CHAPTER 54

LEAVING THE SERVICE

(Sponsor: NAVY PEOPLE-PSP EMP POL SO1)

CONTENTS

SECTION 1 - EARLY TERMINATION

Para

5401. Introduction
5402. Earliest Date to Apply for Early Termination - Officers
5403. Earliest Date to Apply for Early Termination - Ratings and Other Ranks
5404. Application for Early Termination
5405. Impact of an Application for Early Termination
5406. Consideration of Applications for Early Termination
5407. Release Abroad
5408. Application for Early Termination on Grounds of Conscientious Objection
5409. Withdrawal of an Application for Early Termination
5410. Assignment Notice after Withdrawal of Notice for Early Termination
5411. Re-application for Early Termination
5412. Optional Exit Points

SECTION 2 - NON-STANDARD EARLY TERMINATION

5413. Non-standard Early Termination - General
5414. Early Release Within Standard 12 Month Waiting Period
5415. Ratings and Other Ranks - Requests for Non-Standard Early Termination
5416. Officers - Requests for Non-Standard Early Termination

SECTION 3 - MEDICAL DISCHARGE

5417. Officers, Ratings and Other Ranks - Medical Discharge (including Temperamental Unsuitability)
5418. Medical Discharge - Not Finally Approved (Medical)
5419. Naval Service Medical Employability Board
5420. Spare
5421. Refunds and Return of Service
5422. Invaliding Benefits
5423. Discretionary Awards Panel

SECTION 4 - COMPLETION OF COMMISSIONS (OFFICERS)

5424. Introduction
5425. Extensions of Service
5426. Commission Transfers
5427. End of Commissions for Non-Medical, Dental and QARNNS Officers
5428. End of Commissions for Medical, Dental and QARNNS Officers
5429. Retirement Ages for Officers with Military Service prior to 1 Apr 99
5430. Senior Officer Compulsory Retirement
5431. Retirement Ages for SUY/SCC Officers with Military Service Prior to 1 Apr 99

SECTION 5 - RESIGNATION BY OFFICERS

5432. Applications to Resign Commission by Officers
5433. Waiting Period
5434. Consideration of Applications
5435. Withdrawal of Resignation Application
5436. Applications from Officers Subject to Disciplinary/Administrative Process
5437. Consequences of Resignation
5438. Optional Exit Points
5439. Reserve Liability

SECTION 6 - OTHER DISCHARGES - OFFICERS

5440. Compulsory Withdrawal from Training - Officers on the Untrained Strength
5441. Administrative Discharge - Officers on Trained Strength
5442. Entitlements Following Administrative Discharge - Officers
5443. Dismissal

SECTION 7 - DISCHARGES - RATINGS AND OTHER RANKS

5444. Discharges - General
5445. Discharge SHORE - General Instructions
5446. Circumstances In Which Discharge SHORE May Be Appropriate
5447. Discharge Services No Longer Required (SNLR) - General Instructions
5448. Circumstances In Which Discharge Services No Longer Required (SNLR) May Be Appropriate
5449. Complaints Against Discharge SHORE/SNLR
5450. Assessment and Recommendations for Further Naval Service

SECTION 8 - RELEASE PROCEDURES AND PAYMENTS ON RETIREMENT

5451. Retirement Advice
5452. Release Procedure
5453. Release Actions
5454. Promulgation of Release
5455. Terminal Leave
5456. Payments on Retirement
5457. Retired Pay
5458. Terminal Grants
5459. Commutation
5460. Preserved Pension
5461. Resettlement Grant
5462. Death Benefits
5463. Premature Discharge within Three Months of Completing Service and Pension Entitlement
5464. Other Pension Arrangements
5465. Discharge - Additional Procedures to be Adopted for Foreign and Commonwealth Members of the Royal Navy

SECTION 9 - RESERVE LIABILITY

5467. Reserve Liability Under the Reserve Forces Acts 1980 and 1996

ANNEXES

Annex 54A: Delegations of Powers to Approve Discharges and Other Administrative Actions
Annex 54B: Application Format for the Advisory Committee on Conscientious Objectors
Annex 54C: Format for Statement Concerning Applicant to be Completed by Commanding Officer for Information of the Advisory Committee
Annex 54D: Discharge on the Grounds of Temperamental Unsuitability
Appendix 1: Temperamental Unsuitability Medical Report Example/Template
Annex 54E: Types of Discharge and Supporting Documentation
Annex 54F: Commanding Officer's Step by Step Guide to the Discharge Process
Annex 54G: *Spare*
Annex 54H: HM Forces/Home Office Discharge Proforma
Annex 54I: Reserve Liability/Eligibility Guide
Annex 54J: Template - Waiver of Right to Submit a Representation
Annex 54K: Optional Exit Points for Submarine Service Personnel
Appendix 1: Application to Leave the Service at an Optional Exit Point

CHAPTER 54

LEAVING THE SERVICE

SECTION 1

EARLY TERMINATION

5401. Introduction

a. Individuals who are not due for compulsory retirement but who wish to leave the Service, for whatever reason, before reaching the end of their commission or engagement may apply for Early Termination provided the conditions outlined in the Paras below are met.

b. Notwithstanding anything contained in this chapter, pregnant Servicewomen (UTS or GTS) may exercise the right to leave the Service on the grounds of pregnancy by giving notice using Maternity Notice JPA Form R00555 during pregnancy and maternity. Where the SP exercising this right is subject to a Training RoS, and the RoS would not be fully expended by the leaving date, the outstanding RoS will be waived by the RN, and no cost recovery will be sought (JSP 750 Chapter 3 para 28 refers).

5402. Earliest Date to Apply for Early Termination - Officers

a. Officers undertaking initial training (hereafter referred to as Young Officers (YOs)) may request permission to withdraw from training up until their Premature Termination of Career Training (PTCT) point. Requests for officers attending BRNC will be considered provided that they have completed a minimum of 4 weeks of INT(O) training (not including leave periods). The requirement to have served a minimum of 4 weeks may be reduced or waived only in exceptional circumstances; this will be at the discretion of CO BRNC. Requests will normally be granted provided the YO has not passed beyond the stage of training specified in Table 54-1, although student Aircrew/Air Traffic Control Officers will still be required to be interviewed by the FT Naval Aviation Advisor in their capacity as Chair to the NAAB in accordance with Para 5742 to investigate the circumstances surrounding their request to leave. On passing their PTCT point, officers are required to complete their initial training and serve the specified return of service (ROS) for the training received, details of which are shown in Table 53B-1. Only in exceptional circumstances will the Navy Command Headquarters Terms of Service Team, on behalf of the Director (Personnel and Training)/Naval Secretary, consider voluntary withdrawal from training (VWFT) requests submitted by individuals who have passed their PTCT point – see Para 5412 and Para 5415.

b. Medical and Dental officers selected for specialisation courses lasting two or more years are required to waive their right to voluntary retirement.

Table 54-1 - Premature Termination of Career Training

Branch/Specialisation	PTCT Point
Warfare (non-Aircrew), Engineering, Logistics and Medical Services (EHOs)	Day before passing out of Initial Naval Training (Officers) at BRNC Dartmouth
Aircrew (Pilot, Observer and Air Traffic Control)	Day before completion of Grading and ATC familiarisation
Medical and Dental Cadets (cadetships awarded after 1 Mar 07)	Medical Cadets One calendar year after joining the RN. Dental Cadets. One calendar year after joining the RN or on achieving GDC registration, whichever is the earlier
Medical and Dental Cadets (cadetships awarded prior to 1 Mar 07)	Throughout training up until one month before publication of the final examination results leading to their basic professional qualification (i.e. the point at which the cadets qualify professionally as doctors (and end of the 3 years maximum sponsorship period)
Royal Marines	Day before completion of Phase 1 training (end of week 36)

c. The CO BRNC has delegated authority for the management of VWFT requests submitted by YOs during the period up to passing out of INT(O) at BRNC.

d. Although the Commandant CTCRM has delegated authority for the management of VWFT requests submitted by RM Officers during Phase 1 Training, this will routinely be sub-delegated to the CO of Command Wing (CW), CTCRM who has direct visibility and oversight of all YOs.

e. The CO BRNC/CO CW CTCRM is responsible for informing the YO in writing of the outcome of their VWFT request and, if appropriate, provide details of any resultant financial liability.

f. The CO BRNC/CO CW CTCRM and their staff must ensure that all Officers are fully counselled before accepting and approving the request. If, after counselling, it is established that an individual wishes to transfer branch/specialisation (or in the case of a RM YO, wishes to join the RN), the CO BRNC/CO CW CTCRM is to submit the request, together with their recommendation, to the Officer Terms of Service Manager (NAVY PEOPLE-PSP EMP TOS OF) who, in turn, will consult the Officer Training Pipeline Manager (NAVY TRG HQ-PM OFFICERS), the approving authority for YO branch/specialisation transfers (see Para 5104).

g. Throughout the process, it is important that the CO BRNC/CO CW CTCRM continues to liaise closely with the Officer Training Pipeline Manager so as to ensure that both current and future manning requirements against Fleet Gains to the Trained Strength (GTS) targets remain as balanced as possible.

h. **Aircrew and ATC Officers.** A YO who wishes to apply for VWFT should submit a request in writing through the chain of command to their CO who, in turn, should interview the YO to satisfy themselves as to the reasons for the request and remind the YO of the requirement to acknowledge their uniform/equipment and education costs. If the YO still wishes to proceed, their letter, together with a letter of recommendation from the CO and all of the appropriate documentation, including the YO's full training record, should be forwarded to the Officer Terms of Service Manager for approval (IAW Annex 54A), who will inform the YO in writing of the final decision (copied to DDIR NAVN and the NAAB). Officers who request to VWFT who are in receipt of Aircrew Remuneration (ARem) are to be transferred to the XUT profession with effect from the date of their VWFT application letter. Transfer to XUT will terminate entitlement to ARem from that same date. Any resulting overpayments of ARem will be subject to recovery iaw JSP 754.

i. Where an inter-FAA transfer is approved by Navy Command DDIR NAVN, the FT Naval Aviation Advisor will forward the approval to the Officer Terms of Service Manager for agreement of the terms and conditions of the transfer.

j. **Upper Yardman (Engineering) UY(E) Scheme.** UY(E) officers who, having completed the University of Portsmouth (UoP) degree course as a precursor to joining the Officer Corps, do not subsequently become an officer on the trained strength, whether through voluntary or compulsory withdrawal from training, will return to the Ratings Corps (preferably in their source specialisation) to complete the balance of any ROS accrued (for completing the UoP degree course) as a rating on the trained strength. See Para 5014 and Para 5306 for more details.

5403. Earliest Date to Apply for Early Termination - Ratings and Other Ranks

a. **Statutory Discharge Within First Six Months of Service.**

(1) All new recruits enlisting in the Royal Navy, who have not previously so enlisted, have a statutory right to claim discharge within their first 6 months of service provided that they have completed a minimum of 4 weeks' service (excluding leave periods and any forfeited service) from the date of entry. From this point, recruits exercising their right to leave the Service will be entitled to release no later than 14 days after giving notice in writing to their CO and recording their request to leave on JPA. Procedures for 'Applying for Early Termination' can be found in the JPA Employee Self Service Assistance Guide. The 14 days' notice period will commence from the date on which the recruit records the request on JPA unless they are in detention (see Para 5403 a sub para (5)). COs have the discretion to reduce the 14 days' notice period when special circumstances warrant such action.

(2) **Re-entry.** Discharge under the provisions of this paragraph cannot be exercised by individuals who re-enlist in the same Service, i.e. it is only allowed when a former rating re-joins as an RM recruit and vice versa, with the RN and RM being considered as separate Services for the purposes of this paragraph. However, recruits who are discharged 'Not Finally Approved (Medical)' (NFA(Med)) (in accordance with Para 5418 and BR1750A) retain their right to statutory discharge on re-enlisting in the same Service.

(3) **Ratings and Other Ranks Recruited Abroad.** Any recruit who was domiciled outside the UK and was accepted in that country for regular service in the RN, RM or QARNNS is entitled, on discharge, to conveyance at public expense to a selected place of residence in the UK (or Irish Republic if recruited from or normally domiciled there) or in the country from which they were recruited for service in the regular Royal Navy. Travel at public expense to any other destination outside the UK or Irish Republic is not permitted.

(4) **Absence from Duty.** Recruits are to be instructed that, should they wish to claim their discharge during a period of absence on leave or for any other reason, they are to inform their CO by Recorded Delivery letter. Where appropriate, the 14-day notice period for recruits will count from the date of receipt of the letter by the CO. Applicants for discharge will, however, be required to return to duty before their discharge can be completed.

(5) **Effect of a Sentence of Detention.** A sentence of detention or imprisonment will run its normal course irrespective of whether a recruit exercises their option before or during it.

(6) **Outstanding Disciplinary Action.** See Para 5444 sub para l.

b. **Statutory Discharge Until Age 18.**

(1) Further to Para 5403 sub para a, ratings and other ranks who have served for 6 months retain a statutory right to end their service up until their 18th birthday by giving notice in writing to their CO. Ratings and other ranks wishing to leave the Service under this regulation will be required to complete a notice period of 3 months. This will act as a cooling-off period, providing the safeguard of a period for reflection in which the Under 18 may rescind a hasty and subsequently regretted decision and, as such, if an individual revokes their written notice to the CO, their entitlement to be discharged as of right will cease. There will be no limit to the number of occasions on which someone can apply to leave before their 18th birthday. An individual who gives notice at the final opportunity, namely the day before their 18th birthday, may serve until the day before they reach the age of 18 years 3 months.

(2) Where a person under the age of 18 submits notice under this regulation, the 3-month notice period may be reduced to a lesser period if agreed between the individual and their CO. As with those leaving within their first 6 months' service, individuals who exercise their right to leave before reaching age 18 will not have any reserve or recall liability. The provisions described in this paragraph should be used instead of the former Discharge SHORE Unhappy Under 18 category which is now obsolete. COs retain the power to discharge an individual regardless of age for other reasons, but they should generally not consider individuals unsuitable because they have previously exercised the right both to apply for discharge and to remove that notice.

(3) On reaching the age of 18, ratings and other ranks who are still within their 6-month statutory discharge period as a new recruit will have the balance of this period to decide whether or not to leave.

(4) **Parental Consent.** The right of recruits aged under 18 to exercise their discharge option is without regard to parental consent but COs are to notify parents or guardians in advance of the date and reason for the recruit's discharge and also inform them that the recruit will be issued with a railway warrant to their home unless the parents or guardians indicate otherwise.

c. Beyond the 6-month service point and age 18, ratings and other ranks must complete their initial training (if applicable) and become eligible to apply for Early Termination on completion of a Minimum Time to Serve (MTS) - see Para 5302 for more information. An individual's earliest date of discharge will have been recorded on the S3049 which individuals sign on enlisting in the Service (a copy of which is given to individuals). That date is then entered in JPA.

5404. Application for Early Termination

a. **Process.** With the exception of officers on the untrained strength, applications for Early Termination are to be made via the JPA workflow system. Procedures for submitting an application can be found under 'Application for Early Termination' in the JPA User Guide which also gives procedures and guidance on the handling of applications for Line Managers, COs and Career Managers. If personnel are unable to access JPA they should follow the procedure for Proxy Application through the JPAC Enquiry Centre. An application from an officer to exercise their notice option or to resign should initially be submitted through the CO and be accompanied by a certificate of an officer's conduct.

(1) **Exit Interviews.** Exit interviews are an important stage in the leaving process. Interviews should be conducted by the Divisional Officer or CO with meaningful comments entered into the JPA free-text box regarding context for reasons for leaving. If it becomes clear during the exit interview that the reasons for leaving could be mitigated by discretionary action from the Career Manager, then the DO/CO should encourage the potential leaver to contact their Career Manager, with the caveat of there being no guarantee of problem resolution.

(2) **Leavers' Intention Survey (LIS).** In addition to an exit interview, all individuals are encouraged to complete the Leaver's Intention Survey (LIS). It is not a mandatory part of the leaving process. An email invitation to complete the LIS will be automatically issued once the VO request shows as approved on JPA. Responses are held and analysed by PIIAC team.

b. Before applying for Early Termination, personnel should be aware of the possible implications of this type of release on matters such as pay and allowances (including RRP and FRIs), advances of pay (LSAP/FHTB), resettlement grants, annual and terminal leave, Graduated Resettlement Time, Medical Discharge and immigration status (Para 5465). Queries on these issues should, in the first instance, be forwarded to the Unit Personnel Office. Individuals must also be aware that withdrawal of an application for Early Termination is not a right (see Para 5409).

c. **Waiting Period.**

(1) Subject to the special provisions at sub para (2) being in force, an individual's date of discharge will be 12 calendar months from the date of their application, subject to confirmation by the relevant Career Manager. Personnel may apply to leave at less than the normal waiting period and such applications will be considered in accordance with Para 5413.

(2) When circumstances dictate, under accelerated notice provisions, the Royal Navy is legally empowered to impose shorter notice periods, subject to a minimum of 6 months. In such cases, Navy Command Headquarters will issue an RNTM giving advance notice of any specialisation where the normal 12-month notice period will be reduced and specify the revised notice period that will apply. Under no circumstances will a notice period be reduced retrospectively. In cases where the notice period is reduced, individuals will, within one month of submitting their notice to the CO, receive confirmation via the JPA workflow system of their revised Terminal Expiry (TERMINATION) date from an appropriate Competent Authority (see Annex 54A).

d. **ROS.** Personnel who have waived their right or opportunity to leave in return for training, financial remuneration or any other reason may not apply for Early Termination until they are within a year of completing any outstanding ROS accrued. The ROS requirement should be reflected by the Earliest Exit Date recorded in JPA however, if this date is not recorded correctly it does not override the requirement to complete the ROS term. Personnel may serve out their waiting period concurrently with the final 12 months of any outstanding ROS (see Chapter 53 for more information). For initial training RoS personnel may not submit notice until completion of their MTS (i.e. the RoS does not run concurrently with their notice period (see 5302 b (2) and (4)).

e. **Application for Early Termination having Accepted the Offer of a Commission Transfer or Engagement Stage 3 (ES3).** Individuals who accept an offer of a commission transfer or ES3 will not be able to leave on their original Termination Date but will be required to submit an application for Early Termination if they wish to leave before the end of the longer commission/engagement stage that they have accepted (see Chapter 49 Section 1 (Officer Commission Transfers) and Para 4924 (ES3)).

f. **Applications for Early Termination from Officers under Quarterly Report.** Officers will not be permitted to exercise the notice option in order to avoid compulsory retirement for unsuitability or inefficiency, except in exceptional circumstances e.g. in accordance with Para 5412. Applications from officers under Quarterly Report will be placed in abeyance until they have been removed from Quarterly Report. The basic date for calculation of release date is, however, the date of the workflow application for Early Termination even if the officer applied whilst on quarterly report.

5405. Impact of an Application for Early Termination

a. **Spare.**

b. **On Financial Liability for Degree Studies (Officers).**

(1) Officers in receipt of sponsorship from the RN or RM in respect of a bursary or a university cadetship/nomination, including Medical and Dental Cadets, are liable to refund the costs of the sponsorship, namely tuition fees, bursary awards and/or education grants, in full if they withdraw, or are withdrawn (compulsorily or voluntarily), from training or apply for Early Termination. Officers whose appointments are terminated for whatever reason will be required to return their principal items of uniform and luggage. A charge will be made for any item(s) not returned.

(2) It should be noted that this financial liability is quite separate from the ROS liability and expiry of the liability to repay degree sponsorship costs in no way affects an officer's ROS liability.

c. **On LSAP.** Personnel in receipt of a LSAP will not normally be allowed to apply for, or be granted, Early Termination unless the LSAP has been repaid in full or they have made acceptable arrangements to repay the LSAP in full. Applications for Early Termination must include details of any LSAP balance outstanding, plus the applicant's proposals for its repayment. For full details, see JSP 752 Chapter 5 Para 05.0722.

d. **On FHTB.** Personnel in receipt of a FHTB advance will not normally be allowed to apply for, or be granted, Early Termination unless the FHTB advance has been repaid in full or they have made acceptable arrangements to repay FHTB in full. Applications for Early Termination must include details of any FHTB balance outstanding, plus the applicant's proposals for its repayment. For full details see JSP 464 Part 1 Chapter 12 Para 1234.

5406. Consideration of Applications for Early Termination

a. On receipt of a workflow Application for Early Termination, Career Managers are to check that the application has been submitted correctly, including Line Manager and CO's comments, and that there are no outstanding ROS commitments. The application will be processed in JPA in accordance with the JPA User Guide. Individuals will be notified as to whether their application has been approved and given an indication of when they can expect to be released i.e. their Last Day of Duty (LDD) or last day of paid service.

b. Individuals whose applications are rejected because they have not given sufficient effective service in return for their training or for any other reason, will be told the date on which they may re-submit their application if they so wish. Once an LDD has been approved by the Career Manager, personnel should not be released before or after this date without prior agreement from the individual.

c. Individuals who apply for Early Termination whilst undertaking further training will be immediately removed from training and re-assigned, unless it is in the Service interest to do otherwise. Rules for ROS in this instance can be found at Para 5304.

5407. Release Abroad

a. Individuals serving abroad, who would otherwise be sent home to the UK to be released from the service, either under notice or at the end of their commission/career/engagement may apply to be released from the station in which they are serving, by forwarding an application to the appropriate Career Management Authority. The application is to be accompanied by relevant details about the position of any dependants, in order that it can be confirmed that the applicant is making reasonable provision for the maintenance of any dependants in the United Kingdom. Career Managers will assign individuals who apply for release abroad to HMS NELSON for administration of the release process. Where individuals applying for discharge abroad, signify their intention to remain in the country of discharge for a considerable period after discharge, they should be instructed to check with the local authorities and, where necessary, through the British High Commission/British Embassy/Consulate that they can legally remain in the country of discharge. The CO is to check that all necessary immigration formalities have been completed before release.

b. Individuals serving abroad being discharged from the Service for other reasons may also apply to be discharged from the station in which they are serving using the same process outlined above.

5408. Application for Early Termination on Grounds of Conscientious Objection

a. Any officer, rating or other rank who claims to have developed a genuine conscientious objection to further service may apply for Early Termination without regard to length of service or the personnel situation in the branch. Whenever possible, the application should be accompanied by the individual's own written statement of the grounds on which they are applying.

b. It may be appropriate in certain cases to suggest that an applicant should defer a request for a week or two and give the matter further thought. Such a delay must however be of only short duration. For example, deferments of six months are not acceptable. If, after a short period of reflection, the officer/rating/other rank reaffirms the claim to conscientious objection, the application should be processed as soon as possible, and the claimant should be informed of the financial and other consequences.

c. This discharge concession requires all cases to be examined with particular care to avoid abuse by those who simply wish to circumvent the normal discharge procedures. It is, therefore, most important that the individual's CO and the Chaplain should do all they can to establish the genuine nature or otherwise of the person's convictions. COs should then submit the application, together with a report and their personal recommendations to the appropriate Administrative Authority. The report should be as full as possible and should cover the following points:

(1) The nature of the conscientious objection and how and when it began and an assessment of the veracity of the claim.

(2) Information about the individual's service and conduct including details of operational experience, relevant unspent offences and punishments imposed.

(3) The individual's general bearing and behaviour and whatever is known about their influence on shipmates.

(4) Whether the individual is due for a new assignment and at what date.

(5) Details of any counselling sought by individuals, and given, regarding conflicts between their personal beliefs and their military tasks.

d. **Applications.**

(1) Officers who have Completed Phase 1 Training. Officers who claim to develop a conscientious objection may apply to resign their commission. Application is to be made in writing and is to include a detailed statement of the grounds on which the officer is applying. The CO should then submit this application (see Annex 54F), together with a report and personal recommendation through the appropriate chain of command and the officer's Career Manager to the relevant Regional Legal Office (RLO) (see Annex 1E). The report should be as full as possible but only need cover Para 5408.c sub para (1), sub para (3) and sub para (5). The information required by Para 5408.c sub para (2) and sub para (4) will be provided by the Career Manager. Where it is accepted that resignation, with immediate effect, is appropriate, the Naval Secretary will approve the application. While any outstanding Return of Service may be waived in these circumstances, it will be a condition of release that the officer must agree to repay any uniform or educational costs for which they are liable. If, however, there is considered to be no case for allowing the officer to resign on the grounds of conscience, the officer will be advised accordingly and will be free to apply to leave in accordance with the terms of Chapter 54.

(2) **Officers Undertaking Phase 1 Training.** Resignation is only applicable to officers who have completed Phase 1 Training. Young Officers may request to withdraw voluntarily from training, through their chain of command, for any reason before their Premature Termination of Career Training (PTCT) point and this will normally be accepted. It will not be necessary for the Naval Secretary's approval to be sought where it is accepted that a voluntary withdrawal from training request is appropriate. This will result in automatic termination of an officer's commission.

(3) **Ratings and Other Ranks.** Application is to be made in writing to the CO. Applications made in accordance with this Article should be forwarded to the relevant RLO in accordance with the general procedure and format for administrative applications detailed at Annex 1E and Annex 54F. The application will be decided on its merits by the Director (Personnel and Training)/Naval Secretary. If approved, the discharge will be categorised as compassionate on JPA and release is to take place as soon as possible. There is no entitlement to terminal leave. Conscientious Objectors are invariably to be assessed as “Not recommended for further Royal Navy service in accordance with Para 5447" on Appraisal Reports raised by final employing units prior to joining their nominated Release Centres.

e. **The Advisory Committee on Conscientious Objectors.** An Advisory Committee, appointed by the Lord Chancellor, is available to hear appeals by Service personnel who claim a conscientious objection to further service and whose applications have been turned down by the Services. This Advisory Committee conducts its hearings in public and tenders its advice to the Secretary of State for Defence’s representative (in practice to the Central Legal Services division). The Advisory Committee is also available to consider applications that might arise from Reservists in the event of recall.

f. A successful appeal to the Advisory Committee will be accepted as decisive on the question of conscience and any person whose objection to further service is found by the Committee to be genuine will be granted a release under the terms of Para 5408.d sub para (1) and sub para (3). Any person whose case is rejected by the Committee will be required to continue their service, although they may of course apply for Early Termination in the normal way.

g. The procedure for an appeal to the Advisory Committee, which is separate from any statutory complaint submitted by Service Personnel in accordance with JSP 831, is as follows:

(1) Individuals are to complete and sign the application in the format shown at Annex 54B and may include in it a written statement of the case that they wish to make.

(2) The CO is to complete the statement at Annex 54C in duplicate to provide the necessary information and summary of the case for the Committee. Both forms should be forwarded to the relevant RLO through the appropriate chain of command which will add any other relevant information to the initial application.

(3) The RLO will forward the application, together with any supporting papers, to CLS-LegC, the secretariat branch for the Committee, which will convene a hearing and advise all participants accordingly.

(4) As the Committee prefers an officer with personal knowledge of the appellant to attend the hearing, the CO should state in a covering letter whether such an officer can be made available and if so, state their name.

(5) Arrangements for the hearing of the case, the attendance of the witnesses etc, will be notified to the CO. It is the responsibility of the appellant to notify any representatives and/or witnesses of the arrangements for their attendance.

(6) The finding of the Advisory Committee will be notified promptly by CLS-LegC to the CO; the CO is to inform the individual without delay. If the appeal is successful, the discharge of ratings/ranks will be authorised by the authorities listed in Para 5445 sub para b. Discharge of officers will be endorsed by the Admiralty Board or Naval Secretary as appropriate and notified by letter in due course.

h. **General Notes.**

(1) The procedure is unconnected with the commission of disciplinary offences. Should offences be committed, whether or not they are alleged to have been committed on grounds of conscience, they must be dealt with in the usual way. If appropriate, this point should be explained to any person professing conscientious objection, but if the applicant commits an offence which may be relevant to the case while a decision by the Administrative Authority or the Advisory Committee is pending, this should be reported without delay.

(2) While submission of an application will not in itself be regarded as justifying interference with normal assignment, the CO should draw special attention when submitting reports to any overseas assignments that may be imminent. The procedure will extend to any persons serving overseas under normal peacetime conditions at the time of their application or appeal and they will, if necessary, be brought back to the UK (costs to be borne locally) to appear before the Advisory Committee as soon as practicable.

5409. Withdrawal of an Application for Early Termination

a. The Service is committed to managing Early Termination (ET) and withdrawal requests promptly, fairly, and transparently. While withdrawal of an approved ET application is not guaranteed, each case will be assessed on its merits. The Service aims to balance individual needs with operational requirements to meet the Royal Navy's workforce demands. The revised application process outlined below should be followed.

b. **Service personnel** wishing to withdraw their Early Termination (ET) application must use the JPA workflow, following the steps outlined in the 'Application for Early Termination' section of the JPA User Guide, which includes the withdrawal process. Applicants are strongly encouraged to inform their immediate Chain of Command to ensure the application is promptly acknowledged and forwarded to the Career Manager.

c. **Units** are responsible for ensuring the timely processing of ET withdrawal requests and must not unduly delay or reject applications. They assist personnel in ET withdrawal, supporting the process through divisional channels. Once submitted on JPA, units should, where possible, ***process the request within five working days and forward the workflow***, with support comments recorded in the JPA workflow, to the Career Manager for action.

d. **Career Managers** are the sole authority to approve an application for the withdrawal of ET.

5410. Assignment Notice after Withdrawal of Notice for Early Termination

In cases where individuals successfully withdraw their notice for Early Termination, the portion of assignment notice that has expired prior to the date of original application will continue to count towards notice of the next assignment. For example, a rating who submits their notice two months after being assigned to sea service and who then applies to withdraw their application, will only receive 3 months' notice of any subsequent sea assignment.

5411. Re-application for Early Termination

Applications from individuals reapplying for Early Termination will be considered taking into account the requirements of the Service at that time. Each will be considered as if it was a new application and individuals will not necessarily be allowed to be released at the time originally approved.

5412. Optional Exit Points

Officers or ratings in receipt of RRP(SM) and serving on FTC/FCS engagements (but not serving on a subsequent EoS) may be eligible to submit an Optional Exit Point application which will enable them to leave the service at an earlier point than their current Termination Date without any loss of RRP; full details may be found in Annex 54K.

SECTION 2

NON-STANDARD EARLY TERMINATION

5413. Non-standard Early Termination - General

Early release at less than the normal notice period or before the end of a ROS period (training or financial) is not a right and should not be relied upon if applying for civilian employment. Individuals must not accept an offer of employment which would commence earlier than the end date of the 12-month waiting period or ROS period until their application for early release is approved officially. Requests for non-standard Early Termination are considered on their individual merits however approval may only be given in exceptional circumstances if one or more of the following conditions are met:

a. The individual wishes to stand for Parliament.

b. A rating or other rank wishes to join the Army or RAF.

c. Compassionate reasons are presented, which are supported by the Royal Navy Family and People Support (RN FPS) organisation in a Social Inquiry Report e.g. when the personal circumstances of the applicant make their permanent presence at home essential, which is incompatible with continued service in the Royal Navy. In instances where the financial health of a family business is a factor, applications should be supported by documentary evidence relating to that business.

d. Single ratings, and other ranks under the age of 21, whose parents have emigrated to any Foreign or Commonwealth country since their son/daughter joined the Service, or are about to do so, may be allowed immediate compassionate discharge if there is evidence to suggest that they will be left with no close relatives, or home, in the UK and they do not wish to apply for release to join the RAN or RNZN in accordance with Para 5206 (or they apply and are not successful).

e. The release of the individual to take up civilian employment is deemed to be in the National Interest (supported by a comprehensive statement from a prospective employer which will allow a proper assessment of the case to be made)[1].

f. That it is in the best interests of the Service to allow early release. COs should articulate in their application what factors and knowledge exist to support this criterion.

g. The individual's specialisation is overborne.

[1] e.g. Joining Royal Fleet Auxiliary, Doctors going to work in the NHS, Transferring to another Service.

5414. Early Release within Standard 12 month Waiting Period

a. **Applications.** Requests for release at less than 12 months should be made to the relevant Career Manager and must contain the recommendations of the individual's CO. It should indicate whether, if the application for early release were approved, the unit would be capable of bearing a gap until the individual's original date of Terminal Leave. Evidence must be provided to show why an individual should be allowed, exceptionally, to be released early. Applications will be considered when:

(1) One or more of the conditions at Para 5413 are met.

(2) No ROS commitment will be breached by early release.

(3) The applicant's CO has confirmed that any resulting gap is acceptable, or a relief will be in place by the time of the applicant's new (early) release date.

(4) The long-term personnel situation permits.

(5) For squadded personnel, even if the CO recommends the request, the Career Management team may reject the application as they may be able to employ the junior rating in another gapped unit.

b. **Impact on Terminal Leave.** All successful applicants are entitled to receive full terminal benefits according to the length of their service, including Terminal Leave (see JSP 760). If an application is submitted at short notice, however, such that there is insufficient time for all Terminal Leave to be taken prior to the new (early) release date, the individual concerned is to be granted as much leave as possible but must accept any shortfall. Career Managers are to ensure that acceptance of a shortfall in Terminal Leave is clearly stated in the application response, be it by signal, letter or e-mail.

5415. Ratings and Other Ranks - Requests for Non-standard Early Termination

a. Ratings and other ranks who have completed six months' service from enlistment and are over 18 (see Para 5403) may apply for non-standard Early Termination before the end of their MTS period. Similarly, ratings and other ranks, who have completed their MTS period but are ineligible to submit notice as a result of an outstanding need to provide a return of service (ROS) for undertaking further training or receipt of financial remuneration, have the opportunity to ask for non-standard Early Termination application through the award of a ROS waiver. Early release from a ROS commitment is not a right and is not guaranteed – see Para 5413. As such, ratings and other ranks should not rely on receiving a positive decision if they are considering application for civilian employment.

b. **Early Release Criteria.** Approval of a non-standard Early Termination request will only be granted in exceptional circumstances - see Para 5413 for more information.

c. **Applications.** Ratings and other ranks who are restricted in their right to give notice but wish to seek exceptional early release are, in the first instance, to apply in writing to their CO, providing reasons in support of their request for non-standard Early Termination. In turn, COs are to provide a covering submission, offering their view on whether the application is supported or not and providing any background information about the individual which is considered relevant (e.g. are there any compassionate grounds, have other authorities been consulted (RN FPS, pastoral), is the individual motivated or are there any disciplinary issues?) Ratings and other ranks who wish to leave early with a view to joining another Service should make this clear in their submission and provide a completed application form, contained at Annex 52A. See also (see Para 5413). Further details regarding the 'Service transfer' process can be found at Para 5205.

d. There is no need for COs to submit a special SJAR as part of their submission and, likewise, individuals do not need to be given the opportunity to make a representation given that they are already required to make an application in writing to their CO to leave early. On completion, the CO is to send the paperwork, whether for NSET or Service Transfer to the appropriate address:

(1) If a rating is still under training – to FOST-TA UTS Pipeline Manager, HMS RALEIGH, TORPOINT, Cornwall, PL11 2PD.

(2) If an RM other rank is still under training – to CO Commando Training Wing, CTCRM Lympstone, EXMOUTH, Devon, EX8 5AR.

(3) If a rating or other rank is on the trained strength – to the Ratings and Other Ranks Terms of Service Manager, NCHQ, Whale Island, Portsmouth, PO2 8DX (email: NAVY PEOPLE-PSP EMP TOS OR / NAVY PEOPLE-PSP EMP POL (MULTIUSER))

e. **Processing.** On receipt, the appropriate Competent Authority, shown at Annex 54A and acting with the delegated authority of the Naval Secretary, will consider the individual merits of the request, with particular emphasis given to the criteria set out at Para 5413. Ratings and other ranks will be informed of the decision via their CO, with a copy going to the Career Manager for information, as follows:

(1) If approval is granted, service transfer requests apart, a formal Early Termination application can then be made on JPA, effective from the date on which the permission was given (this will be communicated in the letter). As a result, an individual will be able to leave 12 months later unless an earlier release date is agreed by a Competent Authority (see Annex 54A) in consultation with the unit. As at Para 5413, ratings and other ranks wishing to take up civilian employment on leaving the Service should not rely on being released early within the standard 12-month notice period. It should be noted that a ROS waiver (release before the end of a ROS period) will, if granted, not negate an individual's obligation to repay any financial liability if appropriate e.g. a FRI (see para 5305).

(2) If approval is given for a request from a rating or other rank who wishes to leave the Royal Navy before the end of their MTS period or a ROS period with a view to joining the Army or RAF (see para 5205), the Terms of Service team will initiate action to process the 'transfer' application form submitted with the paperwork. Branch and Career Managers will be consulted to establish the individual's earliest possible discharge date prior to the information being sent to the appropriate Personnel Management Authority in the Army or RAF.

(3) If the request is rejected, advice will be given on alternative options that might be pursued by the chain of command.

5416. Officers - Requests for Non-Standard Early Termination

a. Officers who have passed their PTCT point (see Para 5402) but remain on the Untrained Strength have the opportunity to apply to Navy Command Headquarters for exceptional voluntary withdrawal from training (VWFT). Similarly, officers who are on the trained strength but are ineligible to submit notice as a result of an outstanding need to provide a return of service (ROS) for their initial training, further training or receipt of financial remuneration, have the opportunity to apply for a ROS waiver which, if approved, will allow officers to submit an Early Termination application in turn. Early release from a ROS commitment is not a right and is not guaranteed - see Para 5413. As such, officers should not rely on receiving a positive decision if they are considering an application for civilian employment.

b. **Early Release Criteria.** Approval of a non-standard Early Termination request (whether it is an exceptional VWFT or ROS waiver) will only be granted in exceptional circumstances - see Para 5413 for more information.

c. **Applications.** Officers who are ineligible to apply for Early Termination but wish to leave are to apply, in the first instance, in writing to their CO, providing reasons in support of the request to leave early. In turn, COs are to provide a covering submission, offering their view on whether the application is supported or not and providing any background information about the individual which is considered relevant (e.g. are there any compassionate grounds, have other authorities been consulted (RN FPS, pastoral), is the individual motivated or are there any disciplinary issues?) There is no need for COs to submit a 'Special' SJAR as part of their submission and, likewise, individuals do not need to be given the opportunity to make a representation given that they are already required to make an application in writing to their CO to leave early. On completion, the CO is to send the paperwork to the appropriate address:

(1) If an officer is still under training – to the Officer Terms of Service Manager, NCHQ, Whale Island, PORTSMOUTH PO2 8DX (email: NAVY PEOPLE_PSP EMP TOS OF / NAVY PEOPLE-PSP EMP POL (MULTIUSER)).

(2) If an officer is on the trained strength – to the appropriate Career Manager.

d. **Processing.** On receipt, the appropriate Competent Authority, shown at Annex 54A and acting with the delegated authority of the Naval Secretary, will consider the individual merits of the request, with particular emphasis given to the criteria set out at Para 5413. Officers will be informed of the decision via their CO.

(1) If approval is granted for exceptional VWFT, arrangements will be made for the officer's release at the earliest mutually convenient date (normally within three weeks of the approval).

(2) If approval is granted for a ROS waiver, a formal Early Termination application can then be made on JPA, effective from the date on which the permission was given (this will be communicated in the letter). As a result, an individual will be able to leave 12 months later unless an earlier release date is agreed by a Competent Authority (see Annex 54A) in consultation with the unit. As at Para 5413, officers wishing to take up civilian employment on leaving the Service should not rely on being released early within the standard 12-month notice period. It should be noted that a ROS waiver will, if granted, not negate an individual's obligation to repay any financial liability if appropriate, e.g. a FRI.

(3) If the request is rejected, advice will be given on alternative options that might be pursued by the chain of command.

SECTION 3

MEDICAL DISCHARGE

5417. Officers, Ratings and Other Ranks - Medical Discharge (including Temperamental Unsuitability)

a. In common with the detailed instruction in BR 1991, Royal Navy personnel found to be permanently unfit for full naval service will be brought before a Royal Navy Medical Board of Survey (RNMBOS) to determine their correct medical category in accordance with BR 1750A, JSP 950 Part 6 Chapter 7 and JSP 346 Chapter 5. The Board's remit is to set the highest safe JMES and it may recommend downgrading and either medical discharge from the Service or retention in a permanently reduced medical category. Guidelines where medical discharge is proposed in an individual's last year of service are available in BR 1991 Para 0809.

b. **Temperamental Unsuitability.** Royal Navy personnel may be considered for Discharge on grounds of Temperamental Unsuitability. Detailed instructions and procedures for this form of Discharge may be found at Annex 54D.

5418. Medical Discharge - Not Finally Approved (Medical)

a. **Eligibility.** Notwithstanding para 5417, Officers, Ratings and other ranks who, during Phase 1 Training, are found to be unfit under the terms of BR 1750A are to be discharged from the Service on medical grounds under the Not Finally Approved (Medical) (NFA (Med)) category. Full details may be found in BR 1750A, Chapter 3, Para 0308.

b. **Other Discharge Categories.** Recruits who are considered to be unfit for service, but who do not meet the NFA (Med) criteria should be subject to a full investigation and, if necessary, brought forward for surveying and medical discharge (Para 5419). In other circumstances, it may be more appropriate to consider Discharge SHORE routes such as 'Unsuitable' or 'Fraudulent Entry' (Para 5443).

5419. Royal Navy Medical Employability Board

The Royal Navy Medical Employability Board (RNMEB) considers, on paper, every case where a RNMBOS has awarded an individual a permanent JMES and decides if an individual should be retained or discharged from the Royal Navy. Its task is to ensure that personnel whose medical category falls below the standard normally expected (i.e. Medically Fully Deployable (MFD) without caveats) have sufficient employability within their medical limitations, to be given the opportunity to complete their chosen career. The Board is composed of NAVY PEOPLE-PSP Hd as President, the RNMBOS President to provide medical advice as required, representatives of Navy People WFPT Hd (Strategic Planning Officers and Ratings) and a legal adviser. The factors considered by the RNMEB, and the policy regarding the Boarding process are set out in BRd 1991, Chapter 8,

5420. Spare.

5421. Refunds and Return of Service

Liability for refunds in accordance with Para 5405 sub para b and fulfilment of ROS (Chapter 53) will be waived.

5422. Invaliding Benefits

a. Service Invaliding Retired Pay (SIRP) and a tax-free terminal grant of three times the annual rate of SIRP may be awarded to officers who have given two years' service over age 18. SIRP at enhanced rates is payable to officers with at least five years' service over age 18, of which two years have been served over the age of 21. If the cause of invaliding is found by Veterans UK to be directly attributable to service, the individual may be entitled to additional benefits from the DOH, Veterans UK and MOD, the amount being related to rank and degree of disability. The MOD award is known as Service Attributable Retired Pay (SARP) and both SIRP and SARP are index-linked.

b. SCC and IC officers on gratuity-earning commissions are not eligible for non-attributable invaliding benefits but may qualify for attributable benefits.

5423. Discretionary Awards Panel

Service invaliding benefits are at the discretion of the Secretary of State. Although they are normally awarded in full cases occur when, although invaliding may be the appropriate form of discharge, it would be wrong to award full invaliding benefits or, exceptionally, any invaliding benefits at all. Responsibility for considering cases where full invaliding benefits may not be appropriate is vested in the Discretionary Awards Panel (DAP), which is normally composed of representatives of the Second Sea Lord (2SL) and 2nd PUS. Referral to the DAP is rare. Each case is considered on its merits but, in practice, any reduction in invaliding benefits is restricted to those cases where the individual has contributed to their medical condition e.g. through excessive drinking or refusing treatment. The DAP award will not affect any decision on Service attributable benefits, which are determined by the Department for Work and Pensions.

SECTION 4

COMPLETION OF COMMISSIONS (OFFICERS)

5424. Introduction

Officers completing the period of service required by their respective commissions will retire in accordance with the following regulations. The Defence Council or Admiralty Board also have discretion to retire officers found medically unfit for further service at any age (see Para 5417 to Para 5423) and to remove officers from the Active List if they are found unfit for further service due to incapacity, unsuitability or misconduct (See Para 5436).

5425. Extensions of Service

Extensions of service beyond retirement age may be granted to meet Service requirements (see Chapter 49).

5426. Commission Transfers

Regulations for transfer of commission are contained in Chapter 49.

5427. End of Commissions for Non-Medical, Dental and QARNNS Officers

a. **Initial Commission Stage (ICS) (and Equivalent Commissions).** The retirement date for officers serving on an ICS or equivalent is determined by the length of that commission, subject to the regulations on Normal Retirement Age (NRA) or rank related retirement - the latter is appropriate to officers with military service prior to 1 Apr 99 and who had not opted for transfer to RA55 when offered in 2018 (see Table 54-2).

b. **Career Commission Stage (CCS) (and Equivalent Commissions).**

(1) Officers who entered before 6 Apr 05 and are serving on a CC will retire on completion of 16 years' reckonable service from age of 21 or the date of entry, whichever is later, subject to NRA55 or rank related retirement.

(2) Officers who entered post 6 Apr 05 (or entered before and subsequently elected to transfer to AFPS05) and were selected for a CC before 1 Nov 13 will retire on completion of 18 years' service from the date of entry or at age 40, whichever is later, subject to NRA55 and rank related retirement.

(3) Officers who entered post 6 Apr 05 and have been selected for a CC with an effective date of transfer between 1 Nov 13 and 31 Mar 15 will retire on completion of 20 years' service from the date of entry or at age 40, whichever is later, subject to NRA55 and rank related retirement.

(4) Officers who enter after 1 Apr 15, or are selected for a CCS after the same date, will retire on completion of 20 years' service from their date of entry or at age 40, whichever is later, subject to NRA55. Rank related retirement age policy will not apply to this group.

c. **Full Commission Stage (FCS) (and Equivalent Commissions).**

(1) For officers on a FCS or equivalent, termination of commission is on retirement. The retirement date for officers serving prior to 1 Apr 99 and transferring to the longest commission pre-1 Apr 15 is determined by the substantive rank held by the officer as shown at Table 54-2, unless the officer opted-in for transfer to RA55 in 2018, in which case their retirement age is 55 (unless promoted to OF5 post 1 Apr 20).

(2) The alignment of RM OF4/5 and 6 retirement ages (RA) with their RN counterparts and the transitional arrangements is detailed at Table 54-3.

(3) The NRA for officers joining after 1 Apr 99 and reaching a Full Term Commission before 31 Mar 15 is age 55, with the exception of OF5s who are subject to Senior Officers' Compulsory Retirement (SOCR) terms.

(4) Officers who enter after 1 Apr 15, or have been selected for a FCS after the same date, will retire at age 55 with the exception of OF5s who are subject to Senior Officers' Compulsory Retirement (SOCR) terms. Rank related retirement age policy will not apply to this group.

d. **Full Commission Stage (Aviator).** Officers serving on the FCS(A) scheme will retire at age 55, regardless of whether they have military service prior to 1 Apr 99.

5428. End of Commissions for Medical, Dental and QARNNS Officers

a. **Officers in-Service Prior to 1 Apr 03.**

(1) **Medium Career Commission (MCC).** Medical, Dental and QARNNS officers serving prior to 1 Apr 03 who did not elect to transfer to the new Common Terms of Service (CTOS) commission structure and have not been selected for transfer to a Full Commission (FC) will remain on their existing MCC until its completion or until their appropriate rank related retirement (see Table 54-2).

(2) **Full Career Commission (FCC).** Medical, Dental and QARNNS officers serving prior to 1 Apr 03, who did not elect to transfer to the new CTOS commission, will remain on their existing FCC until their appropriate rank related retirement age as shown in Table 54-2.

b. **Officers Entering On, or Transferring To, CTOS from 1 Apr 03 to 31 Mar 15.**

(1) **Short Commission (SC).** The SC for Medical Officers is six years reckonable service from full registration with the General Medical Council; for Dental Officers, the SC is seven years from full registration with the General Dental Council; for QARNNS Officers, the SC is six years from date of entry.

(2) **Medium Commission (MC).** The length of the MC is 18 years' reckonable service from date of commissioning or age 21 - whichever is the later - subject to NRA58. For QARNNS officers, completion of the MC is upon attaining 16 years' reckonable service from date of initial entry or age of 21 - whichever is the later - subject to NRA55.

(3) **Full Commission (FC).** For Medical and Dental officers, the FC ends upon reaching 58. For QARNNS officers, the FC ends upon reaching age 55.

c. **Officers Entering from 1 Apr 15, or Existing Officers Transferring to a Longer Commission from 1 Apr 15.**

(1) The retirement date for officers serving on an ICS or equivalent is determined by the length of that commission, subject to the regulations on NRA or rank related retirement - the latter is appropriate to officers with military service prior to 1 Apr 99 (see Table 54-2 and Table 54-3).

(2) Officers who enter after 1 Apr 15, or have been selected for a CCS after the same date, will retire on completion of 20 years' service from date of entry or at age 40, whichever is later, subject to NRA60.

(3) Officers who enter after 1 Apr 15, or have been selected for a FCS after the same date, will retire at age 60.

5429. Retirement Ages for Officers with Military Service prior to 1 Apr 99

All officers with legacy Rank Related Retirement Ages (RRRA) were given the opportunity to transfer to Retirement Age 55 (RA55) in 2018. Those non-volunteers for RA55 remain on the legacy retirement ages in Table 54-2 and Table 54-3. Officers on legacy RRRA who wish to transfer to RA55 may apply via their CM and each case will be considered on its merits, taking into account service need. Additionally, they can apply for CE60 (see para 4920) which will take their retirement age to 60, if selected.

5430. Senior Officer Compulsory Retirement

a. **Senior Officers (OF6 and above).** Compulsory retirement, either compensated or uncompensated, may be applied to senior officers (OF6 and above). The terms and conditions of when this might apply are detailed in the Terms and Conditions of Service letters that are issued by the Naval Assistant on promotion to OF6 and OF7 rank and/or acceptance of assignment. Details of compensated compulsory retirement, known as Directed Early Retirement, may be found in JSP 764 Part 6 Chap 1.

b. All Officers substantively promoted on appointment to OF6, OF7, OF8 or OF9 positions, or subsequently re-appointed in their current rank, will be employed on SOCR terms aligned to the duration of the appointment or a minimum of two years in rank, whichever is greater. Occasionally, shorter appointments are required, for example to fill an interim or temporary position. In these exceptional cases, the minimum duration of the appointment will be 12 months, which will be advertised or offered on this basis and made clear in the associated SOCR terms. Operational tours of 12 months duration or longer will be advertised as an appointment in the corresponding rank, attracting substantive promotion and SOCR terms of 2 years in total, commencing on arrival in appointment. The SOCR terms will encompass the period deployed, post operational leave (POL) and, if a follow-on appointment has not been secured in the intervening period, uninterrupted delivery of their career transition activity. Regardless of the planned duration of an appointment, the final period of employment may be increased to encompass a person's terminal benefits, allowing them to complete their appointment before concluding their career transition activity.

c. Unless selected for a further assignment or promotion during this period, uncompensated early retirement will follow on completion of the appointment. In the event of selection for a further assignment or promotion, the expected duration of the new appointment and the SOCR terms will be agreed before assignment action is taken. As there is no guarantee of Service beyond the initial appointment, whilst retirement ages are laid down in Table 54-2, it may be that individuals do not qualify for the maximum permissible pension (i.e. 34 years' service from age 21 or date of entry, whichever is the later).

d. Officers must note that each subsequent OF6/OF7 assignment represents a commitment by the Service to employ that officer for the declared duration of the appointment, but also a commitment by the officer to serve for that same period. As with the initial assignment, early release inside a 12-month notice period should therefore not be assumed unless it suits the Service interest.

e. **Senior Officers (OF5).** Officers who promoted substantively to OF5 from 1 Apr 20 are subject to compulsory retirement at the point of six years seniority in rank, or at their existing retirement age (whichever is the earlier), unless the Service need determines a requirement for further service, or the Officer promotes before 6 years' seniority. This policy also applies to OF4s who have been selected for Commission Extension to Retirement Age 60 and subsequently promote to OF5, i.e. they serve 6 years in rank or to their CE60 terminal date, whichever is the earlier.

(1) Those Officers selected for promotion, whose date of promotion is on or after 1 Apr 20, will be provided with a letter setting out the Terms and Conditions of Service (TACOS) by the Naval Assistant's office. Promotion will only be confirmed upon acceptance of the TACOS. Officers who do not accept these TACOS will remain on their extant TACOS as an OF4.

(2) An OF5 can continue to serve after 6 years' seniority provided there is a Service need.

(3) The introduction of SOCR does not affect an officer's ability to submit notice for early termination (PVR) or OEP application for submariners.

(4) Those accepting promotion to OF5 and thereby agreeing to compulsory retirement terms as above will not be eligible for the Directed Early Retirement (DER) Scheme and Special Capital Payment (SCP) (see JSP 764) as this is applicable to 1* only and above. This is primarily because employment at OF5 will be provided for the full 6 years or to existing retirement age (subject to any future redundancy programme). Conversely,1* appointments are managed on an assignment by assignment basis; SCP may be granted when an individual is forced to retire because their post is removed or regraded, and this could not have been foreseen or prevented at the time of the appointment, or an unplanned reduction is made in the number of posts available to the Service.

(5) As AFPS 15 is a Career Average Revalued Earnings (CARE) scheme, the introduction of SOCR has the potential to impact on the pension that officers are able to achieve in the future. It may also have an effect on those who claim, or may claim, CEA and those in receipt of Recruitment and Retention Pay. Those affected by this policy change are strongly advised to take independent advice, from an appropriate source, before accepting promotion on these terms.

Table 54-2. Rank Related Retirement Ages for Officers with Military Service Prior to 1 Apr 99

Rank	Retirement Age
Lieutenant (FTC50)	50
Captain RM (FTC50)	50
Lieutenant (Family Services)	50
Lieutenant Commander (FTC50)	50
Major RM (FTC50)	50
Surgeon Lieutenant Commander	48 or on completion of 16 years' full pay service, to maximum age of 60
Surgeon Lieutenant Commander (D)	48 or on completion of 16 years' full pay service, to maximum age of 55
Surgeon Lieutenant Commander(D) (FC)	58
Lieutenant Commander (FNS)	50 but with option to retire at 48
Lieutenant Commander QARNNS	53
Commander (FTC53) (former GL and SD)	53
Commander (FTC50) (former SL)	50
Lieutenant Colonel RM (FTC50)	50 - See Table 54-3
Surgeon Commander	60
Surgeon Commander (D)	55
Chaplain	55
Colonel RM (FTC51)	51 - See Table 54-3
Commander QARNNS	53
Captain (FTC55)	55 (or promotion date plus 3 years if on CE60 as an OF4, whichever is the longer)
Surgeon Captain	60
Surgeon Captain (D)	57
Principal Chaplain	55, or on ceasing to hold the assignment, whichever is earlier
Captain QARNNS	55, or on completion of assignment
Commodore (FTC55)	55, or on completion of assignment
Brigadier RM (FTC51)	51, or on completion of assignment, - See Table 54-3
Surgeon Commodore (D)	57 or on ceasing to hold the assignment
Chaplain of the Fleet	60 or on ceasing to hold the assignment, whichever is earlier
Commandant Nursing Officer Director of Defence Nursing Service	55 or on ceasing to hold the assignment, whichever is earlier
Rear Admiral	55 or until it is decided that the officer will no longer be employed

(Continued)

Table 54-2. Rank Related Retirement Ages for Officers with Military Service Prior to 1 Apr 99 (Continued)

Rank	Retirement Age
Major General RM	55 or until it is decided that the officer will no longer be employed
Surgeon Rear Admiral Medical Director General (Navy)	60 or on ceasing to hold the assignment, whichever is earlier
Surgeon Rear Admiral (D) CE/Director Dental Agency	60 or on ceasing to hold the assignment
Vice Admiral	55 or until it is decided that the officer will no longer be employed
Lieutenant General RM	55 or until it is decided that the officer will no longer be employed
Surgeon Vice Admiral Surgeon General	65 or on ceasing to hold the assignment
Admiral	55 or until it is decided that the officer will no longer be employed
Admiral of the Fleet	Borne on the Active List for life

Notes:

1. Except where otherwise indicated, officers will retire on the date that they reach their retirement age e.g. Lt Cdrs (FTC50) will retire on the day before their 50th birthday.

2. In Jul 01, with the exception of Medical and Dental officers, NRA55 was introduced for all Flag and General officers in the Royal Navy.

Table 54-3. RM Alignment of Retirement Ages - Transitional Arrangements

If TX date is	Lt Col	Lt Col Retained Rights	Colonel	Colonel Retained Rights	Brigadier	Brigadier Retained Rights
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1/7/10 to 30/6/14	53	50	54	51	54	51
1/7/14 onwards	53	50	55	51	55	51

Note. *All RM OF4/5 and 6 will have their Retirement Ages (RA) extended by 1-4 years depending on their Termination date/RA [column (a)] and rank [columns (b), (d) and (f)], unless they choose to retain their reserved rights. This applies to officers in their substantive rank (GL, SO(LE) and Band Service).*

5431. Retirement Ages for SUY/SCC Officers with Military Service Prior to 1 Apr 99

a. **SUY/SCC Officers Promoted Prior to 1 Apr 99.** To maintain an equitable career opportunity for all officers serving before the introduction of the 3TC, SUY/SCC candidates promoted to the Officers Corps prior to 1 Apr 99 will serve to their existing officer rank related retirement age (RRRA) unless it is specifically extended for a particular rank. In this event, individuals so affected will retain the right to leave at the existing rank related retirement age if they so wish. Officers will also have had the opportunity to opt in for RA55 in 2018: if they did so their NRA is 55.

b. **SUY/SCC Officers Promoted from 1 Apr 99 to 31 Mar 15.** SUY and SCC officers who have insufficient time to complete an IC before their RRRA will retire on their officer rank related retirement date or on the day that their former rating engagement was due to end, whichever is the later. RM OF4 SO(LE) officers RA will align with their FTC(50)/(53) equivalent at Table 54-3. SUY/SCC officers who are able to complete an IC in full before their rank related retirement age will leave at the end of the IC unless they are selected for a longer commission. SUY/SCC officers will retire at their RRRA if they are serving on a CC or FTC at this point. Officers also had the opportunity to opt in for RA55 in 2018, if they did so their NRA is 55.

c. **SUY/SCC Officers Promoted Since 1 Apr 15.** Officers promoted from the ranks after 1 Apr 15 are no longer subject to RRRA policy if they have military service pre-1 Apr 99 and will retire at the end of their commission stage, subject to the normal retirement age.

SECTION 5

RESIGNATION BY OFFICERS

5432. Applications to Resign Commission by Officers

a. Early Termination option is the normal way of leaving the Service prematurely. In civilian life, the term ‘resignation’ is often used but resignation has a special meaning within the Royal Navy. Officers have no absolute right to resign their commission; however, they may be permitted to do so, in exceptional circumstances. Up to and including the rank of OF6, authority to accept resignation is delegated to the Naval Secretary. For officers of OF7 rank and above, acceptance of resignation is at the Admiralty Board's discretion. Resignation is appropriate when an officer wishes to sever all connection with the Service. Circumstances that would warrant resignation rather than the other types of discharge are where an individual holds actions or beliefs/attitudes that fundamentally conflict with the concept of military service. The primary consideration in acceptance of resignation is the best interests of the Service.

b. Resignation is only applicable to officers on the trained strength.

c. An application from an individual to resign their commission should be submitted through their CO to the Regional Legal Office (see Annex 1E).

5433. Waiting Period

Officers will not be allowed to resign until the appropriate authority has approved their application. If the application is approved, release is normally with immediate effect i.e. as soon as the administrative process allows. Whilst any outstanding ROS may be waived in these circumstances, it will be a condition of release that the officer must agree to repay any costs for which they may be liable (see Chapter 53).

5434. Consideration of Applications

a. Resignation applications, which should include a detailed statement of the grounds on which the officer is applying, are to be passed through the individual’s chain of command to the appropriate Career Manager and thence to the Regional Legal Office. Each case will be examined prior to submission to the decision maker to ensure the applicant is not confusing resignation with Early Termination and that there is no avoidance, inadvertent or otherwise, of administrative discharge procedures. Applications are then considered and decided upon by the appropriate authority. If the resignation is approved, release is with immediate effect. If, however, there is considered to be no case for allowing the officer to resign on the grounds submitted, the officer will be free to apply for Early Termination in accordance with Section 1.

b. Where officers make a prima facie case for resignation, they may be removed from their current assignment/course and re-assigned. If they are in or near the zone for promotion, they may not be considered further for promotion and they may not be eligible for redundancy.

5435. Withdrawal of Resignation Application

Officers have no right to withdraw an application to resign once it has been approved, however, they may be permitted to do so if the Naval Secretary determines that this will be in the best interests of the Service.

5436. Applications from Officers Subject to Disciplinary/Administrative Process

Officers are not normally allowed to resign when subject to disciplinary or administrative considerations, including Quarterly Reporting or discharge. Exceptionally, however, resignation may be accepted in these circumstances if it is considered that the interests of the Service will best be met by the early release of an officer.

5437. Consequences of Resignation

As with Early Termination, before requesting to resign, officers should make themselves aware of the possible implications of this type of release on matters such as retired pay, LSAP, resettlement grant (JSP 752 and JSP 754); annual and terminal leave (JSP 760) and graduated resettlement time (JSP 534).

5438. Optional Exit Points

Officers in receipt of RRP(SM) and serving on FTC/FCS engagements (but not serving on a subsequent EoS) may be eligible to submit an Optional Exit Point application which will enable them to leave the service at an earlier point than their current Termination Date without any loss of RRP; full details may be found in Annex 54K.

5439. Reserve Liability

Officers who are permitted to resign will be removed from the Active List and will not be placed on the Retired or Emergency Lists. They totally sever their connection with the Service and will no longer hold any form of Royal Navy commission and will have no further entitlement to the use of their naval rank or to wear naval uniform. This does not, however, exempt them from any statutory liability that they may have under the National Service Acts and related legislation.

SECTION 6

OTHER DISCHARGES - OFFICERS

5440. Compulsory Withdrawal from Training - Officers on the Untrained Strength

a. **RN Officers - Phase 1 Training.** The CO BRNC has delegated authority for the management of compulsory withdrawal from training (CWFT) applications for all Young Officers (YOs) during the period up to passing out of BRNC on completion of Phase 1 Training (Initial Naval Training (Officer)).

b. When an officer's performance (professional or character and leadership) falls below the standard required and the appropriate warnings have been applied (see Chapter 57 Section 5) but they have still failed to achieve the standard required, Director of Training BRNC and COs during IFT may submit an application to the CO BRNC for their CWFT.

c. Where transfer is being recommended as an alternative to CWFT, the CO is to submit the transfer request to the Officer Terms of Service Manager for consideration under the YO transfer regulations (see Para 5104).

d. All YOs being considered for CWFT are to be interviewed by the establishment's Diversity and Inclusion Officer, Personnel Selection Officer or a Head of Department to ensure that they have been fairly treated and informed of the following:

(1) Naval policy on Diversity and Inclusion (see Chapter 30).

(2) Definition of discrimination, harassment and bullying (JSP 763).

(3) Complaints procedure (see Chapter 23).

On completion of this interview, YOs are required to sign a 'Statement of D&I Advice' to confirm that they have received such advice.

e. Whilst a CWFT request is being considered, the CO BRNC must decide whether the officer should be sent home on leave or retained in the ship/establishment (if they are not considered to be a disruptive element to other YOs) until the decision of the CWFT application is known.

f. The CO BRNC is responsible for informing the YO in writing of the outcome of the CWFT decision. The letter must include details of any financial liability (see Para 5405 sub para b).

g. **RN Officers - Phase 2 Training (except Aircrew and ATC officers during Professional Training).** Where an officer's performance falls below the required standard on professional, character and leadership or temperament grounds (see Para 5731 to Para 5733 and Annex 54D) and the appropriate warnings have been applied, COs in the Fleet and Commodores and COs of Shore Establishments may submit a request for the officer's CWFT to Terms of Service Team in Navy People - People Strategy and Policy (PSP), the approving authority (on behalf of the Naval Secretary) for the CWFT of all officers during Phase 2 Training. In these cases, the request must be submitted with a recently completed SRF together with the YO's E190/Training Record and the contemporaneous record. In considering the request, the Officer Training Pipeline Manager (NAVY TRG HQ-PM OFFICERS) and appropriate Career Manager will be consulted, and, in some cases, the YO may be called forward for interview by a Naval Advisory Board before a decision is made (see Para 5743).

h. Where transfer is being recommended as an alternative to CWFT, approval is subject to the YO transfer regulations (see Para 5107).

i. Before a CWFT request and accompanying paperwork is forwarded, the CO should decide in conjunction with the Career Manager whether the officer should be sent home on leave or retained in the ship/establishment (if they are not considered to be a disruptive element to other YOs) until the outcome of the CWFT decision.

j. The Terms of Service Team will inform the YO in writing of the Service's decision through their CO (notifying the YO direct if at home). All officers withdrawn from training will have their final day on Naval pay calculated by their release office and entitlement to terminal leave calculated in accordance with JSP 760.

k. **RN Officers - Aircrew and ATC Officers During Professional Training.** Following suspension from flying duties, similar procedures to those shown in Para 5402 sub para h and sub para i apply to Aircrew and ATC officers who are recommended for withdrawal from training and termination of commission. If an inter-FAA transfer is approved by DDIR NAVN as an alternative to CWFT, the Chair of the NAAB will ask the Terms of Service Team to determine the terms and conditions of the transfer. In the case of a branch/specialisation transfer outside the FAA, Navy Command/DDIR NAVN will recommend transfer to the Officer Terms of Service Manager.

l. **RM Officers.** The Commandant CTCRM has delegated authority for the management of CWFT applications for all YOs during the period up to the end of Phase 1 Training (Week 36).

m. All YOs undertaking Phase 1 Training who are being considered for CWFT are to be interviewed by the establishment's Diversity and Inclusion Officer, Personnel Selection Officer or a Head of Department to ensure that they have been fairly treated, and informed of the following:

(1) Naval policy on Diversity and Inclusion (see Chapter 30).

(2) Definition of discrimination, harassment and bullying (JSP 763).

(3) Complaints procedure (see Chapter 23).

On completion of this interview, YOs are required to sign a 'Statement of D&I Advice' to confirm that they have received such advice.

n. For those in Phase 2 Training, the Commandant CTCRM may submit a recommendation to the Terms of Service Team in Navy People - People Strategy and Policy (PSP) for the CWFT of a RM officer whose performance has not met the required professional, character and leadership or temperament standards required of a RM officer following the issue of appropriate warnings (see Chapter 57 and Annex 54D). Where a Service transfer is being sought as an alternative to CWFT, approval is subject to the YO transfer regulations (see Para 5107).

o. Before a CWFT request and accompanying paperwork is forwarded, CTCRM should decide, in conjunction with the Career Manager, whether the officer should be sent home on leave or retained in the unit (if they are not considered to be a disruptive element to other YOs) until the outcome of the CWFT decision.

p. The Terms of Service Team will inform RM YOs in writing of the Services' decision through their CO (notifying the YO direct if at home). RM officers withdrawn from training will have their final day on pay calculated by their release office and entitlement to terminal leave calculated in accordance with JSP 760.

q. **Officer Candidates Promoted from the Lower Deck - Failure to Complete Initial Training.** See Para 5010.

r. **Representation.** Individuals who are being considered for CWFT must be given full disclosure of ALL paperwork related to their application. Subjects should be given a hard copy of the draft application and all supporting evidence. There may be exceptional circumstances where this is not possible; such circumstances must be discussed with and approved by the Navy Command Headquarters Terms of Service Team. This forms the case against them and allows them to properly represent their position. They should be given 24 hours to decide whether to make a representation against the application, or such longer period as is considered by the CO to be appropriate and necessary. Should the individual decide to make a representation, they should be given a further 48 hours to prepare that representation or such longer time as considered reasonable in the circumstances. In addition, the CO must ensure that the individual is afforded the services of an Assisting Officer. Those officers who choose not to submit a representation are to sign a waiver to this effect (an example is at Annex 54J). If the person decides to submit a representation, the CO should take this into account before finalising the application to the Terms of Service Team, acknowledging this formally in the application letter. In all cases COs must ensure that the points above are fully detailed and recorded. For Phase 2 Training cases, the application and all supporting evidence, including the finalised SPEC report, should be forwarded to the Terms of Service Team.

s. **Automatic Termination of Commission.** Any officer who leaves the RN or RM, whether voluntarily or involuntarily, whilst they are on the untrained strength will have their commission terminated automatically and will not be liable for reserve service or be entitled to wear Naval uniform after leaving.

5441. Administrative Discharge - Officers on the Trained Strength

a. **Introduction.** An officer whose performance or conduct falls short of the standards required may be discharged from the Active List. All applications for discharge of any officer of OF6 and below will be considered by the Naval Secretary. It is of paramount importance that correct procedures are followed. COs and Career Managers are therefore to seek the advice of the relevant RLO at an early stage in all cases where the outcome is likely to be administrative discharge.

b. **Types of Discharge.** An application for discharge may be made under the following categories:

(1) **Incapacity Due to Causes beyond an Officer's Control.** Incapacity due to causes beyond an officer's control may include, but are not limited to, an officer's inability to reach the required professional standards, temperamental unsuitability, and medical reasons not leading to MBOS.

(2) **Unsuitability Due to Causes within an Officer's Control.** Unsuitability due to causes within an officer's control may include inefficiency, unsatisfactory performance of duties including financial irresponsibility, failure to uphold Royal Navy core values and standards including a poor attitude towards the required standards of physical fitness, or other poor performance not warranting discharge for misconduct.

(3) **Misconduct.** Misconduct includes, but is not limited to, the commission of an offence, drugs misuse including CDT failure, continued inappropriate, malicious or vexatious correspondence with senior officers, or a succession of actions that demonstrate a failure to uphold the high standards expected of an officer and the traditions of the Royal Navy, rendering the officer unfit or unworthy of further employment. There is a rebuttable presumption of discharge (misconduct) when a Service Person who holds powers of punishment, as a Commanding Officer or Subordinate Commander, is charged with an offence listed in Schedule 2 of the Armed Forces Act 2006.

For specific information relating to the administrative discharge of officers on the grounds of Temperamental Unsuitability, see Para 5418 and Annex 54D.

c. **Procedure for Discharge.** An officer who is recommended for discharge due to incapacity or unsuitability will normally have been placed under quarterly reporting to provide for fair warning and monitoring with a view to recovering their professional or personal standing. A recommendation for discharge for misconduct may be without recourse to quarterly report procedures e.g. after a single act of serious misconduct.

(1) The application should be addressed to the RLO and should follow the general procedure and format for administrative applications detailed at Annex 1E and Annex 54F.

(2) In addition, other than in exceptional circumstances determined after liaison with the RLO, an application for administrative discharge must demonstrate the following:

(a) **Incapacity or Unsuitability.** For Incapacity or Unsuitability to be demonstrated, an individual must have had their failures clearly identified to them, have been afforded a reasonable time period to rectify their shortcomings and, having been afforded that opportunity, have failed to improve sufficiently to render their position in the Service tenable. It must be clearly explained why other measures, such as Removal from Assignment or seeking a branch transfer, are not appropriate in the circumstances.

(b) **Misconduct.** For Misconduct to be demonstrated, an individual's conduct must have fallen so far short of the standard expected of an officer as to have rendered their position in the Royal Navy to be untenable.

(3) Assessment must be made on whether the individual should retain their commission (Para 5436) and a recommendation made accordingly.

d. **Staffing Process.** The staffing process is both comprehensive and rigorous and is necessary to ensure the application is well founded, complies with the rules of disclosure and meets with the requirements of Administrative Law:

(1) **Individual's Unit.** The individual's CO is responsible for the submission of the application for discharge, fully detailing the reasons for applying and ensuring all the relevant paperwork is disclosed to the individual.

(2) **Regional Legal Office.** The RLO staffs the application, ensure it is procedurally correct and prepare a brief for the Deciding Authority (The Naval Secretary or the Admiralty Board). Legal advice is also provided by a Naval Barrister.

(3) **DDPD.** DDPD, in conjunction with the Career Manager, is to provide a brief to the Deciding Authority stating they have considered the application and outline whether or not they support it. This step is not required where discharge on the basis of misconduct is sought. In the brief, they must consider whether the individual is suitable for a branch transfer or an internal trade transfer e.g. a move to General Service from Submarine Service.

(4) **Naval Secretary's Office.** Where the subject of the application holds a substantive rank not exceeding OF6, the Naval Secretary will be the Deciding Authority. Discharges of officers of Flag rank will be forwarded to the Admiralty Board for consideration; the Naval Secretary will provide a brief stating that they have considered the application and whether or not they support it.

e. **Informing the Individual.** Once a decision has been made on the application, the individual's Commanding Officer will be notified in writing by the Naval Secretary and guidance will be provided on how to progress the outcome of the decision letter.

5442. Entitlements Following Administrative Discharge - Officers

a. **Termination of Commission on Administrative Discharge.**

(1) When officers are administratively discharged, consideration may be given to terminating their commission. If they retain the latter, they will be entitled to use their rank and wear uniform on state and certain ceremonial occasions (see Part 6).

(2) Officers administratively discharged who retain their commission may be placed on the Retired List or the Emergency List (the regulations are contained within BR 61). The letter notifying them of discharge will inform them of whether they will be placed on such a List. If placed on a List, they will be liable for recall in an emergency.

(3) Where an officer is administratively discharged for misconduct or for reasons within their control, it would usually be inappropriate for officers to continue to be associated with the Royal Navy. As such, their commission will normally be terminated unless there are exceptional circumstances justifying retention. In cases where officers are discharged for reasons outside their control, their commission will usually be retained, unless there are compelling reasons why it should not be. These might include un-officer like conduct or disregard for Naval core values and standards.

(4) Officers whose commission has been terminated are not entitled to wear uniform or to use their rank. They will not be listed in the Retired or Emergency Lists and will not be liable to recall in an emergency. This does not, however, provide exemption from any statutory liability under the National Service Acts and related legislation.

(5) Termination of commission of itself does not entail financial or other penalties besides the loss of those privileges accorded to an officer retained on the Retired or Emergency Lists, although other such penalties may flow from the reasons for discharge.

(6) An officer's liability for refunds of sponsorship or education costs (see Para 5405 sub para b) will normally be waived only in the event of discharge for incapacity (see Para 5437 a sub para (1)) whereas a ROS will be waived when an officer is administratively discharged under any of the categories in Para 5439 sub para a.

b. **Benefits.** Officers discharged due to causes beyond their control will be awarded the benefits appropriate to compulsory retirement. If discharged for causes within their control, any benefits admissible will be those which would have been awarded on voluntary retirement. Where discharge is for misconduct, the maximum award will be that admissible on voluntary retirement, but a lower award may be made where the Deciding Authority (the Admiralty Board or Naval Secretary) judges the offence to be particularly serious.

c. **Terminal Leave.** Where officers are discharged for incapacity or unsuitability, a recommendation will be made as to whether they should receive terminal leave. Officers discharged for misconduct or any other reason not amounting to misconduct, but of such a nature as may be deemed to render the grant of leave unjustified, will not be eligible for terminal leave.

5443. Dismissal

a. Officers charged with an offence under Military Discipline Legislation can be dealt with either by Summary Hearing or trial by Court Martial. In some cases, trial by court martial could result in dismissal or, exceptionally, dismissal with disgrace.

b. Officers dismissed by sentence of court martial are not eligible for terminal leave. Where appropriate, refunds will normally be required.

SECTION 7

DISCHARGES - RATINGS AND OTHER RANKS

5444. Discharges - General

a. **RN Ratings.** Discharges (except Invaliding) of ratings serving in the UK or in ships in home waters e.g. compassionate discharge, Discharge SHORE or SNLR, may be carried out as follows:

(1) For those serving in shore establishments (including RN Air Stations) or in self-accounting ships - direct from such establishment or ship.

(2) For those serving in non-self-accounting ships - through the parent ship or establishment bearing their accounts or, in urgent cases, through the nearest self-accounting ship or establishment.

(3) However, where it is at all practical, it is to the advantage of both the Royal Navy and the rating for the discharge procedure to be carried out at a Release Centre so that the rating receives the maximum benefit of discharge and resettlement information.

b. **Ratings' Documentation.** Ships and establishments are to ensure that ratings assigned to Release Centres for discharge are in possession of all necessary documentation (see Para 5442 sub para c). For appraisal reporting requirements see Para 5449, Para 5723 and Para 5724. Care is to be taken that all request action due e.g. award of Good Conduct Badges, has been completed. Service documents of ratings sentenced to dismissal and detention/imprisonment are to be forwarded to HMS NELSON Release Office. Medical documents, including completed Form F Med, 1 and 2, are to be forwarded in sufficient time to reach the Release Centre before the arrival of the rating.

c. **Ratings' Discharge Procedures.** Release Centres (or units carrying out the discharge of ratings in accordance with Para 5440 sub para a) are to ensure that discharge procedures are correctly followed, namely:

(1) Enrolment of eligible people into the Regular Reserve (see Section 9).

(2) Recording of cause of discharge and other notations.

(3) Rendering of pay-related documentation (JSP 754).

(4) Disposal of Service Documents.

(5) Issue of Form S1300 where appropriate.

(6) Issue of Discharge Certificate (Form S1560 or R111).

d. **Service Family Accommodation (SFA) and Hirings.** All discharges of ratings paying for SFA or hiring charges are to be reported by the unit via signal to DBS JPAC and the appropriate Defence Housing Executive Officer.

e. **RM Other Ranks Serving Under the Armed Forces Act.** Individuals whose discharge is approved or becomes due while they are serving under the Armed Forces Act (except those invalided from the Service while inpatients in Services Hospitals) will be discharged as follows:

(1) If serving in the Plymouth area - by Commando Logistic Regiment RM.

(2) If serving elsewhere - by RM Poole.

(3) At any other RM home unit with the approval of the Career Manager.

f. **Ratings and Other Ranks Serving Abroad.** Ratings and other ranks are to be sent home from abroad in time for discharge on completion of their career or engagement unless their service is being extended or prolonged (see Para 5811) or they have applied for discharge abroad (see Para 5407).

g. **Service in the Regular Reserves.** The liability and eligibility of individuals for service in the Royal Fleet Reserve (RFR) is to be assessed as part of the procedure to complete their release from the Active Service. Assessment and, where applicable, enrolment in the RFR is to be completed before individuals are dispersed to terminal leave in accordance with Para 5466.

h. **Parliamentary Correspondence.** When the question of an individual's discharge becomes the subject of Parliamentary Enquiry or correspondence, the case should be forwarded, with the full-Service Documents and other relevant papers, to the NAVY NPS-STRATPOL EMPLOY POL SO1 before any decision is taken (see Para 5444 sub para b).

i. **Postponement of Discharge and Transfer to the Reserve.** (See JSP 830 (Manual of Service Law) Vol 1 Chap 18 para 20). Members of the regular forces may be retained beyond their discharge date or transfer to the reserve date. The maximum extension period that can be authorised for an individual who would have transferred to the reserve is the same as that they could have been required to serve if called out as part of their regular reserve liability (under RFA 96 s.53(6), national danger etc. – 3 years; s.55(6), warlike operations – 12 months; s.57(6), certain operations – 9 months). For those who would have been discharged, the period for retention is a maximum of 12 months. This period accords with the time that a member of the reserve forces could be retained beyond the end of their current term if call out was authorised under RFA 96, section 52[2]. Individuals retained may be transferred to the reserve or discharged by the competent authority when services are no longer required. A person entitled to be transferred to the reserve or discharged may, by declaration to their CO[3], (see JSP 830 Chapter 18 Annexes C and D), remain in the Service if warlike operations exist and a call-out order is in force under RFA 96, section 54.

[2] In accordance with the powers under RFA 96, section 17(2).
[3] The Armed Forces (Discharge and Transfer to the Reserve Forces) (No.2) Regulations 2009/1091, regulation 8.

They are entitled to give three months' notice of this extension to their CO. Periods of extended service count towards reserve service. Individuals on extended service outside the UK are entitled to be discharged or transferred to the reserve in the UK, according with the provisions for individuals serving overseas under normal conditions of engagement.

j. JSP 830 (Manual of Service Law) Vol 1 Chapter 18 Annex A lists the competent authorities who may authorise a transfer to the Reserve.

k. **Discharge of Fraudulent Entrants.** When individuals are found to have made false statements, whether as to fitness (physical or mental) or as to previous service in the Forces or Reserves, in the documents signed on entry, the authorities in Para 5444 sub para b are authorised to approve their discharge, subject to any action required by Para 5442 k sub para (2) and having regard to their response to training and their future usefulness to the Service.

(1) If personnel are found to have enlisted while belonging to the Army, Army Reserve, RAF or RAF Reserve, reference should first be made to the Officer Commanding of the unit to which the individual belonged to ascertain whether it is desired to claim them under their original engagement. If they are not claimed, the question of retention or discharge will then be decided.

(2) In cases where discharge is authorised locally, the details of the discharge are to be recorded on JPA.

(3) **Royal Marines.** When an RM other rank is discovered either to have enlisted without having been discharged from a previous enlistment or to have made a false statement on enlisting in the RM, a report of the circumstances is to be forwarded to the RM Career Manager for instructions.

l. **Outstanding Disciplinary Action.** When an individual faces charges under the Armed Forces Act, the release procedure for the various types of Discharge SHORE categories should not normally be delayed. If in doubt, units should seek legal advice. If application is being made for an individual to be discharged SNLR (Unruly) or SNLR (CDT), legal advice should be sought if there are outstanding disciplinary matters.

m. **Right of Warrant Officers to Discharge after Reduction in Rank.** A Warrant Officer who has been reduced to the lowest rank or rate as a result of a sentence in Service proceedings has a right to claim discharge unless warlike operations exist, or a call-out order is in force under RFA 96 sections 52, 54 or 56. A claim for discharge should be made within one month of the reduction in rank and discharge must take place as soon as reasonably practicable. This allows former Warrant Officers to leave the Service promptly following conviction or administrative reduction in rank or rate if they do not wish to remain in the Service. Further details are at JSP 830 Chapter 18 Annex B.

n. **Types of Discharge.** Annex 54E outlines the minimum required documentation for each type of discharge. It can be used in conjunction with Annex 54F which sets out a step-by-step CO's guide to the discharge process.

o. **LGBT Restorative Action.** The MOD have accepted the LGBT Veterans Independent Review's recommendations to make retrospective changes to the service records of those impacted by the Ban on LGBT personnel serving in the Armed Forces between 1967 and 2000 (the Ban). In accordance with Implementation Order MOD/LGBTRestorativeAction/IO/001 dated 1 May 2024, Defence will enable those administratively discharged and/or demoted pursuant to the Ban, to apply to have their administrative discharge amended or annotated with the wording, 'Discharge was pursuant to a policy subsequently held by the European Court of Human Rights to be unlawful' and/or rank or commission restored to what it was immediately prior to discharge/dismissal.

p. The sS are to interrogate the Service records and make recommendations to Decision Makers on eligibility for Restorative Measures of qualification of administrative discharge and/or restoration of rank/commission based on eligibility criteria and reverse burden of proof on a balance of probabilities basis. Decision Makers for the Royal Navy will be the Naval Secretary (or their delegates) for applicants/deceased veterans of OF6 rank and below. For applications for veterans above OF6, the Defence Council shall be the Decision Maker who may delegate the decision-making function to the Admiralty Board, Air Force Board or Army Board.

5445. Discharge SHORE - General Instructions

a. Discharge SHORE is not a punishment. It is the normal method of dispensing with the services of ratings and other ranks whose retention is undesirable because of unsuitability or possibly for reasons largely beyond their control, but whose discharge cannot appropriately be affected by any of the methods prescribed elsewhere in the regulations. It may be recommended in the circumstances set out in Para 5444 or where discharge is in the best interests of the Service.

b. **Authority Required.** Annex 54A details those personnel who are delegated authority to approve Discharge SHORE. Administrative action should be taken in accordance with Annex 54F and Annex 1E, advice should be sought from regional legal advisors as required. Where the case is subject to Parliamentary correspondence or enquiry, the Navy Command Policy Secretariat should be informed at the earliest opportunity and the RLO should be notified on receiving the application. If the CO has the authority to approve the discharge, the individual must still be given full disclosure of all documents and the opportunity to make representation in accordance with Annex 1E; in such cases copies of disclosure paperwork, any representation and the letter informing the individual of the CO's decision are to be forwarded to RLO(E) for archive.

c. **Warnings.** Full detail and explanation of the Warnings process is covered in Chapter 57 and should be read in full before any application for Discharge SHORE is made.

d. **Documentation Required.** If applicable, a specialist's report should be obtained to inform the decision to apply for discharge e.g. Psychologists/INM; see Annex 54E for further details of relevant documentation.

e. **Reporting Approval of Discharge SHORE.** When Discharge SHORE is approved, the Career Manager must be notified as an addressee on the decision letter and JPA is to be annotated accordingly (see JSP 760).

f. **Date of Discharge.** The operative date of Discharge SHORE should be the earliest date on which discharge formalities can be completed after the decision to discharge has been taken. Those discharged on grounds of inadequacy who have over 20 (ES2), 18 (FC) or 22 (OE) years' service will be given two months' notice, not including terminal leave. For such individuals serving abroad, the two months' notice should date from time of arrival in the UK (see JSP 760 for full details).

g. **Discharge of Personnel Serving Beyond their Initial Pensionable Engagement.** The Administrative Authority ordering discharge of any individual with 20 (ES2), 18 (FC), 22 (OE) or more years reckonable service is to send a copy to DBS JPAC. Individuals are to be told to seek advice from the JPAC regarding the calculation of their pension.

h. **Procedure.** Applications which cannot be approved locally should be addressed to the appropriate deciding officer or RLO as identified in Annex 54A and be in accordance with the general procedure and format for administrative applications detailed at Annex 1E.

i. Where a rating or other rank has been informed of the grounds for application for their discharge but the reason for discharge is subsequently amended, the subject must be advised of the change and given the opportunity to state further representation before any action is taken by the approving authority.

j. Individuals discharged should be reminded of their right to make a Service complaint in accordance with JSP 831.

k. Advice on pensions, terminal grants, terminal leave and resettlement entitlement can be sought by the individual from the relevant SMEs including JPAC, Resettlement Team, UPO, Career Manager and the individual's own JPA account.

l. Where discharge SHORE is deemed appropriate any outstanding ROS will be waived, but financial liabilities will only be waived at the discretion of the deciding officer following consultation with the Terms of Service Team/RLO.

5446. Circumstances In Which Discharge SHORE May Be Appropriate

The following are the different circumstances where Discharge SHORE may be appropriate. When placed on warnings, an individual is to be specifically informed which circumstance they are being warned for. An individual may be on more than one warning concurrently e.g. Inadequacy and Alcohol or Inadequacy and Discharge SNLR (Unruly):

a. **Discharge SHORE (Fraudulent Entry).**

(1) When individuals are found to have made false statements on any information elicited, for example, whether as to fitness (physical or mental) or as to previous service in the Forces or Reserves, in the documents signed on entry, the authorities in Annex 54A are authorised to approve their discharge, subject to any action required by Para 5445.a (1) sub para (c) and having regard to their response to training and their future usefulness to the Service.

(2) If personnel are found to have enlisted while belonging to the Army, Army Reserve, RAF or RAF Reserve, reference should first be made to the Officer Commanding of the unit to which the individual belonged to ascertain whether it is desired to claim them under their original engagement. If they are not claimed, the question of retention or discharge will then be decided.

(3) In cases where discharge is authorised locally, the details of the discharge are to be recorded on JPA.

(4) **Royal Marines.** When an RM other rank is discovered either to have enlisted without having been discharged from a previous enlistment or to have made a false statement on enlisting in the RM, a report of the circumstances is to be forwarded to the RM Career Manager for instructions.

b. **Discharge SHORE (Deemed Unsuitable During Training) (DUDT).**

(1) In establishments carrying out initial (Phase 1, 2 or 3) training, a rating or other rank who is reported to be unsuitable for retention for causes other than medical unfitness (but including enuresis) maybe discharged SHORE. Ratings in the Initial Training Pipeline (ITP) are effectively under probation and, should they fail to meet the required standard in accordance with Annex 54A, the Naval Secretary has delegated authority to certain officers within training establishments authorising them to end a rating's service on the grounds of Discharge SHORE 'Deemed Unsuitable During Training' (DUDT). Before doing so, the CO may consider whether the individual might prove suitable for another branch and/or specialisation dependent on the Service requirement.

(2) Discharge may be authorized only by those officers detailed in Annex 54A carrying out initial (Phase 1, 2 or 3) training in the case of Able Rates Branch Designator 2 (BD2) of the following branches: Warfare, Medical, Weapons Engineering, Marine Engineering, Air Engineering, Logistics and RM other ranks during their initial training. This authority cannot be sub delegated within the unit.

(3) The exception is in Phase 1 where the Deputy Stream Leader (normally CO HMS RALEIGH) Naval Core Training Stream has devolved authority from the Commodore Core Stream to approve Discharge SHORE DUDT. While COs of Training Establishments (of Capt RN rank or above in command) may approve such discharges without application to higher authority, it is important to maintain a clear audit trail of events leading to this decision.

(4) Chapter 57 articulates the warning procedures that are to be followed for all Naval ratings on the untrained strength (UTS). Training establishments should therefore refer to this Chapter in full. There are four distinct DUDT categories which can be applied:

(a) **DUDT Academic.** Encompasses all trainees who are unable to complete the academic requirements of their UTS training.

(b) **DUDT NGT.** For trainees who are unable to complete the requirement in the ARFSA RPS (All Ratings First Sea Assignment Role Performance Statement) and Training Performance Statement (TPS).

(c) **DUDT Contributory.** This will be applicable to any trainee who has failed to achieve the required standard on their professional course or is deemed by the Training School to be unsuitable for further training or unable to conduct their branch training and refuses any branch transfer which is offered by the Pipeline Manager.

(d) **DUDT Administrative.** Suitable for any trainee who leaves the Service due to an administrative issue.

(5) It is important that COs give unequivocal guidance on whether individuals who have been dismissed on the grounds of DUDT should be allowed to re-enter and, if so, the period of time that should be allowed to elapse between discharge and re-entry. Each of the four categories has a recommended guideline for re-applying to join the RN of:

(a) **DUDT Academic.** - 12-60 months.

(b) **DUDT NGT.** 18-60 months.

(c) **DUDT Contributory.** 18-36 months.

(d) **DUDT Administrative.** 3-60 months.

(6) All trainees being considered for Discharge SHORE DUDT are to be interviewed by the establishment's Diversity and Inclusion Officer, Personnel Selection Officer or a Head of Department to ensure that they have been fairly treated, and informed of the following:

(a) Naval policy on Diversity and Inclusion (see Chapter 30).

(b) Definition of discrimination, harassment and bullying (JSP 763).

(c) Complaints procedure (see Chapter 23).

On completion of this interview, trainees are required to sign a 'Statement of D&I Advice' to confirm that they have received such advice.

c. **Discharge SHORE (Inadequacy).**

(1) It should be noted that ratings and other ranks that hold the rate of Leading Hand (or equivalent) and above and who are unable to perform their duties due to inadequacy must first be warned for reversion following the normal warning process and reverted in accordance with the relative rates table at Annex 65A. If ratings and other ranks are still unable to perform the duties of the lowest rank/rate to which they can be reverted because of physical or mental incapacity (not of a nature to warrant invaliding) or incompetence or they may be discharged SHORE. Proof of inadequacy should normally be given by individuals' SJAR, warning reports and Annex 57D (formal warning proforma). These documents catalogue their failing and show that they have been ineffective for a period long enough to rule out any possibility of improvement. In appropriate cases, individuals may volunteer for transfer to another branch (dependent upon the Service requirement) or be recommended for reversion to their original branch and/or specialisation, as an alternative to Discharge SHORE.

(2) Invariably if an individual is unable to perform their duties satisfactorily, this would be manifested in an inability to perform in their professional branch specialisation. An individual who is not currently employed in their core professional specialisation but is nonetheless failing to meet their Terms of Reference, however, may be warned for inadequacy at any given time. An example being when an individual assigned to the Recovery Cell/Waterfront organisation is given specific tasks to perform which are outside their core specialisation and fail to perform these to the required standard. In this instance they may be warned for inadequacy. Another example would be repeated incidents which demonstrate an individual's inability to comply with Naval Core Values and Standards. A possible example may be where despite repeated remedial instruction an individual is unable to comply with the most basic requirements of Service life such as cleanliness, presentation, punctuality etc. These examples are not exhaustive, and units should engage with the RLO if they consider they have a situation of this nature.

(3) **Discharge SHORE (Inadequacy - Attitude to Fitness).** The warning procedure for a poor attitude to the required levels of fitness is detailed in BR 51 Volume 2, Chapter 2 - (RNFT Policy, Protocols, Instructions and Guidance). Persistent poor attitude to fitness may result in Discharge SHORE on the grounds of inadequacy (see Para 5443.a(3) sub para (a)). Applications forwarded to the RLO for this reason should be accompanied by the relevant completed warning certificates, and relevant reports by INM, as appropriate and as detailed in BR 51 Volume 2.

(4) **Inadequacy of Individuals who have Completed more than 20 years (on an ES2), 18 years (on an FC) or 22 years (on an OE1) Pensionable Service.** The provisions of Para 5445 a (3) sub para (a) are not considered appropriate for individuals whose effectiveness deteriorates unduly after they have completed time for pension. The following procedure is to be followed therefore when ratings and other ranks who have completed more than 20 (ES2)/18 (FC)/22 (OE) years' pensionable service become so ineffective in the discharge of their duties that, if they had less service, the question of reversion would have to be considered:

(a) Individuals are first to be interviewed by their Head of Department and informed of their shortcomings. They are also to be warned in accordance with Chapter 57 (Level 2 warning) that, if no improvement takes place, their case will be reported to the CO with a view to early discharge from their engagement.

(b) If still dissatisfied, the Head of Department will report the case to the CO who will investigate it personally. Individuals are to be allowed to state their case with the assistance, if they wish, of an officer who need not be a Divisional Officer.

(c) If not satisfied, the CO is to warn such individuals in accordance with Chapter 57 (Level 3 warning) that an application will be made to the higher authority with a view to their discharge if a satisfactory improvement has not taken place at the end of one month.

(d) If, at the end of one month, the CO is still not satisfied, an application on the case, including the CO's opinion whether or not such person's ineffectiveness is within their own control, should be forwarded with the supporting evidence for decision to the administrative authority in accordance with Para 5442 sub para b above.

d. **Discharge SHORE (Failure of Naval Annual Personnel Weapons Test) (NAPWT**). After an appropriate warning period, persistent failure of a mandatory NAPWT may result in Discharge SHORE under this Para if the rating or other rank is on the trained strength or, in the case of New Entry ratings and other ranks, Discharge SHORE under Para 5447 a sub para (2) (DUDT). The NAPWT failure policy is detailed in BR 8988 Chapter 12.

e. **Discharge SHORE (Financial Irresponsibility).** Ratings and other ranks may be discharged SHORE for financial irresponsibility in accordance with QRRN Chapter 36.

f. **Discharge SHORE (Obesity).** Ratings and other ranks who are unable to perform their duties satisfactorily due to obesity may be discharged SHORE - see BR 1750A (Handbook of Naval Medical Standards).

g. **Discharge SHORE (Alcohol).** Addiction to alcohol is not compatible with service in the Armed Forces. Under circumstances where an individual's efficiency, physical condition or value to the Service becomes materially impaired, Discharge SHORE may be recommended. See Para 5769 for more information. JSP 835 contains guidance for those with alcohol issues. Any application should normally demonstrate that the full range of treatments available to the individual within the RN has been utilised prior to submission.

h. **Discharge SHORE (Medical Reasons).**

(1) Discharge SHORE of ratings and other ranks may be recommended on medical grounds, even where they may still be capable of performing satisfactorily the duties of the lowest rate/rank to which they can be reverted. These grounds include:

(a) Sea sickness.

(b) Enuresis, provided that it is not a symptom of a more serious illness.

(c) RM other ranks who have appeared before the Naval Service Medical Board of Survey (NSMBOS) and are assessed as being Physically Unsuitable for Commando Service or training.

(d) Discharge SHORE is not to be recommended for those who can more properly be dealt with by invaliding - see BR 1991 (Instructions for the RN Medical Service). Applications for discharge on medical grounds must be accompanied by appropriate supporting medical evidence.

(2) Recommendations for Discharge in relation to Para 5445 a (8) (a) sub para (iii) and sub para (iv) above are to be referred to the NSMBOS and NSMEB. A medical recommendation for Discharge SHORE for seasickness or enuresis is to be brought to the immediate attention of the CO of the ship or establishment to which individuals are sent after medical examination (see BR 1991). Unless, exceptionally, the Commodore, Captain RN or CO considers that the medical recommendation cannot be supported, discharge may be authorised in accordance with Para 5444 and Para 5445. The individual should remain with the establishment until a decision is communicated.

i. **Discharge SHORE (Temperamental Unsuitability).** Discharge SHORE of ratings and other ranks may be recommended for unsuitability of temperament, even where they may still be capable of satisfactorily performing the duties of the lowest rate/rank to which they can be reverted. Discharge SHORE on these grounds is an Executive responsibility but does require an assessment of the individual by a Medical Officer/Civilian Medical Practitioner in order to exclude any medical problem and to assess the severity of any degree of temperamental unsuitability. When a discharge is considered due to temperamental unsuitability, the application must be accompanied by supporting medical evidence. See Annex 54D for specific instructions.

(1) **Discharge of Ratings Approaching Pension.** Consideration of whether to discharge a rating approaching pension must take full account of the great financial consequences in loss of terminal grant and immediate pension. If an individual is within three years of pension, the case must be forwarded to the RLO for a decision. When a warning is appropriate under Chapter 57 Section 8, a record of the warning must be recorded on a Special SJAR and included in any submission for discharge.

(2) **Authority.** Discharge SHORE may be authorised as set out in Annex 54A.

j. **Discharge SHORE (Best Interests of the Service).** Although the above types of Discharge SHORE are the normal method of dispensing with the services of ratings and other ranks whose retention is undesirable because of their unsuitability, it is not possible for the regulations to cover every eventuality. Where Command is unable to determine an appropriate method as detailed above, then an application may be considered on the basis of the Best Interests of the Service. This method of discharge will only be available in wholly exceptional circumstances. For example, a rating who won the National Lottery but who was behaving inappropriately, such as paying colleagues to cover their duties. This method is not to be used to capture a number of minor transgressions which are covered by other methods of discharge or to amalgamate them into sufficient reason to discharge an individual. Each instance must be considered on a case-by-case basis and advice should be sought in the first instance from the RLO or regional legal adviser

5447. Discharge Services No Longer Required (SNLR) - General Instructions

a. Discharge Services No Longer Required (SNLR) is not a punishment but neither is it an honourable release and it can impair a rating or other rank's prospects of employment on return to civil life. It will also normally prevent re-enlistment (see Para 1208).

b. Discharge SNLR is the appropriate method of dispensing with the services of personnel who have tested positive for prohibited/non-prescribed drugs, personnel who have involved themselves in the misuse of drugs (including the possession of drugs paraphernalia), personnel who are subject to administrative action for serious breaches of behavioural standards, or unruly or undisciplined individuals whose retention would be to the detriment of the Service but who have not committed an offence which, either in itself or in association with their past record, would justify a sentence of dismissal.

c. Discharge SNLR is not only appropriate to ratings and other ranks whose service conduct merits discharge but also when a conviction by the civil power makes their retention undesirable (see QRRN 3906.4). In the case of the latter, application for Discharge SNLR would be in the form of a Service Penalty (C57). Discharge SHORE may be considered as an alternative to Discharge SNLR in accordance with QRRN 3906.4.3.

d. It should not normally follow immediately after a sentence of detention but may do so exceptionally when it is obvious that the sentence has had no reformatory effect. In such a case, if it is considered that a rating should not return to the Fleet on completion of their sentence, even for a short time, a recommendation for a rating's discharge should be submitted. The exception to this is those individuals who have been sentenced to a period of detention following their conviction for a drugs related offence where application for their discharge would be the normal course of action. In all such cases, the advice of the RLO or regional legal advisor must be sought prior to any action being taken.

e. **Procedure.** A Discharge SNLR should be in accordance with the general procedure and format for administrative applications detailed at Annex 1E. Additional documents relevant to the circumstances, such as CDT paperwork, police report or toxicology reports should be sourced and relied upon as required.

f. Where a rating or other rank has been informed of the grounds for consideration of their discharge, but the reason for discharge is subsequently amended, the subject must be advised of the change and given the opportunity to state further representation before any action is taken by the approving authority.

g. **Authority Required.** Annex 54A details those personnel who are delegated authority to approve Discharge SNLR. Action should be taken in accordance with the general instructions at Annex 1E. If the case is subject to Parliamentary correspondence or enquiry, it should be brought to the attention of the Navy Command Policy Secretariat at the earliest opportunity and the relevant Regional Legal Office on initial consideration of discharge.

h. **Warnings.** Full detail and explanation of the Warnings process is covered in Chapter 57 and should be read in full before any application for Discharge SNLR is made. In all cases (with the exceptions of CDT and drug abuse), it is expected that individuals will normally have been formally warned by the CO/Executive Officer of their shortcomings and given a period in which to reform as in Para 5444 sub para c (also see Chapter 57 Section 7) before an application is made for discharge. Para 5445 is to apply to warnings if the individual is approaching pension. This warning may be dispensed with in cases in which it would not be appropriate, for example after a serious civil conviction.

i. **Documentation Required.** As a minimum, prior to discharge the CO must prepare a letter either to higher authority or to the individual concerned (where the CO has authority to approve discharge) outlining the reasons for the proposed discharge and the relevant policy references. If applicable, any other documents relied on should be attached to this letter e.g. CDT report, warnings, discipline history (see Annex 54E). The individual should then provide either a signed Representation against discharge or a waiver of the right to submit a Representation (an example is at Annex 54J). This, together with the 'Special' SJAR, should be provided to the officer delegated to approve the potential discharge. They should then decide whether or not to approve discharge and write either to the applying CO or, where the CO is making the decision, to the individual, explaining what their decision is and the reasons why they have come to it.

j. **Reporting Approval of Discharge SNLR.** When Discharge SNLR is approved, the Career Manager must be advised and JPA is to be annotated accordingly (see JSP 760).

k. **Date of Discharge.** The operative date of Discharge SNLR should be the earliest date on which discharge formalities can be completed after the decision to discharge has been taken and notified. When a rating or other rank is approaching pension, the provisions of Para 5446 are to be applied. All individuals serving abroad will be returned to the UK for discharge formalities except those who are to be discharged on the station at own request (Para 5407) and those to be discharged as a Naval penalty who will complete their career or engagement whilst undergoing a sentence of imprisonment. Individuals who cannot carry out the normal discharge routine - i.e. those at home who have not returned to duty following civil conviction by the time approval is received to discharge them as a Naval Penalty, and those abroad who are to be discharged as a Naval Penalty and are not to return to the UK for discharge formalities - will be discharged while serving their civil sentence.

l. Individuals discharged should be reminded of their right of complaint against discharge in accordance with JSP 831.

m. Advice on pensions, terminal grants, terminal leave and resettlement entitlement can be sought by the individual from the relevant SMEs including JPAC, Resettlement Team, UPO, Career Manager and the individual's own JPA account.

n. **Forfeiture of Long Service and Good Conduct Medal.** Forfeiture of the Long Service and Good Conduct Medal is a consequential effect of Discharge SNLR (see QRRN Para 3906.5 and JSP 830 (Manual of Service Law)).

o. Where Discharge SNLR is deemed appropriate any outstanding ROS will be waived, but financial liabilities will only be waived in exceptional circumstances at the discretion of the deciding officer following consultation with the Terms of Service Team/RLO.

5448. Circumstances in which Discharge Services No Longer Required (SNLR) may be Appropriate

The following are the different circumstances where Discharge SNLR may be appropriate. When placed on warnings, an individual is to be specifically informed which circumstance they are being warned for. An individual may be on more than one warning concurrently e.g. Discharge SNLR (Unruly) and Discharge SHORE (Inadequacy).

a. **Discharge SNLR (Unruly).** When considering a decision to apply for Discharge SNLR in cases of unruliness, COs should be mindful that there should usually be evidence that the individual is on warnings for Discharge SNLR (Unruly) and has received either a sentence of detention or multiple lesser sentences in the past but has re-offended, thus demonstrating that the punishment(s) has not had the desired reformatory effect. Offences that have rehabilitated cannot be taken into account when considering administrative discharge.

b. **Discharge SNLR (Compulsory Drugs Test) (CDT) or (Drugs Misuse).** The unique position of the Armed Forces is such that misuse of drugs is incompatible with the Service. Positive results from CDT will result in Discharge SNLR in all but the most exceptional cases. COs are advised to consult tri-Service policy on a positive CDT result or drug misuse in JSP 835 and at Chapter 21 Section 4 (ethos, values, standards and personal matters).

c. **Discharge SNLR (Misconduct).** Individuals who have behaved in a way that is incompatible with Service values and standards and/or have been found to be in serious breach of Service policy may be discharged SNLR where appropriate. Situations that may give rise to discharge under this section may include, but are not limited to, bullying and harassment, serious social misconduct and behaviour demonstrating hostility to a person or group based on a protected characteristic.

5449. Complaints Against Discharge SHORE/SNLR

a. Ratings and other ranks who complain against a decision to discharge them authorised under the provisions of this Chapter will not be retained in the Service pending a decision on their complaint.

b. Service personnel due to be discharged are to be reminded of their right to submit a Service Complaint in accordance with JSP 831.

c. Guidelines on handling complaints are as follows:

(1) The Career Manager is to be advised without delay, where discharge is associated with a complaint under action.

(2) The MOD has no jurisdiction to restrict the movements of a discharged rating or other rank pending resolution of the individual's complaint.

(3) At the time an individual states a complaint, they should be informed that there may be some delay in finalising their pay and any monetary adjustments pending resolution of the complaint. Whilst immediate pension payments will be made at the appropriate date and recovered if the complaint is upheld, any lump sums due will be withheld pending resolution of the complaint.

(4) If the complainant is reinstated, individuals are to be paid as if they had not been discharged. The period between discharge and reinstatement, if attracting full salary, will count as reckonable service. Any Special Pay or other forms of additional pay, as specified in JSP 754, to which the individual was entitled during the period missed will be paid retrospectively.

(5) If the complainant is reinstated but disrated/reduced in rank, unless specified otherwise (e.g. in a decision on a Service Complaint), they are to receive back pay and special pay or additional pay to which they were entitled for the period between discharge and reinstatement at the lower rate/rank. For the purpose of re-advancement or re-promotion, time is to be counted from the day they re-enlist in the Service.

(6) The Career Manager will advise the Defence Housing Executive of any cases where the complainant is the occupant of Service Families Accommodation (SFA). Provided that the complaint is resolved within the 93-day notice to quit period, there should be no difficulty for entitled persons occupying married quarters whose complaint is subsequently upheld.

(7) Release Centres will hold documentation until the complaint has been resolved. The Service records need not be closed, and no record of discharge need appear if subsequently the complaint is upheld. At the time they state their complaints, individuals should be informed that their final documentation will be delayed pending the resolution of the complaint.

(8) Release Centres are to retain the complainant's kit until their discharge has been confirmed.

(9) Where a complaint is upheld, and the complainant does not wish to return to the Service, their release should be annotated as discharge as of right on notice with the notice period being waived, unless stipulated otherwise in the final decision.

5450. Assessment and Recommendations for Further Naval Service

a. All Naval officers, ratings and other ranks about to be discharged are to receive an appraisal report (Occasion: Prior to Retirement) from the final employing unit prior to joining the nominated Release Centre.

b. Those who leave the Service before normal retirement age, except for those for whom the reason for discharge precludes consideration for further service (officers administratively discharged; or ratings/other ranks discharged 'Deserted', 'Dismissed', 'SNLR', or 'SHORE', are to be assessed and a recommendation made as to their suitability for further Naval Service. The statement 'Recommended for further Naval Service' or 'Not recommended for further Naval Service' is to be included in the 2RO potential narrative.

c. Further detail may be found in Chapter 57 (Appraisal and Warnings) and Para 1211.

SECTION 8

RELEASE PROCEDURES AND PAYMENTS ON RETIREMENT

5451. Retirement Advice

A retirement package containing advice on future employment, civil and Service benefits, transition into civilian life and Naval Associations is provided to every officer leaving the Service by Veterans UK.

5452. Release Procedure

a. Officers placed on the Retired List, Emergency list or who are otherwise discharged from the Service will normally be assigned to HMS DRAKE, HMS NELSON or CTCRM for release procedures. Attendance at these Release Centres by the individual officer is not usually necessary.

b. **Ratings and Other Ranks Serving in the UK.** The discharge of individuals on completion of a Career or Engagement or on 12 months' notice is to be undertaken by Unit Release Centres. Ratings will be assigned to appropriate Unit Release Centres by their Career Manager, with a copy of the Assignment Order being sent to the Release Centre concerned.

5453. Release Actions

The following actions need to be completed:

a. **Medical Examination.** All personnel are to be given a final release medical examination before leaving the Service in accordance with BRd 1750A Para 0121.

b. **Personal Loan Items.** Personal loan items (e.g. respirators) are to be returned on release to the nearest Naval ship or establishment or to the Base Logistics Commander.

c. **Documentation.** Under current arrangements, all Service Leavers will receive a Service Leaver's Pack from the Termination Cell, Veterans UK(G), about 9 months prior to their termination date.

d. On release, personnel are to surrender MOD Form 90 (Service Identity Card), all Service rail and coach cards and other forms of security pass to their ship or establishment's administration office or Base Supply Officer.

e. Two copies of MOD Form 135 (Official Secrets Act) are included in the current termination packs and must be signed by all officers on release from the Service. Release Centres are to verify this or ensure that a copy of MOD Form 135 is signed in their presence and one copy forwarded to DBS JPAC (the other copy is to be retained by the officer).

5454. Promulgation of Release

The details of officers completing active service are promulgated in the Officers' Assignment List, which is the authority for release and gives the final date for pay. An entry in the London Gazette is made for officers leaving the Service on completion of commission, at a break point, on voluntary retirement, on invaliding, or on redundancy.

5455. Terminal Leave

Terminal leave is granted so that, entitled personnel may use their last weeks in the Service to seek employment and make appropriate domestic arrangements. Regulations concerning an individual's entitlement are contained in JSP 760.

Note. *Paras 5456-5464 should be read in conjunction with JSPs 764 and 905 and may be subject to significant change following publication of the McCloud Review in 2021.*

5456. Payments on Retirement

The detailed regulations for retired pay, gratuities and terminal grants are incorporated in JSP 754. Individual enquiries from personnel concerning entitlement should be addressed to Veterans UK, Kentigern House, 65, Brown Street, GLASGOW, G2 8EX.

5457. Retired Pay

a. An officer must have completed at least 16 years' reckonable service over the age of 21 to be awarded immediate retired pay. Awards are governed by rank and length of service with specific adjustments dependent upon the period of time substantive, higher and acting rank may have been held.

b. Retired pay is not normally index-linked until age 55 when interim and subsequent pension increases are applied.

5458. Terminal Grants

When immediate retired pay is awarded, a tax-free terminal grant is paid equal to three times the annual rate of basic retired pay.

5459. Commutation

Commutation is a method of raising a lump sum in addition to the terminal grant by agreeing to receive a lower rate of retired pay. Commutation is subject to medical fitness and MOD approval. Specific regulations are applied to the amount of resettlement and life commutation that may be paid.

5460. Preserved Pension

A preserved pension and, in certain circumstances, a preserved terminal grant, is awarded to those on pensionable terms who do not qualify for an immediate pension but have completed two years' service. A preserved terminal grant of three times the annual value of the pension may be payable in certain circumstances. The preserved pension and preserved terminal grant are payable at age 60, increased in value to restore the purchasing power which they had on first award and maintained at that level through annual pension increases. The preserved pension and preserved terminal grant are not awarded to officers on gratuity earning short career commissions.

5461. Resettlement Grant

Officers who leave the Service with the award of a preserved pension may be awarded a resettlement grant provided they have completed at least nine years' reckonable service.

5462. Death Benefits

On the death of a Service person, payment of their pay or pension, or proportions thereof, to the widow/widower and entitled children is dependent upon specific factors. Details are included in JSP 754.

5463. Premature Discharge Within Three Months of Completing Service and Pension Entitlement

a. **Eligibility (Armed Forces Pension Scheme 1975 (AFPS 75)).**

(1) Ratings and other ranks who are serving on an Open Engagement (OE1) and are members of AFPS 75 are eligible to apply for premature discharge under this rule. Such individuals may apply to their CO for permission to take premature discharge not more than 91 days before the discharge date for the purpose of taking up an offer of civilian employment or educational study if the offer cannot be held open until after the OE1 discharge date. Individuals who are serving on OE1 (and have not accepted Second Open Engagement (2OE) or Extended Career (EC)) must have completed at least 21 years 274 days' reckonable service before leaving in order to qualify for an immediate pension. Pension benefits will be calculated on the basis of reckonable service earned up until the actual date of leaving.

(2) Individuals who are serving on a 2OE/EC and are members of the AFPS 75 may also apply for premature discharge not more than 91 days before the discharge date for the purpose of taking up an offer of civilian employment or educational study if the offer cannot be held open until after the 2OE/EC discharge date. Individuals in this circumstance should have already fulfilled the reckonable service requirement for an immediate pension by having completed OE1[4].

b. **Eligibility (Armed Forces Pension Scheme 2005 (AFPS 05)).**

(1) Ordinarily under this pension scheme, any individual who applies for premature discharge before their Normal Retirement Age (NRA) of 55 will qualify for a tax-free Early Departure Payment (EDP) lump sum, equivalent to three times their annual preserved pension, and a monthly taxable EDP income worth not less than 50% of their annual preserved pension. This will increase to 75% of their preserved pension at age 55. Once they reach age 65, the monthly EDP income ceases and at this point the individual will receive their preserved pension and pension lump sum.

[4] The Naval and Marines Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010 effective 6 Apr 10 refers.

(2) Since 6 Apr 10, however, all officers, ratings and other ranks who are members of the AFPS 05 are also eligible to apply for premature discharge under 'the 91-day rule' as long as they are serving on a commission, career or engagement that will give them a NRA of 55. These individuals may apply to their CO for permission to take premature discharge not more than 91 days before their 55th birthday for the purpose of taking up an offer of civilian employment or educational study if the offer cannot be held open until after the discharge date. The period between their actual date of leaving and age 55 will be recognised as qualifying service but not reckonable service for pension purposes. That means that the calculation of their pension and pension lump sum will be based on reckonable service earned up until their actual date of leaving and paid when an individual reaches age 55 (JSP 764 Para 0301 refers).

c. **Ineligibility.** The following personnel cannot apply for premature discharge under this rule:

(1) Officers who are members of AFPS 75.

(2) Ratings and other ranks who are members of AFPS 75, are serving on an OE1 and have already accepted and signed up to a period of 2OE/EC, since their discharge date will already have been amended to reflect the end date of the 2OE/EC.

(3) Individuals who are members of AFPS 05 whose NRA is before age 55 or who applies for premature discharge to leave before age 55 (except where permitted under the 91-day rule).

d. **Authority for Premature Release.** COs may authorise premature discharge, subject to verification of the reasons why the offer could not be held open until the normal date of discharge and clarification of the individual's pension position. The appropriate Career/Branch Manager should be advised of the change in date of discharge, whereupon the necessary JPA action will be taken.

e. **Effects on Conditions of Service.**

(1) Individuals are strongly recommended to seek clarification of the effects that any early release may have on their pension entitlement from the Veterans UK (Pension Division), noting that generic printed advice and in particular the online Pensions Calculator are not sophisticated enough to incorporate the 91-day dispensation by design.

(2) The length of service requirement for 91-day rule applicability dictates that eligible individuals will necessarily qualify for maximum Graduated Resettlement Time (GRT) and Terminal Leave (TL). GRT is designed to be taken in the period 2 years prior to discharge whereas TL is granted on completion of service. It follows that circumstances will arise when all, some or no GRT has been taken at the time early discharge under the 91-day rule is approved.

In turn, the ability to take GRT during foreshortened service will depend on time remaining, the opportunity and permission to undertake specific GRT activity. It may be possible to take GRT in lieu of TL (JSP 534 Article 0356 applies), with the effect that the service leaver is 'on duty' and entitled to duty travel and subsistence. GRT cannot be used to defer an individual's discharge date (exceptionally allowed elsewhere where GRT entitlement cannot be utilised). Eligible personnel on Terminal Leave may undertake concurrent paid civilian employment in accordance with JSP 534 Article 0357.

(3) In all cases, individual circumstances should be discussed and agreed with Line Managers, COs and Branch/Career Managers at the earliest opportunity.

5464. Other Pension Arrangements

Detailed advice concerning the transfer of pension rights and the purchase of added years and other Additional Voluntary Contributions may be obtained from Veterans UK.

5465. Discharge - Additional Procedures to be Adopted for Foreign and Commonwealth Members of the Royal Navy

Non-British recruits who do not hold British citizenship and are granted 'Exempt from UK Immigration Control'[5][6]status on joining the Royal Navy lose this status at the point they are discharged from the RN or RM. In order to fulfil the MOD's duties as a responsible employer, the Home Office's UK Visa and Immigration Team must be notified of non-British personnel who are discharged, or about to be discharged, from the Royal Navy so that appropriate arrangements can be made to regularise their immigration status in the UK, post-discharge. Commanding Officers, Career Managers, Release Centres[7] and any other units that have responsibility for the release of non-British personnel must be aware of the legal and important need to ensure that the actions outlined below are being carried out.

a. Actions to be taken:

(1) **Inform Home Office in advance of Discharge.** Where the date of an individual's discharge is known in advance, the proforma at Annex 54H is to be completed by the unit and faxed to the Home Office to enable them to prepare any paperwork necessary.

(a) In order to assist the individual with a smooth transition to civilian life, this action should be taken, wherever possible, up to **18 weeks before the actual discharge date**.

(b) The names of any spouse/civil partner or dependent children should be included. The name and address, email, telephone and fax numbers of the discharging unit must also be added. The discharging unit is to retain the original proforma within the individual's discharge file.

[5] At the point that a F&C citizen enlists into the Armed Forces, they automatically become exempt from UK immigration control under Section 8(4)(a) of the Immigration Act 1971; any existing UK visa restrictions are suspended whilst serving.
[6] This is not required in the case of Irish or Malta/Cyprus (EU) nationals, all of whom have freedom of access to the UK and do not need a vignette.
[7] Where Naval personnel are discharged from MCTC, the MCTC is to liaise with the individual's former unit to ensure that their responsibility for briefing the individual and notifying the Home Office has been carried out. If it has not, then MCTC is to assume this responsibility.

(2) **Provide Advice to non-British members of the Royal Navy in Advance of their Discharge Date.** At least five months prior to discharge Commanding Officers, Career Managers and Release Centres are to ensure that officers, ratings or other ranks are informed of the following:

(a) That if they have not sought British citizenship and wish to apply for settlement, their applications for Indefinite Leave to Remain (ILR) may be submitted on **Form SET(AF)** or for Limited Leave to Remain on **Form FLR AF** to the Home Office up to 18 weeks prior to the date of discharge (see Para 5465 sub para b). If they apply at this point their transition to civilian life will be eased as the Home Office will provide them with an 'indicative' letter to assist them in making appropriate arrangements for employment after discharge and for liaising with the relevant authorities for housing, healthcare and benefits during transition to civilian life, and be able to grant them ILR the day after their discharge providing they meet the requirements of the Immigration Rules (immigration law does not permit Service personnel to be granted ILR whilst still serving and exempt from control).

(b) It is the service person's responsibility to regularise their immigration status and that of their dependants if they wish to remain in the UK[8] and seek work after their discharge. Units must provide officers, ratings or other ranks seeking discharge with the Home Office contact details at Para 5466 sub para i and assist them in obtaining the appropriate application forms and any further information they require.

(c) Those who have served for a period of four years or more in the RN/RM will have this time taken into account by the Home Office if they, their spouse/civil partner and their dependants apply for ILR/settlement in the UK (i.e. permission to reside and work in the UK for an indefinite period). Where an individual is being medically discharged with less than four years' Service directly due to injuries sustained on operations, special arrangements are in place for either **Limited leave to Remain or Indefinite Leave to Remain** applications; additional detail is provided at Para 5466 sub para g.

(3) **At the Time of Discharge.** Commanding Officers of Release Centres are to ensure that the following actions area taken:

(a) On the final day of service, or immediately if an officer, rating or other rank refuses to release their passport, and preferably on the same page as the "Exempt from immigration control" stamp or vignette (introduced in February 2010), the individual's passport should be endorsed with the cessation stamp (see below) plus the date of discharge stamp which should appear immediately below the cessation stamp.

[8] Individuals who have not already sought UK citizenship and who have completed 4 years' service with HM Forces may apply for settlement (also known as Indefinite Leave to Remain) up to 10 weeks prior to discharge – see sub-para b.

Neutral date stamps must be used: unit stamps that identify the individual as a current or former member of the Naval Service must not be used and the 'Exempt from immigration control' stamp must not be struck through. The format and wording to be used for the cessation stamp is as follows:

Reason for exemption from immigration control ceased on [Date]

Note. *In the absence of an available stamp, this wording and the date may be written in the passport in black ink on the same page (or on the page opposite) with the 'Exempt from immigration control' endorsement.*

(b) Prior to the individual's last day of discharge or on the actual last day, the Home Office will send a letter to the unit for the officer, rating or other rank (and separately for any spouse/civil partner and dependants). The letters will normally grant the individual and any dependants 28 days 'Leave to Remain' in the UK. During these 28 days, the spouse/civil partner or dependants may continue to work but all are required to apply for **Indefinite or Limited Leave to Remain** (as appropriate) or to leave the country before this period of leave expires. Once the individual and their dependants have lodged applications for Indefinite or Limited Leave to Remain, they are able to remain in the UK legally whilst their applications are processed. Where units are aware of individuals seeking employment immediately after discharge, who need advice about working legally and their immigration status, they should refer them to the Home Office for advice. Note: Discharged Foreign and Commonwealth (F&C) individuals are not permitted to seek or engage in employment after the 28 days have expired whilst the application is pending. They do not have a continuation of leave pursuant to Section 3 (C) of the 1971 Immigration Act. It is for this reason that it is prudent to submit **an application 10 weeks prior to discharge.**

(c) If the unit does not receive the letter(s) from Home Office on the day of discharge, they should contact the Home Office Armed Forces Team; contact details are at Para 5465 sub para i. One copy of the letter(s) should be handed directly to the officer, rating or other rank who should be asked to confirm receipt by signing the letter. If the individual is not present, or if they refuse to provide a signature of receipt, the discharging officer should sign and endorse the letter accordingly. The unit is to email a copy of the signed letter(s), together with a copy of the completed Annex 54H proforma (after updating column B), to the Home Office.

b. **Further Advice to be Given on Discharge.** When the officer, rating or other rank is in receipt of the letter(s) from Home Office, they should again be reminded by the Discharging Officer that a person discharged from the Armed Forces after 4 years' service or more may apply for settlement under the HM Forces rule. The individual must be made to understand that they are personally responsible for contacting the Home Office and for applying for **Indefinite** Leave to Remain or, otherwise, to leave the country before any leave to remain they may have been granted expires. Applications for ILR should be made on form **SET(AF)** and sent, with the appropriate fee, to the address given on the form. Individuals should make it clear on the **SET(AF)** application form, which is unique to those serving in HM Forces and their family members, that they are applying on discharge and tick the category within the AF Forms **'A Former Member of HM Forces on Discharge under Appendix Armed Forces'** and provide documentary evidence of time spent in the Armed Forces. Discharging units should assist by providing individuals with a unit letter confirming the period of service.

c. **Cases Where it is not Possible to Give the Home Office Advance Notification.** Discharging units should make every effort to give the Home Office advance warning of the date of discharge from the Naval Service, even if this is only possible on the day of discharge itself. There may be occasions, however, where this does not prove possible. In such cases, discharging units should at the very least attempt to endorse the individual's passport with the cessation stamp and ensure that a copy of Annex 54H proforma giving the individual's details (and those of any dependants), including their post-discharge UK address and column B details, is sent to the Home Office. The individual should also be given the advice detailed in Para 5465 sub para a and sub para b, plus the Home Office contact details.

d. **Imprisonment Leading to Discharge.** In cases where a non-British officer, rating or other rank has committed a criminal offence and is discharged from the Naval Service and sent to a UK prison, the officer, rating or other rank's passport is to be endorsed as above and notification provided to the Home Office along with details of the sentence. There is no specific authority entitling members of HM Forces to hold the passport of a non-British citizen and **therefore** it may be helpful (for instance at courts-martial) if the Judge Advocate directs that the individual is to surrender their passport for the appropriate action to be taken. The Home Office is responsible for any subsequent administrative action. Units should seek advice from the Home Office Armed Forces Team if required. Service support to families in such cases is provided in the same way as for British Citizens in respect of continued entitlement to Service Families Accommodation or Families Maintenance Grants and advice should be sought from the appropriate JSP.

e. **Advice for Units Administering Medical Dischargees with Serious Conditions.** Current Royal Navy medical discharge procedures apply (BR1991, Chapter 18, Royal Naval Medical Service, Medical Boards). Individuals with serious medical conditions who have served for 4 years and are eligible for ILR may apply up to 10 weeks prior to their actual discharge date along with any immediate family (spouse/civil partner and dependent children under the age of 18) citing any permanent need for medical care as the reason for this. Unit letters and medical evidence should support such applications.

The Home Office will consider such cases under the normal rules. If the officer, rating or other rank is eligible for ILR, the Home Office will provide the unit with an 'indicative' letter in advance of the discharge date confirming that ILR will be granted and that the individual and their dependants will be eligible to apply for public funds. This will enable the unit, in conjunction with the individual concerned, to arrange private accommodation or to facilitate an application to an appropriate UK Local Authority (LA) for accommodation and or specialist care. Individuals seeking support from a LA normally have to demonstrate recent residency or family ties. Support and aftercare is normally provided in the UK in accordance with current Service regulations and can include assistance through the Divisional System, NS FPS, JSHAO, Veterans UK and various Naval Service charities (e.g. RNBT) and the individual's own disability/legal representatives in conjunction with any local authority support.

f. It should be noted that the current legal position is that the Home Office is unable to grant settlement/ILR until the day an individual is actually discharged from HM Forces.

g. **Medical Discharge as a Direct Result of Injuries Sustained on Operations where Less than Four Years has been Served.** Where a non-British member of the Naval Service is medically discharged as a direct result of injury sustained in an operational theatre, the requirement for them to have completed at least 4 years' service before they can qualify for a grant of ILR will generally be waived. This means that individuals discharged in these circumstances will normally qualify for ILR even if they have not completed four years' RN/RM service. Where settlement is granted, the accompanying spouse/civil partner and dependent children will normally also qualify for ILR at the same time. Commanding Officers are to ensure that individuals are briefed that they will need to submit supporting medical evidence with their application.

h. **Other Forms of Discharge with Less than 4 Years' HM Forces Service.** Prior to deciding whether to submit an application for **Limited** or **Indefinite** Leave to Remain, individuals are advised to consult the rules and guidance published on the Home Office website in order to decide what type of application may be appropriate. All applications will be considered by the Home Office in accordance with the immigration rules and the relevant guidance. The Home Office has confirmed that each case will be decided on its merits, taking account of all factors, including misconduct or criminal behaviour, and any supporting evidence submitted by the applicant e.g. concerning the source and details of any injury or medical condition. Where discharge results from injury sustained during initial training or is due to a medical condition not attributable to Naval Service, it would not normally be appropriate to waive the requirement to have completed 4 years' service prior to discharge for the purpose of considering an application for settlement. Where a substantial part of the minimum four years' service requirement has been served prior to discharge, however, discretion may be exercised by the Home Office to allow settlement. These conditions would also apply if an application was raised for settlement from an individual medically discharged as a result of a pre-existing medical condition being exposed after enlistment.

i. **Further Information.** Further information on visa/citizenship eligibility, leave to remain, fees etc, refer to the following websites:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/488255/Armed_Forces_apps_discharge_V3.0.pdf

https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-armed-forces and https://www.gov.uk/government/collections/armed-forces-modernised-guidance.

For the specified application form FLF AF and guidance notes:

https://www.gov.uk/government/publications/application-to-extend-stay-in-uk-hm-forces-form-flraf

For the specified application form SET AF and guidance notes:

https://www.gov.uk/government/publications/application-to-settle-in-uk-as-former-member-of-hm-forces-setaf

Navy Command Headquarters Terms of Service Team

Email NAVY PEOPLE-PSP EMP POL (Multiuser)

Home Office

Armed Forces Team
Email Mark.Wilbraham@homeoffice.gov.uk.

Postal Address: Armed Forces Casework Team
Home Office
Lunar House
40 Wellesley Road
CROYDON
Surrey
CR9 2BY

SECTION 9

RESERVE LIABILITY

5467. Reserve Liability under the Reserve Forces Act 1996

a. **Background.** An ex-Regular currently has a defined period in the Royal Fleet Reserve (RFR) on leaving Service[9]. Those in the RFR can be called out for permanent service. The Reserve Forces Act 1996 sets out the occasions on which someone can be called out (national danger, great emergency, attack on UK, warlike operations, certain other purposes as stated by the Secretary of State) and sets a maximum duration (12 months).

b. Once RFR liability has expired, individuals may still be subject to recall. This is not a Reserve Force itself, (albeit it is referred to as the Recall Reserve (RR)) rather a collective term for those liable to recall. There are far fewer reasons when an individual can be recalled, making it essentially, the final opportunity to recall a former Service Person (SP). Recall can only be for national danger, great emergency or attack on the UK[10]. Currently:

(1) A rating/other rank cannot be recalled after the age of 55, or after a period of 6 years from the date discharged and transferred to the RFR.

(2) An officer can be recalled for as long as they hold a commission (which will be until death), unless they have resigned their commission, or had their commission terminated.

c. **Informing Service Leavers of their Reserve Liability.** Part of the leave well process includes signposting reserve liability and opportunities in wider Defence. Every officer and rating/other rank leaving Regular Service, receives a letter from Staff Officer Mobilisation (SO2 MOB), explaining their RFR and Recall liability.

d. **Annual Reporting Letter.** Once an individual has left regular Service, Defence Business Service (DBS) send an annual reporting letter, as both a reminder to the individual of their liability and to update contact details held**.**

e. **Records RFR and RR.** Records are maintained of all officers, ratings/ other ranks in the RFR and RR, by CM RES RFR ADMIN, for the duration of their liability. These records can be used by Career Managers (CM) for intelligent selection or mass mobilisation in the event that Call Out and/or Recall of the RFR and RR, respectively, has been authorised.

[9] Subject to a small number of exceptions stated in Annex 54I e.g. discharge for misconduct.
[10] Reserve Forces Act 1996 Section 68.

f. **Re-joiners.** If a re-joiner has had a period of Reserve Liability at the end of their previous service, each fresh period attracts the Reserve Liability commensurate with that length of service, noting that for a rating the age at which liability ends is currently maximum is currently age 55. Once an officer has aggregated 20 years of regular service, whether continuous or broken, RFR liability to age 60 will then apply. For those who have aggregated less than 20 years, the liability will be 6 years. Due to the meaning of the phrase of 'Regular Service' those joining with former Army or RAF regular Service will have that service counted for the calculation of any RN Reserve Liability – noting that when an individual joins a different Service, they relinquish all liability from their former service. Those who become UY/SUYs, fall under the liability for officers, those who do not complete UY/SUY training will have liability as a Rating/OR.

g. **Current Reserve Liability.** When an individual is being released from Service, their reserve liability is entered into JPA by the individual's CM in all situations. For details on Reserve Liability, see Annex 54I.

ANNEX 54A

DELEGATIONS OF POWERS TO APPROVE DISCHARGES AND OTHER ADMINISTRATIVE ACTIONS

1. Discharges

Service Person	Discharge Type			Competent Authority	Delegated Authority – see Note 10	Others
RN Ratings and RM Other Ranks	Discharge SNLR	CDT	BRd 3(1) Para 5448.b.	Defence Council, Admiralty Board, Naval Secretary or any person authorised by the Naval Secretary.	Yes	See also Note 1
		Drug Misuse	BRd 3(1) Para 5448.b.		Yes	See also Note 1
		Unruly	BRd 3(1) Para 5448.a.		Yes	See also Note 2
		Misconduct	BRd 3(1) Para 5448.c.		Yes	See also Note 2
	Discharge SHORE	Fraudulent Entry	BRd 3(1) Para 5446.a.		Yes	See also Note 3
		DUDT	BRd 3(1) Para 5446.b.		Yes	See also Note 4
		Inadequacy	BRd 3(1) Para 5446.c.(1)		Yes	See also Note 2
		Inadequacy – Attitude to fitness	BRd 3(1) Para 5446.c.(3)		Yes	See also Note 2
		NAPWT Failure	BRd 3(1) Para 5446.d.		Yes	See also Note 3
		Financial Irresponsibility	BRd 3(1) Para 5446.e.		Yes	See also Note 2
		Obesity	BRd 3(1) Para 5446.f.		Yes	See also Note 2
		Alcohol	BRd 3(1) Para 5446.g.		Yes	See also Note 2
		Medical Reasons	BRd 3(1) Para 5446.h.		Yes	See also Note 2
		TU(I)	BRd 3(1) Para 5446.i. and Annex 54D		Yes	See also Note 5
		TU(R)			Yes	See also Note 5
		Best Interests of the Service	BRd 3(1) Para 5446.j.		Yes	See also Note 2
Officers	Administrative Discharge (Trained Strength)	Reasons within their control	BRd 3(1) Para 5441.b.(2)	Defence Council/ Admiralty Board/ NavSec (see Note 6)		
		Reasons out with their control	BRd 3(1) Para 5441.b.(1)			
		Misconduct	BRd 3(1) Para 5441.b.(3)			
	Administrative Discharge (UTS)	Compulsory/Voluntary Withdrawal from Training	BRd 3(1) Para 5440			See also Note 7
	Requests for non-standard Early Termination		BRd 3(1) Para 5416			Career Manager (trained strength) Terms of Service Manager (untrained strength)
All	Conscientious Objection		BRd 3(1) Para 5408	DC/AB	Dir P&T/NAVSEC	See also Note 8

2. Other Administrative Actions

Service Person	Administrative Action Type			Competent Authority	Delegations From Competent Authority			
					Dpty Dir People Del	Hd CM	Hd WFP&T	Others
RN Ratings and RM Other Ranks	Reversion		BRd 3(1) Para 7003-7005	S332 AFA 06				See also Note 11
	Re-Promotion or Re-Advancement following Reversion		BRd 3(1) Para 7007	Dir P&T /NAVSEC				
	Re-Promotion or Re-Advancement following Disrating		BRd 3(1) Para 7001/2					
	Withholding Promotion		BRd 3(1) Para 6710		Yes	Yes	Yes	See also Note 2
	Service Penalty (C57)	Career Check	BRd 2 Para 3906.4 and BRd 3(1) Chap 20 Section 19	Dir P&T /NAVSEC	Yes	Yes	Yes	See also Note 3
		Reversion		S332 AFA 06				See also Note 11
		Discharge SHORE		DCAB/NAVSEC or delegated authority	Yes			See also Note 2
		Discharge SNLR			Yes			
	Requests for non-standard Early Termination (untrained strength) – Ratings		BRd 3(1) Para 5415					Comdt TMG, TMG SO1 Plans SWPR SO1
	Requests for non-standard Early Termination (untrained strength) – Other Ranks							Comdt CTCRM, CO CTW CTCRM
	Requests for non-standard Early Termination (trained strength)						Yes	SO1 Branch Manager
	Requests for training or financial Return of Service waivers		BRd 3(1) Para 5305 and Para 5414				Yes	See also Note 12
	Approve/inform final day of service when Accelerated Transfer to the Reserve provisions are in place		BRd 3(1) Para 5404.c(.2)			Yes	Yes	SO1 Profession and Career Manager
	Request to leave at less than 12-month notice period		BRd 3(1) Para 5414			Yes	Yes	SO1 Profession and Career Manager
Officers	Censure	Admiralty Board's Severe Displeasure	BRd 2 Para 3804 and BRd 3(1) Chap 20 Section 7 Para 2032 – 2033	Individual to whom Application is being Submitted				
		Fleet Commander/2SL Severe Displeasure						
		FC/2SL/Other 2* Higher Authority's Displeasure						
		CO's Logging		COs				
	Resignation of Commission		BRd 3(1) Para 5432	Dir P&T / NAVSEC				
	Requests for training or financial Return of Service waivers		BRd 3(1) Para 5305 and Para 5414	Dir P&T / NAVSEC			Yes	See also Note 12
All	Removal or suspension From Assignment (Fault/No fault/ Without Prejudice)		BRd 3(1) Para 6006/7	NAVSEC	Yes	Yes	Yes	See also Note 9

Notes:

Discharges and other administrative actions are a Full Command issue. <u>THESE DELEGATIONS ARE TO RN AND RM COMMANDING OFFICERS ONLY</u>. Army or RAF Commanding Officers who have RN/RM personnel under their Command MUST refer any discharge or other administrative actions to the appropriate single service (i.e. the RN) for advice and action. For RNR/RMR personnel refer to BRd 3(2).

1. Discharge may be authorised by the individual's CO (as defined for the purposes of Discipline in accordance with AFA 06), or for an individual in custody in MCTC the CO of the parent unit, provided the CO is OF4 rank or above. Where the individual's CO is OF3 or below, they must apply for discharge to the first superior officer in their discipline Chain of Command of OF4 rank or above. In the event that a CO of OF4 rank or above is unavailable, the action can pass to the first superior officer in their discipline Chain of Command. Where any CO considers that an individual is not culpable for their positive CDT result, application for retention must be made to the CO's 1 higher authority (for the purposes of AFA 06) or Dir P&T/NAVSEC where the 1* HA is not a member of the Naval Service. Any application for exceptional retention in cases concerning drugs misuse must be made to Dir P&T/NAVSEC. All Deciding Officers MUST take legal advice from the Regional Legal Office prior to disclosure AND prior to issuing a decision letter.*

2. Discharges and administrative actions annotated with "see also Note 2" always require an application. Where the CO is OF4 or below, these actions must be approved by the first OF5 in the individual's discipline Chain of Command (as defined for the purposes of discipline in accordance with AFA 06), or for an individual in custody in MCTC the discipline Chain of Command of the parent unit. Where the individual's or parent unit's CO is an OF5 or above, the action must pass to the 'immediate superior'. The deciding OF5 or above MUST take legal advice from the Regional Legal Office prior to disclosure AND prior to issuing a decision letter.

3. Discharges and Administrative actions annotated with "see also Note 3" may be approved by the individual's CO (as defined for the purposes of discipline in accordance with AFA 06), or for an individual in custody in MCTC the CO of the parent unit, unless the CO is OF3 rank or below in which case they must refer the matter to a first superior officer in the CO's discipline Chain of Command of OF4 rank or above. All Deciding Officers MUST take legal advice from Regional Legal Office prior to disclosure AND prior to issuing a decision letter.

(Continued)

Notes: (Continued)

4. **Discharge SHORE (DUDT).** Delegated post holders are:

HMS RALEIGH	Phase 1 Trainees	CO, Cdr INT and The Commander/XO
HMS RALEIGH	Phase 2 Trainees	CO, OC RNSMS, The Commander/XO and Cdr INT
DCLPA	Phase 2 Trainees	Head of Navy Training (CO FSTW)
CTCRM	Phase 1 & 2 Trainees	CO CTW and Commandant CTCRM
Royal Marines Band	Phase 1 & 2 Trainees	Commandant CTCRM and CO Specialist Wing
HMS COLLINGWOOD	Phase 2 Trainees	CO, OC Victory Sqn (OC VS) and The Commander/XO
HMTU	Phase 2 Trainees	CO CWD
HMS SULTAN	Phase 2 Trainees	XO HMS SULTAN, Cdr T, Cdr ME and OC RNAESS
RNAS CULDROSE	Phase 2 Trainees	Cdr A&T
RNAS YEOVILTON	Phase 2 Trainees	Cdr AE and Cdr A&T
CO Training Clyde	Phase 2 Trainees	CO Trg Clyde and OC SMTG
DMA	Phase 2 Trainees	CO Defence School of Healthcare Training (DSHT)

(Continued)

Notes: (Continued)

5. ***Discharge SHORE (TU).*** *Where a Senior Medical Officer or Civilian Medical Practitioner classifies the rating as having an irremediable degree of Temperamental Unsuitability, discharge may be approved by the first RN OF5 in the individual's discipline Chain of Command, or for an individual in custody in MCTC the discipline Chain of Command of the parent unit. For those who are assessed as having a potentially remedial degree of Temperamental Unsuitability, a minimum of 3 months' warning period applies; discharge may then be approved as above. Officers on the untrained strength who are considered to be Temperamentally Unsuitable will be Compulsory Withdrawn From Training.*

6. *Dir P&T/NAVSEC is authorised to approve discharge from the Service of officers on the trained strength up to and including OF6. Dir P&T/NAVSEC is authorised to remove an officer's commission for officers up to and including OF6. For officers of OF7 rank and above, approval for discharge / acceptance of resignation of commission is at the Admiralty Board's discretion.*

7. ***Officer Withdrawal from Training.*** *CO BRNC, CO HMS Raleigh and Cmdt CTCRM respectively are authorised to approve Compulsory Withdrawal from Training (CWFT) cases involving RN and RM officers undertaking Phase 1 training. Navy People Hd PSP and Navy People PSP Emp Pol SO1 are authorised to approve CWFT for all Phase 2 cases and Exceptional Voluntary Withdrawal from Training cases.*

8. ***Conscientious Objection.*** *Dir P&T/NAVSEC is authorised to approve early termination and resignation of commission for officers who have completed Phase 1 training as well as compassionate discharge for ratings and other ranks on the grounds of conscientious objection. Since resignation of commission is only applicable to officers who have completed Phase 1 training, officers under Phase 1 training may request to withdraw voluntarily from training for any reason prior to reaching their Premature Termination of Career Training (PTCT) point which will normally be accepted; it is not necessary for Dir P&T/NAVSEC to approve where a voluntary withdrawal from training request is appropriate.*

9. ***Removal from Assignment.*** *Dir P&T/NAVSEC has the authority to remove from assignment any member of the Naval Service below OF7, including those in Command assignments (Command assignments are those as stated in BRd 3(1) Ch 59 Appendix 1 to Annex A). Dpty Dir People Del has delegated authority to approve Removal from Assignment of OF3s and below providing they are not in Command. Hd CM, Hd WFP&T, Hd People Ops and Hd Policy, Strategy & Plans and Dpty Dir People Strat have delegated authority to approve the removal of ratings or other ranks from assignments.*

(Continued)

Notes: (Continued)

10. *The following have delegated authority to discharge a rating or other rank SHORE, SNLR or Compassionate in accordance with Chapter 54: Dpty Dir People Del, Dpty Dir People Strat, Hd Policy, Strategy & Plans, Hd CM, Hd WFP&T, Hd People Ops.*

11. *Administrative actions annotated with "see also Note 11" may only be approved by COs of 2* Rank - S332 AFA 06 refers. Otherwise, COs must apply to a superior officer in their discipline Chain of Command (as defined in BRd 3(1) Table 20-1) who is an OF5 or above. The deciding OF5, or above, MUST take legal advice from the Regional Legal Office prior to disclosure AND prior to issuing a decision letter.*

12. *Requests for a RoS waiver will be considered on a case-by-case basis by a RoS Board which for OF4 and below will consist of Navy People-PSP Emp Pol SO1 and the relevant Branch Manager (or WFPT Head) with advice from Navy Legal. For OF5 and above the Board will consist of Navy People SOCTM NA, Navy People-SOCTM Head and WFPT Head. The Board will also consider the recovery of any costs for Training or other RoS.*

ANNEX 54B

APPLICATION FORMAT FOR THE ADVISORY COMMITTEE ON CONSCIENTIOUS OBJECTORS

1. Applicant's Name: .....

Number: .....

Rank/Rate: .....

Unit/Ship: .....

2. I declare that I have a conscientious objection to performing military service and I hereby apply to have my case considered by the Advisory Committee on Conscientious Objectors.

Signature: .....

Date: .....

3. Do you intend to be represented before the Advisory Committee?

If so, please state the name, address, profession and/or relationship to you of the representative,

.....

.....

4. Do you intend to be accompanied by a witness?

If so, please state the name, address and relationship to you, if any, of the witness.

.....

.....

5. The space below may be used for any written statement that you may wish to make. Such a statement should be signed by you.

Signature: .....

Date: .....

ANNEX 54C

FORMAT FOR STATEMENT CONCERNING APPLICANT TO BE COMPLETED BY COMMANDING OFFICER FOR INFORMATION OF THE ADVISORY COMMITTEE

1. Service Number: .....

2. Rank/Rate: .....

3. Full Names (Block letters – surname first): .....

4. Ship/unit: .....

5. Date of birth: .....

6. Date of enlistment/joining on current engagement: .....

7. Nature of commission/engagement and date of completion:

.....

8. Amount of service on previous engagements (if any):

.....

9. Length of service in present unit/ship and where stationed:

.....

10. If warned for overseas service or sea service when due to depart and/or destination:

.....

11. Date of arrival overseas on current tour: .....

12. Civilian occupation: .....

13. Branch/trade: .....

14. Home address before enlistment: .....

.....

.....

15. Present home address: .....

.....

.....

16. Marital status:.....

17. If married, date of marriage: .....

18. State ages and sex of children (if any), and give details of any other relatives or dependants living at applicants address:

.....

.....

19. Conduct of applicant: .....

20. Brief particulars of relevant past offences and punishments awarded:

.....

.....

.....

21. A brief summary of the facts of the case:

.....

.....

.....

22. Any further information which the Commanding Officer considers should be brought to the notice of the Advisory Committee:

.....

.....

.....

.....

Name and Rank: .....

Signature: .....

Date: .....

ANNEX 54D

DISCHARGE ON THE GROUNDS OF TEMPERAMENTAL UNSUITABILITY

Points of Contact: CA Psych to MDG(N) and NAVY LEGAL-EMPLOYMENT LAW SO1

SECTION 1 - INTRODUCTION

1. Discharge Temperamentally Unsuitable - Policy

Service persons (both officers and ratings) may be discharged on the grounds of temperamental unsuitability (TU). The grounds for the compulsory withdrawal from training (untrained strength) or administrative discharge (trained strength) for officers is set out in Para 5440 and Para 5441 respectively; the discharge SHORE of ratings and other ranks is shown in Para 5445. Discharge on the grounds of TU is an executive action and not a form of medical discharge. Each application must be supported by a medical report. This Annex describes the referral and assessment process, which is the same for all personnel. The delegated powers to approve such discharges, are as detailed in Annex 54A.

2. Discharge TU Authorities

The CO should be involved in the instigation of a referral for assessment of TU. The Unit Medical Officer (MO)/Civilian Medical Practitioner (CMP) is responsible for distinguishing those who have mental health problems that are remediable or require medical discharge from those who need to be solely managed by the Executive. The MO/CMP, in cases considered to display TU (whether potentially remediable or irremediable – see below), will classify the degree of TU and will also indicate, in cases of Irremediable TU, the degree of urgency with regard to application for discharge. The CO is responsible for consideration of an application for discharge or any further administrative action recommended.

3. Explanation of TU Terms

The following paragraphs outline the meaning of terms with regard to TU.

4. Temperamental Unsuitability (TU)

Temperamental Unsuitability means a persistent[1] and obvious[2] failure by the individual to adapt to the basic, but unique demands of Service life. These demands include toleration of:

a. Separation from family.

b. Naval discipline and military hierarchy.

c. The need for self-discipline.

d. Close quarter living.

Although entry screening and initial training will identify most individuals who are unable to adapt to the requirements of the front line, in some individuals it will only become apparent after this period.

[1] Persistent - similar maladaptive behaviour or symptoms manifest in different service situations over a reasonable period of time, i.e. some months.
[2] Obvious - maladaptive behaviour or symptoms that are not trivial and that come to the attention of medical, welfare or executive authorities and that do not respond to appropriate management.

5. Temperamental Unsuitability - Potentially Remediable (TU(R))

This person presents with difficulties adapting to Service life, but there are reasonable grounds to believe that they might adapt with support.

6. Temperamental Unsuitability - Irremediable (TU(I))

This person's temperament is such that, in all probability, they will be incapable of making the necessary adaptation to Service life.

SECTION 2 - PROCESS FOR REFERRAL, ASSESSMENT AND APPLICATION FOR DISCHARGE

7. Procedure

a. Responsibilities for referral and assessment of personnel considered potentially TU are laid out below, starting at Para 10. In those personnel considered to display:

(1) **TU(R)** - the MO/CMP will use the following wording in their report:

"In accordance with Annex 54D, it is considered that [rank and name] displays Potentially Remediable Temperamental Unsuitability."

It is recommended that such individuals should be placed on a three-month CO's warning during which time they should receive appropriate medical, divisional or welfare support and administrative action to assist them in settling within the Service environment. If at the end of that period there is no indication of any improvement, consideration should be given to discharge action or a further period of warning. Further assessment by a MO/CMP would not normally be required for a discharge application to proceed.

(2) **TU(I)** - the MO/CMP will use the following wording in their report:

'In accordance with Annex 54D, it is considered that [rank and name] displays Irremediable Temperamental Unsuitability and it is recommended that [they] be (urgently) considered for [compulsory withdrawal from training/administrative discharge/discharge SHORE]."

It is normal in this case that action should be taken to apply for discharge unless there are other overriding Service considerations. Refusal to act on the recommendation would therefore be exceptional and may raise risk management issues. In such cases further discussion should occur between the CO and the recommending MO/CMP via a case conference[3]. In cases where an urgent consideration is recommended, discharge action should be considered immediately.

b. Cases referred for assessment, but considered not to display TU may be more appropriately managed in accordance with Para 10 sub para f. This also applies to those displaying some features of TU, but clearly motivated to remain in the Service.

8. Recommendations and Approval

a. Approval for discharge is IAW Annex 54A. The following rules will apply:

(1) Recommendations for officers (trained strength), ratings or other ranks administrative discharge or discharge SHORE on the grounds of TU, under the terms of this instruction, are to be forwarded to the relevant Regional Legal Office (see Annex 1E) for legal advice prior to consideration by the relevant Deciding Officer.

[3] It is recommended that this includes representatives from Medical/Welfare/Chaplaincy/Executive and the patient and their DO.

(2) Recommendations for the compulsory withdrawal from training of officers on the untrained strength on TU grounds are to be forwarded to the Navy Command Headquarters Terms of Service team.

9. Re-entry of those Discharged Temperamentally Unsuitable

If individuals who have previously been discharged as TU apply to re-enter the Service, the following mandatory guidelines will be applied:

a. If they have previously been assessed as displaying a Severe or Irremediable degree of TU, they will not be allowed to re-enter unless a specific caveat has been made at the time of their recommendation for discharge.

b. If they have previously been assessed as displaying a Mild, Moderate or Potentially Remediable degree of TU, but now appear to have matured significantly or undergone a change of circumstances, they may be considered for re-entry but must be referred to the office of the Senior Medical Officer (Service Entry) (SMO(SE)). Where there is doubt about re-entry , they will be referred to the Consultant Adviser in Psychiatry for formal psychiatric assessment by a Consultant Psychiatrist.

10. Responsibilities of the Executive

a. When it comes to either executive, medical or welfare attention that a person is failing to adapt to Service life, the first action is for the Divisional Officer to address the matter. Whilst TU is not a mental illness, behaviour can manifest as:

(1) Subjective symptoms of anxiety or depression specifically related to being in the Service, or some specific aspect of Service life.

(2) Poor motivation to remain in the Service.

(3) Maladaptive coping mechanisms such as deliberate self-harm[4], use of alcohol[5] or other substances to manage distress or disciplinary problems.

(4) Immaturity.

b. Sensitive enquiry into aspects of their performance should be conducted and simple adjustments to their environment considered. This may include:

(1) Divisional counselling and support.

(2) Compassionate action or other welfare support.

(3) A job change or new assignment.

(4) A branch change (which may include a Service arm change).

[4] See Para 2417 for advice on management of Deliberate Self Harm.
[5] Para 2138 and QRRN Chapter 36 give advice on the management of Alcohol problems.

(5) Psychological support from Primary Care or Mental Health services.

(6) Simply the passage of time.

c. Should this support be ineffective, the CO should consider, with medical staff, an assessment for TU.

d. COs have a responsibility to ensure that the MO/CMP is provided with as much information on the person referred as possible. For a valid assessment to be given, the person must be accompanied at assessment by full Medical and Service documentation, including an up-to-date and comprehensive F Med 1041 report from the ship, establishment or unit in which the individual has been serving. Any other relevant information should also be provided. The more information available to the MO/CMP, the more accurate and helpful will be the recommendations made. It is essential that the F Med 1041 on any individual for whom a discharge recommendation has been signed by the Commanding or Executive Officer of the ship, establishment or unit in which the individual is serving, in order to ensure that all other appropriate avenues of support or discharge have been properly considered. Individuals landed for assessment should be accompanied by F Med 1041 from the ship in addition to any report raised in their subsequent shore establishment. No recommendation for discharge will be made on an individual accompanied by F Med 1041 signed only by a Divisional Officer. Failure to provide necessary documentation may result in delay in any recommendation being made.

e. If a branch or arm change is recommended and the CO agrees, administrative action should be considered to test the individual's aptitude for different employment. Such a recommendation under the terms of this Annex should not lead to circumvention of usual procedures and requirements of a branch or arm change request. Should such a change prove not possible then administrative discharge should be considered. It should be noted that, as every branch involves sea-going liability, an individual's ability to live and work at sea should be the pre-eminent consideration.

f. If it is clear after medical assessment that the individual has the ability to adapt, but does not wish or try to do so, other executive forms of administrative discharge may be more appropriate. A warning for discharge under another category (e.g. Inadequacy or Character and Leadership) might be more appropriate.

g. Where an individual is considered to display a severe degree of TU and a recommendation is made for discharge, irrespective of their medical category, the person will be deemed unfit for their primary role in their current assignment.

h. Where a Service Person remains in service after a TU assessment and then adapts to the Service, as evidenced by an annual report, the paperwork within their personal files relating to their assessment should be destroyed.

11. Responsibilities of the Primary Care Medical Officer/Civilian Medical Practitioner

a. On occasion the Service Person will present to a MO/CMP before the Executive are aware of any problem. The MO/CMP, if satisfied that there is no formal psychiatric illness, should in the first instance refer the person back to their Divisional Officer for management as outlined in Para 1. In all cases, should a referral to a Psychiatrist be considered necessary for assessment of psychiatric illness, the MO/CMP should arrange for full medical documentation to be available to the Psychiatrist and assist the Executive with their responsibilities where required[6]. An appointment will not normally be allocated until this documentation is available.

b. Careful consideration should be given to medical downgrading of personnel awaiting assessment of TU or during a period of executive management of TU(R). Downgrading a person medically confers a powerful message that they have a medical problem and assistance to a person in adaptation is hindered if the person cannot work in a sea-going unit. Branch or arm changes can only proceed if the person is in a medical category of P2 (MFD) or another permanent medical category that allows deployment. If the Primary Care MO/CMP is in doubt as to most appropriate medical category to apply, then they should liaise with their Principal Medical Officer (PMO) or nearest Department of Community Mental Health.

c. In order to make an assessment of TU the Medical Officer or Civilian Medical Practitioner must be a qualified General Medical Practitioner registered with the GMC and have a minimum of three years military primary healthcare delivery experience.

d. In assessing an individual's temperamental suitability for continued service, sufficient time should be allocated by the MO/CMP to make a detailed and informed assessment. Consideration will be given to the person's pre-Service, Medical and Divisional records, personality traits and cultural factors with regard to the individual's ability to provide reliable service in their primary military task. The presence of potentially maladaptive personality traits does not in itself indicate that an individual is unable to adapt and may not necessarily lead to a discharge recommendation. Evidence of TU would normally become clear within the first 2-3 years of service, but occasionally individuals may not present until specific circumstances reveal their maladaptive traits. In cases where TU(I) may be in doubt the opinion of a Consultant Psychiatrist or Senior Psychiatrist should be sought.

e. The medical report is not a clinical assessment for medical treatment but an employment recommendation. Reports should be detailed enough to allow the executive authority responsible for considering discharge to appreciate the facts leading to the medical opinion. Nevertheless, although reports should carry the caveat OFFICIAL-SENSITIVE PERSONAL, attention should be paid to medical confidentiality. Good practice is to achieve written consent from the subject of the report for information to be passed to the CO. The report should usually include: brief circumstances of the referral; an outline of the performance problems emerging as evidence of poor service adaptation; and predisposing factors to poor service adaptation.

[6] Guidance for the Executive in compiling the F Med 1041 is available in Para 2813 Referral of a Service Person to Mental Health Services.

The medical report should be signed by the examining MO/CMP and countersigned/ratified by the Principal Medical Officer (PMO), Senior Medical Officer (SMO) or a senior CMP. Where only one doctor is available within a medical centre the medical report should be signed by the referring MO/CMP and a countersigning PMO/SMO/senior CMP from another medical centre or the Regional Clinical Director (RCD). An example medical report is available at Appendix 1 which may be used as a template.

f. The medical opinion should cover:

(1) A view on whether treatment or other environmental adjustment is likely to lead to improvement.

(2) A recommended medical category, which may be a reduced category even though formal psychiatric illness is absent.

(3) A recommendation for discharge using the proscribed format in Para 7 sub para a.

(4) A recommended medical category should discharge be recommended by the executive.

(5) Clarification, where possible, of the risk of any future maladaptive behaviour.

(6) Finally, the report should state that executive held copies should be destroyed once the service person has proved they have adapted to Service life.

g. In complex cases it may be appropriate to seek a second opinion from a Service Psychiatrist.

APPENDIX 1 TO ANNEX 54D

TEMPERAMENTAL UNSUITABILITY MEDICAL REPORT EXAMPLE/TEMPLATE

Temperamental Unsuitability Medical Report Example/Template can be found in the Forms area of the Homepage.

ANNEX 54E

TYPES OF DISCHARGE AND SUPPORTING DOCUMENTATION

Type of Discharge	Application letter from CO and enclosures (must be disclosed to subject to ensure subject knows case against them)	Representation or Waiver of right to make a Representation (signed) (the right to a fair hearing)	SPEC Report in support. (if App for discharge, then must state if recommended for further service or not)	Evidence of warning process (Warning forms/SJARs/quarterly reports)	C57 or report of civil conviction	Attitude to Fitness Warnings iaw RNFT Policy and Protocols Documents	Appropriate medical supporting documents	May be authorised by COs of OF5 and above	References / Comments
Officers									
Incapacity - Causes Beyond the Officer's Control	X	X	X	X					BR 3(1) 5437, 5438
Unsuitability - Causes within the Officer's Control	X	X	X	X		X*	X*		BR 3(1) 5437, 5438, BR2 3803
Misconduct (civil conviction)	X	X	X		X				BR 3(1) 5437, 5438, BR 2 3803
Misconduct (other)	X	X	X						BR 3(1) 5437, 5438 (other docs will be determined on the facts of the case)
Applications to Resign Commission									BR 3(1) 5429

* Where Appropriate

Type of Discharge	Application letter from CO and enclosures (must be disclosed to subject to ensure subject knows case against them)	Representation or Waiver of right to make a Representation (signed) (the right to a fair hearing)	SPEC Report in support. (if App for discharge, then must state if recommended for further service or not)	Evidence of warning process (Warning forms/SJARs /quarterly reports)	C57 or report of civil conviction	Attitude to Fitness Warnings iaw RNFT Policy and Protocols Documents	Appropriate medical supporting documents	May be authorised by COs of OF5 and above	References / Comments
SHORE									
Fraudulent Entry	X	X	X						BR 3(1) 5443
Inadequacy	X	X	X	X					Individual must have been reverted to lowest rate BR 3(1) 5443
Inadequacy - more than 20/18/22 Years pensionable service on an ES2/ FC/OE1 respectively	X	X	X	X					BR 3(1) 5443
Failure of Naval Annual Personal Weapons Test (NAPWT).	X	X	X	X					BR 3(1) 5443
Financial Irresponsibility	X	X	X	X					BR 3(1) 5443 See rqmts of BR 2 3616, BR 3(1) 2162 and Annex 21J
Obesity	X	X	X	X			X		BR 3(1) 5443
Medical Reasons	X	X	X	X			X		BR 3(1) 5443
Alcohol	X	X	X	X			X		BR 2 3624 and BR 3(1) 2138 Evidence of 1 day alcohol course
Best Interests of Service	X	X	X	X*			X		BR 3(1) 5443
Temperamental Unsuitability (I)	X	X	X	X*			X	X	BR 3(1) 5443
Temperamental Unsuitability (R)	X	X	X	X*			X		BR 3(1) 5443

* Where Applicable

Type of Discharge	Application letter from CO and enclosures (must be disclosed to subject to ensure subject knows case against them)	Representation or Waiver of right to make a Representation (signed) (the right to a fair hearing)	SPEC Report in support. (if App for discharge, then must state if recommended for further service or not)	Evidence of warning process (Warning forms/SJARs/quarterly reports)	C57 or report of civil conviction	Attitude to Fitness Warnings iaw RNFT Policy and Protocols Documents	Appropriate medical supporting documents	May be authorised by COs of OF5 and above	References / Comments
SNLR									
Unruly	X	X	X	X					BR 3(1) 5445
CDT Failure	X	X	X						JSP 835 2133 – 2137, BR3 5447, 2136, 2137 Notification of Failure, Record of Interview, toxicology report where result disputed, Service Police Referral where spiking alleged.
Drugs Misuse	X	X	X						BR 3(1) 5445 JSP 835 2133 – 2137, BR 3(1) 5447
Civil Conviction	X	X	X	X	X				

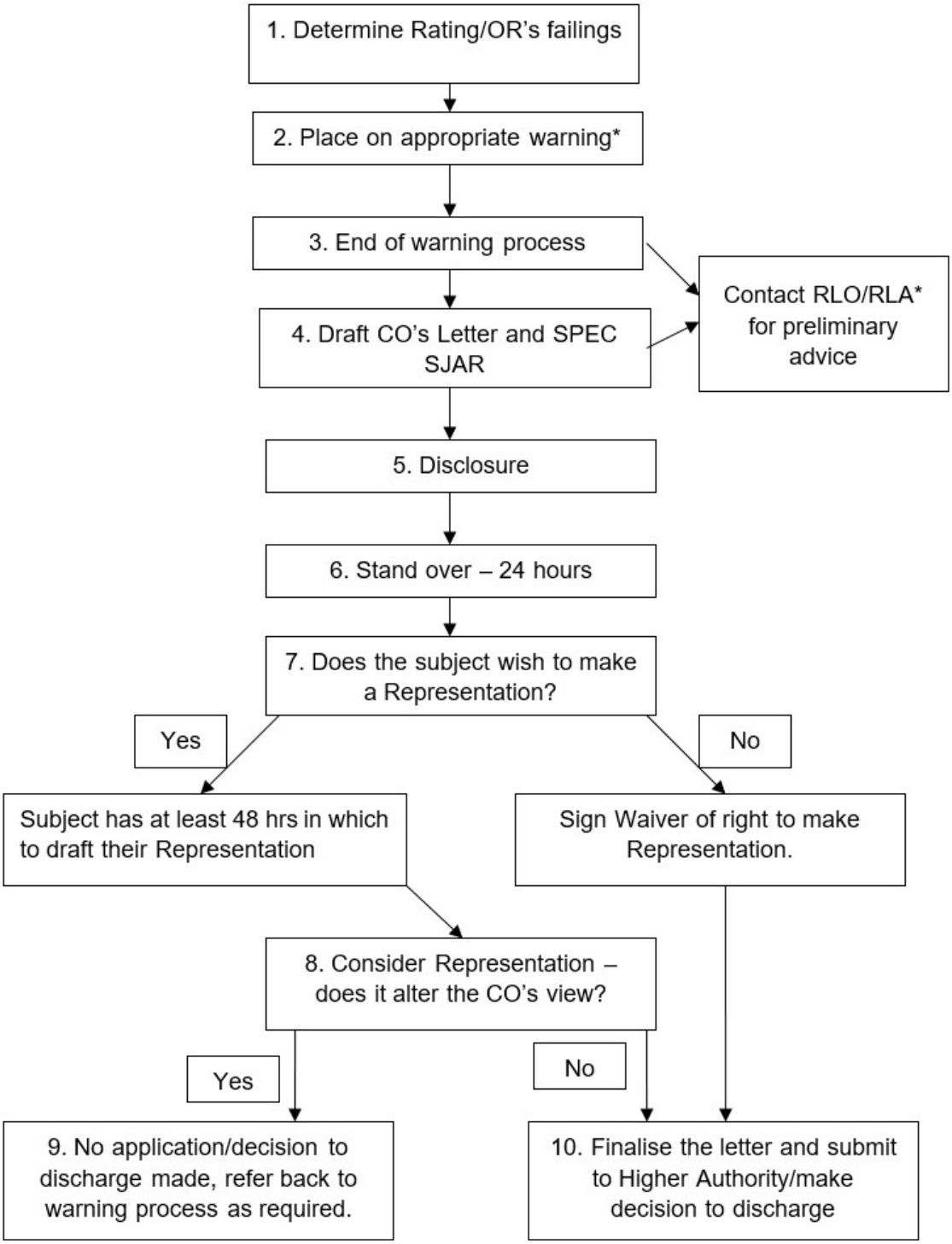
* Where Appropriate.

ANNEX 54F

COMMANDING OFFICER'S STEP BY STEP GUIDE TO THE DISCHARGE PROCESS

The following is intended as a guide to aid the Commanding Officer (CO) and must be used with reference to the relevant parts of Chapter 54.

Figure 54H-1. Discharge Process



* RLA = Regional Legal Adviser

* In cases of discharge for Drug misuse/CDT, compassionate, Temperamental Unsuitability, Best Interests of the Service or medical reasons, it is accepted that there is no necessity for previous warnings (Para 5442).

Explanatory Notes.

1. The subject's failings should be identified by their Line Manager or any alternative method which can be formally documented and called upon as evidence as required.

2. The subject should be placed on an appropriate warning (see Para 5443 and Para 5444).

3. The warning process must be followed in accordance with Chapter 57. At the end of the warning process, the CO must determine which course of action is most appropriate. If the CO decides that an application for the subjects discharge is the correct course of action, then the flow diagram is to be followed to completion.

4. A CO's letter is to be drafted in addition to a SPEC SJAR. The letter should be addressed to higher authority as required, or to the individual where the CO has power to authorise discharge. It should explain and contain all supporting evidence that justifies the CO's decision to consider discharge. Further guidance on the contents of this letter is at BRd 3(1) Annex 1E. Advice must be sought from the Navy Command Headquarters Casework Cell or appropriate Regional Legal Adviser prior to disclosure to the subject.

5. The CO's letter and supporting evidence must be disclosed to the subject. This ensures that the discharge, if approved, adheres to the Rules of Natural Justice and cannot provide recourse against the RN if the discharge is later challenged by the subject.

6. The subject must be given a period of at least 24 hours (or such longer period as considered/deemed reasonable in the circumstances) in which to read through the draft application.

7. If the subject decides to make a Representation, they are allowed a further 48 hours (or such longer period as considered reasonable in the circumstances) in which to complete their written comments (they should be provided with support by an assisting officer as required) and sign and date the Representation. If the subject decides against making a Representation, then they are to sign and date a waiver of their right to make a Representation against their discharge.

8. The CO must consider any Representation and determine whether any of the subject's comments alter the decision to consider their discharge.

9. If the CO's view is changed by the subject's comments, then no application is to be made and the subject is to be reviewed in accordance with the warnings process as required.

10. If the CO's view is unchanged by the subject's comments, then the application is to be finalised. The CO must make reference to the subject's Representation (or absence of a Representation) and state the reason why they do not consider them sufficient to deter the CO from continuing with the discharge.

11. If the CO is the officer authorised to approve discharge, they should seek legal advice before making his decision. The CO should then notify the individual of their decision in writing, giving full reasons for it and reminding the individual of their right to state a Service Complaint against discharge where appropriate. A full copy of all documents must then be sent to the Casework Cell for archive.

12. If the CO is applying to higher authority, the following must be submitted to the Deciding Officer:

a. Finalised application for the subject's discharge. It must be signed and dated by the CO (unsigned e-copies may be provided in the first instance but originals should be provided before the case will be presented to the Deciding Officer).

b. Signed and dated Subject's Representation or signed waiver (unsigned e-copies are unacceptable).

c. The documents listed in the table at Annex 54E.

d. Any other documents/evidence the CO considers relevant in support of the application and which have been disclosed to the individual.

13. The officer authorised to approve discharge should make their decision. The approving officer should then notify the CO of their decision in writing, giving full reasons for it and direct that the Subject be reminded of their right to state a Service Complaint against discharge where appropriate. A full copy of all documents must then be sent to the Casework Cell for archive.

14. Copy Addressees

a. The following copy addressees should be included on decision letters:

b. Drugs related matters -	NAVY PEOPLE-TRG-HQ N9 EXEC SO1 WO1 NAVY NPS-EXEC CDT WO1
c. Decisions authorising discharge -	UKSV-Exceptions-Grp (MULTIUSER) NAVY PSYA-PERSONNEL SECURITY GRP (MULTIUSER) NAVY PCAP-CM MAILBOX (MULTIUSER) NAVY LEGAL-RLO MAILBOX (MULTIUSER)

15. The relevant Head of Fighting Arm is to be informed by the CO in all cases that have not led to the individual's discharge but where concerns are raised over an individual's suitability to perform their professional duties to a satisfactory standard that cannot be adequately addressed through the normal warnings process. For example, concern arises that a medical branch rating/officer may be misusing drugs/alcohol which does not lead to their discharge. This should be raised to ACOS Med.

ANNEX 54G

SPARE

ANNEX 54H

HM FORCES/HOME OFFICE DISCHARGE PROFORMA

HM Forces/Home Office Discharge Proforma *(Downloadable version available in BRd 3(1) Forms Section)*

ANNEX 54I

RESERVE LIABILITY/ELIGIBILITY GUIDE

(Ratings and Other Ranks are hereinafter referred to as RANKS)

1. Introduction

The Reserve liability of every individual who leaves the Service must be addressed and the basic details recorded into JPA, which is used to populate their Certificate of Service upon termination; in all situations recording these details into JPA is the responsibility of the Career Manager (CM).

2. To which Reserve Forces Act (RFA) is the Service Person (SP) Subject?

There is no field on JPA that indicates whether a Service Person (SP) is subject to Reserve Forces Act 1996 or 1996(12) 3. To arrive at that decision, the CM must look at the SP's record and determine which RFA it is. So, in each individual case, the CM is required to look back at the SP's record and decide to which Act they are subject. The RFA the SP is subject to is defined as follows:

a. If the SP joined the Service before or has re-engaged before 1 Apr 15, they have a RFA 96 liability.

b. If the SP joined on or re-engaged after 1 Apr 15 then they will have a RFA 96(12) liability.

3. Eligibility

Other parameters must also be considered for eligibility. An SP is not eligible for Reserve service, irrespective of whether they're RFA 96 or RFA 96(12) and are not to be enrolled in the Reserves. If any of the following criteria applies:

a. **Officers.**

(1) Has not completed a minimum of 2 years in the Royal Navy.

(2) Has been discharged with a JMES that includes L6 or M6[1].

(3) Has been discharged for misconduct or is "Not recommended for further Naval Service" in their final OJAR.

(4) Has resigned their Commission or has had their Commission terminated.

(5) Is a female who joined the service before 1 Apr 97 (and has not volunteered for Reserve liability.

b. **Ranks.**

(1) Has not completed a minimum of 2 years in the Royal Navy.

[1] Joint Medical Employment Standard of L6 "Unfit for service in the land environment" and M6 "Unfit for any duties in the maritime environment".

(2) Has been discharged with a JMES that includes L6 or M6.

(3) Has been discharged SNLR or is "Not recommended for further Naval Service" in their final SJAR.

(4) Is a female who joined the service before 1 Apr 97 (and has not volunteered for reserve liability).

4. What Types of Reserve and their Liability

All eligible leavers will initially join the Royal Fleet Reserve (RFR). Officers, who have served less than 20 years, will transfer over to the Recall Reserve (RR) after 6 years' service in the RFR, as per the table below:

	20 years or more as a member of the regular forces	Type of Reserve	Liability
Officer	Yes	Royal Fleet Reserve	To age 60.
	No	Royal Fleet Reserve	6 years or until age 60 (whichever is sooner) in the RFR. Thereafter, Recall Reserve[2].
Rank	N/A	Royal Fleet Reserve	6 years or until age 55, whichever is the sooner.

5. Career Manager Actions

For all Service Leavers, the Career Manager (CM) is to carry out the following actions, detailed guidance can be found in the JPA user guide:

a. **Populating the Reserve Liability Supplementary Roles Field in JPA.** Using the guide above, the SP's CM, should be easily able to identify whether a SP has Reserve liability and complete the Supplementary Roles field in JPA. If the SP is not eligible (see para 3 above) then this field is annotated with 'No Reserve Liability'.

b. **Ensuring current contact details are correct.** It is important that the contact details of the SP are checked and correctly entered in JPA, by the CM, notably their personal email address, mobile telephone number, and permanent home address. These details are to be assured by Release Desks when processing a Service leaver and that the details are recorded in JPA.

c. **Transfer of Career Manager at termination.** The current CM is to transfer the individual to their new CM, on their SP's termination date, by amending their new CM tag in JPA to 'NCMRESRFR', who thereafter is responsible for managing their records after leaving the Service.

6. Queries

Any queries can be made to Royal Fleet Reserves,1-Deck, Henry Leach Building, Whale Island (NAVYPEOPLE-CMRESRFRMAILBOX@mod.gov.uk).

[2] Officers under RFA 96, are liable for recall for as long as they hold a commission, but it is unlikely that they will be recalled after the age of 60.

ANNEX 54J

TEMPLATE - WAIVER OF RIGHT TO SUBMIT A REPRESENTATION

Navy Command

HMS …….
BFPO……

Your Ref:

Telephone: xxxxx
Military Net: xxxxx
Email: xxxxx

CNLS Casework Cell
Navy Command Headquarters
MP 4-2
Leach Building
Whale Island
PORTSMOUTH
PO2 8BY

Date:

WAIVER OF RIGHT TO SUBMIT A REPRESENTATION

1. On [*Date*], I was seen by *Cdr A A Smith RN, Commanding Officer HMS CERES*. I was informed by *them* that application was being made to the Higher Authority for my *Discharge SHORE (Inadequacy - RNFT)* in accordance with *BRd 3(1) Para 5445 (3)c.*

2. I was reminded of my right to submit a Representation against this application in accordance with BR 3(1) Para 5449 sub para b. In order to aid my decision, I was given a copy of *Cdr Smith's* application letter and a copy of all associated paperwork that *they intend* to submit to the Higher Authority to support the application.

3. I was given a minimum of 24 hours to decide whether I wished to submit a Representation, however, I have waived this right and have chosen not to submit one.

4. I am aware that, if this application is approved, I will have the right to submit a Service Complaint in accordance with JSP831 against the decision.

Signed:

[Name]
[Rank/Rate]

Witnessed by:

[Name]
[Rank][Position]

ANNEX 54K

OPTIONAL EXIT POINTS FOR SUBMARINE SERVICE PERSONNEL

1. Introduction

JSP 754 provides single Services with the ability to implement Optional Exit Points[1] (OEP) as one of the workforce mechanisms aimed at promoting retention.

2. Optional Exits Points Structure

The OEP structure for all submariners came into force on 1 Feb 15 and is as follows (for clarity, examples are provided at Para 7):

a. Two fixed points in each calendar year: 31 May and 30 Nov.

b. Minimum notice for a particular OEP is 18 calendar months. This means that the latest date for application for a 31 May OEP is 30 Nov, 2 calendar years prior and for a 30 Nov OEP is 31 May in the preceding calendar year. Applications may be made at greater than 18 months' notice once an individual meets the eligibility criteria at Para 3 below.

c. There is no option to accelerate exit via OEP - see Para 6.b below.

d. Once an OEP application has been approved, this sets the earliest exit date by the OEP route. Therefore, there is no recourse to withdraw an OEP application and then submit another for an earlier date.

3. Eligibility

a. OEPs are available to personnel in the following categories, providing that they have sufficient time left to serve to fulfil the notice requirements at Para 2:

(1) Ratings serving on an EC who do not have preserved rights under the previous OEP structure detailed in Para 4 below. In effect, this encompasses personnel who accepted an EC/ES3 offer after 1 Mar 14.

(2) Ratings serving on an EC(15) who have preserved rights as detailed in Para 4 below, but who have passed the 32 years' reckonable service point[2].

(3) Officers serving beyond their Immediate Pension Point (IPP) or Early Departure Payment point (EDP)[3].

[1] Each Service operates manning mechanisms with the aim of 'pulling' personnel through to a certain period of service thus aiding retention.
[2] The distinction is provided because personnel on EC15 beyond 32 years' reckonable service have no opportunity to access the new OEP structure, whereas other individuals can access the structure detailed here by accepting a new EC offer.
[3] AFPS 75 IPP - 16 years' service beyond the age of 21. AFPS 05 EDP - 18 years from date of entry or age 40, whichever is later. AFPS 15 EDP - 20 years from date of entry or age 40, whichever is later. For individuals with preserved rights under AFPS 75 or AFPS 05, the IPP/EDP definition pertaining to the relevant legacy scheme will remain extant under AFPS 15.

(4) Ratings in the Submarine Service serving on an EC that was accepted during the period when OEPs were previously available (before 28 Feb 14) may apply with greater than 12 months' notice to leave at a pre-determined exit point as detailed below:

(a) 22 years reckonable service[4] (i.e. completion of the Open Engagement (OE)).

(b) 26 years reckonable service (i.e. completion of the OE and 4 years of an EC).

(c) 29 years reckonable service (i.e. completion of the OE and 7 years of an EC).

(d) 32 years reckonable service (i.e. completion of the OE and 10 years of an EC) (for those personnel serving on EC(15)).

b. To facilitate compatibility with New Employment Model (NEM) terminology, the terms 'Extended Career' and 'beyond the IPP/EDP' align with Employment Stage (ES) 3 under NEM. OEPs are only available to ratings on 2OE/EC/ES3 engagements, but not serving on a subsequent EoS, and to officers on FTC/FCS engagements, but not serving on a subsequent EoS. For individuals undertaking Tailored Careers, eligibility for OEPs is a matter for individual negotiation.

c. Only ratings holding the ranks of OR2–OF4 who draw RRP(SM) on a Continuous Career Basis will be entitled to the Reserve Band. Officers of OF5 draw RRP(SM) on a Non-Continuous Basis and have no entitlement to the Reserve Band therefore RRP(SM) will cease when the individual is assigned out of a RRP(SM) tagged PID whether an OEP has been submitted or not. OF6 and above have no entitlement to RRP(SM)[5].

4. Promotion Eligibility having Opted for an Optional Exit Point

a. The following promotion eligibility rules are in place for those personnel who opt for an OEP:

(1) Ratings who have had an OEP approved will remain eligible for selection for promotion, provided that their revised Termination Date is later than the CPD for that particular board. Subsequent promotion will be conditional on the individual applying to withdraw their OEP and that application being approved.

(2) Officers who have had an OEP approved will have their Termination Date revised. This will adjust their promotion zone exit point, as described in Annex 66B, and may result in them not being eligible for selection for promotion.

(3) Officers and ratings who submit an OEP after being selected for promotion will be considered to have submitted their notice as detailed in Para 6712.(e) and will automatically be presumed to have refused promotion and will have their selection cancelled.

[4] Reckonable service being that which counts for engagement purposes, i.e. from age 18 for those on the OE.
[5] The authority for the payment, and payment basis, of RRP(SM) is JSP 754 Chap 5 Sect 3.

b. Any rating who has submitted an OEP prior to 5 Mar 18 will retain legacy rights to the rules in RNTM 251/15 Para 10.

5. Application Process

a. Applications to leave at a pre-determined exit point must be made by completing the form at Appendix 1 to Annex 54K and forwarding it to the appropriate Career Manager. Applicants must not apply for Early Termination via JPA, as this will result in the removal of RRP(SM) and, where appropriate, RRP(NP). Career Managers are to retain a hard copy of all applications made.

b. OEP applications must be signed and dated by the Commanding Officer no later than the latest application date described in Para 2 above. Applications for a particular OEP must be received by the Career Manager within 14 days of latest application date, otherwise they will be automatically adjusted to reflect the next available OEP, and the applicant informed.

c. The first date for an individual to make a valid application is as follows:

(1) For ratings on an EC accepted after 1 Mar 14, the day after their termination date before accepting the current EC offer. In effect, this means that a minimum of 18 months' service on EC will be required to access an OEP.

(2) For ratings on EC15 accepted before 1 Mar 14, the day after the 32 year reckonable service point.

(3) For officers, the day after the IPP/EDP is reached.

6. Implementation

a. Following a successful application from an eligible individual, the Career Manager will enact the OEP by adjusting the individual's Termination Date on the JPA system to the appropriate OEP date[6]. A record of all OEPs enacted in this manner is to be retained and included in Management Information as adjusted Voluntary Outflow (VO) figures.

b. There is no option for earlier release than the OEP date made on the application. The nature of OEPs is that they are fixed, inflexible points in time once implemented and it is this characteristic that allows the benefits associated with SM Service to be retained. In particular, personnel who leave by Early Termination have their Recruiting and Retention Pay (RRP) removed in accordance with JSP 754 Art 05.0203.I. By leaving at a pre-determined exit point, as detailed above, an individual may continue to draw their full entitlement of RRP (Submarine) and, where appropriate, RRP (Nuclear Propulsion) over the remainder of their service (including the last 12 months).

[6] For clarity, an OEP remains a form of early release and this should be reflected in individual pension applications by ticking the 'Early Release' box in Part A of AFPS Pen Form 1 (M), or the equivalent option on any future editions of this form.

c. Any individual who wishes to leave outside of the OEP structure and before completion of their engagement/service should apply for Early Termination via the JPA system. This includes individuals who have submitted an OEP application who then wish to leave the Service more quickly. In such cases, release time scales will be in accordance with extant policy, noting that there is no entitlement to notice of less than 12 months.

d. Where an individual wishes to withdraw an OEP application, they should apply in writing to their Career Manager (as detailed on the original application form). The request will be considered by the Career and Branch Manager, in line with extant policy for the Withdrawal of an Application for Early Termination and, if approved, the Termination Date will be reset by the Career Manager to the original date. A note will be made on the individual's JPA record of their original OEP application and its withdrawal. Any subsequent OEP application may be made only for a point on or after any former application i.e. an individual may not withdraw an OEP and then apply for an earlier date than the previous application(s) in an attempt to shorten their notice period.

e. Should the needs of the Service preclude completion of resettlement activities before the OEP terminal date, then the provisions of Para 5916 apply.

7. Examples

The following examples are provided for guidance:

a. An individual who accepted EC10 in 2014 wishes to leave by OEP on 30 Nov 18. They must apply (application signed by CO) by 31 May 17 and the application must be received by the CM by 14 Jun 17. In this case, they make their application in Dec 15, at greater than the minimum 18 months' notice.

b. In Jun 16, the individual above applies to remove their OEP application and the request is approved. Any subsequent reapplication for OEP may not have a Termination Date earlier than was approved in the original application i.e. 30 Nov 18.

c. An individual on EC15 awarded before 1 Mar 14, but is beyond the 32 year reckonable service point and with more than 18 months to serve, wishes to leave by OEP on 31 May 17. Their application must be dated no later than 30 Nov 15 and received by the CM by 14 Dec 15.

d. Having applied for a 31 May 17 OEP, the individual above wishes to leave sooner. Their only option is to submit a request for Early Termination on JPA, accepting the extant terms associated with notice giving in terms of RRP. They may then negotiate for earlier release with their employer and CM, in accordance with BRd 3(1), noting that there is no entitlement to a notice period of less than 12 months.

e. An officer will reach the IPP/EDP on 1 Jun 18. The earliest application date is therefore 2 Jun 18, meaning that the first available OEP is 31 May 20.

f. An individual serving on EC15, accepted before 1 Mar 14, has completed 30 years' reckonable service. The earliest date for an OEP application is the day after completion of 32 years' reckonable service i.e. when preserved OEP rights no longer give access to any further OEPs.

APPENDIX 1 TO ANNEX 54K

APPLICATION TO LEAVE THE SERVICE AT AN OPTIONAL EXIT POINT

Name: ..... Initials: ..... Service Number: .....

Rank/Rate: ..... Main Trade: .....

Current Unit: .....

I confirm I am: (delete as appropriate):

a. Serving in the Submarine Service.

b. A rating serving on an Extended Career accepted after 1 Mar 14. My Tx date before accepting EC was: .....

c. A rating serving on EC(15) accepted before 1 Mar 14. I achieved 32 years reckonable service on: .....

d. An officer serving beyond the Immediate Pension Point/Early Departure Payment point, which fell on: .....

e. Serving on Employment Stage 3 under the New Employment Model.

I wish to apply to leave the Service using an Optional Exit Point on:.....
(dd/mm/yyyy)

I will be required to serve the entirety of this notice period.

Signed(by applicant).....Date.....

By Commanding Officer

I certify that this person has **not applied** for Early Termination on JPA.

Name: ..... Initials: .....

Rank: ..... Date: .....

Signed: .....

This form should be forwarded as follows:

For MESM/WESM Ratings:	For MESM/WESM Officers:	For Warfare SM Ratings:
NAVY PCAP-CM OR ENG SMSO2 Navy Command Headquarters Room 211 MP 2.1 West Battery Whale Island Portsmouth Hampshire PO2 8DX	NAVY PCAP-CM OF ENG SM SO1 Navy Command Headquarters Room 219 (thereafter as in Column 1)	NAVY PCAP-CM OR WAR UWSO2 Navy Command Headquarters Room 242 MP 2.2 (thereafter as in Column 1)

For Warfare SM Officers:	For Logistics SM Ratings:	For Logistics SM Officers:
NAVY PCAP-CM OF WAR SMSO2 Navy Command Headquarters Room 212 MP 2.2 West Battery Whale Island Portsmouth Hampshire PO2 8DX	NAVY PCAP-CM OR LOGS SO2 Navy Command Headquarters Room 141 MP 1.1 (thereafter as in Column 1)	NAVY PCAP-CM OF LOGS SO2 Navy Command Headquarters Room 143 MP 1.1 (thereafter as in Column 1)

For Medical SM Ratings:	For Medical SM Officers:
NAVY PCAP-CM OF MED NAHPSO1 Navy Command Headquarters Room 129 MP 1.1 West Battery Whale Island Portsmouth Hampshire PO2 8DX	NAVY PCAP-CM OF MED SO1 Navy Command Headquarters Room 143 (thereafter as in Column 1)

Career Managers are to retain a hard copy of all completed forms.