



House of Commons  
Defence Committee

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# Pre-appointment hearing for the Service Complaints Commissioner

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**Sixth Report of Session 2014–15**

*Report, together with formal minutes relating  
to the report*

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## The Defence Committee

The Defence Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Defence and its associated public bodies

### Current membership

[Rory Stewart MP](#) (*Conservative, Penrith and The Border*) (Chair)  
[Richard Benyon MP](#) (*Conservative, Newbury*)  
[Rt Hon Jeffrey M. Donaldson MP](#) (*Democratic Unionist, Lagan Valley*)  
[Mr James Gray MP](#) (*Conservative, North Wiltshire*)  
[Mr Dai Havard MP](#) (*Labour, Merthyr Tydfil and Rhymney*)  
[Dr Julian Lewis MP](#) (*Conservative, New Forest East*)  
[Mrs Madeleine Moon MP](#) (*Labour, Bridgend*)  
[Sir Bob Russell MP](#) (*Liberal Democrat, Colchester*)  
[Bob Stewart MP](#) (*Conservative, Beckenham*)  
[Ms Gisela Stuart MP](#) (*Labour, Birmingham, Edgbaston*)  
[Derek Twigg MP](#) (*Labour, Halton*)  
[John Woodcock MP](#) (*Labour/Co-op, Barrow and Furness*)

### Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk/](http://www.parliament.uk/).

### Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at [www.parliament.uk/defcom](http://www.parliament.uk/defcom)

### Committee staff

The current staff of the Committee are James Rhys (Clerk), Leoni Kurt (Second Clerk), Karen Jackson (Audit Adviser), Eleanor Scarnell (Committee Specialist), Ian Thomson (Committee Specialist), Christine Randall (Senior Committee Assistant), Rowena Macdonald and Carolyn Bowes (Committee Assistants), and Sumati Sowamber (Committee Support Assistant).

### Contacts

All correspondence should be addressed to the Clerk of the Defence Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 5745; the Committee's email address is [defcom@parliament.uk](mailto:defcom@parliament.uk). Media inquiries should be addressed to Alex Paterson on 020 7219 1589



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# 1 Introduction

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## Pre-appointment hearings

1. The Government's preferred candidate for the post of Service Complaints Commissioner is subject to the procedure of a pre-appointment hearing with this Committee. Following a recruitment exercise, Anna Soubry MP, Minister for Defence Personnel, Welfare and Veterans, Ministry of Defence (MoD), wrote to the Chair of the Committee on 16 November 2014 to inform us that Nicola Williams had been identified as the preferred candidate for the post of Service Complaints Commissioner. We also received Ms Williams' curriculum vitae and supporting documentation setting out the requirements of the post and details of the recruitment process. We held a pre-appointment hearing with Ms Williams on 26 November 2014.

## 2 Background to the post

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### The role of the Service Complaints Commissioner

2. The current Service complaints process was introduced by the Armed Forces Act 2006 and came into effect on 1 January 2008, replacing the separate single Service legislation and processes that had previously existed. The 2006 Act also established the office of the Service Complaints Commissioner. The Commissioner's role in the complaints process has two functions:

- To provide an alternative point of contact for Service personnel, or someone acting on their behalf, such as a family member, a friend or MP, who for whatever reason does not have the confidence, or is not able, to raise allegations of bullying, harassment, discrimination or other improper behaviour directly with the chain of command; and
- To provide independent assurance on the fairness, effectiveness and efficiency of the service complaints system to ministers, the Services and Parliament by way of an annual report.<sup>1</sup>

3. In each of her Annual Reports, the current Commissioner, Dr Susan Atkins, has stated that she was unable to give “an assurance that the Service complaints system is working efficiently, effectively or fairly”. Following our February 2013 report on the work of the Service Complaints Commissioner, the MoD and the Commissioner began discussions on reforming the Commissioner's role. On 13 March 2014, the Government set out plans to establish a new Service Complaints Ombudsman in place of the Commissioner and to reform the complaints system.<sup>2</sup> The new Ombudsman would be appointed by the Queen on the recommendation of the Secretary of State for Defence. The key features of the Ombudsman's role will be:

- the power, unlike now, to consider whether a Service complaint has been handled properly (once it has completed the internal complaints process);
- where the Ombudsman considers that there has been maladministration and injustice or potential injustice in the handling of a case, the Ombudsman would make formal recommendations to the Defence Council for a Service complaint to be reopened and reconsidered;
- complainants will accordingly gain a new right to apply to the Ombudsman if they believe that the handling of their complaint has been subject to maladministration. This right can be exercised once the internal stages have been completed, which

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1 Defence Committee, Eighth Report of Session 2012-13, [The work of the Service Complaints Commissioner for the Armed Forces](#), HC 720

2 HC Deb, 13 March 2014, [cols 35–36WS](#)



will normally mean after one level of appeal, and will replace the right to pursue further appeals within the internal complaints process; and

- at an earlier stage of the complaints procedure, where a decision is made not to allow a complaint to be considered within the Service complaints system (because it is out of time or excluded on other grounds), a Service person could ask the Ombudsman to determine whether that decision was correct. The Ombudsman's decision will be binding.<sup>3</sup>

4. The Ombudsman will retain the role of providing an alternative route for Service personnel (or someone acting on their behalf such as a family member, friend or MP) who do not wish to approach the chain of command directly to have allegations fed into the system. The requirement on the Service Complaints Commissioner to produce an annual report on the fairness, efficiency and effectiveness of the Service complaints system will also transfer to the Ombudsman.<sup>4</sup>

5. On 5 June 2014, the Armed Forces (Service Complaints and Financial Assistance) Bill was introduced in the House of Lords to provide the legal basis for the proposed changes.<sup>5</sup> During the House of Lords' consideration of the Bill we undertook a short inquiry into the provisions of the Bill and published our report on 23 October 2014 to assist the House of Commons in its scrutiny of the legislation. Our report included recommendations regarding the appointments process for the Ombudsman and his or her powers.<sup>6</sup> We are awaiting the Government response to our report. The House of Lords has completed its consideration of the Bill and it is currently awaiting consideration by the House of Commons. The MoD envisage that the successful candidate for the post of Service Complaints Commissioner will in the first instance take on the role and powers of the Commissioner, and once the legislation has come into force, the new role of the Service Complaints Ombudsman with its increased powers.<sup>7</sup>

6. The current Commissioner works three days per week while the Ombudsman will be appointed on a full time basis for a non-renewable five year term with a salary of £130,000.<sup>8</sup> The person specification for the post set out the following skills and experience for the role:<sup>9</sup>

*Essential criteria:*

- Proven senior level record of achievement within dynamic medium to large organisations, particularly in leading the management of change.

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3 Ministry of Defence ([PRE0001](#))

4 Ministry of Defence ([PRE0001](#))

5 [Armed Forces \(Service Complaints and Financial Assistance\) Bill](#) [Lords] [Bill 003 (2014–15)]

6 Defence Committee, Fifth Report of Session 2014-15, [Armed Forces \(Service Complaints and Financial Assistance\) Bill](#), HC 508

7 Ministry of Defence ([PRE0001](#))

8 Ministry of Defence ([PRE0001](#))

9 Ministry of Defence ([PRE0001](#))

- Excellent oral communication and inter-personal skills with an ability to communicate effectively with people at all levels including Ministers, the most junior to the most senior of those serving in the Armed Forces and other interested parties, such as MPs, the House of Commons Defence Committee, Service charities and families.
- Excellent analytical skills with an ability to examine complex and detailed information and make sound, evidence-based judgements and recommendations.
- Excellent written communication skills with experience of producing reports which include evidence based recommendations.

*Desirable criteria:*

- Experience of design and implementation of quasi-judicial or publicly scrutinised processes.
- Proven ability to work in an environment of close parliamentary, media and public scrutiny.

## 3 The recruitment process and our scrutiny

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### Recruitment process

7. The MoD provided us with a memorandum on the recruitment process.<sup>10</sup> The post was advertised on 20 July 2014 and the closing date for applications was 8 September 2014. The recruitment campaign was conducted in line with Cabinet Office and the Office of the Commissioner for Public Appointments (OCA) guidance. GatenbySanderson were appointed by the MoD to administer the competition and carry out an executive search. Serving members of the Armed Forces were ineligible to apply and the candidate pack also stated that those with recent Armed Forces or Civil Service experience were also likely to be ineligible. The members of the selection panel were:

- Margaret Scott, OCA Public Appointments Assessor and Chair;
- Air Chief Marshall Sir Stuart Peach KCB, Vice Chief of the Defence Staff;
- Lieutenant-General Andrew Gregory CB, Chief Defence Personnel;
- Gavin Barlow, Director Service Personnel Policy;
- Elizabeth France, Chair of the Office for Legal Complaints.

Elizabeth France was the independent member of the panel.

8. There were 88 applications for the post with 12 candidates long-listed for preliminary interview by GatenbySanderson. Four candidates were shortlisted for final interviews and the panel decided that two candidates were appointable to the role. Anna Soubry MP, Minister for Defence Personnel, Welfare and Veterans, MoD, met the candidates on 3 November and nominated Nicola Williams as her preferred candidate.

### The Government's preferred candidate

9. Nicola Williams has held the post of the Complaints Commissioner for Cayman Islands since 2009 with a remit that covers 93 government bodies. Since 2009 she has also been a Crown Court Recorder sitting on the London and South Eastern Circuit. Previously, Ms Williams was a Commissioner at the Independent Police Complaints Commission with particular responsibility for Kent, Sussex, the Ministry of Defence Police and part of the Metropolitan Police. She has also been a board member at the Police Complaints Authority and from 1985 to 2001 she was a barrister in private practice specialising in criminal law.

10. A full CV is appended to this report.

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10 Ministry of Defence ([PRE0001](#))

## Our scrutiny

11. We questioned Ms Williams on her professional background and what had attracted to the post, her past experience, including her prior professional or personal experience of the Armed Forces, and her independence.

12. Particular lines of questioning focused on:

- maintaining the independence of the Commissioner;
- the change of the post to one of an Ombudsman and how she would manage this transition;
- how she would familiarise herself with the many aspects of Service life, the differences between each of the Services and the different challenges they face;
- how she would engage with the various stakeholders in the complaints process such as complainants, the chain of command, Parliament, media and the public;
- what challenges she foresaw for the complaints system over the next three years and her priorities in addressing them;
- how she would ensure the fairness, effectiveness and efficiency of the Service complaints system; and
- how she would measure the effectiveness of her tenure as Commissioner / Ombudsman.

## 4 Conclusion

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*13. We are satisfied that Nicola Williams has the professional expertise and personal independence required for the post of Service Complaints Commissioner and that she will be able to lead the Commissioner's office through the transition of the post to one of an Ombudsman and the introduction of a reformed Service complaints system. We recommend that the Secretary of State proceed with her appointment and wish her every success in the post.*

## Appendix: Nicola Williams' curriculum vitae

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### Employment

From 30.3.2012–Accredited Mediator, London School of Mediation; member, CIAMA (Cayman Islands Association of Mediators and Arbitrators).

From 23.10.09 - Appointed to the judiciary of England and Wales as a Crown Court Recorder. Sitting on the London and South-Eastern Circuit hearing a variety of criminal trials and appeals from the Magistrates Court.

From 17.8.09–15.8.15

Complaints Commissioner for the Cayman Islands

Office of the Complaints Commissioner (OCC)

P.O. Box 2252

202 Piccadilly Centre

28 Elgin Avenue

George Town, Grand Cayman

KY1-1107, CAYMAN ISLANDS

Sole Ombudsman office for the Cayman Islands and head of a staff of 6. The OCC investigates complaints against 93 government entities. In addition, the OCC conducts major investigations of national importance; the resulting Reports on these investigations on issues such as pensions mismanagement, health and safety in the construction industry, and whistleblowing have been widely reported nationally and globally.

Along with the Cayman Islands Human Rights Commission, the OCC is the leading human rights organisation in the Cayman Islands.

1.4.2004–31.3.2009:

Commissioner,

Independent Police Complaints Commission,

90 High Holborn,

London WC1V 6BH.

The Commission is the guardian of the police complaints system for England and Wales. In this role, I had particular responsibility for Kent, Sussex and the Ministry of Defence Police Forces, as well as part of the Metropolitan Police Service. This involved not only dealing with complaints of the utmost gravity, including fatalities involving police (shootings, road traffic incidents, deaths in custody), but also encouraging both the public and the police to have full confidence in the police complaints system by ensuring it operates in a fair and impartial manner. To this end I regularly had meetings

with police officers of all ranks up to and including the highest seniority; members of the public, individually as well as community groups; and other key stakeholders such as the Mayor's office. I also had conduct of, and ultimate responsibility for, a number of significant nationally reported cases, & have been interviewed on several occasions on television and radio, and in print.

I was the lead Commissioner responsible for drafting IPCC guidelines on investigating allegations of discriminatory conduct by police officers.

I was also a member of the IPCC Resources and Diversity Committees.

1.9.01–31.3.04:

Board Member,

Police Complaints Authority

Great George Street,

Westminster, London, SW1.

My responsibilities in this post were broadly similar to those in my role at the IPCC, but for different forces, including Merseyside and North Wales police.

1.10.85–31.7.01: Barrister in private practice

I was a barrister in private practice for nearly 16 years before accepting my appointment at the Police Complaints Authority. During this time I practiced in a number of fields in the High Court, Crown Court and Court of Appeal, specialising in Criminal Law - including three successful Commonwealth death penalty appeals before the House of Lords sitting as the Privy Council. I remain a door tenant at Chambers of Lord Gifford QC, Mitre Court Buildings, Temple, London EC4

### **Professional Achievement**

Part of a delegation sponsored by the British Council, lecturing Turkish police inspectors on Human Rights.

I will complete a Certificate in International Human Rights Law (Nottingham University) in October 2014.

Three times listed as one of the 100 most influential Black people in the U.K (1998; 2007-8; 2008-9).

Winner, Cosmopolitan magazine Woman of Achievement Award (Professions).

From 1.1.2014–Member, UK Association of Women Judges.

From 30.3.2012–Accredited Mediator, London School of Mediation; member, CIAMA (Cayman Islands Association of Mediators and Arbitrators).

Vice-President, Caribbean Ombudsman Association 2010-13.

Legal expert on BBC World for the OJ Simpson trial verdict in 1995.

Founder Member, Independent Advisory Group to the Metropolitan Police Service (following recommendations arising from the Macpherson Report into the death of Stephen Lawrence [1999]).

Member, Bar Council Equality & Diversity Committee (January 2008–April 2009).

Former Trustee, African Caribbean Diversity.

Member, Viridi Enquiry Panel.

Author of the legal thriller, “Without Prejudice”, published in 1997 in both the U.K. and U.S.

Former Chair, London Regional Advisory Council, BBC.

Member, Advertising Advisory Committee, BCAP (January 2009–August 2010).

Presenting papers at a number of conferences, notably:

- International Funds Conference, Grand Cayman, January 2010 (paper on transparency)
- “Confidentiality–A Key to Integrity”, Caribbean Ombudsman Association Conference, Curacao, November 2010.
- “The Principles of Public Administration and the Role of the Ombudsman”– Centre for Justice conference, Bermuda, March 2012
- “Delivering More With Less”–10th World Conference of the International Ombudsman Institute, New Zealand, November 2012.
- Speaker on Whistleblowing and good governance, UCCI International Conference, March 2014.

Was actively involved in the Speakers for Schools programme, which encouraged young people from disadvantaged and under-represented communities to enter the U.K. legal profession.

## **Education**

BA (Hons) Law, 1984

Bar Finals: called 1985

Pupillage: Farrar’s Buildings, Temple, EC4; and 8 King’s Bench Walk, Temple, EC4.



**Table 1: Recruitment of Service Complaints Commissioner**

<b>Candidate information from On-line Political Activity Declaration</b>	
<b>Title</b>	<b>Ms</b>
<b>Forename</b>	<b>Nicola</b>
<b>Surname</b>	<b>Williams</b>
<b>Obtained office</b>	<b>N</b>
<b>Stood as Candidate</b>	<b>N</b>
<b>Spoken on behalf</b>	<b>N</b>
<b>Acted as Agent</b>	<b>N</b>
<b>Held office local branch</b>	<b>N</b>
<b>Canvassed or helped</b>	<b>N</b>
<b>Other Political Activity</b>	<b>N</b>
<b>Made recordable donation</b>	<b>N</b>
<b>None of the above</b>	<b>Y</b>
<b>Name of party</b>	
<b>Comments</b>	

Source: Nicola Williams' application

# Formal Minutes

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**Wednesday 26 November 2014**

Members present:

Rory Stewart, in the Chair

Richard Benyon

Mr Dai Havard

Dr Julian Lewis

Mrs Madeleine Moon

Sir Bob Russell

Draft Report (*Pre-appointment hearing for the Service Complaints Commissioner*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 13 read and agreed to.

A Paper was appended to the Report.

*Resolved*, That the Report be the Sixth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for publishing with the Report.

[Adjourned till Wednesday 3 December at 2.30 pm]

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at [www.parliament.uk/defcom](http://www.parliament.uk/defcom).

### **Wednesday 26 November 2014**

*Question number*

**Nicola Williams**, the Government's preferred candidate for the post of Service Complaints Commissioner

[Q1-54](#)

## Published written evidence

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The following written evidence was received and can be viewed on the Committee's inquiry web page at [www.parliament.uk/defcom](http://www.parliament.uk/defcom). INQ numbers are generated by the evidence processing system and so may not be complete.

- 1 Ministry of Defence ([PRE0001](#))

# List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the Committee's website at [www.parliament.uk/defcom](http://www.parliament.uk/defcom).

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

## Session 2014–15

First Report	The Ministry of Defence Main Estimates 2014–15	HC 469 (HC 681)
Second Report and First Joint Report	Scrutiny of Arms Export and Arms Controls (2014) First Joint Report of the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees of Session 2014–15	HC 186 (Cm 8935)
Third Report	Towards the next Defence and Security Review Part Two: NATO	HC 358 (HC 755)
Fourth Report	The Armed Forces Covenant in Action Part 5: Military Casualties, a review of progress	HC 527
Fifth Report	Armed Forces (Service Complaints and Financial Assistance) Bill	HC 508