



European
Social
Charter

Charte
Sociale
Européenne



COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

20/08/2012

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1961 EUROPEAN SOCIAL CHARTER
REPLIES TO SUPPLEMENTARY QUESTIONS

31st National Report on the implementation of
the 1961 European Social Charter

submitted by

THE GOVERNMENT OF THE UNITED KINGDOM

(Article 1§2
for the period 01/01/2007 - 31/12/2010)

Report registered by the Secretariat on 1 August 2012

CYCLE XX-1(2012)

European Committee of Social Rights (ECSR) Questions addressed to the United Kingdom

The ECSR has asked the following questions:

- a. *'What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?'*
- b. *'Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?'*

Compulsory Minimum Service

The rules governing the terms of service of officers and Other Ranks (OR) differ and the single Services have subtle variation in the conditions when compared like for like. For officers, the minimum length of service is 3 years (or 6 years for aircrew) following training. For ORs, the minimum length of service is 2.5 years (Royal Navy (RN)) and 3 years (Army and Royal Air Force (RAF)) after the completion of training. The table at **Annex A** provides further detail.

Exceptions

Officers have the right to voluntarily withdraw during training and ORs have the right to terminate their service giving 28 days (RN) or 14 days (Army and RAF) notice within the first 6 months of employment. The table at **Annex B** provides further detail on exceptions. Early release, on compassionate grounds, at any time throughout a service career, is managed on a case-by-case basis. Personnel who have attended a specialist course may be liable for a specified Return of Service where a course is expensive, generally of at least 6 months duration and leads to marketable skills or qualifications. However, an individual selected for redundancy would not be expected to complete the Return of Service.

Annexes:

- A. Minimum Length of Service.
- B. Exceptions to Minimum Length of Service.



Minimum Length of Service

Rank	RN	Army	RAF
Officer	<p>Direct Graduate Entrants (DGEs) and Naval College Entrants (NCEs) – 3 years from completion of officer initial training</p> <p>University Cadet Entrants (UCEs) - 5 years from completion of officer initial training</p> <p>Defence Technical Undergraduate Scheme (DTUS) Bursars - 3 years from completion of officer initial training</p> <p>Medical Cadets – 6 years from date of full registration with the General Medical Council</p> <p>Dental Cadets – 6 years from date of full registration with the General Dental Council</p> <p>After the RoS, they become eligible to submit 12 months' notice to terminate their service.</p>	<p>Officers are required to serve for 3 years from completion of specialist training.</p> <p>After 3 years service, they become eligible to submit 12 months' notice to terminate their service.</p>	<p>Officers in a flying branch have to complete 6 years productive service, and officers in a ground branch have to complete 3 years productive service.</p> <p>Officers who have been in receipt of a sponsorship award sign an Undertaking at the commencement of the award. They undertake to serve as a commissioned officer for a minimum period of 3 years productive service. In the event that this does not occur they are liable to repay all sums paid as part of the sponsorship agreement. For the award of a Medical or Dental Cadetship the Return of Service (RoS) is 6 years.</p> <p>After the RoS, they become eligible to submit 18 months' notice to terminate their service.</p>
OR	<p>ORs are required to serve for 2½ years from the end of their initial training before they become eligible to submit 12 months' notice to terminate their service.</p>	<p>ORs are required to serve for 3 years from completion of specialist training before they become eligible to submit 12 months' notice to terminate their service.</p>	<p>Airmen are required to serve for 3 years from the end of initial training before they become eligible to submit 18 months' notice to terminate their service.</p>



ANNEX B**Exceptions to Minimum Length of Service**

Rank	RN	Army	RAF
Officer	On joining the Naval Service, RN and RM officers have the opportunity to leave at any time up until the end of their initial training (typically around 30 weeks) but, thereafter, they are required to complete their specialist training and then, on joining the trained strength, to provide a variable RoS in recognition of the cost of their initial training.	Officers have the right to withdraw from training by giving 14 days' notice.	A pre-productive officer (ie an officer who is still in training) may voluntarily withdraw at any time from training and is subject to exit under QR 2905(10(a).
OR	RN ratings and RM other ranks have a statutory right to leave within their first 6 months in the Naval Service, subject to completing a minimum of 28 days' service, and thereafter until age 18 (if completing the 6 month period beforehand).	ORs have the right to withdraw from training by giving 14 days' notice to their Commanding Officer. ORs retain the right to claim discharge up to their 18 th birthday.	Airmen have the right to claim discharge by giving 14 days' notice in writing to their Commanding Officer subject to the requirement to complete 28 days service, excluding leave, at any time up to 6 months from the date of enlistment. After the initial 6 month period of service, all Service personnel retain a right to claim discharge up to their 18 th birthday.



SECRETARIAT GENERAL

DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW

DIRECTORATE OF HUMAN RIGHTS

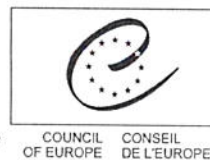
*HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
AND THE EUROPEAN CODE OF SOCIAL SECURITY,
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS*

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Mr John Suett
International Unit, Department for Work
and Pensions
International Institutions Team
Level 2, Caxton House
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The United Kingdom

Strasbourg, 14 June 2012

Dear Mr Suett,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

Yours sincerely,

Régis Brillat

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EUROPEAN COMMITTEE OF SOCIAL RIGHTS

COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to The United Kingdom

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*