

# Terms of Service in the UK Armed Forces

Employment in the armed forces is unique in placing severe restrictions on rights and freedoms that are available to the rest of the UK population. The armed forces are also the only employers in the UK who legally require their employees to commit themselves for several years, with the risk of a criminal conviction if they try to leave sooner.

This situation is all the more worrying given that the majority of recruits are very young. There is also evidence that many personnel are unclear about the length of their commitment and their rights to leave and that the information they receive can be misleading.

### Length of service

The minimum length of service in each branch of the forces is as follows:<sup>1</sup>

- Army (over 18s): Four years
- Army (under 18s): Until 22<sup>nd</sup> birthday
- Navy: Three and a half years after completion of training or four years' service, whichever is longer
- Air force: Three years after completion of training or four years' service whichever is longer

In 1999 the army increased its minimum length of service from 3 to 4 years. Army recruits under 18 years old are required to serve up to 2 years longer than a recruit who joins aged over 18 and so commits to up to 6 year's service when still a minor.

When forces personnel reach the end of their minimum length of service, they must give a year's notice (in the army or navy) or 18 months (in the air force).

Recruits may be required to serve for longer than the usual period if they undertake education or training other than their initial training. The extension can be longer than the length of the course.

On leaving full time service personnel are transferred into the reserves which usually lasts for six years. The army has the right to call up reservists for any reason for up to sixteen days in the year. All three forces may call up reserves for longer periods during emergencies, or when the Defence Secretary judges there is a national need.

### Discharge As Of Right (DAOR)

Recruits have a discharge as of right (DAOR) at certain points in their early days in the forces. This allows them to leave by giving fourteen days' notice.

The point at which personnel are able to exercise DAOR varies as follows<sup>2</sup>:

- Army (over 18): DAOR after 28 days' service, but before three months' service
- Army (under 18): DAOR after 28 days' service but before six months' service
- Navy and air force: DAOR after 28 days' service but before six months' service

For most recruits, their entitlement to DAOR elapses during the period of training and preparation and before they have had any experience of the frontline.

## Human rights

Members of the armed forces face considerable restrictions on political freedoms that are taken for granted by most of the population. They are not permitted to join a trade union or a political organisation, to speak to the media or in public without permission or to stand for elected office.

Members of the armed forces can be criminalised, and even imprisoned, for relatively minor acts of personal expression. The political restrictions imposed on UK personnel are more extreme than those that govern the armed forces in the US and in many EU member countries.

The Council of Europe Committee of Ministers has recommended that members of the armed forces should have freedom of expression and freedom of peaceful assembly and association with others (complying with Articles 10 and 11 of the European Convention on Human Rights respectively) and the right to stand for election to political office<sup>3</sup>.

## Confusion over rights

The SSAFA and At Ease helplines report that the most common questions raised by callers relate to their length of service, with frequent confusion about the conditions.

Independent researcher David Gee found that, "In light of a potential recruit's right to make an informed choice about enlistment, this report has found that the terms of service are the most ethically problematic aspect of current recruitment and retention policy. The terms are extremely confusing, unnecessarily complicated and highly restrictive. Recruitment literature normally omits the terms, refers to them ambiguously or inaccurately, or misleads recruits in the view that it is easy to leave the forces once enlisted. Despite the best intentions of many recruitment staff, the applications process largely fails to ensure that potential recruits are fully aware of the terms."<sup>4</sup>

Anecdotal evidence suggests that recruitment officers have told young recruits and their families that if the recruit is unhappy they will be allowed to leave. Although there is a provision for 'unhappy minors' to request discharge from their commanding officer, there is no guarantee that this will be granted and further evidence from those requesting advice from At Ease is that discharge requests are often refused, although statistics on refusals are not kept.

There is also confusion at Government level. In January 2011, Andrew Robathan MP, a Defence Minister, told Parliament that "service personnel under 18 years who have completed 28 days of service have the right to discharge at any time before their 18th birthday provided they give the required 14 days' notice"<sup>5</sup>. This is not the case.

The Enlistment Paper, which recruits sign on joining the forces, sets out their terms and conditions in language that is often unclear and technical. In 2008 the wording of the army's Enlistment Paper was improved but changes are still needed to make it reasonably clear. Research by the MoD has found that fifty per cent of people joining the army at non-officer level have a reading age at or below that of an average eleven-year-old<sup>6</sup>, meaning many will find it particularly difficult to understand the Enlistment Paper.

## Dissatisfaction in the armed forces

An inability to leave the forces legally before several years have elapsed almost certainly contributes to the number of personnel going absent without leave (AWOL). In the last 10 years, between 2000 and 3000 serving personnel have gone AWOL each year, mainly from the army<sup>7</sup>. At Ease also report that some who wish to leave resort to self harm, taking drugs to get caught and suicide attempts.

The Armed Forces Continuous Attitude Survey reports that, across the services, only 32% felt valued in the service and only 51% agreed with the statement 'I am reluctant to leave'<sup>8</sup>. 20% were dissatisfied with their job – with 189,420 members of the armed forces of all ranks is nearly 38,000 servicemen and women who are not satisfied with their job<sup>9</sup>.

## Recommendations

The Armed Forces Bill 2011 is an important opportunity to address some of the problems around terms of service. Forces Watch suggests that the following measures would contribute significantly to this aim.

- An overall reduction in the minimum length of service, perhaps to two years.
- The same minimum length of service for all three services, helping to avoid confusion.
- A change to the requirement to give a year's notice (or eighteen months in the RAF) of the intention to leave when the minimum time period is up. This could be reduced to six months for all three branches of the forces.
- Bring the period for discharge as of right for over 18s in the army in line with over 18s in the Navy and RAF.
- Simplified terms of service, so every recruit is clear about the commitment involved.
- A commitment to improve freedom of expression and association for members of the forces in line with the Council of Europe recommendations.

Updated February 2011

1. Details of the Terms of Service Regulations for the 3 services can be found <http://www.emplaw.co.uk/lawguide?startpage=data/03jun99.htm> and <http://www.legislation.gov.uk/>
2. Details of the Terms of Service Regulations for the 3 services can be found <http://www.emplaw.co.uk/lawguide?startpage=data/03jun99.htm> and <http://www.legislation.gov.uk/>
3. Recommendation CM/Rec(2010)4 of the Committee of Ministers to member states on human rights of members of the armed forces, February 2010  
<https://wcd.coe.int/wcd/ViewDoc.jsp?id=1590149&Site=CM>.
4. See David Gee, *Informed Choice: Armed Forces Recruitment Practice in the UK* (2007)  
<http://www.informedchoice.org.uk>
5. Hansard, 10 January 2011  
<http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110110/tex>
6. *Analysis of socio-economic and educational background of non-officer recruits*, submitted as written evidence to House of Commons Defence Committee *Duty of Care*, 2004-05, Volume II, Ev255

7. Ministry of Defence AWOL statistics including Prosecution and Sentences for Desertion 2000-2010  
<http://www.mod.uk/DefenceInternet/FreedomOfInformation/DisclosureLog/AwolStats20002010IncludingProsecutionAndSentencesForDesertion.htm>
8. Armed Forces Continuous Attitude Survey 2009  
<http://www.mod.uk/DefenceInternet/FreedomOfInformation/PublicationScheme/SearchPublicationScheme/ResultsForArmedForcesContinuousAttitudeSurveyafcas.htm>
9. UK Armed Forces - Quarterly Manning Report, 1 July 2010, Defence Analytical Services and Advice  
<http://www.dasa.mod.uk>