



Ministry  
of Defence

**JSP 763**  
**Behaviours and Informal Complaint Resolution**

**Part 1: Directive - Understanding Behaviours in  
Defence**

# Foreword

People lie at the heart of operational capability. Most of the excellent people across Defence behave appropriately and create an inclusive environment for all of us to thrive in and to serve our country. Sadly, there are times when people behave inappropriately, and it is important that people call this out and take appropriate action. This action can include informal complaints resolution as explained in this JSP, or may require a Service Complaint (as explained in JSP 831) or a Civil Service grievance (as explained in the Civilian Formal Bullying, Harassment, Discrimination and Victimisation Complaints Policy and Procedures).

We are clear that unacceptable behaviour will not be tolerated. The Sue Owen, Wigston and Gray Reviews outlined what we needed to do to prevent and tackle unacceptable behaviour and these actions are progressing well. We all have a role to play in preventing unacceptable behaviour. We must intervene when we see behaviours falling short of our high standards and values. And everyone in Defence needs to be confident that we will respond if they have cause to raise a complaint.

JSP 763 is the authoritative policy and guidance on behaviours and the informal complaints resolution process for all MOD Service personnel and civilian employees. It outlines the core behaviours expected within our organisation which contributes to an inclusive working environment where everyone can excel.

This JSP also provides guidance about the types of behaviours which are unacceptable and details the wide range of support available. It intends to equip our people with options to resolve issues when they arise so that good working relationships can be restored as quickly as possible.

**Lt Gen James Swift**  
**Chief of Defence People**  
**People Functional Owner**

# Preface

## How to use this JSP

1. JSP 763 contains guidance and direction for Ministry of Defence (MOD) Service personnel and civilian employees on the application of policy for behaviours and resolving informal complaints related to unacceptable behaviour. It is designed to be used by MOD Service personnel and civilian employees when making, handling and responding to informal complaints. Contractors are expected to comply with the behaviours outlined in this JSP. This JSP does not cover formal complaints. It applies whole force in the broadest sense, including for example Royal Fleet Auxiliary personnel, with only two exceptions; Defence Equipment and Support (DE&S) civilian employees should refer to their own complaints procedures and MOD Police (MDP) should refer to the MDP harassment and bullying complaints policy. The section on personal relationships applies only to Armed Forces personnel, both Regulars and Reserves.
2. The JSP is structured in two parts and this is Part 1:
  - a. Part 1: Directive – Understanding behaviours in Defence.
  - b. Part 2: Guidance – The informal complaints resolution process
3. This document contains links to other relevant JSPs and policies; some policies are Top Level Budget (TLB) specific. Previously, JSP 763 detailed how to make both informal and formal complaints related to bullying, harassment, and discrimination (BHD). Formal policy and processes are now contained in the following documents:
  - a. Service personnel should refer to [JSP 831](#) (Redress of Individual Grievances: Service Complaints);
  - b. Civilian employees should refer to [the formal civilian bullying, harassment and discrimination complaints policy and procedures](#);
  - c. DE&S civilian employees should refer to their procedures; and
  - d. MOD Police should refer to [MDP Harassment Complaints Policy Nov 15 - Final IV1](#).

## Further Advice and Feedback – Contacts

4. The owner of this JSP is the Wigston Review Implementation Team (D&I Directorate). For further information on any aspect, or questions not answered within the subsequent sections, or to provide feedback on the content, contact:

<b>Job title/email</b>	<b>Project focus</b>	<b>Phone</b>
Diversity and Inclusion team: <a href="mailto:people-diversity-inclusion@mod.gov.uk">people-diversity-inclusion@mod.gov.uk</a>	Behaviours and Informal Complaints	0207 218 9123
People-Sec-DCCL Complaints Pol 3	Service Complaints Policy	020 780 70077 / 020 780 78619
Defence Business Services (DBS)	Civilian Policy and Procedure	0800 345 7772
DE&S HR Hub	DE&S Complaints Procedures	030 679 88635

# Table of Amendments

Change Reference	Authority	Date	Comments
Para 07.13	DCDS(Pers) SCW	15/12/10	
Annex N, appendix 1 para 2	As above	15/12/10	
Annex F, para 9	Specific quad Service agreement	15/12/10	
FN to para 6.3.b	As above	15/12/10	
Para 1.1	Defence Personnel Secretariat Complaints	01/07/13	
Para 4.15.c	As above	01/07/13	
Para 5.2.f	As above	01/07/13	
Para 5.17	As above	01/07/13	New timeline for resolution of Service Complaints.
Para 6.5	As above	01/07/13	
Para 7.12.b	As above	01/07/13	Change in Civilian appeal process.
Annex I	As above	01/07/13	Removal of last flowchart.
Throughout JSP	As above	01/07/13	Changes made throughout the JSP to reflect name change from PPPA to Defence Business Services (DBS).
Throughout JSP	Wigston Review Implementation Team	29/06/21	<ul style="list-style-type: none"> <li>• Formal complaints (civilian and Service Complaints) removed.</li> <li>• JSP divided into two parts: understanding behaviour and informal complaints.</li> <li>• Positive behaviours outlined and updated definitions of bullying, harassment, discrimination, victimisation and sexual harassment provided. Intent removed from definition of bullying.</li> <li>• Prevention chapter introduced.</li> <li>• Requirement to record informal complaints on JPA/HRMS removed.</li> <li>• Introduction of a personal record / letter to management template.</li> <li>• D&amp;I Advisers and Practitioners TORs updated and revised record keeping templates.</li> </ul>

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# Glossary

2 <sup>nd</sup> Reporting Officer (2RO)	2ROs are typically one rank higher than the 1 <sup>st</sup> Reporting Officer (1RO) and therefore two ranks higher than the Subject. The 2RO is normally the 1RO for the Subject's 1RO.
<a href="#">Civilian formal BHD complaints policy &amp; procedures</a>	The Civilian formal bullying, harassment and discrimination (BHD) complaints policy and procedures covers the approach to making, investigating and deciding on formal civilian complaints relating to BHD.
Commanding Officer (CO)	The CO is the Service officer who has been appointed by the appropriate authority to be in command of and to exercise discipline over a ship, unit or establishment.
Companion	A MOD work colleague (civilian or military) or TU representative (civilian only) who accompanies the Complainant or Respondent to a meeting. They do not have to be in the same team, unit, or department as the Complainant / Respondent.
Complainant	A person who makes a complaint.
Countersigning Officer (CSO)	Usually this is a civilian employee's manager's manager; it may sometimes be someone outside the Chain of Command. In DE&S this may be the Primary Delivery Manager or Functional Development Officer. Individuals should be familiar with who their CSO is.
DBS Casework Services	Provides advice and guidance on HR policy and process to civilian employees (both Complainants and Respondents), managers of civilian employees, decision makers, and appeal managers.
DBS Employee Services	For civilian employees and their managers, offering emotional support and advice on wellbeing and information about civilian policy and process.
Diversity & Inclusion (D&I) Adviser	Diversity and Inclusion (D&I) Advisers are personnel across the whole force (both military and civilian) who receive specific training to enable them to provide impartial advice to all parties on unacceptable behaviours, the informal complaints process, Service Complaints process regarding complaints about unacceptable behaviours and civilian formal BHD complaints.
Diversity & Inclusion (D&I) Practitioner	Diversity and Inclusion (D&I) Practitioners are personnel across the whole force (both military and civilian) who receive specific training and act as the 'eyes and ears' on the ground for Diversity and Inclusion Advisers across Defence. They promote inclusion, signpost colleagues to further sources of advice and support and challenge behaviours amongst peers.
Immersive training	Immersive values-based training uses artificial or simulated environments that maintains the trainee's engagement and minimises distractions to achieve more effective learning. The use of scenarios allows trainees to practice reacting to situations, to control outcomes and

	experience multiple iterations with a variety of results and dynamic feedback and space to reflect. Immersive learning is similar to experiential learning but leverages technology for a more intense dynamic experience for the trainees. Examples of appropriate methods are simulations; role play; discursive; scenario-based; peer and game-based learning; and virtual learning environments.
<a href="#">JSP 831</a>	JSP 831 is the authoritative policy and guidance for all MOD Service personnel when making, responding to, advising on, investigating and deciding Service Complaints. It is designed to be used by Service personnel when making a complaint and by those responsible for handling and managing such complaints. It also sets out policy for Respondents and witnesses, whether Service personnel, civilian employees, or MOD contractors.
Manager	A civilian employee's immediate manager.
Mediation	A confidential, independent and voluntary dispute resolution process, in which neutral trained third persons (the mediators) help the disputing parties to reach an agreement with the intention of resolving the dispute. Available to civilian and military personnel.
Respondent	A person who is the subject of a complaint.
Service Complaints Ombudsman for the Armed Services (SCOAF)	The Ombudsman can investigate certain matters on application by a Complainant (Service personnel only). The SCOAF is independent of MOD. The Ombudsman is required to produce an annual report on the operation of the Service complaints process.
Trade Unions Representative (TU Reps)	<p>Are trained and accredited by their Trade Union to provide confidential advice and practical, hands-on support to Trade Union members (civilian employees only) including:</p> <ul style="list-style-type: none"> <li>• listening.</li> <li>• asking questions.</li> <li>• discussing context and perspective.</li> <li>• giving employees the opportunity to reflect on what has happened.</li> <li>• explaining what options exist for reporting the matter and how they, and their Trade Union, will support the employee throughout.</li> <li>• helping employees understand what steps they might want to consider taking next and provide advice on way forward.</li> <li>• supporting the employee throughout.</li> </ul> <p>TU Reps operate independently of the Department, they are elected by their peers and trained and accredited by their TUs to support civil service TU members who find themselves in need of assistance. TU Reps will be found throughout the Defence estate. They provide support such as advice, representation and advocacy on all workplace issues including unacceptable behaviours, unfair treatment, bullying, harassment and discrimination.</p>



# Abbreviation Table

2RO	2 <sup>nd</sup> Reporting Office
ACAS	Advisory, Conciliation, and Arbitration Service
AFCAS	Armed Forces Continuous Attitude Survey
ALB	Arm's Length Body
AoR	Area of Responsibility
BHD	Bullying, Harassment, and Discrimination
CO	Commanding Officer
CoC	Chain of Command
CSO	Countersigning Officer
DBS	Defence Business Services
DG	Director General
D&I	Diversity and Inclusion
D&I(A)	Diversity and Inclusion Adviser
D&I(P)	Diversity and Inclusion Practitioner
DE&S	Defence Equipment and Support
DLC	Defence Leadership Centre
DLE	Defence Learning Environment
EAP	Employee Assistance Programme
EDIA	Equality, Diversity, and Inclusion Adviser (now D&I(As))
GDPR	General Data Protection Regulation
HoE	Head of Establishment
HR	Human Resources
HRMS	Human Resource Management System (to be replaced with 'MyHR')
JPA	Joint Personnel Administration System
JSP	Joint Service Publication
MDP	Ministry of Defence Police
MOD	Ministry of Defence
PIRC	Police Investigations & Review Commissioner
PSD	Professional Standards Department
RAF	Royal Air Force
ResCAS	Reserves Continuous Attitude Survey
RN	Royal Navy
RN FPS	Royal Navy Family & People Support
SCOAF	Service Complaints Ombudsman for the Armed Forces
sS	Single Services
SSAFA	The Soldiers, Sailors, Airmen, and Families Association
TLB	Top Level Budget
ToR	Terms of Reference
TU	Trade Union
USAF	US Air Force

# Policy Statement

1. MOD needs high quality people with the necessary skills, knowledge and experience, who are valued, respected, invested in and feel supported. The UK Armed Forces are a formidable fighting force and the commitment of all Service personnel and civilian employees is rightly celebrated. Unacceptable behaviour persists, however, which negatively impacts on people, the teams they serve in and, ultimately, operational output. It also has an impact on attracting, recruiting and retaining the talent we need.
2. MOD does not tolerate any form of bullying, harassment, unlawful discrimination or victimisation. Everyone has a right to be treated with dignity and respect regardless of rank, grade or position. Everyone has a role in creating an inclusive, safe and supportive working and social environment.
3. MOD is committed to:
  - a. ensuring unacceptable behaviour is never tolerated in any form;
  - b. developing an organisational culture where people's differences are actively valued and included (see the [Defence Diversity and Inclusion \(D&I\) Strategy: 2018-2030 – A Force for Inclusion](#) (www));
  - c. ensuring our people can recognise unacceptable behaviour and understand its impact;
  - d. ensuring those experiencing or witnessing bullying, harassment, unlawful discrimination or victimisation know how to report it and are aware of the support available to them;
  - e. ensuring when cases are reported, managers, the Chain of Command (CoC), colleagues and relevant Human Resources (HR) teams respond promptly, sensitively and appropriately;
  - f. ensuring our people are protected from bullying, harassment, unlawful discrimination and victimisation;
  - g. ensuring there are robust policies and practices in place to deal with bullying, harassment, discrimination and victimisation; and
  - h. treating any allegation of bullying, harassment, unlawful discrimination or victimisation seriously and taking prompt action to investigate and remedy.
4. This JSP sets out:
  - a. how a person who is employed by MOD (whether Serviceperson or civilian) is protected from bullying, harassment, unlawful discrimination and victimisation;
  - b. the core behaviours expected by all Service personnel and civilian employees when they are: working or on duty (regardless of location); working with others in the same location; working over the phone or using electronic communication; participating in work-sponsored or organised social events / sporting events (including adventurous training); and when using social media at all times, including during leisure time (this is not an exhaustive list); and

c. the informal complaints resolution process.

5. This JSP does not replace legislation and if the legislation has a different effect, it is the legislation that must be followed. If there is any doubt about how the law operates, those responsible for managing Service personnel should seek advice from their legal branch and relevant input from subject matter experts. In the case of civilian staff this will be Defence Business Services (DBS).

6. Where this JSP states that an individual '**must**' take a particular action, this designates a legislative requirement. Where this document states that individuals '**should**' take a particular action, this designates a departmental requirement and the expectation is that the guidance will be followed. Individuals may only deviate from the guidance in exceptional circumstances and be mindful that there are risks associated with doing so. Individuals will be expected to account for any deviations from the guidance.

# 1 Core Behaviours

## Introduction

1.1. This section sets out the core behaviours expected of all Defence people: both military and civilian. Core behaviours are crucial to Defence as they contribute to a thriving culture and the success of the organisation as a whole.

1.2. As part of government, MOD is expected to demonstrate the highest standards and values. The people who work within the department are therefore expected to treat others with respect, whether civil servants, Service personnel, contractors, veterans, families or visitors. Families and visitors are however not subject to this JSP.

1.3. Core behaviours stem from MOD's Corporate Standards, with each of the single Services (sS) and the Civil Service having their own ethos, values, standards and codes of conduct. The relevant comprehensive documents can be found below:

- a. [Royal Navy Ethos, Values and Standards](#) [Annex 21H of BRd 3(1)];
- b. [Values and Standards of the British Army](#);
- c. [Ethos, Core Values and Standards of the Royal Air Force](#);
- d. [UK Strategic Command – Command Charter](#);
- e. [Civil Service Code](#) (www); and
- f. [MOD Corporate Standards](#).

## Why do we need core behaviours?

1.4. Core behaviours ensure that each person can understand what behaviours are expected of them; what to do (positive) and what not to do (negative). Core behaviours also facilitate a respectful and impartial working environment for all.

1.5. Individual wellbeing and the wellbeing of the organisation is also promoted through the core behaviours. Our behaviours, our interaction with others and how we work together, as individuals or as teams, also impact our wellbeing.

1.6. Our operational effectiveness will be affected if negative or unacceptable behaviours are not addressed, through either the loss of individuals to other organisations or the negative impact on the individual and working environment. MOD recruits and trains its people and invests both time and money into ensuring everyone can do the job to the best of their abilities. To lose individuals as a result of unacceptable behaviour requires MOD to fund further recruitment and training. Unacceptable behaviours can also ultimately lead to costly litigation and reputational damage.

## Core behaviours enable inclusion

1.7. Core behaviours enable an inclusive working environment, which gives individuals a sense of belonging, allows them to be authentic and ensures they have a voice in their team and organisation. Individuals operating in an inclusive working environment are therefore more likely to stay for longer.

1.8. An inclusive working environment ensures the sustainability of diversity of thought, perspectives, skills, talents and backgrounds. Diversity and inclusion are therefore critical to Defence's success in safeguarding our nation's security, stability and prosperity, as well as creating an inclusive working environment and culture capable of attracting and retaining a diverse workforce.

1.9. Effective leadership is an essential component. Defence will ensure leaders at all levels have the skills to demonstrate and champion inclusion that will create a 'Just Culture', one which creates a positive working environment and ensures unacceptable behaviours are eliminated promptly.

### **Challenge unacceptable behaviours**

1.10. [Everyone has a duty to challenge unacceptable behaviours](#). It is important to bring critical thinking or embrace diversity of thought at all times and challenge where you believe behaviours are unacceptable. The Chilcot report states that this is not optional; it is the duty of all personnel within Defence to invite and offer challenge to unacceptable behaviours.

1.11. Appropriate challenge is about the issue, not the person, position or rank. It is also necessary to ward off 'Groupthink' or the practice of thinking or making decisions as a group in a way that discourages individual responsibility. An environment in which challenge is expected and accepted is important, as these cultures and behaviours reflect a healthy organisation.

1.12. Everyone in Defence is responsible for their own behaviours by:

- a. upholding and role-modelling the core behaviours set out above;
- b. speaking out and challenging unacceptable behaviour;
- c. supporting others who have experienced or witnessed unacceptable behaviour;
- d. ensuring their own conduct does not amount to bullying, harassment or discrimination (BHD) and they treat others with dignity and respect;
- e. reporting unacceptable behaviours against themselves or others as soon as possible; and
- f. maintaining confidentiality of such matters at all times, including once processes have been concluded.

1.13. Leaders have additional responsibilities to set the highest example through their own behaviour and to demonstrate zero-tolerance for unacceptable behaviour. They should:

- a. ensure the people for whom they are responsible are aware of, understand and adhere to MOD policy;
- b. invite challenge;
- c. be vigilant and proactive in role-modelling inclusive behaviour, preventing unacceptable behaviours from occurring within their units or departments rather than waiting for issues or complaints to arise; and

d. investigate incidents of unacceptable behaviours brought to their attention promptly, sensitively and appropriately following the procedures set out in this JSP, [JSP 831](#) or [the civilian formal bullying, harassment and discrimination complaints policy and process](#).

1.14. The CoC and managers should be vigilant and proactive in preventing bullying and harassment from occurring within their units, establishments or areas of responsibility, rather than waiting for complaints to arise. If it does occur, they should deal with it properly and promptly, whether or not a complaint has been made.

# 2 Unacceptable Behaviours

## Introduction

2.1. Unacceptable behaviour has no place in MOD. Unacceptable behaviour is any conduct that is unlawful or that is inconsistent with core behaviours. It includes all criminal and disciplinary behaviour, for example sexual and violent offences, as well as bullying, harassment, discrimination, victimisation and the other types of conduct mentioned in the paragraphs below.

2.2. When considering allegations of unacceptable behaviour, individuals should consider whether values and standards have been met. Everyone has a responsibility to challenge unacceptable behaviours; the standard one walks past, without taking action, is the standard one accepts.

2.3. Service personnel or civilian employees found to be perpetrators of unacceptable behaviour will have contravened the standards of behaviour expected by MOD. Where an individual's conduct harms or might foreseeably cause harm to others, might adversely impact on operational effectiveness or might cause reputational harm to the Services or to Defence, that individual may face disciplinary, administrative, or misconduct action. Dependent on their employment status, a range of disciplinary, administrative, and misconduct procedures are available to MOD. Misconduct in MOD involving abuse of position, trust or rank/grade will be viewed as being particularly serious. Further details can be found in MOD's civilian [misconduct and discipline procedure](#). Service personnel should refer to their own Service's procedures and [JSP 833](#).

## Definitions

2.4. Everyone has the right to be treated fairly with dignity and respect. There is a range of relevant legislation in place to protect individuals<sup>1</sup>; in 2010 the Equality Act was introduced to provide a modern, single legal framework with clear, streamlined law to more effectively tackle disadvantage and discrimination.

2.5. In addition to the protections within the Equality Act 2010, civilian employees are also protected from less favourable treatment which may arise from their membership of a Trade Union (TU), being a part-time worker or a fixed-term employee<sup>2</sup>.

2.6. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. The 'protection' relates to protection from discrimination, harassment and victimisation. The nine protected characteristics listed in the Equality Act 2010 are:

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<sup>1</sup> The purpose of this JSP is not to precis all relevant legislation which may have a bearing on the matters covered; personnel with an interest can review legislation on [www.legislation.gov.uk](http://www.legislation.gov.uk) (www).

<sup>2</sup> Protections are covered in the Trade Union and Labour Relations (Consolidation) Act 1992, The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (in some circumstance this applies to Reserve Personnel) and The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

- a. age<sup>3</sup>;
- b. disability<sup>4</sup>;
- c. gender reassignment<sup>5</sup>;
- d. marriage and civil partnership;
- e. pregnancy and maternity;
- f. race;
- g. religion or belief;
- h. sex; and
- i. sexual orientation.

2.7. The Equality Act 2010 prohibits unlawful direct discrimination, unlawful indirect discrimination, harassment and victimisation.

## Discrimination

2.8. Generally speaking, unlawful direct discrimination<sup>6</sup> occurs where someone is treated less favourably<sup>7</sup> than another person *because of* a protected characteristic. Often it will be an individual themselves who possesses the protected characteristic in question but direct discrimination can occur when someone is treated less favourably because someone associated with them (for example a relative) possesses the protected characteristic. It may also occur if someone is treated less favourably because of a mistaken belief that they have that characteristic, e.g. a belief someone has a particular sexual orientation.

2.9. In order to show an individual has been less favourably treated, they will need to compare their treatment with the treatment of someone else who is in the same or similar situation to them but who does not have the same protected characteristic. This person is known as the comparator. This other person will usually be a real person. However, it is sometimes impossible or impractical to find a real person who is in the same or similar situation and in those circumstances, a hypothetical comparator can be used.

2.10. It is possible for an individual to be unlawfully directly discriminated against by someone who shares the same protected characteristic.

2.11. Indirect discrimination<sup>8</sup> may occur when there is a policy or rule in place that appears to operate neutrally but the rule or policy causes particular disadvantage to a group of people who share a protected characteristic. It makes no difference whether anyone intended

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<sup>3</sup> Certain exemptions in the Equality Act 2010 mean that the prohibitions against age and disability discrimination in the workplace do not apply to service in the Armed Forces. There are other Armed Forces exemptions in the Equality Act 2010 which relate to Services and Public Functions but these are beyond the scope of this JSP.

<sup>4</sup> See footnote [3].

<sup>5</sup> Protection also applies to non-binary and gender-fluid individuals.

<sup>6</sup> See Section 13 of the Equality Act 2010.

<sup>7</sup> Discrimination with regards to pregnancy and maternity occurs where a person is treated *unfavourably*, rather than less favourably, because of her pregnancy or maternity. This does not require a comparator.

<sup>8</sup> See Section 19 of the Equality Act 2010.



people with that protected characteristic to suffer any disadvantage. It is not necessary to show why the policy or rule causes disadvantage.

2.12. If someone wants to complain they have suffered indirect discrimination, they will need to identify a policy or rule in place which:

- a. is applied (or would be applied) to all personnel or employees equally;
- b. puts (or would put) them and other people who have the protected characteristic in question at a particular disadvantage when compared with people who do not have that protected characteristic; and
- c. cannot be objectively justified by MOD.

2.13. An employer may sometimes be liable for the unlawful acts of those it employs where those acts are carried out in the course of employment<sup>9</sup>. Consequently, if someone (either a Serviceperson or civil servant) employed by MOD unlawfully discriminates against another MOD civil servant, or a Serviceperson, the perpetrator and MOD may both be liable.

2.14. Discriminatory treatment (as well as other unacceptable behaviours) does not have to occur at work. It may occur away from the workplace and outside usual hours, for example in a work-organised sporting event, in Service accommodation or in the Mess. MOD will not be liable for the unlawful conduct unless it was carried out by someone who was employed by MOD and the conduct took place in the course of employment / Service and MOD failed to take reasonable steps to prevent the unlawful conduct occurring.

2.15. In the case of indirect discrimination and direct age discrimination, MOD will be able to objectively justify a policy if it can show that its aim or purpose of the policy is legitimate, and that aim or purpose is being pursued in a proportionate manner given the disadvantage it is causing. Further guidance is available from the [Equality and Human Rights Commission](http://www.equalityhumanrights.com) (www).

## Harassment

2.16. Harassment is defined in the Equality Act 2010<sup>10</sup> as unwanted conduct related to a relevant protected characteristic<sup>11</sup> that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. See paragraph 26 below on the purpose and effect of unwanted conduct.

2.17. The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for someone to say they object to the conduct for it to be unwanted. Unwanted conduct could include, but is not limited to:

- a. spoken or written abuse;
- b. offensive emails;
- c. tweets or posts on websites and social media;

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<sup>9</sup> This principle is known as vicarious liability.

<sup>10</sup> See Section 26 of the Equality Act 2010.

<sup>11</sup> The relevant protected characteristics for harassment are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation (s.26(5)) Equality Act 2010.

- d. images and graffiti;
- e. physical gestures;
- f. facial expressions or mimicry;
- g. unwanted banter (i.e. teasing or joking talk that is not amusing or friendly) or being given / experiencing continued use of a nickname that is offensive to them or others;
- h. offensive fancy dress, for example in the form of 'blacking-up', dressing as infamous historical characters or portraying other cultures which is likely to cause objective offence, either to those in the direct vicinity or by others who hear of the matter, and cause reputational damage; or
- i. aggression and physical behaviour towards a person or their property.

2.18. Harassment may be persistent or an isolated incident. The unwanted conduct does not have to be targeted at, or directed to, a particular person. It can consist of a general culture or atmosphere which is, for example, hostile to women or people from minority groups.

2.19. Unwanted conduct *related* to a protected characteristic has a broad meaning. It can include a situation where a) the person experiencing the unwanted conduct possesses the relevant protected characteristic or b) where the person experiencing the unwanted conduct does not possess the relevant protected characteristic but there is a connection with a protected characteristic. For example, a heterosexual person may experience harassment if they work in an environment where colleagues make homophobic remarks even though those remarks are not directed at them or anyone in that workplace.

## **Sexual Harassment**

2.20. Sexual harassment is a specific type of harassment. Sexual harassment occurs when a person employed by MOD is subjected to unwanted conduct of a sexual nature and that conduct has the purpose or effect of violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. The conduct does not need to be sexually motivated and it does not have to be related to a relevant protected characteristic.

2.21. Sexual harassment can be a one-off incident and does not need to be repeated for a complaint to be made.

2.22. Examples of behaviour 'of a sexual nature' can cover verbal, non-verbal or physical conduct. Examples of sexualised behaviour could include those listed below, but this will not be exhaustive:

### **a. Verbal**

- (1) sexual jokes;
- (2) unwelcome sexual comments or suggestive remarks;
- (3) sexually explicit swearing in the company of someone who is uncomfortable with it, whether the person swearing is aware another person present is uncomfortable with it or not;

- (4) describing people's physical appearance in a sexual manner;
- (5) terms of endearment (e.g. 'babe', 'dear', 'stud');
- (6) pressuring someone for a date after they have made it clear they are not interested or making unsolicited requests for sexual favours;
- (7) asking someone about their sex life;
- (8) spreading rumours of a sexual nature about someone;
- (9) discussing sexual experiences in front of someone who is uncomfortable listening to them, whether or not they are aware they feel uncomfortable; or
- (10) wolf-whistling.

b. **Non-verbal**

- (1) displaying pornographic photos or drawings, including nude/semi-clad pin-ups;
- (2) sending emails, texts or social media posts with material of a sexual nature; sending photos or film of someone or dirty jokes that can be seen by or are about an individual known to the recipients;
- (3) downloading, watching or reading pornographic images, films or magazines in a communal area;
- (4) sexual or obscene gestures such as winking, licking lips suggestively, overtly staring or leering;
- (5) inappropriate or unwanted gifts; or
- (6) indecent exposure, voyeurism or stalking.

c. **Physical**

- (1) unwelcome touching such as hugging, kissing, patting, pinching, grabbing, fondling, massaging, groping;
- (2) cornering or blocking access for people in specific areas; or
- (3) attempted and actual sexual assault and rape.

2.23. Sexual harassment and harassment on the grounds of sex are different and are not be confused. Sexual harassment must always involve conduct of a sexual nature. Harassment on the grounds of sex is conduct directed at someone because of their sex (e.g. unwanted banter which implies a female is too weak to do a job well).

2.24. Another type of harassment occurs when someone is treated less favourably for rejecting or submitting to unwanted conduct of a sexual nature. The conduct must have the purpose or effect of violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment and be related to sex or gender reassignment. This might include, for example, a superior giving a bad performance appraisal because someone refused their advances, or the advances of another person in their team. It may

be the same person who is responsible for the initial unwanted conduct and the subsequent less favourable treatment, or it may be two (or more) different people.

2.25. [General whole force guidance on sexual harassment](#) is available on defnet. Further [MOD guidance for civilians](#), including separate guides for [Complainants](#), [Respondents](#), [witnesses and colleagues](#) and [managers](#), is also available. Externally, [detailed guidance on sexual harassment and harassment](#) (www) has been produced by the Equality and Human Rights Commission.

## **Harassment - purpose and effect of the unwanted conduct**

2.26. The following must be considered when deciding whether the unwanted conduct had the effect of violating a person's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them:

- a. the perception of the individual on the receiving end of the behaviour;
- b. the other circumstances of the case; and
- c. whether it is reasonable for the conduct to have that effect.

2.27. If the purpose of the harasser was to violate the dignity of another person or to create an intimidating, hostile, degrading, humiliating or offensive environment for them, there will be no need to look at the effect the conduct had on that other person.

2.28. It is important to understand that conduct can amount to harassment even if the conduct was not intended to violate another person's dignity or to create an intimidating, hostile, degrading, humiliating or offensive environment for that other person.

2.29. If there is a chance the unwanted conduct complained of may amount to a Service or a criminal offence, legal advice should always be sought promptly to ascertain whether the allegation is to be referred to the Service, MOD or civilian police. Where the person accused is a Serviceperson, the CoC should seek advice from a Service lawyer. Managers of civilian employees should contact DBS for advice.

2.30. In cases where it is not appropriate or necessary to refer an allegation to the police, or where following a referral the relevant authority has decided that the accused person will not be charged or prosecuted, or where the person has been found not guilty, it may still be appropriate to take disciplinary action (in the case of civilian employees), administrative action (in the case of Service personnel), or misconduct action. Legal advice should always be obtained before this occurs.

2.31. Where a person has complained that they have been a victim of harassment, the complaint may need to be placed on hold if the police (Service, civilian or MOD) are involved or if the person complained about is to be dealt with through the criminal or Service justice system. Legal advice should be obtained on how to proceed where this occurs.

## **Bullying**

2.32. MOD does not tolerate bullying.

2.33. The Advisory, Conciliation, and Arbitration Service (ACAS) guidance describes bullying as unwanted behaviour from a person or a group that makes someone feel uncomfortable, including feeling frightened (intimidated) or less respected (degraded) or

upset (humiliated)<sup>12</sup>. Bullying may take many forms (e.g. obvious or subtle; a 'one-off' or sustained behaviour) and the perception of bullying can differ from person to person.

2.34. Bullying can have a very serious impact on an individual. Some examples of bullying may include, but are not limited to:

- a. forced initiation ceremonies and other traditions / practices which might cause harm to individuals or compromise their dignity;
- b. spreading malicious rumours;
- c. insulting someone by words or behaviour (for example deliberately copying emails / documents that are objectively unfair or unreasonably critical of someone to others who do not need to know);
- d. ridiculing or demeaning someone, picking on them (for example because of their accent or hair colour) or setting them up to fail;
- e. socially excluding someone from team events, or in online groups (such as Facebook or WhatsApp);
- f. overbearing supervision or other misuse of power or position;
- g. making threats or comments about job security without foundation;
- h. deliberately undermining individuals by overloading and constant criticism;
- i. preventing individuals progressing by unreasonably or unfairly intentionally blocking promotion or training opportunities;
- j. publicly undermining someone's authority;
- k. labelling someone who has made a complaint of bullying or harassment a 'troublemaker', or retaliating against them; or
- l. pressurising someone into not making a complaint.

2.35. In some circumstances the bullying conduct can also amount to a criminal or Service offence. For example, if force is used in an initiation ceremony and this causes harm, this may amount to an assault occasioning actual bodily harm. Where the bullying behaviour amounts to conduct that can also be construed as harassment (see above), then the person who is being bullied may be able to make a complaint (of harassment) to an employment tribunal.

## **Micro-behaviours**

2.36. Micro-behaviours are small, often unconscious things people say or do. They are commonplace and can be verbal or behavioural, intentional or unintentional. Micro-

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<sup>12</sup> Based on the latest ACAS guidance, MOD's definition of bullying has changed. The definition outlined in this section differs from MOD's previous guidance which included a reference to the 'intention to undermine, humiliate, denigrate or injure the recipient'. Complaints made previous to this change in policy will still be considered in line with the policy in existence at the time when the complaint was made. The removal of the explicit reference to intent does not mean intention will not be considered when examining allegations of bullying and applying appropriate sanctions where complaints are upheld.

behaviours can be positive and inclusive, for example smiling or nodding when someone is speaking, and they can also be negative. Negative micro-behaviours, known as microaggressions, can communicate hostile, derogatory, or negative prejudicial slights and insults towards any individual or group. They are often assumptions made on the basis of gender, race or age. Examples of microaggressions include repeatedly talking over or interrupting someone, underestimating someone's competence or ability, sarcasm, the language people choose to use, i.e. always referring to someone as a 'he', or asking a person 'where they are really from'. As they are subtle and small-scale, microaggressions often pass unrecognised by those who have committed them. As a result, it can be more challenging for people to call them out. Day by day, microaggressions contribute to an overall 'drip effect' which may amount to bullying, harassment or discrimination.

## Victimisation

2.37. Under the Equality Act 2010, victimisation means treating an individual badly (subjecting them to a detriment) because they have done a 'protected act' (see next paragraph). Victimisation also means subjecting a person to a detriment because it is believed they have done or are going to do a protected act; the person does not actually need to have done the protected act.

2.38. Each of the following is a protected act:

- a. bringing proceedings under the Equality Act 2010 – for example, bringing a claim for harassment or discrimination before an employment tribunal;
- b. giving evidence or information in connection with proceedings brought under the Equality Act 2010 – for example, giving evidence as a witness in someone else's employment tribunal claim alleging discrimination or harassment;
- c. doing anything else related to or connected with the Equality Act 2010 – for example, submitting a Service Complaint (about discrimination or harassment etc) or being a witness or a Respondent; or
- d. alleging someone has done something which is unlawful under the Equality Act 2010, for example raising a complaint with a manager or a person in authority or appealing to the Service Complaints Ombudsman for the Armed Forces in a case concerning discrimination or harassment.

2.39. Protection will apply to anyone making a claim or allegation that the Equality Act 2010 has been breached or assisting someone (such as a colleague) in doing so. It is irrelevant whether the Act was breached or not, as long as the person doing the protected act genuinely believes the information or evidence they are giving is true. Further information about victimisation is included in Part 2 of this JSP which outlines the principles of the informal complaints resolution process.

## Personal Relationships and the Service Test

2.40. This section explains the Armed Forces' Code of Social Conduct and policy on personal relationships between Service personnel<sup>13</sup>. It applies to all members of the Armed Forces regardless of their protected characteristics, ability, rank or status. The provisions

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<sup>13</sup> Previously covered in JSP 887 but now subsumed into this JSP.

apply equally to members of the Regular and the Reserve Forces. It does not apply to civilians.

2.41. In the area of personal relationships, the overriding operational imperatives are to maintain operational effectiveness, sustain team cohesion and maintain trust between commanders and those they command. It is important to acknowledge that in the tightly knit military community there is a need for mutual respect and a requirement to avoid conduct which undermines trust and cohesion, damages a unit's morale or operational effectiveness, or offends or causes distress to others. Examples of which may include:

- a. over-familiarity with the spouses, civil partners or partners of other Service personnel;
- b. displays of affection which might cause offence to others;
- c. behaviour which damages or puts at risk the marriage, civil partnership or personal relationships of Service personnel or civilian colleagues within the wider Defence community;
- d. misuse of rank and taking advantage of subordinates; or
- e. probing into a person's private life and relationships.

2.42. It is not practical to list every type of conduct that may be unacceptable in the area of personal relationships. The seriousness with which misconduct will be regarded will depend on the individual circumstances and the potential for adversely affecting operational effectiveness and team cohesion. Nevertheless, misconduct involving abuse of position, trust or rank, or taking advantage of an individual's separation, will be viewed as being particularly serious. Each case will be judged on an individual basis.

2.43. To prevent damage to team cohesion and operational effectiveness, timely advice and informal action can often prevent a situation developing to the point where it could:

- a. impact adversely on third parties;
- b. impair the effectiveness of a Service individual or unit; or
- c. result in damage to the Armed Forces image or reputation.

2.44. When considering whether the Service has a duty to intervene in the personal lives of its personnel, Commanding Officers (COs) at every level should consider each case against the following Service Test: *'Have the actions or behaviour of an individual adversely impacted or are they likely to impact on the efficiency or operational effectiveness of the Service?'* This Service Test lies at the heart of the Armed Forces' Personal Relationships policy, and it can apply to all forms of conduct, including behaviour while not on duty.

2.45. In assessing whether to act, COs will consider each case carefully to determine the seriousness of the behaviour, its impact on operational effectiveness and thus the appropriate response. COs should refer to Service specific guidance. COs should not use the Service Test to invasively examine the personal lives of people under their command, especially those who have made allegations of sexual harassment or sexual offences, as it undermines trust.

## Domestic Abuse

2.46. MOD considers domestic abuse to be part of the spectrum of unacceptable behaviours and therefore does not tolerate it. MOD understands domestic abuse to be defined as ‘any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or who have been intimate partners or family member<sup>14</sup> regardless of gender or sexuality’. This encompasses, but is not limited to, psychological, physical, sexual, financial and emotional abuse. Further information and details of the support available can be found in [JSP 913](#) on Domestic Abuse and Sexual Violence.

## Safeguarding

2.47. Where an allegation has been made of unacceptable behaviour towards an under-18, personnel will need to refer to MOD’s safeguarding policy outlined in [JSP 834](#) which applies to children and young people and includes adult safeguarding. This is designed to be used by everyone in Defence, including staff who have particular roles and responsibilities for safeguarding.

## Initiation Ceremonies

2.48. An initiation ceremony is an event in which individuals are expected to perform a task as a means of gaining credibility, status or acceptance. This may be achieved by peer pressure (although not explicitly) and may compromise a person’s inherent dignity or cause them personal discomfort. Although not exhaustive, examples of initiation ceremonies include: forcing or coercing an individual to partake in activities such as obligatory consumption of alcohol or mixtures of various components, nudity, shaving, fighting and any other behaviour that may cause injury, pain, humiliation or embarrassment to those involved and bring Defence into disrepute. Initiation ceremonies need not involve physical contact; they can also be verbal or psychological in nature.

2.49. Initiation ceremonies are prohibited. Service personnel or civilian employees should not organise, participate in or be present at any form of initiation ceremony. Any form of involvement in an initiation ceremony is unacceptable. Allegations concerning initiation ceremonies will be formally investigated and, if substantiated, may result in disciplinary, administrative, or misconduct action being taken. Soliciting or coercing another person to undertake any such activity will also not be tolerated.

2.50. Personnel who are aware that an initiation ceremony is planned to or has taken place should report the matter to their CoC / manager or to any person in authority. The presence of apparent consent is irrelevant; in most cases coercion will have been used. Behaviour does not stop being unacceptable because it has been sanctioned by the recipient of the behaviour or a person in authority.

2.51. Authorised presentations and ceremonies in accordance with the customs of Service do not constitute initiation ceremonies. For example, the ‘Crossing of the line’ ceremony, which is a long-standing tradition that commemorates a sailor’s first time crossing the equator, is not considered to be an initiation ceremony. This is because it is a whole-ship

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<sup>14</sup> Family members for the purposes of this definition are: parents, children, siblings, grandparents, in-laws or step family.



activity overseen by the Commanding Officer which does not involve undermining or humiliating people. People can choose not to take part and their choice is to be respected.

2.52. Further information for Service personnel can be found below:

- a. Army Personnel can refer to [AGAI 53 \(para 53.018\) Barracks Regimes and Living Out by Service Personnel](#); and
- b. Royal Air Force (RAF) personnel can refer to [RAF policy](#).

## Online Behaviour

2.53. Individuals should be aware that standards of behaviour online and in any communications, whether through email, Facebook, WhatsApp, SnapChat, TikTok, direct messaging within apps, text message or any other form of online or electronic communication should meet the standards expected by Defence **at all times in both a work and private capacity**, whether or not Defence equipment is used. Individuals are responsible for anything they post online, including sharing content posted by others which could result in a perception that they hold views expressed in those posts and which may result in disciplinary, administrative, or misconduct action. [MOD's Corporate Guidelines](#) set out expectations on using social media and communicating in public; further information can be found on [Digital Strategy, Channels and Technology](#). In addition, each of the single Services has a social media policy outlining further guidance which is signposted in paragraph 2.60.

2.54. Individuals should be aware that their online posts could be associated with the Armed Forces / MOD and there is the risk of causing reputational damage and embarrassment to Defence. Content posted online can easily be picked up by the media; individuals should consider a 'tabloid test' before they post and think through the risks of their engagement being negatively reported on. Further advice for Defence is included in ['Think before you share'](#) (www). Content featuring unacceptable behaviour which has been posted online by individuals and subsequently picked up by the media, bringing Defence into disrepute, has included:

- a. nude photos taken on Defence sites / assets;
- b. offensive fancy dress; and
- c. hate speech.

2.55. Individuals should be aware that there are specific types of social media offences outlined in law including trolling, making online threats, disclosing private sexual images without consent, online harassment, grooming, online stalking and virtual mobbing.

2.56. Trolling is a form of baiting online which involves sending abusive and hurtful comments across all social media platforms. This can be prosecuted under the Malicious Communication Act 1988 and the Communications Act 2003.

2.57. Virtual mobbing takes place when a number of individuals use social media or online messaging to make comments to or about another individual, usually because they are opposed to that person's opinions. The volume of messages may amount to a campaign of harassment.

2.58. If someone experiences unacceptable behaviour online or any of the above behaviour it is best not to reply; rather, keep a record by taking a screenshot. Individuals are encouraged to seek support and report the matter.

2.59. Managers / CoC may wish to refer to the Crown Prosecution Service's [Guidelines on prosecuting cases involving communications sent via social media](#) (www) as a guide to what would constitute a criminal offence when using social media and refer to their relevant legal branch, DBS (for civilians), or police.

2.60. Single Service policies can be found below:

- a. [Royal Navy - BR 3\(1\) Chapter 21 Annex N](#) (www).
- b. [#DIGITALARMY - Using Social Media in the British Army](#).
- c. [RAF Social Media Conduct](#) and ['Words Hurt'](#).

### 3 Sources of Support and Advice

#### What to do if you experience or witness bullying, harassment or discrimination

3.1. Where criminal behaviour has occurred, this should be brought to the attention of either the Service, MOD or civilian police as soon as possible:

Ministry of Defence Police (01371 854 444), the Service Police Confidential Crime Line (0800 0850 658), Service Police Crime Bureau (02392 285 170), or the Operations Room (02392 285 180) or the civilian police on 101.

3.2. Individuals may seek support if they experience any form of unacceptable behaviour. It can sometimes feel difficult and challenging to report an incident and raise a complaint. There are many options available to get support and advice; individuals are strongly advised to draw on the following sources:

a. **Internal**

(1) Individuals can contact their local D&I Adviser or Practitioner, manager, CoC, Trade Union Representative (for civilian members only), welfare staff or Padre / Chaplain.

(2) Civilian employees can contact DBS Casework Services on 0800 345 7772 Option 4.

(3) Associated Service welfare organisations can offer confidential advice and support:

(a) Royal Navy Family and Personnel Support (RN FPS) on 0800 145 6088 / 02392 728 777 / 9380 287 77 or navynps-peoplesptrnfpsptl@mod.gov.uk.

(b) Army Welfare Service (www) on 01904 882 053 / 94777 30 53 or RC-AWS-IAT-0Mailbox@mod.gov.uk.

(c) Royal Air Force Welfare: details are provided locally via the Personnel Management Squadron.

(4) Army Service personnel can additionally contact the Army Speak Out confidential hotline on 96770 46 56 or Army-SpeakOut@mod.gov.uk.

b. **External** (the following organisations are familiar with Defence)

(1) The anonymous Whole Force Bullying, Harassment, and Discrimination Helpline on 0800 783 0334.

(2) Civilian employees can call the Employee Assistance Programme (EAP) on 0800 345 7047.

(3) Service personnel and their families can call Defence's Military mental health helpline administered by Combat Stress (www) on 0800 323 4444.

(4) Service personnel can contact the [Service Complaints Ombudsman for the Armed Forces](#) (SCOAF) (www), which provides impartial oversight of the Service Complaints System, on 020 7877 3450 or [contact@scoaf.org.uk](mailto:contact@scoaf.org.uk).

(5) Service personnel can contact [The Soldiers, Sailors, Airmen, and Families Association](#) (SSAFA - The Armed Forces Charity) (www) support line on 0800 731 4880.

c. **External** (the following organisations are unlikely to be able to offer advice on MOD policy):

(1) Under-18s in care, those leaving care or living away from home can contact [Help at Hand](#) (www) on 0800 528 073 or [help.team@childrenscommissioner.gov.uk](mailto:help.team@childrenscommissioner.gov.uk).

(2) Civilians who are members of a Trade Union can call their National Trade Union Helpline.

(3) Civilians can contact [ACAS](#) (www) on 0300 123 1100.

(4) Civil Servants can contact [The Charity for Civil Servants](#) (www) on 0800 056 2424.

(5) [Citizen's Advice](#) (www) can offer general support on 0800 144 8848 (England) or 0800 702 2020 (Wales).

(6) [The Samaritans](#) (www) can offer general emotional support on 116 123 or [jo@samaritans.org](mailto:jo@samaritans.org).

(7) For those affected by sexual / domestic violence, there is range of support available, including [Women's Aid](#) (www) (0808 200 0247), [Survivors UK](#) (www) (0203 5983 898 or [help@survivorsuk.org](mailto:help@survivorsuk.org)), and [Rape Crisis](#) (www) (0808 802 9999). Individuals may also wish to consult with their local [Sexual Assault Referral Centre](#) (www). Organisations dealing with domestic abuse include the [National Centre for Domestic Violence](#) (www) (0800 970 2070), the [Men's Advice Line](#) (www) (0808 8010327), and [Respect](#) (www) (0203 5596 650 / [info@respect.uk.net](mailto:info@respect.uk.net)).

## Outcomes of Advice and Support

3.3. Having obtained advice, an individual may decide to:

a. try to resolve the matter informally using the processes set out in Part 2 of this JSP;

b. decide to make a formal complaint, i.e. a Service Complaint using the processes outlined in [JSP 831](#) for Service personnel or [the civilian formal bullying, harassment and discrimination complaint process for civilians](#). Informal resolution options outlined in Part 2 can be followed at the same time as pursuing a formal complaint;

c. not take the matter further but keep a personal record. A suggested template is provided at Annex E to Part 2 of this JSP. Keeping a personal record which notes down the details may be useful if someone later chooses to report a matter or if the behaviour

is part of a pattern. Personnel and civilian employees are advised that a personal record should be kept somewhere private and secure; or

d. not take the matter further. Individuals are however encouraged to take action to challenge unacceptable behaviour in line with MOD's zero-tolerance policy.

# 4 Prevention and Early Warning

## Background

4.1. MOD is committed to taking preventative action to reduce the likelihood of unacceptable behaviour from occurring. Specific responsibilities are placed onto Top Level Budgets (TLBs) to this end. TLBs are encouraged to identify and share good practice in what works in preventing and tackling unacceptable behaviours. The Performance & Risk Reporting process offers an opportunity for discussion, monitoring progress and lesson learning.

## Training Requirements

4.2. There is a range of mandatory training requirements for all personnel in Defence related to culture and behaviour, whether that is through diversity and inclusion, or values and standards training which should be prioritised. Individuals new to the Services should receive immersive culture and behaviour training which is continued at regular intervals throughout their careers. TLB-specific training requirements are available from TLB D&I teams. Civilians can refer to the [New Mandatory Training Policy](#).

4.3. TLBs are encouraged to consider additional training for all personnel and employees on culture and behaviours relevant to their business areas. TLBs are encouraged to optimise group-based training opportunities for civilians and Service personnel where possible and appropriate. Collective training increases and supports a whole force ethos and approach.

4.4. Active Bystander training has been developed to challenge unacceptable behaviour and encourage positive behaviour across Defence regardless of Service, rank or grade. It enables personnel to safely intervene when they witness incidents of unacceptable behaviour regardless of the environment. Leaders are reminded of their responsibility to act when issues are called out (see para 1.13-14).

4.5. Civilians should complete the mandatory online Active Bystander Fundamentals course found on the [Defence Learning Environment \(DLE\)](#) (www) annually (best viewed in Chrome). Service Personnel undertaking Phase One and Two training and those on career progression courses are mandatorily taught Active Bystander principles as part of the training syllabus. Personnel with access to the DLE are encouraged to complete the online Active Bystander Fundamentals course outlined above.

## D&I Advisers and Practitioners

4.6. D&I Advisers (D&I(As)) and D&I Practitioners (D&I(Ps)), formerly known as Equality Diversity and Inclusion Advisers (EDIAs and Assistant EDIAs), are the primary source of advice and support to all personnel - **both civilian and military** - on D&I issues, unacceptable behaviours, informal complaints and bullying, harassment, and discrimination formal complaints processes.

4.7. The role of the D&I(A/P) is important in creating an environment where personnel are treated inclusively and issues are tackled before they become more significant. Their terms of reference (ToRs) place an emphasis on delivering the [Chiefs of Staff commitments to maximise talent](#) and supporting dispute resolution at the earliest opportunity. The roles are also focused on delivering appropriate trainings (e.g. in time, it is expected that they will deliver face-to-face Active Bystander training) and providing a signposting function. ToRs

can be found in Annex C of Part 2 of this JSP. D&I(As) are trained to understand where issues fall outside of their remit, for example, when a matter should be handled under different policies and procedures (e.g. misconduct or discipline).

4.8. Training for D&I(A/Ps) is delivered by the Defence Academy and work is underway to formalise the qualification and accredit it. TLBs are required to ensure there are enough trained personnel available to act as D&I(A/Ps). Demand remains high for these courses, therefore TLBs should note the expectation that D&I(A/Ps) should continue undertaking their duties regardless of where they are positioned within Defence throughout their careers and at a minimum for a five-year period following completion of training. This qualification should be recorded on the Joint Personnel Administration system (JPA) and onto the Human Resource Management System (HRMS) or its successor (MyHR). HRMS has not been routinely updated with the D&I(A/P) qualification, so civilian TLBs may wish to undertake a discovery exercise to understand how many exist if they do not retain a central list.

4.9. The ratio of D&I(A/Ps) is dependent on the headcount, complexity and geographic spread of the organisation. TLBs should make an assessment of what is required to suit the local environment and ensure D&I(A/Ps) are accessible to all personnel. At a minimum, every formation / unit / ship is required to have at least one D&I(A). Where several co-exist, a Lead D&I(A) should be appointed by the CO / Director / Head of Establishment (HoE) or equivalent.

- a. The Royal Navy requires every platform and unit to have 2 D&I(As).
- b. The Army requires 2 D&I(As) per unit and 1 D&I(P) per sub-unit.
- c. The RAF requires 2 D&I(As) per station / unit and 1 D&I(P) per sub-unit.
- d. Civilian TLBs require a minimum of 1 D&I(A) per Director General (DG) / 3\* area and 1 D&I(P) per Dir / 2\* area.

4.10. TLBs are required to detail how personnel can apply for training and to make this information available locally. TLBs should centrally manage their pipeline through an appropriate process, prioritising based on need and ensuring a range of representation reflective of the whole force. TLBs may wish to focus on having a higher number of D&I(Ps) rather than D&I(As) as they are the 'eyes and ears' on the ground and able to challenge unacceptable behaviours where encountered.

4.11. D&I(A/Ps) perform a vital role within Defence in a voluntary capacity on top of their primary role. These are however formal roles and the expectation is that managers / CoC will enable individuals to be released to undertake these duties, in a similar way to network committee members. TLBs should ensure they are proactively utilising the skills of D&I(A/Ps) which delivers value for money.

4.12. TLBs should ensure a forum of D&I(A/Ps) is maintained. Day-to-day coordination of local networks is managed by the Lead D&I(A).

4.13. Lead D&I(As) are required to complete a monthly summary log of all incidents raised which is anonymous and is shared with the CO / Head of Establishment / DG (see Appendix 3, Annex I in Part 2 of this JSP). This process is being digitised which will, in time, enable the central collation of monthly summary logs. TLBs may wish to review this information to understand broader trends in their area. D&I Adviser recordkeeping (see Annex I of Part 2 for further information) is important to:

- a. understand and monitor the climate;
- b. check cases are being closed / resolved;
- c. provide evidence of how issues were handled;
- d. provide evidence for MOD/sS understanding of the scale of unacceptable behaviour;
- e. inform local D&I action plans; and
- f. ensure resources are properly targeted.

4.14. Further information for Army personnel and civil servants within the Army TLB on how to apply for training and additional Army responsibilities can be found in [AGAI 75](#). There is an [Army D&I Advisers Network](#) Defence Connect Group.

4.15. Qualified and in-date D&I(A/Ps) moving into UKStratCom should make themselves known by emailing: [UKStratCom-EmployeeExperience@mod.gov.uk](mailto:UKStratCom-EmployeeExperience@mod.gov.uk).

4.16. Nominations for D&I(A/P) training in Head Office are to be fed through the relevant 3\* area to the [Head Office HR team](#) for prioritisation onto courses. Qualified and in-date D&I (A/Ps) moving into Head Office are encouraged to participate in the Head Office D&I Advisers forum; contact [hocs-di-advisers-multiuser@mod.gov.uk](mailto:hocs-di-advisers-multiuser@mod.gov.uk) for more details.

## Climate Assessments

4.17. Climate assessments are an effective tool to provide a candid assessment and feedback on issues locally; they are used to inform the leadership about the lived experience of positive elements of a culture as well as helping to understand the prevalence of poor behaviours. Climate assessments are fundamentally a tool for local commanders and managers to use. A climate assessment report enables leaders to develop strategies and action plans to improve the culture within their area of responsibility.

4.18. Climate assessments are usually conducted at the unit, station or ship level. Climate assessments also apply in deployed locations where there are enduring operations. In civilian TLBs it is recommended this is done at the 2\* level but this will depend on the overall size of the headcount and spread of the area. TLBs / Arm's Length Bodies (ALBs) are able to determine for themselves the coverage of a climate assessment, ensuring all parts are covered. Climate assessments in civilian TLBs will be phased in gradually, starting from April 2022.

4.19. The following core principles outline the pan-Defence approach to climate assessments; this recognises that arrangements and local processes will differ across TLBs / ALBs in terms of operationalising and delivering climate assessments in practice.

- a. **Flexibility:** ensuring Directors, COs, Heads of Establishments (HoEs) or their equivalents can retain a level of control over the timing of an assessment, for example, in response to local events.
- b. **Timing:** climate assessments should be mandated at least once every two years, with flexibility over the timing retained for COs / Directors / HoEs, for COs this



will be a minimum of once during their tenure. A CO should undergo at least one climate assessment during their tenure. Climate assessments are to be encouraged when there is change-over in leadership, for example within the first six months.

c. **Accountability:** that the leadership are committed to, involved with and take ownership for the delivery of the climate assessment and implementation of the related action plan (either the local D&I action plan or Climate Assessment plan). That there be a closed-loop system with leaders held accountable for sustaining or making improvements to the climate with specific areas for improvement. This could be achieved through utilising D&I goals where appropriate, holding to account through the management chain on the delivery of action plans and through feedback.

d. **Confidentiality:** the findings of climate assessments will be used primarily by the CO or equivalent. In addition, some central anonymised analysis will be conducted to assist in identifying behavioural trends pan-Defence. Confidentiality encourages participant trust in the climate assessment process. Leaders are encouraged to discuss the actions they are taking to sustain and improve the climate in their area of responsibility.

e. **Good practice:** climate assessments will identify excellent leadership, good behaviours and enable best practice to be shared and used for development across Defence.

f. **Responsible owner:** there should be a clear owner for climate assessment processes within TLBs / ALBs and assurance measures put in place.

g. **Additional triggers:** beyond the regular timing of climate assessments, a range of additional factors should be identified that could trigger climate assessments, for example:

- (1) high number of calls to helplines.
- (2) high number of personnel on sick leave or medically downgraded.
- (3) high number of complaints - both informal and formal.
- (4) high number of personnel citing BHD as a reason for leaving in exit data.
- (5) concerning findings from a Level 1 climate assessment.

h. **A tiered system:** a minimum two-level approach consisting of:

- (1) Level 1 - a light-touch online survey.
- (2) Level 2 - in-depth focus group discussions, only if judged necessary by the findings of the Level 1 survey, or based on other indicators / as requested by the CO.

i. **Question set:** standardised and valid core questions that can be used pan-Defence, providing a level of consistency for analysis and meaningfully complementing existing data sources (i.e. People Survey; Armed Forces Continuous

Attitude Survey (AFCAS) / Reserves Continuous Attitude Survey (ResCAS)). This will include scope and flexibility for specific and relevant questions to be inserted locally.

j. **Information sharing:** whilst climate assessments are confidential, anonymised information from surveys and action plans are to be shared centrally within TLBs and up to the Wigston Review Implementation Team for inclusion in the Performance and Risk Review process.

## Alcohol

4.20. [JSP 835](#) on Alcohol and Substance Misuse and Testing notes that alcohol consumption in the UK Armed Forces is higher than in the general population and that Service personnel are more at risk of being either the victim or perpetrator of violent crime or a sexual offence. All TLBs, including civilian TLBs, should recognise the role alcohol can play in driving unacceptable behaviour. Being under the influence of alcohol is no excuse for conduct that is below the standards of behaviour expected by Defence. TLBs should ensure they are creating an environment with an emphasis on responsible alcohol use and positive alcohol culture as part of a holistic approach to preventing unacceptable behaviour.

## Equality Analysis

4.21. TLBs are reminded of the legal requirement, under the Public Sector Equality Duty, to conduct an Equality Analysis for any change, policy, project or programme that potentially impacts people. This must be done at the time policies are under consideration so they can inform decisions. See Defence People's [D&I guide](#) for further information (and [JSP 887](#)). Equality Analysis can be used as a tool to help prevent indirect discrimination.