



EMPLOYMENT COMMITTEE – 2 FEBRUARY 2023

ARMED FORCES ACT 2021

REPORT OF THE CHIEF EXECUTIVE

Purpose of the Report

1. To provide the Employment Committee with an update on progress made towards addressing the implications of the new Armed Forces Act 2021 (the Act).

Policy Framework and Previous Decisions

2. The Reserve Forces Policy was reviewed in July 2021 and is compliant with the Act, therefore no amendment is needed at this time.
3. On 26 May 2022, the Employment Committee noted the possible implications of the Act on the Council as an employer and service provider and noted progress towards meeting these obligations.

Background

4. The Act became law on 22 November 2022. A copy of the statutory guidance accompanying the new legislation can be found within the Ministry of Defence's (MoD) Statutory Guidance on the Armed Forces Covenant Duty Covering the United Kingdom.
5. The Council first signed the Armed Forces Covenant in 2013 and again in 2018 when it widened its commitment to being an armed forces friendly employer and service provider.
4. The wider Armed Forces Covenant (AFC) Programme continues at local, regional, and national levels with the Council aiming to maintain gold award status in the MoD Employee Recognition Scheme.
5. The Act is a piece of legislation that must be passed every five years to enable Parliament to approve the continued existence of the Armed Forces. In 2021, the Bill also included additional legislation specifically mentioning the Armed Forces Covenant.

6. The Armed Forces Covenant has three principles which are:
 - a. the unique obligations of, and sacrifices made by, the Armed Forces;
 - b. the principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the Armed Forces; and,
 - c. the principle that special provision for service people may be justified by the effect on such people of membership, or former membership, of the Armed Forces.
7. The Council is under a duty to demonstrate “due regard” to these principles.
8. The Duty requires decisions about the development and delivery of certain services to be made with “conscious consideration” of the needs of the Armed Forces community. This needs to be demonstrable.
9. Services delivered by local authorities that are currently affected by the new law -healthcare, education and housing.
10. Whilst the Council does not have responsibility for all of the above services, it does have a requirement to be aware of the wider impact of legislation, and for consideration to be given to the inter-relationship between services and service providers. As it is unlikely that service personnel are familiar with the complexity of public sector provision of services, it is important that the Council is able to sign post and support service people at the point of contact.
11. The Act also specifically refers to enabling flexible working for Reserve personnel.
12. The Act gives the Secretary of State for Defence delegated powers to amend the primary legislation in order to add other public bodies and other functions in different areas. It is anticipated that these are likely to be related to social care for adults and children.
13. The Covenant pledge remains in addition to the Act and broadens the focus around being a Forces Family Friendly service provider and employer. Specific initiatives are in place to support this. These continue alongside the work programme to deliver to new legislation.

Progress

14. In September 2021, a task and finish group was established with relevant representatives from across the Authority, to oversee the work programme to implement the Act.

15. A baseline assessment in relation to the requirements was undertaken and formed into an implementation plan for each theme area. A copy of the plan can be found in the Appendix to this report. The actions have been RAG (Red, Amber, Green) rated with regards to progress made to date. Most are now green rated, but some are still amber rated as work continues in those areas. There are no red rated actions.
16. The responsibilities of the Council as an employer can be found in Section 4 of the Appendix.
17. The Covenant Officer continues to be part of regional and national groups working together to ensure consistency of implementation of the Act.

Resource Implications

18. The MOD assessed the Act as placing no additional resources upon the authority in its implementation, therefore no additional funding has been provided.

Timetable for Decisions

19. A report on implementation of the Act will be presented to the Cabinet on 10 February 2023.

Recommendations

20. It is recommended that the Committee notes:
 - a. the possible implications of the new Armed Forces Act 2021 on the Council as an employer and service provider; and,
 - b. the progress that has been made towards meeting this obligation.

Background Papers

21. Previous Paper from committee meeting on 22 May 2022:
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=212&MId=6794&Ver=4>
22. Statutory Guidance on the Armed Forces Covenant Duty Covering the United Kingdom:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1116148/Armed_Forces_Covenant_Duty_Statutory_Guidance.pdf
23. Armed Forces Covenant for Leicester and Leicestershire (2018):
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/2/21/Signed-AF-Covenant-pledge-230618.pdf>

Circulation under the Local Issues Alert Procedure

24. A copy of this report will be circulated to all members of the County Council.

Equality Implications

25. The implications of the Act have been incorporated into the Council's Equality Assessment process. The expectation is that the Act and its duties will have a positive impact on the wider armed forces community. There are therefore no equality implications arising from the recommendations in this report

Human Rights Implications

26. There are no human rights implications arising from the recommendations in this report.

Appendix

Delivery Plan and Progress Report.

Officer to Contact

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