

Cabinet – 18 October 2023

The Armed Forces Act 2021 – New Statutory Duty Walsall Armed Forces Covenant 2023

Portfolio: Councillor M. Bird, Leader of the Council

Related portfolios: Councillor G. Perry, Deputy Leader Resilient Communities

Service: All

Wards: All

Key decision: No

Forward plan: No

1. Aim

To comply with the Armed Forces Act 2021 which places a new statutory duty upon some public bodies, including Local Authorities, to have regard to the principles of the Armed Forces Covenant when making decisions specifically in the areas of healthcare, housing and education.

2. Summary

- 2.1 The national Armed Forces Covenant is a promise by the nation that those who serve or who have served in the armed Forces, and their families, will be treated fairly and will not be disadvantaged in accessing public and commercial services as a result of their military service.
- 2.2 The Armed Forces Act 2021 created a statutory duty on specified bodies, including Local Authorities, to have regard to the principles of the Armed Forces Covenant in their policy development and decision making. The focus of the Duty is on local and regional service provision, covering aspects of education, healthcare and public housing that are most likely to affect the armed forces community.
- 2.3 The Cabinet previously approved a voluntary local Armed Forces Covenant in 2013 which included pledges to support the local armed forces community. As this is now ten years old, it is an opportune time to review and improve the Council's commitment.

- 2.4 A new local Covenant has been produced in conjunction with officers from across the Council who act as Armed Forces Covenant leads for their service area and the Council's Armed Forces Champion. This is attached as an **appendix** to the report.

3. Recommendations

- 3.1 That Cabinet notes the Armed Forces Covenant statutory duty.
- 3.2 That the Walsall Council Armed Forces Covenant, appended to the report, be approved.
- 3.3 That authority be delegated to the Executive Director for Economy Environment and Communities in consultation with the Leader of the Council (or nominated Armed Forces Champion) to make amendments to the pledges contained in the local covenant to ensure that they remain current.

4. Report detail - know

Context

- 4.1 Since 2011 there has been a national Armed Forces Covenant. It is a promise by the nation that those who serve or who have served in the armed Forces, and their families, will be treated fairly and will not be disadvantaged in accessing public and commercial services as a result of their military service, with special provision made in appropriate cases for those who have sacrificed the most. It is a recognition of the sacrifices they make on the nation's behalf and the responsibilities the nation owes them in return.
- 4.2 The government subsequently encouraged all local authorities and other private and public organisations to voluntarily produce and sign a local covenant setting out their commitments to their local armed forces community. Walsall Council's local Covenant was approved by Cabinet in 2013.
- 4.3 The Armed Forces Act 2021 amended the Armed Forces Act 2006 to impose the following legal obligation on specified bodies in the four home nations of the UK. "The Armed Forces Covenant Duty"

When a specified body exercises a relevant function, it must have due regard to: (a) the unique obligations of, and sacrifices made by, the Armed Forces; (b) the principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the Armed Forces, and (c) the principle that special provision for Service people may be justified by the effects on such people of membership, or former membership of the Armed Forces.

- 4.4 The duty is about informed decision-making and means that specified bodies should consciously assess how their policy development and decision making might impact on service users from the armed forces community in scope.
- 4.5 The focus of the duty is on local and regional service provision, covering aspects of education, healthcare and public housing that are most likely to affect the armed forces community
- 4.6 The public bodies and functions in scope, each individually responsible for complying with the duty, are as follows:

Bodies in scope	Summary of Functions
<p>Education Local Authorities Compulsory education settings (primary, secondary and further education) including:</p> <ul style="list-style-type: none"> • Governing bodies of maintained and non-maintained schools, • non maintained special schools • Proprietors of academies • Governing bodies of FE institutions • Special post 16 institutions 	<ul style="list-style-type: none"> • Admissions • Educational attainment and curriculum • Child wellbeing • Transport • Attendance • Additional needs support • Use of service pupil premium funding
<p>Healthcare</p> <ul style="list-style-type: none"> • Local Authorities • NHS England • Integrated Care Boards • NHS Trusts • NHS Foundation Trusts 	<ul style="list-style-type: none"> • Provision of services • Planning and funding • Co-operation between bodies and professionals • LA delivered healthcare services including sexual health services and drug and alcohol misuse services • NHS primary care including GPs, community pharmacies, NHS dental NHS optometry and public health screening services • NHS secondary care services including urgent and emergency care, hospital and community services, specialist care, mental health services, additional needs services
<p>Housing</p> <ul style="list-style-type: none"> • Local Authorities 	<ul style="list-style-type: none"> • allocations policy for social housing. • tenancy strategies, • homelessness • Disabled Facilities Grants

- 4.7 The Armed Forces Community is identified as the Royal Navy, Royal Marines, The Army and Royal Air Force including Regulars, Reserves, former

members resident in the UK, immediate family members and the bereaved. Ministry of Defence (MOD) Guidance to local authorities encourages provision for separated and divorced spouses or civil partners as they transit out the armed forces community.

- 4.8 The 2021 Census included for the first time, a question of respondents over 16 years specifically aimed at understanding the nations veteran population: “*Have you previously served in the UK Armed forces*”. A veteran is anyone who has served for at least one day in the armed forces, whether regular or reserve or merchant mariners who have seen duty on defined military operations.
- 4.9 An evaluation of the responses by the Office for National Statistics shows that around 2.2% of the Walsall population identified as a veteran, around 6,500 people. (This relates to veterans and does not include any residents who are currently serving or their families).
- 4.10 The majority of service leavers do not encounter any difficulties transitioning into civilian life however, examples of challenges that some may face, including currently serving personnel, can be:

Education: An interrupted education due to relocations; school admissions, for example, longer journey time to school or more difficult journey if required to relocate; disrupted social experience; mental wellbeing; emotional and pastoral support; being unable to take holidays during normal school holidays; delays in support for service children with additional needs.

Healthcare: lack of awareness of healthcare professionals; loss of access to GP, dentist; joining new waiting lists following reassessments in new location; mental health and Post Traumatic Stress Disorder (PTSD), hearing loss, military family carers; loneliness.

Housing: lack of knowledge about housing services; not building up sufficient local connection; lack of suitable social housing that meet particular housing needs caused by injury sustained in service; welfare system; reluctance to seek early help to avoid homelessness; adaptations.

Other: employment – recognising transferrable skills, spousal employment - multiple short term employment history.

- 4.11 The MOD has produced a Local Authority Guide to deliver their local covenant and has suggested a minimum core infrastructure, essentially:
- An elected member champion
 - A lead officer
 - A webpage to signpost to support information
 - A clear public statement of support from the Council
 - Training of frontline staff
 - A mechanism for reporting of actions and achievements
 - An Action Plan to underpin the Council’s commitment

- A covenant partnership forum to include representatives of military, partner public sector bodies, senior elected members, forces charities.
- 4.12 All of the above have been in place in Walsall since 2013 with the exception of a current action plan which has lapsed. A new action plan will be produced following consultation with the community. The Council's webpage is currently being improved in consultation with the partnership forum.
- 4.13 Each specified body is responsible for complying with the duty however all do come together on many occasions in various partnership arenas, including the Armed Forces Partnership Board, where information, support and guidance is shared.

Council Plan priorities

- 4.14 The Covenant supports the overall aim of the Council that inequalities are reduced and all potential is maximised. It also supports the following Council Plan priorities:

Economic - Enable greater local opportunities for all people, communities and businesses

People - Encourage our residents to lead more active, fulfilling and independent lives to maintain or improve their health and wellbeing

Internal focus - Council services are customer focused effective, efficient and equitable

Children - Have the best possible start and are safe from harm, happy, healthy and learning well

Communities - Empower our communities so that they feel they are connected and belong in Walsall, creating safe and healthy places whilst building a strong sense of community

The armed forces covenant sits well as part of a suite of initiatives attached to the Council's Voluntary and Community Sector (VCS) strategy currently under development or being refreshed. It is a key part of the Strategy but will also have strong links with the other elements connected with the strategy. The related work under the Armed Forces Covenant will be built into the operational work across all parts of the Council.

Risk management

- 4.15 Whilst the Council could carry out its statutory duty without a local Covenant, the Government expects that every local authority will have a signed covenant to evidence its commitment, therefore there would be a reputational risk to the Council if it does not clearly articulate its commitment. The Council could also risk losing sight of this duty without that clear signed commitment.

Financial implications

- 4.16 The financial implications of delivering the Covenant are likely to be minimal and can be met from within existing budgets as part of normal business. It is intended to encourage community groups to champion the covenant through a small grants scheme which will be enabled through the Resilient Communities team and will be met from the available Resilient Communities budget.

Legal implications

- 4.17 The statutory duty came into effect in November 2022. The legislation and associated statutory guidance are not prescriptive about the approach a specified body should take in order to comply with their legal obligations. It does not mandate that any particular conclusions are reached or specific public service delivery outcomes achieved as a result of that consideration. Actions and outcomes that bodies deem appropriate will vary across the country depending on local circumstances. The duty does not abolish or replace existing covenant pledges or other commitments. The duty applies whether or not a local covenant has been produced.
- 4.18 Each specified body is individually responsible for complying with the new statutory duty.

Procurement Implications/Social Value

- 4.19 Where relevant functions have been contracted out to private companies or third sector organisations, the specified public body responsible for that function needs to ensure that any third parties exercising functions on their behalf comply with the Covenant Duty. The Council has therefore included a clause in its standard form goods and services contract precedent to specify that Providers must support the Council to comply with the Council's Armed Forces Covenant Duty.
- 4.20 Some of the Council's contractors already provide services around civic and remembrance events as part of their social value, such as traffic management. There is potential to draw on the social value of other contracts to support the delivery of the Covenant pledges.

Property implications

- 4.21 None arising from this report. Social housing providers in Walsall are required to comply with the covenant duty, both as organisations in their own right and also as a third party provider of Local Authority services.

Health and wellbeing implications

- 4.22 The Joint Strategic Needs Assessment for Walsall already references the Armed Forces community. Other health and wellbeing related policies will reflect the new duty upon review.

Reducing Inequalities

- 4.23 The Covenant aims to remove disadvantage as a result of military service. Advantageous treatment as a matter of course is not within scope however, bodies are free to implement such schemes as part of their support pledges. It does not give an individual an automatic right to the best house, best school or jump a queue however. Special provision can sometimes be justified as set out elsewhere in the report.
- 4.24 The Council has included reference to the Armed Forces in its Equality Impact Assessments.

Staffing implications

- 4.25 Each relevant directorate has nominated service leads who share information and raises awareness of the covenant with their directorate teams, particularly front line staff.
- 4.26 The Defence Employer Recognition Scheme makes awards to employers that advocate, pledge and demonstrate support for Defence and the armed forces community and align their values and practices with the principles of the Covenant. Walsall Council currently holds a Bronze award. It is intended to work towards achieving a Silver award.
- 4.27 The Council's workforce strategy already includes support for reservists to undertake their training and deployments.

Climate Impact

- 4.28 None

Consultation

- 4.29 The proposed new pledges have been drawn from guidance to local authorities, best practice templates and discussions with the Council's service leads. The pledges have been shared with Walsall's Armed Forces Covenant Board.

5. Decide

Cabinet is asked to note the new statutory duty and approve the new Covenant and its updated pledges.

6. Respond

Following Cabinet approval, the Covenant will be formally launched and signed on 18 November 2023 in conjunction with an armed forces community networking event in the Town Hall which is being led by the Council's Armed Forces Champion. An action plan will be produced to track the delivery of the

pledges and the Council, through its Resilient Communities Team, will engage with the community to understand the challenges faced locally. Service leads will continue awareness raising to ensure that policy development and decision making takes account of the Covenant.

7. Review

Progress on the delivery of the Covenant will be reported to Walsall's Armed Forces Partnership Board alongside other partner covenants.

Appendix

Walsall Council's updated Armed Forces Covenant

Background papers

All published papers.

Resources drawn from MOD Covenant website [Home - Armed Forces Covenant](#)

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Dave Brown
Executive Director

10 October 2023



Councillor Bird
Leader of the Council

10 October 2023