

The Nation's Commitment to the Armed Forces Community: Consistent and Enduring Support

Ministry of Defence Consultation Paper

1. Introduction

- 1.1 Last summer the Ministry of Defence published a Command Paper, '**The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans**'. This set out a number of practical measures that government departments would take to support the Armed Services community on the basis that those who serve their country should not be disadvantaged, as they often currently are, in their ability to exercise life choices e.g. achieve home ownership or have access to benefits and NHS services, by virtue of what they do.
- 1.2 The Government is now proposing to extend the principles set out in the Command Paper that the Armed Forces Community should suffer no disadvantage and may sometimes require degrees of special treatment, beyond Government, to all levels of administration including at the local level of Local Authorities and NHS Trusts.
- 1.3 The term Armed Services Community includes:
 - Service personnel – individuals currently serving as members of HM Armed Forces including the UK Reserve Forces;
 - Families – the immediate family of members, or former members of the Armed Forces; and
 - Veterans – former members of HM Armed Forces.
- 1.4 Health, housing (including disabled adaptation to homes), education, skills, benefits and transport are the main locally delivered services likely to be affected by the government's new proposals as set out below.
- 1.5 The assumption throughout the consultation paper is that public service providers will collect data around service use by the Armed Forces community, and that community members will tell us that they are members of that community.

2. Consultation Proposals

2.1 Proposal 1. Legal Duty on Public Bodies

The Government is considering placing a new duty on public bodies to ensure that decisions take account of the disadvantages arising from Service life. This could be applied to bodies with strategic responsibilities e.g. Local Authorities, or to organisations directly responsible for the provision of services e.g. schools, or both.

At this stage, the suggestion is that a Local Authority would not be required to take any specific actions but would be obliged to 'take regard' of the need to eliminate disadvantage for the Armed Services community and to give special treatment where appropriate.

It is envisaged that no separate reporting requirements would be specified, but public bodies would be expected to incorporate monitoring and reporting against the duty into existing mechanisms.

Guidance could be provided to public bodies to improve their knowledge of the nature of Service life and the disadvantages that arise from it.

In terms of enforcement of the duty, public bodies would have to show that they had taken the needs of the Armed Forces community into account in reaching a particular decision. A public body would be in breach of the duty if it did not consider the possibility of causing disadvantage to the Armed Forces community in the exercise of its functions. An example of this might be setting a residency requirement for a service, which Service families might not be able to meet because of the frequency of postings abroad or around Britain. It would have to be shown that the implications for the Armed Services community had been weighed up and taken into account before a decision was made.

A breach of duty would not result in a private law remedy - the only route for recourse would be judicial review.

2.2 Proposal 2. A Charter for the Armed Forces Community

An alternative to a public duty might be to take an individual rights approach and enshrine specific rights of the Armed Forces community in law. This would have the affect of giving the community 'protected status' in much the same way as groups protected by equalities legislation.

This is thought likely to be difficult to achieve, and an alternative proposal is for a Charter that sets out a number of principles and responsibilities on both sides, the signatories to the Charter and members of the Armed Services community.

This might be:

- rolled out to delivery organisations on a voluntary basis
- rolled out in the same way as liP i.e. organisations accept a requirement to demonstrate they fulfil the requirements of the Charter; or
- it could be made legally binding for public bodies to take into account the Charter and the principles in it, within the decisions they make.

2.3 Proposal 3. **Customer Service Excellence – The Government Standard**

Customer Service Excellence is a tool sponsored by the Cabinet Office, for driving customer focussed change in an organisation. It is a voluntary scheme open to organisations across the UK. An assessment methodology is in place with assessments being conducted by four Independent Certification Bodies. The consideration of the needs and views of the Armed Forces community would be included explicitly in the assessment procedures.

There is no mention in the consultation paper of using the Audit Commission CAA assessment process in a similar manner. CAA already has a significant focus on meeting the needs of disadvantaged groups in the community, including children in care and ex-offenders, alongside the traditional equalities groups, so bringing the Armed Forces community within this focus would not be a major change.

4. Routes for Recourse

4.1 The second part of the consultation looks at possible routes for recourse by which a Service person, their family or a veteran can challenge how they have been treated, other than through the courts.

4.2 **Option1 Ombudsmen**

The existing public sector Ombudsmen schemes to be developed to specifically support the Armed Forces community.

Option2 Local Armed Forces Advocate Network

A Scrutiny Committee could be invited to take a particular interest in the Armed Forces Community and/or Local Authorities could be encouraged to nominate an Armed Forces Champion (a member of the Cabinet or Executive, or senior officer), who would act as a link between the providers of local services and the Armed Forces community. The champion could also link with the existing Armed Forces Advocate network that operates across Whitehall.

Option 3 Single Point of Contact/Hotline

There are already a number of different support services that offer help and advice to the Armed Forces community. It is suggested that the Service Personnel and Veterans Agency (SPVA) be expanded to take on a wider referral role but another option might be to expand the role of Citizens Advice, who already run a project in conjunction with the Royal British Legion and the RAF Benevolent Fund to support service personnel and veterans in the community.

Option 4 Development of a Welfare Pathway

This would be a technology led conceptual pathway setting out how service personnel, their families and veterans can obtain the right information and assistance to take responsibility for resolving issues for themselves. This would probably link in with Option 3 above. Local service providers would have a role in promoting the pathway.

5. Questions for City Council Service Providers

a) Is there currently significant Armed Forces community use of your service? (Please give numbers or percentage if known)

- b) Do you think that service usage by this community might grow if the proposals in this consultation paper are taken forward?**

- c) What, if any, do you think that the resource implications of introducing these proposals might be for your service?**

- d) Do you think there are any particular advantages or disadvantages to implementing any of the proposals set out above?**
 - i) For the Armed Forces community**
 - ii) For the Council as a whole**
 - iii) For your service**

Please can I have your reply by Friday 25th September.

Thanks

Alison

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