference to the terms of service at all nor to the rights, responsibilities and commitments involved in a career in the army. The limited material that is available is complex and difficult to understand. The online application process creates additional concerns including the lack of application guidance notes, which previously had set out the commitment in broad terms. Furthermore, most of the recruitment materials have a promotional rather than informational emphasis with a lack of detail or key issues addressed. The focus on the benefits of a forces career rather than on less obvious aspects that recruits should consider before taking such a significant step does not give a full or accurate picture. There is evidence to suggest that key facts can also be misrepresented by recruiters.

Another recommendation made by the Committee, 'That the recruitment process includes a requirement on recruits to acquaint themselves with the documentation setting out their rights and responsibilities', may be fulfilled legally but not in a way that is most useful for the recruit. The only point at which recruits are obliged to engage with a document setting out their rights and responsibilities is during the final enlistment process. Enlistment papers are not publicly available

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17 MoD (2015), Freedom of Information request on welfare statistics for UK army's youngest enlistees available at [http://child-soldiers.org/research\\_report\\_reader.php?id=830](http://child-soldiers.org/research_report_reader.php?id=830).

18 The policy on medical conditions that prevent entry into the Services is contained in *Joint Service Publication 950*. The relevant section is available at [https://www.whatdotheyknow.com/request/the\\_reasons\\_that\\_people\\_with\\_asp](https://www.whatdotheyknow.com/request/the_reasons_that_people_with_asp)

19 Lt Col S Lane, cited in Army Foundation College Independent Advisory Panel, *Annual Report: 2014*, p.6., [http://www.army.mod.uk/documents/general/AFC\\_IAP\\_REPORT\\_2014.pdf](http://www.army.mod.uk/documents/general/AFC_IAP_REPORT_2014.pdf)



and so the recruit must read, absorb and understand the complex information it contains at one sitting at the very end of the recruitment process.<sup>20</sup>

### ***Material provided for potential recruits***

Looking at the material that someone 'making enquiries' may be given at a recruitment stand or Army Careers Centre, it is clear that much of this amounts to advertising material rather than an attempt to give potential recruits important information to help them make an informed decision about enlisting. Little detail is given and key issues are not raised. When asked, an army recruiter responded to this concern by saying that prior knowledge about the reality and risks of army life is common knowledge and therefore does not feature in recruitment materials or the recruitment process. While honesty is perhaps not the remit of advertising, the uniqueness of a career in the armed forces with the risks, restrictions, and other potential downsides it entails should mean that recruitment materials are required to fully inform recruits. Yet the risks and obligations of an armed forces career are absent from the recruitment materials which glamorise military life in heroic terms and sanitise the realities of warfare.

The army's current recruitment brochure, *Your Guide to Army Life*, can be characterised in this way - as a one-sided sale pitch, rather than an informative guide.<sup>21</sup> The realities of war are highly euphemised or obscured and it is nowhere acknowledged that a negative experience in the army might be possible. Furthermore, no effort is made to encourage readers to think carefully about whether joining the army is right for them.

### ***Notification of rights, responsibilities and commitments***

The army's Terms of Service document comprises four pages of dense type; it is highly doubtful someone with the reading age of a five, seven or even eleven year old would be able to understand it.<sup>22</sup> In March 2015, a document was made publicly available via the download library of the British Army website, entitled 'Terms and Conditions of Service'. However, this version of the document contained a number of errors and misrepresentations, which is highly worrying as it would have been made available to enlistees up to that point.<sup>23</sup> A subsequent version, with the substantial errors - but not all the misrepresentations - corrected, was put up after these were pointed out.<sup>24</sup>

The Enlistment Paper, however, is not publicly available and is only provided to recruits immediately before enlistment.<sup>25</sup> Part 1 of the Enlistment Paper consists of three pages of type which would also be difficult for young recruits, particularly those with low educational attainment, to absorb quickly.

Making an application online is now the only way to enlist. The guidance notes are now far less obvious and rigorous. For example, the paper guidance notes which were previously available contained a 'cautionary statement', warning applicants that, 'should you be accepted for enlistment: You must be prepared to serve anywhere in the world. You must be prepared to serve in areas of

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20 MoD (2015), *Commanding officers guide (manual of service law: JSP 830 vol 1)*, Ch 18: Terms and conditions of enlistment and service, para 4, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/43291/Ch18.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/43291/Ch18.pdf)

21 MoD (12014), *Your Guide to Army Life*, [http://www.army.mod.uk/documents/general/Your\\_guide\\_to\\_Army\\_life.pdf](http://www.army.mod.uk/documents/general/Your_guide_to_Army_life.pdf)

22 MoD (April 2015), *Terms and Conditions of Service for Regular Army and Army Reserve soldiers*, <http://www.army.mod.uk/documents/general/TermsOfService.pdf>

23 Details of errors and misrepresentations were sent to the Minister of State for Defence Personnel, Welfare and Veterans in March 2015.

24 See 22.

25 See 20.

conflict and to carry arms. You may have to take life in the act of protecting life.<sup>26</sup> There is now no such cautionary statement in the online text notes that accompany the new application process.

### ***Veracity of information provided***

The British Army website sets out the process of joining in four stages for the Regular soldier: getting started, Army Career Centre chat, assessment, and training.<sup>27</sup> The inclusion of training as part of the process of joining, rather than subsequent to joining, is misleading; it suggests that recruits can make an easy decision about leaving the army after they have enlisted. As we discuss below, the opportunities to leave during training are limited and recruits should be encouraged to think carefully about whether they are fully committed to an army career before enlistment. Enlistment is actually excluded from the process as set out on the website; which means that there is no emphasis placed on enlistment as the transitional moment when the legal status of the recruit changes.

There is concern about the quality of advice that recruiters give, particularly as they are presented as the only port of call for recruits with questions. One recruiter talked of a 'clean walkaway' from training if a recruit so chooses, and another stated that minors in the armed forces were 'under parental consent', implying that this could be withdrawn at any point until they were 18.<sup>28</sup> Both statements are untrue and seriously misguide parental recruits. The training for recruiters includes seven and a half hours of 'brand, image and marketing' as well as explicitly termed 'selling skills', and many more hours dedicated to communication and presentation skills, but less than two hours on the terms of service and no training at all on presenting potential risks of an armed forces career.<sup>29</sup>

## **RECOMMENDATION: INFORMATION TO PARENTS**

### **4. 'That MoD ensure that Armed Forces Careers Offices provide tailored literature for parents explaining the commitment made by the recruit to the Armed Forces and the commitment the Armed Forces make to the recruit.' (p.6)**

The army does not have literature for parents that discusses their child's commitment when they enlist. The document used to brief parents is *Meet the Army: A guide for parents, partners and friends*.<sup>30</sup> This admits that joining the army is a 'big decision', that it presents unique challenges as well as rewards, and that it is reasonable to have questions and concerns. It also provides some detail on the welfare and support structures in place for those soldiers who need extra help or advice. The document is nonetheless very limited as a resource for anyone who wants to help a potential recruit make an informed decision about enlisting: the 'big questions' it seeks to address are 'how they will train' and 'what kinds of work they'll do' - not, for example, 'what are the risks they will face?', 'what will the legal implications be?', or 'what happens if they want to leave?'. The questions which parents, partners and friends are in turn encouraged to ask the potential recruit are 'what job do they want to do?' and 'which unit would they like to join?'. These all imply that the

26 MoD (2011), *Her Majesty's Armed Forces Army Application Guidance Notes*  
[http://www.army.mod.uk/documents/general/AFCO\\_Form\\_5\\_Application\\_Notes.pdf](http://www.army.mod.uk/documents/general/AFCO_Form_5_Application_Notes.pdf)

27 British Army website: The Joining Process, <http://www.army.mod.uk/join/The-joining-process.aspx>

28 Interview with recruiter 8 April 2015, Armed Forces Careers Centre, London Victoria.

29 MoD (2014), Information Obtained under the Freedom of Information Act, FoI2015/02776 Annex A3, 'Army School of Recruiting Course Programme: Recruiter Course 14:006, Version 2'.

30 MoD (2014), *Meet the Army: A guide for parents, partners and friends*:  
[http://www.army.mod.uk/documents/general/Meet\\_the\\_Army.pdf](http://www.army.mod.uk/documents/general/Meet_the_Army.pdf)



decision to sign up in the first place has already been made and the Guide leaves many common parental concerns unanswered. Readers are never invited to weigh these challenges and rewards up for themselves but instead faced with a sustained sales pitch on the benefits of army life.

The Defence Committee were also concerned that, although the army stated that, 'encouraging parents or a mature adult to accompany an applicant to the recruitment office was considered best practice', in fact, 'the families' evidence suggested that they had little or no interaction with the recruitment process beyond the legal requirement to sign up those under 18.' (p.41)

There remains no obligation on recruiting officers to involve the parents of recruits who are under 18 in the recruiting process, beyond obtaining a signature, sent by post, as proof of consent.<sup>31</sup> Recruiters do not have to meet with parents or guardian during the recruitment process or discuss it with them to ensure that the consent is fully informed. Yet a parent or guardian may not withdraw consent after enlistment and a parent who did not give written consent may only challenge the consent given by another parent within three months of enlistment.<sup>32</sup> If the child does not live with both parents, only one needs to sign, removing the right to give consent from the parent with whom the child does not live.<sup>33</sup> There is also no mechanism for verifying that the signature provided as proof of a parent or guardian's consent is genuine.

Additionally, there are circumstances in which a recruit over the age of 16 years and under the age of 18 years may be enlisted with the consent of the local authority alone, or without the consent of anyone at all, 'if no appropriate person exists'.<sup>34,35</sup>

The *Duty of Care* Report recommended that recruiting officers be obliged to discuss with such recruits the desirability of involving their parents or a suitable adult (p.6). From conversations with recruiters, this at least seems to be common practice, though not protocol.

## RECOMMENDATION: GUARD DUTY

### 5. 'MoD must ensure that under 18 year olds do not undertake armed guard duty' (p.17).

All four of the deaths that occurred at Deepcut and that led to the *Duty of Care* report and *The Deepcut Review* involved a young recruit whilst on guard duty. Two of the young soldiers who died were only 17 years old. Despite stating the importance of the training value of guard duty, the Defence Committee were adamant that under-18s should not take part in it. This recommendation has not been implemented and 17 year olds do still take part in armed guard duty. In March 2015 the Minister for Defence Personnel, Welfare and Veterans stated that:

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31 Hansard (3 February 2015), 'Armed Forces: Young People:Written question - 223160', <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-02-03/223160/>;  
Hansard (2015), 'Armed Forces: Young People:Written question - 227583', <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-03-16/227583/>

32 MoD (2015), Freedom of Information request on UK Army enlistment consent verification, available at [http://child-soldiers.org/research\\_report\\_reader.php?id=829](http://child-soldiers.org/research_report_reader.php?id=829)

33 British Army (2006), *Enlistment Parent /Guardian Consent Form*, available at: <http://www.army.mod.uk/documents/general/ParentalConsentforEnlistment.pdf>

34 Ibid.

35 MoD (2015), *Commanding officers guide (manual of service law: JSP 830 vol 1)*, Ch 18: Terms and conditions of enlistment and service, para 9. <https://www.gov.uk/government/publications/joint-services-publication-jsp-830-manual-of-service-law-msl>

'Service personnel must be past their 17th birthday and appropriately trained before being employed on armed guarding duties. Where Service personnel (whether trainees, irrespective of their age, or those in productive service under the age of 18) are used as armed guards, an assessment of the risk involved is always undertaken. Recruits in Phase 1 training are never used as armed guards.'<sup>36</sup>

## RECOMMENDATION: RETAINING RECRUITS

6. 'We recommend that all the Services adopt procedures that allow recruits who express a wish to leave training an opportunity to leave their training establishment and contemplate further before making a firm decision on their future.'

'We recommend that the Armed Forces apply commonsense and understanding while dealing with recruits who ask to leave or are due to be discharged, particularly in respect of recruits who are retained in the Armed Forces solely for purpose of serving out punishments that have been awarded as a result of actions associated with the recruit's wish to leave the Service immediately.' (p.9)

Recruits into the armed forces may not leave during their first six weeks. If they enlisted before they are 18, they have a right to leave (Discharge As Of Right) until the end of their sixth month, with 14 days notice. If they enlisted over 18 in the army, they may only leave before the end of their third month. Since 2011, under-18s have the right (Discharge Under 18) to give 3 months notice to leave until they reach their 18<sup>th</sup> birthday.<sup>37</sup> This provision was put in place to deal with 'unhappy minors' who were trapped by legal obligations after the first 6 months of service. For under-18s this provision does, to some extent, address the concern of the Defence Committee that, 'The period of time available for recruits to exercise their right to leave training...is unnecessarily restrictive and may lead to recruits going AWOL.' (p.53) For those 18 and over, however, the period for Discharge As Of Right remains very limited.

The three month notice period under the new Discharge Under 18 provision is an excessive restriction and may be difficult for a dissatisfied minor to endure. This notice period can be reduced but only at the discretion of the commanding officer. It does not show an application of 'commonsense and understanding' in dealing with young recruits who no longer wish to be in the armed forces. Furthermore, contrary to the *Duty of Care* recommendation, recruits must continue to serve during this period. There was evidence presented to the Defence Committee in 2005 that this often results in recruits being pressured to stay (p.53). This pressure appears to continue:

'Some soldiers have said that when they asked about leaving, they were encouraged to 'soldier on' and were reassured that things would get better. These soldiers then missed the DAOR deadline and were unable to leave for years.'<sup>38</sup>

There remains a very real concern about soldiers going Absent With Out Leave (AWOL). Between 2005 and 2009, there were over 2000 AWOL incidences each year in the army.<sup>39</sup> 940 regular army personnel

36 Hansard (16 March 2015), 'Military Bases: Security:Written question - 226715', <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-03-09/226715/>

37 SI:1523 2011, *The Armed Forces (Terms of Service) (Amendment) Regulations 2011*, [http://www.legislation.gov.uk/uksi/2011/1523/pdfs/uksi\\_20111523\\_en.pdf](http://www.legislation.gov.uk/uksi/2011/1523/pdfs/uksi_20111523_en.pdf)

38 Before You Sign Up (25 September 2015): <http://beforeyousignup.info/leaving/army/85-leave1>

39 MoD (2010), 'AWOL Stats 2000-2010 including Prosecution and Sentences for Desertion', Freedom of Information request, <https://www.gov.uk/government/publications/awol-stats-2000-2010-including-prosecution-and-sentences-for-desertion>

went AWOL in 2007 although figures have tailed off since that peak year.<sup>40</sup> However, the figures indicate that 300 army personnel were still AWOL in 2013. While figures from early 2015 indicate that there were no under-18s being detained for AWOL or other offences at that time, minors are still required to serve out their sentences rather than be allowed to leave:

'Minors in the armed forces are doubly disadvantaged by the differential legal framework for military personnel as they lose not only general civil rights but also many of the specific rights extended to civilian minors. For example, on enlistment, minors become subject to military law which does not always distinguish between minors and adults. A court martial is entitled to sentence a minor to long-term detention on the same terms as an adult if found guilty of Absence Without Leave (AWOL) or disobeying an order. In 2010, ten minors were incarcerated at the Military Corrective Training Centre in Colchester for AWOL offences.'<sup>41</sup> <sup>42</sup>

## RECOMMENDATION: DATA COLLECTION

**7. 'MoD has acknowledged the need to collect more relevant data about its recruits. We welcome MoD's intention to collect more information about the socio-economic background of recruits to all three Services. We recommend that, in parallel with collecting data on socio-economic background, MoD should research whether socio-economic background influences Service personnel's subsequent careers.'** (p.5)

**'We...recommend that MoD identify robust methods of capturing data on bullying trends that take account of the extent of under-reporting.'** (p.15)

The Defence Committee expressed a concern about the lack of data collection by the MoD in general (p.15), and, in particular, data about the socio-economic background of recruits, including those who have been in local authority care. The Committee recognised that socio-economic background, as well as educational attainment, is an important indicator of various risk factors for individual recruits, including bullying; and that those from a low socio-economic background are often joining the armed forces 'as a last resort' (p.36-37)

The armed forces still do not collect data on the socio-economic background of recruits. This could be attributed to a concern that they will be exposed to accusations that they are disproportionately targeting and recruiting young people from socio-economically disadvantaged backgrounds.

There also remains a grave concern that the data collected on bullying and assault in the armed forces is still far from adequate. For example, Liberty has stated that, 'It is extremely concerning that comprehensive and reliable statistics on the number of allegations of sexual assault and rape made by and against service personnel are not available.'<sup>43</sup> This absence of data has been an important factor in the lack of thorough investigations into serious allegations of this kind.

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40 MoD (2014), AWOL stats obtained under Freedom of Information, available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/320963/20140616-Military\\_Awol\\_Figures\\_2006-2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/320963/20140616-Military_Awol_Figures_2006-2014.pdf)

41 Hansard (28 March 2011): 'Armed Forces: Absent without Leave', <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110328/text/110328w0004.htm#1103297000253>

42 Child Soldiers International and ForcesWatch (2013), *One Step Forward: The case for ending recruitment of minors by the British armed forces*, <http://www.forceswatch.net/resources/one-step-forward-case-ending-recruitment-minors-british-armed-forces>

43 See 6.

## THE EXPERIENCE OF THE YOUNGEST RECRUITS

Below we present additional evidence and arguments about the experience of the youngest recruits in the armed forces, which are pertinent to the concerns raised by the *Duty of Care* report 10 years ago. Low educational standards within the armed forces continue and have been exacerbated by the exemption that was granted to army trainees from the requirements of the Education and Skills Act 2008. There is a growing body of evidence that the youngest recruits are subject to higher health risks and poorer long-term outcomes than older recruits, and that young early service leavers (those who leave the armed forces in their first four years) are particularly vulnerable. There is also developing understanding of adolescence as a period of on-going maturation and vulnerability and of the likely ill-effects of the practices and process by which young people are recruited into the armed forces.

### ***Low educational standards***

Part of case made by Nicholas Blake in *The Deepcut Review* for the continuation of recruitment of under-18s (see *operational effectiveness versus rights and welfare* below) rested on the opportunities the armed forces make available to this age group:

'Unless and until educational opportunity for 16 to 18 year olds in the United Kingdom becomes so diverse and well-resourced that it provides everyone the opportunity of acquiring better life skills in civilian society, this Review is of the opinion that there is not a sufficient case to prevent the recruitment to the Army of those over 16 but under 18.'<sup>44</sup>

However, since 2006, the educational and training opportunities on offer in civilian society have significantly developed. A variety of educational routes and apprenticeships are available and the educational attainment age has, since 2015, been raised to ensure that every young person under this age is in receipt of education or training up to the age of 18.

At the same time, there are now more concerns about the armed forces' educational offer.<sup>45</sup> In addition, army trainees have also been granted an exemption from the requirements of the Education and Skills Act 2008 that set a minimum legal standard of education participation for the 16-17 age group.<sup>46</sup> Indeed, no minimum legal standard of education provision applies to minors in the armed forces. Child Soldiers International states that:

'The army's youngest recruits are offered low-grade, poorly recognised Functional Skills courses in just three subjects: English, maths and ICT. Recruits are also enrolled onto an apprenticeship in 'Public Services', which consists of basic soldier training and is not designed to support career progression outside the army. The Department for Education's recommended minimum standard of attainment for the 16-19 age group across all social backgrounds is the achievement of good passes in core GCSEs, which are not available to armed forces trainees.'<sup>47</sup>

By providing educational opportunities that do not compare with civilian education, the army is now failing the assumption made by the *The Deepcut Review* that the educational opportunities it offers

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44 See 3., para 12.40, page 387.

45 Child Soldiers International (2012), *Mind the Gap: Education for minors in the British armed forces*, [http://child-soldiers.org/research\\_report\\_reader.php?id=337](http://child-soldiers.org/research_report_reader.php?id=337)

46 MoD (2015), 'Freedom of Information request on assessment of educational provisions for UK army's youngest enlistees', available at [http://www.child-soldiers.org/research\\_report\\_reader.php?id=832](http://www.child-soldiers.org/research_report_reader.php?id=832)

47 Child Soldiers International (2015), *The British armed forces: Why raising the recruitment age would benefit everyone*, [http://child-soldiers.org/research\\_report\\_reader.php?id=866](http://child-soldiers.org/research_report_reader.php?id=866)

give under-18s 'better life skills', and undermines its argument for the continued recruitment of under-18s. Unfortunately, this assumption continues to be perpetuated by the army. For example, a statement by the Director General of the Army Recruitment and Training Division in March 2015 references the conclusion of the *Deepcut Review* that under-18s should continue to be recruited, and states that:

'The J[unior] E[entry] courses at Army Foundation College (Harrogate) provide a unique opportunity for individuals to develop firm educational, and wider, foundations, parallel to the traditional educational system, to an enhanced level, not replicated in S[tandard] E[ntry] training.'<sup>48</sup>

### ***Higher health risks and poorer long-term outcomes***

The government no longer routinely deploys under-18s, although a number of under-18s have been sent to combat zones in error.<sup>49</sup> The argument that under-18s are not routinely deployed is often used in defence of their continued recruitment into the forces. Yet, there are still significant dangers associated with the policy of enlisting under-18s. Those who join the youngest are more at risk when they do get deployed, are more vulnerable within the armed forces' institutions and have poorer career outcomes.

The youngest recruits are more likely to go into the most dangerous roles.<sup>50</sup> A recent internal MoD document shows that it requires the enlistment of under-18s to 'mitigate Standard Entry shortfalls, particularly for the infantry.'<sup>51</sup> Another document, on the eligibility of those of certain age groups for certain roles, shows that the very youngest recruits many only join dangerous frontline roles.<sup>52</sup>

Engaged in frontline combat, those in the infantry are subject to a higher fatality and injury rate. The fatality rate in Afghanistan has been seven times that in the rest of the armed forces.<sup>53</sup> Another study shows that the risk of fatality in Afghanistan for British Army recruits aged 16 who have completed training has been twice as high as for those enlisting as adults, reflecting the disproportionately high number of 16 year olds who join frontline Infantry roles.<sup>54</sup>

The *Duty of Care* report stated that, 'Much of the material we received relates to the risk factors associated with young people, particularly those from disadvantaged backgrounds. Undoubtedly some individuals who apply to join the Armed Forces are vulnerable.'(p.42) A 2013 survey of mental health studies has shown that childhood adversity can exacerbate negative impact of military experiences; recruits who are made vulnerable through their youth and disadvantaged backgrounds are more like

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48 Tickell, Maj. Gen. Chris (2014), 'Witness Statement' in the High Court of Justice Queen's Bench Division Administrative Court between the Queen on the Application of Child Soldiers International and the Secretary of State for Defence, paras 15-16, available at [http://child-soldiers.org/research\\_report\\_reader.php?id=841](http://child-soldiers.org/research_report_reader.php?id=841)

49 Letter from UK Ministry of Defence regarding deployment of under-18s on combat operations, April 2015, [http://child-soldiers.org/research\\_report\\_reader.php?id=821](http://child-soldiers.org/research_report_reader.php?id=821)

50 Gee, D. and Goodman, A. (2013). *Young age at Army enlistment is associated with greater war zone risks*, ForcesWatch & Child Soldiers International, <http://www.forceswatch.net/content/youngest-soldiers-face-greatest-risks>

51 Internal MoD document obtained under the Freedom of Information Act (ref. FOI2015/00618) February 2015, [http://child-soldiers.org/research\\_report\\_reader.php?id=817](http://child-soldiers.org/research_report_reader.php?id=817), p.2

52 British army (Recruiting Group) (2015), *Eligibility Quick Reference Guide*, p. 8, [http://child-soldiers.org/research\\_report\\_reader.php?id=827](http://child-soldiers.org/research_report_reader.php?id=827). Recruiters' instructions state that recruits aged between 16 and 16½ must be given jobs in combat roles (or join as drivers in the logistics corps) and that those under 16¼ must only be given combat roles.

53 Gee, D. (2013), *The Last Ambush: Aspects of mental health in the British armed forces*, ForcesWatch, p.58

54 See 50.

to experience problems including drinking heavily and behaving violently, and other mental health problems.<sup>55</sup>

*The Deepcut Review* surveyed the literature on self-harm in the armed forces and concluded that, 'In the opinion of the Review, being young, under or about 18, and living 24/7 within the disciplined regime of an institution such as the Army is, itself, a significant factor indicative of risk.'<sup>56</sup> Not only is the the army contravening its own entry criteria with regard to self-harming (see point 2 above), it is also known that the suicide rate for young male recruits is significantly higher than the civilian population.<sup>57</sup>

There is substantial evidence that bullying, harassment and even assault continues to be experienced by many in the armed forces. The Defence Committee found ample evidence of this and discussed the level of bullying at initial training establishments in the *Duty of Care* report. It is clear from the work of Liberty and press reports that the problem persists and that structures within the armed forces are not able to address it adequately.<sup>58</sup>

Child Soldiers International have calculated a number of other indicators of poor outcomes for the youngest armed forces recruits.<sup>59</sup> Over one third (36%) of army recruits under-18 leaves during training compared to one quarter of adult (25%) recruits, and around 40% of under 18s who join the infantry will drop out in their first four years. Early Service Leavers have been identified as particularly vulnerable to unemployment and mental health problems.<sup>60</sup> Prospects for promotion within the army are less promising for the youngest recruits.<sup>61</sup> In 2014, *The Veterans' Transition Review* identified a number of vulnerability factors for service leavers including those who leave during training, who have low educational attainment prior to joining, and have a history of childhood adversity or other pre-enlistment disadvantages.<sup>62</sup>

### **Child Development**

There is recognition in the armed forces that Junior Entry recruits are twice as likely to be medically discharged with training-induced injuries than older recruits, due to 'skeletal and muscular immaturity'.<sup>63</sup> There is also a growing understanding of adolescence as a period of on-going maturation and vulnerability and how the practices and process by which young people are recruited into the armed forces, are likely to have ill-effects. Medact, an organisation of health professionals who work on health issues related to conflict, poverty and the environment is developing research on the specific mental and psychological vulnerabilities of minors in the UK who will later be deployed in the field of combat, but also within the environment of military training and induction.<sup>64</sup>

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55 See 53.

56 See 3., para 9.34, page 284.

57 See 53.

58 See 6, also 'Tortured: Young Army recruit tells how he went AWOL after becoming a victim of brutal bullying', *The Mirror*, 8 September 2013, <http://www.mirror.co.uk/news/uk-news/tortured-young-army-recruit-tells-2259512>

59 Figures are based on data for 2010 to 2013 from the MoD's *Annual Personnel Report* and Hansard: HC Deb, 13 May 2013 c99W. Details available in Child Soldiers International (2015), *The British armed forces: Why raising the recruitment age would benefit everyone*, [http://child-soldiers.org/research\\_report\\_reader.php?id=866](http://child-soldiers.org/research_report_reader.php?id=866)

60 House of Commons Public Accounts Committee (2008), *Ministry of Defence: Leaving the Services*, <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmpubacc/351/351.pdf>.

61 See 47.

62 Lord Ashcroft (2014), *The Veterans' Transition Review*, p.125.

63 Discussed in Child Soldiers International (2015), 'Memorandum submitted to the Defence Committee', [http://child-soldiers.org/news\\_reader.php?id=857](http://child-soldiers.org/news_reader.php?id=857)

64 <http://www.medact.org/news/medact-questions-recruitment-of-under-18s-into-uk-armed-forces/>



## 'IN LOCO PARENTIS' AND MORAL OBLIGATION

In 2005 the Defence Committee warned that the issues it raised should be taken seriously for reasons of 'moral obligation', and not only because of what the MoD called 'a current climate of accountability and public awareness' (p.17). In its definition of duty of care the Committee stated that, 'By maintaining a dividing line between its legal and moral obligations, MoD is open to the criticism that it considers obligations that are not legally enforceable to be less important.' (p.5)

An example of the MoD's lack of commitment to its moral obligation to ensure the welfare of the under-18s in its care, is provided by the *Duty of Care* report. The report recommended that the MoD formulate policy for the care of under 18 year olds as if it acted 'in loco parentis', i.e. as a parent would act. It stated that, 'There is some confusion about whether for those under 18 the Armed Forces act in place of the parent (in loco parentis).' (p.44) In evidence given to the inquiry, the MoD explained that their duty of care responsibilities arise from their status as employers rather than from the need to act in loco parentis to ensure the wider well-being of recruits.<sup>65</sup> They were distinguishing between their duties as employers under the Health and Safety at Work Act 1974 and the more comprehensive demands of the Children's Act 1989 s.3(5).

In 2005, the Defence Committee pointed out, however, that other employers do not have 24-hour responsibilities for 16 and 17 year olds, and they were therefore 'not convinced' by this argument. They concluded that, 'by relying on a narrowly legal argument, MoD is not accepting the appropriate responsibility for under 18 year olds in its care.'

The MoD also extended this argument to account for the lack of criminal records checks (now DBS) for those in the forces working with under-18s. Child Soldiers International have found that this alarming situation continues:

'AFCH's Supervisory Care Directive characterises its child trainees as 'the Army's most sensitive recruits' but also states that the majority of staff 'arrive without the necessary training' to work with them. As of September 2014, 18 per cent of its staff who required criminal record checks in order to work with children lacked them.<sup>66</sup> It is unknown whether these staff were allowed to continue in their work pending the checks.'<sup>67</sup>

Those who are 16 and 17 year olds have not yet reached the age of majority and are legally children, despite education and employment legislation which confers on them a status equivalent to an adult. The International Labour Organisation highlighted under-18s in the armed forces as a child labour concern in 2008, as did UNICEF in 2006.<sup>68,69</sup>

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65 House of Commons Defence Committee (2005), *Duty of Care Third Report of Session 2004-05 Volume II: Oral and written evidence*. Section on 'Commanding Offices: loco parentis' Ev 262

66 British Army (Army Foundation College), Quality Improvement Action Plan for the Army Foundation College (H), 2014, Ref. A-3.

67 Child Soldiers International (2015), *Alternative report to the Committee on the Rights of the Child on the occasion of the UK's Fifth Periodic Review report: Recruitment, use and treatment of children by the British armed forces*

68 International Labour Office (2008), *Decent Work Country Report - United Kingdom*, p.44.  
[http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/documents/meetingdocument/wcms\\_359819.pdf](http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/documents/meetingdocument/wcms_359819.pdf)

69 Unicef (2006), *Child Labour Today*, p.28, [http://www.unicef.org.uk/Documents/Publications/ecechild2\\_a4.pdf](http://www.unicef.org.uk/Documents/Publications/ecechild2_a4.pdf)

## OPERATIONAL EFFECTIVENESS VERSUS CHILD RIGHTS AND WELFARE

The recommendations from the *Duty of Care* report, and other calls for review outlined above, all share a common concern for the best interests of young people recruited into the armed forces.

While recognising the balance that needs to be struck between 'robust' training and considerations for operational effectiveness, the Defence Committee stated in 2005 that, 'there are legal and moral obligations on those in command of training to ensure that recruits and trainees receive the appropriate duty of care.' (p.28) It continued, 'It is because Service training is high risk that the Armed Forces have a greater obligation to provide an adequate duty of care for their recruits and trainees.' (p.29)

Yet the MoD has been allowed to continue its internationally anomalous practice of recruiting children into the armed forces without an investigation into the impact of doing so, which was a key *Duty of Care* recommendation. One reason for this could be that *The Deepcut Review* conducted by Nicholas Blake QC did not see the need for change.<sup>70</sup> This is still referred to by the military to legitimise the continuation of the policy, although the Review has been criticised by many.<sup>71,72</sup> The opinion of one man, who conducted his review in private, rather than in open public inquiry, has been given far more weight than the range of informed voices who have raised a spectrum of important concerns.

In its response to the *Duty of Care* report, the Labour Government stated that it did 'not consider that the recruitment age for all three Services should be raised to 18'. It went to to justify this with: 'The Services need to attract those under 18 in order to compete effectively in an increasingly competitive employment market, and any move to increase the minimum recruiting age would have an acute impact on the Services' ability to meet their recruiting targets and hence operational commitments.'<sup>73</sup>

Ten years on, it is apparent that operational arguments continue to prevent the armed forces from reviewing both their position on enlisting under-18s, and their recruitment practices. These practices prioritise marketing careers to potential recruits over fully informing them and their parents about the risks and obligations involved. This is exacerbated by the current difficulties the armed forces face when meeting recruiting targets, as evidence from the Director-General of the Army Recruiting and Training Division made clear.<sup>74</sup> The army are concerned that potential recruits will reconsider their interest in joining up if they have to wait until they are 18 and the army will miss out on the 'prime recruiting time as school leavers look for first employment and further training opportunities beyond school.'<sup>75</sup>

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<sup>70</sup> See 3., para 12.40, page 387.

<sup>71</sup> See, for example, footnote 44.

<sup>72</sup> See, for example, Cathcart, B., (2007), 'Deepcut: the media messed up', *British Journalism Review*, Vol. 18, No. 1, pages 7-12, [http://www.bjr.org.uk/data/2007/no1\\_cathcart](http://www.bjr.org.uk/data/2007/no1_cathcart), and James, D., (1 April 2009), 'In denial on Deepcut', *The Guardian*, <http://www.theguardian.com/commentisfree/2009/apr/01/deepcut-inquiry-play-philip-ralph>

<sup>73</sup> Ministry of Defence (2005), *The Government's response to The House of Commons Defence Committee's third report of session 2004-05*, p.1.

<sup>74</sup> See 48.

<sup>75</sup> See 48, para 6.

Yet, there are also strong reasons for questioning the policy of recruiting under-18s on financial and operational grounds.<sup>76</sup> It costs the army between three and four times as much to train a Junior Entry recruit than an adult, due to a longer training period and a higher likelihood of leaving.<sup>77</sup> Raising the age of recruitment would therefore save approximately £50 million per year and, by reducing the drop-out rate, cut the number of recruits needed by around 200.

Child Soldiers International argue that the army does not need to recruit 16 and 17 year olds:

Since most states' armed forces now recruit only adults, there is no demographic reason why the UK could not do the same. The army's intake of 16 and 17 year olds has fallen steadily from 43% of the total intake 15 years ago to an all-time low of 24%. In addition, because around a third drop out during training, they now account for only about 15% of soldiers joining the 'trained strength' each year. The army has also been downsizing, which will allow it to stop recruiting minors and still fill the ranks with just a small increase in the current intake of adult recruits. This could be met from among those who now join aged 16 or 17 and would still join at 18. The army would also benefit from recruits who are more mature, can be deployed straight after training, and do not need the separate duty of care arrangements required by law for minors.<sup>78</sup>

## CONCLUSION

The armed forces' execution of its duty of care responsibilities for its personnel, particularly its youngest recruits from age 16, remains a serious concern. The MoD has been allowed to continue its internationally anomalous practice of recruiting children into the armed forces without a full and thorough review, and without implementing many other recommendations made by the Defence Committee's landmark *Duty of Care* report a decade ago.

The context of moral obligation that the *Duty of Care* report established is an important lens through which to continue to examine the armed forces' care for its young recruits. This report indicates that armed forces recruitment needs and its methods of fulfilling them are often at odds with their duty to protect trainee and serving personnel. The unimplemented recommendations reveal not only a lack of 'commonsense and understanding' but also the extent to which operational requirements are prioritised over consideration of the rights and welfare of the young people in the care of the armed forces. The *Duty of Care* report warned of the dangers of this approach. ForcesWatch urges the MoD and parliament to revisit these important recommendations, guided by the principle of the best interests of personnel, particularly the youngest and most vulnerable.

Raising the age of recruitment would prioritise the best interest of young people recruited in the armed forces, who would benefit from recruits who are more mature and do not need additional duty of care requirements. They would be deployable straight after training and there would be significant financial saving due to the far higher costs of training under-18s and higher drop out rates. Recruits who still wished to join could enlist at 18, in line with the growing international consensus around the age at which it is appropriate to become involved in preparation for armed conflict.

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<sup>76</sup> See 42.

<sup>77</sup> Child Soldiers International and ForcesWatch (2014), *Army recruitment: comparative cost-effectiveness of recruiting from age 16 versus age 18*, [http://child-soldiers.org/research\\_report\\_reader.php?id=781](http://child-soldiers.org/research_report_reader.php?id=781).

<sup>78</sup> See 47.

## RECOMMENDATIONS OF THIS REPORT

Forces Watch recommends that:

- The manner in which the armed forces meet their recruitment needs must not jeopardise the best interests of young people, and that the recruitment of under-18s should stop.
- That the Defence Committee commission thorough, independent review of the policy of recruiting 16 and 17 year olds into the armed forces.
- That the other *Duty of Care* report recommendations discussed here are implemented without further delay and that the MoD report to the Defence Committee on their progress in implementing them.
- That the Defence Committee review the *Duty of Care* report and request that the MoD account for its implementation or otherwise of all remaining recommendations.

## CONTACT

This report may be copied and distributed freely.

**ForcesWatch** is a British-based campaigning organisation. We seek to scrutinise the ethical basis of the recruitment of young people into the armed forces. We advocate changes to policy, raise public awareness of the issues and challenge the armed forces on their recruitment practices, especially those aimed at the youngest and most disadvantaged groups.

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