

Select Committee on the Armed Forces Bill

Oral evidence: Armed Forces Bill, HC 1281

Wednesday 10 March 2021

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

Questions 52 - 103

Witnesses

I: Councillor Ian Hudspeth, Chair, Community Wellbeing Board, Local Government Association; Mike Callaghan, National Policy Manager, Convention of Scottish Local Authorities; and Councillor Maureen Webber, Community Safety Spokesperson, Welsh Local Government Association.

II: Michael King, Local Government and Social Care Ombudsman.



Examination of witnesses

Witnesses: Councillor Ian Hudspeth, Mike Callaghan and Councillor Maureen Webber.

Chair: Good morning. My name is James Sunderland and I am very pleased to welcome all of you to the second day of evidence sessions of the Armed Forces Bill Select Committee. This initial session will take place from 9.30 until 10.45. We have a number of witnesses and a number of members are keen to ask questions. Could I please ask that all questions and answers are short and punchy, as we have a long list to get through?

I shall now welcome the three witnesses to the first session. The first is Councillor Ian Hudspeth, who is the chair of the community wellbeing board at the Local Government Association. Next we have Mike Callaghan, national policy manager at the Convention of Scottish Local Authorities, and finally we have Councillor Maureen Webber, who is the community safety spokesperson for the Welsh Local Government Association. You are all very welcome. Thank you for making time to be with us today.

We come straightaway to the first question, which is from Stuart Anderson.

Q52 **Stuart Anderson:** Thank you, Chair, and to everyone for joining us today in this Committee.

The first question is: how does the Bill match your expectations following your engagement with the Ministry of Defence prior to publication? I would like to come to Councillor Ian Hudspeth first, please.

Councillor Hudspeth: First, thank you to everyone for this opportunity for us to speak. The Local Government Association is very keen to engage, and we are actually co-producing to ensure that we get it right.

I am also the leader of Oxfordshire County Council and we have significant bases within the county, particularly at Brize Norton. We welcome our association with the military and we have other bases with armed forces champions. We make sure that we have good liaison meetings and a good discussion takes place between us and that perhaps strengthens that relationship. One of the questions is, given we are already doing such work, where is the enhancement? A lot of this is about stuff we are already doing in working with the military. I think we were one of the first councils to sign the initial covenant back in 2012 or 2013. We welcome the engagement, which will strengthen the relationship between the military and local councils.

Q53 **Stuart Anderson:** Thank you. I have the same question for Mike.

Mike Callaghan: Thank you for the question. We certainly welcome the opportunity to provide evidence to this Committee from the Convention of Scottish Local Authorities. We first discussed the Bill back in November with our community wellbeing board, which is chaired by our national spokesperson, Councillor Kelly Parry. We discussed its implications, and it helped the discussion with our member councils to know that there is a lot



of really good work going on to implement the covenant. That has been done on a voluntary basis for quite some years now. There is a lot of really good practice going on throughout Scotland. It was a bit of a surprise, because I felt that a lot of good work has been undertaken; but that said, we obviously support the aims and principles of the Bill, but we do recognise that the Bill, if it becomes a duty through legislation, may well raise expectations among some members of the armed forces community of enhanced support and the high-quality of service that we provide across the local authorities. As a result, we shall obviously track the additional resource requirements for our local authorities in delivering those services. Overall, we are supportive of the aims and principles of the Bill and certainly support our armed forces communities across the length and breadth of Scotland.

Q54 Stuart Anderson: Thank you. Finally, the same question for Councillor Maureen Webber.

Councillor Webber: Thank you for the opportunity to speak today. I am relatively new to the role in the Welsh Local Government Association so I welcome the opportunity to make a contribution.

Officials in the Ministry of Defence have engaged with the WLGA over the past 12 months on the proposed new duty and a presentation on it was given to the WLGA armed forces network, which is made up of the 22 armed forces champions and lead officers in Wales. That was in July 2020. Members were broadly supportive of the aims of the Bill, and the Bill, in general terms, is broadly reflective of this prior engagement.

Regional focus groups were held during the summer in 2020, although engagement with local authorities was difficult in some areas due to the timeframe involved and the fact that the authorities were responding to the covid-19 pandemic. The WLGA would have welcomed more detailed consultation on the proposals to allow for further discussion and scrutiny, but obviously in Wales it would be a devolved matter so a legislative consent order would be required.

An armed forces champion should not be a token role. I think it is a role that most of us in these positions take extremely seriously. We do an extreme amount of work and we have what we call armed forces liaison officers who work with the armed forces champions and in our communities. It is paramount that we engage at the more local level. Identification of veterans is also paramount because I find throughout the country that there is no broad database, and that is why we welcome the question in the 2021 census on veterans.

Q55 Stuart Anderson: Just to follow up on the final point that you made, is the duty to have due regard the right approach for the covenant?

Councillor Webber: I think it is the right approach. Our armed forces family—both serving and veterans—play a vital role. There are more of them in some communities than in others, but it is sometimes difficult to identify them. What we are finding is that we identify veterans only when



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they are at a point of crisis. Early intervention is paramount as well. I hope that answers the question.

Q56 Stuart Anderson: It does; thank you. Could I ask Ian the next question? Could you give us some examples of where you have had to apply due regard and your assessment of how that has had an impact?

Councillor Hudspeth: The first point is, what is the Government's expectation of due regard? We have to understand what that means, what the duty is and what the statutory powers that will be placed on local government are. If there are to be additional burdens—I will probably be accused of repeating this throughout the morning—we need to make sure that we have the appropriate funding for those initial functions. That is really key.

The "due regard" issue comes back to what the Government want us to do with it. Speaking from my relationship with the military in Oxfordshire and what happens in neighbouring councils, we do work very closely with military bases and have a very good relationship with them. What is the expectation of our having more duties?

To pick up on Councillor Webber's point about identifying veterans, that is very challenging. Near a base or barracks, there may be veterans who we can identify by working with the voluntary organisations that have a key role. They are probably the organisations that best know where the veterans are. If we can work with them to make sure there is—again as Councillor Webber said—early intervention, we can assist veterans who might slip through the net at an earlier stage so that they do not reach a crisis situation.

Q57 Stuart Anderson: The phrase "due regard" is very interesting. Mike, does it have different statutory meanings in the different legal systems in the United Kingdom?

Mike Callaghan: As far as we understand it, it does not. It is the same in Scotland as it would be in the other nations of the UK. We have something similar in the Prevent duty that applies to counter-terrorism and applies across the whole UK. The same is so of legislation on equalities. It is our understanding that the duty is the same in Scotland as it is in other nations of the UK.

The point for elected members is that it would be really helpful when talking of the duty of due regard to have more clarity. At this point, it is a bit lacking, but broadly the duty applies, as I have just said, in the same way in Scotland.

Stuart Anderson: Thank you. You raise some interesting points there.

Chair: Thank you, Stuart. We now come to Heather Wheeler.

Q58 Mrs Wheeler: Good morning. I thank the witnesses for coming along.

There is a strong focus in the Bill on housing and education. My question to all three of you is: is this correct and are there any other areas on



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which it would be better to concentrate? I do not mind who goes first.

Councillor Webber: Although they are important factors, what we find in Wales is that finance and employment are key factors and should be looked at. We find that, especially in the authority that I represent, having a single point of access with our armed forces liaison officer enables them to meet and try to help veterans in those areas. We find that it is very difficult, particularly for younger people coming out of our armed forces, to know what they can access in terms of benefits and employment. Finance and employment are key areas, as well as the areas that you mentioned. The non-availability and non-delivery of those services to veterans who are at crisis point is an important issue.

Q59 **Mrs Wheeler:** Thank you. Councillor Hudpseth?

Councillor Hudspeth: I would like to think that we are already doing that. I may look quite young and, if not as leader, I have been involved for 20 years. I remember that when I first got involved there was a complete disconnect between the personnel coming out of the forces and their being able to access housing. One of the things that we did in West Oxfordshire was to enable people who had been going around the world on tours of duty to be put on the waiting list and be given priority. That is absolutely key. Working together at RAF Brize Norton, we ensured that that happened. Someone used to having a roof over their head suddenly is in a situation into which they do not know where to engage and who they engage with. If councils say, "Oh, you've got to be on the waiting list", what priority is that person given? So that issue is key.

Education is fundamental. It is so important for every child to have the best start in life with a good education. By the very nature of military life involving different sorts of duty, providing the stability of a good education is a challenge. Again, that is important.

Councillor Webber referred to a single point of contact. It is so important to try to provide that but we are in a two-tier system. Housing is the responsibility of the district council; education that of the county council. We have to work together—and we do—to make sure that we provide that.

Obviously there is the issue of health. How does that impact on service personnel and where do they integrate? That is fundamental if someone is facing issues, but we come back to the original point that I keep on making. Where there is a good base, there should be good relationships between the local council and the base, barracks or whatever it is. All local councils appreciate having the armed forces in their area and, working together, we should be able to understand how people transition out. However, the difficulty is veterans who go to locations that perhaps do not have that military background and how they access the help. It is important to understand how we can develop that to ensure that all veterans have good access to services locally.

Q60 **Mrs Wheeler:** Thank you. Mike, just stretching it a bit, with the focus so much on housing, health and education, do you think that will diminish the



delivery of other areas of the covenant?

Mike Callaghan: That's a good question. For most folk in the armed services community, housing and education are the main priority areas. In the Scottish context, the question is whether the community planning powers are the best place to join up the services, but they are essentially the priority areas. For some years now in Scotland and other parts of the UK, we have delivered the covenant on a voluntary basis and done some good work on it. I think that will be diminished, but the key point is whether local authorities are adequately funded to deliver services well and to honour the covenant for our valued armed forces communities.

Mrs Wheeler: Thank you all very much. Councillor Webber—please.

Councillor Webber: I just wanted to come back in on the point about education. In Wales, we have the Supporting Service Children in Education programme. Initially, it was funded by the Ministry of Defence but it has been funded by the Welsh Government since 2019. It is a valuable factor for service children in our schools and education system.

Mrs Wheeler: It is very nice to hear it is already being funded. Chair, back to you.

Chair: Thank you, Heather. Can I now bring in Kevan Jones?

Q61 **Mr Jones:** Can I follow up on a point that Councillor Hudspeth has just raised about the responsibility of local authorities? I am talking now about England rather than the devolved nations. You said that in Oxfordshire the district council looks after housing and you look after education. That varies across the UK. In Durham, for example, it is the county council that does the choice-based lettings scheme. A lot of other organisations, such as housing associations, provide housing and they are outside that. Do you think they should be brought within the scope of the Bill?

On education, although county councils have overall responsibility for child protection and education, many secondary schools and an increasing number of primary schools are academies that you as a councillor do not have any direct say over. Do you think they should be brought within the scope of the Bill?

Councillor Hudspeth: An interesting question. Housing associations will have a relationship with whichever the housing authority is. In Durham, it will be with the unitary authority, where everything is in one place, but it will deal with various different housing associations that are known to the housing authority. You referred to choice-based lettings, and the position is similar across the country. There is a relationship there. There should be a relationship with the council and the housing authorities, but the question I would ask is whether that is improved and enhanced by more involvement. Certainly, in speaking for my local area, the housing associations would want to be involved and supporting the military. We have seven bases around the county, and I am sure that the associations want to be part of the support for the military.



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On education, there has been a change. When academies were introduced at the turn of the century, they were one of the things that gave more flexibility and independence to schools. Councils or local education authorities do not have the direction that people used to think they had but, in reality, it is a long time since councils had direct control over schooling. The relationships between local schools and the bases is always a strong one. The school is obviously local to a base, and parents with children at the school do get involved in things like the parent-teachers association or become governors. Although there might not be a list saying that governors have to have a direct relationship with the local base, there will be ties that strengthen the relationship. Instead of imposing things on organisations, I really believe that we should encourage best practice to raise standards and to make sure that people look at how best they can operate.

In education, there are multi-academy trusts and individual academy trusts. To put a duty on them might be a bit too much. The education authority will have a relationship with the two organisations.

Q62 Mr Jones: I do not disagree, but that means that many children who are in academies are completely outside the scope of the Bill. I am not suggesting, as you said, that we should want to bring them in, but that does limit the recourse that parents would have. I accept what you say—that many of these schools would perhaps have very good connections with the armed forces anyway—but they are not the responsibility of the local authority, are they?

Councillor Hudspeth: That is true. It is difficult to see whether creating an additional duty would impose another burden on schools when we should be working to ensure that schools have the relationship and can have that dialogue with local bases and parents, in particular. Education is fundamental for all children.

Chair: Thank you very much indeed. Martin Docherty-Hughes.

Q63 Martin Docherty-Hughes: Thank you, Chair. I want to come in briefly with a question for Mike and Maureen. I asked that COSLA and the Welsh Local Government Association be given the opportunity to give evidence, so I am very grateful to see them here today.

On a point of clarity, I am sure that Mike and Maureen would like to hear me say that community planning is a core element of local government provision in Scotland. In Scottish local authorities, it is about health and social care partnerships and the third sector. This is an opportunity to remind Members on the Bill Committee that there appears to be a more siloed approach in other parts of the UK. As Mike has said, there is an opportunity to hear about the good work that has been done in Scotland and that the structure of community planning is an effective way of delivering that. Kevan Jones rightly referred to academy schools, but we do not have them north of the border.

Councillor Webber: I will give you bit of an opinion but, as I said, I am relatively new to the role. I am sure that local authorities will want to



honour their local covenant commitments in full and not just the aspects that will be enshrined in the law by the Bill. We have limited financial resources so there is a risk that there will be a greater focus on the policy areas covered by the Bill. The best way to guard against that risk is to fully and sustainably cover council's funding so that they can honour all their local covenant commitments. We must realise and recognise that all communities are different and have different levels of contribution. There are areas with bases and others with no bases. There are areas of greater deprivation, but we have to ensure that we are fair and equitable across the board.

Chair: Thank you. Martin, are you done?

Q64 **Martin Docherty-Hughes:** On you go, Mike. I think you wanted to come in.

Mike Callaghan: Thank you, Chair. Martin has made some really good points about the landscape of the public sector in Scotland. Community planning provides an effective context for partnership working in Scotland. I will not describe the differences and distinctions between the Scottish education system and that down south in England and Wales, but there is a raft of legislation in place in Scotland that makes Scottish education inclusive and very accessible to all. Do we really need a duty for education, given the nature of education in Scotland because of the legislation that is in place?

Chair: Thank you. The next question is from Sarah Dines.

Q65 **Miss Dines:** Thank you, Mr Chairman. I thank the witnesses for attending today.

I want to ask about the application of the legislation. As you all know, the Bill largely applies to local government and to some health and education bodies. What is your response—this is probably more pertinent for Maureen and Mike—to the exclusion of the UK Government and the devolved Administrations? First to Maureen.

Councillor Webber: Perhaps it is not the role of the WLGA to comment on whether the UK and Welsh Governments should be subject to the duty. Given that the role of the UK and Welsh Governments is setting national and strategic policy that directly impacts on how local services operate, there will perhaps be merit in extending the duty in this manner. There will need to be clear communication with members of the armed forces communities about what is in and out of scope. Otherwise there is the risk of raising expectations and perhaps some confusion.

Miss Dines: It sounds as though you are doing some of the work voluntarily, Maureen.

Councillor Webber: Absolutely.

Q66 **Miss Dines:** What would be your plan for liaison by central Government with providers of these services?



Councillor Webber: We are doing a lot, and I find that the focus should be on the local feeding back. We have a local covenant panel that meets, and we have suffered greatly over the last year, because charities like the Soldiers, Sailors, Airmen and Families Association and Help for Heroes have all suffered during the pandemic. It is a question of how we can support each other when we come out of this. My focus has been on trying to set up local veterans groups. During the pandemic, we have had virtual coffee meetings with veterans and veteran activity packs so that we are there for veterans and keep the links going.

As I said, I am a relative newcomer, but my main focus has been on ensuring that we reach out and retain communication. Housing, employment, finance and education are all big key factors and they all need to be worked on, but we must have a line of communication from the UK Government to the Welsh Government, and we must not lose that. That has to be enshrined, along with regular communication and updates from the Ministry of Defence.

Q67 **Miss Dines:** What is your view, Mike?

Mike Callaghan: That is an interesting question as to whether it should apply to the UK Government and the devolved Administrations. It is a question for the UK Government to answer, but from our perspective, up until now—this will reflect what was said a moment ago—we have not been involved in a full, deep consultation on this, so we are only providing views. There has to be clarity about the scope of this—who is in and who is not in terms of public bodies and local authorities. At the Scottish Government level, as a devolved Administration, there is certainly still a range of public bodies who cover education nationally and it would seem to apply to them. I believe they are listed in the Bill. The important thing is that there is clarity about the scope.

Q68 **Miss Dines:** That is very helpful. I have a more bespoke question for Ian. You have spoken about your extensive experience and said that you are already voluntarily delivering this sort of service. What could you do to assist other local authorities that may not be as far along this road as you are? What could you do to help others in this area?

Councillor Hudspeth: In the Local Government Association we are all about peer support, best practice and learning. We are always producing things—webinars at the moment—and having discussions. It is just as important in informal meetings—when I go to leaders' meetings, for example—to discuss with other leaders how they engage with the military. Where areas have a similar high proportion of bases, they have similar experiences to me. In some areas of Wiltshire and Surrey they have good engagement. It is about peer support and making sure that people understand what best practice is. More importantly, if people have an issue, they need to ask the question, "What do we do?" That is the key thing—people have to ask how they are going to resolve the situation. The Local Government Association is really good. It is cross-party and it is really important to set politics aside so that we are working together on what is best for local government and providing the best for residents.



Q69 Miss Dines: Thank you for that answer. I bear in mind that you are very experienced, but there are local authorities that do not have a base and we need to get the message across to them when they are not asking. I hope that the Local Government Association is going to reach out to them and try to assist with your expertise in this area.

Councillor Hudspeth: Absolutely, and I think that that is where the voluntary sector plays such a large and important role. Although there may not be bases in every council across the country, there will be a voluntary sector which will assist in identifying those concerned. If they can come forward to the local councils, I am sure the local councils will take all this on board and make sure that veterans are considered.

Chair: Thank you. May I ask all of you to be mindful that your microphones pick up a lot of background noise, so please mute wherever possible? Thank you for your forbearance. The next question is from Dan Carden.

Q70 Dan Carden: Thank you, Chair, and I welcome all the witnesses. Today we have had a report from the National Audit Office outlining the real financial difficulties that councils will face in the coming year, with the vast majority of them having to cut budgets in order to meet their legal duty to have a balanced budget. Starting with Ian, and then going on to Maureen and Mike, could you give me a sense of the current state of services for people in crisis? I am thinking of people falling into homelessness, who require mental health and addiction to drug and alcohol services. What is the current state of those services across the nations?

Councillor Hudspeth: There is no doubt that we need a sustainable, long-term approach for local government. That is something that I have been saying throughout this session, because we need to understand what it is going to be. More importantly, if we are to get additional funding, we need to know that it is on a par with the NHS, so that we can plan and work with the NHS to ensure that we are delivering services together. At the moment we have had additional funds for homelessness, which has been good, and we are working to address the root cause of it rather than just putting people in temporary hostels. We want to make sure that people transitioning have the ability to have a home with job support around them as well. There is no doubt that future years will be challenging and we are coming off the back of some difficult decisions. The Government have been giving additional funding over the past year and that has helped. However, there will be a shortfall.

Coming to services, we always try to prioritise where we can, to ensure that we are getting the best bang for our dollar. One of the real positives of the crisis is joint working between the NHS and local government. What we have found across the country is that people are addressing residents' concerns rather than organisational concerns. There has been much more focus on working together to deliver the best outputs for residents rather than asking, "Is this our organisation and who should fund it?" That has assisted in the areas we have mentioned because homelessness and mental health issues will come out as we move out of the pandemic and as



people experience different issues. It is important that we are there to provide those frontline services.

Councillor Webber: From a Welsh perspective, we have 22 authorities and all of them have experienced difficult financial pressures. Every year it gets more and more difficult to set a balanced budget and try to retain the level of service without cutting services. That has happened year on year on year. As for homelessness and mental health issues, none of us has fully realised the impact of the past year on mental health. That will increase. Substance misuse and alcoholism are also key factors and a high proportion of young people in Wales are suffering. That is why, especially in the education system, early intervention in looking at mental health problems is key going forward. We struggle at times. We have a lot of children in care and leaving care and that is another area that is of great concern in Wales. We have found it extremely difficult to retain, maintain and look at balanced budgets year on year.

Q71 **Dan Carden:** I will bring you in, Mike, but I would like to ask one quick question. For people accessing these services, do you think that this Bill will change access and should it have included a mechanism of recourse so that veterans who are unable to access those services have somewhere to go?

Mike Callaghan: I was just going to reflect on what the elected members said about the funding challenge of the past decade, although it is commendable that the local government workforce in Scotland have risen to that challenge and ensured that the foundations are in place to deliver effective services to all members of the community, particularly the armed forces. As for access to recourse should there be local impediments to services being delivered, instances of issues being escalated to someone like the Scottish Public Services Ombudsman would be few and far between because local authorities have a common-sense approach to dealing with this at an early stage. It is in their interests to avoid costly disputes, and is even more in the interests of local communities to ensure that the armed services communities have full access to services and that they are safeguarded. It is highly unlikely that it would go as far as a judicial review or go to the ombudsman. It would be expected that any dispute would be resolved at an early stage.

Q72 **Mrs Hodgson:** Good morning to all the witnesses. Thank you for your evidence so far. Following on from Dan's point, I read the LGA written evidence which welcomed the Bill in principle, but it suggested that "any new burden should be fully funded" and kept under review. I have raised the issue of funding in parliamentary questions and it was also mentioned in the debate. Do you have any concerns about the ability of councils to meet these extra legal responsibilities without any new funding?

Councillor Hudspeth: We have already discussed the issue and we know there is going to be a shortfall in the next couple of years. We knew that before the pandemic. We need to find a sustainable solution for the funding of local government. If there are additional burdens, we will have to carry out additional functions and the money for that has to be provided



from somewhere. One of our difficulties is that, if there is no additional funding, what do we stop doing to do something else? That is one of the biggest challenges we have in local government—to make sure that we are still providing services. Local government has stepped up to the plate, not just during the pandemic but over the past decade, and provided good-quality services across the country. However, if there are additional burdens, we need some mechanism of additional funding to make sure that we can provide good-quality services, not just for veterans and the armed forces but for all our residents. The funding has to come from somewhere.

Mike Callaghan: I concur with what Councillor Hudspeth said about budgetary challenges. The Bill will probably increase expectations about the services that local authorities and partners can deliver, so it is important that we have fair funding and flexibility to address the needs and requirements of members of the armed forces, who we value very much.

Councillor Webber: A key challenge to the sustainability of local government projects is the cost pressures facing local government. That has been exacerbated by covid. Local government needs to be fully and sustainably funded so that councils can continue to honour their local covenant commitments in full and not just those aspects that can be enshrined in law by the Armed Forces Bill.

Mrs Hodgson: Thank you. Those are all my questions for the moment.

Chair: Thank you. We will jump ahead now to Tonia Antoniazzi. In fact, Tonia may have lost her internet connection earlier, so we will revert to her if she can rejoin us. The next question comes from Martin Docherty-Hughes.

Q73 **Martin Docherty-Hughes:** I would like to ask Mike and Maureen specifically about differing guidance in Scotland and Wales. I would ask about Northern Ireland, but that is not up for discussion today. As drafted, the Bill requires the Secretary to State to consult the devolved Governments on guidance but the devolved Governments cannot issue their own guidance. What is your reaction to that element of the Bill? Also, how should the statutory guidance take account of the different legislation and delivery bodies in different parts of the UK? For example, in Scotland community planning partnerships include not just local authorities but health boards and the third sector. Would you like to answer first, Maureen?

Councillor Webber: It is imperative that the guidance takes account of the different legal systems and legislation in place. In Wales we have things like the future generations Act, which fully recognises the devolved context in Wales. What is important is timely engagement between the UK and Welsh Governments. That is a key factor.

Mike Callaghan: That is a really good question. The legislation and guidance have to be fit for purpose for Scotland as well as other parts of



the UK. It has to fit with current legislative and delivery arrangements in local authorities. It is important going forward that it is co-produced by Scottish local government as well as other parts of UK local government so that it is well-informed, done in a timely manner and takes on board existing work in Scotland. You have mentioned the community planning partnerships and how they are working in the public sector landscape in Scotland.

Martin Docherty-Hughes: If I can take that a bit further, Chair, in Northern Ireland the Justice Division is included in the guidance whereas in Scotland the Justice Directorate is excluded, and I do not see the Welsh Counsel General included in any of the elements relating to England and Wales. Perhaps that is an opportunity for the Government to reflect and to ensure that there is joined-up thinking. I will now hand back to you, Chair.

Chair: Thank you, Martin. Is Tonia back on? No. I know that she was keen to defer to Stephen to ask her questions.

Q74 **Stephen Morgan:** Thank you. I have a couple of questions on behalf of Tonia. The statutory guidance underpinning clause 8 of the Bill is yet to be published. Do you think that its lateness has the potential to undermine the aims of the Bill?

Councillor Hudspeth: Anything that does not provide clarity about what we are discussing will always be an issue. We have not had a full consultation, but the LGA is ready and willing to work to co-produce this so that we can ensure that we get something that is robust and that we can deliver for the benefit of everyone.

Councillor Webber: Any duty enshrined in law must come with appropriate methods of measuring outcomes and progress. Currently the annual covenant report to Government provides an analysis of how Government commitments are being delivered. I have nothing to add on that.

Mike Callaghan: I agree with the points made by Councillor Hudspeth. It is difficult to understand the implications of the Bill because of the lack of clarity about the duty. That lack of understanding has an important bearing on the implications on housing, education and healthcare. It is important for us to have that information as soon as possible so that we can give you fully informed responses.

Q75 **Stephen Morgan:** Do you feel assured that local councils will be appropriately consulted on the statutory guidance?

Councillor Hudspeth: It is important that we are consulted. Because we have not had a full consultation, there is some concern about whether we are going to be fully consulted on it. It would be really good if we were. We are standing here as an association and we want to co-produce this with the Government and work with them to get it right. Fundamentally, we all want to achieve the same outcome, which is a better system for our military and veterans in particular. It is important that we work together to deliver that. We are at the front end and we know what it is like on the



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ground. We have mentioned localism and this being devolved to different areas, but even within my own council there are different localisms. That flexibility needs to be in there and one size does not fit all.

Councillor Webber: There needs to be consultation with local councils. All authorities in Wales are significantly different. There are some very small local authorities, while my authority is the second/third largest in Wales. Consultation is paramount so that we can deliver what is required and expected of us.

Mike Callaghan: From the COSLA perspective, we need effective and timely consultation. Unfortunately, our experience is that the discussion and engagement we had last year went quickly and was not particularly thorough. We now want an in-depth discussion about the implications. Our member councils, like those in England and Wales, want local flexibility to meet local circumstances, given the diversity of our communities in Scotland and other parts of the UK.

Q76 **Stephen Morgan:** This question is directed to Wales and Scotland. Do you believe that there should be different guidance for the devolved nations?

Councillor Webber: I do not know that it should be different, but there should certainly be a degree of flexibility. There should be the same basic principles for all of us because we are dealing with the same people, but there should be some flexibility for Scotland and Wales because we are different areas with different needs. That should be included.

Mike Callaghan: I would agree with that. The guidance needs to reflect the different context of public sector organisations and partners in Scotland and our different needs across the country, as well as the differences in our education system and other areas of policy and services. It would be really helpful to have that.

Q77 **Stephen Morgan:** The way in which the draft Bill is presented at the moment would mean that the Secretary of State can consult the devolved Governments about the guidance, but the devolved Governments cannot issue their own guidance. What is your reaction to that?

Mike Callaghan: The UK and Scottish Governments need to have a discussion to see what is a pragmatic way to take this forward. It would be useful for us to be involved in co-producing the guidance and informing it from a Scottish local government perspective, ensuring on behalf of our member councils that it adequately covers the public sector landscape in Scotland. It is a useful point and perhaps the Scottish Government could take an authoritative view on what would be most beneficial. We should certainly be involved in co-producing and fully informing it.

Councillor Webber: Obviously, it is a devolved matter, but I think that the Bill enables the Secretary of State to use regulations to change or add functions. Am I right about that? I think I am, but in the devolved context it would be vital for this guidance to reflect the different circumstances in Wales and Scotland.



Stephen Morgan: Thank you.

Chair: Thank you, Stephen. Martin Docherty-Hughes has his hand up.

Q78 **Martin Docherty-Hughes:** Just building on that last question, I would like to ask Mike and Maureen this question. To assist the Governments of both Wales and Scotland, if an amendment were tabled to the Bill that, before agreeing the protocol or revisions under the section that local authorities must consult, it should include not just the Secretary of State for Defence, but a Minister from the Scottish Government or a senior civil servant, and the exact same for Wales—I think that would be appropriate—would both COSLA and the Welsh Local Government Association think that was a way to ensure good connectivity, communication and reflection of the experience of the Administrations and the armed forces in Scotland and Wales?

Councillor Webber: I would be content with that, yes.

Mike Callaghan: In principle, it is a sensible suggestion. As I am not an elected politician—I represent COSLA as an officer—I would want to take that back, but it makes pragmatic sense to have something like that.

Martin Docherty-Hughes: Then let us hope that such an amendment can be tabled.

Q79 **Jack Lopresti:** Thank you to the panel for joining us this morning. The Government do not wish to prescribe specific outcomes for the Bill, so how will you enforce it and measure its effectiveness, especially in relation to the concept of “due regard”? Is there a danger that some councils and other bodies will ignore it because it is so intangible?

Councillor Hudspeth: You have touched on an interesting point about enforcement. We need to ask, “What are we trying to achieve as an overall outcome?” I suggest that is better engagement with military veterans. In areas where it is already working well, it will not be an issue. What we are really trying to understand is why other areas are not working so well. Is it that there are no veterans there, so they do not have the cohorts? In Oxfordshire we work well with the military because we have a large cohort of organisations there. What do we mean by enforcement? This comes back to the clarity we need in the working and consultation. What sort of enforcement are we talking about? It is far better for organisations to work from the bottom up and deliver locally rather than have a top-down solution.

Councillor Webber: This is a question for a legal expert rather than me, but generally speaking, it is important that any new duty or piece of legislation is considered within the devolved context and whether that context has implications for the aims, purposes and outcomes of the new duty or legislation. From that perspective, the Equality Act 2010 placed a general equality duty on public authorities to have due regard to the need to eliminate discrimination and to advance equality of opportunity. As I said, I am not really an expert in that area.



Mike Callaghan: On the point about mandating outcomes, there is a need for local authorities to have flexibility because we want to build on and promote good practice. A lot of good practice exists in Scotland. It has been developed over the years and councils have signed up to implement the covenant on a voluntary basis for a long time. They have been doing it well. As mentioned earlier, we also need more clarity on “due regard” in the Bill, but it is important for local authorities to have flexibility to meet local circumstances, given the diversity of local communities in Scotland as well as in other parts of the United Kingdom.

Q80 **Jack Lopresti:** Thank you. I have a supplementary question for all of you. Given that the outcomes are not prescribed and that you are still seeking guidance, do you think that you have a duty to manage the expectations of potential beneficiaries of the legislation?

Councillor Hudspeth: We are always going to have to manage expectations to ensure that people are not expecting something completely different. It is important that we work with everyone, in particular the military and veterans, to understand exactly what the issues are and how we can address them. The key element is to allow us the flexibility to manage those different expectations in different parts of the country. Even within a county there are different issues.

Councillor Webber: The thing is to manage expectations, not raise them. Within the budgetary constraints that we all have, the last thing we would want to do is raise expectations. It starts at local level, feeds into the covenant panel and then feeds into the Welsh Government and the WLGA meetings. We should all learn from and share best practice. If we in Wales, Scotland and England do that together, it will only benefit our armed forces families.

Mike Callaghan: I would just add that communication is the key issue. We need to communicate clearly with the armed forces communities about the implications and manage their expectations about issues such as housing, especially in areas of high demand. Obviously we will assist members of the armed forces communities as best we can, but that is a key point.

Chair: Just before we come to Sharon Hodgson to ask the last of the prescribed questions, I should let you know that we are going to run to 10.45 am, so the floor will be free after her.

Q81 **Mrs Hodgson:** To follow on from Jack’s questions, obviously we have talked about enforcement and how you will measure effectiveness, but are you worried that the lack of prescribed, specific outcomes might reinforce any postcode lottery that already exists? My second question is, with that in mind, do you think this might lead to a spike in judicial review applications?

Councillor Hudspeth: I think we need to understand the detail of Government expectations—what we are supposed to be achieving. It is interesting that you mentioned judicial review because that is a very expensive and, dare I say it, blunt instrument to be using in any case, and



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I hope that we wouldn't be in a situation where people were resorting to judicial review, because councils do do everything to try and resolve complaints. As Mike said earlier, the councils are there, there is the complaints procedure if it is needed, and obviously if there are things that slip through the net there is the complaints procedure that exists, so that, should there be an issue, it can be addressed. It comes back to the point that it is important that we understand exactly what the requirements are for local councils, and that we can do by working together; and of course, if there is going to be statutory guidance, we need the capacity and funding to deliver those services.

Councillor Webber: For me, it is imperative that the guidance takes account of the different legal systems in place. Judicial review must be reserved for only the most serious breaches, where previous actions have not resolved the matter.

Mike Callaghan: I think, as was intimated there, that we need more information in the guidance to inform this discussion in respect of your point about mandated or prescribed outcomes—specifically, what is there to be achieved by local authorities with the armed services communities. A point that is also reflected, I think the guidance has to reflect different legal systems and different organisational arrangements in different parts of the country. Obviously, in Scotland we have a Scottish Public Services Ombudsman, but as I said earlier, that is very much a last resort, and it is very unlikely that we would reach that stage in respect of resolving any sort of issues in local authorities across the country.

Q82 **Mrs Hodgson:** Do you ever get people coming to you saying, "Down in so-and-so they get this, but we don't"? Does that ever happen? We have oversight of the whole country—the nations as well—but do you ever actually get veterans or serving personnel coming in and presenting the postcode lottery as evidence to you, saying, "They get that there", or does that not happen in practice?

Mike Callaghan: From our perspective in Scotland, we have not had any issues reported to us—the organisation of COSLA—from member councils, and we have certainly been engaging closely with the MoD. There have been no issues shared with us by the MoD. We have been working with them closely for some months in the last couple of years, so that has not been an issue. From what we understand, these kinds of issues have been resolved locally with members of the armed forces communities. Clearly, local authorities are committed to honour the covenant, and that is happening across Scotland.

Councillor Hudspeth: I am not aware of that either. There may be an issue, but all councils have signed up to the Armed Forces Covenant in the first place, so we are part of that process. We respect it, and we are making sure that we are delivering to those. There may be some anecdotal situations, and we have to be very clear about what is anecdotal and what is actually evidence-based. Quite often, you hear about anecdotal stories. When you unpick them, you find that if there was a complaint in the first place, it has been resolved, through the good



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complaints processes that we have, or perhaps it was, again, people's expectations. This is always going to be an issue. Somebody might think that they will get something, and their expectation may be that other areas are doing it better, but in actual fact, there might just be a slight difference.

Councillor Webber: Generally, in Wales, I don't think we find that. We are all committed and signed up to the covenant, and we all want to deliver it to best of our best abilities. However, different communities work differently, and some deliver differently. What I find—I think this is the appropriate place to say it—is that armed forces champions in local authorities should be working with a budget, because you cannot deliver anything if you do not have a budget to do it. I am very fortunate; I think I am in a minority of councils in Wales, because the leader of my council gives me a budget to work with, so I am able perhaps to deliver more and work more. I find the benefit of the armed forces liaison officers significant in the work we do with our armed forces families.

Mrs Hodgson: Thank you.

Chair: I want to try to squeeze in two final questions before 10.45 am, so could I please ask for questions to be short and answers to be even shorter? I'll go to Stephen Morgan and then Carol Monaghan.

Q83 **Stephen Morgan:** A general question from me, if I may. There are persistent challenges with identifying veteran communities and their needs, and this can prevent councils from delivering the covenant. What steps do you feel the Government should have taken in this Bill to address this? I'll take Ian's response first, please.

Councillor Hudspeth: You say communities, but where there are veteran communities, I would say that local councils understand where they are. The difficulty is the veterans who are not part of a larger community. It is about working with the voluntary sector, because it is more than likely that veterans are going to be part of the Legion of something like that, which would be able to identify them. Working with the voluntary sector is so important, so that we understand where these veterans are across the country.

Q84 **Stephen Morgan:** Thank you. Maureen?

Councillor Webber: We have started to build up our own database by identifying when veterans reach crisis point. That is why I say, and I maintain, that early intervention is essential. We have to work with the voluntary sector—the third sector. Once we have that identification, it is about having an open line of communication and not waiting until there is a crisis point.

Q85 **Stephen Morgan:** Thank you. Mike?

Mike Callaghan: It is an important point. With the Bill, veterans and their families would benefit most from it. In some parts of the country, we have a lack of information to quantify the number of veterans and their families. That is really important in enabling local authorities to respond and help



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them to meet their service needs. I know there is a lot of good practice with veterans in some local authorities across Scotland. For example, one local authority that I am aware of gives guaranteed job interviews to veterans. I am sure that type of good practice is replicated in other parts of Scotland as well as in other UK nations. The main thing is that we are getting more information—we have that—about veterans within their local authority areas.

Q86 Stephen Morgan: Based on those challenges that you have all identified, what do you think should be in the Bill, or in the guidance, to address those challenges?

Mike Callaghan: It would be helpful for Government to inform local authorities or work with them to get a better understanding of the size and scale of the veteran communities and their families, in order to build a service.

One thing about this is that, if the Bill goes through its parliamentary journey, it raises expectations. Then suddenly some local authorities realise that they have a much larger veterans and families population than they realised. They will need to be able to respond to the requirements of the law and effectively perform their duty. It is important that the UK and Scottish Governments assist local authorities in order to ascertain that information effectively.

Q87 Stephen Morgan: Thank you. Maureen or Ian, did you want to respond to that?

Councillor Webber: I do not know whether it should be enshrined in the Bill, but I certainly think that proactive engagement with the MoD is key. We local authorities work together and, in Wales, with the Welsh Government. I do not know whether that should be enshrined in law, but it is a key component.

Q88 Stephen Morgan: Ian?

Councillor Hudspeth: That is the difficult question. Obviously, if you are working well with the local barracks or base, you can understand the veterans coming out. The real challenge is the veterans who go elsewhere in the country and how to identify them for local councils. That is always going to be a challenge, because the question is whether we then have to ask veterans to register locally that they are veterans.

That is a completely different area, and I don't think we should go down that route. I would hope that they would register with organisations such as the British Legion and have the community there, who would then work with the local councils to ensure that they are provided for.

Stephen Morgan: Thank you all, and thank you, Chair.

Chair: Finally, Carol Monaghan.

Q89 Carol Monaghan: I want to ask about this "no disadvantage" issue, and to check whether there is clarity around that. I want to describe a



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scenario. A young person, the child of service personnel, might have additional support needs, and has been supported in a local authority school.

They move to a different local authority school where that support is not available for any young person. They are not disadvantaged compared with other young people in that local authority, but they are disadvantaged compared with their previous situation.

Will we have clarity? Are you clear about what we mean by “no disadvantage”? Is it disadvantage compared with a previous scenario? Is it disadvantage compared with those already living in that locality? What are your thoughts on that?

Councillor Hudspeth: Where councils have statutory duties, if it is across the country, they should all be providing the same services. That scenario shouldn't happen. Certainly, the no disadvantage should be at both levels. There should be no disadvantage to people moving around the country, if we have the same statutory services, and, of course, no one should be disadvantaged compared with other pupils within the organisation.

Councillor Webber: As I have mentioned, in Wales we have the SSCE Cymru, which is a website supporting service children in education in Wales. If you have time, have a look at that website. It is a network across Wales, so it raises awareness and understanding of the experience of children of armed forces personnel. I would not like to think that anybody would be disadvantaged.

Mike Callaghan: Just to add to those useful points, Carol, from a Scottish perspective, there is a lot of legislation in place in Scotland to prevent and avoid disadvantage, particularly for children and young people in respect to schooling, if they have support needs or special needs when they transfer from different parts of Scotland, so I thought that would be covered. Essentially, I agree with the points that both councillors have made. It is important that there is no disadvantage and that is prevented right from the onset.

Carol Monaghan: Can I be clear that that was just an example of a young person potentially with special needs? It might be an issue around employment, or housing, or whatever else. The point is, is there disadvantage compared with their previous experience or compared with those living locally? I think, possibly, that is something that requires a bit more tidying up. Unless anybody has any further comments, I am done.

Chair: Thank you, Carol. We have run slightly over, but we have one witness on the next panel, so I am sure that he will not mind. I say a formal thank you to our three witnesses for the first panel: Councillor Ian Hudspeth, Mr Mike Callaghan and Councillor Maureen Webber. We will break shortly to get ready for the next session.