

D/DCDS(Pers)35/4

30 Jun 04

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BOARDS OF INQUIRY - IMPROVEMENTS IN PROCESS

Reference:

A. SofS MO4/8K MST/10/8/3 dated 21 May 04.

ISSUE

1. To provide a progress report on the implementation of improvements to the Board of Inquiry (BOI) process.

RECOMMENDATION

2. That the Secretary of State notes the improvements in place and ongoing work towards refining the BOI process.

TIMING

3. Routine. Secretary of State requested an update by the end of Jun 04.

BACKGROUND

4. On 28 Apr 04 Secretary of State met with some of the families bereaved through Operation TELIC. They expressed concerns over the Services' investigative process at large. Specifically, they were critical of the quality and frequency of communication from the MOD, and they lacked confidence in the BOI and investigative processes. Reference A records a

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meeting between Secretary of State and Minister (DP), CDS and DCDS(Pers) to discuss these issues and DCDS(Pers) undertook to provide an update of work in hand. In the interim, the first 2-monthly routine report¹ of ongoing BOI into unnatural deaths and serious injury in the Armed Services was issued. Secretary of State has provided direction on the refinement of the document² and for completeness, a short update on progress is provided in this submission.

COMMUNICATION WITH FAMILIES

5. It is clear that we are failing to meet some families' expectations in respect of the quality and quantity of information we are providing to them. We are tackling this issue from a number of directions, but key to success is the introduction of the post of "Senior Co-ordinator" (an existing 1* officer who has been selected for each of the Services). In summary, his/her role is to ensure the expeditious conduct of BOI and that families are briefed effectively and sufficiently. However, he will also be made aware of broader concerns raised by bereaved families and will play a major role in ensuring a holistic response. To do this, the Senior Co-ordinator will have access to the Visiting Officer (VO) and Service personnel staffs. Specific to BOI, the Senior Co-ordinator will ensure that bereaved families are provided with regular briefs, to give them a realistic expectation of what each stage of the investigation and inquiry process is likely to achieve. More generally, we are addressing the following issues:

a. Correspondence. The problem of bureaucratic, unsympathetic and sometimes inaccurate letters from MOD departments came to light at the outset of Operation TELIC and formed the basis of a complete review of Service bereavement administrative procedures, commissioned by Secretary of State. As far as practicable, routine correspondence to bereaved families (eg from Veterans Agency, AFPA and the Service person's unit, including some letters of condolence) follow a standard template. The production of a Joint casualty procedures manual and indeed the formation of a Joint casualty co-ordination cell (by mid January 2005), will both serve to reinforce this process. Of course, it will always be necessary to have the flexibility to tailor correspondence to suit individual circumstances. As a final filter, all communication with bereaved families is now routed through a single point of contact³ who will act as a broad sift on any insensitive or inconsistent drafting.

b. Review of training for individuals involved in bereavement support. The findings of a scoping study I commissioned indicate that, whilst it might seem logical to adopt a tri-Service approach to the management of bereavement support, each of the single Services has justifiable reason to follow a slightly different approach tailored to their

¹ D/DCDS(Pers)/35/4 dated 14 Jun 04

² SofS MO 4/22H MST 4/9 dated 18 Jun 04.

³ Usually the Visiting Officer appointed to support the bereaved family.

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individual circumstances – geographical, organisational – and differing Service cultures and ethos. The findings do not support the need to establish a bespoke training course for individuals involved in bereavement support (though this may be revisited), given that such a package would be neither financially nor practically viable. The problems of picking VOs from a necessarily ad hoc pool can be overcome by the implementation of general staff training to cover VO duties (which is already done by the RAF), ensuring that specialist advice is readily to hand when required and crucially; ensuring that the, often junior, VO is properly briefed and supervised by his immediate chain of command. This latter element is the key to ensuring that communication with the families is timely, accurate and sympathetic. I would expect that senior commanders in each Service would take a close and personal interest in ensuring that this was done properly. Other initiatives involving established 'best practice', such as the formation of VO pools in times of crisis, will be left to the single Services to implement as they see fit taking into account the overall situation and resources available.

BOARD OF INQUIRY SCRUTINY

6. Secretary of State will have seen my detailed report to VCDS⁴ on progress of implementing the recommendations of the BOI process study. I am pleased to report that all 'quick wins' (which constituted the majority of the recommendations) are now in place. Work is ongoing to establish a robust disclosure policy⁵ and to devise a mechanism to permit local commanders to instigate an immediate investigation in urgent and exceptional cases, in order to prevent further loss of life or serious injury. A separate work strand is in place with Director (Safety and Claims) to establish a formal method of registering BOI reports, disseminating findings and recommendations, and auditing those Health and Safety issues arising from them.

7. Secretary of State asked if a way could be found to include in the process an individual who is independent of both MOD and the bereaved family, without causing further delay, and who would give a view of whether or not the BOI had completed its job successfully, before the report was published. My staffs are looking into this issue in detail now and my findings and recommendations will be submitted under separate cover.

2-MONTHLY ROUTINE REPORT

8. I was grateful for Secretary of State's comments on the first routine report, submitted earlier this month. In addition, our staffs met last week with heads of single Service Secretariats to agree refinement of the report, in anticipation of its next iteration, due on 13 August. Production of the report will enable us to actively manage the BOI process at an appropriate level. Used as a management tool, the report will provide early visibility of any delay

⁴ DCDS(Pers)/35/4 dated 24 Jun 04.

⁵ In anticipation of enactment of Freedom of Information Act in Jan 05.

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in the BOI process and highlight associated problems. I intend closely to monitor progress by the 3 Services in expediting closure of many of the protracted BOI that remain outstanding, and will be inviting the three newly appointed Senior Co-ordinators to a meeting at the end of August, to brief me on progress.

PRESENTATIONAL ISSUES

9. The processes described in this report are internal to the Department and therefore should not attract media interest. They should, however, go some way to improving the confidence and understanding of bereaved families in this often-complex area.

CONCLUSION

10. The initial work of implementing recommendations of the BOI process study has established clear guidelines and practices that should eliminate unnecessary delay in the process and ensure adequate and appropriate communication with bereaved families. We still have some way to go before we have gained the full confidence of our families in this area and I will provide Secretary of State with an update on progress at the beginning of September.

[Original Signed]

DCDS(Pers)

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