

Armed Forces Covenant

Tri-Families Federations' response to the Defence Committee call for evidence on the expansion of the Armed Forces Covenant

Introduction

The Naval Families Federation, the Army Families Federation and the Royal Air Force Families Federation provide independent voices for all their Service personnel (single, married or in a partnership) and their families. We all work to improve the quality of life for the three Services' communities around the world – at work or at home.

We welcome the opportunity to respond to the questions set out by the Defence Committee as part of this consultation process and to input on scenarios which impact all Service personnel and their families in relation to the Armed Forces Covenant (AFC) and how this could be improved by expanding it.

Key Questions

1. In what areas is the AFC working well?

There is a good relationship between the Families Federations and the MOD Armed Forces Covenant team. There are also examples of comprehensive understanding of the principles of the AFC, together with its statutory nature, demonstrated by other government departments, local authorities and companies who have signed the AFC. One example is in the NHS; the NHS England Armed Forces Commissioning Team supports families to mitigate the disadvantages of mobility when accessing NHS care and ensuring continuity of treatment. They are uniquely appointed and positioned to support families who may have lost priority or waiting list placements due to postings, and link with the relevant NHS departments to restore positions on waiting lists or access to services in primary, social care and children's services. The advantage of this approach is that it removes disadvantage to mobile Service families, ensures a positive impact on the outcome for the patient, and a concomitant increase of awareness of the AFC amongst NHS staff.

Another example is Service Pupil Premium funding, which was brought in to help deliver the AFC. Funding is given to schools to enable them to give targeted support for Service children, which helps relieve their financial burden. GIRFEC and SSCE Cymru offer support for Service children as well.

2. Where is the AFC failing the Armed Forces community?

The AFC is failing the Armed Forces community when organisations and/or governmental departments have a lack of understanding of what the AFC is and how it should be applied, or their own policies cannot support delivery. Our evidence can also demonstrate how support is not consistently replicated across nations, thus disadvantaging the Armed Forces community, for example, the Department for Work and Pensions (DWP) has Armed Forces champions in England, Wales and Scotland. There is not an equivalent role in Northern Ireland, the benefits system is devolved and seeking advice is more complex due to security implications. There is also a disproportionate focus on the AFC applying to veterans; the Families Federations regularly remind local authorities (LAs) and other organisations, that the AFC exists to support families of Serving personnel, Reservists and the bereaved. In

organisations that are signed up to the AFC, there is a lack of consistency of application. For example, we are told by LAs that they are supportive of the Armed Forces simply because they have been referred to in the AFC guidance, but we have often found that the families' experience is very different. It is disappointing when families have to contact us due to lack of understanding of the AFC within an organisation, but we are grateful that we can help them. Many organisations have signed up to the AFC but currently there isn't a mechanism to ensure that all members of those organisations understand what that means and how it should be applied to limit disadvantage. When families contact us, we are, in most cases, able to resolve the issue, however, if there was better understanding of what it means to have signed the AFC across the organization, then hopefully families would face fewer challenges.

There is currently no measure of the success of the AFC. We believe there should be objective metrics to independently measure the impact and success and this needs to be considered as part of the expansion as well.

3. What are the main causes for these failings?

Lack of understanding of the exigencies of Service life, particularly around the lack of understanding of the AFC by staff within hospitals, LAs and other organisations. In addition, there is a lack of clarity for families on what is covered by the AFC. This is exacerbated by the impact of mobility on the family. This could relate to spousal employment and the potential need to temporarily change hours when the Service person is deployed, or healthcare implications when families are assigned and have to move from England to the devolved administrations or overseas. It can be a challenge to be allocated social housing from Service Family Accommodation (SFA) on the dissolution of marriage. Education, Health and Care Plans are not able to be easily ported from one authority to another, and there is a lack of standardisation in the delivery of education across the UK. This has an impact on Service children's education when they move, and additionally, there are significant challenges accessing childcare that can meet a family's needs. These issues can also impact families who have chosen to remain in one location with the Service person relocating on assignment due to the commitments of the Services, and this is another dynamic of Service life that needs to be better understood

4. Are there areas which the AFC ought to be extended to and why?

In addition to education, health and accommodation, the areas that the AFC should be extended to include:

Childcare; social care; employment; pensions; compensation; immigration; citizenship; tax & benefits; transport.

5. If so, which are the priority areas?

Employment

Defence Relationship Management (DRM) in the MOD:

Our evidence shows that more understanding is required from employers around the unique challenges for families of currently serving personnel. It would be good to know what mechanisms DRM has in place to ensure that companies/organisations (including civil service and public sector) fulfil their AFC pledges, such as supporting partner employment.

If partners are supported with employment, this would aid retention. Our evidence shows that often, serving families need two incomes and sometimes the non-serving partner is the higher earner. In addition to finances, the ability to maintain a career also impacts wellbeing. Initiatives such as Op PROSPER should include family members of serving personnel, not just those of Service leavers and veterans.

Immigration and citizenship

Immigration and citizenship is an area in which due regard to the principles of the AFC is given but needs to remain a priority. The immigration rules and the British Nationality Act have discretions in place for Service personnel, families and veterans – as these are legal documents there is already a requirement for the Home Office to give due regard. For example, the discretion from the Minimum Income Requirement, the fee waiver for Service personnel and the waiver from the immigration health surcharge is giving special consideration in terms of AFC duty. Furthermore, policy makers work with the AFF and NFF immigration specialists, and caseworkers at UKVI regularly assist us with cases. However, below are examples where clear disadvantage can be evidenced:

The immigration status given to serving personnel immediately on discharge does not allow them to work or claim benefits until their application to remain has been processed. Whilst the majority of applications for veterans are fast-tracked there are some which take longer to decide, in some cases over a year. There is no other immigration route in which someone legally in the UK isn't allowed to work or claim benefits whilst their application is being decided.

The other problem with employment is that serving personnel on transition are often not able to line up jobs in advance of discharge because of their immigration status. Employers want to see their ILR first, which serving personnel are not able to get in advance. With regards to citizenship, processes for applying for citizenship on an overseas assignment need to be improved, particularly for children born on an overseas assignment, so that the families are not left behind waiting for passports.

Education

The AFC needs to be explicit in what the LA/school can do when supporting Service families and removing disadvantage. The terms are vague, and the suggestions can be widely open to interpretation. This exacerbates the disadvantage as the result of applying 'due regard' is different dependent on location.

Some families encounter challenges accessing school places when relocating as the serving person is assigned to a new post or transitions out of the military, and it is important that the exigencies of Service life are considered and appropriately supported in policies such as the School Admissions Code (Department for Education, England) and devolved equivalents.

The Special Educational Needs and Disabilities Code of Practice (Department for Education and Department of Health, England) and devolved equivalents provide statutory guidance on duties, policies and procedures on identifying and addressing the additional support needs of children and young people who face barriers to learning. These documents all reference children from an Armed Forces background. However, given the challenges and delays families may face accessing provision that can meet their child(ren)'s needs, particularly if they relocate regularly, it is important that the policy owners continue to work with the MOD

and consider the principles of the AFC to ensure that these children and young people are treated fairly and not disadvantaged. As education is a devolved matter, we are aware that children of Armed Forces families may encounter particular challenges in accessing continuity of support and services, if they relocate across national borders where there are different systems and processes, and it is important that those involved in the provision of support and services work collaboratively to improve transitions.

The AFC Annual Report 2024 highlighted the progress that has been made engaging with funding authorities to ensure funding criteria treats students from an Armed Forces background fairly. Extending the scope of the AFC to include these organisations (e.g. Student Finance England, Student Awards Agency Scotland, Student Finance Wales, Student Finance NI) would ensure that the Armed Forces community is taken into consideration with any policy reviews for further and/or higher education funding.

We have case evidence of Service children being denied access to the student funding which they are eligible for, as a result of their serving parent's military Service, particularly for non-UK families. This is often connected to misinterpretation of 'ordinary residency', or that overseas assignments are temporary, and families remain UK residents.

Defence Children Services (DCS) is responsible for the equality of delivery, support and outcomes of education and safeguarding for the children of Service and MOD-entitled civilians in accompanied postings overseas. This is a LA responsibility for State and Academies so there is disadvantage that the AFC is not yet extended to DCS.

Childcare

There are differences between the number of government-funded early learning and childcare hours offered to eligible parents/carers across the UK and overseas. This disparity impacts on Service families who may be posted between the nations of the UK and overseas, sometimes at short notice. We have been contacted by families who have faced additional costs of up to £12,000 due to being posted to Scotland and not benefiting from the expanded childcare offer in England.

Additionally, we are aware that there is insufficient childcare provision in some areas, and some families may encounter challenges accessing a setting that they feel can appropriately meet their child's needs. We recognise that availability, accessibility and affordability are aspects that impact many parent/carer's ability to work, but understand that these challenges may be compounded for the Armed Forces community, particularly single parents, dual serving couples and mobile families.

To support the Armed Forces community, we urge the MOD and policy makers to consider what can be done to ensure Service families, who may have little choice where they are posted across the UK, are appropriately supported in accessing funded childcare provision that meets their needs. Expanding the AFC to include childcare would strengthen the need for relevant bodies to consider the potential impact of policies and provision on the Armed Forces community.

Health

Although there are national challenges with lack of NHS dentists, the impact of mobility exacerbates the situation for Service families. We have examples of families going on

waiting lists but are then posted before they are seen. The NHS advice is to hold onto your previous dentist if you move, this isn't possible for families posted overseas. Although they will potentially have dental care overseas, they won't be able to retain their previous dentist when they return to the UK, so this puts them at a disadvantage.

We have specific examples of families who are dual serving having issues registering their children with GPs as the rules of the practice state that a parent must be registered. This has also been an issue with the roll-out of the new app, which is only for children over 13. If the parent isn't registered with the practice, the child under 13 can't be contacted about their medical issues via the app.

DWP

Service families who separate, leaving the spouse in SFA, are subject to a 93-day 'notice to vacate' period which concludes in a loss of entitlement to the property. Spouses remaining in the SFA beyond 93 days are then charged trespass damages or MESNE profits which usually equate to the rental cost of the property. Currently, those families remaining in SFA who claim Universal Credit are unable to claim the Housing Element to cover housing costs as DWP does not make provision for MESNE profits within its policy and the spouse doesn't have a licence¹. This leaves a vulnerable cohort in a difficult financial position which may be compounded by difficulties in accessing social housing and an expensive and competitive private rental market.

The MOD has advised that it is unable to mitigate the risks and move to an accommodation agreement which would qualify under DWP Universal Credit policy. DWP is clear that it does not make provision for MESNE profits. Therefore, both government departments are unable to resolve an issue which leaves spouses at a disadvantage and needs urgent resolution.

Accommodation

The Secretary of State for Housing, Communities and Local Government has produced guidance for LAs designed to improve access to social housing for members of the Armed Forces community under the 1996 Housing Act. This guidance outlines considerations for local area connections and the requirement for flexibility to existing allocation priorities in LA housing departments. There is a lack of consistency in the application of LA housing allocation policies (such as LAs are to accept the Notice to Vacate (NTV) issued by the DIO Loss of Entitlement Team as the **true date** to allocate social housing to those families). There have been instances when the LA will only act when the Service family has been issued an **eviction notice**. It is likely that the Service family would have been billed for court costs (ITRO - £1300 'Order of Possession') and increased Irregular Occupancy 'market rate rental costs' (including LA council tax) during this period. Furthermore, housing costs support for MESNE profit charges is not available within Universal Credit, nor is housing benefit available to those living in a Crown property. As a result, occupants may accrue MESNE profit debt.

Depending upon 'priority' (each LA differs) the Service family will bid for social housing up until and beyond their eviction date – which can (and has) caused financial and family distress. LAs are therefore encouraged to engage with the DIO Loss of Entitlement Team so that the best outcome can be achieved for the Service person and their family. LAs should

¹ Para 22 [Improving access to social housing for members of the Armed Forces - GOV.UK](#)

act and accept the NTV – cessation to occupy as proof of becoming homeless and then start to engage 56 days out.

Families who sell a home and buy another are unable to rely on the main home exception and reclaim the higher rate of Stamp Duty Land Tax. Service families are financially disadvantaged, as they are unable to fulfil the requirements to live in the previous property in the last three years (England) or 18 months (Scotland) prior to selling, due to the mobility of Service life.

6. What legislative changes should be made and why?

The AFC should be expanded to include all of the areas listed at question 4. Additionally, the challenge is that since the AFC has become subject to legislation, it is not enforceable, so it is requested that the phrase “due regard” is reviewed and enforceable guidance is provided to all, to enable proper and measurable accountability to deliver against the AFC.

7. What impact would the extension of the AFC legal duty to central government and devolved administrations have?

This is difficult for the Families Federations to comment on. From our perspective we would hope that the expansion would provide a more consistent approach as well as better understanding. It would allow central government to provide direct guidance to the LAs as to how the AFC should be implemented nationally and also enable better transitions across the different authorities as well as the devolved administrations.

Conclusion

At present the AFC isn't well understood, and this leads to its inconsistent application. The planned expansion of the AFC provides the much-needed opportunity to improve understanding, and the addition of other areas would enable government departments to issue national policy. This will help ensure more consistent and measurable application of the AFC across all government departments, which the Families Federations hope will lead to less disadvantage of the Armed Forces community.

The Families Federations believe that a key consideration is determining what success looks like, and how it will be measured and tracked.

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23 January 2025