



House of Commons
Defence Committee

Pre-appointment hearing for the Service Complaints Ombudsman

Third Report of Session 2019–21

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

*Ordered by the House of Commons
to be printed 1 December 2020*

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.

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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.

Publications

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Committee staff

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You can follow the Committee on Twitter using [@CommonsDefence](https://twitter.com/CommonsDefence).

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1 Introduction

Pre-appointment hearings

1. The tenure of the current Service Complaints Ombudsman for the Armed Forces, Nicola Williams, will end on 31 December 2020. We held a valedictory session with her on 13 October 2020.¹ During the session we discussed her reflections on her time in office and explored her specific concerns on:

- the efficiency, effectiveness and fairness of the complaints system and how this should be measured;
- the governance, independence and resources of the Ombudsman's office;
- the levels and types of complaints and the overrepresentation of female and BAME personnel in the complaints system; and
- future challenges for the Ombudsman, including the potential reforms from the Wigston Report into inappropriate behaviours in the Armed Forces.

2. **We are grateful to Ms Williams for her work as the first Service Complaints Ombudsman and wish her well in the future.**

3. The Government's preferred candidate to be the new Ombudsman is subject to the procedure of a pre-appointment hearing with this Committee. Following a recruitment exercise, Johnny Mercer MP, Minister for Defence People and Veterans, Ministry of Defence, wrote to the Chair of the Committee on 13 November 2020 to inform us that Mariette Hughes had been identified as the preferred candidate for the post.² We also received Ms Hughes' 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 Hughes on 1 December 2020.

1 Oral evidence taken on 13 October 2020, [Work of the Service Complaints Ombudsman](#), HC (2019–21) 881

2 Ministry of Defence ([PHA0001](#))

2 Background to the post

4. 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.³ The Service Complaints Ombudsman for the Armed Forces was established in 2016 by the Armed Forces (Service Complaints and Financial Assistance) Act 2015 to replace the Service Complaints Commissioner (established under the Armed Forces Act 2006 and operational from 2008–2015) as part of a wide range of reforms to the overall Service complaints process.⁴

5. The Ombudsman retained the role of providing an alternative route for Service personnel 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 was also transferred to the Ombudsman.⁵ To date, the Ombudsman has never judged the Service complaints system to be efficient, effective and fair. The Act also provided the Ombudsman with investigatory powers.⁶ The findings of the Ombudsman on individual cases are binding in law on each of the Services and can be challenged only through judicial review. Recommendations are made based on the findings to allow for appropriate redress. These are not binding but cannot be rejected without a sufficient reason.

6. On 15 July 2019, the Ministry of Defence (MoD) published the Wigston Report into inappropriate behaviours, led by Air Chief Marshal Wigston.⁷ This made 36 recommendations on how to investigate and deal with inappropriate behaviour within the Armed Forces. The then Secretary of State for Defence accepted all recommendations, these included:

- Establishing a Defence Authority responsible for cultures and inappropriate behaviours and allocating the responsibility for the reporting and handling of all serious behavioural complaints to the Defence Authority, based on an agreed threshold and including anonymous and bystander reporting;
- Implementing a two-tier complaints system, reserving the full scope of the current system for the most complex cases including bullying, harassment and discrimination; and
- A new harassment survey to be conducted in 2021 building on the Army Sexual Harassment Survey 2018, informed by an independent advisory group. Defence should consider a ‘call for evidence’ on inappropriate behaviours in conjunction with this survey, in order to provide supporting detail to the survey.

3 Armed Forces Act 2006, [section 340](#)

4 Armed Forces (Service Complaints and Financial Assistance) Act 2015, [section 1](#)

5 Armed Forces (Service Complaints and Financial Assistance) Act 2015, [section 2](#)

6 Armed Forces (Service Complaints and Financial Assistance) Act 2015, [section 2](#)

7 Ministry of Defence, [Report on Inappropriate Behaviours](#), July 2019; see also Written Ministerial Statements, [HCWS1720](#), 15 July 2019 and [HCWS1504](#), 10 April 2019

7. At the request of the Secretary of State, Danuta Gray (Non-Executive Director of the MoD and Chair of its People Committee) agreed to conduct a ‘one year on’ review of the Wigston Report. The review began on 15 July 2020 and was due to complete in Autumn 2020.⁸

8. The Ombudsman is appointed by the Queen on the recommendation of the Secretary of State for Defence on a full-time basis for a non-renewable five-year term with a salary of £130,000 per year.⁹ The job description for the new Ombudsman listed the following key responsibilities:

- provide strategic direction, for the Office of the Service Complaints Ombudsman;
- provide independent and impartial oversight of the handling of the Services Complaints system;
- undertake public facing representation as the Ombudsman for the Service Complaints system;
- engage with senior stakeholders in the Armed Forces on a strategic level, and to undertake engagement visits both in the UK and overseas with members of the Armed Forces community to raise awareness of the role of Ombudsman and the Service Complaints system;
- act as first point of contact for those who feel unable to make their complaint through the chain of command;
- review decisions made by the Specified Officer to not accept a complaint or the appeal of a complaint (review of admissibility);
- investigate allegations of alleged undue delay in a Service matter or Service Complaint;
- investigate allegations of alleged maladministration at the conclusion of the Service Complaints process;
- investigate the substance of Service Complaints that have been finally determined where the Complainant does not agree with the outcome;
- report to Parliament via the Secretary of Defence each calendar year on how the Service Complaints system is operating and whether it is efficient, effective and fair; and,
- make recommendations to the Ministry of Defence for the improvement of the Service Complaints system.

9. It also set out the criteria which candidates would need to demonstrate:

8 PQ [85970](#), 10 September 2020; PQ [88829](#), 16 September 2020; PQ [114088](#), 16 November 2020; PQ [115528](#), 23 November 2020

9 Ministry of Defence ([PAH0001](#))

Essential criteria:

- 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 ability to produce reports which include evidence-based recommendations.

Desirable criteria:

- Proven ability to work in an environment of close parliamentary, media and public scrutiny.
- Previous ability of working within and/or management of a grievance related environment.
- Additional proven ability of financial accountability linked to management of a budget.
- Previous experience of working within a legal environment or a role with a legislative background.

3 The recruitment process and our scrutiny

Recruitment process

10. The Ministry of Defence (MoD) provided us with a memorandum on the recruitment process.¹⁰ The campaign was launched on 4 August 2020 and the closing date for applications was 26 August 2020. The recruitment campaign was conducted in accordance with the Cabinet Office's 2016 Governance Code on Public Appointments and regulated by the Commissioner for Public Appointments. 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 Advisory Assessment Panel for the post were:

- Panel chair: Lieutenant General James Swift, Chief of Defence People
- Other panel member: Helen Helliwell, Director Armed Forces People Policy
- Senior Independent Panel Member: Cindy Butts

11. There were 50 applications for the post; five candidates were invited for interview by the panel, which identified three candidates as appointable to the role. Johnny Mercer MP, Minister for Defence People and Veterans, Ministry of Defence, wrote to the Chair of the Committee on 13 November 2020 to inform us that Mariette Hughes had been identified as the preferred candidate for the post.

The Government's preferred candidate

12. Since March 2018, Mariette Hughes has been the Head of External Affairs, Service Policy and Impact with the Legal Ombudsman. She also currently holds the interim posts of Chief Ombudsman (since September 2020) and Director of Operations (since July 2020). Prior to this she was an Ombudsman (September 2016 to March 2018) and an Investigator (September 2014 to September 2016) within the same organisation. A full CV is appended to this report.

Our scrutiny

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

14. Particular lines of questioning focused on:

- maintaining the independence of the Ombudsman;
- 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;

10 Ministry of Defence ([PAH0001](#))

- 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 Ombudsman.

Conclusion

15. *We are satisfied that Mariette Hughes has the professional expertise and personal independence required for the post of Service Complaints Ombudsman and that she will be able to lead the Ombudsman's office. Her five-year tenure will be challenging as she continues work to reduce current backlogs and the overrepresentation of BAME and female personnel in the complaints system together with the further reforms as the Wigston Report recommendations are implemented. We recommend that the Secretary of State proceed with her appointment and wish her every success in the post.*

Appendix: Mariette Hughes' Curriculum Vitae

Strategic, motivated and dynamic leader, with excellent analytical skills. Experienced in leading from the front with high visibility and credibility. Proven track record in driving delivery and improvement at individual, team, department and organisational level. Confident leader, able to communicate effectively at all levels.

Professional experience

Legal Ombudsman

Interim Chief Ombudsman [September 2020 onwards]

Director of Operations (Interim) [July 2020 onwards]

Duties/responsibilities:

- Provide strategic oversight and leadership to the organisation;
- Lead on and be accountable for the delivery of the organisation's business plans and KPI's and provide full assurance to the Chair and the OLC Board;
- Ensure all decisions made by the organisation, whether corporate or scheme related are open, fair, independent and based on clear evidence and compliant with policy and procedure;
- Manage significant budget and expenditure, and ensuring principles of managing public money are followed;
- Make final and binding decisions on complex legal complaints, and
- Line manage a number of multi-disciplinary teams including Operational Delivery, Transformation, L&D and Research, and External Affairs.

Head of External Affairs, Service Policy & Impact [March 2018–present]

Duties/responsibilities:

- Lead schedule of external engagements, taking responsibility for increasing external confidence in the organisation;
- Analyse themes and trends and drive improvements to performance, incorporating professional delivery and quality of service;
- Make service policy decisions affecting the delivery of the Legal Ombudsman scheme;
- Lead on stakeholder engagement and feeding back to service providers; and

- Influence and drive the transformation agenda, considering developments to structures, processes and guidance.

Ombudsman [September 2016–March 2018]

Duties/responsibilities:

- Issue legally binding, accurate and logical written decisions in the context of complaints about legal service providers;
- Provide training, support and mentoring to other members of staff;
- Provide support in specialised areas of legal knowledge;
- Write, publish and update internal guidance, and Support the organisation in performing to agreed KPIs.

Investigator [September 2014–September 2016]

Duties/responsibilities:

- Negotiate informal resolutions where possible, both in writing and verbally;
- Write Preliminary Decisions to clearly demonstrate the conclusions reached through analysis of the evidence, and
- Provide an independent and fair service to all stakeholders.

Chubb Fire & Security

Engineer Support [July 2011–September 2014]

Duties/responsibilities:

- Provide constructive and direct feedback to the engineering workforce;
- Assist with the resolution of customer disputes through negotiation;
- Ensure team meets deadlines and completes all work to a high standard, and
- Process all paperwork in line with set timescales and processes.

Qualifications and training

Conversations with Impact, Gambling Commission training course (December 2017)

Introducing Leasehold Conveyancing [Residential Leases], CPD course BPP University (February 2017)

Introducing Residential Conveyancing, CPD course BPP University (February 2017)

Aspiring Leaders, Legal Ombudsman training course (April 2016)

NVQ Business Administration, Level 2 (March 2013)

Education

2009 BA (Hons) Modern Languages, 2:1 – University of Durham

2004 A levels: French (A), Maths (B), German (B), General Studies (A), Latin (A–AS level)
– King Edwards VI Camp Hill Girls Sixth Form

Interests

Keen American football player, representing Great Britain and Birmingham Lions (national champions).

References

Available on request.

Declaration of Interests

Conflicts of Interests

Do you have any business or personal interests that might be relevant to the work of the body/bodies for which you have applied and which could lead to a real or perceived conflict of interests were you to be appointed? (Failure to disclose such information could result in an appointment being terminated.)

Yes: No: ✓

If yes, please give details:

Political Activity

In the last five years, have you been employed by a political party, held a significant office in a party, stood as a candidate for a party in an election, publicly spoken on behalf of a political party, or made significant donations or loans to a party?

Yes: No: ✓

If yes, please give details:

Other Ministerial Appointments held

Do you currently hold any appointments made by or on behalf of Ministers?

Yes: No: ✓

If yes, please provide the information below:

Body, period of appointment, payments received, government department

n/a

Declaration

I confirm that to the best of my knowledge and belief, the information given in this form is complete and correct. I understand that if I am appointed and the information, I have provided is subsequently found to be untrue then my tenure of office may be terminated.

I understand that my application will be considered for membership of the NDPB, without commitment and agree to the NDPB and Ministry of Defence holding information about my application electronically, within the terms of the Data Protection Acts of 1984 and 1998.

I understand that if appointed, details of my membership of the NDPB will be published.

Signature: Mariette Hughes Date: 25 August 2020

Formal minutes

Tuesday 1 December 2020

Members present:

Sarah Atherton

Gavin Robinson

Martin Docherty-Hughes

In the absence of the Chair, Mr Martin Docherty-Hughes was called to the chair.

Pre-appointment hearing for the Service Complaints Ombudsman

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

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

Paragraphs 1 to 15 read and agreed to.

A Paper was appended to the Report as Appendix 1.

Resolved, That the Report be the Third 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

[Adjourned till Tuesday 8 December at 10.00am

Witnesses

The following witness gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 1 December 2020

Mariette Hughes, Government's preferred candidate for the post of Service Complaints Ombudsman

[Q1-24](#)



Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

- 1 Ministry of Defence ([PAH0001](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2019–21

Number	Title	Reference
1st	In Search of Strategy—The 2020 Integrated Review	HC 165
2nd	The Security of 5G	HC 201
1st Special Report	Armed Forces Covenant Annual Report 2018: Government Response to the Committee's Eighteenth Report of Session 2017–19	HC 162
2nd Special Report	Drawing a Line: Protecting Veterans by a Statute of Limitations: Government Response to the Defence Committee's Seventeenth Report of Session 2017–19	HC 325
3rd Special Report	In Search of Strategy—The 2020 Integrated Review: Government Response to the Committee's First Report of Session 2019–21	HC 910