

## Terms of Reference

### **BACKGROUND**

1. Until 12 January 2000, there was a blanket ban on the presence of homosexuals in Her Majesty's Armed Forces. Those serving who were, or were perceived to be, homosexual could face intrusive investigations and ultimately be dismissed or otherwise forced to leave Her Majesty's Armed Forces. The Government accepts that this historic policy was wrong and has committed to work to understand, acknowledge and where appropriate address the impact it has had on veterans today, in particular in relation to members of the LGBT community.

### **PURPOSE**

2. The Chancellor of the Duchy of Lancaster and the Secretary of State for Defence have jointly asked The Lord Etherton PC QC to provide the Government with an independent account of the service and experiences of LGBT veterans who served in Her Majesty's Armed Forces between 1967 and 2000. This Review will provide those impacted with the opportunity to be heard and to enable the Government to better recognise the impact of the historic policies as well as acknowledge the lived experience of service for those veterans, to better understand their support needs today.

### **OBJECTIVES**

3. The Review will consider the experiences of LGBT veterans and their families in the context of the pre-2000 ban, including:
- A. The nature of dismissal and other departures from the Armed Forces;
  - B. The impact their past experience in the Armed Forces had on their subsequent lives; and
  - C. The impact of the ban on others in the Armed Forces community who may have been affected, such as those who were incorrectly perceived to be homosexual.
4. The Review will make evidence-based recommendations as to how the Government can meet its commitment in the Veterans Strategy, to ensure the service and experience of every veteran is understood and valued, in relation to the LGBT veterans community. Any recommendations should be proportionate, with consideration given to implementation.

### **SCOPE**

5. The Review should examine and consider the experience of LGBT service personnel who served between 1967 and 2000. This specified period represents the start of decriminalisation of private homosexual acts between men aged over 21 in England and Wales through to the lifting of the ban on homosexuality in the Armed Forces in January 2000.

6. The Review should comment on:
- A. The range of potential impact that the ban may have had on those affected, including but not limited to consequences for future relationships, employability or financial position;
  - B. How services for veterans today could be made more accessible and inclusive so that LGBT veterans, dismissed or otherwise required to leave Her Majesty's Armed Forces because of their sexual orientation or otherwise adversely impacted by the historic ban feel welcome and that the services are 'for them';
  - C. How Government can ensure that veterans dismissed or otherwise required to leave Her Majesty's Armed Forces because of their perceived sexual orientation are

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recognised and accepted as full members of the Armed Forces community and that HMG acknowledges and appreciates their service; and

- D. Any further research, or policy review the Government could undertake to understand and seek to mitigate any impacts, including any financial impact.

### **OUT OF SCOPE**

7. The Review should not examine and consider the experience of service personnel who served outside the specified period described in paragraph 5, nor should the Review examine and consider the experience of service personnel in other minority groups.

8. The scope of the Review will be limited to looking at service within Her Majesty's Armed Forces. It will be for the Government to identify any wider lessons which may be relevant to other areas of Government and the report should not comment on this area.

9. Recommendations should focus on the desired outcome, leaving flexibility for the Government on how to achieve that via policy or process change. Recommendations should not include changes to existing financial compensation routes, or recommend new compensation schemes, that are unconstrained or duplicative of existing processes for redress.

10. It is not the purpose of this Review to hold individuals to account or to apportion individual blame for any alleged wrongdoing. The report will not include accusations against individuals, proven or otherwise.

### **GOVERNANCE**

11. The Review will be conducted independently and will be led by Lord Etherton, with a small Civil Service secretariat. The Independent Reviewer has been appointed by and is accountable to the Chancellor of the Duchy of Lancaster and the Secretary of State for Defence for delivery of this Review.

### **OUTPUTS & TIMING**

12. The Review will produce a report including any recommendations, which will be submitted to the Chancellor of the Duchy of Lancaster and the Secretary of State for Defence by 25 May 2023 and the Government will publish the report and its response in due course thereafter.