



Name of meeting: Overview and Scrutiny Management Committee
Date: 21 December 2021
Title of report: Kirklees Armed Forces Covenant Progress Report and Armed Forces Bill 2021/22

Purpose of report:

- To provide the Committee with a progress update on the work of the Kirklees Armed Forces Covenant Board.
- To provide the Committee with an overview of the Armed Forces Bill 2021/22 and generate discussion on the proposed changes that will impact on the Local Authority.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes Impact in 2 or more wards
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Not Yet
The Decision - Is it eligible for call in by Scrutiny?	N/A
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer Henshall, Director of Corporate Strategy, Commissioning and Public Health 3 December 2021
Is it also signed off by the Service Director for Finance?	N/A
Is it also signed off by the Service Director for Legal Governance and Commissioning?	N/A
Cabinet Member Portfolio	Cllr Naheed Mather

Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public.

Has GDPR been considered? N/A

1. Summary

The Armed Forces Covenant

The Armed Forces Covenant¹ is a promise from the nation that those who serve or have served in the British Armed Forces, and their families, are treated fairly, and will not be disadvantaged in accessing public services due to their military service.

¹ [An explanation of the Armed Forces Covenant - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

In some cases, special consideration may be appropriate for those who have given the most such as the injured or the bereaved.

Kirklees Council first signed the Armed Forces Covenant (then known as the Community Covenant) in June 2012 alongside other partners including the military, military charities and the NHS.

Kirklees Council re-pledged its support to the Covenant in July 2017 alongside all political groups and other partners including the military, military charities, West Yorkshire Police and Third Sector Leaders.

The Government is concerned that inconsistency in implementation of the Armed Forces Covenant by service providers across the UK is leading to some members of the Armed Forces Community to continue to face disadvantage. The Armed Forces Bill 2021-22 aims to address this by placing the duty of due regard into law.

The legislation will apply to public bodies exercising public functions that are most likely to affect serving and ex-serving personnel in the policy areas of Education, Healthcare and Housing.

It is not proposed that legislation will apply to the private sector. However, where functions have been contracted out to private companies, the public body responsible for managing the contract will be subject to the legislation.

The legislation does not aim to achieve advantageous treatment of the Armed Forces Community but aims to ensure that public sector bodies consider the issues facing the Armed Forces Community in key areas that impact on their day-to-day lives.

Kirklees Armed Forces Community

The Armed Forces Community is made up of those who are currently Serving or who have previously served in the Naval Services, Army and Royal Air Force. It includes Reservists of all three Armed Forces and the families of those who have Served or are still serving.

The size of the Armed Forces Community across the UK is relatively unknown. However, from information gathered in the previous census², we know that at least:

- 5,013 working age Veterans (16-64 years old) live within the district
- 409 currently serving individuals have a registered address within the district

From the Department of Education³, we are also aware that there are at least 151 children living within the Kirklees District with a current or former Serving parent. NOTE – this may not be a completely accurate picture of children as parents may not declare that their partner (or themselves) is a member of the Armed Forces.

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/743076/20180920_-_Annex_A_tables_-_Census_2011.xlsx Information from Table_A1

³[Pupil premium: allocations and conditions of grant 2020 to 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/743076/20180920_-_Annex_A_tables_-_Census_2011.xlsx)

2. Information required to take a decision

Kirklees Armed Forces Covenant Board (KAFCB) Progress

The KAFCB was established in 2013 comprising of relevant Council Services and key partners to ensure the objectives within the Covenant were implemented and to oversee the work of the Board.

Kirklees Council currently has the following in place to meet the Covenant objectives and support the Armed Forces Community: -

- An Elected Member Champion and an officer that supports the work of the Covenant board.
- A KAFCB that is chaired by a Kirklees Councillor and is represented by a range of organisations who meet on a quarterly basis to share good practice, network, information share and develop an action plan. The level of involvement in the KAFCB is very good and is currently made up of representatives from the Council, Military, Military Charities, local Third Sector Organisations, locally based Mental Health support services, West Yorkshire Police, Kirklees Citizens Advice and the Department for Works and Pensions
- The KAFCB has an action plan that sets out its priorities, which is currently being refreshed.
- Web pages within the main Council website detailing local and national services that are available to support the Armed Forces Community [Support for serving armed forces personnel, reservists and veterans.](#)
- A Kirklees Armed Forces App has been developed that can be downloaded for use with android or IOS devices. The App does not require any log in, it draws information from the website and its aim is that users can easily and quickly access the most relevant service information depending on their need. Work had taken place to test the App with armed forces officers 'squaddies' and it was due to be launched last summer, however, has been delayed due to the Covid pandemic. This will now progress after the website has been updated.
- A HR policy to support employees who are Reservists, allowing them to take additional time off to complete their annual training camps.
- Guaranteed Interview Scheme for Veterans - in support of the Armed Forces Community Covenant, the council operates a guaranteed interview scheme for armed forces veterans. A guaranteed interview will be offered to individuals who have served in Her Majesty's Armed Forces and meet the essential criteria for the role as outlined in the Job Profile.
- A Life Forces Booklet produced for Kirklees as a resource for community-based support agencies including the voluntary sector, services provided by the NHS, local authorities, GPs and charities who will often work with armed forces veterans. An electronic version of the booklet available on the council Armed Forces web page and includes information on health, housing, education and benefits and gives a snapshot of support available to veterans. Work is needed to update and promote this resource.
- The Council has been awarded the Defence Employer Recognition Scheme Bronze and Silver Awards for demonstrating its support to the armed forces community and aligning their values with the Armed Forces Covenant. The Council is currently working towards the Gold Award.
- As part of the West Yorkshire Armed Forces Covenant project, the KAFCB engages with the West Yorkshire Good Practice Forum which meets bi-monthly and comprises the Member and officer champions for the five West Yorkshire Local Authorities who meet to

keep each other informed about their work, provide support and explore opportunities for joint work (e.g. development of the West Yorkshire Service Pupil Premium Resource Directory mentioned below)

- A [West Yorkshire Service Pupil Premium Resource Directory](#) has been created to support schools develop their understanding of the Armed Forces Covenant, the Armed Forces Community and the Service Pupil Premium. It pulls together information that is already available for schools and parents into one place and is hosted on the Bradford Council website. This is promoted via the Kirklees Heads news bulletin which goes to all head teachers.
- A West Yorkshire Armed Forces Survey has recently been undertaken (October 2021) targeting people who have served or who currently serve in the Armed Forces (including Reservists) and their families to find out about services they access for support. The survey is being carried out as part of the West Yorkshire Armed Forces Covenant project on behalf of all five West Yorkshire local authorities. The survey will help us understand if support needs have changed over the past year, how easy it has been to access information, advice or support when required and instances where individuals have heard of and benefited from the Armed Forces Covenant.

Armed Forces Bill 2021-22

The Armed Forces Covenant is being further incorporated into law, as part of the Armed Forces Bill 2021-22, to help prevent disadvantage faced by the Armed Forces Community due to the unique nature of service in the Armed Forces.

The Armed Forces Bill 2021-22 is making its way through Parliament at the moment. It is anticipated that the new Covenant legislation will come into force in 2022.

The legislation will introduce a new duty on relevant public bodies, when exercising certain aspects of their public functions, to have 'due regard' to the three principles of the Armed Forces Covenant when formulating policy and taking decisions in specified areas These are:

- a. Recognising the unique obligations of, and sacrifices made by, the Armed Forces.
- b. That it is desirable to remove disadvantages arising for service people from membership, or former membership, of the Armed Forces.
- c. That special provision for Service People may be justified by the effect on such people of membership, or former membership, of the Armed Forces.

Further information on the duty of due regard can be found in **Appendix 1**

While good procedures and initiatives have been put in place by service providers over the last ten years, the Government is concerned that some members of the Armed Forces Community still face disadvantage when accessing public services. This is often caused by a lack of awareness of the Covenant and the unique nature of service in the Armed Forces.

Where instances of disadvantage have occurred, the Government has found this has frequently been due to a lack of understanding of the unique obligations and circumstances of the Armed Forces Community. That is why the aim of this legislation is to build awareness among service providers of the Covenant's principles and the Armed Forces Community.

The new legislation will require public bodies to consciously consider the Armed Forces Community when developing policy, procedures and making decisions in the specified policy areas (education, social housing and healthcare) taking the three principles of due regard into consideration.

The new legislation will apply to relevant public bodies exercising specified public functions in the education, healthcare and housing sectors. The private sector is not in scope.

There is also a need for the Council to consider the areas where key functions in health, education and social housing are commissioned externally. The Council will need to ensure that external providers are aware of the legislation changes and uphold the Council's commitment to the Covenant on their behalf.

The legislation does not mandate the provision of specific services for the Armed Forces Community, nor does it mandate any particular delivery outcomes. It is designed to ensure that the relevant decision-makers consider the issues facing the Armed Forces Community in these key areas that affect their day-to-day lives.

The legislation is deliberately flexible, to ensure local authorities and service providers retain the ability to take decisions on service delivery that are right for their local context and circumstances.

Those public bodies in scope will be supported by statutory guidance published after discussion with Covenant partners across government, devolved administrations, the Armed Forces Community, and the Service charity and welfare sectors. See **Appendix 2** for a full list of the bodies and functions currently in scope. They will also be supported by training tools, advice and wider guidance, ensuring that they have easy access to the information they require.

Preparation for the Armed Forces Bill 2021-22

The Council is fully committed to honouring its obligations to those who have served their country. In readiness for the introduction of the new Bill the Council is working with partner organisations to: -

- Review the Council's website content to ensure it is fully up to date and add a new section around Mental Health and Wellbeing Support. It is anticipated this will be complete early in the New Year
- Update the KAFCB action plan to ensure it addresses the duties within the Armed Forces Bill 2021-22 as well as local priorities. It is anticipated that this will be finalised and signed off by the KAFCB early next year.
- Promote to Local Authority staff and Elected Members the Ministry of Defence masterclass on the work of Defence Transition Services (DTS) and the Veterans Welfare Service (VWS) in order to raise awareness of the services available for Service personnel, Service leavers and their families and to develop a stronger relationship with the DTS and VWS.
- Arrange briefings for key services, e.g. housing, education, healthcare, customer services, communities etc on the Armed Forces Covenant to raise awareness
- Identify service specific Armed Forces Champions that can act as a first port of call for enquiries.
- Develop Armed Forces Covenant E-learning training modules for Council staff and partners.
- Secure resources to deliver the Military Human training for members of the KAFCB and key Council staff to better understand Military culture and transition, armed forces composition and highlight good practice and inequality.
- To work with the KAFCB to develop a regular drop-in support service for Service personnel, Service leavers and their families to be able to navigate the support services available
- Identify additional resources to help deliver other action plan priorities agreed by the KAFCB

3. Implications for the Council

- **Working with People**

The Kirklees Armed Forces Covenant Board is in the process of developing an action plan that has been co-produced with military personnel, military charities, third sector organisations, council staff and partners. The action plan is informed by partners sharing their knowledge and expertise, intelligence and lived experience to shape actions and solutions together and feedback from the latest West Yorkshire Armed Forces survey.

- **Working with Partners**

The Kirklees Armed Forces Covenant Board (KAFCB) is chaired by a Kirklees Councillor and is represented by a range of organisations who meet on a quarterly basis to share good practice, network, information share and action plan. It is currently made up of representatives from: -

- Kirklees Council - Democracy & Place Based Working, Civic Office, Employee Healthcare, Pupil Admissions, Homes and Neighbourhoods, Kirklees Housing Solutions, Adult Services, Community Plus Team, Public Health, Adults & Health Services
- Military - Regional Employer Engagement Director, MOD Welfare Management, RAF Families Federation
- Military Charities - Royal British Legion, The Rifles Association, Regular Forces Employment Association, RFEA the Forces Employment Charity, Officers Association, Richmond Fellowship
- Local Third Sector Organisations - Royal British Legion (Huddersfield Branch), 3 Yorks Association Huddersfield, CHART Kirklees, The Welcome Centre, Change Grow Live
- Locally based Mental Health support - Salute, counselling and psychotherapy support services
- West Yorkshire Police - Partnerships and Liaison Services
- Kirklees Citizens Advice
- Department for Works and Pensions

In addition, the KAFCB engages with the West Yorkshire Good Practice Forum which comprises the Member and officer champions for the five West Yorkshire Local Authorities.

- **Place Based Working**

Understanding the make-up of the Kirklees Armed Forces Community is a challenge, however, is important to our approach. By working with partners and networks we hope to develop an action plan that reflects the priorities, needs and opportunities for the Armed Forces Community across the district.

- **Climate Change and Air Quality**

No change

- **Improving outcomes for children**

Due to the high mobility associated with the military lifestyle, children of serving members are likely to experience a number of school moves, some of which may occur at short notice and within the school term. The Armed Forces Bill 2021-22 will help raise awareness and understanding within the organisation of the unique obligations and circumstances of the Armed Forces Community.

- **Other (e.g. Legal/Financial or Human Resources)**

None

Do you need an Integrated Impact Assessment (IIA)?

Not applicable for this report

4. Consultees and their opinions

Members of the KAFCB have been consulted in the production of this report.

A briefing has been arranged for Executive Team to consider how the Council will consciously consider the Armed Forces Community when developing policy and making decisions in the specified policy areas (housing, education and healthcare).

5. Next steps and timelines

Work will continue to develop the KAFCB action plan and resources sought to support delivery of priorities.

6. Officer recommendations and reasons

Members are asked to note the work of the KAFCB to date, to note the proposed changes to the legislation that will impact on the local authority provide feedback and suggestions on any actions local authorities should take in order to become more aware of Armed Forces.

7. Cabinet Portfolio Holder's recommendations

The Cabinet Portfolio Holder and the Kirklees Armed Forces Covenant Champion welcome comments and feedback from the Overview and Scrutiny Management Committee.

8. Contact officer

Vina Randhawa, Democracy Manager
Email: Vina.randhawa@kirklees.gov.uk
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9. Background Papers and History of Decisions

10. Service Director responsible

Rachel Spencer Henshall, Director of Corporate Strategy, Commissioning and Public Health

Appendix 1

Further Information about the proposed legislation changes

The Government is concerned that inconsistency in implementation of the Armed Forces Covenant by service providers across the UK is leading to some members of the Armed Forces Community to continue to face disadvantage. The Armed Forces Bill 2021 aims to address this by placing the duty of due regard into law.

The legislation will apply to public bodies exercising public functions that are most likely to affect serving and ex-serving personnel in the policy areas of:

- Education
- Healthcare
- Housing

Within their December communications to local authorities the Ministry of Defence (MoD) stated the following in regard to the duty of due regard:

“Though it is not the Government’s place to define exactly how the duty to have ‘due regard’ can be met, it can be helpful for relevant public bodies to consider some questions to help think about what the duty entails:

- Are the Armed Forces Community affected by my decisions/function/service?
- What are the unique sacrifices and obligations made by the Armed Forces Community?
- How does Service life affect the Armed Forces Community’s access to, and requirements of, my public service/function?
- Is the Armed Forces Community disadvantaged compared to local civilians with regards to the end user experience?
 - *If so, can I mitigate or resolve this disadvantage?*
 - *If so, should I mitigate or resolve this disadvantage (noting competing priorities, the need to balance duties owed to other groups and cost/benefit considerations)?*
 - *Is special provision, whether it is to remove disadvantage or otherwise, justified?”*

It is not proposed that legislation will apply to the private sector. However, where functions have been contracted out to private companies, the public body responsible for managing the contract will be subject to the legislation.

The legislation will be enforced through existing complaints procedures, ombudsmen, or as last resort, judicial review.

The legislation does not aim to achieve advantageous treatment of the Armed Forces Community but aims to ensure that public sector bodies consider the issues facing the Armed Forces Community in key areas that impact on their day-to-day lives.

The MoD propose to produce statutory guidance in relation to each of the three policy strands, and the relevant public bodies will be required to have regard to that guidance when exercising relevant functions. The MoD state that they will consult with stakeholders before finalising and publishing the guidance.

The Government’s aim is that the proposed changes to the current legislation will:

- Increase awareness and understanding of service life and how members of the Armed Forces Community's needs may differ from those of their civilian counterparts, particularly when looking to access public services
- To embed this understanding in public sector decision-making, and the development of policy, commissioning and delivery of public services in relation to the Armed Forces community
- To encourage greater consideration of the specific needs of the Armed Forces Community in terms of service provision, where this is appropriate and possible.

They also see the proposed changes to the legislation as an opportunity to increase awareness of the Covenant, through:

- *“The legislation itself being an opportunity to talk about the Covenant and increase its visibility in general, and improve upon existing online resource*
- *The proposed duty to have ‘due regard’ to the principles of the Covenant will ensure that relevant public bodies will have to ensure staff are brought up to speed on this duty.”*

Appendix 2

Indicative list of public bodies and functions in scope (subject to change)

Sector	Bodies in scope	Duties in scope	Functions in scope
Healthcare	<ul style="list-style-type: none"> • Clinical Commissioning Groups, • NHS Commissioning Boards • NHS Foundation Trusts • NHS Trusts • Local Authorities 	<ul style="list-style-type: none"> • Provision of services • Quality of services • Funding • Co-operation between health bodies and professionals • Functions concerning additional needs that healthcare bodies have a role in delivering. 	<ul style="list-style-type: none"> • The National Health Service Act 2006 • Any provision of Part 3 of the Children and Families Act 2014 (children and young people in England with SEND), so far as it deals with health care provision. 'Health care provision' is to be interpreted as in Part 3 of the Children and Families Act 2014 (see section 21 of that Act).
Education	<ul style="list-style-type: none"> • Local Authorities • Governing bodies of maintained schools • Proprietors of Academies • Non-maintained special schools • Governing bodies of further education institutions • Special post-16 institutions 	<ul style="list-style-type: none"> • Admissions • Transport • Attendance • Additional needs support • Educational attainment and curriculum • Student wellbeing • Use of Service Pupil Premium funding (England only) 	<ul style="list-style-type: none"> • The Education Act 1996 • Part 3 of the School Standards and Framework Act 1998 (school admissions) • s175 of the Education Act 2002 (duties of local authorities and governing bodies in relation to welfare of children) • Any provision of Part 3 of the Children and Families Act 2014, so far as it deals with special educational provision. 'Special educational provision' is to be interpreted as in Part 3 of the Children and Families Act 2014 (section 21).
Housing	<ul style="list-style-type: none"> • Local Authorities 	<ul style="list-style-type: none"> • Allocations policy for social housing • Homelessness • Disabled facilities grants • Tenancy strategies (England only) 	<ul style="list-style-type: none"> • Part 6 of the Housing Act 1996 (allocation of housing accommodation) • Part 7 of the Housing Act 1996 (homelessness: England) • Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (grants, etc for renewal of private sector housing) • s1 of the Homelessness Act 2002 (duty of local housing authority in England to formulate a homelessness strategy) • s150 of the Localism Act 2011 (tenancy strategies) • reg3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860) (power of local housing authorities to provide assistance), so far as that regulation deals with the provision of financial assistance for a purpose corresponding to any purpose specified in s23 of the Housing Grants, Construction and Regeneration Act 1996 (disabled facilities grants: purposes).