

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Claim no: CO/4671/2014

BETWEEN:

THE QUEEN
on the application of
CHILD SOLDIERS' INTERNATIONAL

Claimant

and

THE SECRETARY OF STATE FOR DEFENCE

Defendant

WITNESS STATEMENT OF BRIGADIER NICK CAVANAGH

I, Brigadier Nick Cavanagh of Sedgemoor Buildings, Monxton Road, Andover, SP11 8HT, will say as follows:

1. My current post is Director of Manning (Army). I took over this role in July 2013. I have 27 years of Army service, having been commissioned into the Royal Engineers in 1988 after reading Engineering at Cambridge University. During my career I have commanded soldiers at all levels and have been deployed on operational tours to Northern Ireland, Kuwait, Iraq, the Balkans and Afghanistan. I have also undertaken a number of staff appointments, including a tour as the Military Assistant to the Master General of the Ordnance in the Defence Procurement Agency and as Assistant Director Plans in the Land Forces Directorate of Infrastructure with responsibility for the Army's infrastructure strategy and plans. Prior to becoming the Director of Manning (Army) I worked in the Army Headquarters as the Assistant Chief of Staff Land Forces, working for Commander Land Forces with responsibility for the development of Land Forces Plans and Programmes.

2. I make this statement in support of the Defendant's response to the Claimant's application for judicial review of the Defendant's minimum service period requirements for soldiers initially recruited as minors (U18).
3. Insofar as the facts in this statement are within my direct knowledge, they are true. Insofar as the facts in this statement are not within my direct knowledge, they are true to the best of my knowledge and belief.

Recruitment of Under 18s

4. Under 18 entrants currently make up more than a quarter of the Army's soldier inflow and are therefore essential for maintaining required manning levels.
5. The terms of service under which they serve make special provision for them, and allow for discharge on application until they reach their 18th birthday.
6. On reaching their 18th birthday they are required to serve for a minimum of 4 years, in line with other entrants, in order to ensure a reasonable period of useful, fully deployable, service.
7. In the current manning climate, allowing under 18 entrants to transfer to the Reserve after 4 years service from attestation would risk causing a spike in the numbers of personnel leaving which, given the current predicted shortfall in recruiting, would have an immediate and detrimental effect on operational effectiveness.
8. On average under 18 entrants serve for 3 years longer than over 18 entrants. Although under 18 entrants, on completion of training, are not deployed in combat operations they are able to contribute to important functions undertaken by that part of the Army (the Generating Force) which prepares other personnel to deploy and carries out other operational support tasks in the home base.

The Recruitment Requirement

9. The Army is one of the largest public sector entities in the country. After the National Health Service it is the largest provider of work and is comparable in

scale with the major employers in the private sector. The regular Army has a current strength (officers and soldiers) in excess of 82,000.

10. In order to maintain its operational effectiveness and carry out the wide range of tasks allocated to it by the Government, the Army must attract over 9,300 people per year to commence training for an Army career. This ensures that the right number of people complete training and join the Army's pool of personnel available for deployment, referred to as the *trained strength*.

11. The arduous nature of military training is such that only a proportion of those who commence training will stay the course and, from an intake of 9,300, the Army expects to obtain around 7,000 fully trained personnel. The latter figure represents the Army's demand in order to maintain a stable structure and is the number of people, across all ranks, who leave the Army annually.

12. Given the unique demands placed on it, the Army must recruit personnel who, after training, are capable of carrying out their role under operational conditions. The Army's recruiting process has been refined over time to ensure entrants with the optimum mix of physical, mental and personal qualities are selected. Recruits under the age of 18, although the minority, make up an important element of the overall annual recruiting requirement for reasons set out in this statement.

13. Most organisations can attract and recruit external personnel at any level. In contrast, military service requires a unique range of skills and, for all but the most junior ranks, specific military experience which can only be gained through service. This means the Army must, as a general rule, recruit from internal resource for all but the most junior ranks. This model is sometimes referred to as "bottom-fed recruitment" and is common to all military services.

14. "Bottom-fed recruitment" necessitates predictable recruitment to ensure that the organisation retains sufficient personnel both to be promoted to fill more senior appointments and to maintain manning levels in junior ranks.

15. The Army's requirement to maintain stable levels of manning is greater than that of the other Services because of the intrinsic relationship between manning levels and output which is unique to the Army. The Army delivers most of its capability through the collective use of large quantities of manpower. This is in contrast to

the other Services where there is greater emphasis on the deployment of platforms (eg. ships, submarines and aircraft) and equipment.

Force Generation

16. The relationship between manning levels and output also influences the way in which the Army generates individuals and groups for operations because, in order to undertake all its tasks, the Army also requires a relatively large pool of people to undertake training and operational support tasks. Very few personnel are engaged in a combat role at all times but the majority must be available for a wide range of support and combat tasks.
17. The way in which the Army prepares personnel for operations is known as the force generation process. Personnel and formed units are deployed or held at readiness for operations following a progressive training programme. Personnel are normally held at readiness for operations or deployed for limited periods of time in order to avoid undue fatigue and a detrimental impact on their performance. Thus the normal length of an operational deployment is limited to 6 months with an expectation of 24 months between deployments.
18. Based on experience gained from recent operations and assessment of the force levels required to complete the tasks allocated to it, the Army requires approximately 75% of its personnel to be available for deployment. This element of the Army is known as the Generated Force. The remaining 25% provide the training and other support tasks required to sustain the generated force and are known as the Generating Force.
19. Over time, the vast majority of personnel will cycle between these two parts of the Army although it is expected that those personnel who cannot deploy for various reasons (for example, medical reasons, pregnancy, training) will be engaged in the Generating Force. While there are some roles that are only found in the Generating Force (for example, training, discipline and welfare roles), personnel are not tied to these and under 18 soldiers are not specifically recruited into these posts.
20. The vast majority of under 18 entrants do not finish their training, and become members of the trained strength, until after their 18th birthdays (see paragraphs

32 and 33 of Major General Tickell's statement). Further, even if an entrant does finish training before their 18th birthday, restrictions imposed on under 18-service personnel preclude their deployment on combat operations (see below for further detail). Therefore whilst they may still play an important role in the Generating Force, taking part in activities that prepare and train units for operations, it is not until they reach the age of 18 that the Army is able to derive a full and unrestricted return of service from them.

The Directorate of Manning's Responsibilities

21. The Directorate of Manning sits within Army HQ in Andover and is responsible for Army manning policy. The department is subordinate to the Adjutant-General, General Sir Gerald Berragan, who is the Army's Principal Personnel Officer. The Directorate is responsible for forecasting the Army manning requirements, that is to say, how many people need to be engaged in a particular part of the Army, and for setting the number of people the Army is going to need to join its trained strength in order to meet those requirements.

22. Government policy dictates the service and outputs required from the Armed Forces. It is then for each of the single Services to design structures and recruit sufficient personnel to generate these outputs. For the Army this means being able to conduct a wide spectrum of operations from the defence of the UK and overseas territories, to support to organisations and other government departments in responding to humanitarian crisis. In order to populate these structures the Army employs a dynamic manpower planning process to generate the right number and type of manpower in the right place at the right time. Part of this process includes analysing personnel data so the Directorate can understand trends and predict future manning needs. In light of its manpower requirements and the challenges of attracting sufficiently talented people, the Army must recruit widely and accepts entrants between the ages of 16 and 33. The majority of soldier recruits are over 18, however under 18s in the form of Junior Entrants are routinely expected to make up 15% of the annual soldier 'steady state' inflow.

23. This year 1,483 under 18 entrants will commence training as Junior Soldiers on the Junior Entrant scheme, by way of comparison the inflow of under 18s into the Royal Navy has been, on average, 57 over the past 3 years. Royal Air Force inflow in 2011/2012 did not exceed 110 under 18 entrants.

24. I am also responsible for setting manning policies to maintain manpower at an appropriate level, for example, setting the policy for retirement age and for the minimum length of service that might be required in order to become eligible for promotion. Given the direct correlation between Army manning and operational effectiveness, predictable manning levels are very important. It is also vitally important to guarantee the minimum length of service that the Army derives from each person that joins its trained strength. My Directorate therefore mandates both minimum and maximum lengths of service for each member of the Army. This allows me to ensure manning stability.

Terms of Service

25. A considerable amount of the Directorate's work relates to regular personnel Terms of Service (ToS). These are written in accordance with primary and secondary legislation and prerogative powers. The Armed Forces Act 2006 (updated by the Armed Forces Act 2011) gives the Defence Council the power to make provision for enlistment, service and discharge, amongst other matters. Various statutory instruments underpin the broader legislation and Queen's Regulations for the Army 1975 provide additional prerogative powers and administrative detail by which Army personnel must abide. The Regulations determine the framework within which the Ministry of Defence and the Army write and apply Human Resource policy which is disseminated in the form of Joint Service Publications, Army General Administrative Instructions and Defence Instructions and Notices.

Service in the Army

26. Members of the Armed Forces do not have contracts of employment as they serve at the pleasure of Her Majesty. This means that service personnel, instead of express or implied contractual terms, have terms of service which set out the major aspects of their engagement. The key piece of legislation that determines a Regular soldier's terms of service is SI 3382 / 2007 – The Army (Terms of Service) Regulations 2007 (and amendments thereafter) (Army ToS Regs). These and Queen's Regulations set out the length of a soldier's engagement, their initial commitment period, career progression, promotion (or demotion), assignment, transfer between parts of the Army, return of service commitments

and extensions of service. Potential officers enter Sandhurst as a soldier and are subject to the same statutory provisions until they complete the commissioning course and convert to officer ToS.

Enlistment

27. The Armed Forces Act 2006 states that the Defence Council may make provisions prohibiting the enlistment of persons under the age of 18 without the consent of prescribed persons. SI 2057 / 2009 – The Armed Forces (Enlistment) Regulations 2009 - confirms who these prescribed persons may be and also states that the minimum age for enlistment is age 16. An individual enlists when they sign the declaration within the enlistment paperwork and, where necessary, when written consent is provided by the appropriate person. This enlistment procedure must be undertaken in the presence of a recruiting officer and their approval of the enlistment process is known as attestation.

Age of Enlistment and Training

28. Since 1 January 2008, personnel may enter Regular service on one of three engagement types: Short Service Engagement (S-Type), Versatile Engagement (VEng) or Military Local Service Engagement (MLSE), the latter of which is not available to under 18s and will therefore not be considered further here.

29. Soldiers normally enlist onto a VEng (Short) which runs for 12 years from the date of enlistment. They enter either as a Junior Entrant (JE) (all of whom are under the age of 18) or as a Standard Entrant (SE) (some of whom will be under the age of 18) (see paragraphs 13 and 14 of Major General Tickell's statement).

30. JE attend the Army Foundation College at Harrogate for Phase 1 training of either 22 or 46 weeks, depending on their future specialisation (see paragraphs 39 to 44 of Major General Tickell's statement). JE will be aged between 16 and 17.5 years on entry. At Harrogate, they will build upon their school education and develop vocational and military skills prior to moving to a Phase 2 school to complete a Phase 2 course appropriate to their chosen specialisation.

31. Depending upon their intended specialisation, SE may enter from age 17 and will conduct Phase 1 (military skills) and Phase 2 (vocational training) prior to joining their Regular unit (see paragraph 33 of Major General Tickell's statement).
32. Depending on the length of their training, an under 18 may, therefore, enter the wider Army, having completed all of their training, although this is normally a small number (see paragraph 33 of Major General Tickell's statement). Superficially, it may appear that such an entrant is liable to be deployed for 6 months more than an over 18 entrant before being able to transfer to the Reserve (because the over 18 entrant will spend at least 6 months of their first 4 years of service in training). However, the reality is different. The Army's force generation process is based on a 30 month cycle which, as far as possible, imposes a gap of 24 months between 6 month operational deployments. Given this gap between deployments, if an under 18 entrant did deploy in their first 6 months of service after completing training they would be only likely to deploy once more during their minimum period of service. This is the same likelihood as an over 18 entrant who completes the same minimum period of service.
33. In addition, the fact that under 18 entrants are posted to different units across the Army means it would be unlikely they would be concentrated into a unit which was at high readiness and more likely to deploy than any other.
34. Potential officers will enter service on an S-Type Engagement and may join Sandhurst from age 17.9, however, due to the length of the commissioning course, they will not join a Regular unit until they are over 18.
35. All training establishments attended by under 18 entrants have been inspected by Ofsted and have been granted a good or outstanding grade in their most recent inspection (see paragraphs 66 to 70 of Major General Tickell's statement).

Deployment of under 18s

36. There is no legislative provision or prerogative power which stipulates how an under 18 may be engaged. However, the Army has laid out strict rules within 2011DIN01-233 – Policy on the Care of Service Personnel Under the Age of 18 - which applies to the entire Army, including both training and Regular units. The document takes into account wider child and health and safety legislation

(including the Children Act 2004, the Children (Leaving Care) Act 2000 and section 2 of the Health and Safety at Work Act 1974); and includes matters such as levels of supervision, exposure to alcohol and gambling and discipline. It also sets out the type of operational and non-operational duties that are appropriate (and inappropriate) for under 18s to undertake and in so doing abides by the optional protocol to the United Nations Convention on the Rights of a Child. The DIN states:

"Service personnel under the age of 18 are not to deploy to any operations outside of the United Kingdom, except where the operation does not involve personnel becoming engaged in, or exposed to, hostilities. Personnel under 18 are not to be deployed on UN peacekeeping operations in line with UN policy. No personnel under 18 are to carry out operational patrols in Northern Ireland, although 17 year olds can be based in the Province."

37. In addition to these general safeguarding principles, the following steps are taken to ensure that members of the Armed Forces who are under 18 do not take a direct part in hostilities or are not put at risk from exposure to hostilities. The orders given to units prior to deployment on operations, known as force generation orders, explicitly require units to identify under 18 soldiers and to ensure they do not deploy. Further, if a unit is about to deploy to a potentially hostile situation and an individual under 18 cannot be retained as part of the unit's UK based support element, he or she will be removed from the unit unless:
- a. it is not practicable to do so, for example when the unit is overseas and it would be logistically impossible or
 - b. to do so would undermine the operational effectiveness of that individual's unit by putting at risk the successful completion of the military mission and/or the safety of other personnel.
38. Decisions on the removal of under 18s from units are made whenever the appropriate single Services' Front Line Commanders, in concert with the Chief of Joint Operations, consider there is a greater than low probability of members of the unit having to take a direct part in, or be put at risk by, hostilities.

39. The decision to retain under 18s in units which, having been deployed in benign circumstances, then find themselves in a rapidly worsening circumstances, lies with the Commanding Officer, but must be based on the same criteria as above, i.e. an immediate presumption of removal if feasible.
40. Commanding Officers are required to adhere to single Service rules on deployment and posting of under 18s to Northern Ireland and abroad, the detailed rules are contained in Army General and Administrative Instructions Volume 2 Chapter 60.
41. The UK was involved fully in the negotiation and drafting of the Optional Protocol to the United Nations Convention on the Rights of a Child, and Operational and Non-Operational Deployment of Under 18s, and signed at the UN Millennium Summit on 6 September 2000. The Optional Protocol strengthens the rights of children by increasing the protection afforded to them by prohibiting their participation in armed conflict. The UK ratified the Optional Protocol on 24 June 2003. The main effects of the Optional Protocol are that it:
- a. requires all feasible measures to be taken to ensure that members of the Armed Forces who have not attained the age of 18 years do not take part in hostilities;
 - b. prohibits the compulsory recruitment of those who have not attained the age of 18 into national Armed Forces; and
 - c. requires safeguards to ensure that recruits under 18 must be genuine volunteers; have the informed consent of their parents or legal guardians; be fully informed of the duties involved in such military service; and provide reliable proof of age prior to acceptance into military service.

42. At the signature of the Optional Protocol the UK entered the following declaration with the UN Secretariat:

"The United Kingdom will take all feasible measures to ensure that members of its Armed Forces who have not attained the age of 18 years do not take part in hostilities. However, the UK understands that Article 1 of the protocol would not exclude the deployment of members of the Armed Forces under the age of 18 to take a direct part in hostilities where: there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place; and by

reason of the nature and urgency of the situation it is not practicable to withdraw such persons before deployment; or to do so would undermine the operational effectiveness of their ship or unit, and thereby put at risk the successful completion of the military mission and or the safety of other personnel."

Minimum Commitment Period

43. Regulation 11 of the Army ToS Regs prescribes the minimum commitment period an enlisted person on S-Type or VEng must serve before they can transfer to the Reserve, that being four years, beginning with the date of enlistment or the person's 18th birthday, whichever is later.

44. "The Reserve" in this context refers to the Regular Reserve and must not be confused with the Army Reserve (the former Territorial Army). In accordance with Section 56 of the Reserve Forces Act 1996, as amended by the Defence Reform Act 2014, individuals transferring to the Regular Reserve may, having left the Regular Army, be called back into service by the Secretary of State for up to 12 months for the following reasons:

- a. on operations outside the UK for the protection of life or property, or
- b. on operations anywhere in the world for the alleviation of distress or the preservation of life or property in time of disaster or apprehended disaster,
- c. urgent work of national importance and have authorised members of the armed forces to be temporarily engaged in such work.

45. By transferring to the Regular Reserve, individuals are able to rejoin the Regular Army as if they never left (Regulation 14) or be engaged within a Full Time Reservist post or in an Additional Duties Commitment role (which involved a commitment of up to 180 days a year), provided they remain within their Regular Reserve liability. By dint of Regulation 13, this equates to six years from the date in which they leave the Regular Army or the date on which their service would have otherwise ended (e.g. they came to the end of their engagement period) or for a shorter period as determined by the Director of Manning (Army).

46. An individual will transfer to the Regular Reserve if they submit their Notice to Terminate (NTT) having completed their minimum commitment period. An individual may submit their notice 12 months prior to their termination date; however, they may not transfer to the Reserve until they have completed the minimum commitment period.
47. NTT is just one way in which an individual may be discharged from the Regular Army and those who leave the services for other reasons, such as compassionate or disciplinary reasons, will not automatically transfer to the Regular Reserve unless their Commanding Officer supports their request to do so.
48. The four year commitment period is applied because the Army requires a return on the Army's investment, the return being one which provides the Army with the appropriate number of personnel to undertake the outputs required of it and guaranteed at least one posting from each individual, during which they were liable for the full range of potential deployments.
49. The Army Terms of Service Regulations 2007 as originally made, which came into force on 1 January 2008, allowed soldiers aged under 18 to transfer to the Reserve after 4 years service from date of enlistment. However, the regulations was amended by Statutory Instrument 1849 / 2008 – The Army Terms of Service (Amendment Etc.) Regulations 2008 - which came into force on 6 August 2008. The original Terms of Service, under SI 3382/2007, were in force for a period of 8 months during which time there were 2,181 under 18 entrants. Of these, 128 personnel chose to leave after the minimum length of service (4 years). This equates to 5.9% of the total inflow. When comparing the figures against over 18s who joined in the same period (1 Jan 08 to 5 Aug 08), 8.2% left at the earliest opportunity. If you consider those under 18s who entered service between 6 Aug and 31 Dec 08, the earliest opportunity they could leave would be nearer the 5th year point if they had entered at age 17. The data shows that 5.5% of under 18s left in year 5 compared to 7.4% of over 18s who left in year 4 (their earliest point) during the same period. Given the short period of time the terms of service were in effect it is not possible to conclude the same level of people leaving would apply should the current Terms of Service Regulations be amended to allow under 18s to transfer to the Reserve after 4 years service from date of attestation.

Discharge

50. As explained above, there are different reasons why someone may leave Regular service and this can happen throughout an individual's career depending upon their reason for discharge.
51. One of the key safeguards (enforced by Regulation 9 and 9A of the Army ToS Regs) to ensure that the Army meets the duty of care it owes to under 18s is their statutory right to make the decision to leave at any point up until age 18. Beyond this, they must abide by the NTT principles above.
52. Regulation 9 stipulates that those who have not attained the age of 18 years at the date of enlistment are required to wait 28 days prior to submitting their intention to leave. They can then submit their request to leave up to the end of their first 6 months of service, provided they give their Commanding Officer 14 days notice. In effect, the earliest day in which they may leave is their 42nd day of service. In calculating the time, no account is taken of time in which the recruit is absent on leave.
53. This window of opportunity to leave the service differs from personnel who are enlisted after their 18th birthday. Those recruits may provide notice before the end of the expiration of three months beginning on the date of enlistment. The process for discharge under Regulation 9 is known as Discharge as of Right (DAOR).
54. On 12 July 2011 the right of under 18s to leave the army was enhanced with the introduction of Regulation 9A (SI 1523 / 2011 – The Armed Forces (ToS) (Amendment) Regulations 2011), which prescribes that an under 18 year old may give notice to their Commanding Officer even if they are beyond the original 6 month window.
55. Once their notice has been given, they are required to serve three months unless there is a mutual agreement between the Commanding Officer and the soldier that this should be sooner. In practice, such an agreement is not at all unusual. If the soldier is serving a period of detention, these rules do not apply until the

individual is released. Once submitted, a soldier may rescind their written notice. This process of discharging personnel is known as Release from Army Service.

56. Prior to the 2011 amendments to the Armed Forces (ToS) Regulations, only new recruits (i.e. those who had not previously entered service) were afforded the right to DAOR. The amended legislation extends this ability to all under 18s and expands upon their rights by enabling them to leave at any point up until their 18th birthday. This includes leaving prior to the 42nd day if deemed suitable to do so by the Commanding Officer. The additional legislation also factors in a 'cooling-off' period which allows the soldier the chance to change their mind should they so wish.

57. Additionally, the period can be extended to 18 years and 3 months if the soldier is registered as "an unhappy under 18 year old" (QRs, Chap 9, Para 9.414 d (3) refers). A soldier under the age of 18 whose Discharge as of Right (DAOR) option point has passed and who shows genuine or persistent unhappiness or discontent indicating that he is clearly unhappy about his choice of an Army career may be terminated under this paragraph.

58. If a commanding officer has any doubt as to the extent of permanence of the soldier's unhappiness and wishes to delay a decision until after the soldier's 18th birthday, he may make notification to Director of Manning (Army) for the registration of the soldier as an unhappy under 18 year old. Application for termination may then be made at any time up to the age of 18 years and three months. Termination will not be approved under this sub-paragraph if the soldier's unhappiness is detected or noted after his 18th birthday. This measure is a safety net for those soldiers who do not fall into the compassionate or temperamentally unsuitable category for discharge.

The Current Manning Challenge

59. Although, as set out above, the Army assumes under 18 entrants will make up 15% of the Army's steady state requirement, they currently represent 26% of the total actual figure, and 29% of infantry inflow. This is because the Army will experience a recruiting shortfall of 22% in FY14/15, after which recruiting is forecast to remain below the steady state requirement until 2018. Army manning is subsequently forecast to fall below required structural levels in 2015 and the Army is forecast to be in manning deficit until 2018.

60. The Army's experience is that the upturn in the job market has made recruiting difficult, not just for the Army but also for competing employers.
61. Although under 18 entrants have higher drop out rates during phase 1 and 2 training, when the under 18 cohort is considered as a whole, they serve for, on average, 3 years longer than over 18 entrants once they join the Army's trained strength. As mentioned above, for the majority this is after their 18th birthday.
62. In this context, allowing under 18 entrants to transfer to the reserve at the 4 year point after attestation would have significant detrimental effects on operational effectiveness. It would reduce by up to 2 years the period during which the under 18 entrant was available to be deployed on operations. Whilst only a proportion of those who joined under 18 would leave earlier than the current terms of service allow, this would still have a negative effect on the Army's numbers, especially as the Army is already struggling to recruit the number of entrants it requires.
63. In the short term, if one assumes a one-off voluntary outflow at the first opportunity, if the terms of changes are changed as the Claimant suggests, then there might be a loss of 150 personnel in the first year of any change to terms of service. This assessment is based on the most current percentage for voluntary outflow for soldiers after 4 years service.
64. The one off loss of these personnel represents a loss of 225 man years of fully liable service given the difference in return of service that each entrant would have given had the individual served for the full 4 year period. This figure assumes a population composed equally of 16 and 17 year old entrants and a corresponding loss of 75+150 man years. There would also be a recurring loss of man years to the Army on an enduring basis as a result of every U18 recruit who subsequently leaves either 1, or 2, years earlier than their current terms of service allow.
65. In structural terms our manpower modelling demonstrates that the Army would require an increase in trained strength of 40 soldiers per year to mitigate the enduring loss of man years and to maintain the Army mandated strength of 82,500. Mitigation of the one off surge in outflow brought about by the proposed change in ToS would also require a one off uplift in inflow of 25 personnel

(assuming an average length of service for SE is 9 years, 25 additional personnel would buy back the 225 man years lost). Although it would take the life of their full careers, some of which would run to 24 years, in order to completely buy back the initial loss.

66. Given recent under-recruiting, which is forecast to continue, this loss could not be mitigated by simply recruiting more entrants aged over 18. Such an increase is not realistically achievable. The net result of changing under 18 terms of service would therefore exacerbate the Army's current and forecast manning deficit.

67. Expressing the impact of this loss of personnel in terms of operational effectiveness is difficult for a variety of reasons. Since the Army's tasks are set by government policy and its personnel are subject to an unlimited liability for service, any shortfall in manpower will be partially met by increasing the demands placed on the remaining personnel. However, given the link between outputs, structures and manning levels the Secretary of State has concluded that any loss of manpower would reduce the ability of the Army to meet its operational and other commitments.

68. In the 2013 Training, Education, Skills Recruitment and Resettlement (TESRR) paper (D/TESR/01.02.04 dated 14 May 13: TESRR submission to SofS – POLICY OF RECRUITING UNDER-18s) which drew on Defence Strategic Statistics data from TY11/12 observed that: *'There are indicators of longer Lengths of Service (LoS) and higher performance, based on earlier promotion, from those joining the Army as U18s'*. The most recent in Defence Strategic Statistics study which was undertaken in 2010 (JE v SE Project dated May 2010) found that the mean Length of Service for a soldier who joined under 18 was approximately three years longer than a soldier who joined when over 18. This longer average length of service brings considerable depth and expertise to the structure as a whole, represents value for the extra time and effort invested in their training and mentoring and contributes to greater manning stability.

Wider Benefits of Recruiting Under 18 Year Olds

69. This structural analysis masks the wider benefits of under 18 entrants to the Army, the individual and society as a whole. Under 18 entrants provide the Army with a unique opportunity to ensure individuals are imbued with the Army's values

and standards in order to deliver a more rounded and confident character. The Army is also the largest provider of apprenticeships in the UK and the education content of the Junior Entry programme provides the grounding from which all recruits progress onto trade specific apprenticeships.

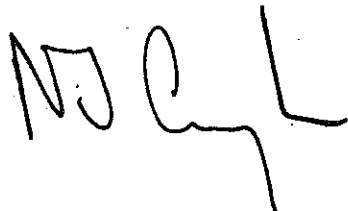
70. Significant programme time for education allows 86% of under 18 soldiers attending the Army Foundation College at Harrogate to leave with Level 2 qualifications in literacy and, 53% for numeracy so achieving the standard necessary for promotion to Sergeant and providing benefits for life. Furthermore, the provision of education and training for 16 year old school leavers provides a route into Army service that complies with wider Government education policy, while also providing the foundation for emotional, physical and educational development throughout an individual's career.

71. Defence Strategic Statistics has completed three medium scale studies on JE, the most recent in 2010. These studies, reinforced by analysis conducted in January 2013, found that the mean length of service for a soldier who joined under 18 was approximately three years longer than a soldier who joined when over 18. This longer average length of service brings considerable depth and expertise to the Army's structure as a whole, represents value for the extra time and effort invested in their training and mentoring and contributes to greater manning stability.

Statement of Truth

I believe that the facts in this statement are true:

Signed:

A handwritten signature in black ink, appearing to be 'N. J. C. L.', written over a dotted line.

Dated:

18 March 2015

GLOSSARY OF TERMS

DAOR	Discharge as of Right
DASA	Defence Analytical Services Agency
Def Strat Stats	Defence Strategic Statistics
DIN	Defence Information Note
HQ	Headquarters
JE	Junior Entrant
LoS	Length of Service
MLSE	Military Local Service Engagement
NTT	Notice to Terminate
PQ	Parliamentary Question
Regs	Regulations
RFAS	Released from Army Service
RFA 96	Reserve Forces Act 1996
SE	Standard Entrant
SI	Statutory Instrument
S-Type	Short Service Engagement
TESRR	Training, Education, Skills Recruitment and Resettlement
ToS	Terms of Service
VEng	Versatile Engagement
VO	Voluntary Outflow