

**ARMED FORCES COVENANT STATUTORY DUTY 2022**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 On 22<sup>nd</sup> November 2022 UK wide legislation came into force in relation to the Armed Forces Covenant.
- 1.2 The Armed Forces Covenant Duty places a legal responsibility on certain organisations, namely Scottish Local Authorities and NHS Health Boards to pay 'due regard' to the principles of the Covenant.
- 1.3 'Due regard' means that in line with the Duty, organisations will need to consciously consider the unique responsibilities and sacrifices made by members of the Armed Forces. It also aims to negate the potential disadvantages faced by the Armed Forces community when looking to access local services. These disadvantages include: frequent house relocations, separation from loved ones and support networks for long periods of time and unfamiliarity with civilian life.
- 1.4 It is recommended that the Community Services Committee:-
- (a) Note the change to the Armed Forces Covenant Statutory Duty 2022.
  - (b) Note the progress of the Education Service in fulfilling the duties of the Armed Forces Covenant and the remaining areas for action which relate directly to Education.
  - (c) Agree that this area of Local Authority duty continues to remain a key focus for Education.
  - (d) Agree that alternative funding sources be investigated, for the key posts of Service Pupil Advisor and Additional Support for Learning Teacher, to ensure the continued fulfilment of our statutory duties.

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### 2.0 INTRODUCTION

2.1 The new Armed Forces Covenant Duty aims to increase awareness of service life in the Armed Forces community, among organisations that provide services in healthcare, education and housing. It also highlights potential disadvantages that members of the Armed Forces community may experience as they look to access key local services.

2.2 Although UK legislation, this particular law has force in the devolved administrations and wide consultation took place within Scotland before it was finalised. This new legislative duty re-emphasises the need for local authorities and health boards to have statutory cognisance of the needs of armed forces families, to support them accordingly, and to report on engagement.

### 2.3 Legal duty –

2.3.1 “The Armed Forces Act 2021 will amend the Armed Forces Act 2006 by inserting sections that place a legal duty (the ‘Covenant Duty’) on specified public persons and bodies, to have due regard to the principles of the Armed Forces Covenant when exercising certain statutory functions in the fields of healthcare, education, and housing.”

2.3.2 “The Duty must be complied with when a specified body makes a decision relating to the following matters: *Admissions, Educational attainment and curriculum, Child Wellbeing, Transport, Attendance, and Additional Needs Support (ASL).*” “Such as when it develops, implements and/or reviews a relevant policy, or makes decisions on its delivery of relevant services.”

2.3.3 So far as the education of children and young people is concerned a requirement to have “due regard” already exists in Scotland through the provisions in the Education (Scotland) Act, 2016. Sections 3A and 3B of that Act imposes a duty of “due regard” on Scottish Ministers and education authorities to reduce inequalities of outcome

for all pupils. This by default also includes those pupils from families with an armed forces background.

- 2.4 From June 2024 changes to the Armed Forces Covenant Trust Service Pupil Support Programme funding arrangements will mean funding for the Service Pupil Adviser and the Additional Support for Learning Teacher will no longer be available. As such we will not have the ability to fund these posts from this Trust Fund again.

### **3.0 RECOMMENDATIONS**

- 3.1 It is recommended that the Community Services Committee:

- (a) Note the change to the Armed Forces Covenant Statutory Duty 2022.
- (b) Note the progress of the Education Service towards fulfilling the duties of the Armed Forces Covenant and the remaining areas for action.
- (c) Agree that this area of Local Authority duty continues to remain a key focus for Education.
- (d) Agree that alternative funding sources be investigated, for the key posts of Pupil Advisor and Additional Support for Learning Teacher, to ensure the continued fulfilment of our statutory duties.

### **4.0 DETAIL**

- 4.1 The Covenant sets the following goals with respect to Education:

4.1.1 Children of members of the Armed Forces should have the same standard of, and access to, education (including early years' services) as any other citizen in the area where they live.

4.1.2 There should be special arrangements to support access to schools if a place is required part way through an academic year as a result of a family having to move for Service reasons.

- 4.2 Armed Forces Covenant Duty - Key Aim: That children and young people of Armed Forces families receive the support they need to address barriers to participation, learning and achievement; promote positive mental health and wellbeing; benefit from the development of high-quality education which is sustained; and achieve their full potential.

- 4.3 ADES advice has been developed providing a Scotland-specific context and perspective which identifies and aligns with the structures, processes and policies already rooted in Scottish education that address the needs of children and young people of armed forces families. It includes:

- an explanation of the duty for local authorities
- good practice examples
  - areas of concern

- challenges, and barriers that might be faced by armed forces families and their children
- suggestions and resource links for further information.

4.4 The key aims supported by ADES regarding the implementation of this legislation include:

4.4.1 Promote the development of a local authority Corporate Message.

4.4.2 Ensure the ADES Armed Forces Families Lead Officer (AFFLO)/Head Teacher at Hermitage Academy, Douglas Morgan, is known to the appointed, local authority Armed Forces and Veterans Champion and other sector leads for armed forces families.

4.4.3 All Headteachers and Early Learning Centre (ELC) managers, should know their local authority AFFLO/HT Hermitage Academy.

4.4.4 All Headteachers must have their young people of armed forces families identified, so far as possible.

4.4.5 Appropriate local authority staff, including managers of funded ELC provision, should have awareness to enable an informed 'warm welcome'.

4.4.6 Local authority central staff should have knowledge of the Lead Officer for Armed Forces Families role.

4.4.7 Promote awareness of the ADES National Education Officer (Armed Forces Families) and the Forces Children's Education website.

4.5 Argyll and Bute Council holds the Armed Forces Covenant – Silver Recognition Award and as a result are very well placed to act on the ADES advice. Current practice within the Local Authority means that Argyll and Bute have proactively met the majority of the aims as outlined in green in the table below. The aims outlined in amber require some further work and where this is appropriate the actions and timescales have been highlighted.

Aim	Argyll and Bute Action	Timescale
1. Promote the development of a local authority Corporate Message	<p>A corporate message and approach to supporting Armed Forces Families has existed in Argyll and Bute since March 2014.</p> <p>There is still a need to develop a refreshed Corporate Message within the updated national legislation. In the context of the update national legislation This outcome will be added</p>	Completion by September 2023

	to the agenda of the next Armed Forces Community Partnership	
2. Ensure the ADES AFFLO/ HT Hermitage Academy is known to the appointed, local authority <u>Armed Forces and Veterans Champion</u> and other sector leads for armed forces families.	No action required. The ADES AFFLO / HT Hermitage Academy sits on the Armed Forces Community Partnership with the Armed Forces and Veteran Champion.	Complete
3. All Headteachers and ELC managers, should know their local authority Lead Officer for armed forces families, children, and young people (AFFLO)	Armed forces families, children, and young people Lead Officer role incorporated into the Hermitage Academy Head Teacher Remit in January 2021.  Raising the profile of this part of the remit along with that of the Service Family Adviser through locality HTs meetings would be beneficial.	D Morgan and E Flett to attend all Locality HTs meetings by October 2023.
4. All Headteachers must have their young people of armed forces families identified, so far as possible.	Process for initial enrolment and identifying armed forces families updated in March 2021.	Complete
5. Appropriate local authority staff, including managers of funded ELC provision, should have awareness to enable an informed 'warm Welcome'.	The 'warm welcome' exists in the HALCO locality, where the vast majority of our armed forces families live.	Complete
	Service Adviser has shared awareness of the welcome booklet across all compulsory education establishments.  This will be extended to all ELC's in August 2023.	August 2023
6. Local authority central staff should have knowledge of the Lead Officer for armed forces families' role.	The Central Education Team remit for Service Families was incorporated into the Head Teacher remit for Hermitage Academy in January 2021.	Complete
7. Promote awareness of the ADES National Education Officer (Armed Forces Families) and the Forces Children's Education website.	Links to the Forces Children's Website exists in the Warm Welcome pack and also from the Armed Forces Section of the Argyll and Bute Website.	Complete

4.6 In upholding the Armed Forces Covenant Duty in Argyll and Bute Council the roles of the Service Pupil Advisor and Additional Support for Learning Teacher provide a range of supports and initiatives aimed at improving outcomes for service children and young people.

4.6.1 The Service Pupil Advisor, is required to fulfil the statutory duty outlined above. The Service Pupil Advisor, liaises between schools and the Armed Forces Community. This role is to co-ordinate additional support for Armed Forces children and young people with a particular focus on identifying gaps in learning as a result of transitions, and providing social and emotional support for those struggling with the deployment of a parent/carer. The role of the Service Pupil Advisor also includes:

- Key point of contact for service families during and outside school hours.
- Co-ordinating and supporting delivery of Seasons for Growth. An educational support programme which aims to promote social and emotional wellbeing of children and young people coping with significant loss, separation and change in their lives.
- Supporting new armed forces families moving to Argyll and Bute with regards to education and schools.
- Provision of information/advice and attendance at Child Planning Meetings for armed forces children and young people
- Facilitating and leading Professional Learning Community meetings.
- Supporting Forces and Me Groups in various schools, RNRM Youth Forum, Cloud 9 Youth Group, Armed Forces Ambassadors at Hermitage Academy.
- Leading weekly drop in sessions for parents.
- Providing monthly updates via the creation of Newsletter for all staff in Nurseries and Schools in Argyll and Bute area which provides information on resources available, useful websites, funding opportunities, CPD events and organisations and charities that support armed forces young people and families. The newsletters are also shared with West Dunbartonshire Council, Schools in Argyll & Bute and are shared nationally on the Forces Children Education website.
- Networking and exchanging of ideas nationally in order to benefit Argyll & Bute Armed Forces children and young people.
- Sustaining a strong presence on social media to provide families with constant access to support.
- Responsibility for tracking and continually evaluating all work undertaken to support armed forces families.
- Contributing to training for staff to raise awareness of issues facing service families.

4.6.2 The impact of the role of Service Pupil Advisor on improving outcomes for service children and families includes developing individualised strategies of support for pupils, having a key point of contact for service children, young people and their families who understands service life providing a sense of being understood, supported and listened to. Within the community the Service Pupil Advisor has developed a range of positive working partnerships which have resulted in successful participation for service children and young people in projects like The Give Holiday Provision (Inspiring young people through volunteering opportunities, the Helensburgh and Lomond Youth Forum and Seasons for Growth.

4.6.3 The Additional Support for Learning Teacher, works with children and young people from Armed Forces background in numerous primary schools in the Helensburgh and Lomond area to support them in a variety of ways. For example:

- Offering Seasons for Growth Sessions.
- Facilitating numeracy support for small groups of identified pupils.
- Facilitating literacy support for small groups of identified pupils.
- Providing general in-class learning support – for small groups of pupils with additional learning needs.
- Leading and facilitating STEM activities.
- Organising and offering after school homework clubs in various locations.
- Leading small nurture and social skills groups.
- Providing one to one support for young people with additional support needs in accessing the local community.

4.6.4 The impact of this role of Additional Support for Learning Teacher on improving outcomes for service children and young people is the provision of targeting support in learning, schools have reported seeing an increase in both numeracy and literacy levels as a result of targeted interventions led by the additional support for learning teacher. Schools have also reported on the impact of the development of social skills supporting transitions, emotional support and promotion of positive mental health with an underpinning focus on supporting service children and young people to benefit from the development of high-quality education which is sustained; and achieve their full potential.

4.7 Argyll and Bute houses HMNB Clyde which will be the Royal Navy's Submarine Flotilla base and new Training Centre. It is expected that numbers of naval personnel could rise by approximately 1,500 between 2023 and 2030. There are currently approximately 650 armed forces children and young

people in schools across Helensburgh and Lomond and a total of 775 across Argyll and Bute. This figure is based on families who have declared to their school that they are Armed Forces and does not include pre 5 figures. The term 'Armed Forces' refers to serving, veteran and reserve members of the Armed Forces.

- 4.8 The terms of the Armed Forces Covenant Trust Service Pupil Support Programme state that funding can be used for temporary staff such as teachers or Armed Forces Service Pupil Advisors. However, funding cannot be used for multiple year programmes and should be regarded as a one off contribution. Furthermore, it is proposed that the current funding will no longer be available from June 2024. Therefore it is fundamental to the duty of Argyll and Bute Council in fulfilling the statutory duties outlined in the Armed Forces Covenant that the cost pressure resulting from these funding changes in relation to the Service Pupil Advisor will be required to be sustained through being absorbed into education and the role of the Additional Support for Learning Teacher role will need to be discontinued with the responsibilities of this role being absorbed into mainstream Education ASN provision or by securing other funding for the MOD posts currently in place from other sources.

## **5.0 CONCLUSIONS**

- 5.1 The work led by the AFFLO/HT Hermitage Academy, the Armed Forces Service Adviser, Additional Support for Learning Teacher and wider teams / partnerships with MOD, has resulted in the successful achievement of the Silver Recognition Award for Argyll and Bute. It is recognised that their ongoing work provides best value and continuous improvement.
- 5.2 Argyll and Bute council will continue to support AFFLO / HT Hermitage Academy and the associated team in their work to ensure our Armed Forces children and young people receive the support they need to address barriers to participation, learning and achievement and positive mental health and wellbeing, and to ensure they benefit from high-quality education to achieve their full potential.
- 5.3 As a result of changes to the Armed Forces Covenant Trust Service Pupil Support Programme funding arrangements, alternative funding sources be investigated to allow fulfilment of our statutory duties.



## 6.0 IMPLICATIONS

6.1	Policy	This report links directly to Our Children Their Future in ensuring that Argyll and Bute is the best place in Scotland for our children to grow up. It also articulates outcomes 4 and 6 of the Argyll and Bute Outcome Improvement Plan: Children and young people have the best possible start; People live in safer and stronger communities.
6.2	Financial	Educational services for children and young people from MOD families are currently funded via Armed Forces Covenant Trust Service Pupil Support Programme. Changes to such funding arrangements will have implications for the Council in terms of securing alternative funding sources.
6.3	Legal	Armed Forces Covenant Legislation November 2022 alongside the statutory duties of the Children and Young People (Scotland) Act 2014 and all previous relevant acts will be met.
6.4	HR	None
6.5	Fairer Scotland Duty	Providing equity and inclusion to meet the needs of all young people including Armed Forces children and young people.
6.5.1	Equalities	All legislative requirements will be met.
6.5.2	Socio-economic Duty	Reducing inequalities of outcome caused by the potential disadvantages faced by the Armed Forces community when looking to access local services.
6.5.3	Islands	No differentiated impact.
6.6	Climate Change	None
6.7	Risk	Failure to support children and young people from MOD families will impact on their life chances and risk reputational damage to the Local Authority as a recognised and necessary destination for MOD families.
6.7	Customer Service	Continued support will be provided by the Lead Officer for Armed Forces Children and the associated team.

**Douglas Hendry** - Executive Director with responsibility for Education  
**Councillor Yvonne McNeilly** - Policy Lead for Education

**Wendy Brownlie** - Head of Education – Performance and Improvement  
**Jennifer Crocket** - Chief Education Officer/ Head of Education – Wellbeing, Inclusion and Achievement

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