

**Written evidence submitted to the Select Committee on the Armed Forces Bill**

**ENGAGEMENT ON COVENANT LEGISLATION PROPOSALS**

**GOVERNMENT DEPARTMENTS**

**Regular Engagement**

- Ministry of Defence
- Ministry of Housing, Communities and Local Government
- Department for Health and Social Care (Health and Social Care aspects)
- Department for Education
- Cabinet Office
- Northern Ireland Office
- Office of the Secretary of State for Scotland
- Office of the Secretary of State for Wales
- Ministry of Justice
- Business, Energy and Industrial Strategy

**Initial Discussion and Information Sharing**

- Home Office
- Her Majesty's Treasury
- Department for Work and Pensions
- Government Legal Department
- and normal Write-Round distribution

**DEVOLVED ADMINISTRATIONS**

**Regular Engagement**

- The Northern Ireland Executives
- The Scottish Government
- The Welsh Government

**THIRD SECTOR**

**Regular Engagement**

- Cobseo
- Royal British Legion
- Forces in Mind Trust
- Combat Stress
- Help for Heroes
- Army Families Federation
- Navy Families Federation
- RAF Families Federation

**Initial Discussion and Information Sharing**

- SSAFA
- Seafarers UK
- Additional Service Charities as part of the Partnership Board, including:
- RNRMC
- Stoll
- RFEA

- RAFBF
- Soldiers Charity

## **LOCAL AUTHORITY BODIES**

### **Close Engagement**

- Local Government Association (LGA)
- The Convention of Scottish Local Authorities (COSLA)
- The Welsh Local Government Association (WLGA)

## **LOCAL AUTHORITIES**

### **In Response to Impact Assessment**

- Barnet
- Hammersmith and Fulham
- Royal Borough of Greenwich
- Ashfield District Council
- Leicester City Council
- Norfolk County Council
- Cambridgeshire County Council
- Rutland County Council
- Braintree District Council
- Blaby District Council
- South Holland District Council
- Rugby Borough Council
- Warwick
- St Helens
- Moray Council
- Orkney Islands Council
- Surrey County Council
- Kent County Council
- West Sussex County Council
- Buckinghamshire County Council
- Milton Keynes Council
- Oxfordshire County Council
- East Sussex County Council
- Hampshire County Council
- Southampton City Council
- Isle of Wight Council
- Brighton and Hove Council
- Reading Borough Council
- Woking Borough Council
- Gosport Borough Council
- North Somerset
- Bath and NE Somerset
- South Gloucestershire
- Devon County
- Blaenau Gwent
- Bridgend
- Ceredigion
- Flintshire
- Neath Port Talbot
- Swansea

### **List of Local Authorities responding to Survey**

- Ipswich Borough Council
- North Norfolk District Council
- South Norfolk and Broadland District Council
- Northamptonshire County Council
- North Kesteven District Council
- South Kesteven District Council
- East Midlands and East of England Local Authorities
- South Tyneside Council
- Durham County Council
- Northumberland County Council
- Carlisle City Council
- Greater Manchester Combined Authority
- Cheshire West and Chester Council
- Midlothian Council
- Perth & Kinross Council
- North Ayrshire Council
- Moray Council
- Angus Council
- South Ayrshire Council
- Edinburgh Council
- North Lanarkshire Council
- Highland Council
- Runnymede Council
- Medway Council
- Isle of Wight Council
- Guildford Borough Council
- Welwyn Hatfield Borough Council
- Uttlesford District Council
- Mole Valley District Council
- Portsmouth City Council
- Woking Borough Council
- Dover District Council
- Spelthorne Borough Council
- West Sussex County Council
- Oxfordshire County Council
- Southampton City Council
- Gosport Borough Council
- Hampshire County Council
- Kent County Council
- Surrey County Council
- Rushmoor Borough Council
- Bracknell Council
- South East Local Authorities (Gosport, West Sussex, Dover, Southampton, Portsmouth, Bracknell-Forest, Woking, Milton Keynes, Hampshire, East Sussex, Oxfordshire, Brighton & Hove, Isle of Wight, Buckinghamshire, Rushmoor, Kent, Surrey)
- Exeter City Council
- South West local authorities (Dorset, North Somerset, Somerset, Wiltshire, Cornwall, Bournemouth/Christchurch/Poole, Bath & North East Somerset, Swindon, Torbay, Devon, Gloucestershire, Isles of Scilly, South Gloucestershire)
- Gwent local authorities (Blaenau Gwent, Caerphilly, Monmouthshire, Newport, Torfaen)
- Worcester City Council
- Herefordshire Council
- Walsall Council
- Shropshire County Council
- Stratford-on-Avon District Council

- Rugby Borough Council
- North Lincolnshire Council
- North East Lincolnshire Council
- Doncaster Council
- Hull City Council
- East Riding of Yorkshire Council
- Bradford Council

#### **Initial Discussion and Information Sharing**

- Norfolk County Council
- Isle of Wight County Council
- Woking Borough Council
- Gosport Borough Council
- East Sussex Borough Council
- Surrey County Council
- Telford and Wrekin Borough Council
- Plymouth County Council
- Warwickshire County Council
- Scotland Focus Group, including LAs like Argyll Bute, Government Organisations like Skills Development Scotland and Charities like Poppy Scotland – can be provided if requested.

#### **EXPERT BODIES**

##### **Initial Discussion and Information Sharing**

- Local Government and Social Care Ombudsman
- Housing Ombudsman (via MHCLG)
- NHS England
- NICE
- CQC
- Association of Directors Adult Social Services (ADASS)
- Royal College Physicians
- Royal College Surgeons
- Royal Society Medicine
- BAR Library Barrister (Laura Curran)

**ARMED FORCES COVENANT  
STATUTORY GUIDANCE FRAMEWORK**

**DRAFT – SUBJECT TO CONSULTATION**

The Secretary of State may issue guidance relating to the duties to be imposed by the proposed new sections: Sections 343AA to 343AD of the Armed Forces Act 2006.

The following framework represents the Department's current thinking on the Guidance and sets out, section by section, how this might be structured, and what it might cover. Guidance will be drafted to assist public bodies in understanding what the new duty requires of them – specifically understanding the service-related issues facing the Armed Forces Community, the disadvantage that results and how the Covenant and the Covenant duty exists to resolve this. However, the guidance will also be of interest to other stakeholders, including the Armed Forces Community itself.

Please note: All content is subject to consultation with the affected public bodies and relevant stakeholders (e.g. charities, devolved administrations). The consultation will commence in three key stages between April 2021 and January 2022. Key to this process will be ensuring we collect ideal case studies across various sections of healthcare, housing and education sectors, including examples that best reflect devolution, in order to effectively demonstrate the issues facing the Armed Forces Community, how these may cause disadvantage and what Covenant best practice looks like to rectify these across the United Kingdom.

Once consultation is finalised the guidance document will be published, allowing sufficient time for public bodies to acquaint themselves with the guidance before the Covenant provisions come into force.

# The Essential Guide to the Armed Forces Community: Advice for Public Bodies.

Covering the United Kingdom (with specific advice for England, Northern Ireland, Scotland and Wales)

## Chapter: About this guidance

### Purpose:

- The guidance will open with an administrative chapter that sets out the following:
  - Context of the guide – summary of purpose
  - Intended Audience
  - Summary of content
  - Publication information
  - Legal status
  - Foreword

## Chapter: Armed Forces Issues

### Purpose:

- To further develop understanding of the issues facing the Armed Forces Community (first principle), with examples or case studies (dependent on consultation). Examples currently include:
  - Physical and Mental Danger
  - Mobility
  - Emotional Stress
- An explanation of how these issues, and the nature of service life, can lead to disadvantage in accessing the key public services of education, healthcare and housing, with examples or case studies (dependent on consultation). Examples currently include:
  - Education. Problems in admissions, wellbeing, home-to-school transport, Special Educational Needs and Disability provision and Service Pupil Premium (SPP is specific to England only).
  - Healthcare. Reasonable access to, and quality of, healthcare, especially where this may entail waiting lists, for example for hospital treatment.
  - Housing. Securing social housing, disabled facilities grants, homelessness, and tenancy strategies.

## Chapter: Actions to deliver the Armed Forces Covenant

### Purpose:

- An explanation of how the Armed Forces Covenant exists to tackle service-related disadvantage (second principle), with examples or case studies (dependent on consultation) on how this is carried out at present. Examples could include, but are not limited to:
  - Education: Supplementary school places, service child clubs, family approaches to placements and transport.
  - Healthcare: Reassessments, waiting list placement, services provided, GP veteran-friendly accreditation.
  - Housing: removal of the requirement to prove local connection before accessing social housing. Guidance produced in support of recent former Armed-Forces partners.
- An explanation of Special provision (third principle), how in certain situations a case can be made for actions to be taken over and above those required to remove a service-related disadvantage. Specifically:
  - Advantageous treatment as recognition that geographical disparities in service provision exist noting the Armed Forces mobility requirement, e.g. funding for IVF cycles for Service families, dedicated veterans' treatment pathways for prosthetics and hearing loss.
  - Actions to mitigate or remove disadvantage that require special provision to be made, e.g. bespoke and exclusive NHS Veterans Mental Health Transition and Liaison Service.

## Chapter: The Armed Forces Covenant Duty

### Purpose:

- Explanation of how the effectiveness of the Covenant derives from its direction towards an intended outcome without being prescriptive as to means to achieve that outcome. A duty to have due regard to the Covenant enables individual service providers to meet that outcome in the manner that best befits their own specific delivery and resource envelope while still remaining true to the intent of the legislation to achieve the best possible outcome for the Armed Forces Community without creating disadvantage or resentment among the civilian population who are also accessing those public services.
- Explanation of the Armed Forces Covenant Duty as a means to raise awareness of the Armed Forces Covenant principles and the needs of the Armed Forces Community.

- Provides a broad understanding of the requirements of 'having due regard' and explaining this within the specific context of the Armed Forces Covenant. An explanation of the limitations of the duty, such as scope, private bodies, and more.
- Clarifies contents of the legislation: the public bodies covered, the statutory duties within the three fields of housing, healthcare and education in scope, and why (e.g. admission policy for schools, waiting lists for NHS). A brief explanation of how devolution factors into Covenant and Covenant duty considerations.
- A breakdown of who is considered to be a member of the Armed Forces Community under the duty, including clarifying which members of the Armed Forces Community are particularly relevant in relation to each strand of education, healthcare and housing policy (e.g. children of serving personnel in education, veterans for housing).

## **Chapter: Enforcement**

### **Purpose:**

- Explanation of complaints processes for resolving issues initially and the role of relevant Ombudsmen.

## **Chapter: More information**

### **Purpose:**

- To provide awareness of wider supporting information, including:
  - Related guidance on healthcare, housing and education produced by other Government departments, devolved administrations, and local and third sector bodies.
  - Optional training offer to enhance learning of the duty.
  - Centralised, agreed, community-driven best practice case studies.
  - Contact information for further advice, including the MOD Covenant Team, Armed Forces Champions, and more.



## **Chapter: Appendices**

### **Purpose:**

- Appendices will provide the following information:
  - A copy of the latest agreed Bill clauses specific to the Covenant duty.
  - A glossary of terms.

**MOD background note for the Armed Forces Bill Select Committee:****CREATING A DEFENCE SERIOUS CRIME CAPABILITY**Introduction

1. The Service Police by definition, police the Armed Forces and derive their jurisdiction from the Armed Forces Act 2006. The Armed Forces Act 2006 broadly takes the criminal law of England and Wales and allows it to be exported anywhere in the world. It also creates additional offences, unique to the military in recognition of the nature of what we ask our service personnel to do. The main purpose of the Service Police is to support overseas operations, but the Armed Forces Act 2006 allows for a concurrent jurisdiction over service personnel in the UK. While the operational tempo of the Services remains high, they are not currently deployed on a large scale as in recent years, and for the first time in over 300 years the Armed Forces are based predominantly in the UK. Each Service Police force comprises two elements: General Police Duties (GPD), a uniformed component; and the Special Investigation Branch (SIB), their detective capability. GPD investigate volume crime while the SIB focus on the more serious and complex investigations; both are supported by specialist assets, such as Crime Scene Investigators and covert capabilities. The two components and specialist support are interdependent and cannot easily be considered in isolation.

2. The Ministry of Defence Police (MDP) are a civilian police force who derive their legal basis and jurisdiction from the MOD Police Act 1987. Their purpose is established by the strategic requirement for the MDP<sup>1</sup>, which defines the specialist policing capabilities that are required to counter the main crime and security risks faced by the MOD. It provides context for the tasking and resourcing of MDP services and describes the governance framework that directs and assures the force. The Ministry of Defence Police Crime Command (MDPCC) represents a fraction of the force comprising just 80 personnel in an organisation of circa 2900. The main focus of this detective capability is to investigate significant loss to the MOD through theft and fraud.

3. The Service Justice System Review identified many areas of good practice across the system, together with areas for development. Recommendations around the Service Policing function were made with the aim of modernising and improving investigative

<sup>1</sup> <https://www.gov.uk/government/publications/ministry-of-defence-police-statement-of-requirement/statement-of-requirement-for-the-ministry-of-defence-police>

capability. Two specific recommendations were made by Sir Jon Murphy, QPM, around establishing a Service Police unit to investigate serious offences:

- **SJS Policing Review Recommendation 2.** A Tri-Service Defence Serious Crime Unit (DSCU) is created following the civilian police Regional Organised Crime Unit (ROCU) model.
- **SJS Policing Review Recommendation 3.** The three existing Special Investigations Bureau (SIB) be brigaded into the DSCU together with all current specialist investigative support – intelligence, undercover, surveillance, digital units, forensic and scenes of crime.

4. These recommendations were broadly accepted in principle, and further work set in hand to consider how the unit would be structured and resourced, and how command and control arrangements would be exercised, together with oversight and governance. This further work was carried out in early 2020 and identified additional options for implementing the recommendations in the Service Justice System Review. It also suggested that there may be merit in including the MDPCC in the proposal. Following consideration of this work by Service Chiefs in 2020, a project team was created to develop detailed proposals for consideration which made it clear that the outcome should deliver an enhanced investigative capability for Defence and the three Services, together with improved career opportunities for individuals in the policing function. That improved capability may include a tri-Service unit, but there are potentially other operating models; the key principle is a focus on outputs.

#### Current activity

5. The Defence Serious Crime Capability (DSCC) Project Team is now fully established and comprises a small central hub supported by members of the Service Police and Ministry of Defence Police who provide specialist advice. The team is building on previous work to develop proposals for implementation of a DSCC, while recognising the needs of the single Services and Defence more widely. The team is working closely with other areas of the Department where there are synergies with broader recommendations around Service Justice System reform and we will take account of any recommendations from the Review around policing and prosecutorial processes which is currently being undertaken by Sir Richard Henriques.

6. The immediate focus for the project team is around seven priority areas to be addressed; work on these is well advanced:

- a. Defining serious crime in a Defence context.
- b. Developing a Defence Serious Crime Strategy.
- c. Developing proposals for a central crime management function.
- d. Developing proposals for central tasking and coordination of resources.
- e. Identifying opportunities to improve victim and witness care.
- f. Delivering a central capability to support the investigation of sexual and violent offences.
- g. A common theme around organisation learning to deliver a common skills framework and provide greater cohesion to the coordination of training and continued professional development.

7. The definition of serious crime has been agreed and is now pending governance scrutiny and the Crime Strategy is currently being considered by the Chief Police Officers. The proposals around central crime management and tasking have been circulated for internal consultation with the Services and the Project Team continue to develop options around the remaining three priorities, with most at an advanced stage.

8. We anticipate that this work will be complete by the summer at which point progress will be reported to Chiefs and Ministers, together with options for the next phase of work. Initially this will primarily focus on an implementation plan for the modernisation, while concurrently progressing other recommendations made by Sir Jon Murphy.

9. The DSCC will deliver more effective use of resource and ensure that supporting functions are committed in line with the identified Defence priorities. It will also enhance outcomes for victims of crime and compliment the ongoing work within the Department, not only in this area but also to the broader Service Justice System reforms arising from the review recommendations. Training will be harmonised and accredited to national standards and currency will be maintained through secondments and continuous professional development.

**12<sup>th</sup> April**

***Written evidence submitted to the Select Committee on the Armed Forces Bill***