



Shropshire Clinical Commissioning Group



### Health and Wellbeing Board Meeting Date 4<sup>th</sup> March 2021

### Item Title: Shropshire Armed Forces Covenant – Proposed Legislation and General Update

#### Responsible Officer

Email: Sean.mccarthy@shropshire.gov.uk Tel: 01743 255 933 Fax:

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#### 1. Summary

The key principle of the Armed Forces Covenant is to remove disadvantage to Armed Forces personnel, their families and veterans. Forces personnel are unique in that they have little or no choice over where they live and work, which affects where their families live and work and where they eventually resettle once their time in HM Armed Forces is over. Disadvantage in access to health and social care services arises mainly from the impact of mobility and separation due to deployment, training and families who live apart.

MOD is the lead Department in central Government. As many of the levers for supporting the Armed Forces Community sit with other Government Departments, the Devolved Administrations and Local Authorities, MOD works closely with them and others in the public, charitable and private sectors to deliver the Covenant.

The Armed Forces Act 2006 sets out the requirement for the Secretary of State for Defence to lay a report before Parliament annually to cover the effects of membership, or former membership, of the Armed Forces on Service People in the fields of healthcare, education and housing. The Government has now committed to enshrining the Armed Forces Covenant further into legislation in the Queen's Speech during 2021. The new legislation will require all public authorities, when exercising its public functions relating to Education, Healthcare and Housing, to have due regard to:

- the unique obligations of, and sacrifices made by, the Armed Forces; and
- the principle that it is desirable to remove disadvantages arising from Service Personnel from membership, or former membership, of the Armed Forces. Service Personnel may include Serving personnel, Veterans and their families.
- 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.

The proposed legislation had its first reading in parliament on the 26<sup>th</sup> January 2021 and the second reading on the 8<sup>th</sup> February 2020. No date has been set for the 3<sup>rd</sup> and final reading in the House of Commons. Once the Bill goes through the House of Lords, and consideration of amendments, it is hoped that it will gain Royal assent in the autumn/winter 2021.

## 2.0 Recommendations

2.1 The HWBB note and consider the impact of the proposed legislation.

2.2 The Armed Forces Covenant Lead will update the HWBB when further information about the legislation is released.

## REPORT

### 1. Purpose of Report

The purpose of the report is to update the H&WB Board on the progress of the Armed Forces Covenant – proposed legislation and give an update on the Armed Forces Covenant in Shropshire.

### 2. Risk Assessment and Opportunities Appraisal

There is no risk implied within this report. The opportunity to create fairer policies and procedures to ensure the Armed Forces community is treated fairly adheres to the Equality Act 2010 in that it supports the Armed Forces community from discrimination given their time in service.

Positive equality impact across the protected characteristic groupings. With particular regard to social inclusion. The Council is seeking to ensure that the needs of Armed Forces personnel are accounted for within equality impact assessments across service areas.

All recommendations have been made in line with national best practice and guidance on the Armed Forces Covenant.

### 3. Financial Implications

There are no financial implications identified within this report. Officer time will be required to see through the recommendations.

### 4. Summary of Healthcare policy area:

- Currently, the key issues experienced by the Armed Forces Community include:
  - Access to existing healthcare services (e.g. waiting lists, renewed needs assessments) and lack of provision of services that are more relevant to this community (e.g. commissioning of mental health services).
  - Service quality, usually down to a lack of sufficient integration of existing services and healthcare staff training and awareness of service life.
- Key issues are around the commissioning of services and processes around accessing those services. The duty to be imposed generally on all NHS bodies responsible for commissioning and/or delivery of services.

Public Functions Subject to the Duty	Legislation applies to public functions exercised by the below bodies under the National Health Service Act 2006.
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Public Bodies Subject to the Duty	<p>Legislation applies to the public bodies below as defined by:</p> <ul style="list-style-type: none"> <li>• NHS Act 2006.</li> </ul> <p>Public bodies include:</p> <ul style="list-style-type: none"> <li>• Local Authorities, when exercising functions under the NHS Act 2006;</li> <li>• NHS Commissioning Board;</li> <li>• Clinical Commissioning Groups (CCGs);</li> <li>• NHS Trusts and Foundation Trusts.</li> </ul>
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## 5.1 Covenant Legislation

- The Covenant, in its current form, has been in operation for nearly ten years, and while good procedures and initiatives have been put in place by service providers, the Government is concerned that some members of the Armed Forces Community still face disadvantage when accessing public services. This is often caused by a lack of awareness of the Covenant and the unique nature of service in the Armed Forces.
- The Government therefore proposes to introduce legislation to increase awareness of – and, in turn, improve the delivery of – the Covenant in those key areas that are fundamental to a good life, while retaining the ability of local service providers to honour the Covenant in the best way to suit local needs.

## 5.2 Aims of the Proposed Legislation

- The aim of new legislation is to increase awareness among service deliverers and policy makers of the unique obligations and circumstances facing the Armed Forces Community, and to build understanding of how these can affect their requirements of, and ability to access, key public services.
- By embedding this understanding in public sector decision-making via a new statutory duty to have due regard to the Covenant, this legislation will help improve overall delivery of public services in relation to the Armed Forces Community.

## 5.3 How the Proposed Legislation will work

- The focus of the proposed legislation will be on local and regional service provision, covering those aspects of public housing, education and healthcare that are most likely to affect serving and former members of the Armed Forces and their families.
- Reflecting three of the areas covered by existing Armed Forces Covenant legislation, these three strands of policy also comprise the foundation of successful lives and are commonly raised areas for concern by members of the Armed Forces community.
- The new Duty will require those who are subject to it to consider the Armed Forces community when developing policy, procedures and making decisions in the specified policy areas, taking the three principles set out above into consideration.

- The proposals will also give the Secretary of State for Defence powers, with appropriate checks and balances, and following consultation with stakeholders, to amend the primary legislation in order to add other public bodies and other functions in different areas. Where the exercise of such powers will affect devolved areas, there will be a requirement on the Secretary of State to consult with the Ministers in the relevant devolved administration(s).

#### **5.4 Who does the Legislation apply to**

- The new Duty will apply to relevant public bodies exercising specified public functions in the education, healthcare and housing sectors.
- The private sector is not in scope. Where relevant functions have been contracted out to private companies, the public body responsible for managing the contract will be subject to the proposed legislation and will need to ensure that policies and processes of the contractor are compliant.
- The specified bodies must have due regard to the three principles set out above when exercising relevant functions that may affect the Armed Forces Community which includes serving personnel, veterans and their families.

#### **5.5 How will the legislation enforced**

- The overall aim of the proposed legislation, and accompanying statutory guidance, is to increase awareness among public authorities of the Armed Forces Covenant and the unique obligations and circumstances of the Armed Forces Community. In turn, it is expected that better awareness will lead to improved public-service delivery for members of the Armed Forces Community.
- While no new enforcement mechanism is planned, supporting information and advice aimed at the Armed Forces Community will publicise existing complaints procedures and, where relevant, the appropriate Ombudsman's office. Where any issue cannot be otherwise resolved, enforcement of compliance is by way of judicial review, in accordance with standard public law principles.
- Those public bodies in scope will be supported by statutory guidance published after discussion with Covenant partners across government, devolved administrations, the Armed Forces Community, and the Service charity and welfare sectors. The proposed legislation will also be supported by training tools, advice and wider guidance aimed at the public bodies in scope, to ensure that they have easy access to the information they require.

#### **5.6 Due Regard Measures**

- Under the new Duty, those public bodies in scope will be required to have 'due regard' to the three principles of the Armed Forces Covenant when formulating policy and taking decisions in specified areas.
- As with those existing duties, the Government will not be defining in legislation exactly how the requirement to have due regard can be met. But accompanying statutory guidance, which public bodies will be required to take into account, will provide advice and examples of best practice to indicate how bodies might comply with the duty.

## UPDATE ON THE ARMED FORCES COVENANT IN SHROPSHIRE

### 6. Health Services in Shropshire

#### 6.1 GP Friendly Accreditation

GP practices, who have a CGC 'Good' Rating, or higher, are eligible to apply for GP Friendly accreditation which consists of five elements, including:

- Asking patients, registering with the surgery, if they have ever served in the British Armed Forces and coding it on the GP computer system.
- Having a clinical lead on veterans in the surgery. This should be a registered health care professional, but could be a nurse or paramedic, not just a GP. This clinical lead is required to undertake dedicated training, attend training events (RCGP or other provider), stay up to date with the latest research and innovations and ensure that the practice is meeting the health commitments of the Armed Forces Covenant. They should also be available to provide advice to colleagues, as well as possibly seeing veterans themselves.

The following surgeries in Shropshire are signed up to the GP friendly accreditation scheme and work is ongoing to increase the number:

Shropshire CCG	The Caxton Surgery
Shropshire CCG	Pontesbury Medical Practice
Shropshire CCG	Westbury Medical Centre
Shropshire CCG	Much Wenlock and Cressage Medical Practice
Shropshire CCG	Drayton Medical Practice
Shropshire CCG	Belvidere Medical Practice
Shropshire CCG	South Hermitage Surgery
Shropshire CCG	Wem and Prees Medical Practice
Shropshire CCG	Knockin Medical Centre
Shropshire CCG	Marden Medical Practice
Shropshire CCG	Worthen Medical Practice

#### 6.2 Veterans Aware

A group of 53 NHS providers have been accredited as exemplars of the best care for veterans, helping to drive improvements in NHS care for people who serve or have served in the UK Armed Forces and their families. Veteran Aware trusts are leading the way in improving veterans' care within the NHS, as part of the Veterans Covenant Healthcare Alliance (VCHA).

Robert Jones and Agnes Hunt Hospital NHS Foundation Trust and The Shrewsbury and Telford Hospital NHS Trust are both classed as Veterans Aware. We have been working with both Trusts to support them to deliver their Veterans Aware offer. Both Trusts support staff and people that come into the hospital who have a connection to the Armed Forces. The Trusts have a number of Veterans Champions who work to do the following:

- Provide leaflets and posters to veterans and their families explaining what to expect.
- Train relevant staff to be aware of veterans' needs and the commitments of the NHS under the Armed Forces Covenant.

- Inform staff if a veteran or their GP has told the hospital they have served in the Armed Forces.
- Ensure that members of the Armed Forces community do not face disadvantage compared to other citizens when accessing NHS services.
- Signpost to extra services that might be provided to the Armed Forces community by a charity or service organisation in the Trust and look into what services are available in their locality, which patients would benefit from being referred to.

Step Into Health is an initiative which seeks to connect employers in the NHS to people from the Armed Forces community. The programme is designed to support employers in recruiting from this community and to promote the NHS as an employer of choice. The Armed Forces community includes those at various stages of their career, veterans who may have served for any length of time and their spouses and dependants looking to establish themselves within the sector.

## **7. Shropshire, Telford and Wrekin Armed Forces Needs Assessment.**

Both Shropshire Council and Telford & Wrekin Council have established Strategic AFC Partnership Boards which previously identified the requirement to undertake a Joint Armed Forces Needs Assessment, within their Action Plans, to fully understand the Armed Forces community across the County of Shropshire. The Assessment, undertaken in 2020, considered local implications of national research and evidence in relation to key Armed Forces Covenant commitments. The experience of our local Armed Forces community was also considered in relation to:

Health & Wellbeing, Education & Children's care, Housing, Employment & Training, The Criminal Justice Service and Transition & Specialist support.

The final Report (Appendix 3) identified a total of 30 key recommendations, across both Local Authorities, to further support our local Armed Forces community, which will be implemented through a Joint AFC Strengthening Local Delivery Working Group.

## **8. Service Charities**

The Covenant currently works with the following service charities: Royal British Legion (RBL), Soldiers, Sailors, Airmen and Families Association (SSAFA), Blind Veterans UK, Help for Heroes, Combat Stress, walking with the Wounded, RAF Benevolent Fund, RAF Association, RAF Families Federation, Army Benevolent Fund and the Army Families Federation.

## **9. Covenant Strategic Group**

Through Partnership Working with the above Service Charities, other Public Sector areas (e.g. the NHS, West Mercia Police etc.), local businesses and representatives of the Armed Forces, the Strategic Group provides strategic governance for local delivery of the Covenant. The Group also provides a forum for the sharing of best practice and for discussion around wider issues and challenges facing the Armed Forces e.g. the redevelopment of Copthorne Barracks, the relocation of 1 Royal Irish and support for Armed Forces Day.

Due to the success of the Strategic Group, and the numbers in attendance, we are currently restructuring the format and creating additional working groups e.g. a Joint AFC Strengthening Local Delivery Group that will see oversee the implementation of the recommendations in the recent Armed Forces Needs Assessment.

## 10. Covenant Operation Groups

The Covenant Operations group meets every month to discuss specific individuals who are in need of support. The meeting is attended by Service Charities, Shropshire Council Officers from various departments, Army and RAF welfare representatives and West Mercia Police. The purpose of these meetings is to discuss issues that current serving personnel and veterans may be experiencing. These issues may be homelessness, ill health, family separation, those at risk of offending, financial issues, legal etc. Each individual is signposted to a particular service charity or organisation that can support them with their problem.

## 11. Armed Forces Outreach Project

The Armed Forces Outreach is designed to provide help and support to all military personnel, veterans and their families. Working with the service charities and organisations the outreach project signposts and facilitates to ensure that current and former military personnel have access to the right support. We have also formed close links with a number of businesses, charities and organisations across Shropshire, many of whom have signed the Armed Forces Covenant to demonstrate their support.

## 12. Conclusions

Through the Armed Forces Covenant, there is a clear mandate with practical examples of how health organisations must ensure the Armed Forces community is not disadvantaged and treated fairly, given the uniqueness of life in the Armed Forces.

The delivery of the recommendations in the report should be done in full collaboration between the H&WB Board & the Armed Forces Partnership to ensure a clear line of communication back to service users and the Armed Forces community.

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
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<a href="https://services.parliament.uk/Bills/2019-21/armedforces.html">https://services.parliament.uk/Bills/2019-21/armedforces.html</a>
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<b>Cabinet Member (Portfolio Holder)</b>
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Cllr Lezley Picton
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<b>Local Member</b>
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<b>Appendices</b>
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Armed Forces Covenant Report 2020 (Appendix 1)
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Joint Armed Forces Needs Assessment (Appendix 2)
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