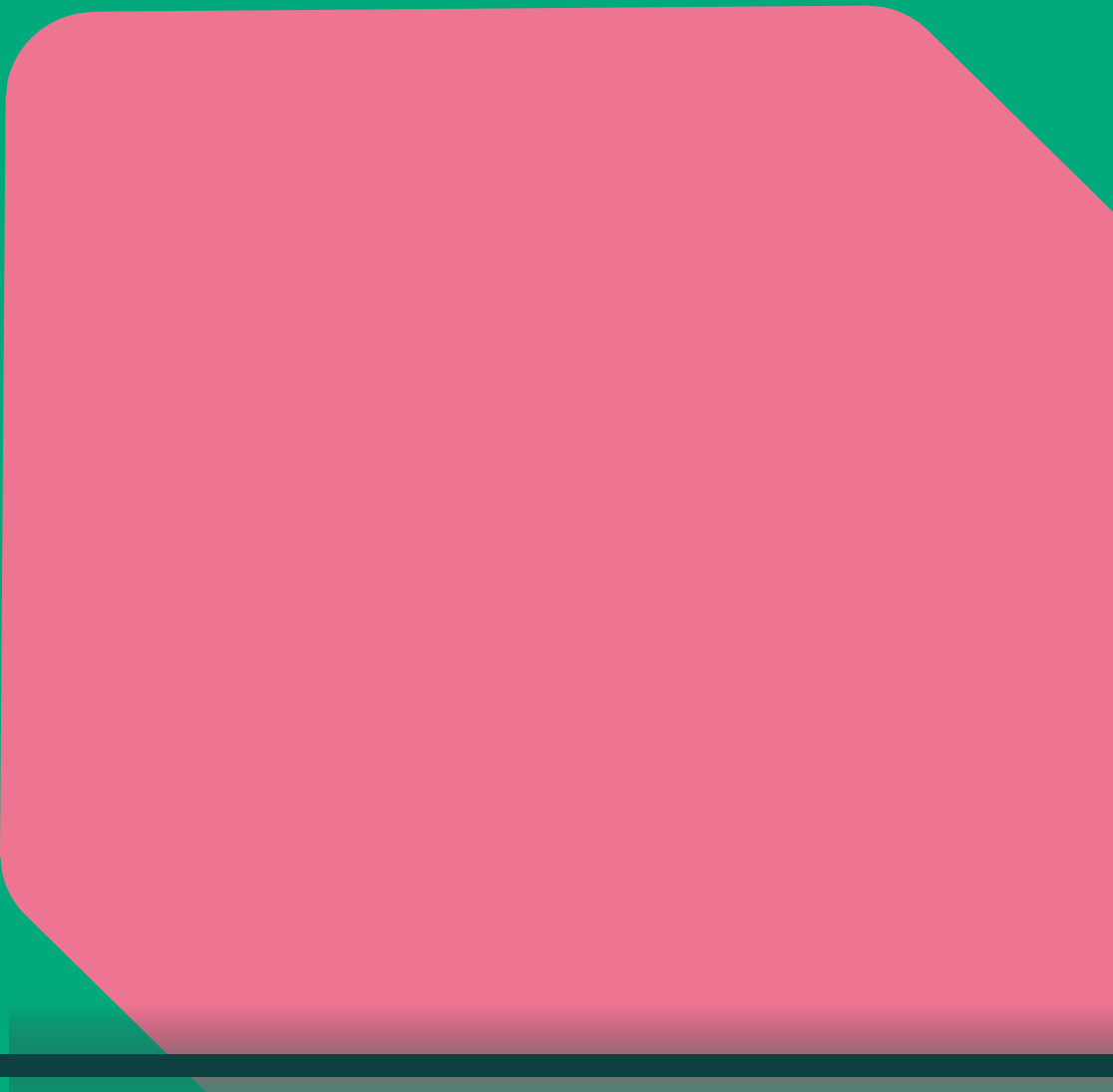




Ministry  
of Defence

# Tackling Sexual Offending in Defence



# Foreword

All sexual offences have a devastating and lasting impact on survivors, their families and on the cohesion of our Armed Forces. We have a duty to prevent these crimes from occurring and we are clear that our values and standards leave no room for this type of behaviour.

We know these offences disproportionately affect women, although anyone can become subjected to these crimes, and we must continue to create an environment where everyone, but especially women, can feel safe and confident to report offending. This strategy is part of Defence's commitment to crack down on unacceptable sexual behaviour and sexual offences. It is part of a range of measures that send a clear signal to everyone in the Armed Forces that these offences will not be tolerated. Whilst these offences are committed by the few, a single incident is one too many.

This strategy both coheres changes effected by Defence post Wigston and complements the Government's response to the recent review of the end-to-end handling of rape cases in the civilian Criminal Justice System and the wider strategy to tackle violence against women and girls. It provides reassurance that Defence is similarly determined to ensure that the Service Justice System develops and holds those responsible for component parts of the system to account for delivering improvements. Now is a good opportunity for us to adapt our approach and ensure best practice exists across the Defence community.

I am determined that our Armed Forces remain among the best in the world, that we are an employer of choice and that our people know they will be supported throughout their careers and beyond.

Leo Docherty MP

Minister for Defence People

19 July 2022

# Welcome

Defence has a moral and legal duty of care for its people. We must create and maintain an environment that does not tolerate sexual offending and one that responds to survivors with compassion and understanding. We need to raise awareness of the impact of sexual offending and the sources of help available to those experiencing or exposed to it within the Defence community.

This strategy recognises the damage caused to the Armed Forces and its people by sexual offending and that the impact upon them is serious. With that in mind, we will ensure support is provided to every survivor. In addition, we will be open and transparent about what survivors can expect from the Service Justice System at all stages of their case.

This strategy is part of a wider effort to send out a clear message that everyone in the Armed Forces must uphold our values and standards. It sets out our approach to prevention, and to strengthening investigations and prosecutions, and our work with partners to ensure that the Armed Forces continues to be a place where people are proud to work and have faith in their justice system.

Lt Gen James Swift  
Chief of Defence People

19 July 2022

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# Introduction

There is no place for sexual offending in the Defence Community, wherever Service personnel are in the world, and this strategy represents one of the steps we are taking towards a zero-tolerance approach<sup>1</sup>.

As noted in the Government's Violence Against Women and Girls (VAWG) strategy, the impact of sexual offending on all people, including boys and men, can be enormous, and every incident that occurs is one too many. It affects individuals and their families, and it damages trust and cohesion and operational effectiveness.

We have both a moral and legal duty of care to our people and recognise that some will be the victims of sexual offending. These are some of the most abhorrent crimes which affect people's lives, often for the long-term, and can also negatively impact their families and family life. We are determined to strengthen our approach to preventing and tackling sexual offending in line with best practice in the civilian Criminal Justice System (CJS).

We know from the VAWG strategy that these crimes in general disproportionately affect women. The Service Justice System

(SJS) must be ready to respond to incidents; during 2021 there were 239 investigations by the Service Police into alleged sexual offences. Of the Service personnel suspected of an offence, 94 per cent were male, while 87 per cent of survivors were female. Survivors were most commonly in the junior ranks, aged 30 or under.

This strategy does not explicitly cover other related unacceptable behaviours which may occur within Defence and are set out in specific policies, such as sexual harassment or domestic abuse<sup>2</sup>. This strategy sets out our commitment to survivors<sup>3</sup>, to reducing the obstacles that prevent them from reporting sexual offences, to providing support and ensuring that is the best support possible.

This strategy sits alongside multiple national strategies, action plans and policies; it integrates the relevant recommendations and best practice from various reviews, including those of the CJS.<sup>4</sup> We have developed a Defence version of the National Police Chiefs Council (NPCC) and Crown Prosecution Service Joint National Rape and Serious Sexual Offences Action Plan (Joint National RASSO Action Plan 'JNAP'),

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<sup>1</sup> 'Zero tolerance' means that every allegation of a sexual offence will receive prompt, thorough, efficient and independent investigation.

<sup>2</sup> These are set out in JSP 763 (Part 1) and JSP 913.

<sup>3</sup> Survivor in this context means someone who has endured a sexual offence(s). 'Victim' is used periodically within this document where the context is relevant (e.g. when referring directly to a crime), however 'victim' and 'survivor' should be interpreted interchangeably. Preference has been given to the term 'survivor' where applicable to reflect modern terminology.

<sup>4</sup> This strategy is aligned to other relevant strategies and policies including: Violence against Women and Girls strategy, CPS 2025 RASSO Strategy (updated February 2022); The JNAP and CPS plan; Government's End-to-End Rape Review, the cross-Government Tackling Child Sexual Abuse Strategy, the Ministry of Justice's Concordat on women in or at risk of contact with the Criminal Justice System and forthcoming Victims' Strategy and

Women's Health Strategy. The MOD policy on Sexual Exploitation and Abuse (JSP 1325); Behaviour and informal complaints resolution (JSP 763); Domestic abuse (JSP 913) and Domestic Abuse Strategy 2018-2023; Code of Practice on Services to be provided by the Armed Forces to the Victims of Crime (JSP 839); Defence Instruction Notice on Victim Support; Safeguarding (JSP 834) and Alcohol and Substance Misuse and Testing (JSP 835). It considers the relevant conclusions and recommendations of the Sir Richard Henriques' Review; HCDC report on Women in the Armed Forces; Service Justice System Review (HH Shaun Lyons and Sir Jon Murphy); HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) review into policing's approach to female victims of violence against women and girls; Wigston Review into Inappropriate Behaviour and the Unacceptable Behaviours progress review (Gray) Review.

so that we can learn and adopt best practice, policy and procedure.

In March, the MOD published a policy of Zero Tolerance to sexual offences. This policy mandates that all allegations of a sexual nature, in any context (including initiation ceremonies) will be investigated, and anyone convicted of a sexual offence whilst in Service will be discharged. In addition, any person in authority having a sexual relationship with a trainee or recruit will be discharged and to reinforce this policy we are developing a new Service offence.

As outlined in the Government's end-to-end Rape Review, we not only need to tackle the causes of offending, but also improve how we handle cases to ensure that we do not let survivors down.

## **Our vision**

We are clear about our five-year vision for improvement and the desired outcomes of our efforts: **Ultimately, the goal is to eliminate sexual offending in Defence.**

**We will work further on prevention and creating an environment where sexual offending is never tolerated, transforming our culture and promoting positive behaviour.** We recognise the need to deliver long term culture change, which we are addressing through a variety of ways, such as the Wigston Review, and new policies in relation to Zero Tolerance to sexual offences and unacceptable sexual behaviour. We will continue to upskill our investigators and prosecutors and improve how we cooperate and collaborate in partnership with others outside the Defence community. Finally, we will make significant improvements in our approach to capturing management information and data, utilising this intelligently to support our preventative efforts.

**We will build trust and awareness of our policies and processes to encourage more survivors of sexual offending to come forward in order to increase reporting levels and to ensure that they get the appropriate support.** To build trust, people need to be confident that our decisions and systems are fair and effective, that we will punish wrong-doing and protect survivors' anonymity. In turn, this will provide effective deterrence, alongside role-modelling and education, as people recognise the consequences of this behaviour.

When a sexual offence occurs, **we will respond effectively and efficiently** through investigations and prosecution where appropriate. Increasing conviction rates for perpetrators, will provide further deterrence and demonstrate a **more effective justice system.**

Defence must work collaboratively and in partnership with others outside the Defence community to understand, support and empathise with those who have experienced a sexual offence and **improve the survivor experience.** We will take a survivor-centred approach throughout all our work, whilst of course ensuring suspects are treated fairly and appropriately supported. Improved experiences of engaging with the SJS and tailored support to all survivors may lead to higher levels of retention in Service, helping to ensure that Defence is able to harness the talent it needs. When survivors do leave Defence, we will ensure the transition to civilian life is thoroughly supported and that **services are well coordinated** and available to meet their needs, when they need it.

Where cases do not meet the evidentiary threshold and do not progress to prosecution, we will **ensure that robust**

**policy levers where appropriate are deployed** and consider use of the Service Test<sup>5</sup> or administrative action, including discharge, against those who are found not to have upheld our high values and standards, especially those in positions of trust. We will also work to ensure that survivors are aware of their right to request case reviews as soon as possible.

We will **act transparently and be held to account** in our efforts to prevent and respond to sexual offending through existing internal governance for the Service Justice System and through a newly appointed Tackling Sexual Offending champion for Defence.

### Strategic approach

This strategy outlines five cross-cutting areas where we will focus our efforts to deliver change with support and protection for survivors being at the heart of our approach.



Fig 1. Outline of the five strategy areas

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<sup>5</sup> The Service Test refers to '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?' and is contained in [JSP 763](#).

# Prevention

Preventative action to tackle the root causes that result in people committing sexual offences will be central to reducing prevalence. Wider cross Government work on these crimes is covered in the VAWG strategy, preventative interventions need to be holistic and intersectional as there is no single factor determining whether people will become a perpetrator, or indeed a survivor, of a sexual offence.

We will seek to better understand the most prevalent types of offenders, as well as those who are most at risk of becoming a victim, so that we can put in place targeted interventions.

MOD has embarked on a long-term programme of cultural change to tackle unacceptable behaviour and will ensure Defence is a modern and inclusive employer that harnesses the talent of all its people. MOD's wide-ranging efforts focus on leadership, training, communications and ensuring the right policies, underpinned by evidence, are in place. The 2020 Unacceptable Behaviours progress review indicated the department was making good progress; we accept this is an enduring programme of work.

We have reviewed annual mandatory training on values and standards and as a result our expectations of behaviour are clear. Empowering people to feel confident calling-out unacceptable behaviour when they see or hear about it is central to reducing the tolerance for such incidents. Defence created bespoke 'Active Bystander' training to equip people with the tools and skills to call out poor behaviour. This has been integrated into phase one and two training for new recruits as well as career progression courses.

Our policy on behaviour (JSP 763) was updated and strengthened in June 2021 with a focus on prevention. JSP 763 includes more detailed guidance on unacceptable behaviours, including sexual harassment, the prohibition on initiation ceremonies and guidance on using the Service Test. It also sets out a framework for mandatory climate assessments, which are a tool for leaders to understand and be held accountable for improving or sustaining the culture in their area of responsibility.

The recently published Defence policy on Sexual Exploitation and Abuse directs efforts to prevent and address sexual exploitation or abuse by those in Defence and outlines the appropriate assistance and redress that is available to victims.

Defence is committed to communicating the consequences for those whose behaviour has fallen short of the expected standards. While the outcomes of Court Martial trials are already published, we will do more to share these outcomes within Defence as part of our deterrence efforts. We will be clear about the consequences for those convicted of a sexual offence; when a service person is convicted of such an offence, it is mandated that they will be administratively discharged from the Armed Forces, as set out in the Zero Tolerance policy to Sexual Offences.

Communications are an integral component of prevention. We will continue our communications campaigns to educate our people about expected behaviour and to increase trust in our systems. We have



issued a whole-force booklet<sup>6</sup> on sexual harassment<sup>7</sup> outlining what it is and how to report it, and we will also create one for sexual offending. We will ensure a component of this campaign is related to educating people (including the chain of command) about what constitutes rape and sexual offending, to counter myths, stigma, perceptions, any misogynistic narratives, and to encourage open discussion.

We will also endeavour to reassure survivors who do not think they will be believed to come forward and seek support. We are looking at ways in which we can make reporting of offending easier, which includes signposting information on the MOD intranet and ensuring information is accessible to all. We will upskill our Diversity and Inclusion Advisers and Practitioners and those instructing phase one and two training courses, to build their understanding of sexual offending, consent, domestic abuse and associated myths, recognising the important role they play in supporting people and smoothing the pathway to reporting and fostering local discussion.

Understanding the situational context within which most sexual offending occurs will support our efforts of prevention. Evidence demonstrates that alcohol and issues of consent play a significant role in many types of sexual offences committed within Defence, especially rape and sexual assault. The Service Police run consent training and the Army has recently made sexual consent training core learning for new recruits. The Royal Navy is integrating formal consent training into training establishments and leadership courses. This training is delivered by specialist Service

Police officers. RAF Police specialist officers deliver sexual offences awareness campaign presentations to all phase one trainees and those serving on units as well as briefing all levels of command. This covers sexual offending and consent understanding and aims to build confidence in reporting.

We will review our consent training ensuring it is informed by best practice and external expertise. Further research will help us understand the situational context focussing on typical locations and repeat offenders. We will also review environmental factors across the Defence estate ensuring that, as appropriate, accommodation has locks and there is privacy in bathrooms, where possible.

Alcohol misuse can lead to unacceptable behaviour, the MOD has a bespoke policy on alcohol misuse emphasising the importance of a responsible alcohol culture. Alcohol advisers are present within the Army who provide training, support and advice to units and individuals. RAF specialists also deliver substance misuse presentations to units and phase one trainees which includes a focus on the responsible use of alcohol and builds awareness of the dangers surrounding alcohol. However, we will look again at how we make personnel aware of the role of alcohol in unacceptable and criminal behaviour.

We will regularly revisit how we recruit and vet people joining the Armed Forces and ensure that we do all we can do to not recruit people who pose a known risk to others. We will also use the entry point to the Armed Forces as an opportunity to

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<sup>6</sup> <https://modgovuk.sharepoint.com/sites/intranet/SitePages/New-sexual-harassment-booklet.aspx>

<sup>7</sup> Some behaviours may be initially disclosed as 'sexual harassment' but are criminal offences, therefore whilst this strategy focusses on sexual offending, it intersects closely with Defence's

efforts to bear down on sexual harassment / misconduct and to gather richer data on the types and nature of sexually unacceptable behaviours within the Defence environment as well as attitudes towards them.

identify those who may be at risk from sexual offending and ensure we provide the right support.

We recognise that non-contact or low-level sexual behaviour can escalate into more severe offending. Taking effective action on this behaviour to manage risk is therefore a key part of preventing more serious offending. We will consider behavioural change programmes where appropriate to assist people to understand their behaviour and reflect on the impact.

As part of a training needs analysis for the SJS, we will look specifically at the skills and knowledge our people require in the SJS at various career points and set out a competency framework. This will span the life cycle of those in Service, with a specific focus on new recruits, Commanding Officers (COs), as well as those in other key positions.

We have outlined clear direction and guidance to COs that the Department

expects allegations and instances of unacceptable behaviour, especially sexual offending, to be dealt with effectively. For example, awareness briefings are given to leadership across the RAF by Special Investigations Branch (SIB) Police and delivered at senior courses within the Army, including the Commanding Officer Designate Course and Adjutants Course.

**We will continue to emphasise in awareness-raising and training sessions with leadership that any actions found to be taken to protect the reputation of units over the needs of survivors, of brushing incidents under the carpet or failing to take the correct course of action, are wholly unacceptable. Such deficiencies may impact on the career of the responsible officer because such behaviour can seriously undermine operational effectiveness.**

# Investigations and Prosecutions

If prevention fails, and a sexual offence occurs, we must ensure that Defence responds with the expertise needed, underpinned by robust systems to ensure effective investigations and prosecutions. The Service Justice System Review by HH Shaun Lyons and Sir Jon Murphy outlined a range of recommendations to improve how the SJS deals with perpetrators in the Armed Forces, and much work is ongoing to address this. The review also noted the highly trained investigators within the SJS.

A Defence Serious Crime Unit (DSCU) has been established which will take responsibility for investigating serious sexual offending. This is commanded by a Provost Marshal for Serious Crime with the same duty of operational independence as the other three Provost Marshals. The DSCU will bring together and cohere Special Investigation Branch teams, as well as their support teams, from across the single Services. We will establish a new Tri-Service policy to tackle sexual offending which will cover the management of those under investigation and offenders to fulfil our safeguarding responsibilities. This will ensure greater consistency and coherence between the single Services in our approach. We have also established a Tri-Service and SPA Rape and Serious Sexual Offences (RASSO) working group to share best practice and foster joint working.

Through 'Operation Soteria', the Government is supporting the development of an approach to investigating rape which focuses on the suspect's – rather than the victim's – behaviour. The Government is funding this work in five initial pilot forces and has committed to expanding it to 14 further forces ahead of the introduction of a

new national operating model for policing by June 2023. We have adopted aspects of this approach and will continue to build on this within the SJS. This includes a greater emphasis on suspect-focussed investigations, survivor engagement, training and learning for police and improving data.

Defence uses 'special measures' in the Court Martial, such as using video testimony, to achieve the best evidence possible and to create a supportive environment for survivors and witnesses. Special measures, similar to those in the civilian system, can be used both at the interview stage and at court and in June 2022 we laid regulations to introduce legislative measures to allow for pre-recorded cross examination for vulnerable groups, including children.

## Investigations

There is a vital window when sexual incidents are first reported to the Service Police in which our engagement with survivors is crucial wherever the incident occurs. For example, RAF Specialist Police support those at Station level with enhanced education on the immediate first response to sexual cases and how to deal with reports. This ensures the survivors' smooth pathway to reporting. Decisions made at an early stage by survivors may influence how their case can progress, so we must do all we can to support them and be clear about their options. We already provide to survivors in writing the timelines for investigation and prosecution of these offences, and we will be integrating answers to their most common questions. A Sexual Offences

Liaison Officer (SOLO) is assigned to all survivors to build confidence and ensure the correct information is provided. In addition, we will signpost people to a range of support, including external organisations and Independent Sexual Violence Advisers (ISVAs).

Often in a sexual offence case, it may be necessary to look at the mobile phones of those involved. We are committed to ensuring responsible use and protections for privacy in digital disclosure (e.g. mobile phone data) and returning mobile phones in a reasonable amount of time. Early engagement with prosecutors can help to ensure requests are necessary, proportionate, reasonable and proceed with the consent of the survivor.

Forensic Medical Examinations (FMEs) can be an important component in gathering evidence in sexual offence cases and ultimately, in building strong cases for prosecution. We recognise the importance of utilising the FME at a Sexual Assault Referral Centre (SARC) as soon as possible when incidents are reported to us. We will put measures in place to deal with the additional challenges in a Service environment where incidents can occur in an operational theatre or at sea.

FMEs are not always relevant to the case and are entirely dependent on the survivor consenting, and the time since the incident occurred. Recognising this, we must provide survivors with clear information at an early stage to ensure they can make informed decisions; information about FMEs is included in a leaflet for survivors made available to all survivors at the time of the allegation and of course discussed with specialists such as SOLOs. We will also review the resourcing of technical forensic analysis facilities in the SJS, which, as with

the CJS, can cause considerable delays in cases.

FME is offered to all survivors where it is relevant and within the forensic window, and we will aim to increase the number of people who consent to FME. We will report on the proportion of allegations that resulted in a FME, whether the referral was made within 24 hours of us becoming aware and whether it was in the relevant forensic window. Survivors will also be made aware of the benefits of consenting to a FME, so that evidence is secured even if they are unsure of the course of action they wish to take. Awareness will be raised with Service personnel that they can self-refer to a SARC, without needing to contact the police (Service or civilian), and we will include this messaging in our communications campaigns and products.

The Armed Forces Act 2021 established the role of the Service Police Complaints Commissioner (SPCC), and enables the creation of a regime for complaints, conduct matters and death or serious injury matters. This is vital to provide independent oversight and accountability, and to provide recommendations and learn lessons from individual complaints in the interest of the Defence community and wider public. The system will be modelled on the regime for the civilian police in England and Wales set out in the Police Reform Act 2002 and overseen by the Independent Office for Police Conduct. The SPCC is expected to be in post, and the complaints regime established, by early 2023.

## **Prosecutions**

We have introduced in the Armed Forces Act 2021 a statutory duty on the Director of Service Prosecutions and the Director of Public Prosecutions in England and Wales

to agree a protocol on the handling of cases where there is concurrent jurisdiction, i.e. the case could be investigated and tried in the SJS or CJS.<sup>8</sup> The principles in the Protocol must be considered to make a decision on jurisdiction at the earliest opportunity, and to arrange for the appropriate investigator to have responsibility from the outset of any criminal investigation. Where there is concurrent jurisdiction any views expressed by the complainant as to jurisdiction may be subsequently considered by the prosecutors, where there is consultation on a decision as to jurisdiction.

Within the SJS, investigations of sexual offences are referred to the SPA for direction based on the same evidential two-stage test as used in the Crown Prosecution Service (CPS).<sup>9</sup> Within the first week of investigation and before referral, the Service Police seek early investigative advice from a trained specialist prosecutor to assist in their case strategy and reasonable lines of enquiry. This ensures only necessary and proportionate enquiries are made, including into any digital material with the consent of the survivor. Moreover, that appropriate support, including pre-trial therapy and any welfare support, ISVAs and specialist voluntary and community organisations, is in place. This early joint working assists the Service Police in their investigation and their determination if the evidential sufficiency test is met and ensures that the strongest cases are built to charge. Once referred by the Service Police, the prosecutor at the SPA reviews the case under the two-stage test to decide if criminal charges can be directed. We will continue to prioritise sexual

offence cases and review court listing procedures to identify if they can be dealt with more quickly.

In the event that a survivor is dissatisfied with the outcome of a decision by the SPA not to charge a suspect, they are entitled to use the appropriate 'Right to Review' process to challenge this decision.

Where cases do not progress to a criminal prosecution, for example because of a lack of evidence or failing to meet the criminal standard, the issue will be dealt with independently from the Chain of Command. It may be that the values and standards<sup>10</sup> have not been met and administrative action, which includes the application of the Service Test, may therefore be warranted. A wide range of administrative action, up to and including discharge, is available to the Services following investigation of an allegation of sexual offence regardless of an offence not being subject to a criminal prosecution in the Court Martial. Systems are also in place that seek to ensure the individuals (suspect and survivor) in question are never posted together in the future.

Addressing myths and stereotypes, including those which reflect changes in sexual behaviours and encounters, remains an issue across society and our system. We will continue applying guidance from the CPS and delivering training to identify and address this. It will also become a central part of our communications campaign.

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<sup>8</sup> There are equivalent provisions for the Director of Service Prosecutions and Lord Advocate to agree a protocol for Scotland, and for the Director of Service Prosecutions and the Director of Public Prosecutions for Northern Ireland to agree a protocol for Northern Ireland.

<sup>9</sup> The two-stage test refers to "is there sufficient evidence to provide a realistic prospect of conviction against each suspect on

each charge, and if so, whether a prosecution is required in the public (and additionally in SJS, in the Service) interest".

<sup>10</sup> These are set out in JSP 763, Part One, Chapter One 'Core behaviours'

## Our people

We need our people working in the SJS to have the skills, knowledge and experience to excel. Regular and high-quality training will ensure they are empowered to take the right action, at pace and in keeping with the best practice workings of sector partners outside Defence, such as the civilian police and the Crown Prosecution Service. We will continue to work with academics to access new learning and mirror any Government best practice frameworks. We will work with the Criminal Bar to ensure up-to-date prosecutorial training – including trauma-informed advocacy, and the changing nature of sexual behaviour and the effective use of section 41 of the Youth and Criminal Justice Evidence Act 1999.<sup>11</sup> Combined Service Police / SPA training informed by academic expertise is already underway. We will continue to review our training and ensure our standards meet those of partners outside Defence.

We know that new forms of unacceptable sexual behaviour are continuously emerging, and we need to ensure we keep up with new trends and changing offences, especially online behaviour. We have already seconded a specialist from the CPS to the SPA to manage and support ways of working on sexual offence cases. SPA staff

are able to access high quality, up-to-date rape and serious sexual offences training directly through attendance at training sessions delivered by the CPS and through sharing of materials / knowledge on best practice.

Service Police attachments with Home Office Police Forces (HOPF) also offer an effective way to improve skills, identify best practices and assure Service Police skillsets and knowledge. We will look to expand this programme and consider bringing in HOPF expertise to our investigations, and ensure our people are keeping pace with the changing nature of offending, particularly their digital capability.

We are also committed to supporting the wellbeing of our people working in the Service Police and SPA, to carefully and sensitively reduce the risks of burn-out, compassion fatigue and vicarious trauma. We will ensure we raise awareness of this, particularly with managers, and that suitable support, including bespoke support for those working on sexual offences, is signposted and readily accessible. For example, the SPA is rolling out bespoke support for staff working in the Rape, Sexual Offences and Domestic Abuse team.

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<sup>11</sup> Section 41 provides protection to complainants in proceedings involving sexual offences by restricting evidence or questions

about their previous sexual history by or on behalf of the accused, subject to exceptions and with the leave of the court.

# Support for survivors

Across all aspects of this strategy is our concern for the wellbeing of survivors. Defence already provides wide ranging support for those who have experienced sexual offending and we are committed to doing more. In the English civilian system, of the 23,232 individuals presenting at SARCs in 2021, 36 per cent needed mental health support or therapeutic mental health intervention. The demand for support within the Service environment is likely to be proportionally similar, meaning access to appropriate and easily available mental health and complex treatment services for survivors needs to be facilitated. We recognise it is not easy for people to disclose they have been a survivor of a sexual offence and that on average, people wait six-years before coming forward to a SARC.

We will ensure Sexual Assault Pathways with specialist services are followed for all those who have faced sexual assault. Our internal welfare services provide support to survivors of sexual violence, and partner with local ISVA services where possible to provide the greatest level of support. To ensure MOD's specialist support reaches those who need it in practice, we will raise awareness and advertise more widely the forms of external support available to personnel. Whilst our support is independent from the chain of command, we recognise it is often not perceived this way by survivors because it is within the military context, which may also affect disclosure.

The formation of the DSCU, will include the creation of a hub for survivor / witness care. By integrating Specialist Teams working alongside our investigators, we will ensure continuity in our engagement with survivors, including a single point of contact, and

deliver a holistic approach which will support us in building relationships and achieving the best evidence.

The Armed Forces Code of Practice for Victims of Crime (the Code) is currently being updated to reflect the CJS Code of Practice for Victims of Crime in England and Wales, where possible and appropriate. The '12 Victims' Rights' contained within the CJS will be adopted and adjustments made, to ensure that the provisions properly reflect the Service environment. The revised Code will include an annex listing internal and external sources of assistance and welfare support for survivors of crime, including sexually related crime. Our aim is to ensure that those who need specialist support can access it, from whoever they believe is best placed to deliver it. We have also appointed the Victims' Commissioner for England and Wales to the Service Justice Board, and they are also represented on the Service Justice Executive Group, to provide additional oversight and an external survivors' perspective on the SJS.

We will develop how we gather feedback appropriately from those involved in the SJS, especially survivors and witnesses. We will commit to developing a mechanism to communicate and engage with those encountering the SJS to enable them to offer feedback about their experience and we will consider the best way to do this. This will provide important insights to support continual improvement, and relevant aspects will be integrated into our reporting.

Defence needs to do more to tackle instances of 'victim shaming' by fellow Service personnel and the myths about rape and sexual offending. This is especially important when survivors have reported

cases and remain working in their units. We know that survivors are often the subject of gossip which can create anxiety and prevent them from going about their daily lives. It is also important that we do more to address myths, such as a reluctance to dismiss Service personnel where investment has been made in regards to training / resource. The Zero Tolerance to Sexual Offences policy mandates that anyone convicted of a sexual offence will be discharged, and in the event that there is not a conviction, a presumption of discharge remains an option under the Zero Tolerance to Unacceptable Sexual Behaviour policy.

We are currently exploring practical arrangements to keep survivors (of sexual offences and domestic abuse) safe at work / on the Defence estate. This includes compassionate support such as: leave arrangements, access to counselling, adjusted performance expectations and whether financial support can be provided to help survivors who are fleeing an abusive relationship. We have already created an 'online safe spaces' tool on the MOD portal where people can seek support without leaving a browser history<sup>12</sup>.

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<sup>12</sup> Access the [safe spaces tool](#) through the Health and Wellbeing Portal on Defnet.



# Partnerships

Improving effective collaboration and cooperation between organisations, both internal and external, will enable us to best support our people and achieve our vision of preventing and eliminating sexual offending in Defence. We will acknowledge progress and developments in the CJS and seek to adopt them wherever possible. Engagement with external service providers too often happens on an ad-hoc basis, and so we will look to formalise and increase our engagement with a community of practice so that we can benefit from their insights and expertise, including:

- Other Government departments;
- NHS / SARCs;
- Voluntary and community service providers;
- Victims groups;
- Advocacy groups; and
- Academia.

There are immense benefits in having services that recognise and understand the military language, culture and lifestyle, and we can support that understanding. Joint awareness raising sessions between parts of the SJS and external organisations have proved useful in understanding how to better minimise trauma through support during investigations and prosecutions, but this will be strengthened.

The MOD is working closely with NHS England and is engaged in the national steering group on women's health and the sexual violence workstream. Whilst Defence

itself provides a range of support to survivors, through its Medical Services and welfare provision, many people choose to take up support delivered by local authorities or the charitable sector. We will work with partners to link pathways of confidential referrals from a Service environment as appropriate, for example support tailored for male survivors. One ongoing initiative at Catterick Garrison is raising awareness with GP surgeries about sexual assault pathways. Where external support is being provided to serving personnel, we are aware of the need for closer engagement and to provide a central point of contact for these organisations back into Defence as appropriate.

MOD already works in partnership with external agencies and shares information under the Multi-Agency Public Protection Arrangements (MAPPA) to improve the risk management of offenders (including legacy registered sex offenders (under the Zero Tolerance policy sex offenders will be discharged), domestic abuse and stalking perpetrators). We will ensure we meet the expectations outlined in MAPPA guidance and consider how best to engage. Service Police also participate as required in multi-agency safeguarding meetings with social services where survivors are under-18. We will outline further details in our Tri-Service policy on sexual offending.

As well as working closely with UK-based sector partners, we are committed to learning from other militaries, especially those in the Five-Eyes community, and we will commit to holding discussions more regularly with our partners.

## Veterans

The June 2021 report 'We Also Served' and the 'Salute Her' initiative have noted particular challenges for women veterans. As a direct result of the House of Commons Defence Committee report into 'Women in the Armed Forces', the Government made a number of commitments to improve the experience of, and support available to, both service women and female veterans. In transitioning to civilian life, all survivors of sexual offences need continuity of support, requiring close cooperation with service providers.

The recently launched Veterans' Strategy Action Plan outlines commitments from departments across Government, including initiatives to learn more about the experience of female veterans and improve support services available to them. These include:

- A health improvement programme which will be delivered by NHS England aimed at improving the health and wellbeing of women who are serving and who have served through a national multi-departmental, multi-agency, steering group established in July 2021.
- New qualitative research which will be commissioned by the Office for Veterans Affairs ("OVA") will seek to understand the circumstances where female veterans seek support, and any barriers to accessing that support.
- £150k in grant funding provided by the OVA to charities to aid the development of best practice to ensure that veteran charities are inclusive and accessible.

# Management information and data

Good quality data and management information is vital to assist us with understanding the problem, how we deal with it and how we can improve. We need to strengthen our central data collection so it is fit for our needs, as well as supporting compilation and analysis, and ensuring we can disaggregate data as needed. The software Defence has been using to record offences are legacy systems which have historically limited our ability to easily and effectively interrogate the data.

Currently, MOD is updating its Service Police investigation management system. This presents an ideal opportunity to design a system meeting our needs, automating where possible and ensuring we are better able to categorise and index offences. It will also assist us in understanding the protected characteristics of those coming into contact with the SJS, and in understanding more about those perpetrating sexual offences. We will align what is recorded across the Services to provide robust management information.

We recognise the Government publishes reports every six months to show how the whole CJS is performing on rape cases<sup>13</sup>. Defence will align with this to demonstrate our transparency and accountability and put into place the necessary means to assess progress against key metrics. These will align to those in the CJS, such as timeliness, quality and survivor engagement in each part of the system, and in the

implementation of our action plan. We will look to monitor the time taken for cases to pass through each stage of the SJS.

The reports will be informed by the Service Police Annual Performance Inspections. Comparison, where appropriate and when available, of management information on the operation of the SJS with data from the CJS, will help to identify areas where improvements can be made. This may also be of interest to the CJS.

In addition, we will expand the sexual offences bulletin to include new data on the pathway followed. We will continue to publish a range of relevant data demonstrating our commitment to transparency, including:

- Court Martial outcomes;
- Annual statistics on sexual offences in the SJS;
- Results on the sexual harassment question introduced last year into the Armed Forces Continuous Attitude Survey (AFCAS); and
- Results of the single Services sexual harassment surveys.

The above data streams, combined with the abilities of our new investigation management system, will enable us to identify where further improvements can be made. We will utilise and interrogate our data to help predict and prevent patterns of future offending.

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<sup>13</sup> Government six monthly 'scorecards': <https://criminal-justice-scorecard.justice.gov.uk/>

On occasions our Service people within the UK come into contact with HOPF and the systems in place will be strengthened to ensure Defence is made aware of this contact to facilitate a better picture of offending by our personnel and ensure appropriate safeguarding measures are put in place. We will work with the NPCC to improve this situation, and to increase the number of forces that capture the occupation of people who are arrested. Where an individual reveals they are a Service person, it will make it easier for the Service Police to be notified. In some HOPF this is already working well, and we will focus on improving this relationship with HOPF around larger military bases. We will also continue to standardise across the single Services the duty on personnel to inform their chain of command whether they are arrested, investigated or summonsed to court (within the CJS) and for that

information to be captured within the Service.

In keeping with the approach of Operation Soteria, we will also look to work more closely with academia on broader research to supplement our understanding in Defence, for example, ensuring we understand the pathways that lead to sexual offending in a Service environment. We have already commissioned a deep dive into the Lived Experience study data<sup>14</sup> looking specifically at unacceptable sexual behaviours across Defence. This secondary analysis is exploring the characteristics of the accused and the situations reported; the context in which unacceptable behaviour occurred and the outcomes of the behaviour for all parties. Greater understanding should facilitate more effective prevention, and where necessary, investigation of sexual offences.

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<sup>14</sup> TIN 2.101 Defence Inclusivity Phase 2: The Lived Experience. Final Report. (2019). O-DHCSTC\_I2\_PT\_T2\_101/007.

# Accountability and delivery

The Service Justice Board is accountable for this strategy and associated work to Ministers. It is delivered through the Service Justice Executive Group (SJEG) who will review the implementation of this strategy and the action plan regularly, with an annual review conducted by the Service Justice Board and consequent report to Ministers.

At an operational level, this strategy is underpinned by the Joint National RASSO Action Plan (JNAP), which is supported by a Tri-Service working group with diverse membership. MOD will appoint a senior Tackling Sexual Offending Champion to work alongside our Domestic Abuse and Gender champions to push forward efforts to implement the strategy.

In due course, the DSCU will play a significant part in the delivery of this strategy, action plan and related policies. In addition to publishing reports and the other data outlined above, we will include an update in our Diversity and Inclusion Directorate Annual Report.

The tables below summarise our ongoing work and future commitments in each of our strategy pillars.

# Summary Tables

What we are doing and will continue to do	What we will do by the end of 2023	What we will do by 2027
<b>Prevention</b>		
<ul style="list-style-type: none"> <li>• Implement the recommendations of the 2020 Progress Review on Unacceptable Behaviours (and Wigston Review recommendations) to bring about long-term culture change, including delivering active bystander training and ensuring mandatory training is fit for purpose.</li> <li>• Raise awareness of our new policies on expected behaviour, including online behaviour, and our booklet on sexual harassment.</li> <li>• Deliver communications campaigns to encourage people to call out unacceptable behaviour and signpost to sources of support.</li> <li>• Introduced an 'Online Safe Spaces' tool on our wellbeing portal where people can seek support without leaving a browser history.</li> <li>• Run mandatory consent training across the Armed Forces.</li> <li>• Reiterate clear direction and guidance to Commanding Officers regarding their responsibilities in handling sexual offences.</li> </ul>	<ul style="list-style-type: none"> <li>• Implement climate assessments across the whole force.</li> <li>• Clearly communicate the consequences / outcomes of sexual offending, including the outcomes of relevant Service Complaints to act as a deterrent.</li> <li>• Publish a booklet explaining what sexual offending is and actions to take.</li> <li>• Implement a communications campaign to counter myths, stigma and perceptions of sexual offending, the role of alcohol and raise awareness about available support.</li> <li>• Upskill our Diversity and Inclusion Advisers and phase one / two trainers to understand more about sexual offending, consent, domestic abuse and associated myths.</li> <li>• Review environmental factors across the Defence estate that may have a role in contributing to sexual offending to better target preventative activity.</li> <li>• Look at opportunities to identify risks and vulnerabilities in those we recruit, including looking at vetting.</li> </ul>	<ul style="list-style-type: none"> <li>• All defence staff to be cognisant of consent and close to complete eradication of sexual offending within Defence.</li> <li>• Review our approach to prevention, adapting and adjusting as required.</li> </ul>

What we are doing and will continue to do	What we will do by the end of 2023	What we will do by 2027
	<ul style="list-style-type: none"> <li>• Look to utilise behavioural change programmes for those found to be perpetrating low level offending or sexual harassment.</li> <li>• Conduct a training needs analysis for the Service Justice System, including standards for consent training.</li> </ul>	
<b>Investigations and Prosecutions</b>		
<ul style="list-style-type: none"> <li>• Implement the relevant recommendations of the Service Justice Review and other relevant reviews (i.e. Henriques, HMICFRS handling of domestic abuse and serious sexual offences by the Service Police and the government end-to-end review).</li> <li>• Appoint a Provost Marshal for Serious Crime to command the Defence Serious Crime Unit.</li> <li>• SPA-Tri-Service RASSO Working Group will continue to share leading practice and joint working.</li> <li>• Adopt leading practice from 'Operation Soteria' emphasising suspect-focussed investigations, disrupting offenders, survivor engagement, training and learning for police and improving data.</li> <li>• Ensure survivors receive information in writing setting out the benefits of</li> </ul>	<ul style="list-style-type: none"> <li>• Establish a Defence Serious Crime unit bringing together SIB and support teams across the Services.</li> <li>• Issue a Tri-Service policy (JSP) on sexual offending.</li> <li>• Increase the use of pre-recorded special measures for survivors and witnesses at interview and in court.</li> <li>• Improve signposting to support including external organisations and ISVAs.</li> <li>• Review resourcing of forensic analysis facilities in the SJS.</li> <li>• Report on the share of allegations referred for a FME and timelines for doing so.</li> <li>• Establish a Service Police Complaints regime.</li> <li>• Review court listing procedures to identify if sexual offence cases can be further prioritised.</li> <li>• Keep abreast of leading practice and learning by increasing engagement with the Criminal</li> </ul>	<ul style="list-style-type: none"> <li>• Review implementation of and update the policy on sexual offending.</li> <li>• Assess progress annually, adjusting and adapting as required.</li> </ul>

What we are doing and will continue to do	What we will do by the end of 2023	What we will do by 2027
<p>consenting to a FME, timelines for investigation and prosecution, and answering FAQs.</p> <ul style="list-style-type: none"> <li>• Raise awareness that survivors can self-refer to a SARC without needing to contact the Service or civilian police.</li> </ul>	<p>Bar and academics, especially on myths and stereotypes.</p> <ul style="list-style-type: none"> <li>• Expand our programme of attachments with HOPF and bring in expertise to our investigations.</li> <li>• Raise awareness of bespoke support available to those working on sexual offence cases</li> </ul>	
<p><b>Survivor Support</b></p>		
<ul style="list-style-type: none"> <li>• Ensure Sexual Assault Pathways with specialist services are followed for all survivors who have faced sexual assault.</li> <li>• Raise awareness with survivors of external sources of support available.</li> <li>• Adopt the revised Victims Code for the Armed Forces and continue to provide a wide range of support to survivors of sexual offences.</li> <li>• Appointed the Victims Commissioner for England &amp; Wales to the Service Justice Board / Service Justice Executive Group.</li> </ul>	<ul style="list-style-type: none"> <li>• Create a hub for survivor / witness care offering a support service within the sexual offences investigative unit in the DSCU, including a single point of contact.</li> <li>• Develop a way to gather feedback for those encountering the SJS.</li> <li>• Tackle issues of ‘victim shaming’ through education and awareness raising.</li> <li>• Implement a range of practical measures to help survivors feel safe at work / on the Defence estate.</li> </ul>	<ul style="list-style-type: none"> <li>• All of Defence cognisant of all services and support available to victims.</li> <li>• Assess progress annually, adjusting and adapting as required to ensure survivors receive the support they need.</li> </ul>



What we are doing and will continue to do	What we will do by the end of 2023	What we will do by 2027
<b>Partnerships</b>		
<ul style="list-style-type: none"> <li>• Build greater understanding between the SJS and external organisations.</li> <li>• Engagement with the NHS National Steering Group on Women’s Health.</li> <li>• Work in partnership and share information under the Multi-Agency Public Protection Arrangements (MAPPA) to improve the risk management of offenders.</li> <li>• Regular engagement with the Five-Eyes community on sexual offences.</li> </ul>	<ul style="list-style-type: none"> <li>• Formalise and increase our engagement with a community of practice.</li> <li>• Work to link pathways of confidential referrals to tailored external support.</li> <li>• Support external organisations to navigate Defence by providing central points of contact.</li> </ul>	<ul style="list-style-type: none"> <li>• Seek feedback from our community of practice regarding our engagement, being responsive and improving where needed.</li> </ul>
<b>Management Information and Data</b>		
<ul style="list-style-type: none"> <li>• Update our Service Police investigation management system and align what is recorded across the Services.</li> <li>• Outline key metrics for inclusion in six-monthly reporting on the length of time taken for cases to pass through the SJS.</li> <li>• Continue publishing a range of data in the public domain to demonstrate our commitment to accountability and transparency for improvements.</li> <li>• Utilise and interrogate our management information for prevention, including</li> </ul>	<ul style="list-style-type: none"> <li>• Understand more about those individuals coming into contact with the SJS through diversity monitoring.</li> <li>• Produce reports on our performance in line with the CJS and government end-to-end rape review.</li> <li>• Expand the sexual offences bulletin to include information on the pathway followed.</li> <li>• Work with HOPF to improve information sharing with Service Police and ensure it is captured in the Services.</li> </ul>	<ul style="list-style-type: none"> <li>• Routinely interrogate our data to ensure we are taking preventative action and evaluate effectiveness.</li> <li>• Review progress annually and focus efforts on areas where progress appears to be slow.</li> </ul>

## Tackling Sexual Offending in Defence

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What we are doing and will continue to do	What we will do by the end of 2023	What we will do by 2027
learning from secondary analysis of the Lived Experience study data.	<ul style="list-style-type: none"><li>Consider what further qualitative research may be required to support our understanding of the pathways that lead to sexual offending and ways to prevent it.</li></ul>	