

Resource for ISVAs

The Service Justice System and working with victims and survivors of sexual violence in the Armed Forces

Introduction

This resource provides an overview of the Service Justice System (SJS) and internal Armed Forces support provision to enable Independent Sexual Violence Advisers (ISVAs) to better navigate force systems and processes to provide effective support to victims/survivors of sexual violence who are currently serving, or have previously served, with the Armed Forces.

The Service Justice System

The Service Justice System (SJS) provides a legal framework ensuring that Service personnel from the British Army, the Royal Navy and the Royal Air Force are subject to a single disciplinary code (Armed Forces Act 2006). Service personnel are subject to the SJS wherever they may be serving, and it applies to conduct both within and outside the United Kingdom.

The SJS is separate from the Criminal Justice System and has the jurisdiction to investigate sexual offences alleged to have been committed by service personnel both in the UK and overseas. Victims/survivors of sexual violence retain the right to request that their case is investigated within the criminal justice process as opposed to the service justice process.



Investigation: The Defence Serious Crime Unit

Service personnel are duty bound to report any disclosure of sexual offences received.

When a disclosure is received or report is made, the case is passed to the Defence Serious Crime Unit (DSCU). The DSCU is an independent, professional and global Service Police Force which was established to replace the three Special Investigation Branches (SIB). The DSCU sits outside the single services' (Army, Navy, Air Force) Chain of Command to ensure operational independence, provide reassurance to victims, and build trust in the SJS. The Provost Marshal (Serious Crime) assumes jurisdiction over the DSCU.

Sexual offences are investigated in the same way as in Home Office Police investigations. This includes SARC attendance in relevant cases, an Achieving Best Evidence (ABE) interview, suspect interview, witness statements, mobile phone downloads and requesting third party material to assist building the case, which may all take a considerable amount of time. It is important to note, however, that when personnel are serving overseas the investigation process may look different depending on the resources available and in which country the offence has occurred.

All DSCU investigators are sexual offences investigator-trained and special investigators are Sexual Offences Liaison Officer (SOLO) trained. Victims/survivors will be offered the support of a SOLO who can act as a single point of contact and explore their support needs.

Victims/survivors should be automatically referred to the Victim Witness Care Unit (VWCU) at the point of report and a Victim Liaison Officer (VLO) will be assigned. The VWCU officers are trained to provide support to victims/survivors throughout the SJS, and implement tailored care plans to meet the needs of the individual.

The investigation will be led by the DSCU who may consult with the Service Prosecution Authority (SPA). Similar to the Criminal Justice System, if a decision is made not to refer a case to the SPA for a charging decision, the victim/survivor has the right to request a review of this decision.

Prosecution: The Service Prosecution Authority

The Service Prosecution Authority (SPA) is the principal prosecuting authority within the SJS. It is responsible for the prosecution of service offences before the Service Courts.

Once the Police investigation is complete, the entire case is referred to the Service Prosecution Authority for a charging decision. The prosecutor's decision is quality assured by a principal legal adviser. If a decision is taken not to authorise charges, victims/survivors have the right to request a review of the decision. If the Service Prosecution Authority approve charges, the case will be sent to the appropriate military court.

[Service Prosecution Authority | Victims Right to Review Policy](#)

Court: The Court Martial Process

The Court Martial process is part of military law in the United Kingdom, and applies to the Royal Navy, the British Army and the Royal Air Force. The military courts - Court Martial, the Court Martial Appeal Court, the Service Civilian Court and the Summary Appeal Court - hold jurisdiction over all members of the UK Armed Forces and civilians who are subject to service discipline.

The Court Martial may sit anywhere in the world to support the operational effectiveness of the Armed Forces. However, in reality most trials take place in Military Court Centres in either Bulford (Wiltshire) or Catterick (Yorkshire). Remote courts are now also an option, and there are examples of Courts Martials taking place in Germany and Cyprus.

Within the Court Martial process, a Judge Advocate arraigns the defendant and conducts the hearings and trial. The Court Martial process largely mirrors the Crown Court in practice and procedure, including special measures, pre-trial visits and ISVA support. However there are some key differences, which include:

- During the hearing, the Judge Advocate provides directions on the law and gives a summary of the evidence.
- Trials are conducted with Boards as opposed to juries. These consist of six commissioned officers; seniority depends on the severity of the case.

- Boards in cases involving serving personnel are made up of serving military personnel, while Boards in cases involving civilian defendants usually require a civilian Board. In sexual offences cases relating to female victims, there would always be at least one female on the Board.
- Boards are responsible for forming a majority decision of guilty or not guilty, in line with the Judge Advocate's directions on the law and summary of the evidence.
- In cases involving service personnel, the Judge Advocate and Board conduct sentencing together; however, the Judge Advocate will direct the Board in relation to sentencing guidelines and has the casting vote. In cases involving civilians, the Judge Advocate sentences alone.
- If a service defendant is found guilty, the following sentences may be imposed: imprisonment in a civilian prison, detention at the Military Corrective Training Centre (MCTC), dismissal from the Armed Forces, an unlimited fine.
- Appeals are dealt with by the Court Martial Appeal Court.
- Importantly, cases dealt with by Court Martial cannot be re-tried in the Criminal Justice System.

Understanding available support within the Armed Forces

All military units have established **welfare support systems** (known as “first level”):

- The Royal Naval Divisional System in the Royal Navy
- Unit Welfare Officers in the Army
- RAF Personnel Staff in the Royal Air Force.

In situations involving child protection and domestic abuse, welfare services are required to refer the case to the relevant service **specialist welfare providers** (“second line”) who deal with more complex cases and are independent of the Chain of Command.

- [The Royal Navy Family and People Support \(RN FPS\)](#) offers confidential advice and welfare support to Royal Naval and Royal Marine personnel and their families.
- The [Army Welfare Service \(AWS\)](#) provides professional, confidential welfare support to Army personnel and their families. AWS works in support of the Chain of Command but remains independent from it.
- [RAF – SSAFA Support](#) provides confidential personal support and social work services for the Royal Air Force community which includes reserves and families. SSAFA also has a confidential helpline, [Forcesline](#), which offers both listening support and signposting.

Each of the three Services also has a Families Federation, offering independent, confidential advice and signposting to service family:

- [Navy Families Federation](#)
- [Army Families Federation](#)
- [RAF Families Federation](#)

The HIVE is an information network available to all members of the Service community:

- [Royal Navy and Royal Marine HIVE](#)
- [Army HIVE](#)
- [RAF HIVE](#)

Chaplains (referred to as Padres) are available in each of the Armed Forces and are located throughout the world. Chaplaincy support sits outside the Chain of Command and is available to all service personnel and their families regardless of religion or belief. Local chaplaincy support can be located through the HIVE.

Some **sexual violence services** have established dedicated roles and services for supporting victims/survivors of sexual violence in the Armed Forces. In addition, [Aurora New Dawn](#) has been commissioned specifically by the Armed Forces to deliver specialist support provision for serving personnel. However, victims/survivors can also choose to access a local ISVA services in the community for support.

ISVAs supporting victims and survivors within the Armed Forces

In 2015 (updated 2022), the Ministry of Defence (MoD) published [guidance for civilian support services in relation to domestic abuse](#), some elements of which are transferable to sexual violence and ISVA services.

Barriers to seeking support

The MoD guidance highlights barriers members of the Armed Forces community may face in seeking support and the LimeCulture National ISVA Co-ordinator project in its consultation with professionals, academics and ISVA services also identified numerous barriers to seeking support and reporting sexual violence. Understanding these barriers is imperative for ensuring victims/survivors are enabled to access appropriate support following sexual violence:

Stigma and/or shame: Serving in the military is often synonymous with being “strong” “tough” and a “warrior”. Being labelled as victim of sexual violence may inhibit feelings of “weakness” or shame. This is likely to be further intensified for male victims of violence.

A “laddish” or “toxic” culture: Often this culture manifests in victims/survivors feeling unable to disclose their experiences though fear of “breaking code”, “lowering morale” or bringing “units into disrepute”¹, and experiencing a “closure of ranks” to protect a unit’s reputation.

Fear of violence or repercussions: This may be especially apparent in domestic abuse cases where risks often heighten following a disclosure or ending of a relationship. These risks may be further amplified in the military context due to the close link between professional and personal lives for serving personnel.

Impact on housing, economic security and pensions: In instances where sexual violence has occurred in a domestic abuse context, the practical and financial implications of separation can be a significant concern. Accommodation concerns may also be apparent for victims/survivors who live on the same military base or in close proximity to the perpetrator.

Career consequence: Victims/survivors are often concerned about the career implications and negative consequences of reporting their experiences. These may include demotion, redeployment, or medical discharge. Furthermore, feelings of uncomfortableness, humiliation and mental health implications alongside the impacts of trauma can result in victims/survivors feeling they have no other option but to leave the services altogether.

Geographic isolation from support networks: Overseas deployment may further exacerbate feelings of isolation and limit the support available from family, friends, and support services.

Privacy and confidentiality: Victims/survivors can fear that “whole units” may become privy to disclosures and details of the assault.

¹ Military #MeToo: “From Dismay to Anger” by Joanna Bourke: <https://shame.bbk.ac.uk/blog/military-metoofrom-dismay-to-anger-by-joanna-bourke/>

ISVAs working in partnership

The MoD guidance also highlights ways local support services can build strong working relationships with their local Armed Forces community, including:

- Visiting your local Armed Forces welfare providers and understanding their role. In particular, making contact with your local single-service specialist welfare provider who has a more specialised role within the military welfare system. In some areas it may be possible to secure an initial invitation to a military-based welfare meeting.
- Understanding the wider military support network and reviewing local military websites.
- Actively working to establish a multi-agency support network for the Armed Forces community, comprising both military and civilian support services.
- Including the military community in local sexual violence forums and groups to help local agencies work together and share key information.

Risk and needs assessments

When undertaking risk and needs assessments with victims/survivors working within or connected to the Armed Forces, ISVAs should consider:

- Was the incident reported to anyone within the Armed Forces? To whom? What happened?
- What does the victim/survivor want (if anything) in terms of military response?
- Consent to the sharing of information with Armed Forces welfare providers or the Chain of Command to help keep a victim/survivor safe, including any limitations.
- The impact on career and day to day work activities. Since reporting what has the impact been on the victim/survivor's career? For example, inclusion in exercises or deployments.
- If the perpetrator is a partner, does the victim/survivor wish to remain in the relationship or separate?

Additional factors that may need to be considered include finances, accommodation, movement (either nationally or internationally) and supporting any possible transitions into a civilian community. Non-British spouses of Armed Forces personnel may be dependent on their partner for their immigration status, which can impact on their right to reside, work or claim recourse to public funds in the UK.

Further information and reading

- Defence Serious Crime Unit
- The Victim Witness Care Unit
- The Service Prosecution Authority
- The Military Court Service
- MoD | Armed Forces service complaints process
- MoD | JSP 763 | The MOD Behaviours and Informal Complaints Resolution Policy
- MoD | JSP 769 | Zero Tolerance to Sexual Exploitation and Abuse (SEA) Policy
- MoD | JSP 830 volume 1 | Commanding officers guide (manual of service law)
- MoD | JSP 831 | Redress of individual grievances: service complaints
- MoD | JSP 839 | Victims Services
- MoD | Tackling Sexual Offending in Defence Strategy
- MoD | Zero Tolerance to Unacceptable Sexual Behaviour
- MoD | Zero Tolerance to Unacceptable Sexual Offences and Sexual relationships between Instructors and Trainees
- Cobseo & ARU | We Also Served
- House of Commons & Louisa Brooke-Holland | The review of the service justice system | 2021
- House of Commons Defence Committee | Protecting those who protect us: Women in the Armed Forces from Recruitment to Civilian Life
- MoD & Air Chief Marshal Wigston Report on Inappropriate Behaviours | 2019
- MoD | Annual Statistics, Murder, Manslaughter and Sexual offences in the Service Justice System
- Salute Her | No Mans Land 2 2022
- Salute Her | No Mans Land 2019

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