

Walsall Council – Health and Wellbeing Board

12 December 2023

Armed Forces Act 2021 – New Statutory duty

1. Purpose

To raise awareness of the new Armed Forces Covenant Duty upon specified public bodies and encourage awareness raising within partner organisations.

2. Recommendations

- 2.1 That the Board notes the new statutory duty and the requirement to have regard to this in policy development and decision making within partner organisations
- 2.2 To engage with the Armed Forces Covenant Partnership Board to ensure that the Armed Forces Community in Walsall is appropriately supported.

Report detail

- 3.1 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. It is a recognition of the sacrifices they make on the nation's behalf and the responsibilities the nation owes them in return.
- 3.2 The Armed Forces Act 2021 has amended the Armed Forces Act 2006 to impose a statutory duty on specified bodies to have regard to the principles of the Armed Forces Covenant in their policy Development and decision making. This is the "Armed Forces Covenant Duty" and is set out as follows:

<p>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.</p>
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- 3.3 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.
- 3.4 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

3.5 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

3.6 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.

3.7 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.

3.8 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 figure is around 25,000 across the Black Country. This relates to veterans and does not include any residents who are currently serving or their families.

- 3.9 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.

3.10 **Local Armed Forces Covenant.**

In 2013, the Council and its strategic partners signed a joint local covenant which set out pledges to support the armed forces community. Guidance arising from the 2021 Act includes a model template for organisations to sign their own Covenants and many of the Council's Partners have done so, including West Midlands Police, West Midlands Fire Service and Walsall College, thereby superseding the 2013 document. The Council has recently launched its own Covenant which includes wider pledges of support other than those related to the Act. **(Appendix 2)**

- 3.11 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.

- 3.12 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. Implications for Joint Working arrangements:

- 4.1 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.
- 4.2 The organisations represented on the Walsall Partnership Board, apart from the Council, military representatives and military charities, include the Black Country ICB, Black Country Healthcare NHS Foundation Trust, Walsall Healthcare NHS Trust, Walsall Housing Group; Walsall College, West Midlands Police, West Midlands Fire Service.

5 Other resource implications:

Financial implications:

- 5.1 There are no financial implications arising from this report.

Legal implications:

- 5.2 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.
- 5.3 Each specified body is individually responsible for complying with the new statutory duty. Importantly, this includes delivery by third parties.

Staffing implications

- 4.25 Each relevant Council directorate has nominated service leads who share information and raises awareness of the covenant with their directorate teams, particularly front line staff.
- 4.25 Wolverhampton Council has successfully gained funding, subject to contributions from each of the four local authorities, for the recruitment of a Black Country Armed Forces Covenant Officer for a 12 month fixed term, to work with the four Black Country Authorities and their Partnership Boards to support the armed forces community in their area, co-ordinating actions where appropriate across the region.

The post has now been recruited to and a start date is awaited.

Climate Impact

Nothing arising from this report

6. Health and Wellbeing Board Priorities

- 6.1 The priorities of the Board as set out in the Joint Local Health and wellbeing strategy i.e., Mental Health and wellbeing, digital approach and children and young people are all directly relevant to the health and wellbeing needs of the armed forces community, as identified in the new legislation and set out in paragraph 3.5.
- 6.2 Safeguarding: There are no safeguarding implications.

Background papers

The Armed Forces Act 2021 and associated guidance
Local Government Association guidance to Local Authorities

<https://www.armedforcescovenant.gov.uk/>

Appendices:

1. Report to Walsall Council Cabinet – 18 October 2023
2. Walsall Council Covenant

Sponsoring Director

Kathryn Moreton,
Director, Place and Environment and Lead Officer, Walsall Council Armed Forces Covenant

Author

Helen Owen
Democratic Services Officer and Walsall Council Armed Forces Covenant Point of Contact
helen.owen@walsall.gov.uk
01922 654522