

LF/PSC/AG/05/14

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SUSTAINING THE SERVICE JUSTICE SYSTEM AND THE ARMY'S ADMINISTRATIVE ACTION PROCESS

Issue

1. The Service Justice System (SJS) and the Army's administrative action process (AGAI 67) are under attack from a number of politicians, journalists, lawyers and serving personnel.

Recommendation

2. CGS is invited to **note** that AG intends to:
 - a. **Improve** the external communications about the SJS and administrative action:
 - (1) Briefing 'talking heads' and preparing them for short notice briefs and/or production of articles.
 - (2) Investigating the benefits of taking part in a television documentary.
 - (3) Placing articles in publications ranging from the British Army Review to Soldier Magazine.
 - b. **Review** our internal process to ensure the fairness and efficiency of the system:
 - (1) Reviewing and updating the training given to officers in the discipline and administrative action chains.
 - (2) Production of clearer information and guidance to soldiers.

Timing

3. Routine.

Background

4. Discipline differentiates a professional Army from an armed mob. Maintaining discipline is the responsibility of commanders, who: understand the context in which our people operate, give the orders that put them in harm's way, and ultimately have to look them in the eye when exercising disciplinary powers. Discipline is underpinned by the SJS and in AGAI 67, both of which have recently come under attack both from within and outside the Army.

5. Although we are admired as a disciplined organization, it is not a mainstream topic and only attracts media coverage when there is a negative perception of it. It is therefore difficult to be

anything other than reactive to criticism and challenges to the system. Notwithstanding the difficulties, there are measures that we can take now to counter both current and future criticisms.

6. **Influence and inform.** There are a number of ways that we can inform the debate and counter the arguments of our opponents.

- a. Provision of briefing material to influential writers and non-military talking heads such as _____ and _____ so that they can have material 'on the stocks' ready to publish in response to adverse commentary as appropriate.
- b. Inclusion of articles in in-house or related publications such as The British Army Review and Soldier Magazine; as well as posts on ArmyNet.
- c. Consider taking part in a television documentary about MCTC. The intent would be to focus on MCTC but cover the journey to detention including Court Martials and Summary Hearing. It could include a 'SJS success story' such as a RSM who had spent time in MCTC as a more junior soldier but had obviously gone on to make a success of his career². A production company is interested in this project but as with all documentaries of this nature the outcome is not guaranteed, as the Army will not be able to demand editorial control so there is some risk.

7. **Train and educate.**

a. We also need to review and update the training given to officers exercising discipline and administrative powers. This will include:

- (1) Providing better guidance for Reviewing Officers for AGAI 67 Major Administrative Action cases, selecting Review Officers from a different chain of command to the Deciding Officer, thereby providing a second set of legal advice³ and providing more PS2(A) oversight.
- (2) Review the Commanders' Legal and Discipline Briefing (aimed at 1* Formation Commanders and Higher Authorities) to make the formation commanders more accountable for casework delay. (The publication of delay statistics in CLF's commanders' VTC on a monthly basis is already having an effect in this regard.)
- (3) Removing the half day discipline training from the Commanding Officers' Designate Course and requiring all COs (including Rear Operations Groups) to attend a bespoke one day discipline and administrative action course prior to taking up their appointment.
- (4) Reviewing and updating the Officers' Commanding Discipline Course and the All Arms Adjutants' Course.

b. There is a concern that not all soldiers properly understand the consequences of facing disciplinary or administrative action. Guidance has been drafted to help soldiers to fully understand the processes, safeguards and consequences, of disciplinary or AGAI 67 action.



AG

¹

² The 'SJS success story' could also be employed in the initiative at para 6.a.

³ Currently 1* and 2* HQs use the same legal staff.