

CABINET

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| Date of Meeting | Tuesday, 12 July 2022 |
| Report Subject | Armed Forces Act 2021 |
| Cabinet Member | Governance and Corporate Services including Health and Safety and Human Resources |
| Report Author | Chief Executive |
| Type of Report | Operational |

EXECUTIVE SUMMARY

Flintshire County Council signed the Armed Forces Covenant (AFC) in July 2013. The Covenant is a promise from the nation that those who serve, or have served, in the armed forces are treated fairly, as are their families.

The Armed Forces Act 2021 enshrines the Armed Forces Covenant into law, placing a legal obligation on public bodies to prevent services personnel, reservists, veterans and their families being disadvantaged when accessing public services.

Section 8 of the Armed Forces Act 2021 is expected to come into force in autumn 2022 and introduces a duty in Housing and Education to have “due regard” to the principles of the Armed Forces Covenant.

RECOMMENDATIONS

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| 1 | Cabinet note the forthcoming legislation and implications for Housing and Education. |
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REPORT DETAILS

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| 1.00 | EXPLAINING THE ARMED FORCES ACT 2021 |
| 1.01 | Flintshire County Council signed the Armed Forces Covenant (AFC) in July 2013. The Covenant is a promise from the nation that those who serve, or have served, in the armed forces are treated fairly, as are their families. |
| 1.02 | Flintshire County Council has already made changes to policies as part of its commitment to the Covenant. For example, introducing a guaranteed interview scheme for veterans. |
| 1.03 | The Armed Forces Act 2021 enshrines the Armed Forces Covenant into law, placing a legal obligation on public bodies to prevent services personnel, reservists, veterans and their families being disadvantaged when accessing public services. |
| 1.04 | <p>Section 8 of the Armed Forces Act 2021 is expected to come into force in autumn 2022 and introduces a duty to have “due regard” to the principles of the Armed Forces Covenant, as follows:</p> <ul style="list-style-type: none">• The unique obligations of, and sacrifices made by, the armed forces.• The principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the armed forces.• 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. |
| 1.05 | <p>Implications of the new duty</p> <p>The new duty will apply to specified bodies, including councils, when exercising certain housing, education or healthcare functions. These services will need to demonstrate that they have shown due regard to the armed forces community when carrying out these functions. The definition of armed forces community includes: serving personnel, veterans, reservists, partners, ex partners, bereaved partners and their children.</p> |
| 1.06 | Please note that social care functions are not included. However, discussions about extending this duty to include social services/social care are taking place. |
| 1.07 | Any individual can request a judicial review if they feel an organisation is not complying with the new duty. Armed Forces charities are preparing to monitor and challenge compliance, if necessary. |
| 1.08 | Welsh Government (WG) will be monitoring public bodies’ compliance through the Regional Armed Forces Liaison Officers. WG will report annually to the Ministry of Defence on compliance in Wales. |

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| 1.09 | <p>Steps being taken to prepare for the Act</p> <p>Training and awareness - the Regional Armed Forces Liaison Officer has scheduled on-line training in June and July to prepare services for this legislation. This is being promoted through Learning and Development. This training is relevant for all public facing services, including social services, and is not specifically aimed at education and housing.</p> <p>Review of policies - the Regional Armed Forces Liaison Officer has confirmed current Flintshire County Council policies in housing and education are consistent with the Armed Forces Covenant and do not need altering to comply with the new duty.</p> |
| 1.10 | Statutory guidance will be available, it is expected that this will contain advice and good practice examples about how to comply with the duty. |
| 1.11 | <p>Next steps</p> <p>Services need to ensure they are capturing data on service users/customers who are covered by this legislation. The Armed Forces Liaison Officer will provide guidance on the categories services should be using.</p> |
| 1.12 | To demonstrate “due regard” the Integrated Impact Assessment (IIA) will be amended to include armed forces. Only education and housing will need to complete these sections. The Regional Armed Forces Liaison Officer will also advise IIA authors on how to complete this section. This approach is consistent with that being taken by other councils. |
| 1.13 | Employees are being encouraged to book on the AFC awareness sessions which are being advertised on the Infonet. |

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| 2.00 | RESOURCE IMPLICATIONS |
| 2.01 | <p>Human Resources: There is no cost for the training which is being delivered by the Regional Armed Forces Liaison Officer. Services will need to release employees to attend the training sessions.</p> <p>Revenue/Capital: There are no revenue / capital implications.</p> |

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| 3.00 | IMPACT ASSESSMENT AND RISK MANAGEMENT |
| 3.01 | A full integrated impact assessment is not required for this report, as it is a report on the new Armed Forces Act 2021. |
| 3.02 | Ways of Working (Sustainable Development) Principles Impact |

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| | Long-term | Positive – ensuring the Armed Forces community are not disadvantaged when accessing services. |
| | Prevention | No change. |
| | Integration | No change |
| | Collaboration | No change |
| | Involvement | No change |
| 3.03 | Well-being Goals Impact | |
| | Prosperous Wales | No impact |
| | Resilient Wales | No impact |
| | Healthier Wales | Positive – ensuring the Armed Forces community are not disadvantaged when accessing health services. |
| | More equal Wales | Positive – through ensuring the Armed Forces community are not disadvantaged when accessing public services. |
| | Cohesive Wales | No impact |
| | Vibrant Wales | No impact |
| | Globally responsible Wales | No impact |

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| 4.00 | CONSULTATIONS REQUIRED/CARRIED OUT |
| 4.01 | This report has been shared with the Council's Armed Forces Champion. |

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| 5.00 | APPENDICES |
| 5.01 | None |

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| 6.00 | LIST OF ACCESSIBLE BACKGROUND DOCUMENTS |
| 6.01 | Armed Forces Covenant |

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| 7.00 | CONTACT OFFICER DETAILS |
| 7.01 | <p>Contact Officer: Fiona Mocko, Strategic Policy Advisor</p> <p>Telephone: 01352 702122</p> <p>E-mail: Fiona.mocko@flintshire.gov.uk</p> |

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| 8.00 | GLOSSARY OF TERMS |
| | <p>Armed Forces Community: includes serving personnel, veterans, reservists, partners, ex partners, bereaved partners and their children.</p> <p>Armed Forces Covenant: the Armed Forces Covenant is a promise of mutual support between a civilian community and its local armed forces community.</p> <p>Armed Forces Liaison Officer: a full time officer funded by the Welsh Government to support local authorities to deliver the commitments set out in the Armed Forces Covenant. There is one Regional Armed Forces Liaison Officer to cover the six councils in North Wales.</p> |