

Select Committee on the Armed Forces Bill

Oral evidence: Armed Forces Bill, HC 1281

Thursday 4 March 2021

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Members present: James Sunderland (Chair); Stuart Anderson; Tonia Antoniazzi; Dan Carden; Leo Docherty; Martin Docherty-Hughes; Darren Henry; Mrs Sharon Hodgson; Mr Richard Holden; Mr Kevan Jones; Jack Lopresti; Johnny Mercer; Carol Monaghan; Stephen Morgan; Miss Sarah Dines; and Mrs Heather Wheeler.

Questions 1 to 51

Witnesses

[I](#): General (Ret'd) Sir John McColl, Chair at the Confederation of Service Charities; Laura Pett, Head of Public Affairs and Campaigns at The Royal British Legion; and Ted Arnold, Senior Public Affairs and Policy Manager at Help for Heroes.

[II](#): Anna Wright, Chief Executive Officer at the Naval Families Federation; Collette Musgrave, Executive Officer at the Army Families Federation; and Maria Lyle, Director at the Royal Air Force Families Federation.

[III](#): Colonel (Ret'd) John Rollins, Chief Executive Officer at the Reserve Forces and Cadets Association for Northern Ireland; and Canon Peter Bruinvels CC, Armed Forces Champion and Civilian-Military Liaison Adviser to both Surrey County Council and Kent County Council

Written evidence from witnesses:

– [AFB0001 - General \(Ret'd\) Sir John McColl \(Cobseo\)](#)



Examination of witnesses

Witnesses: General Sir John McColl, Laura Pett and Ted Arnold.

Q1 **Chair:** Good afternoon. My name is James Sunderland MP. It is a massive privilege to welcome all of you to the first sitting of the Select Committee on the Armed Forces Bill. The Clerks have done a fantastic job getting us this far.

The Bill has already passed through the House on Second Reading and we now come on to the very first of our public witness sessions to generate evidence in support of the Bill. We have three very eminent guests who have joined us for the first session. I will introduce all of those in turn, but could I please ask everyone to make sure that your questions are short, and your answers are short, so that we can get maximum traction from this first session.

First of all, we have General (Ret'd) Sir John McColl, who is chairman of the Confederation of Service Charities: welcome to you, sir. Second, Laura Pett, who is head of public affairs and campaigns, Royal British Legion; and lastly Ted Arnold, who is senior public affairs and policy manager at Help for Heroes. You are very welcome. Before I start, can I quickly ask each of you in turn to say a very quick introduction, starting with Sir John, please.

General Sir John McColl: My name is John McColl. I have the privilege of being the chairman of the Confederation of Service Charities. Perhaps I may say we really welcome this legislation, so any comments that we make will be focused on improving the legislation as opposed to opposing the legislation. In principle we welcome the initiative.

Laura Pett: Thank you for the opportunity to give evidence today on behalf of the Royal British Legion. I am the head of public affairs and campaigns there, and just to echo Sir John we are very supportive of efforts to strengthen the Covenant in law but we do believe the Bill can and should go further if we are to take full advantage of this opportunity to incorporate the Covenant in law.

Ted Arnold: Thank you for the opportunity to be here on behalf of Help for Heroes. I am the senior policy and public affairs manager. I would just like to echo what Laura said: we welcome the legislation, and hope we can go to more lengths to strengthen it further.

Chair: Thank you, Ted. To start with, we have a list of Members who want to ask questions of the witnesses, and I am going to start with Sharon, please.

Q2 **Mrs Hodgson:** Thank you so much, Chair. Good afternoon and welcome to all witnesses—welcome, Sir John, Laura and Ted. I have had the privilege of speaking to some of you, but I do not think I have spoken to Sir John.



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My initial question is to Laura, for the Royal British Legion. The Legion has raised concerns that many areas that are of concern to armed forces communities—such as pay, pensions, social care and compensation, to name but a few—have been left out of the Bill. What impact do you think these omissions will have on service delivery for those issues?

Laura Pett: It goes without saying that the healthcare, education and housing topics that will be subject to the new “due regard” duty are not contentious, and we agree that they are key to enabling members of the armed forces community to lead successful and independent lives. There are, however, a number of other policy areas that are of equal importance to our people, for which there is clear and current evidence of ongoing need. That includes, but is not limited to, employment, pensions, compensation, social care, criminal justice and, indeed, immigration.

We are concerned, as you have indicated, that the inclusion of some policy areas over others could result in those Covenant issues that are omitted from the scope of the Bill being downgraded in their importance, given that they will not benefit from enhanced legal protections. The fact that only certain aspects of housing, healthcare and education—namely, those that are not the responsibility of the Secretary of State—are also omitted is further cause for concern.

The prescriptive nature of the Bill, we think, presents not just a practical challenge—housing problems are rarely experienced in isolation to an employment problem, yet only housing would be covered by the new duty—but a communication challenge, in the respect that most members of the armed forces community are unfamiliar with the respective responsibilities of the different tiers of Government, and will understandably expect that any disadvantage they face in any given policy area should be given equal means of redress under the law.

All the issues that matter to the armed forces community should, in our opinion, be given greater legal protection under this Bill, and the simplest and most effective way to do that would be to expand the range of public bodies subject to the new duty, and to extend it to all their functions.

Q3 **Mrs Hodgson:** Does Sir John or Ted have any comment on that same question?

General Sir John McColl: I do think that there is a strong argument for the inclusion of central Government functions in this, and I am particularly focused on the immigration issue as an example of that. At the moment, the central Government traction that we have is that there is a moral requirement for Government to comply with the Covenant. That is fine as long as it works, but in some cases it absolutely does not work.

I will give you the example of immigration policy, which Laura has just mentioned and which has been raised since 2013. There is a minimum income requirement where soldiers are required to reach a certain income before they can bring in their wives and their children, so in some cases they have to choose which child to bring with them. Some of them are



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getting second jobs to raise their income. There are then further complications with visa fees, when you are deployed on operations, the period of time out of the country does not count toward the residency qualifications, and there are problems with biometric permits and with stepchildren joining.

The reason I go into this in some detail is because all this has been raised with the Home Office. We have been bashing against that door for years now, and we have been getting nowhere; we have effectively been ignored. If there were a legal requirement for them to comply with the Covenant, the traction, the leverage, that we would have would be of an entirely different order. Going back to the point, this is great, but we would like—*[Inaudible.]*

- Q4 **Mrs Hodgson:** Thank you. I will put my last question to all three witnesses, if I may. Obviously, as charities and the Confederation of Service Charities, you understand that you don't have a bottomless pit of money. The same could be said for our cash-strapped local councils and other overstretched public bodies that are going to be asked to deliver on these new legal responsibilities without any extra resources. Are you concerned about that? Is it going to be problematic, in your opinion? As I said, this question is to all three of you.

General Sir John McColl: I am not prepared to speak about the financial circumstances of local government; I think that's really beyond the chairman of the Confederation of Service Charities, so I will leave it to you, if I may. In terms of the focus of our charities, we are focused on delivering a service now. Do we find ourselves in financial difficulties as a consequence of the covid-19 difficulties? Absolutely we do.

We have run two surveys of our membership, which demonstrate that we have had an increase in requirements—people coming to us. There is a 74% uptick in mental health issues, a 70% uptick in loneliness and a 55% uptick in relation to financial services. This is at the same time as we are seeing 66% of our charities report a reduction in funding—19% of them say they are going to have to close or merge within a year. Overall across the sector, we last year, in 2020, suffered a funding shortfall, against a usual year, of £250 million; and we anticipate that the same is going to happen in this coming year.

What that means is that we are going to have to focus our delivery on those areas that really, really matter, and it is extremely important that local government indeed fulfils all its obligations and we are not required to extend the services that we provide.

Ted Arnold: I think it requires a bit of honesty and clarity from the Government, really, on what the Covenant seeks to do and what additional, centrally derived resources are available, so that providers can carry that out. It is for the Government, obviously, to assess whether that is manageable by local authorities with their current means. But I think this goes back to the point that if the scope were widened to include national Government, public bodies would have the burden more equally



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shared, and it would be more proportional to how much effort has already been put in at national level. That is all that I would add.

Laura Pett: To echo Sir John, the point about funding specifically is not something that I am best qualified to comment on; I will leave that to council representatives on subsequent evidence panels to answer. But I will just make the point that the new “due regard” duty will strengthen the legal force of the Covenant in those areas to which it is applied, but it won’t require specific outcomes. Instead, it requires that the principles of the Covenant be considered in decision making, so if other, countervailing factors are deemed relevant—that would include the wider financial considerations—that could mean that adhering to the Covenant might not take priority.

Clearly, making sure that people are well resourced to deliver on any additional burdens that may be incurred would be desirable, but more important than that is making sure that the new duty to apply the Covenant principles is applied directly, rather than being filtered through a qualifier of it being desirable to give due regard to the principles. And including national Government in the scope, as my colleague Ted has already said, would mean that any burdens created by the new duty would be more evenly shared and not just concentrated on local delivery partners.

Mrs Hodgson: Excellent. Thank you so much. That is the end of my questions, Chair; thank you.

Chair: Thank you, Sharon. The next questioner is Martin Docherty-Hughes.

Q5 **Martin Docherty-Hughes:** The Bill largely applies to local government, and some health and education bodies. I am just wondering what the panel thinks about this: why did the Government decided to exclude not just itself as the central Government, but the devolved Administrations? Does the panel think that the Government did that intentionally during the consultation, for example?

Laura Pett: Whether or not there was a particular motive behind that is really something you will need to ask the Minister and the Government about. We are clear that members of the armed forces community access public services through national, devolved, regional and local bodies.

The annual report on the Covenant each year outlines just how much Covenant-related activity is undertaken by national Governments, and shows that, even where delivery of services may be local, the source of policy development and direction is very often central or devolved Government. As such, we strongly believe that national Governments and devolved Administrations should be within the scope of the Bill, rather than just local government and some health and education bodies. That would really reflect the day-to-day experience of the armed forces community, as well as the realities of policy development and the precedent set by other legislation that incorporates duties of due regard.



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Martin Docherty-Hughes: Thank you, Laura. Do any of the other panellists have anything to add to that?

General Sir John McColl: No, that was fine.

Q6 **Martin Docherty-Hughes:** Current service personnel have some primary healthcare and housing requirements provided directly by the MoD. Do you expect the Bill to impact more on services to veterans rather than current service personnel?

General Sir John McColl: You might direct some of those questions to the families federations. I am not quite sure if you are speaking to them next or whether they are available to you, but the families federations would certainly be able to advise on that. The Confederation of Service Charities does deal with the serving, but if I am being honest, the vast majority of our focus is on the transitioning community and on the veterans community.

Q7 **Martin Docherty-Hughes:** Maybe we can go back slightly, in terms of the involvement of the other Administrations across the UK. If they are not included at NHS level, for example—there are distinct NHS structures across the UK, and there always have been since about 1947—has that been properly reflected in the consultation, in terms of the transition element, for example?

General Sir John McColl: We had a pre-session and we were talking about the development of the guidance that will follow this. We were speaking about the necessity of ensuring that there is guidance for implementation that is tailored to the individual requirements of the devolved Administrations. Do you want to speak to that, Laura?

Laura Pett: Yes, of course. We understand that the Bill requires the Secretary of State to consult with officials in the devolved Administrations in relation to the guidance, but the Bill—as I understand it, anyway—does not allow for devolved Governments to draw up the guidance themselves. It is important that any guidance produced is agreed collaboratively in consultation with the devolved Administrations, given the devolved implications for policy, ensuring ultimately that there is consistency across the country in what is produced, while still respecting and reflecting devolved context wherever possible.

Q8 **Martin Docherty-Hughes:** Finally, is it a consideration that the Bill will have a disproportionate impact on services in areas with large veteran and current serving personnel, and even on the transition element?

General Sir John McColl: I think when we were discussing it earlier, Laura, you said that the reverse might be the case.

Laura Pett: Yes. Obviously, without sight of the Bill's impact assessment, I would not really want to speculate too much. However, from the RBL's own experience, we are often aware that those local authorities with a large and visible armed forces community will already generally be considering the needs of serving personnel, veterans and their families in



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their decision-making process, owing to the fact that they form a larger percentage of their local population.

Really, it is those local authorities with a smaller or more hidden resident armed forces community that could benefit most from the new “due regard” duty and the level of awareness that it may bring. That said, we hope that the data captured in this month’s census, which will record for the first time whether a respondent is a member of the armed forces community, may shed more light on local armed forces populations, thereby enabling a more accurate assessment in due course of the Bill’s impact on local authorities.

Martin Docherty-Hughes: Thank you, Laura. I do hope the Government might even consider publishing the impact assessment or handing it in as evidence to the Committee. Chair, back to you.

Chair: Thank you very much indeed. Dan Carden, please.

Q9 **Dan Carden:** Thank you, Chair. I welcome all the witnesses speaking to us today. Will each of you give your assessment of provision for mental health support and treatment for veterans at the moment?

General Sir John McColl: I will kick off on that, if I may. I think there is no doubt that there is a need to develop the statutory and governmental support to mental health. You may be aware that this morning there was an announcement of something called Op Courage, which is the development of a number of schemes within the NHS—the high intensity scheme and others—to support veterans, and they are to be welcomed.

Alongside that, we are very pleased to note that the Chancellor gave the service charity sector an additional £10 million to deal with mental health issues in his Budget, which is helpful. But the service charity sector really can only support the provision of the NHS; what it cannot do is replace it. So I think the emphasis must be on getting those initiatives, those essential systems that are being developed by the NHS, up and running.

I really do welcome those initiatives. I welcome Op Courage, which the Minister for Defence People and Veterans has been keen to get up and running. However, what we would like to see is some detailed statistics of exactly how many people are being treated, how long they are waiting for development and the outcomes. We have yet to see that area—obviously, it is in the early stages—but that will be critical. It is one thing to announce an initiative; it is another one to see it through to make sure it is successfully introduced. I know that is the intent, but we will be monitoring that very closely.

Laura Pett: I have nothing much further to add to what Sir John said, but obviously in respect of the Budget announcement of £10 million for mental health, which I believe will be going to the Covenant fund, we look forward to hearing more about that. As a member of the Covenant Reference Group, I hope we will have the opportunity to comment on the fund’s planned programmes.



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Ted Arnold: I would echo what has already been said about having the improved metrics and seeing the statistics—particularly the waiting times and outcomes. I know that our head of psychological wellbeing, Sarah Jones, gave evidence on that to the Defence Committee back in January. It is something we can include in our written evidence for the Bill when we submit that.

Dan Carden: That's all from me. Thank you, Chair.

Chair: Thank you. Can I ask Stuart Anderson to come in, please?

Q10 **Stuart Anderson:** It is a pleasure to speak to some of you again—I know we spoke on the Overseas Operations (Service Personnel and Veteran) Bill Committee and at other times. On that Bill Committee, which was my first such Committee, some people said that legislation went way too far and others said it did not go far enough. I do welcome your comments in how you welcome this Bill but would like it to go further, but I am sure that throughout the process we will hear from people whose views conflict with yours.

We try to get a balanced understanding as we go through this phase. You all represent charities that do amazing work for the Armed Forces community. What will this legislation, in its current form, do for the day-to-day for the people within this community?

Laura Pett: As we said before, and as I said in one of my earlier answers, having a duty of due regard for the principles of the Covenant will clearly improve understanding and awareness among decision makers in the policy areas to which it applies. Of course, that is a very welcome step, because we know from our experience of engaging with local authorities in particular that it is the understanding that needs to happen first; from that flows a range of initiatives targeted to our community.

As I have said before, we can draw on other similar duties that have a positive effect, but what is missing from the current proposals is something that is much more flexible and will be future-proof, because we cannot definitively know what issues should benefit from a “due regard duty” in future years. But we know that current trends show the needs of our community are becoming increasingly complex. Something that isolates functions of public bodies from others could prove problematic, so we are coming at this from a very constructive point of view in terms of, “How can we improve it?”

We believe that what we are suggesting is entirely realistic because of those other precedents that we can draw from and that have shown to make a positive difference. We recognise that this is a welcome step forward, but we believe this Bill can and should go further. Identifying ways in which this policy can be reviewed, evaluated and enforced would be key to seeing how effective this will actually be once it is implemented.

General Sir John McColl: We have had a lot of reports, really since austerity kicked in, that local government are finding it increasingly difficult to meet their obligations. Quite often what happens is that those



obligations are passed to the service charity sector, so you will find that the Legion, SSAFA or a local charity will be asked to step up and meet that requirement. I hope—it is a hope, not an expectation—that what we might find as a consequence of this legislation is that it will encourage local authorities, in the areas that have been designated, to step up and meet their obligations. That is what I hope, but I reiterate Laura’s point: frankly, we don’t know what is going to happen with this legislation. What we do know is that we need to monitor it very closely, and then we need to have a clear and responsive mechanism for adjusting it, improving it and developing it. I would like to see that mechanism written into this. If everything else is quite difficult to adjust because of scope and so forth, we need some mechanism that allows us to review it, update it and hold people to account. That would be a key improvement, because it would mean that this open-ended obligation to try to develop it as we go forward actually means something. At the moment, it is quite woolly.

- Q11 **Stuart Anderson:** Can I come in on that point? All of you, through the different questions, talk about the Covenant being in place and a progression of that. My viewpoint is that everyone across the country wants to help the Armed Forces community. If you go back five or 10 years, it was not necessarily an easy thing to do. How would we do that? Would you say the culture has changed? If we get the legislation right, is it going to be easily accepted within the community, and will it evolve at the right place?

General Sir John McColl: I think that there has been an increased focus and energy, particularly on veterans’ affairs, over the last couple of years, which I absolutely recognise and welcome. There has been the establishment of the Office for Veterans’ Affairs. You may not like the Overseas Operations (Service Personnel and Veterans) Bill, and you may not like this Bill, but at least they have come in and are trying to tackle really complex issues. We have the veterans’ strategy, and we have Op Courage, which I spoke about this morning.

We have the announcement from the Chancellor this morning of a digital transformation policy for the sector. I don’t doubt that commitment, but what this is about is putting the moral obligation to invoke the Covenant on to local authorities, some of which—let’s face it—are really hard pressed. It is about trying to get some traction to effectively force them to deliver it in areas where they may be falling short.

Given the fact that the enforcement mechanisms are due for review, and given the rather confused area of the ombudsman, I am not sure whether that is going to work. To answer your question, there is a great willingness out there to do it. I am not sure there are the resources to do it, and I am not sure whether this mechanism will work in order to enforce it. I think that it is a step in the right direction. That is a rather broad answer to a fairly straightforward question, but I hope that helps.

- Q12 **Stuart Anderson:** No, that’s very good. Thank you. Ted, did you want to add anything?



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Ted Arnold: Just to add to what Sir John said, if we have the ambition of making it have a true impact, we need some measurable national standards. That is what the Bill should set. It should set measurable, enforceable national standards for which central Government should be held accountable. Our general view is that Government Departments should lead by example. While health, education and housing at a local level are three very important strands, it needs to benefit all members of the armed forces community.

Chair: We have about 15 minutes left and I am very keen to hear from as many Members as possible. Could I please ask, for the rest of this session, that we are succinct with our questions and answers?

Q13 **Tonia Antoniazzi:** My question is on statutory guidance, and it is to all of the panel. This guidance will govern the true effect of this legislation, and it has yet to be published. How do you think it will affect the impact of this Bill, and what do you think needs to be in it?

Laura Pett: We have not yet seen the statutory guidance, but we understand that it is being worked on, and we would hope to be consulted on its contents in due course, alongside other practitioners involved in the delivery of the Covenant.

From our perspective, it is important that the guidance draws on the expertise and experience of those who have worked in this space for some time or will be tasked with implementing it, as well as those who stand to benefit most from the Bill's provisions, particularly as there wasn't a formal public consultation before the Bill was laid. As you say, given the significance of the statutory guidance, in terms of the implementation of the Bill's provisions, it is important that the principles of the Covenant are reflected in their entirety and are not caveated or circumscribed in any way. The guidance must be published as soon as practically possible to enable full scrutiny during the passage of the Armed Forces Bill.

As to who it should be aimed at, presumably it is going to be framed and limited by the legislation itself. That is why we reiterate our call for the scope of public bodies, subject to the new due regard duty, to be widened to include national governance, and for the range of policies covered by the new duty to include all those matters that affect the armed forces community. That is in addition to any detail concerning practical enforcement, evaluation or review of the Bill's provisions.

Ted Arnold: I would echo that. It needs to make sure that practitioners and people who will be using these services are consulted widely so that it is fit for purpose and that it is not caveated in some way. In some legislation, the duty of due regard is quite vague, so it is really important that the accompanying guidance provides that clarity.

Q14 **Tonia Antoniazzi:** Sir John, have you got anything to add?

General Sir John McColl: Nothing to add, thank you.

Q15 **Tonia Antoniazzi:** On that note, should this be different for the devolved

nations or should it all be part of one document? What would be the best format for it?

Laura Pett: Going back to a point made previously, it is our understanding that the Secretary of State should be consulting with the devolved Administrations in relation to the guidance, but the devolved Governments will not be able to draw up the guidance themselves. That would suggest, perhaps, that it will be one single version of the truth that is used by everybody, but clearly there are some discussions that might need to be had about whether the guidance is targeted at people working at the coalface—people like GPs or front-of-house council staff—or whether it needs to be going by policy area.

That really goes back to our point that an artificial distinction is being made in this Bill. It is being very prescriptive about who is covered and who is not. The reality is that the Covenant is delivered by many different actors at very different levels of government. Therefore, it is important that all public bodies are included in the scope in the exercise of all their functions, and then the guidance must follow from that and be applicable to wherever it applies in the UK.

Q16 **Tonia Antoniazzi:** Thanks, Laura. You said that you haven't had any conversations with the Government about this statutory guidance. Can I ask Ted and Sir John whether they have?

General Sir John McColl: We have had a working group that has gone on throughout the year, which includes the Royal British Legion, Help for Heroes, the Forces in Mind Trust, Combat Stress and ourselves, Cobseo, which has been, together with the Government, commenting on the draft Bill. That working group will continue in the future. We are expecting that working group to get together and consult on the statutory guidance. We will also be keeping the Cobseo executive committee, which consists of 17 charities, and the membership informed.

However, that is just one element. Clearly, there will be a requirement for broader consultation, among local government, for example, which will be critical to the successful delivery of this.

Chair: Thank you very much indeed. We are going to run to about 15.15, so we have 10 minutes or so. Are there any questions from Members? Stephen Morgan.

Q17 **Stephen Morgan:** Thank you, Chair. I echo earlier comments thanking Laura, Sir John and Ted for their evidence today and the briefings that they circulated to the Committee in advance. I have two questions. Previous annual reports on the Covenant have raised concerns around recording of data on a range of different issues. I wondered whether you thought the Bill should take steps to address that.

Laura Pett: Obviously—reiterating things I have already said—if one of our arguments is that the Bill is currently too prescriptive, we wouldn't want to go down the route of amending the Bill to focus on particularly policy areas and issues, although those issues are important and we would like to see them addressed.



We feel that the best way to enhance the Bill and the provisions for our people is to make sure that more public bodies are within scope of the Bill and in the exercise of all their functions too. That way we would not have this scenario whereby some issues or some public bodies fall outside of the scope of the Bill. You are absolutely right. The annual Covenant report does prove a helpful means of holding national Government to account, because we are able as a charity to have our views, unedited, published in that document, but at the same time, it does show that that means of redress is not sufficient, because we do wait a considerable period of time for some of these issues to be tackled.

Obviously, our preference would be for instances of disadvantage to be identified early and prevented, as opposed to remedial action being taken after the event has taken place. For that reason, again, we strongly believe that national Government should be within scope of the Bill and that that should include Government Departments and Ministers, who are subject to the new duty in the exercise of all their functions.

General Sir John McColl: Data is critical to making sure that we are focusing our efforts—those of the Government and of the sector—in the right place. A key commitment in the veterans strategy was that there would be an improvement in the provision of data. The OVA are leading on that. They have launched the initial elements of getting that data strategy in place. Of course, that will involve Government Departments, but it will also involve the third sector, in terms of putting together a complete picture involving the census and something called the map of needs as well.

To tell you the truth, I am absolutely clear that we need to do better on data. What I am not clear about is whether legislation is the right route to do it. I am not prepared to offer an opinion on that, because I am just not qualified to do so.

Ted Arnold: Improving data collection would help to produce those measurable standards, whether they are enforceable or not. As Laura said, it is great to have those more informal routes of redress through the Covenant annual report, but I think if we were to have more formal means or redress, we would need some measurable standards to make sure that it is enforceable. I think that is really important.

Q18 **Stephen Morgan:** Given its narrow scope, as the British Legion has stated, the absence of any specific measurement or outcomes and no new resources, might the Bill fail to tackle the existing postcode lottery on the delivery of the Covenant?

Laura Pett: Clearly, we believe that the Bill can and should be strengthened, in order to take maximum advantage of this golden legislative opportunity, which seems to come about every 10 years or so. It goes without saying that we absolutely want to see public bodies, in all their functions, covered here and for detailed consideration to be included in the Bill concerning the review and evaluation of the Bill's effectiveness.



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It is not entirely clear whether the postcode lottery, as you described, will be resolved through this, because obviously that is—unfortunately—just a reflection of devolution and local decision-making policies, and it is quite right and positive that local communities can respond to local needs, as appropriate to them.

However, I guess it goes back to the point: will there be metrics—measurable standards—accompanying the new legislation, which might mean that the duty of due regard has a bit more teeth? And really it comes back to that point as to how effective this will be as a new duty. But I am not sure that it will necessarily resolve a postcode lottery, as you suggest.

Ted Arnold: I would agree with that. Just to build on that, we understand that local authorities want to be able to deliver the principles of the Covenant through a variety of mechanisms and in different ways. However, without clarity on how application of due regard will be monitored, there is an element of those who feel they have been let down or are the victim of a postcode lottery and have no real legal recourse.

I think the ultimate danger is that when services are strapped for cash, they will adhere to that minimum requirement about what they have to do and that might not necessarily be to give due regard, and in some cases it may be below the existing voluntary arrangements. So, yes—absolutely.

General Sir John McColl: I think there is the potential for a legal requirement being placed upon local authorities for them to improve their performance. There is also the potential that it will not have the intended effect, because of the reasons that Laura and Ted have outlined. And the answer is: we don't know and, frankly, nobody knows. So what we need is to be able to monitor that closely, to see how it develops.

We produce an annual report on the Covenant—our external observations, which try to hold Government to account. That is fine as far as it goes. We feed that into something called the Covenant Reference Group, which is a Cabinet Office Committee. If I'm being blunt, that Committee needs an injection of dynamism to make it more effective. We need to have an improvement in the performance of the external partners group, which met for the first time about two days ago, after two years, and we need a meeting of the Ministerial Covenant and Veterans Board.

So the mechanisms are there; what we need to do is give them teeth. At the moment, they don't have teeth.

Chair: We have a hard stop at 15.18, so I will take one more question, if I may, from Carol Monaghan.

Q19 **Carol Monaghan:** Thanks, Chair, and thanks to the three witnesses for the evidence they have given so far. Sir John, you have already raised other issues, in particular issues around immigration. Does the Bill identify the issues that are most pertinent for the personnel and veterans who you are dealing with?



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General Sir John McColl: It focuses on the issues that affect the majority, because it deals with local issues for local people. But what it doesn't do is focus on what I would describe as some of the long-standing outstanding issues, such as the one of non-UK. It doesn't focus on what has been described as the "grotesque injustice" of the war widows' pension, and—frankly—it is unlikely to do so, because of the way that it has been crafted.

However, I go back to the point that what we need is to have mechanisms that have real teeth and bite—through the Covenant Reference Group, the external partners group and the Ministerial Covenant and Veterans Board. If we had that, then we would get the attention of Departments such as the Home Office and the Treasury in a way that we don't at the moment.

Laura Pett: A lot of consideration has been given to where the new legal duty might give additional burdens to local authorities, or indeed to national and devolved Government, if they were to be included within the scope of the Bill. However, what has been forgotten throughout this, but I think you are alluding to it, is obviously the burden that members of our Armed Forces community face by being disadvantaged in areas of public policy.

We have spoken at length about Commonwealth serving personnel and their families who are burdened by excessive visa fees and the uncertainty of not knowing whether they can continue to call this country home, despite having served with distinction here. That should be our priority in the development of this policy.

I think we are all agreed that we need to do more, and as much as we possibly can, for our armed forces community. The Royal British Legion would urge Government to go further and extend the scope of this Bill to all public bodies, in the exercise of all their functions, so that nobody falls through the gap and we truly can deliver on this golden opportunity to get the Covenant right at every level possible, for every one possible.

Q20 **Carol Monaghan:** Ted, do you have anything to add? I am aware of the time.

Ted Arnold: I just echo a lot of what Sir John and Laura have said. We need to widen the scope, so that all public bodies and policies are covered, and have that range of enforcement mechanisms, and have them more clearly defined and easily understood.

Chair: Thank you very much indeed. It is a quarter past 3. I suspect we don't have time for another question, so I will draw stumps there. I thank our three expert witnesses this afternoon, General Sir John McColl, Laura Pett and Ted Arnold, for those excellent answers to questions. It has been a really good start to the Committee. Thank you for joining us.

We will take a break for 10 seconds to get organised for the next panel.