



**CABINET – 10 FEBRUARY 2023**

**THE ARMED FORCES ACT 2021**

**REPORT OF THE CHIEF EXECUTIVE**

**PART A**

**Purpose of the Report**

1. The purpose of this report is to provide an update to the Cabinet on progress made towards addressing the implications of the new Armed Forces Act 2021 (the Act).

**Recommendations**

2. It is recommended that the Cabinet notes the implications of the new Armed Forces Act 2021 on the Council as an employer and service provider and to approve the updated Delivery Plan.

**Reasons for Recommendation**

3. The Act received Royal Assent in December 2021. Whilst the Act is not wholly in force yet, sections of the legislation, which are relevant to the Council, came into effect on 22 November 2022 and compliance with these is a statutory requirement.

**Timetable for Decisions (including Scrutiny)**

4. The Employment Committee will receive a report on the Armed Forces Covenant at its meeting on 2 February 2023.

**Policy Framework and Previous Decisions**

5. The Act has cross cutting implications requiring the Council (and other specified public bodies) to have due regard to specified principles in decision making in relation to the named areas of housing, education and healthcare.
6. The Act also specifically refers to enabling flexible working for Reserve personnel. The Reserve Forces Policy was reviewed in July 2021 and is compliant with the Act, therefore no amendment is needed at this time.

7. The Employment Committee on 26 May 2022 noted the possible implications of the Act on the Council as an employer and service provider and noted progress towards meeting this obligation.

### **Resource Implications**

8. Implementation of the Delivery Plan will be undertaken using existing resources implementation.

### **Circulation under the Local Issues Alert Procedure**

9. This report will be circulated to all members.

### **Officer(s) to Contact**

Zafar Saleem  
Head of Communities, Policy, and Resilience  
Leicestershire County Council  
[zafar.saleem@leics.gov.uk](mailto:zafar.saleem@leics.gov.uk)  
0116 305 4952

Sarah Carter  
Communities Business Partner and Armed Forces Covenant Officer  
Leicestershire County Council  
[sarah.carter@leics.gov.uk](mailto:sarah.carter@leics.gov.uk)  
0116 305 8098

## **PART B**

### **Background**

10. The sections of the Act relating to the Armed Forces Covenant became law on 22 November 2022. The Government has produced statutory guidance accompanying the legislation. The Council is required to have regard to the guidance when exercising a relevant function.
11. The County 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.
12. The wider Armed Forces Covenant Programme continues at local, regional, and national levels with the County Council looking to maintain Ministry of Defence (MOD) Employee Recognition Scheme gold award status.
13. The Armed Forces Covenant has three principles which the County Council is under a duty to demonstrate 'due regard' to:
  - the unique obligations of, and sacrifices made by, the Armed Forces;
  - the principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the Armed Forces; and
  - 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.
15. 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.
16. Services delivered by local authorities that are currently affected by the new law are:
  - Healthcare (including the provision of services, planning and funding and cooperation between bodies and professionals)
  - Education (including admissions, attainment, wellbeing, transport, attendance, additional needs support and pupil premium) Housing (which includes Disabled Facilities Grants as well as traditional housing allocation type issues)
17. Whilst the Council does not have responsibility for all parts of the system related to the above services, there is a still a requirement to be aware of the

wider impact of the legislation, and for consideration to be given to the inter-relationship between services and service providers. It is unlikely that service personnel will be familiar with the complexity of public sector provision so the ability to sign post and support service people at point of contact with the Council.

18. Section 9 of The Act also specifically refers to enabling flexible working for Reserve personnel.
19. 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.
20. 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 and include:
  - i. Working with Career Transition Partnership to advertise appropriate job roles direct to service leavers
  - ii. Hosting an Armed Forces Employee Network offering Peer Support and guidance
  - iii. Hosting and supporting Civic and Ceremonial Events commemorating and celebrating our Armed Forces community.
  - iv. Working with DMRC Stranford Hall to support service leavers with life changing injuries.
  - v. Signing up to the the MOD Employee Recognition Scheme of which we are Gold Award Holders.

### **Progress towards meeting the County Council’s obligations in the new Act**

21. A cross Council task and finish group has been established, with relevant representatives from across the Authority, to oversee the work programme to implement the Act.
22. A baseline assessment in relation to the requirements was undertaken and formed into an Delivery Plan for each theme area. A copy of the Plan and progress to date can be found as the Appendix to the report.
23. The Covenant Officer continues to be part of regional and national groups working together to ensure consistency of implementation of the Act.

## **Equality and Human Rights Implications**

24. The implications of the Act will be incorporated into the Council's Equality and Human Rights Impact Assessment process. The expectation is that the Act and its duties will have a positive impact on the wider armed forces community.

## **Background Papers**

Report to the Employment Committee – 2 February 2023

<https://politics.leics.gov.uk/ieListDocuments.aspx?CIId=212&MIId=7261&Ver=4>

Report to Employment Committee, 26 May 2022

<https://politics.leics.gov.uk/ieListDocuments.aspx?CIId=212&MIId=6794&Ver=4>

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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1116148/Armed_Forces_Covenant_Duty_Statutory_Guidance.pdf)

Signed Copy of the 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>

## **Appendix**

Appendix - Delivery Plan and Progress Report.

This page is intentionally left blank