



Ministry
of Defence



Statutory Guidance on the Armed Forces Covenant Legal Duty

Covering the United Kingdom

Issued under section 343AE(1) of the Armed Forces Act 2006

[[MONTH YEAR]]

GUIDANCE



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About

Context for this Guidance

0.1. The Armed Forces Act 2021 amended the Armed Forces Act 2006 by creating the 'Covenant Legal Duty'. The Duty came into force on 22 November 2022. The Armed Forces Act 2026 made further amendments to the 2006 Act, by extending the Duty. This Guidance describes the Duty following the amendments made by the 2026 Act.

0.2. This Guidance is issued under section 343AE of the Act, which states that the bodies subject to the Duty must have regard to this Guidance when exercising a public function in relation to a relevant policy matter.

Purpose of this Guidance

0.3. The purpose of this Guidance is to assist the bodies subject to the Duty to comply with their legal obligations, by providing information about the Duty and those people within the Armed Forces Community who are beneficiaries of the Duty. It highlights the issues these people can face as a result of Service life, and illustrates good practice. If bodies have any questions about this Guidance or the Duty, they should seek legal advice and/or contact the Ministry of Defence's Armed Forces Covenant Team (see [Appendix 3](#) for contact details).

0.4. This Guidance is specifically about the statutory Covenant Duty. Information about the wider Covenant is available from the sources listed in [Appendix 3](#).

Intended audience

0.5. The primary audience for this Guidance is the bodies across the UK that are subject to the Duty (for which, see [section 1B](#)). This Guidance will be of interest to staff throughout these bodies, but particularly those involved in policymaking, business planning, procurement, delivery, and governance. This Guidance is also aimed at other organisations delivering any functions on behalf of these bodies. This Guidance will also be of interest to members of the Armed Forces Community, and other organisations that work with them, such as charities and other organisations in the public and private sectors.

Contents of this Guidance

0.6. [Chapter 1](#) provides an overview of the Duty, including what it is and to whom and when it applies. It describes in detail some of the 'unique obligations and sacrifices' of Service life, and introduces the concepts of disadvantage and special provision. The remaining chapters describe in detail some of the disadvantages that can be experienced by members of the Armed Forces Community, and how special provision can be implemented.

0.7. The appendices provide a list of the bodies that are subject to the Duty ([Appendix 1](#)), information about how to become more aware of Armed Forces issues ([Appendices 2](#) and [3](#)), and information about how to resolve disputes ([Appendix 4](#)).

Publication information

0.8. This is the only Statutory Guidance on the Duty to be published by His Majesty's Government. Further advice and support on the Armed Forces Covenant and the Duty is available from the Armed Forces Covenant Team in the Ministry of Defence (see [Appendix 3](#) for contact details).

0.9. This Guidance is also available in Welsh. If there is a need for this Guidance to be provided in an alternative format and/or language, please contact the Armed Forces Covenant Team to discuss the requirement. This is the **second edition** of this Guidance, published in [[MONTH YEAR]]. This document remains subject to future updates. Any suggestions for content in future versions can be sent to the Armed Forces Covenant Team.

Foreword by the Secretary of State for Defence

To follow.

DRAFT

Executive summary

What is the Armed Forces Covenant Legal Duty?

The Duty is a legal obligation to ‘have due regard’ to: (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 effects on such people of membership, or former membership, of the Armed Forces.

Who is subject to this Duty, and when?

Ministers in the UK and Devolved Governments, and certain local authorities, education bodies, and healthcare bodies, are subject to this Duty when exercising any of their public functions in certain key policy areas: employment, childcare, education and training, health and social care, housing, social security benefits, personal taxation, criminal justice, transport, pensions, immigration and citizenship, and Armed Forces compensation. (Different bodies are subject to the Duty in different policy areas from this list, according to their remit.) These bodies are not subject to the Duty in any other areas of their work.

What must these bodies do in practice?

The Duty is procedural, ensuring these bodies make well-informed decisions in these policy areas. It means these bodies should think about and place an appropriate amount of weight on the Covenant principles when they consider all relevant factors. The Duty does not define how they are to have this consideration, or the outcomes they are to achieve as a result. That is, it does not mandate they remove a particular disadvantage or implement a particular type of special provision. This might not be feasible, or the desirability of doing so may be outweighed by other factors.

What disadvantages does the Duty cover?

The Duty covers disparities relative to other people in the UK general population in comparable circumstances, arising from Service. This means it does not cover: normal life challenges, such as needs arising naturally and solely from old age; issues arising from Service with no civilian comparator; or disparities between different groups in the Armed Forces Community.

Who in the Armed Forces Community does the Duty cover?

The Duty covers: currently serving members of the UK regular and reserve forces; members of British overseas territory forces who are subject to UK Service law; former members of these forces ordinarily resident in the UK; and relevant family members, including the bereaved.

1. What is the Armed Forces Covenant Legal Duty?

1A. What is the Armed Forces Covenant?

1.1. The [Armed Forces Covenant](#) is a promise by the nation, founded on the unique obligations and sacrifices of those who serve, or have served, in the Armed Forces, that they and their families, including the bereaved, should be treated fairly. This was designed to ensure that the sacrifices made by the Armed Forces Community in the national interest should not come at significant cost when accessing goods and services in the UK.

1.2. The Covenant has existed in its current form since 2011, and each year since then, the UK Government has been statutorily required to present to Parliament a Covenant Annual Report, covering all four home nations of the UK. Thousands of organisations from the public, private and charity sectors have committed their support to the Armed Forces Community by signing a pledge to honour the Covenant, or making other commitments. National and local governments have collaborated with these bodies to improve the lives of members of the Armed Forces Community. This has been done by improving access to existing goods and services, and, in some cases, by creating new bespoke services or pathways as part of special provision. A [collection of resources](#) has been published to help local bodies deliver the Covenant in their area. These cover a range of policy areas, including healthcare, education, housing, and areas that are outside the scope of the Duty, including remembrance and recognition.

1.3. The Government recognises the valuable contributions of organisations across the UK in support of the Armed Forces Covenant, and resulting significant improvement in service provision to the Armed Forces Community. However, in certain areas of public service provision, delivery of the Covenant remains inconsistent, and some members of the Armed Forces Community can still find themselves disadvantaged. From cases brought to the attention of the Ministry of Defence, Service charities, and ombudsmen, it appears a lack of awareness of issues affecting the Armed Forces Community can be a major factor in some incidents of disadvantage. This led to the creation of the Armed Forces Covenant Legal Duty in 2021, hereafter referred to as 'the Duty'. This was achieved by using the Armed Forces Act 2021 to insert the Duty into the Armed Forces Act 2006. Therefore, references throughout this Guidance to the legislation underpinning the Duty are references to the Armed Forces Act 2006 ('the Act'). Delivering on the Government's manifesto commitment, this Duty was subsequently extended by using the Armed Forces Act 2026 to further amend the 2006 Act. This Guidance describes the Duty following these 2026 changes.

1B. Who is subject to the Duty?

1.4. The people and organisations subject to the Duty are summarised in Table 1. The Act calls them ‘specified persons’.¹ This Guidance calls them ‘bodies’. They are listed in detail in the Act and [Appendix 1](#) of this Guidance.

Country	Bodies subject to the Duty
UK-wide	<ul style="list-style-type: none"> UK Government Ministers²
England	<ul style="list-style-type: none"> Local authorities (a county council, a district council, a London borough council, the Common Council of the City of London, or the Council of the Isles of Scilly) Governing bodies of maintained schools and further education institutions Proprietors of Academies Non-maintained special schools and special post-16 institutions NHS England, Integrated Care Boards, NHS Trusts, NHS Foundation Trusts
Wales	<ul style="list-style-type: none"> Welsh Ministers Local authorities (the council of a county or county borough) Governing bodies of maintained schools Local Health Boards, Special Health Authorities, and NHS Trusts
Scotland	<ul style="list-style-type: none"> Scottish Ministers Local authorities and local authority landlords Integration authorities, Health Boards, Special Health Boards, and the Common Services Agency for the Scottish Health Service Persons or bodies whose help is requested under section 23 of the Education (Additional Support for Learning) (Scotland) Act 2004
Northern Ireland	<ul style="list-style-type: none"> The First Minister and deputy First Minister in Northern Ireland acting jointly, a Northern Ireland Minister or a N. Ireland department The Northern Ireland Housing Executive The Education Authority and the Board of Governors of a grant-aided school Local Commissioning Groups, and Health and Social Care Trusts

Table 1. Summary of the bodies subject to the Duty

1.5. Some of the bodies in Table 1 oversee other organisations. As they have due regard to Covenant principles when making decisions or policies relevant to these other organisations, this should raise Covenant awareness and consideration across that whole system.

1.6. Similarly, the private and third sectors are not in scope (though some bodies in scope, such as academies, might have charitable status). However, when functions are contracted out to private companies or third sector organisations, the body responsible for that function needs to ensure that any third parties exercising functions on its behalf are required to comply with the Duty and do so in practice. Therefore, the responsible public body might wish to reflect the Duty in the contracts it has with contractors exercising functions on its behalf.

¹ See sections 343AZA(4) and 343AZB of the Armed Forces Act 2006.

² Arm’s-length bodies which exercise functions of a Minister of the Crown, on behalf of that Minister, are also subject to the Duty when exercising such functions.

1C. When are these bodies subject to the Duty?

1.7. The bodies in Table 1 are subject to the Duty when exercising any public function in certain broad policy areas.³ Examples of public functions are (note this list is not exhaustive):

- a. Making decisions about individual members of the Armed Forces Community
- b. Planning, funding, and delivering services to the population
- c. Conducting other operations, such as enforcement or public awareness initiatives
- d. Developing, setting, reviewing, or implementing a relevant policy or strategy
- e. Enacting or implementing legislation
- f. Setting standards or issuing guidance
- g. Providing accountability frameworks
- h. Collecting, analysing, and publishing data
- i. Providing information to other bodies, such as a parliament or an ombudsman
- j. Overseeing another organisation, such as an arm's-length body or a contractor

1.8. Table 2 lists the policy areas covered by the Duty for each type of body.⁴ The Act calls them 'specified matters'. These are the key policy areas that most affect the quality of life of the Armed Forces Community. The remaining chapters in this Guidance outline in more detail what each policy area covers. [Appendix 1](#) of this Guidance details which bodies are included in each category.

UK Government and Devolved Ministers listed in Table 1	Local authority bodies listed in Table 1	Education bodies listed in Table 1	Health bodies listed in Table 1
<ul style="list-style-type: none"> •Employment •Childcare •Education and training •Health and social care •Housing •Social security benefits •Personal taxation •Criminal justice •Transport •Pensions •Immigration and citizenship •Armed Forces compensation 	<ul style="list-style-type: none"> •Employment •Childcare •Education and training •Health and social care •Housing •Social security benefits •Personal taxation •Criminal justice •Transport <p>The N Ireland Housing Executive:</p> <ul style="list-style-type: none"> •Employment •Housing 	<ul style="list-style-type: none"> •Employment •Childcare •Education and training 	<ul style="list-style-type: none"> •Employment •Health and social care

Table 2. Policy areas within scope of the Duty for each type of body

³ The concept of 'relevant function', which was part of the original Covenant Legal Duty enacted through the Armed Forces Act 2021, is not part of the amended Duty enacted through the Armed Forces Act 2026.

⁴ See sections 343AZA(4-6) of the Armed Forces Act 2006.

1D. What must a body do when subject to the Duty?

1.9. When a body subject to the Duty (see [section 1B](#)) exercises a function covered by the Duty (see [section 1C](#)), it must ‘have due regard’ to:⁵

- 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 effects on such people of membership, or former membership, of the armed forces.*

1.10. This is the Covenant Legal Duty. Sub-paragraphs (a) to (c) are a summary of the Armed Forces Covenant. The Duty builds on – but is distinct from – the pre-existing voluntary Covenant pledge. **This legal obligation applies to all bodies subject to the Duty, when exercising a function covered by the Duty, whether or not that body has signed the Covenant pledge.**

1.11. The Duty is designed to raise awareness of the Covenant principles, the reasons for it, and in turn improve decision-making in respect of the Armed Forces Community. It requires that decisions about the development and delivery of specific services are made with conscious thought to the needs of those members of the Armed Forces Community in scope. That is: currently serving members of the UK regular and reserve forces; members of British overseas territory forces who are subject to UK Service law; former members of these forces ordinarily resident in the UK; and relevant family members, including the bereaved. More information about these groups is provided in [section 1J](#).

1.12. The Duty applies across the whole of the UK. However, bodies within different home nations of the UK are subject to different legal frameworks and administrative procedures underpinning the functions in scope of the Duty. The Duty works in accordance with the legal system where the body operates.

1E. Can the scope of the Duty be changed?

1.13. The Act gives the Secretary of State the power to amend, by regulations, the scope of the Duty to include additional bodies or policy areas, or omit or modify the description of a body or policy area.⁶ This is so that the Duty can be adapted to meet the changing needs of the Armed Forces Community. The Secretary of State is required to consult the Devolved Governments and other appropriate stakeholders before making regulations under this power.⁷ The Ministry of Defence will keep the operation of the Duty under review and continue to work closely with its Covenant stakeholders.

⁵ See sections 343AZA(1-2) of the Armed Forces Act 2006.

⁶ See section 343AF(1) of the Armed Forces Act 2006.

⁷ See section 343AF(7) of the Armed Forces Act 2006.

1F. What is 'due regard'?

1.14. The Act does not state what a body must do in order to 'have due regard'. How a body meets the Duty, and how the Duty is reflected in relevant policies or procedures, are therefore matters for the body in question. It is about informed decision-making, and means that bodies should think about and place an appropriate amount of weight on the Covenant principles when they consider all the factors relevant to how they carry out their functions. These other factors could include other legal obligations, the needs of other people in the population, other priorities for the body concerned, the practicalities of removing a disadvantage, and affordability. Therefore, bodies should ensure that mechanisms are in place that prompt decision-makers to assess how their decision might impact members of the Armed Forces Community in scope of the Duty. Bodies might wish to draw on their experience and practice in complying with other similar due regard duties.

1.15. Keeping written records of how key policies and decisions have been made, and documenting the factors that were taken into account in each decision, will help bodies demonstrate that they have had due regard to the principles of the Covenant, if challenged.

1G. What are the 'unique obligations and sacrifices' of Service?

The Act requires:

Due regard to the unique obligations of, and sacrifices made by, the armed forces.

1.16. Being part of the Armed Forces offers both challenge and adventure, providing those who serve with much in terms of skills and experience, as well as the opportunity to protect and serve their country. The majority of people leaving the Armed Forces do so empowered with skills, a strong team work ethic, and a resilient approach to life. However, to effectively meet the demands upon them, the Armed Forces Community faces unique obligations and sacrifices.

1.17. The unique obligations and sacrifices are the necessary disparities compared to the general population that enable the Armed Forces to function effectively. They are not breaches of the nation's moral obligation, and not Covenant disadvantages. Some of these unique obligations and sacrifices are described below. Members of the Armed Forces Community experience these obligations and sacrifices to different degrees and at different times throughout, and in some cases after, their Service career, as personal circumstances vary.

1G1. Danger

1.18. Serving members of the Armed Forces can be exposed to a wide range of threats of violence, and exposure to environments that are physically unsafe for natural, human or political reasons, with a danger of death, or short or long-term injury to physical and/or mental health. While some injuries might be temporary, others can be career-ending or life-altering. The Service person's family can also suffer significantly in these circumstances.

1G2. Geographical mobility

1.19. Serving members of the Armed Forces need to be highly geographically mobile and ready to move, depending on the Service need. Sometimes this is in response to a live military operation. Many other moves are routine, regular re-locations around the country and across the globe to ensure the effective running of the Armed Forces. In this case, family members often move with the Service person. The Service person and their family might see their lives uprooted, and a reduction in the availability of support structures, as they move away from wider family and friends. It is likely that the Service person lacks choice on timing and location, and sometimes the move is at short notice. This requirement to re-locate is likely to happen multiple times during a Service career.

1G3. Separation

1.20. Serving members of the Armed Forces might be required to spend significant periods of time away from their family, for weeks or months at a time, for example, if deployed overseas on operations. Operational requirements might mean some Service personnel (especially Naval personnel, such as submariners) cannot contact their families for months at a time, making the separation particularly tough. Or, if the Service person is required to move within the UK or is posted overseas, the family might decide to stay at home. While this helps the family to build roots and local support networks – mitigating some challenges – it also means that families can be separated long-term, or during the working week, from the Service person.

1G4. Service Law and rights

1.21. Members of the Armed Forces are normally expected to carry out a minimum term of Service. Furthermore, operational readiness requires personnel to achieve a high state of discipline and organisation. As such, Service personnel become subject to an additional system of law (Service law). This is fundamental to ensuring the effective operation of the Armed Forces. However, it requires personal sacrifices to be made. For example, personnel cannot simply opt out from a move that inconveniences them. As they are bound to serve certain engagement lengths, they must obtain permission to discharge early, rather than have the right to give notice. Members of the Armed Forces are also not permitted to be politically active or go on strike. These are rights available to most of the wider public, but not to serving members of the Armed Forces.

1G5. Unfamiliarity with civilian life

1.22. Due to the requirements of Service, the Armed Forces provides Service personnel with many essential services, including accommodation, healthcare, training, sports, clothing, and transport. There is also a separate Service Justice System. Therefore, having spent so much of their time in the Armed Forces environment, Service personnel – and their families who have been accompanying them – might lack knowledge or experience of civilian life. They might not know what services are available to them, or how to gain access to them, or they might have a general sense of disconnection from civilian society.

1G6. Hours of work

1.23. Armed Forces Regular personnel and mobilised Reserves do not receive the full benefits of working hours legislation. They are required to be available for duty 24 hours a day and 365 days a year. They might be required to work unsociable or long hours. Further, they might not be able to take all their leave entitlement, or their booked leave might be cancelled at short notice.

1G7. Stress

1.24. Members of the Armed Forces Community might experience stress as a result of the other obligations and sacrifices of Service life. For Service personnel this might be exacerbated by the pressures of the work itself, including having to conduct operations in a range of unfamiliar, dangerous, or distressing environments, and the importance of the work of protecting their country. Deployment abroad can be tough on family members, who might experience feelings such as loneliness or worry about the safety of loved ones deployed abroad. The Service partner might have the burden of acting as a single parent while the Service person is deployed. Families might also find themselves suddenly needing to take on additional caring responsibilities in the event of injury or bereavement. Members of the Armed Forces Community might suffer in silence and try to cope with issues alone, due to a perceived stigma of speaking up, or a belief that people outside the Armed Forces will not understand their experiences.

1H. What is Covenant disadvantage?

The Act requires:

Due regard to the principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the armed forces.

Disadvantage... is to be assessed by reference to others in comparable circumstances who are not, or were not, service people.⁸

1.25. This means that Covenant disadvantage is **disparity relative to others in comparable circumstances in the UK civilian general population, arising from Service** (not including those that are the 'unique obligations and sacrifices' of Service). Therefore, to qualify as a Covenant disadvantage, an issue for the Armed Forces Community must meet certain criteria:

1H1. There must be 'others in comparable circumstances' in the UK general population

1.26. The idea is to compare like with like. For example, in healthcare, it might be appropriate to compare the Armed Forces Community with civilians with similar health issues. In employment, it might be appropriate to compare veterans with civilians in similar jobs or with similar qualifications. These examples are not exhaustive.

⁸ See sections 343AZA(2)(b) and 343AZA(3) of the Armed Forces Act 2006.

1.27. As there will always be differences in the life circumstances of civilians and the Armed Forces Community, a degree of judgement is always required to decide who is a fair civilian comparator. Sometimes, different arguments support different potential comparators.

1.28. It should also be noted that the civilian comparator is determined prior to the Service-related factor that led to the disadvantage for the Armed Forces Community. For example, if a Service family is re-located by the Armed Forces, the appropriate comparator is a similar civilian family *not* required to re-locate by their work, rather than a re-locating civilian family. It is therefore important to consider what the Armed Forces' circumstances would have been if not for Service.

1.29. Since comparisons are always with comparable civilians, disparities between different groups in the Armed Forces Community are not considered Covenant disadvantages.

1.30. Also, many aspects of Service life are unique, with no one in the general population in comparable circumstances. Likewise, these cannot be Covenant disadvantages. The Covenant is most clearly relevant when the Armed Forces Community accesses goods and services provided by third parties to the whole population.

1H2. The Armed Forces Community must be having a worse experience than the civilian comparator

1.31. To qualify as a Covenant disadvantage, member(s) of the Armed Forces Community must be having a worse experience than the comparator group in the general population. A bad experience is not enough, if it matches the general population. For example, it is not a Covenant disadvantage if the Armed Forces Community has the same difficulties as civilians accessing types of care with national shortages.

1.32. While this Guidance is about potential disadvantages from Service, it should also be noted that Service also provides many benefits, which this Guidance does not cover.⁹ When assessing the overall impact of Service, it is important to weigh both positives and negatives.

1H3. The disparity must be 'arising... from membership, or former membership, of the armed forces'

1.33. The disparity must be arising from Service (also termed 'due to Service'). This is very important. Difficulties caused by other life circumstances or normal life challenges are not relevant to the Covenant or covered by the Duty. For example, needs arising naturally and solely from old age. However, deciding if someone's issue is arising from Service is sometimes challenging. For example, for veterans who left the Armed Forces many years ago.

1H4. 'It is desirable to remove disadvantages'

1.34. This principle is that it is desirable to remove all such disadvantages arising for all members of the Armed Forces Community within scope of the Duty. Any member or group in the Armed Forces Community can face disadvantage, and different groups in the Armed Forces Community experience different Covenant disadvantages. For example, currently serving personnel and their families, due to their greater geographical mobility, may be more

⁹ [Discover My Benefits](#) outlines the benefits available to those working in Defence and their families.

likely to experience related disadvantages than veterans or reservists, who may be more settled in their communities. As a result, it may be appropriate to target different measures at different cohorts in the Armed Forces Community. Complying with the Duty does not necessarily mean treating all groups in the Armed Forces Community in an identical manner.

1.35. Disadvantage can arise in many ways, but it often falls into one (or more) of the groups in Table 3. The following chapters describe some of the ways that disadvantage can arise in practice in each policy area. Note these chapters are not exhaustive; other disadvantages might arise for a variety of reasons.

Covenant disadvantage could arise if members of the Armed Forces Community...	<i>Group A:</i> ... pay more, or receive less , than others in comparable circumstances in the UK civilian general population, due to Service.
	<i>Group B:</i> ... are ineligible for something that is available to ...	
	<i>Group C:</i> ... find it harder in practice to access something than ...	
	<i>Group D:</i> ... receive something of lower quality than ...	
	<i>Group E:</i> ... wait more time to receive something than ...	
	<i>Group F:</i> ... lose something that is available to ...	
	<i>Group G:</i> ... have an otherwise worse experience than ...	

Table 3. The main ways that Covenant disadvantage could arise

1.36. Note that not all Covenant disadvantages can be removed. While it is desirable to remove as many of these disadvantages as possible, and the Duty requires bodies to consider doing so, there will always be some that cannot be removed. This could be for practical reasons, or the needs of Service might prevent it. Therefore, a disadvantage may remain even after 'due regard' has been had. To some extent, the potential to be disadvantaged is an inevitable result of the unique obligations of Service life. Personnel are compensated for this by receiving additional payments throughout their Service, even at times they are not personally being disadvantaged, specifically to account for and recognise that times of disadvantage can arise during and after Service. For example, X-Factor.¹⁰

¹⁰ For more information about X-Factor, see <https://discovermybenefits.mod.gov.uk/raf/your-pay-and-pension/x-factor/>

Myth-busting about disadvantage

Myth 1: “It’s not a Covenant disadvantage, as I’m treating the Armed Forces Community the same as everyone else.”

Yes, it can still be a Covenant disadvantage. Disadvantages often arise because the Armed Forces Community do not take part in civilian life in the same way as everyone else, or because they have unique needs. Treating them the same as everyone else is therefore actually part of the problem. Removing disadvantage is sometimes about treating the Armed Forces Community differently, so the outcome for them is the same as everyone else.

Myth 2: “It’s not a Covenant disadvantage, as the Armed Forces Community have the same experience as someone in the general population.”

Yes, it can still be a Covenant disadvantage. The Armed Forces Community do not need to have a unique experience to be disadvantaged. For example, if the Armed Forces re-locate a Service family, and the child moves school, interrupting their education, this is a valid Covenant disadvantage, even though other children in the general population also occasionally move school due to their parents’ work. However, if moving between schools became a common experience for school children in the civilian population, it would no longer be a disadvantage for Service children specifically. A degree of judgement is often required to decide if the Armed Forces’ experience has become common, so that they are no longer at a disadvantage compared to the civilian population.

Myth 3: “Every bad experience for the Armed Forces Community is a Covenant disadvantage.”

No, not every bad experience for the Armed Forces Community is a Covenant disadvantage. To qualify as a Covenant disadvantage, it must meet certain criteria (outlined above). The Covenant’s purpose is not to eliminate all bad experiences for the Armed Forces Community, but to minimise disadvantages arising from their Service, achieving parity with the general population where possible.

Myth 4: “A reduction in the Service ‘offer’ to the Armed Forces is always a breach of the Covenant.”

The Service ‘offer’¹¹ changes regularly, for many reasons. Most changes affect different cohorts of the Armed Forces Community in different ways. Many changes to the ‘offer’ have no connection to the Covenant, as they change aspects of Service with no comparator in the general population. Many other changes leave the ‘offer’ still better than what is provided in civilian life, so do not amount to a Covenant disadvantage.

¹¹ The Service ‘offer’ is the whole package of benefits provided to those serving in the Armed Forces and their families.

Myth 5: “Loss of an advantage counts as a Covenant disadvantage.”

Those in the Armed Forces Community sometimes benefit from more favourable rules than the general population. If their circumstances change, or the rules change, they might revert to the normal standard for the general population. This is not a Covenant disadvantage.

Myth 6: “One group in the Armed Forces Community having a worse experience than another group counts as a Covenant disadvantage.”

No, this does not count as a Covenant disadvantage. Covenant disadvantage is always about comparing the Armed Forces Community with the general population. It is never about comparing different groups in the Armed Forces Community with each other. The Covenant is not about providing the same experience to all members of the Armed Forces Community.

Myth 7: “The unique obligations and sacrifices of Service are Covenant disadvantages.”

The necessary disparities of Service life compared to the general population, that enable the Armed Forces to function effectively, are not breaches of the nation’s moral obligation and are not Covenant disadvantages. See [section 1G](#).

11. What is Covenant special provision?

The Act requires:

Due regard to the principle that special provision for service people may be justified by the effects on such people of membership, or former membership, of the armed forces.¹²

1.37. Covenant special provision is more favourable provision than for others in comparable circumstances in the UK civilian general population. **The Covenant recognises that special provision is usually for those sacrificing the most, such as those bereaved or injured by Service** (whether that injury is physical or mental). In contrast with the previous principle aimed at removing disadvantages, special provision is not for the Armed Forces Community as a whole. This is because the Covenant is not about giving members of the Armed Forces Community advantageous treatment as a matter of course (see [section 1K5](#)). A degree of judgement is often required to decide if special provision may be justified for a member of the Armed Forces Community.

1.38. Covenant special provision can be implemented in many ways, but it often falls into one (or more) of the groups in Table 4. The following chapters describe some of the ways it can be implemented in practice in each policy area. Note these chapters are not exhaustive; other opportunities for special provision might arise for a variety of reasons.

¹² See section 343AZA(2)(c) of the Armed Forces Act 2006.

Covenant special provision could be implemented if those sacrificing the most ...	<i>Group A:</i> ... pay less , or nothing, or receive higher payments, than others in comparable circumstances in the UK civilian general population and the rest of the Armed Forces Community.
	<i>Group B:</i> ... are eligible for something that is not available to ...	
	<i>Group C:</i> ... find it easier in practice to access something than ...	
	<i>Group D:</i> ... receive something of higher quality than ...	
	<i>Group E:</i> ... wait less time to receive something than ...	
	<i>Group F:</i> ... gain something that is not available to ...	
	<i>Group G:</i> ... have an otherwise better experience than ...	

Table 4. The main ways that Covenant special provision could be implemented

Myth-busting about special provision

Myth 1: “Treating the whole Armed Forces Community, or a broad group such as all veterans, better than the general population counts as special provision.”

No, this does not count as Covenant special provision. The Covenant does not expect the whole Armed Forces Community to receive more advantageous treatment than the general population. Bodies are of course free to implement such schemes as part of their support to the Armed Forces Community. However, such schemes should not be regarded as implementations of the Covenant. The Covenant requires consideration of special provision for those sacrificing the most, such as those bereaved or injured by Service.

Myth 2: “Support to those sacrificing the most always counts as special provision.”

Support to those sacrificing the most may count as special provision, may count as removing disadvantage, or may fall into neither category. Those sacrificing the most can face disadvantage as much as anyone else in the Armed Forces Community.

Myth 3: “Offering tailored support to the Armed Forces always counts as special provision.”

Offering tailored support to the Armed Forces is sometimes a way to remove disadvantage, sometimes a way to implement special provision, and sometimes neither.

1J. Who is in the Armed Forces Community?

1.39. The Duty covers the following four groups of people:

- a. members of the regular forces and the reserve forces;
- b. members of British overseas territory forces who are subject to Service law;
- c. former members of any of Her Majesty's forces who are ordinarily resident in the UK; and,
- d. relevant family members [of those in (a) to (c) above], including the bereaved.

1.40. These are therefore the groups of people that must be considered when complying with the Duty. These four groups are described in the next sections. The Act's collective term for everyone in these four groups is 'service people'.¹³ This Guidance uses the term 'Armed Forces Community'. Note that the functions carried out by bodies could have the potential to affect the whole of this Community, or groups or individual members within it.

1J1. 'Members of the regular forces and the reserve forces'

1.41. Under the Act, the 'regular forces' are the Royal Navy, the Royal Marines, the regular Army and the Royal Air Force. This group therefore includes all currently serving members of these forces. Citizens of some other countries can join these forces, and they are included in this group.

1.42. This group also includes all currently serving members of one of the volunteer reserve forces (the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve and the Royal Auxiliary Air Force) or the ex-regular reserve forces (the Royal Fleet Reserve, the Regular Reserve and the Royal Air Force Reserve). The volunteer reserve forces are mainly made up of individuals who have civilian jobs and volunteer to serve as a reservist, which involves training in the evening and on weekends and annual training camps. The ex-regular reserve forces are made up of former members of the regular forces who have civilian jobs but are required to be a member of a reserve force for a set period and may have to undertake training to maintain or augment their skills. Reservists are liable to be compulsorily mobilised for set periods of full-time service, during which time they can be deployed in the same way as regulars; in practice reservists are mostly selected for mobilisation only if they agree to this in advance. Reservists do active service on operations alongside regulars, normally when they are serving under particular types of commitment or have been mobilised.

1.43. People in this category are in scope of the Duty wherever they are located – in the UK or abroad. This contrasts with veterans who are within scope of the Duty only if they are ordinarily resident in the UK (see [section 1J3](#)).

1J2. 'Members of British Overseas Territory Forces who are subject to Service law'

1.44. A 'British Overseas Territory Force' is 'any of Her Majesty's forces that is raised under the law of a British Overseas Territory'.¹⁴ This group therefore comprises the **currently serving members of the British Overseas Territories' Armed Forces**. For example, a

¹³ See section 343B(1) of the Armed Forces Act 2006.

¹⁴ Section 343B(4) of the Armed Forces Act 2006.

member of the Royal Bermuda Regiment or the Royal Montserrat Defence Force. People in this group are not members of the UK Armed Forces. They are also not to be confused with British Forces Overseas, who are members of the UK Armed Forces that have been posted to other countries.

1.45. People in this group are in scope of the Duty **when they are subject to UK Service law**. This is while they are ‘undertaking any duty with or training with a [UK] regular or reserve force’.¹⁵ There are times when a member of a British Overseas Territory Force is deployed to the UK for a period, for example, to deliver training to UK Armed Forces. They might also be accompanied by their family members depending on the duration of the posting. The UK Armed Forces take care of British Overseas Territory personnel in the UK.

1.46. While it might be rare for specified bodies in the UK to encounter these personnel, specified bodies should regard the British Overseas Territory Forces who are subject to Service law as part of the Armed Forces Community in terms of the Covenant Duty.

1J3. ‘Former members of any of Her Majesty’s forces who are ordinarily resident in the UK’

1.47. Under the Act, ‘Her Majesty’s forces’ means the UK regular and reserve forces and the British Overseas Territories’ Armed Forces. Therefore, included in this group are: **former members of the UK regular and reserve forces**, that is, former members of the forces listed in [section 1J1](#), noting this includes those who served in the UK Armed Forces as part of Wartime Conscription and National Service; and **former members of British Overseas Territories’ Armed Forces**. A former member of any of these forces is anyone who has served for at least one day. The term ‘Her Majesty’s forces’, as it is used in the Act, does not include the Armed Forces of other Commonwealth countries or wider groups such as the Merchant Navy. Therefore, former members of these other groups are not within scope of the Duty. (Though some could still be considered under the broader Covenant, see [section 1J5](#).)

1.48. People in this group are in scope of the Duty **if they are ordinarily resident in the UK**. The Act does not provide any further definition of ‘ordinarily resident in the UK’.

1.49. These individuals are also known as ‘veterans’ or ‘ex-Service personnel’, and this Guidance uses the term ‘veterans’ for this group. The [2021 census of England & Wales](#) found there are just over 1.85 million veterans in England & Wales, making up 3.8% of usual residents aged 16 years and over. It also found that veterans in England & Wales are predominantly male (86.4%), and just over half (53.0%) are aged 65+, though both of these characteristics are changing as the veteran population becomes younger and more diverse. [Scotland’s Census 2022](#) found that 176,100 people had previously served in the UK Armed Forces, 3.9% of people aged 16 and over.

1.50. There are several reasons why someone might leave the Armed Forces, such as expiration of contract, resignation, medical and compassionate reasons, and misconduct. No matter the reason for discharge, all such veterans benefit from the Covenant Duty.

¹⁵ Section 369 of the Armed Forces Act 2006.

1J4. 'Relevant family members'

1.51. The definition of 'relevant family members' for the purposes of the Duty is set out in the [Armed Forces \(Covenant\) Regulations 2022](#).¹⁶ Note that elsewhere in this Guidance, the term 'Service families' is used for ease of reference, therefore, references to Service families are references to 'relevant family members'.

1.52. Service life primarily impacts on family members as a result of their cohabitation with, or dependency on, a member or former member of the Armed Forces. It is this connection that is therefore the basis of the definition. Functions carried out by specified bodies can affect different groups in different ways. Some functions may have the potential to affect some categories of family members more than others or not at all.

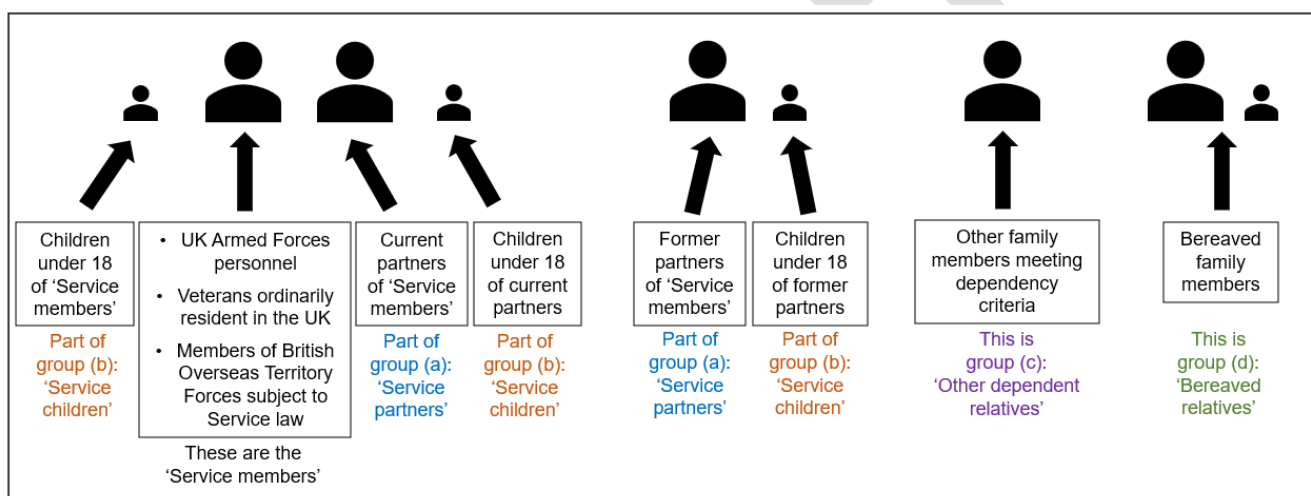


Figure 1: Illustration of the four groups of family members covered by the Duty

1.53. The following four groups of people are prescribed in the Regulations as relevant family members. They are illustrated in Figure 1. They are family members of the current and former members of the Armed Forces described in [section 1J1](#), [1J2](#), and [1J3](#), collectively known as 'Service members'.¹⁷ References below to Service members includes references to former Service members.

- 'Service partners'**: This comprises the **current and former** spouses and civil partners of 'Service members', and any person whose relationship with a 'Service member' is or was formerly 'akin to a relationship between spouses or civil partners', such as a cohabiting couple in a committed relationship. It should be remembered that 'Service members' might be required to live away from their partner on posting or deployment for a considerable period (see [section 1G](#)), but this should not be taken as affecting whether they are in such a relationship.

This group includes former partners who are no longer in a relationship with a 'Service member'. This is because they can continue to be impacted by Service life following a break-up from a 'Service member', particularly if they have children together. Including former partners ensures they can receive appropriate consideration as they become

¹⁶ The Armed Forces (Covenant) Regulations 2022 are made under section 343B(4) of the Armed Forces Act 2006.

¹⁷ See section 343B(4) of the Armed Forces Act 2006.

independent of the 'Service member', for example, to take account of the former partner's first re-location after the end of the relationship.

- b. **'Service children'**: This comprises children (including adopted children) under the age of 18 of 'Service members' or 'Service partners' (as defined above). It also includes any other children under the age of 18 that are otherwise the responsibility of 'Service members' or 'Service partners'. This is the case if the 'Service member' or 'Service partner' has parental responsibility for the child, if the child is wholly or mainly financially dependent on them, or if the child is someone for whom they have assumed regular and substantial caring responsibilities (such as a foster child or a guardianship).

Whilst the impact of Service life on children of serving members of the Armed Forces may be more easily apparent, children of veterans are included as they can experience disadvantages arising from Service life after their parent(s) have left Service. This could be the continuation of a disadvantage first experienced while their parent(s) were in Service, or a new disadvantage experienced due to the family's resettlement out of the Armed Forces into civilian life.

Note that, while children under 18 are relevant family members via this 'Service children' category, upon turning 18 they might continue to be relevant family members under the next category of 'other dependent relatives'.

- c. **'Other dependent relatives'**: This comprises the relatives (including through adoption) of 'Service members' or 'Service partners' (as defined above) that
- have a dependency as follows:
 - (i) **living in the same household** as the 'Service member'. 'Service members' might be required to temporarily live elsewhere, either for a set period of time or during the working week, due to postings or deployments (see [section 1G](#)). In such cases, where the relative would otherwise be living with the 'Service member' (but for the fact the 'Service member' is away for Service reasons) they are still to be considered a member of the Service member's household; or
 - (ii) **wholly or mainly financially dependent** on the 'Service member' or 'Service partner'; or
 - (iii) someone for whom the 'Service member' or 'Service partner' **has assumed regular and substantial caring responsibilities**, such as those with additional needs who may be otherwise unable to care for themselves.
 - and have the following relationship with the 'Service member' or 'Service partner':
 - (a) a parent, step-parent, son, daughter, stepson, stepdaughter, grandparent, step-grandparent, great-grandparent, step-great-grandparent, grandchild, step-grandchild, great-grandchild or step-great-grandchild;
 - (b) the brother, sister, uncle, great-uncle, aunt, great-aunt, niece, great-niece, nephew, great-nephew or first cousin (whether of the full blood or of the half blood or by marriage or civil partnership);

(c) any person aged 18 or over who was the responsibility of the 'Service member' or 'Service partner' as a child. Being the responsibility of a 'Service member' or 'Service partner' has the same meaning as in the 'Service children' category above. This ensures this group will continue to be relevant family members when they are adults where there is a level of dependency.

- d. **'Bereaved relatives'**: When a 'Service member' is deceased, this comprises any person who was a relevant family member under one of the above categories immediately before the Service member's death.

1J5. Groups not within scope of the Duty

1.54. For the purposes of the Duty, the Armed Forces Community includes only the four groups above. This is because the Duty is about supporting members of the Armed Forces and their families. While other people may also have taken part in military operations or suffered through war, those serving in the Armed Forces and their families have a unique relationship to Defence and the nation. Therefore, it is right that the Duty focuses on them. While not required by the Duty, bodies may recognise a broader obligation under the spirit of the Covenant and consider the needs of individuals in these wider groups if their circumstances merit it. For example, members of the civil service or Merchant Navy that have seen duty on defined military operations.

1.55. Some groups are not within scope of either the Duty or the broader Covenant. The Armed Forces of other nations, such as NATO and Commonwealth countries, are not within scope of either the Duty or the broader Covenant (the only other countries in scope are British Overseas Territories). Also, Cadets and Adult Volunteers in the Cadet Forces are not members of the UK Armed Forces, and are not within scope of either the Duty or the broader Covenant.

1K. The Duty: What it is not

1K1. It does not mandate any approaches to compliance, or the removal of any specific disadvantage

1.56. The Duty is not prescriptive about the approach a body should take in order to comply with their legal obligations. While it is desirable to remove Covenant disadvantages, this may not always be feasible, or the desirability of removing disadvantages may be outweighed by other considerations (see [section 1H4](#)). As such, the Duty does not mandate that any particular conclusions are reached, any specific disadvantages are removed, or that special provision is offered in any individual case. The actions and outcomes that bodies deem appropriate will vary across the country depending on local circumstances. The exercise of the Duty should be proportionate. It does not require a body to act outside of its principal functions.

1K2. It does not invalidate existing Covenant pledges

1.57. The Duty does not abolish or replace existing Covenant pledges and other commitments. Public and private bodies will still be encouraged to honour these. Similarly, the Covenant pledge will remain open for new bodies to sign up to, should they wish to do so.

1K3. It does not cover every issue affecting the Armed Forces Community

1.58. Some issues affecting the Armed Forces Community are not covered by the Covenant so cannot be within scope of the Duty. The Covenant's purpose is to address the negative experiences of the Armed Forces Community, arising from Service life, in the provision of public and commercial services. Many matters affecting the Armed Forces Community do not fall within this category.

1K4. It does not supersede or replace other statutory duties

1.59. The Duty does not supersede or replace any other statutory requirement. Those subject to the Duty must balance the requirements of the Duty with the need to deliver services more generally and the need to satisfy other statutory requirements, such as the Public Sector Equality Duty in England, Scotland and Wales, or the statutory duty on public authorities regarding equality of opportunity in s.75 of the Northern Ireland Act 1998. In particular, the Covenant does not allow for treatment in favour of members of the Armed Forces Community that would directly or indirectly discriminate against groups with protected characteristics under the Equality Act 2010. However, the need to satisfy another statutory requirement in the short term does not preclude investigating if that requirement should be adjusted in the longer term, if this could potentially increase consistency with the Covenant.

1K5. It is not an entitlement to preferential treatment

1.60. Advantageous treatment as a matter of course is not within scope of the Duty, such as offering discounts to all through the Defence Discount Service, or to a broad group through the Veterans Railcard. However, bodies are still free to implement such schemes as part of their support to the Armed Forces Community. Similarly, the Duty does not give an individual any automatic right to the best house, best school, or to jump a queue. However, special provision can sometimes be justified (see [section 11](#)).

1K6. It is not a package of benefits

1.61. The Covenant is not a package of benefits, entitlements or compensations. Rather, it is a promise with enduring principles about how the Armed Forces Community should be treated fairly, which are implemented every day in many different ways and to varying degrees by thousands of organisations across the UK, and across the public, private and third sectors. To find out about the package of benefits available to those working in Defence and their families, please instead visit [Discover My Benefits](#).

1K7. It is not a guarantee of being looked after for life

1.62. The Covenant is about how organisations can treat the Armed Forces Community fairly, compared to other people in the wider population. It is not about guaranteeing they are looked after for life, and it does not create any entitlement to a particular minimum level of support.

2. The Duty in practice: Health and social care

Summary

2.1. Members of the Armed Forces Community mostly have similar levels of health to the general population, though some have particular health and social care needs arising from Service. Health and social care disadvantages include the following.

- a. **Challenges in accessing care, or the right kind of care.** Members of the Armed Forces Community might find it harder than non-Service patients to gain access to the health and social care they need, if:
 - (1) bodies lack awareness of the composition of their local Armed Forces Community and their health and social care needs ([section 2B1](#));
 - (2) health and social care professionals do not know which of their patients are in the Armed Forces Community ([section 2B2](#));
 - (3) health and social care professionals do not fully understand, or have experience of treating, the care needs arising from Service ([section 2B3](#));
 - (4) care professionals are unaware of the services provided for the Armed Forces Community by the NHS, local authorities and third sector ([section 2B3](#));
 - (5) Service families re-locate for Service reasons and lose access to care services they received in their previous location ([section 2C5](#));
 - (6) Service families re-locate for Service reasons and lack knowledge of the health and social care and support services available to them in their new local area ([section 2C5](#)); or
 - (7) Service families re-locate for Service reasons and lose access to health or social care professionals with whom they have an established relationship, and who have experience of treating them and understand their individual care needs ([section 2C6](#)).
- b. **Delays in receiving treatment or care.** Members of the Armed Forces Community might wait longer for treatment or care if they are required to re-locate for Service reasons, and:
 - (1) having already spent time on a waiting list in their previous location, they are placed at the back of the waiting list in their new location ([section 2C2](#));
 - (2) they have to join a waiting list to resume treatment or care that had begun at their previous location ([section 2C3](#));
 - (3) health and social care professionals in the new location decide to conduct a reassessment ([section 2C4](#));
 - (4) there are delays relating to support for Service children with additional needs ([sections 2C4](#) and [3B8](#));
 - (5) there is a lack of clarity as to which funding arrangements apply after a re-location ([section 2D](#)); or
 - (6) there are delays in passing on information ([section 2E](#)).

2.2. There is also potential for Covenant disadvantage to arise if there is a disparity between the healthcare services provided by Defence Medical Services and the NHS, without justifiable reasons ([section 2F](#)).

2A. What does ‘health and social care’ cover?

2.3. Bodies subject to the Duty in the policy area of ‘health and social care’ (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. Therefore, the Duty covers UK and Devolved Ministerial departments, local authorities, and NHS bodies, when exercising any functions relating to any aspect of health or social care provided by any institution (not only public sector). For example, regulation of private sector care. Other bodies, such as individual dental and GP practices, and private or charitable care providers, are not themselves subject to the Duty. However, as UK and Devolved Ministerial departments have due regard to Covenant principles when making decisions or policies relevant to these other bodies, this should raise Covenant awareness and consideration across the whole sector.

2.4. **Healthcare:** Both the NHS and MOD’s Defence Medical Services (DMS) provide healthcare to the Armed Forces Community, and both are covered by the Duty. Members of the Armed Forces Community are provided with healthcare as follows:

- a. **Full-time Service personnel:** Responsibility for the healthcare of full-time Service personnel is split between DMS and the NHS. DMS provides a range of healthcare services for Service personnel in the UK and overseas, including primary care and mental health care. Secondary care, such as specialist referrals, hospital admissions and emergency care, is normally provided by the NHS.¹⁸
- b. **Veterans** primarily receive their healthcare from the NHS, while also having access to some dedicated and bespoke support services. Most veterans have similar levels of health to the general population (after accounting for demographic differences),¹⁹ but a small minority require ongoing care due to the effects of their Service. Veterans might have healthcare requirements resulting from Service, or they might have pre-existing issues exacerbated by Service.
- c. **Reservists** that are mobilised into a period of full-time Service receive occupational health advice and care from DMS. When not deployed on full-time Service, their healthcare needs are primarily the responsibility of the NHS.
- d. **Service families** normally receive their healthcare via the NHS in the same way as non-Service families, though they can sometimes receive care from DMS. Therefore, Service families living and moving with the Service person are usually required to register with an NHS GP, and access treatment from a dentist, in each location.

2.5. **Social care:** MOD does provide some welfare support to serving personnel and their families. However, the social care needs of the Armed Forces Community are primarily met by local authorities or by self-funded care, alongside the general population.

2.6. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard

¹⁸ For more information, see [Healthcare for the Armed Forces community: a forward view](#)

¹⁹ For more information, see [Characteristics of UK armed forces veterans - ONS](#)

can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

2.7. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

2B. Understanding the health and social care needs of the local Armed Forces Community

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community is less likely than comparable civilian patients to be provided with the care most appropriate to their circumstances, due to professionals not understanding their needs arising from Service, or the dedicated services available, this could be Covenant disadvantage. (Group D: 'receive something of lower quality than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to train its professionals in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

2.8. Bodies and professionals will need to understand the health and social care needs of the local Armed Forces Community. Without this, the Armed Forces Community might experience challenges in accessing care, or the right kind of care.

2B1. Understanding local need in order to plan the provision of services

2.9. Bodies with a planning or commissioning role are heavily dependent on having a detailed understanding of local population demographics. Members of the Armed Forces Community can be present anywhere in the country. Bodies should therefore have a good awareness of the composition of their local Armed Forces Community and their health and social care needs. This can include local authorities when undertaking their role in producing Joint Strategic Needs Assessments or Population Needs Assessments, which look at current and future health and care needs of local populations.

2B2. Identifying service users from the Armed Forces Community

2.10. An awareness by bodies and professionals of those using their care services who are members of the Armed Forces Community will help to improve the way in which their needs are met. See [chapter 14](#) for more information.

2B3. Professionals' knowledge of health and social care issues relevant to the Armed Forces Community

2.11. The 'unique obligations and sacrifices' of *danger* and *stress*²⁰ can result in members of the Armed Forces Community (including veterans and Service families) requiring treatment or care for physical or mental injuries arising from Service, or for pre-existing issues exacerbated by Service. Service in the Armed Forces may result in a number of conditions, including:

- a. Sensory disorders (such as hearing loss).
- b. Musculoskeletal injuries such as fractures, dislocations, and other conditions.
- c. Amputations, wounds, scarring and non-freezing cold injury (NFCI).
- d. Mental disorders (such as stress, anxiety and depression, post-traumatic stress disorder (PTSD), or moral injury). Some veterans might suffer from Dual Diagnosis, consisting of mental disorder related to Service caused by trauma experienced during active Service, and substance self-medication to manage this.

2.12. Health and social care professionals might not fully understand the health conditions and care needs that can arise from Service, or they might not have experience of treating them. Care professionals might also be unaware of the dedicated services provided for the Armed Forces Community by the NHS, local authorities and third sector, that address their needs. These issues can result in members of the Armed Forces Community not being provided with the most appropriate care, or the right kind of care. Ensuring care staff have an awareness of the care services available, and that they and their establishments signpost the Armed Forces Community to these services, can lead to improved care outcomes.

2C. Provision of services

2C1. Priority treatment

What could count as Covenant special provision in this area?

Priority treatment for members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, compared to other similar civilian patients and the rest of the Armed Forces Community, could be Covenant special provision. (Group E: 'wait less time to receive something than others in comparable circumstances in the civilian general population and the rest of the Armed Forces Community'.²¹)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to provide priority treatment in any particular cases. This might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

²⁰ The 'unique obligations and sacrifices' in *italics* throughout this chapter are explained in [section 1G](#).

²¹ The broad groups of Covenant special provision are outlined in [section 1I](#).

2.13. Members of the Armed Forces Community might suffer physical or mental injuries caused by the 'unique obligations and sacrifices' of *danger* and *stress*. The prioritisation of their care by healthcare providers is always subject to clinical need and will be clinically determined. Members of the Armed Forces Community are not entitled to jump the queue ahead of someone with a higher clinical need. However, there is a commitment that veterans in Great Britain may be considered for priority access to NHS services providing focused treatment for conditions arising from their Service, compared to non-Service patients with the same level of clinical need. This is a clinical decision made by the relevant physician. More information about prioritisation, and veteran-specific services through the NHS, is available for [England](#), [Wales](#) and [Scotland](#).

2C2. Waiting lists

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community waits longer for treatment, or for other care services, than comparable civilian patients, due to re-locating for Service reasons, this could be Covenant disadvantage. (Group E: 'wait more time to receive something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to give a member of the Armed Forces Community moving into their area the same waiting time they had remaining in their previous location. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

2.14. Due to the 'unique obligation and sacrifice' of *geographical mobility*, members of the Armed Forces Community on a waiting list for treatment, or other health or social care services, in one area might be required to move to another area before they are treated or provided with those services. If they are placed at the back of their new waiting list, they might experience delays in receiving treatment, and they might have to wait significantly longer compared to non-Service patients who are able to stay in one place.

2.15. While the fundamental NHS principle of treatment on the basis of clinical need remains paramount, health and social care staff should be aware that patients from the Armed Forces Community might have already waited a considerable time for treatment in another locality and that their re-location might not have been made by choice. As such, care staff may wish to consider total time spent on waiting lists, both inside and outside the local area, and ensure that the member of the Armed Forces Community keeps the same remaining time on the waiting list in their new area, when possible.

2.16. Bodies will also find it useful to consider if transfers between providers' waiting lists can be requested to ensure that relative places on waiting lists are maintained. Failing this, the sharing of appointment letters and making specific requests to retain places on waiting lists might also help significantly.

2.17. If a decision on waiting lists can only be made with information provided by the previous clinician, then providing information on the length of time the patient has already waited can help the patient's new clinician in the prioritisation process.

2C3. Interruptions to care when re-locating

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community experiences gaps in care, due to re-locating for Service reasons, this could be Covenant disadvantage. (Group E: 'wait more time to receive something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to ensure care provided to a re-locating member of the Armed Forces Community continues uninterrupted. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

2.18. Some health conditions or treatments are of long duration, and the member of the Armed Forces Community might have to re-locate while in the middle of receiving the course of treatment, or other health or social care services. In this case, the treatment could be interrupted if they have to join a waiting list to resume the treatment in their new location. Health and social care bodies will find it useful to consider how treatment plans can continue with minimal disruption, and continuity of care can be maintained, after re-locations. Similarly, members of the Armed Forces Community with a statutory care plan may have it discontinued when posted abroad. They might need to restart the process upon their return, which can result in gaps in support.

2C4. Reassessments when re-locating

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community faces additional delays to their treatment, or other care services, due to reassessments after re-locating for Service reasons, this could be Covenant disadvantage. (Group E: 'wait more time to receive something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it should not conduct a reassessment. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors ([section 1F](#)).

2.19. If a member of the Armed Forces Community re-locates to a new area due to the 'unique obligation and sacrifice' of *geographical mobility*, the health and social care professionals in the new location might decide to conduct a reassessment of their condition.

Care professionals should be aware that they might have already experienced a prolonged wait time for treatment, or other care services, and so any decision to conduct a new assessment, or 'go back to square one', could add additional delays, or cause them additional stress. In some cases, the member of the Armed Forces Community might subsequently be required to move again before treatment or care can commence or resume.

2.20. This can be a particular concern for those Service children with additional needs. Delays to assessments or reassessments associated with the authorisation of statutory plans can see Service children with such needs suffer a delay in the provision of support (see [section 3B8](#)).

2C5. Local variability in care services

2.21. The provision of care services varies locally and across the different home nations of the UK, to reflect different local approaches to care, and different needs and priorities. Therefore, when members of the Armed Forces Community are required to re-locate, they could move to an area with different services or access criteria. This could lead to a lack of access to special services, such as Speech and Language Therapy, Occupational Therapy, and Child and Adolescent Mental Health Services, that were being provided to the member of the Armed Forces Community in their previous location.

2.22. The local variability in services, along with the possibility of *unfamiliarity with civilian life*, could also lead to a lack of knowledge amongst the Armed Forces Community of the health and social care and support services available to them in their new local area, thereby affecting their ability to access local care services.

2C6. Relationship with healthcare professionals

2.23. Due to the 'unique obligation and sacrifice' of *geographical mobility*, members of the Armed Forces Community might have to leave a location where they have an established relationship with their local health or social care professionals. While they could continue to see the same care professionals after they move, in practice this can be unrealistic, and they will usually need to receive care from new care staff, and register with a new GP practice. When that is the case, although medical records are transferred between care providers, the member of the Armed Forces Community can lose access to health or social care professionals with whom they have an established relationship, and who have experience of treating them and understand their individual care needs. Should they subsequently return to the area, they might find they are unable to re-register with their original GP practice if the register is full.

2C7. Provision of tailored services

What could count as Covenant special provision in this area?

Providing bespoke services to members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, not available to other similar civilian patients and the rest of the Armed Forces Community, could be Covenant special provision. (Group B: 'eligible for something that is not available to others in comparable circumstances in the civilian general population and the rest of the Armed Forces Community'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to provide bespoke services to those sacrificing the most. This might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

2.24. Sometimes, bespoke services or pathways may be justified to meet the distinct needs of the Armed Forces Community. Alternatively, it may be beneficial to tailor health advice to members of the Armed Forces Community to take account of the 'unique obligations and sacrifices' of Service life (as described in [section 1G](#)).

2C8. Means tests

2.25. Some social care services are means tested. See [chapter 15](#) for more information about Covenant disadvantage and special provision in the context of means tests.

2D. Planning and funding

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community is ineligible for treatment or other care services, or faces additional delays, after returning to the UK from a posting abroad, this could be Covenant disadvantage. (Group B: 'ineligible for something that is available to others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to take any particular steps to resolve such issues. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

2.26. Due to the 'unique obligation and sacrifice' of *geographical mobility*, members of the Armed Forces Community might be posted abroad. If local service provision abroad is inadequate, they might have their healthcare delivered by the MOD, through the Defence Medical Services. If local service provision is adequate, international agreements might be in place for free or discounted healthcare services to be provided to the Armed Forces and their

families. When these members of the Armed Forces Community are then posted back to the UK, they might experience delays in receiving treatment, or a refusal of treatment, if it is not clear which funding arrangements should apply to them. The rules for what services are available, and who is eligible for them, might also differ within different areas, and between the four nations of the UK.

2E. Co-operation between bodies and professionals

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community faces additional delays to their treatment, or other care services, after re-locating for Service reasons, due to delays sharing information, this could be Covenant disadvantage. (Group E: 'wait more time to receive something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to take any particular steps to improve information sharing. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

2.27. If members of the Armed Forces Community are required to re-locate, and insufficient information is passed between systems and staff, or if there are delays in passing on information, this can cause distress, impact continuity of care, and cause delays in receiving treatment, or they might even have to start again.

2.28. Scotland: under section 23 of the Education (Additional Support for Learning) (Scotland) Act 2004, education authorities can request help from other agencies in their exercise of functions under that Act. Health Boards in Scotland should be aware that they might be called upon to support education authorities in this way. For more information, see [section 3B8](#).

2.29. The Covenant does not create any entitlement to preferential treatment for members of the Armed Forces Community. However, a body subject to the Duty may decide preferential treatment is justified for those sacrificing the most, such as the injured or bereaved.

What could count as Covenant special provision in this area?

Sharing information more quickly for members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, than for other similar civilian patients and the rest of the Armed Forces Community, could be Covenant special provision. (Group E: 'wait less time to receive something than others in comparable circumstances in the civilian general population and the rest of the Armed Forces Community'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is

required to share information more quickly for those sacrificing the most. This might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

2F. MOD's provision of healthcare services

What could count as Covenant disadvantage in this area?

If there is a disparity between the healthcare services provided by Defence Medical Services and the NHS, without justifiable reasons, this could be Covenant disadvantage. (Group D: 'receive something of lower quality than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to modify the healthcare services in either system in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

2.30. Some healthcare services for the Armed Forces Community are provided by MOD's Defence Medical Services (DMS). Covenant disadvantage is assessed by comparing them with healthcare services for others in comparable circumstances in the UK general population.

2.31. Some elements of DMS healthcare are unique, with no comparator in the general population. No comparison can be made in such cases, so they cannot be sources of Covenant disadvantage, and the Duty of due regard cannot apply.

2.32. However, it might be appropriate to compare some aspects of DMS healthcare services with similar NHS services. If an appropriate comparator has been identified, comparisons should still be approached with caution, as the specific needs of Service may justify alternative procedures or approaches. It is also important to recognise that DMS and the NHS receive funding from separate sources, and have distinct healthcare commissioning intentions, with different goals and priorities, because they serve populations with different needs. This means that services will not always be the same, and it is a complex picture.

2G. Issues that are not Covenant disadvantages

2.33. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant's moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

2.34. **Issues not arising from Service** or that **match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if the Armed Forces Community face:

- a. Care needs when Service has neither caused the need nor affected its treatment. For example, needs arising naturally and solely from old age.
- b. The usual waiting times for NHS treatment or social care services.
- c. The normal challenges accessing types of care with national shortages.
- d. Not qualifying for care, or not being prioritised for care, for reasons unrelated to Service in the Armed Forces.

2.35. **Members of the Armed Forces Community may be exposed to a wide range of threats, with a danger of death, or short or long-term injury to physical and/or mental health.** This *danger* is one of the 'unique obligations and sacrifices' of Service (see [section 1G1](#)), and a necessary part of Service life. It is not itself Covenant disadvantage.

2.36. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)). For example, if two members of the Armed Forces Community access healthcare in different ways, after being posted to different locations by the Armed Forces.

DRAFT

3. The Duty in practice: Education and training

Summary

3.1. Many Service children are educated in state-funded schools in the same way as non-Service children ([section 3A](#)). Many Service children thrive, but the following education-related disadvantages can arise.

- a. **An interrupted education** can arise if a Service family is required by the Armed Forces to re-locate, and moves between schools are not well managed ([section 3B2](#)), or if the child is placed in a new school that uses different curriculums or different exam boards, or if they experience multiple moves at important stages in their education. A child's educational attainment can also be affected if they have to help care for other family members while a serving parent is deployed, and if their mental wellbeing is affected (see below). ([Section 3B3](#))
- b. **A disrupted social experience** can arise if a Service family is required by the Armed Forces to re-locate, and the child has to make new friendships in a new school. If the child is not able to be placed in a school inside their local community, they might find it harder to develop out-of-school friendships, or access extra-curricular activities at school. ([Section 3B4](#))
- c. **Mental wellbeing can be affected** by a disrupted social experience and the other disadvantages, by losing access to support structures such as friends and teachers, due to a re-location, or if they are unable to be placed in the same new school as their siblings. The separation from a serving parent, and worry for their safety, also affects wellbeing. ([Section 3B4](#))
- d. **A longer journey time to school, or a more difficult journey**, can result if a Service family is required to re-locate outside the normal admissions round, and the child cannot be placed in a school close to their new home. ([Section 3B6](#))
- e. **Being unable to take holidays with parents during normal school holiday periods** if the serving parent can only return home during term-time. ([Section 3B7](#))
- f. **Delays relating to support for Service children with additional needs.** ([Sections 2C4](#) and [3B8](#))

3.2. There is also potential for education-related disadvantages for Service children living abroad. ([Section 3C](#))

3.3. The Armed Forces train their personnel. There is potential for disadvantage to arise if an aspect of this training can be compared with training provided to similar people in the UK general population, and there is a disparity without justifiable reasons. ([Section 3D](#))

3A. What does 'education and training' cover?

3.4. Bodies subject to the Duty in the policy area of 'education and training' (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. Therefore, the Duty covers UK and Devolved Ministerial departments, local authorities, and certain state-funded schools and colleges, when carrying out functions related to any type of education or training (not limited to compulsory education) that is provided by any institution (including those that are not state-funded). Other institutions, such as nurseries (for early years education), private schools, and higher education institutions, are not subject to the Duty. However, as UK and Devolved Ministerial departments have due regard to Covenant principles when making decisions or policies relevant to these other bodies, this should raise Covenant awareness and consideration across the whole education sector.

3.5. Members of the Armed Forces Community access state-funded education as follows:

- a. Most engagement by **full-time Service personnel, Reservists** and **veterans** with the state-funded education sector is as a parent or carer of a child in a state-funded school. In England, where there is a statutory duty to participate in education or training until one's 18th birthday, some Reservists may be under 18 and in state education, and some veterans might also require state-funded education should they be released from Service before they are 18.
- b. Many **Service children** are educated in state-funded schools in the same way as non-Service children. Many thrive, but they can suffer a range of educational disadvantages as a result of Service life. Service children might have to move school a number of times, as they accompany their serving parent(s). Statistics indicate that on average Service children move schools much more frequently than their non-Service peers during their education. School moves might happen in the middle of an academic year. While non-Service families might face similar issues, Service families are likely to move more frequently, and as a result of a mandatory requirement in Service to their country. It should also be noted that Service children can face a number of these disadvantages at the same time. For example, difficulties with admissions to a new school after a re-location could affect both the child's educational attainment and wellbeing. The Department for Education and Ministry of Defence have produced non-statutory guidance to help state-funded schools and local authorities in England understand and support the needs of Service pupils: [Service Pupils in Schools: Non-statutory guidance](#).

3.6. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

3.7. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

3B. Service children in UK state-funded education

3B1. Identifying Service children

3.8. Bodies should have an awareness of which children in their school(s), due to move to their school(s), or in their care, are Service children. This will help to improve the way these children's needs are met. [Section 1J4](#) describes who is included in this category 'Service children' and therefore covered by the Duty. Note it is not only children of currently serving personnel that are included, but also children of veterans. See [chapter 14](#) for more information about identifying members of the Armed Forces Community.

3B2. School admissions

What could count as Covenant disadvantage in this area?

If a Service child's education is interrupted because moves between schools are not well managed, when re-locating for Service reasons, this could be Covenant disadvantage. (Group D: 'receive something of lower quality than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to admit a Service child to a specific school, or take any particular action to support moves between schools. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors ([section 1F](#)).

3.9. Due to the 'unique obligation and sacrifice' of *geographical mobility*,²² Service children might have to move school a number of times. They might experience an interrupted education if moves between schools are not well managed. The effectiveness of a pupil's transfer is affected by the speed with which they are assigned to a new school, the time taken for records to be transferred, the quality of the information included, and how quickly action is taken. Timely transfer of school records (including information on curriculum areas covered and outcomes achieved) means the receiving school has access to vital information about the child and their progress, and avoids delays in the provision of appropriately differentiated teaching and learning, or in any necessary support being made available. Moves between schools in different home nations of the UK can be more complicated than moves between schools in the same home nation, due to differences in the educational systems. This can lead to a less timely transfer of information, and delays in the provision of appropriate teaching or support.

3.10. A number of disadvantages around child wellbeing ([section 3B4](#)) and travel to school ([section 3B6](#)) could be mitigated if children are able to be placed in a school close to where they live, and if Service children siblings can be placed in the same school, depending on other factors such as their ages, whether primary or secondary, and whether there are places available. Disadvantages around educational attainment ([section 3B3](#)) can be mitigated if

²² The 'unique obligations and sacrifices' in *italics* throughout this chapter are explained in [section 1G](#).

children can be placed in a school that uses similar curriculums to their previous school. (This might not always be possible, for example if relocating between different nations of the UK.)

3.11. The School Admissions Codes for [England](#) and [Wales](#) both include requirements relating to children of Service personnel. The Code for England requires admission authorities to ensure that ‘arrangements in their area support the Government’s commitment to removing disadvantage for service children’. Both Codes require admission authorities to allocate a school place to a Service child in advance of the family moving to the area (as long as one is available), provided the application is accompanied by an official letter that declares a re-location date. Where requested by the parent, admission authorities are able to use a unit or quartering address (or, in England, a private address) as the child’s home address when considering an application. The Code for England gives admissions authorities the option to include children who are eligible for Service Pupil Premium funding to be included in their oversubscription criteria, and both Codes allow exceptions to infant class size limits for children of Service personnel admitted outside the normal admissions round.

3.12. In Scotland, local authorities are responsible for the setting of school admissions policy. This includes the procedures for dealing with requests for places both from parents who live within the school catchment area and those from other areas. The local authority’s admissions policy provides details of any priority arrangements. Parents in Scotland have a right to express a preference when choosing which school they wish their children to attend.²³ Local authorities make every effort to meet that request wherever possible. However, the size of the school, the current roll, and number of children who already live in the catchment area, and other factors, affect the local authority’s ability to grant a placing request.

3B3. Educational attainment and curriculum

What could count as Covenant disadvantage in this area?

If a Service child’s educational attainment is affected, for Service reasons such as those below, this could be Covenant disadvantage. (Group G: ‘have an otherwise worse experience than others in comparable circumstances in the civilian general population, due to Service’.)

A body subject to the Duty is legally obliged to ‘have due regard’ to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to support a Service child’s educational attainment in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

3.13. As Service families re-locate for Service reasons, Service children might have to move school a number of times. While the educational attainment of Service children as a group is largely on a par with that of non-Service children, their educational attainment may be affected if they are placed in a school that uses different curriculums or different exam boards, or if they experience multiple moves at important stages in their education. They might experience gaps

²³ [Choosing a school: a guide for parents, revised November 2016](#)

in learning or repeat topics already covered in previous schools. Often, Service families arrive in an area after application deadlines have passed, and are therefore offered what school places are left after all other places have been allocated. The number of moves a Service child might have to make could lead to a greater cumulative effect on their education than would typically be experienced by a non-Service child. If the child's educational attainment is affected, this could in turn affect their progression to their next level of education.

3.14. Due to the 'unique obligation and sacrifice' of *separation*, Service children might have to spend weeks or months, or the working week, away from their serving parent. The impact on their emotional wellbeing might in turn cause their educational attainment to suffer. The separation from the serving parent might also mean that children have to help care for their younger siblings or non-serving parent when the serving parent is away, meaning they have less time to devote to their schoolwork, also causing their educational attainment to suffer. This issue could also arise if they help care for formerly serving parents injured by Service.

3.15. If nationals of other countries join the Armed Forces and have family join them in the UK, this can create additional educational attainment issues for Service children if English is an Additional Language (EAL).

3B4. Children's wellbeing

What could count as Covenant disadvantage in this area?

If a Service child's wellbeing is affected, for Service reasons such as those below, this could be Covenant disadvantage. (Group G: 'have an otherwise worse experience than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to support a Service child's wellbeing in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

3.16. If Service children are required to move school, they might experience a disrupted social experience, and have to make new friendships. If a move happens in the middle of an academic year, and a child is not able to be placed in a school inside their local community, they might find it harder to socialise with their school friends outside of school hours, form friendships in the area in which they live, or access extra-curricular activities at school, such as after school clubs, impacting their social experience.

3.17. A Service child's mental wellbeing can be affected if the requirement to re-locate results in the child losing access to support structures such as friends and teachers. If Service families have more than one child, there can be difficulties finding schools that will take all the children, resulting in the separation of the child from their sibling(s), and additional stress. If Service children are required to spend weeks or months, or the working week, away from their serving parent, the separation, and their worry for the safety of a parent deployed abroad, can also significantly affect the child's mental wellbeing. The disrupted social experience, and the other

disadvantages in this chapter, such as a longer journey to school, can also affect mental wellbeing.

3.18. In Wales, [SSCE Cymru](#) (Supporting Service Children in Education in Wales), funded by Welsh Government, works with schools, children and young people, local authorities, education professionals, Armed Forces families and support organisations to gather their views and experiences, build networks across Wales and raise awareness and understanding of the experiences of Service children.

3.19. In Scotland, the [GIRFEC](#) (Getting It Right For Every Child) approach has been used since 2010. It is child-centred and based on an understanding of the child's current situation, including wider influences on them when thinking about their wellbeing. This includes consideration of the impact of transitions, mobility and deployments which affect Service families and children. It requires joined-up working, so services supporting children work in a co-ordinated way to meet their specific needs and improve their wellbeing.

3.20. In Northern Ireland, the Department of Education recently published the [Children & Young People's Emotional Health and Wellbeing in Education Framework](#), which promotes an ethos in education settings that provides early support for those children and young people showing signs of needing extra help to cope with emotional difficulties that may arise.

3B5. Safeguarding

3.21. If Service children move frequently between schools, it will be especially important that any child protection/safeguarding information is shared between schools. This is the responsibility of the safeguarding lead, as set out for England in the statutory guidance [Keeping Children Safe in Education](#), and for Wales, the designated safeguarding person as set out in [Keeping Learners Safe](#). Knowledge of the wellbeing issues described above may support school staff when considering how best to safeguard a Service child. The statutory guidance for England on [Working Together to Safeguard Children](#), and for Scotland, the [National Guidance for Child Protection in Scotland 2021](#), include sections on Service children. For Wales, [Working Together to Safeguard People: Information sharing to safeguard children](#), and its accompanying resources, provide non-statutory advice on information-sharing to safeguard children.

3B6. Travel to or from school

What could count as Covenant disadvantage in this area?

If a Service child has a longer or more difficult journey to or from school than comparable children in the general population, due to re-locating for Service reasons, this could be Covenant disadvantage. (Group C: 'find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to admit a Service child to a specific school, or take any particular action to support their travel to or from school. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors ([section 1F](#)).

3.22. If a Service child is required to move schools outside the normal admissions round, the local authority might not be able to place them in a school close to their new home, resulting in them experiencing a longer journey time to school, or a more difficult journey. This can be especially pertinent to Service children with the highest levels of additional needs, who require special schools. Often maintained special schools are full, there may be delays in securing a school place and the only suitable school place may be a substantial distance from their home.

3.23. This might be mitigated through the normal application of the home to school travel policy – the Service child might meet the eligibility criteria for free school travel in [England](#), [Wales](#), [Scotland](#), and [N Ireland](#).

3.24. If a Service child, who is eligible for free home to school travel, is required to move home within a local area, but able to remain at the same school, they might find they no longer qualify for free travel to that school. In 2015, the (then-named) Local Government Ombudsman upheld a complaint about a council in England discontinuing school transport for a Service child after the family was required to move elsewhere in the area for Service reasons. One of the Ombudsman's findings was that the council had not properly considered the Armed Forces Covenant. It recommended that the council remedy the situation by putting in place home to school transport for the child as soon as possible, and by paying the family £2,000 to reimburse the costs they had incurred and acknowledge the stress they were caused as a result of the council's faults.

3.25. Bodies responsible for home to school travel may wish to consider using their discretionary powers to provide free or subsidised travel to Service children who face this disadvantage but do not meet the eligibility criteria. In England, this could include 16–17-year-old Service children attending school or further education as part of their statutory duty to participate in education or training until their 18th birthday, as the level of support provided to them is for local authorities to decide, and the arrangements do not have to include free or subsidised travel.

3.26. When the Service child is not entitled to free school travel, the Service person might not be available to assist with transporting the child to school, due to the 'unique obligations and sacrifices' of *separation* and *hours of work*. Other support structures such as grandparents might also not be available, and this can place a significant burden on the Service partner. This can be worse if siblings are placed in separate schools some distance apart, due to lack of school places, as it means juggling different transport arrangements. The need to manage school transport arrangements might mean the Service partner finds it harder to continue their own employment, as it could affect the hours they can work. These challenges may be more difficult for Service families with children who have additional needs.

3B7. Attendance at school

What could count as Covenant disadvantage in this area?

If a Service family is regularly unable to take a holiday, or spend time together, during normal school holiday periods, for Service reasons such as those below, this could be Covenant disadvantage. (Group C: 'find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to authorise a requested term-time holiday. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

3.27. Like civilian families, Service families are encouraged to take holidays during normal school holiday periods, such as August and December, whenever possible, to minimise disruption to their child's attendance during term time. However, due to the 'unique obligation and sacrifice' of *separation*, Service families might be unable to take holidays, or spend time together, during normal school holiday periods. Service children might find they have limited time to spend with their serving parent(s) if the parent can only return home during term-time. The 'unique obligation and sacrifice' of *hours of work* might mean that, even if the Service person remains on their UK base location, their duties prevent them taking leave during normal school holiday periods. When this is regularly the case, the Service family might therefore ask the school for permission to take a holiday during term-time.

3.28. As with all children, the decision on whether to authorise term-time holidays for Service children sits solely with the head teacher of the school. While the educational needs of the Service child will always be a critical factor in determining whether term-time absence should be granted, the wider family impacts on Service children should also be considered. It can be difficult for serving parents to obtain permission to take their child out of school during term-time if the school's attendance policy and decision-making fails to take account of the nature of Service life.

3.29. It is for Service families to apply to the school in advance, presenting evidence of how the operational needs of the Armed Forces have legitimately prevented a Service family from taking holiday during a reasonable proportion of the normal school holiday periods.

3.30. In the past, head teachers have sought advice on applications for school absence from Unit Commanding Officers and their Welfare staff, who are able to provide advice, verification and endorsement as required. The Ministry of Defence has produced [Guidance](#) that provides advice to head teachers regarding school term-time absence for Service children. It includes contact details that can be used if head teachers are unsure how to make contact with the relevant Armed Forces unit.

3B8. Additional needs support

What could count as Covenant disadvantage in this area?

If a Service child with additional needs has more difficulties accessing support than other children with similar needs in the general population, for Service reasons such as those below, this could be Covenant disadvantage. (Group C: 'find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to take any particular action to improve support to Service children with additional needs. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

3.31. 'Additional needs' is the term used here to describe children who require further support. This is referred to as Special Educational Needs and Disabilities (SEND) in England, Additional Learning Needs (ALN) in Wales, Additional Support for Learning (ASL) in Scotland, and Special Educational Needs (SEN) in Northern Ireland.

3.32. The challenges that all Service children experience as a result of being required to move schools can be felt even more profoundly by Service children with additional needs. If a statutory plan is already in place, it may take some time for the new authority to make similar arrangements as were in place in the previous location. This might be mitigated if the originating authority is able to provide all necessary child records to the new authority in a timely manner. Some Service families have reported that their children have spent time out of school, or receive inappropriate provision (such as being placed in Pupil Referral Units), due to local authority difficulties securing a school placement that could offer the relevant provision.

3.33. Service children might be required to move between the home nations of the UK or to overseas locations, where local provision and processes to acquire the appropriate support are different to that to which children and families were previously accustomed. Management of additional needs plans can be difficult for Service families who are posted from their home nation to elsewhere in the UK or overseas – when they return, they might need to go through a new assessment process.

3.34. Delays in accessing specialist support and provision for Service children can cause additional challenge for Service families. In addition, over the course of a number of re-locations, the potential disruption to services may impact on the Service child's progress and wellbeing.

3.35. In England, the [SEND code of practice](#), which has statutory force in England, includes guidance relating to Service children and families.

3.36. In Wales, chapter 18 of the [ALN Code for Wales](#) includes guidance relating to educational provision for Service children with ALN. The ALN Code also sets out specific

duties for maintained schools, colleges and local authorities when deciding upon ALN and when preparing or reviewing an individual development plan for a Service child or young person.

3.37. In Scotland, the Education (Additional Support for Learning) (Scotland) Act 2004 requires local authorities to identify and address any barriers to learning a child or young person experiences. These barriers can occur for any reason and can be short or long-term in duration. This would include, for example, the anxiety a child may have when a parent is deployed or the impact of interrupted learning due to frequent moves. The statutory guidance in the Code of Practice which accompanies the 2004 Act also provides support in this process, and makes specific reference to Armed Forces families and to transitions. The Scottish Government funds a range of services which seek to support families to access advice and support on ASL. This includes [Enquire](#), the national advice and information service for parents on ASL, and [My Rights, My Say](#), which provides support to children who are seeking to exercise their rights under the 2004 Act.

3.38. Statutory plans are not transferrable to Northern Ireland, so if a Service child with additional needs re-locates to Northern Ireland, to obtain a Statement of SEN they would have to undergo the formal process for Statutory Assessment from the beginning.

3B9. Use of Service Pupil Premium funding

3.39. In England, extra funding to schools with enrolled Service children is available through the Service Pupil Premium (SPP). It can therefore help remove disadvantage. Schools should be aware of best practice in the use of these funds and communicate to concerned parents how funds are being spent. The UK Government worked with schools to establish the best ways they have used SPP funding. The UK Government published these [findings](#) for the benefit of all schools. Examples of good uses of SPP include:

- a. Monitoring Service child progress against other children
- b. Development of intervention strategies
- c. Provision of trained teaching assistants and pastoral support mentors
- d. School trips to increase awareness of the Armed Forces
- e. Membership of Military Kids Club Heroes – a network for Service children in education
- f. Extra-curricular activities
- g. Liaising regularly with Service parents
- h. Building links to local Armed Forces bases

3.40. The template that schools are required to complete and publish, setting out their overall Pupil Premium strategy, now includes an optional field on how the SPP was spent in the previous academic year, and what impact this had on eligible pupils.

3.41. In Wales, Service children are supported by the [Supporting Service Children in Education Cymru Programme](#), funded by the Welsh Government, which includes targeted funding to support individual schools and local authorities.

3.42. Whilst Scotland does not have a direct equivalent of the SPP, all children in Scotland with an additional support need are eligible for support. This includes needs arising from a parent's mobility and deployment in the Armed Forces.

3C. Service children abroad

3C1. Service children in schools run by MOD

What could count as Covenant disadvantage in this area?

If there is a disparity between the education provided to Service children abroad in schools run by the MOD and the education provided to comparable children in the UK general population, without justifiable reasons, this could be Covenant disadvantage. (Group D: 'receive something of lower quality than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to amend its education policies or practices in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

3.43. Service children are often educated in state-funded schools in the UK alongside non-Service children. However, MOD does deliver education to some Service children. MOD runs a number of schools, mostly overseas in locations to which Service families are posted.

3C2. Service children in host nation schools

What could count as Covenant disadvantage in this area?

If there is a negative impact on a Service child's education, due to accessing schooling provided by the host nation while abroad with the Armed Forces, this could be Covenant disadvantage. (Group G: 'have an otherwise worse experience than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to take any particular action to improve support to Service children accessing host nation schooling. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

3.44. Service children overseas may access schooling provided by the host nation rather than attending an MOD school. Their education could be negatively impacted by language barrier challenges, curriculum differences with the UK, feelings of social isolation, challenges adapting

to different cultural norms, or difficulties reintegrating back into the UK education system, particularly if their learning has not aligned with UK norms or they have missed key milestones.

3C3. Applications to UK higher education

What could count as Covenant disadvantage in this area?

If a Service child (whether under or over 18) has more practical difficulties applying for UK higher education, or is less likely to be accepted for the course or the associated financial support, than other similar students in the UK general population, due to living abroad with the Armed Forces, this could be Covenant disadvantage. (Group C: ‘find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service’.)

A body subject to the Duty is legally obliged to ‘have due regard’ to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to modify the relevant application processes or acceptance criteria in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

3.45. Service children may apply to UK higher education institutions while posted abroad with the Armed Forces. There can be practical difficulties, such as finding it harder to attend open days, or attend interviews in person, or they might not be able to attend online interviews during normal UK office hours due to time differences. Being posted abroad might also affect whether they meet UK residency requirements to qualify as a home student.

3D. Training of Service personnel

What could count as Covenant disadvantage in this area?

If an aspect of training provided to Service personnel by the Armed Forces can be compared with training provided to similar people in the UK general population, and there is a disparity without justifiable reasons, this could be Covenant disadvantage. (Group D: ‘receive something of lower quality than others in comparable circumstances in the civilian general population, due to Service’.)

A body subject to the Duty is legally obliged to ‘have due regard’ to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to amend its training policies or practices in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

3.46. The Armed Forces train their personnel to enable them to carry out their work. Much of this training is unique to the Armed Forces, which means no comparison can be made with the general population, there cannot be Covenant disadvantage, and the Duty cannot apply.

However, some Service personnel undertake roles that have counterparts in civilian society, which means some of their training may have a comparator in the general population.

3E. Special provision

What could count as Covenant special provision in this area?

Higher quality education or training support to members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, relative to other comparable civilians and the rest of the Armed Forces Community, could be Covenant special provision. Special provision in this context could take different potential forms, see [section 1I](#).

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to provide higher quality education or training support in any particular ways. This might not be feasible, or the desirability of doing so may be outweighed by other factors ([section 1F](#)).

3F. Issues that are not Covenant disadvantages

3.47. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant's moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

3.48. **Issues not arising from Service** or that **match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if the Armed Forces Community face:

- a. The common issues for children at school, such as academic struggles, learning difficulties, social issues such as bullying or peer pressure, behavioural issues, exam stress, conflict with teachers, or language barriers for non-native English speakers.
- b. The normal challenges for families already living in a particular region in securing a child's admission to that area's most desirable schools.
- c. The normal difficulties securing support for a child with additional needs, such as the same waiting times for assessments to be conducted as faced by other families, or a lack of support available in a particular region.
- d. The common extra costs such as private tuition or extra-curricular activities.

3.49. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)). For example, if two Service children have different education experiences, due to being posted to different locations by the Armed Forces.

4. The Duty in practice: Housing

Summary

4.1. Only a limited proportion of the Armed Forces Community will need to access the housing services provided by the housing bodies subject to the Duty ([section 4A](#)). When members of the Armed Forces Community do need to access housing services, the disadvantages they can experience, arising from the 'unique obligations and sacrifices' of Service life, include the following. When these disadvantages are experienced, they are most likely to be experienced by veterans, Service personnel that are about to leave Service and become veterans, and Service families.

- a. **A lack of knowledge about the social housing services available in their local area, or how to access them.** This might make them less likely to seek the housing services to which they are entitled. ([Section 4C1](#))
- b. **Not building up sufficient 'local connection'** in accordance with a local authority's allocation scheme (where applicable), reducing their access to social housing in the area where they live. ([Section 4C2](#))
- c. **Not being prioritised to receive suitable social housing, or experience a lack of available social housing,** that meets particular housing needs caused by physical or mental injury sustained in Service. ([Section 4C3](#))
- d. **Finding it more difficult to communicate with a housing body,** while on a posting overseas, compared to the housing body's non-Service clients, who are in the UK. ([Section 4C4](#))
- e. **A lack of knowledge about how to navigate the civilian housing sector, welfare system and budgeting,** leading to difficulty gaining or maintaining a social housing tenancy ([section 4C5](#)) or increasing their likelihood of becoming homeless ([section 4E](#)).
- f. **A reluctance to seek early help to avoid homelessness,** for reasons such as stigma, shame, or a belief that civilian bodies will not understand their experience, which could also increase their likelihood of becoming homeless. ([Section 4E](#))
- g. **Requiring adaptations to be made to their home when they move to a new area, or lacking knowledge of what grants are available,** how to make applications for them, and what information is required to support their application. This could result in them spending more time in a home that does not meet their needs. ([Section 4F](#))

4.2. Service accommodation is also covered by the Duty. Disadvantage could potentially arise if there is a disparity between Service accommodation and comparable housing in the general population, without justifiable reasons. Identifying appropriate comparator housing in the UK general population might not be straightforward. ([Section 4G](#))

4A. What does 'housing' cover?

4.3. Bodies subject to the Duty in the area of 'housing' (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. Therefore, the Duty covers UK and Devolved Ministerial departments and local authorities when carrying out functions relating to any aspect of any housing (not just public sector). Other bodies, such as housing associations or co-operatives, private landlords, mortgage providers, and estate agents, are not subject to the Duty. However, as UK and Devolved Ministerial departments have due regard to the Covenant when making decisions or policies relevant to these other bodies, this should raise Covenant awareness and consideration across the whole sector.

4.4. Some full-time Service personnel live in their own privately owned, or privately rented, housing. If Service personnel are unaccompanied on a posting (either because they are single or because their family stays living elsewhere), the Armed Forces offers them Single Living Accommodation, normally by means of a mess or accommodation block, or suitable substitute accommodation. If Service personnel are accompanied by their family to a posting, the Armed Forces offers them dedicated Service Family Accommodation, or suitable substitute accommodation. Therefore, Service personnel do not normally require social housing.

4.5. However, if families of Service personnel do not accompany them on their posting, they might remain living in social housing away from the Service person, and receive more limited support from the Armed Forces. Reservists might also live with their family in social housing. The majority of veterans make a smooth transition from military to civilian life. Only a small minority of veterans struggle to settle down and maintain housing. Veterans might require housing services in terms of social housing, tenancies, and adaptations (as explained below).

4.6. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

4.7. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

4B. Identifying service users from the Armed Forces Community

4.8. An awareness by bodies of those using their housing services who are members of the Armed Forces Community will help to improve the way in which their needs are met. See [chapter 14](#) for more information.

4.9. In June 2020, [statutory guidance](#) was published for local authorities in England, titled 'Improving access to social housing for members of the Armed Forces'. This includes a section on how local authorities in England can identify applications from members of the Armed Forces Community, to ensure that they are considered appropriately.

4C. Social housing

4C1. Applying for social housing

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community finds it harder to apply for social housing than other similar applicants from the general population, for Service reasons such as those below, this could be Covenant disadvantage. (Group C: ‘find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service’.²⁴)

A body subject to the Duty is legally obliged to ‘have due regard’ to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to modify its social housing application processes in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

4.10. Due to the ‘unique obligation and sacrifice’ of *unfamiliarity with civilian life*,²⁵ members of the Armed Forces Community might lack knowledge about the social housing services available in their local area, or how to access them. This might make them less likely to seek the housing services to which they are entitled.

4.11. Due to the ‘unique obligation and sacrifice’ of *danger*, members of the Armed Forces Community might experience mental health issues which exacerbate their challenges in accessing services from which they could benefit.

4C2. ‘Local connection’ criteria for social housing

4.12. Due to the ‘unique obligation and sacrifice’ of *geographical mobility*, members of the Armed Forces Community might not have built up sufficient ‘local connection’ in their home area, to qualify for social housing under their local authority’s allocation scheme. If this happens, this could be Covenant disadvantage. (Group B: ‘are ineligible for something that is available to others in comparable circumstances in the civilian general population, due to Service’.) The next paragraphs detail the arrangements designed to prevent this disadvantage from occurring.

4.13. [Regulations](#), first introduced in 2012, set out criteria under which certain members of the Armed Forces Community in England cannot be disqualified from social housing because of a local connection requirement. This included veterans applying within five years of leaving the Regular Armed Forces. Further [regulations](#) in 2024 removed this five-year time limit for veterans in England. The June 2020 [statutory guidance](#) for local authorities in England makes clear that local authorities in England are expected to disapply any local connection

²⁴ The broad groups of Covenant disadvantage are outlined in [section 1H](#).

²⁵ The ‘unique obligations and sacrifices’ in *italics* throughout this chapter are explained in [section 1G](#).

requirement from divorced or separated spouses or civil partners of Service personnel who are required to move out of accommodation provided by the Ministry of Defence.

4.14. Certain exemptions to local connection criteria also exist in Wales, provided that the applicant can evidence that they were posted to an area in Wales during their time in the Armed Forces. These exemptions are explained in the Welsh Government's [guidance](#).

4.15. In response to the Scottish Veterans' Commissioner's recommendations, the Scottish Government published a [Practice Guide](#) for social landlords on allocations for people leaving the Armed Forces. It includes guidance on giving priority to Service leavers and on ensuring that veterans are not at a disadvantage when applying for social housing due to Service time spent outside an area. Following consultation, the Scottish Government published a [ministerial statement](#), in March 2021, which sets out the circumstances and general criteria which would act as the reference for exercising the power to modify local connection.

4C3. Establishing a priority order for social housing applicants

What could count as Covenant special provision in this area?

Awarding higher priority for social housing to members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, compared to other similar citizens and the rest of the Armed Forces Community, could be Covenant special provision. (Group E: 'wait less time to receive something than others in comparable circumstances in the civilian general population and the rest of the Armed Forces Community'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to award higher priority in any particular cases. This might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

4.16. Due to the 'unique obligation and sacrifice' of *danger*, veterans might have particular social housing needs caused by physical or mental injury arising from their time in Service. For example, supported housing, or a home which allows wheelchair access. Other members of the Armed Forces Community, such as Service families, might also have urgent social housing needs. However, they might find they are not prioritised to receive suitable social housing, or experience a lack of available social housing.

4.17. [Statutory guidance](#) on allocation of accommodation in England, first published in June 2012, and [statutory guidance](#) on allocation of accommodation in Wales, first published in March 2016, both ensure that 'additional preference' – high priority – for social housing is given to certain groups in the Armed Forces Community. Also, the June 2020 [statutory guidance](#) sets out how local authorities in England can ensure that members of the Armed Forces Community suffering from mental ill health (wholly or partly attributable to Service) are given appropriate priority for social housing. It should be noted that a mental health issue as a result of Service can continue or start years after the person has left the Armed Forces. It is also important to

note that being awarded higher priority does not guarantee immediate housing. Given the high demand for social housing, significant wait times may still occur.

4.18. The Scottish Government published new and refreshed guidance to improve awareness of the Armed Forces Community's housing needs. The refreshed [Local Housing Strategy guidance](#) encourages local authorities to consider fully the housing requirements of the Armed Forces Community. It was also strengthened to encourage appropriate engagement with relevant organisations, such as Veterans Scotland, to understand better the needs of this Community when developing the Strategies.

4.19. A variety of other reports are available, such as the Scottish Veterans Commissioner's report [Getting Transition Right in Scotland](#), FiMT's report [Working Together to Meet the Housing Needs of Ex-Service Personnel](#), and Riverside and Stoll's [Accommodation for Single Veterans](#).

4C4. Communication with Service families about social housing

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community serving abroad finds it more difficult to communicate with a housing body than comparable civilians in the UK, this could be Covenant disadvantage. (Group C: 'find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to modify how it communicates with the Armed Forces Community in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

4.20. Due to the 'unique obligation and sacrifice' of *geographical mobility*, members of the Armed Forces Community who are clients of a housing body might be overseas. They might find it more difficult to communicate with a housing body than the housing body's non-Service clients, who are in the UK. For example, they might not be able to access online forms due to military operational requirements preventing access to the Internet, or they might have difficulty phoning the housing body's helplines during normal UK office hours due to time differences.

4C5. Social housing tenancy strategies (England only)

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community finds it more difficult to gain or maintain a social housing tenancy, than comparable civilians, for Service reasons such as those below, this could be Covenant disadvantage. (Group C: 'find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to amend its tenancy strategies in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

4.21. Local housing authorities in England are required to publish a strategy setting out the matters to which the registered providers of social housing in its district are to have regard. Public bodies might wish to consult private or third sector housing strategies that address the Armed Forces Community, such as [Riverside's Strategy for Veterans](#). Issues could arise as follows:

- a. Due to the 'unique obligation and sacrifice' of *unfamiliarity with civilian life*, members of the Armed Forces Community might have a **lack of knowledge** about the civilian housing sector, welfare system and budgeting, leading to difficulty gaining or maintaining a social housing tenancy, or they might possess a general sense of disconnection from civilian society and need supported housing.
- b. Members of the Armed Forces Community can have **diverse needs** from social housing tenancies. Some members, such as vulnerable tenants, require short-term, supported, transitional accommodation with flexible tenancies of less than five years, while others may benefit from long-term secure, or even lifetime, tenancies.

4C6. Means tests for social housing

4.22. The provision of social housing might be means tested. See [chapter 15](#) for more information about Covenant disadvantage and special provision in the context of means tests.

4D. Private home ownership

4D1. Renting out a family home

4.23. A Service family might need to rent out their family home while living elsewhere in Service accommodation. This is likely to result in both additional income and additional costs. Gains include rental income and any savings from living in Service accommodation. New costs include costs as a landlord (such as letting agent fees, obtaining documents such as an EPC, securing their mortgage provider's Consent to Let, additional maintenance and insurance, and extra tax liabilities), and Service accommodation charges. Their own living expenses, such as utilities, Council Tax (or equivalent), and commuting costs, could go either up or down. Costs which are unchanged, such as existing mortgage payments, insurance, and maintenance, are not included in this assessment, as they were being incurred anyway. The result of comparing all the additional income with all the additional costs is sometimes a net gain and sometimes a net loss.

4E. Homelessness

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community is more likely to be homeless than similar members of the general population, for Service reasons such as those below, this could be Covenant disadvantage. (Group C: ‘find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service’.)

A body subject to the Duty is legally obliged to ‘have due regard’ to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to amend its homelessness support or policies in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

4.24. Due to the ‘unique obligation and sacrifice’ of *unfamiliarity with civilian life*, veterans and their families might lack knowledge about how to navigate the civilian housing sector, which could increase their likelihood of becoming homeless at some point in their future. Veterans who are homeless might be less aware of their entitlements or the services available to them. Alternatively, they might be reluctant to seek early help to avoid homelessness for reasons such as stigma, shame, or a belief that civilian bodies will not understand their experience, which could increase their likelihood of becoming homeless.

4.25. The majority of veterans make a smooth transition from military to civilian life. Less than 1% of households in England that are owed a homelessness duty have a support need as a result of serving in the Armed Forces.²⁶ Also, a [Royal British Legion study](#) found that ‘There is little evidence to support the notion that military life... is a cause of veterans’ homelessness’.²⁷ However, the ‘unique obligations and sacrifices’ of *geographical mobility* and *unfamiliarity with civilian life* might reduce a veteran’s general ability to cope in civilian life, and exacerbate a vulnerable individual’s situation. Service personnel are required to vacate their living quarters after leaving Service, so those who do become homeless should not be considered as having become homeless intentionally.

4.26. Service personnel receive a high level of support to plan and prepare for their discharge from the Armed Forces, and are able to access a number of support services available to veterans who are, or are at risk of becoming, homeless. Service personnel must usually give a 12-month notice period prior to the end of their Service, which includes dedicated periods for resettlement to allow them to prepare for civilian life, including sourcing private accommodation. Service personnel receive three months’ notice to vacate their accommodation, with the end of the notice period being their last day of Service, and, in some cases, those requiring further time may be granted it. In most cases of short notice discharge,

²⁶ [Live tables on homelessness](#), Table A3 – Number of households owed a homelessness duty by support needs of household.

²⁷ Page 1 of the Royal British Legion study, titled *Literature review: UK veterans and homelessness*, available at: https://www.britishlegion.org.uk/docs/default-source/campaigns-policy-and-research/litrev_uk_vets_homelessness.pdf.

three months' notice to vacate will still be given even if this goes past the discharge date, the exception to this is in cases of discharge on disciplinary grounds or misconduct, where a minimum of 28 days' notice is given. Housing advice is available to all Service personnel and their families, both during and after Service.

4.27. The Homelessness Reduction Act 2017 requires the Secretary of State for Defence to refer members of the Regular Armed Forces in England, who may be homeless or threatened with homelessness within 56 days, to a local housing authority.

4.28. Working with Armed Forces stakeholders, the Welsh Government has developed a [National housing pathway for veterans of the Armed Forces](#) to provide clarity and support for veterans and their families into either home ownership, or renting in the private or social sectors. In Scotland, a person should be treated as homeless, even if they have accommodation, if it would not be reasonable for them to continue to stay in it. Local authorities have a legal duty to help people who are homeless or at risk of becoming homeless.

What could count as Covenant special provision in this area?

Awarding higher priority for support to prevent homelessness among members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, compared to other similar civilians and the rest of the Armed Forces Community, could be Covenant special provision. (Group B: 'eligible for something that is not available to others in comparable circumstances in the civilian general population and the rest of the Armed Forces Community'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to provide a higher level of support in any particular cases. This might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

4.29. The [Homelessness code of guidance for local authorities in England](#) includes a chapter on veterans. It says, 'A person who is vulnerable as a result of having been a member of His Majesty's regular armed forces (a veteran) has a priority need for accommodation'. In December 2024, the Local Government and Social Care Ombudsman found a local authority was at fault as there was no evidence it had considered if a veteran with PTSD might be in priority need, as required by the Code.²⁸

²⁸ [Case 24 005 169](#)

4F. Disabled Facilities Grants

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community with a disability (regardless of whether it is due to Service) is less likely than comparable civilians to live in a home that has been adapted to meet their needs, for Service reasons such as those below, this could be Covenant disadvantage. (Group C: 'find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to amend its Disabled Facilities Grant policies or practices in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

4.30. Due to the 'unique obligation and sacrifice' of *danger*, members of the Armed Forces might suffer injuries which require significant adaptations to be made to their homes when they leave Service.

4.31. Family members who are disabled might also require adaptations to be made to their home when they move to a new area, during the Service person's time in Service. While this can also be an issue for non-Service families, Service families can move often due to the unique obligation and sacrifice of *geographical mobility*. This could result in them spending more time in a home that does not meet their needs.

4.32. Due to the 'unique obligation and sacrifice' of *unfamiliarity with civilian life*, veterans and Service families might lack knowledge of what grants are available for themselves or family members, how to make applications for them, and what information is required to support their application.

4.33. When an entitled Service family needing adaptations lives in Ministry of Defence accommodation, the Ministry of Defence ensures that suitable accommodation is provided, in line with its policies. Also, on occasions, the Ministry of Defence may fund adaptations to private accommodation for wounded, injured and sick personnel transiting out of Service.

4.34. Local housing authorities in England and Wales have a statutory duty to provide home adaptations for people of all ages and tenures eligible for a Disabled Facilities Grant, subject to a needs assessment, eligibility criteria and a means test. This can include Armed Forces personnel or their families living in their own accommodation, and veterans. See [chapter 15](#) for more information about Covenant disadvantage and special provision in the context of means tests.

4.35. Local housing authorities in England and Wales can also publish a local housing assistance policy under powers of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) to use Government funding for Disabled Facilities Grants more

flexibly to best meet local need, including the provision of home adaptations assistance to specific groups. In putting together local policies, local authorities should consider how to address the particular needs of Armed Forces personnel or their families living in their own accommodation, as well as veterans.

4.36. [Guidance](#) has been published for local authorities in England on the effective delivery of the Disabled Facilities Grant. It includes a section on the Armed Forces Community.

4.37. In Scotland, this is called the Scheme of Assistance. The Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008 state that where adaptations required are essential to the disabled person's needs and the required work is structural (or involves permanent changes to the house) the applicant must also be awarded a mandatory grant.

4G. Service accommodation

4G1. Provision of Service accommodation by the Ministry of Defence

What could count as Covenant disadvantage in this area?

If there is a disparity between Service accommodation and comparable housing in the general population, without justifiable reasons, this could be Covenant disadvantage. (Group D: 'receive something of lower quality than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to modify its Service accommodation policies or practices in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

4.38. In order to fulfil its task of protecting the nation, Defence often needs its personnel to live in remote locations, to live abroad, or to frequently re-locate. It is not practical to expect them to source their own accommodation in such circumstances. Defence therefore provides accommodation to its people to enable them to live where they are needed. Service accommodation therefore has a unique purpose. It is provided primarily in recognition of the inherently mobile lifestyle of those who serve and their families, to enable the Armed Forces to function. It should not be seen as a way to establish a permanent family home.

4.39. Service accommodation is covered by the Duty. Covenant disadvantage is assessed by comparing it with similar housing for others in comparable circumstances in the UK civilian general population.

4.40. As Service accommodation has a unique purpose, some aspects and types of it are unique, with no comparator in the general population. For example, its level of subsidy recognises the unique lifestyle for Service personnel and their families. Also, the accommodation provided on overseas bases, and Single Living Accommodation on UK bases,

are also often unique. Little to no comparison can be made in such cases, so they cannot readily be sources of Covenant disadvantage, and the obligation to have due regard to the desirability of removing disadvantages may not be straightforward to apply.

4.41. However, it might be appropriate to compare some aspects of some Service accommodation with similar housing in the general population. It is therefore necessary to identify an appropriate comparator in the UK general population. This might not be straightforward, as Service accommodation which ostensibly appears comparable to certain accommodation in the general population, still often has significant differences. For example, in the terms of occupation, the security and flexibility of tenure, entitlement or eligibility rules, maintenance responsibilities, and charges.

4.42. If an appropriate comparator has been identified, comparisons should be approached with caution, as the specific needs of Service may justify alternative procedures or approaches. Where differences do exist, they should be assessed on whether they are clearly justifiable as necessary to enable the Armed Forces to function effectively. For example, giving Service personnel less choice of type of accommodation, more limits on visitor duration, or different timings of moves than similar people in the general population, might be justifiable in this way.

4G2. Recognition of Service accommodation by other bodies

4.43. The MOD often manages some of the payments to third parties relating to Service accommodation, such as utilities, payment in lieu of Council Tax, and rent to a landlord (where applicable). Therefore, members of the Armed Forces Community living in this accommodation may not have access to the same documentation as a member of the general population.

4.44. In October 2024, the Local Government and Social Care Ombudsman found that Transport for London had 'failed to show a due regard to the Covenant'. This was after it failed to provide clear advice on acceptable alternative proofs of address to a Service person living in Service accommodation, who did not have these normal documents. Transport for London agreed to apologise, pay compensation, and issue written reminders to its staff.²⁹

4H. Issues that are not Covenant disadvantages

4.45. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant's moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

4.46. **Issues not arising from Service** or that **match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if the Armed Forces Community face:

²⁹ [Case 24 000 666](#)

- a. Not meeting the standard eligibility criteria for social housing, for reasons unrelated to Service in the Armed Forces.
- b. A lack of available social housing, or normal waiting times for social housing.
- c. The normal challenges becoming a homeowner, such as affordability, saving a deposit, competition in the housing market, and additional costs such as taxes.
- d. The normal issues with landlords and their agents, such as rent increases, contract and deposit disputes, disagreements over maintenance work, or lack of communications.
- e. The normal challenges balancing rent or mortgage payments with other demands on personal finances.
- f. Homelessness for reasons unrelated to Service in the Armed Forces.

4.47. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)). For example, if two members of the Armed Forces Community live in Service accommodation of different standards.

5. The Duty in practice: Employment

Summary

5.1. Many members of the Armed Forces Community, primarily Service family members, reservists, and veterans, work in employment alongside the general population. Many successfully maintain their employment while also fulfilling the requirements placed upon them by the Armed Forces ([section 5A](#)). However, employment issues can potentially arise, as follows.

- a. **Veterans and Service family members might find it harder to apply for civilian jobs than other applicants**, if they lack awareness of civilian vacancies, or have no experience of completing civilian job applications, or if they cannot communicate with potential employers in the UK while posted abroad. ([Section 5B2](#))
- b. **Veterans and Service family members might not meet the qualification criteria for civilian jobs**, if they have military professional qualifications rather than civilian, if the broader skills provided by Service life are not recognised by the employer or applicant, if they have employment gaps due to frequent re-locations, or if they do not meet other requirements such as UK residency. ([Section 5B3](#))
- c. **Veterans injured during their prior Service** might require support. ([Section 5C2](#))
- d. **Reservists might have less opportunity to progress their civilian career due to military commitments**, such as training and mobilisation. ([Section 5C3](#))
- e. **Service family members might have difficulties maintaining their civilian employment**, if it is harder for them to agree working hours with their employers, or if they cannot reasonably continue in their employment when their Serving partner is re-located by the Armed Forces, and adjusted work patterns or remote working cannot be implemented. ([Sections 5C4](#) and [5C5](#)).
- f. **Veterans and Service family members might require additional time to adapt to civilian work**, due to the differences with the military work environment, or if they have spent time out of work due to other difficulties maintaining their employment. ([Section 5C6](#))
- g. **Service family members might lose their professional currency**, such as not being able to remain current with the latest developments in their profession, losing their certification, or paying more in professional fees. ([Section 5C7](#) and [5C8](#))
- h. **Service family members might have to repay their employee benefits** if re-located by the Armed Forces when committed to working for their employer for a number of further months or years. ([Section 5C9](#))
- i. **Service family members might qualify less for promotion or staff benefits**, than their peers in the same profession, if their employment is interrupted by re-locations. ([Section 5C10](#))
- j. **Service family members might need to take leave at specific times of the year**. ([Section 5C11](#))

5A. What does ‘employment’ cover?

5.2. Bodies subject to the Duty in the policy area of ‘employment’ (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. That is, when exercising any functions relating to:

- a. Their own employment of members of the Armed Forces Community (primarily Service family members, reservists, and veterans). That is, in their capacity as an employer. For example, when making policy about their employment of members of the Armed Forces Community, or when making decisions about their individual employees or job applicants who are members of the Armed Forces Community.
- b. The employment of members of the Armed Forces Community by other bodies they oversee or contract with. For example, when setting employment policies or practices for their arm’s-length bodies, or agreeing contracts with their contractors.
- c. Their oversight of employment across the wider economy (including the private and third sectors), such as amending employment legislation or providing employment services such as Jobcentres.

5.3. Many members of the Armed Forces Community work in employment alongside the general population. This could be in any field of work, in any part of the UK, and part-time, full-time, fixed term or seasonal. Many Service family members and reservists successfully maintain their employment while also fulfilling the requirements placed upon them by the Armed Forces. Likewise, the majority of veterans make a smooth transition from military to civilian life, including finding civilian work.³⁰

5.4. **Note this policy area of ‘employment’, and therefore this chapter, do not cover serving members of the Armed Forces (regular or reserve) in their relationship to Defence**, as legally they are not employees, but are in service to the Crown. The issues in this chapter are not about the relationship between serving personnel and Defence.

5.5. The Duty applies to certain bodies in the public sector. It does not oblige employers in the private and third sectors to consider the Covenant. However, private and third sector employers might have signed their own pledge to honour the Covenant (see [section 1A](#)). They might also be obliged to consider the Covenant by a body that oversees them, or through a contract with a body subject to the Duty (see [section 1B](#)).

5.6. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

³⁰ The latest statistics on the employment outcomes for veterans who used the services provided by the Career Transition Partnership are available at: <https://www.gov.uk/government/collections/career-transition-partnership-ex-service-personnel-employment-outcomes-statistics-index>.

5.7. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

5B. Job applicants

5B1. Identifying which applicants are members of the Armed Forces Community

5.8. An awareness by civilian employers of which applicants for their jobs are members of the Armed Forces Community (primarily Service family members, reservists, and veterans), will help to improve the way in which their needs are met. For example, awareness could be gained by including the question on job application forms. See [chapter 14](#) for more information.

5B2. Applying for jobs

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community finds it harder to apply for civilian jobs than other similar applicants from the general population, for Service reasons such as those below, this could be Covenant disadvantage. (Group C: ‘find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service’.³¹)

A body subject to the Duty is legally obliged to ‘have due regard’ to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to modify its recruitment practices in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

5.9. **Lack of awareness:** Due to the ‘unique obligation and sacrifice’ of *unfamiliarity with civilian life*,³² those transitioning out of Service might have less knowledge of how to go about finding civilian work, or which jobs are most suitable. Likewise, family members of a Service person who are required to re-locate might not know what jobs are available in their new local area, or how to apply, particularly if they are posted abroad. If the impacts of Service life mean they have been out of work for a significant period, they might have lost touch with recruiters in their field of expertise, or they may no longer have access to relevant vacancies.

5.10. **Lack of experience:** Having spent all their career to date in the Armed Forces, those leaving Service might not have experience of seeking civilian work, writing a CV, completing civilian job applications, or taking part in a civilian interview. They might be less familiar with the normal business language in their new profession.

5.11. **Communicating with employers:** Members of the Armed Forces Community might be serving abroad when applying for civilian work in the UK, due to the ‘unique obligation and sacrifice’ of *geographical mobility*. Therefore, they might find it more difficult to communicate

³¹ The broad groups of Covenant disadvantage are outlined in [section 1H](#).

³² The ‘unique obligations and sacrifices’ in *italics* throughout this chapter are explained in [section 1G](#).

with potential employers than other applicants in the UK. For example, they might not be able to access online forms due to military operational requirements preventing access to the Internet, they might not be able to attend interviews in person, or they might have difficulty attending online interviews during normal UK office hours due to time differences. They may not have access to a telephone at certain times, or may not be able to make lengthy calls.

5B3. Being qualified for jobs

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community does not meet the qualification criteria for a civilian job, unlike other similar applicants from the general population, for Service reasons such as those below, this could be Covenant disadvantage. (Group B: 'ineligible for something that is available to others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to modify its employment criteria in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

5.12. **Professional qualifications:** Veterans applying for civilian jobs might have military professional qualifications rather than the equivalent civilian qualifications. Veterans and civilian employers might not be aware that the required civilian qualifications have military equivalents, or how to translate them across. If family members have lived overseas due to postings, they may have non-UK qualifications or exam results.

5.13. **Broader skills:** Being part of the Armed Forces also provides a wealth of broader transferable skills and experiences, valued by employers across the UK. For example, Armed Forces personnel develop team-working and communication skills, adaptability, leadership experience, a focussed and positive attitude, and a strong, disciplined, work ethic. Likewise, family members often develop qualities such as adaptability, resilience, and self-assurance. However, civilian employers might not appreciate that Service life provides these relevant skills and experiences, but they might make assumptions about what types of work are suitable for veterans or family members, or about their ability to adapt. Also, members of the Armed Forces Community might not know how to 'sell themselves' by translating their skills into a civilian context.

5.14. **Employment history:** Being a family member of a Service person can mean frequent re-locations, which can restrict their career development. Family members applying for jobs might have more gaps in their CV than their civilian counterparts, due to difficulties maintaining their employment (outlined later in this chapter), and therefore might have less experience. They might not have used their skills and qualifications for some time if they have not recently been in work. They might have longer and more varied CVs due to their frequent moves,

resulting in a higher number of roles than would typically be seen in the civilian population. This should not be interpreted as a lack of commitment or an inability to stay in a role.

5.15. **Experience:** Veterans may find it difficult to compete with civilian candidates who have years of experience in specific industries or roles, even if they possess transferable skills. Employers might prioritise candidates with direct experience in the civilian workforce, regardless of the veteran's leadership or technical expertise. Likewise, Service family members who have spent time working in other sectors of the economy, or have gaps in their employment history, might have less direct experience than other candidates.

5.16. **Official Secrets Act:** Veterans applying for jobs might be less able to provide evidence of their suitability and qualifications than their civilian peers, as it might be contrary to the Official Secrets Act for them to discuss their relevant work in the Armed Forces.

5.17. **UK residency:** Due to the 'unique obligation and sacrifice' of *geographical mobility*, members of the Armed Forces Community might have spent time abroad, or might be posted abroad while applying for civilian work in the UK. Therefore, they might not meet an employer's UK residency requirements.

5.18. **Credit history:** Employers conducting credit checks on job applicants from the Armed Forces Community should be aware that:

- a. They might have a more limited credit history than their civilian peers, as they might deal with financial services companies less often while in the Armed Forces.
- b. Their credit history can sometimes wrongly be affected by the financial records of previous occupants of their Service accommodation. This has, on occasion, had a detrimental effect on Service families' own credit scores, even when their own financial conduct has been sound.

5.19. **Injured veterans:** Veterans injured during their prior Service in the Armed Forces might find it more difficult to find suitable work than their uninjured civilian peers, or it might be more difficult for them to find a workplace that can adapt to their needs.

5C. Employees

5C1. Identifying which employees are members of the Armed Forces Community

5.20. An awareness by civilian employers of which of their employees are members of the Armed Forces Community (primarily Service family members, reservists, and veterans), will help to improve the way in which their needs are met. See [chapter 14](#) for more information.

5C2. Employees injured during their prior Service in the Armed Forces

What could count as Covenant disadvantage in this area?

If a veteran loses their civilian employment due to difficulty balancing the requirements of employment alongside accessing treatment for a Service-acquired injury, this could be Covenant disadvantage. (Group F: 'lose something that is available to others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to continue employing a veteran struggling to balance work and treatment. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

5.21. Veterans in civilian employment might have been injured during their prior Service in the Armed Forces (the injury could be physical or mental). They might need their civilian employer to make reasonable adjustments, and these adjustments might need to change over time in line with the ongoing treatment. MOD and DWP launched the [Service Leavers' Adjustments Passport](#) in July 2023. It enables Service leavers to communicate any reasonable adjustments or specific requirements they may have to employers, in a way which empowers and is confidential to the individual.

5.22. Veterans injured during their prior Service in the Armed Forces might need time off from work, or a flexible approach from their employer, so they can receive medical treatment or further support for those injuries, and appropriate recovery time.

5.23. The Covenant does not create any entitlement to preferential support for members of the Armed Forces Community. However, a body subject to the Duty may decide a higher level of support is justified for those sacrificing the most, such as the injured or bereaved.

What could count as Covenant special provision in this area?

Providing greater support to an employee injured during their prior Service in the Armed Forces, than to other employees with a similar need, could be Covenant special provision. (Group B: 'eligible for something that is not available to others in comparable circumstances in the civilian general population and the rest of the Armed Forces Community'.³³)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to provide greater support to an employee injured during their prior Service. This might not be feasible, or the desirability of doing so may be outweighed by other factors ([section 1F](#)).

³³ The broad groups of Covenant special provision are outlined in [section 1I](#).

5C3. Employees in the Reserves

5.24. Employees who are reservists are required to take part in military training throughout the year. They might be mobilised on a part-time or full-time basis to provide support to the Regular Forces at home or overseas. While training and mobilisation requirements are often flexible, reservist employees might not be available for their civilian work at particular times. They might need to request time off work to fulfil their reservist responsibilities, and might or might not be able to use their annual leave for this. While legislation provides a number of protections for reservists in their civilian employment,³⁴ in practice they might have less opportunity to progress their civilian career due to their military commitments.

5C4. Working patterns

What could count as Covenant disadvantage in this area?

If a Service family member loses their civilian employment, due to the impacts of Service on their available working hours, this could be Covenant disadvantage. (Group F: 'lose something that is available to others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to agree a Service family member's request to change their working pattern. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

5.25. Due to the 'unique obligations and sacrifices' of *separation* and *hours of work*, parenting responsibilities might fall wholly on a Service family member if the Service person is deployed or otherwise required to work for Defence. This could also happen if they become bereaved by the loss of the serving person. The Service family member might be required to look after children or other relatives, or transport children to/from school, for example, especially if it is harder for them to access childcare or wider support networks such as family and friends. Likewise, they might take on caring responsibilities for a serving person who becomes injured.

5.26. Because of these responsibilities, they might not be able to work as many hours, work at particular times, take on extra work, or change their working hours at short notice. As a result, they may ask to reduce or vary their hours, to work from home more, to work outside normal working hours, or to work compressed hours. If the employer and employee cannot agree a new working pattern, the Service family member might have to leave that employment.

³⁴ Such as the Reserve Forces (Safeguard of Employment) Act 1985.

5C5. Maintaining employment when re-locating

What could count as Covenant disadvantage in this area?

If a Service family member loses their civilian employment, due to re-locating for Service reasons, this could be Covenant disadvantage. (Group F: 'lose something that is available to others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to continue employing a Service family member re-locating for Service reasons. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

5.27. Due to the 'unique obligation and sacrifice' of *geographical mobility*, Service personnel might be re-located around the UK or posted abroad. Other family members might move with them, away from the location of their current employment. The family member might ask their employer if they can continue in the same job while working fully remotely from their new location. This might not be possible if in-person attendance is necessary, or if there are other obstacles, such as additional costs for the employer. If the family is posted abroad, the family member might also be prevented from working for their UK employer by a lack of rights to work in the host country, security concerns, tax implications, time differences, or other issues.

5.28. These obstacles might be too difficult to solve, or they might be perceived as too difficult to solve. The family member might therefore ask to take a career break, or they might ask to work more flexibly. If the employer and employee cannot agree a new working pattern, the family member might have to leave that employment.

5.29. They might not be able to find work in their new location due to a lack of suitable local jobs. If abroad, additional obstacles to working for a local employer could include the language barrier, difficulties from being paid in a foreign currency, a lack of rights to work in the host country, a lack of recognition of professional qualifications between countries, or other issues. If they can find work, they might have to accept roles that are lower paid or unrelated to their field of expertise, which can have long-term impacts on their career and earnings trajectory.

5C6. Adapting to a civilian work environment

5.30. Due to the 'unique obligation and sacrifice' of *unfamiliarity with civilian life*, veterans starting their civilian career might take longer to become fully productive than other new employees moving from other civilian work. The military working environment can be very different to a civilian work environment. Veterans might need time to adapt to civilian ways of working, time to understand the expectations upon them, or time to learn normal business language or common terminology in their new career, for example. They might also be unfamiliar with civilian workplace rights and entitlements.

5.31. Family members might also need additional time to adapt, if the requirement to frequently re-locate means they have not been able to maintain their employment, and not recently been in the work environment.

5C7. Maintaining professional currency

What could count as Covenant disadvantage in this area?

If a Service family member loses their professional currency, due to Service life affecting their ability to maintain their civilian employment, this could be Covenant disadvantage. (Group F: 'lose something that is available to others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to take any particular actions to help Service family members maintain professional currency. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

5.32. Due to the difficulties maintaining their employment, a Service family member might lose their professional currency. That is, they might struggle to remain current with the latest standards, practices, and technologies in their profession. They may have fewer opportunities to engage in Continuing Professional Development to enhance their knowledge and skills. They might lose their certification, from not being able to fulfil the professional requirements upon them, such as completing a certain number of hours of professional practice each year. They might have less opportunity to progress their professional career, and there could be more gaps on their CV.

5C8. Professional fees

What could count as Covenant disadvantage in this area?

If a Service family member pays more in professional fees than their civilian peers, due to re-locating for Service reasons, this could be Covenant disadvantage. (Group A: 'pay more than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to take any particular actions to limit the professional fees paid in total by Service family members. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

5.33. Due to the 'unique obligation and sacrifice' of *geographical mobility*, a Service family member might be required to regularly re-locate between different countries, or different home nations of the UK. To continue working in their profession, they might have to pay professional fees each time they move, such as fees to register with the professional body in their new

country. Alternatively, they might incur additional charges to update administrative information held by their professional body, such as a change of address.

5C9. Repayment of staff benefits when re-locating

5.34. A Service family member might have committed to working for their employer for a number of further months or years, when they are re-located by the Armed Forces. For example, they might have made this commitment in return for their employer paying for their training or other staff benefits. Likewise, a family member on maternity leave from their civilian employer might be required to re-locate before they can return to work or complete their return to work contracted hours.

5.35. If the family member cannot complete the remaining hours of work, the employer might require them to repay some, or all, of the benefits they received, such as the training fees or the maternity pay. A flexible approach from both employer and employee, each recognising the other is in a difficult position, will help them reach an agreed compromise.

5C10. Eligibility for promotion or staff benefits

What could count as Covenant disadvantage in this area?

If a Service family member qualifies less for promotion or staff benefits than their civilian peers, due to their employment being interrupted by re-locations, this could be Covenant disadvantage. (Group B: 'ineligible for something that is available to others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to modify its promotion or benefits criteria in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

5.36. Employees' eligibility for promotion or staff benefits is often tied to factors such as the length of time they have worked for the organisation, their continuity of service, or their employment status. As a result, Service family members who have to re-locate and change employer, or take career breaks, for example, may accrue smaller staff benefits, or qualify less for promotions, pay increases, or other staff benefits, compared to their civilian peers in the same profession, despite having similar skills and experience.

5C11. Annual leave

5.37. Some Service family members might need to take annual leave at specific times of the year, including outside of recognised leave periods, due to their Service person's deployment with the Armed Forces. Military deployments often involve extended periods of separation, during which families may have limited opportunities to spend time together. The time when the Service person returns from deployment is often a critical time for families to reconnect, making it important for the family to be available. Similarly, in the lead-up to a deployment,

families may wish to spend time together before the separation begins. Family members might also ask to take longer periods of annual leave to visit a Service person stationed elsewhere.

5D. Issues that are not Covenant disadvantages

5.38. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant's moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

5.39. **Issues not arising from Service or that match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if the Armed Forces Community face:

- a. Issues finding civilian work that are experienced in the same way as the general population. For example, challenges for Service leavers finding suitable vacancies in a particular region, or understanding what work those jobs entail; the time required to apply; competition from other candidates; or interview nerves.
- b. The normal issues for those in civilian employment. For example, challenges adapting to a new employer, poor work-life balance, stress, burnout, difficult workplace relationships, technological challenges, job insecurity, poor job satisfaction, negative workplace cultures, or redundancy.
- c. The normal difficulties for parents or guardians in balancing their jobs with their parental responsibilities, and making compromises as a result, such as reducing their working hours.
- d. The normal disputes with civilian employers. For example, disputes about pay, benefits, or working conditions, or contractual issues such as job offers being withdrawn.
- e. Unemployment for reasons unrelated to Service in the Armed Forces.

5.40. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)). For example, if two Service partners have different opportunities to continue their careers after being posted to different locations by the Armed Forces.

6. The Duty in practice: Childcare

6A. What does 'childcare' cover?

6.1. Bodies subject to the Duty in the policy area of 'childcare' (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. That is, when exercising any functions relating to the care and supervision of children, by someone other than the child's family or friends. This policy area of 'childcare' encompasses children of all ages, including those eligible for free entitlements.

6.2. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

6.3. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

6B. Disruption to childcare access and availability

What could count as Covenant disadvantage in this area?

If a Service family has more difficulties accessing childcare than other similar families in the general population, for Service reasons such as those below, this could be Covenant disadvantage. (Group C: 'find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service'.³⁵)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to take any particular action to improve access to childcare for Service families. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

³⁵ The broad groups of Covenant disadvantage are outlined in [section 1H](#).

6.4. Service families might have greater challenges than the general population in accessing and securing consistent childcare, that is also appropriate, enriching, and safe, due to the nature of Service life. For example:

- a. After relocating with the Armed Forces, Service families may lose the informal childcare that trusted relatives and friends usually provide, making it more challenging when they are in the process of finding and securing new childcare.
- b. Both civilian and Service families may face challenges with oversubscribed childcare settings. However, as Service families are likely to relocate more often, they are more likely to encounter this issue each time they move, potentially resulting in a reoccurring challenge. This can be exacerbated if the Service family requires different childcare settings for children of varying ages.
- c. Service families who have children with additional needs may find it particularly challenging to access appropriate childcare. As Service families relocate, specialised childcare settings suited to their child's needs may be limited, particularly in remote or overseas locations. As Service families relocate more often than civilian families, this issue may arise more frequently.
- d. Service families may lose their place on a waiting list for childcare as they are relocated around the UK with the Armed Forces. This means they must restart the process of securing childcare in their new location, resulting in further delays.
- e. The relocation of Service families can sometimes occur at short notice, leaving them with less time to arrange and secure childcare in their new location ahead of their move.
- f. The Armed Forces may require Service families to move to a remote UK base, or to a location with fewer accessible childcare options. Service families may therefore be unable to access childcare or have less choice due to limited availability in the area.
- g. If a Service family is required to relocate to an overseas base, they may face additional challenges in acquiring childcare. This may be due to navigating unfamiliar childcare systems in a host country that offers different provisions.
- h. Dual-serving parents or guardians cannot necessarily rely on either to take on the primary parenting responsibilities due to the demands of Service placed on both. This is because both parents or guardians may have limited flexibility in choosing postings or locations, combined with unpredictable and unsocial hours. This can result in additional barriers for dual-serving couples accessing childcare.
- i. Childcare services may be unable to accommodate the unpredictable or unsocial hours of military service, this may entail late hours and weekend duties. This presents challenges for Service families in finding childcare aligning with their work schedules.
- j. Some childcare services are means tested. See [chapter 15](#) for more information about how the Armed Forces Community might incur higher childcare costs in this context.

6C. Disruption to career, employment or education

What could count as Covenant disadvantage in this area?

If a Service parent or guardian faces disruption to their career, employment or education, due to the greater challenges sourcing childcare outlined above, this could be Covenant disadvantage. (Group C: 'find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to take any particular action to support the career, employment or education of Service parents or guardians experiencing childcare challenges. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

6.5. Parents and guardians in the Armed Force Community may face more disruption than their civilian counterparts in continuing their careers, or accessing employment or education, due to the additional challenges sourcing childcare outlined above. For example:

- a. While civilian parents and guardians can often plan for career changes, this may be more challenging for those in the Armed Forces Community. The non-serving parent or guardian in a Service family is more likely to assume more of the parenting responsibilities while suitable childcare is being arranged. This can result in more frequent career, employment and/or education disruptions for the non-serving parent.
- b. Bereaved members of the Armed Forces Community often bear sole responsibility for finding and securing childcare while continuing their employment. Balancing these competing demands can lead to employment and/or education disruption for bereaved parents or guardians navigating employment and childcare.

6D. Impact on wellbeing of Service families

What could count as Covenant disadvantage in this area?

If the mental wellbeing of a Service child, or other family member, is affected by the greater difficulties accessing and securing consistent childcare, this could be Covenant disadvantage. (Group G: 'have an otherwise worse experience than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to take any particular action to support the wellbeing of Service families facing additional childcare challenges. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

6.6. Members of the Armed Forces Community may experience a negative impact on their wellbeing due to difficulties accessing and securing consistent childcare.

- a. A Service child's routine and sense of stability could be disrupted by inconsistent childcare arrangements, potentially leading to negative wellbeing as they navigate the change. This can also lead to a negative impact on the Service family as a whole.
- b. These challenges can be felt even more profoundly by Service children with additional needs. They may also require specialised support, which may be unavailable in their new location, or it may take longer to source. This can also bring about a negative impact on the wellbeing of other family members.

6E. Special provision

What could count as Covenant special provision in this area?

More favourable childcare policies for members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, relative to comparable people in the general population and the rest of the Armed Forces Community, could be Covenant special provision. Special provision in this context could take different potential forms, see [section 1I](#).

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to implement more favourable childcare policies for those sacrificing the most. This might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

6.7. The Covenant does not create any entitlement to preferential treatment for members of the Armed Forces Community. However, a body subject to the Duty may decide preferential treatment is justified for those sacrificing the most.

6F. Issues that are not Covenant disadvantages

6.8. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant's moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

6.9. **Issues not arising from Service** or that **match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if the Armed Forces Community face:

- a. The same challenges as civilian families in securing their child's admission to childcare, or waiting the same amount of time for a childcare place.

- b. The common difficulties for parents and guardians balancing their jobs with their use of childcare services, leading to compromises such as reducing their working hours.
- c. The normal ways a child's wellbeing may be affected by spending time in the care of others, such as separation anxiety or lack of individual attention.
- d. The normal challenges balancing childcare costs with other demands on personal finances.

6.10. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)). For example, if two members of the Armed Forces Community have different experiences accessing childcare, because of where they are posted by the Armed Forces.

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7. The Duty in practice: Social security benefits

7A. What does ‘social security benefits’ cover?

7.1. Bodies subject to the Duty in the policy area of ‘social security benefits’ (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. That is, when exercising any functions relating to benefits such as Universal Credit, Pension Credit, New Style Jobseeker’s Allowance, Child Benefit, and the State Pension. (Note this list is not exhaustive.)

7.2. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

7.3. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

7B. Eligibility rules

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community is less eligible for benefits than comparable people in the general population, for Service reasons such as those below, this could be Covenant disadvantage. (Group B: ‘ineligible for something that is available to others in comparable circumstances in the civilian general population, due to Service’.³⁶)

A body subject to the Duty is legally obliged to ‘have due regard’ to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to change a benefit’s eligibility rules in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

³⁶ The broad groups of Covenant disadvantage are outlined in [section 1H](#).

7.4. If a benefit's eligibility rules do not take account of the 'unique obligations and sacrifices' of Service life, members of the Armed Forces Community could be less eligible for benefits due to Service life. For example:

- a. If living arrangements are taken into account when determining eligibility for a benefit or the amount awarded. For example, this could affect the benefits paid to a Service family living in Service accommodation rather than their family home, or a Service person required to live away from their partner or children.
- b. If UK residency is an eligibility requirement for the benefit. This could affect the benefits paid to members of the Armed Forces Community serving abroad.
- c. If the benefit is paid to people who also receive a separate disability benefit, but it does not recognise military payments equivalent to that disability benefit. This could affect benefits paid to a member of the Armed Forces Community injured in Service.
- d. If the benefit is means tested, and the means test includes a type of Armed Forces compensation in its assessment, but disregards comparable compensation in the general population. This could affect benefits paid to those injured or bereaved by Service. See [chapter 15](#) for more information.

7C. Accessing benefits in practice

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community finds it harder in practice to receive, qualify for, or build up entitlement to benefits, than comparable people in the general population, for Service reasons such as those below, this could be Covenant disadvantage. (Group C: 'find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to modify its support to benefit applicants in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

7.5. Members of the Armed Forces Community might find it harder in practice to receive, qualify for, or build up entitlement to benefits, than the general population. For example:

- a. Members of the Armed Forces Community posted abroad might find it harder to receive UK benefits, or maintain eligibility, than other people in comparable circumstances in the UK. For example, they might not be able to access online application forms due to military operational requirements preventing access to the Internet, they may not be able to attend appointments or assessments in person, they might have difficulty attending online appointments during normal UK office hours due to time differences, it might be more difficult for them to provide the UK authorities with the necessary

documentation, or it might be harder for them to meet criteria such as actively looking for work.

- b. Members of the Armed Forces Community finding it harder to maintain their civilian employment than the general population, for reasons outlined in the [employment](#) chapter, may find it harder to qualify for benefits designed for people who have been in employment, such as the State Pension or New Style Jobseeker's Allowance.
- c. Members of the Armed Forces Community frequently re-locating with the Armed Forces might find it harder than the general population to maintain their receipt of benefits. For example, if re-locating makes it harder to access childcare, they might not be able to claim the childcare element of Universal Credit or Tax-Free Childcare. Likewise, there could be gaps in their receipt of devolved benefits when re-locating between different countries in the UK, if there are processing delays.
- d. Members of the Armed Forces Community might find it harder than the general population to understand what benefits they are entitled to, or how to claim them. This could be due to the 'unique obligation and sacrifice' of *unfamiliarity with civilian life*, or due to having to navigate a mixture of military and civilian schemes, leading to additional complexity.
- e. Veterans with mental health issues from Service, such as complex PTSD, could find it harder to navigate the benefits system or attend assessments. They may struggle to meet the criteria for certain benefits if their condition is hard to evidence, or if assessors do not understand the health conditions arising from Service.
- f. Members of the Armed Forces Community transitioning from military to civilian life may have to wait to receive benefits. For example, if there is a gap between leaving military service and securing civilian employment or housing.

7D. Special provision

What could count as Covenant special provision in this area?

More favourable benefits rules for members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, relative to comparable people in the general population and the rest of the Armed Forces Community, could be Covenant special provision. Special provision in this context could take different forms, see [section 1I](#). Special provision could alternatively involve providing greater support to these benefit applicants.

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to implement more favourable benefits rules or greater support for those sacrificing the most. This might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

7.6. The Covenant does not create any entitlement to preferential treatment for members of the Armed Forces Community. However, a body subject to the Duty may decide preferential treatment is justified for those sacrificing the most.

7E. Issues that are not Covenant disadvantages

7.7. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant's moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

7.8. **Issues not arising from Service** or that **match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if the Armed Forces Community face:

- a. The normal challenges navigating an application process, or attending appointments or medical assessments.
- b. Not qualifying for a benefit for reasons unrelated to Service in the Armed Forces.
- c. The normal time delays waiting for a benefit application to be processed or for payments to begin.
- d. If the normal amount provided by a benefit on its own does not fully meet an individual's needs.
- e. Common delays or errors in administration of benefit payments.

7.9. **The fact that a member of the Armed Forces Community is in receipt of benefits** is not a breach of the Covenant, as this is no different to many people in the general population.

7.10. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)). For example, if two members of the Armed Forces Community have different experiences maintaining eligibility for benefits, due to being posted to different locations by the Armed Forces.

8. The Duty in practice: Personal taxation

8A. What does ‘personal taxation’ cover?

8.1. Bodies subject to the Duty in the policy area of ‘personal taxation’ (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. This relates to the personal tax affairs of members of the Armed Forces Community, to the extent they are directly linked to the individual’s membership, or former membership, of the Armed Forces.³⁷ It does not include taxes on businesses.

8.2. The Duty covers UK and Devolved Ministerial departments when exercising functions in relation to personal taxation. The local authorities subject to the Duty are also covered when exercising functions in relation to personal taxation, such as Council Tax. As a non-Ministerial department, HMRC is not in scope of the statutory Duty. However, it will still play a key role in supporting the Covenant through its partnership role with HM Treasury on tax policy changes and through the Government’s broader application of the Covenant.

8.3. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

8.4. A key principle of the tax system is fair and consistent treatment of UK taxpayers in comparable circumstances. This is consistent with the Covenant principle that it is desirable to remove disadvantage relative to others in comparable circumstances in the general population. In general, it is not the purpose of the tax system to provide different treatment based on how deserving a particular activity is, so there is a balance to be struck when having due regard to the Covenant principles.

8.5. If disadvantage does arise, it is also important to consider whether the tax system is the most appropriate lever to remove it. Other courses of action, such as remuneration packages

³⁷ Including National Insurance contributions.

or direct spending support, could be more appropriate, by providing a more targeted response, or avoiding complicating the tax system.

8.6. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

8B. Covenant disadvantage

8.7. Like civilians, members of the Armed Forces Community pay a wide range of taxes through the year. For example, Income Tax, National Insurance contributions, VAT, Council Tax, and Capital Gains Tax. (This list is not exhaustive.) If a member of the Armed Forces Community is worse off, due to additional tax obligations arising directly from the 'unique obligations and sacrifices' of Service life (as described in [section 1G](#)), this could be Covenant disadvantage. (Group A: 'pay more than others in comparable circumstances in the civilian general population, due to Service'.³⁸)

8.8. However, consideration is required to assess if this is the case. For example:

- a. Some members of the Armed Forces Community benefit from unique tax exemptions, not provided to the general population.³⁹ It is important to weigh any additional tax obligations against these potential gains, and come to a balanced conclusion.
- b. The total amount of tax someone pays depends on various factors and choices they make. For example, where different family members live, how to save for retirement, and when to buy or sell an asset. These decisions are often influenced by a range of factors, rather than being entirely due to Service, so it can be difficult to isolate Service as the sole cause.
- c. Some payments from HM Government to the Armed Forces Community are unique. As a result, an individual's overall tax obligations may not be directly comparable to people in the general population, making like-for-like comparisons difficult.

8C. Special provision

8.9. More favourable tax treatment for those sacrificing the most, such as those injured or bereaved by Service, compared to similar taxpayers in the general population and the rest of the Armed Forces Community, could be special provision. (Group A: 'pay less than others in comparable circumstances in the civilian general population and the rest of the Armed Forces Community'.⁴⁰)

8.10. The Covenant does not create any entitlement to preferential tax treatment for members of the Armed Forces Community over other taxpayers. However, a body subject to the Duty may decide policy action is justified for those sacrificing the most.

³⁸ The broad groups of Covenant disadvantage are outlined in [section 1H](#).

³⁹ For example, Continuity of Education Allowance payments are fully exempt from Income Tax.

⁴⁰ The broad groups of Covenant special provision are outlined in [section 1I](#).

8D. Issues that are not Covenant disadvantages

8.11. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant's moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

8.12. **Issues not arising from Service** or that **match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if the Armed Forces Community face:

- a. Tax charges also incurred by others in the general population in similar circumstances.
- b. Changes to tax rules that match changes to tax rules for the wider population.
- c. The normal challenges understanding complex tax laws, changes to tax laws, and the tax reliefs to which an individual may be entitled.
- d. Normal difficulties communicating with tax bodies, or normal disputes over tax liabilities.
- e. Common errors or time delays in tax administration, for reasons such as complexity.
- f. Normal challenges balancing tax obligations with other demands on personal finances.

8.13. **A member of the Armed Forces Community may pay tax while not benefiting from UK public services**, such as while posted overseas. This is not Covenant disadvantage, as they still benefit from MOD's provision of equivalent services, such as healthcare and policing. Also, an individual's tax liability is not normally linked to their use of public services.

8.14. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)).

8.15. **Reverting to paying the same amount of tax as the general population.** A member of the Armed Forces Community may initially receive a tax exemption not available to the general population. A change in their Service circumstances or the tax rules could mean they revert to paying the same tax as the general population. This is not a Covenant disadvantage.

8.16. **Having additional tax obligations because Service in the Armed Forces leads to a net increase in income.** For example, if a Service family rents out a property in a high yield area, such as London, while living in Service accommodation elsewhere. This is not Covenant disadvantage, as they are better off because of Service, not worse off.

8.17. **Devolved taxation:** Service personnel and their families might be re-located to a different home nation of the UK. Since Devolved Governments have powers to vary a range of taxes, sometimes the Service family will be liable to pay more tax in their new location, but also sometimes less tax. The Service family will also have access to a different combination of public services, which sometimes will benefit them, and other times not. Such differences are part of the constitutional settlement and should not be considered a Covenant disadvantage.

9. The Duty in practice: Criminal justice

9A. What does 'criminal justice' cover?

9.1. Bodies subject to the Duty in the policy area of 'criminal justice' (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. That is, when exercising any functions relating to criminal law, policing and law enforcement agencies, criminal investigations, victim and witness support, charging, criminal court proceedings, sentencing, prisons, parole, probation, and rehabilitation.

9.2. For serving personnel allegedly committing an offence in the UK, justice is administered either by the relevant civilian Criminal Justice System⁴¹ or by the Service Justice System. This includes the Defence Serious Crime Command and the single Service police forces (the Royal Military Police, the Royal Navy Police, and the RAF Police)⁴². This is known as concurrent jurisdiction. For veterans, family members and the bereaved, justice is usually administered by a civilian Criminal Justice System.

9.3. The Duty covers UK Government Ministerial departments when exercising functions in relation to these justice systems, and Devolved Governments in relation to their devolved justice functions within their civilian Criminal Justice System. The local authorities subject to the Duty are also covered when exercising functions in relation to criminal justice. For example, managing Community Safety Partnerships, addressing anti-social behaviour, and supporting the rehabilitation of offenders. Other bodies and office holders within these justice systems, such as police forces, judiciary, and prosecutors, are not subject to the Duty. However, as UK and Devolved Ministerial departments have due regard to the Covenant principles when making decisions or policies relevant to these other bodies, this should raise Covenant awareness and consideration across the whole of these justice systems.

9.4. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

⁴¹ The UK has separate civilian Criminal Justice Systems in England and Wales, Scotland and Northern Ireland.

⁴² The Service Justice System also includes elements such as summary hearings by commanding officers, the Judge Advocates, the Service Prosecuting Authority, and the Military Court Service.

9.5. It should also be noted that these justice systems are complex systems governed by both domestic and international law. Those developing policy to implement the Duty will likely need to consult widely to guard against policies being designed which for legal or practical reasons may be inoperable or lead to unintended consequences.

9.6. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

9B. Administration of justice in the civilian Criminal Justice Systems

9B1. Understanding the military context for alleged offences

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community is dealt with by a body or office holder in a civilian Criminal Justice System that does not understand the military context for an alleged offence, or take this into account when handling cases, this could be Covenant disadvantage. (Group G: 'have an otherwise worse experience than others in comparable circumstances in the civilian general population, due to Service'.⁴³)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to take any particular action to ensure professionals in a civilian Criminal Justice System understand the military context. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors ([section 1F](#)).

9.7. Offences allegedly committed in the UK by members of the Armed Forces Community, or where the victim is a member of the Armed Forces Community, are sometimes dealt with by a civilian Criminal Justice System, rather than by the Service Justice System.⁴⁴ Bodies and office holders in the civilian Criminal Justice Systems therefore need an understanding and experience of the military context for offences, and the unique requirements and circumstances of Service, if they are to ensure the Armed Forces Community are treated fairly and equitably.

9.8. For example, if a body in a civilian Criminal Justice System does not understand the unique requirements and circumstances of Service, or automatically applies civilian norms to military contexts, or misunderstands actions that may be necessary in a military context, this could lead to unfair treatment for the Armed Forces Community.

⁴³ The broad groups of Covenant disadvantage are outlined in [section 1H](#).

⁴⁴ Under the principle of concurrent jurisdiction, any alleged criminal conduct of persons subject to Service law can in principle be dealt with in either the Service Justice System or a civilian Criminal Justice System. Individual cases are allocated between the Service and civilian systems on the basis of protocols between the Service Prosecuting Authority and the relevant civilian prosecuting authority.

9.9. It may be appropriate for a body subject to the Duty to promote policies for the Criminal Justice Systems that foster understanding of the Armed Forces Community and the military context. However, as above, it should be noted that police forces, judiciary, and prosecutors are not subject to the Duty, and it would not be appropriate for those subject to the Duty to, for example, try to influence a police officer, prosecutor or judge in how they exercise their discretion.

9B2. Service life as a contributory factor to criminal behaviour

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community is involved in criminal behaviour, and a civilian Criminal Justice System does not take account of any 'unique obligations and sacrifices' of Service that were contributory factors to the crime, this could be Covenant disadvantage. (Group G: 'have an otherwise worse experience than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to take account of these contributory factors in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

9.10. The 'unique obligations and sacrifices' of Service could be contributory factors to the involvement of some members of the Armed Forces Community in criminal behaviour. For example, some veterans and serving personnel might:

- a. Have formed a normalised view of violence, due to their military training and experiences.
- b. Suffer from PTSD or other mental health conditions because of their Service, affecting their behaviour and interactions with society and the Criminal Justice Systems.
- c. Struggle to adapt to civilian life, having spent significant time in the Armed Forces environment instead, leading to difficulty understanding and adjusting to societal norms and expectations, and potential conflicts with the law.
- d. Have difficulty accessing housing or employment, increasing the likelihood of involvement in criminal activities.
- e. Turn to alcohol or substance misuse as a coping mechanism, increasing the likelihood of criminal behaviour.
- f. Be reluctant to access support for issues such as addiction or debt, due to stigma or lack of awareness about available services.
- g. Be experiencing isolation or disconnection from society, leading to a sense of alienation and potentially criminal behaviour as a coping mechanism.

9.11. A body subject to the Duty may, for example, take steps to ensure that people working in a civilian Criminal Justice System understand how the ‘unique obligations and sacrifices’ of Service are relevant to criminal behaviour. It would not be appropriate for those subject to the Duty to seek to influence the conduct of any particular investigation, prosecution, or judicial proceedings.

9B3. Stigma

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community is treated adversely in a civilian Criminal Justice System solely because they have served in the Armed Forces, this could be Covenant disadvantage. (Group G: ‘have an otherwise worse experience than others in comparable circumstances in the civilian general population, due to Service’.)

A body subject to the Duty is legally obliged to ‘have due regard’ to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to amend its relevant policies and practices in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

9.12. A stigma might be attached to veterans or serving personnel, which could influence how they are treated in a civilian Criminal Justice System. Negative stereotypes could lead to different sentencing, bail decisions, treatment in prison, or other interactions with law enforcement. This could also contribute to additional risks for the individual, such as mental health deterioration, self-harm, or difficulty reintegrating into society after release.

9.13. As above, a body subject to the Duty may seek to safeguard against this disadvantage through policy or other steps, but should do so in an appropriate way which respects the independence of the work of police forces, prosecutors, and members of the judiciary.

9B4. Means tests for legal aid

9.14. Legal aid is means tested in some circumstances. See [chapter 15](#) for more information about Covenant disadvantage and special provision in the context of means tests.

9C. Provision of support in the civilian Criminal Justice Systems

9C1. Identifying members of the Armed Forces Community

9.15. When members of the Armed Forces Community come into contact with a civilian Criminal Justice System, an awareness by bodies in this system of which victims, suspects, offenders, etc, are members of the Armed Forces Community will help to improve the way in which their support needs are met. For example, these bodies could gain this awareness by collating such data as part of their processes. See [chapter 14](#) for more information.

9C2. Provision of support

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community in a civilian Criminal Justice System is less likely to be provided with support appropriate to their needs, than other comparable civilians in that Justice System, this could be Covenant disadvantage. (Group C: ‘find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service’.)

A body subject to the Duty is legally obliged to ‘have due regard’ to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to provide any particular support for members of the Armed Forces Community in a civilian Criminal Justice System. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors ([section 1F](#)).

9.16. Members of the Armed Forces Community in a civilian Criminal Justice System might have bespoke support needs arising from their Service in the Armed Forces. For example, they might have complex physical or mental health issues, as a result of their Service. Alternatively, due to the ‘unique obligation and sacrifice’ of *unfamiliarity with civilian life*, they might need more help than other citizens adjusting to the justice system or to life outside of prison.

9.17. Some people working in a civilian Criminal Justice System might not understand the impacts of Service life. Alternatively, some areas may lack support services appropriate to the unique needs of the Armed Forces Community, such as specialised mental health support or reintegration programmes, hindering their successful rehabilitation and integration into society.

9.18. The Covenant does not create any entitlement to preferential support for members of the Armed Forces Community. However, a body subject to the Duty may decide a higher level of support is justified for those sacrificing the most.

What could count as Covenant special provision in this area?

Providing greater support in a civilian Criminal Justice System to those sacrificing the most, such as those bereaved or injured by Service, compared to others with a similar need, could be Covenant special provision. (Group B: ‘eligible for something that is not available to others in comparable circumstances in the civilian general population and the rest of the Armed Forces Community’.⁴⁵)

A body subject to the Duty is legally obliged to ‘have due regard’ to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to provide greater support to those sacrificing the most. This might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

⁴⁵ The broad groups of Covenant special provision are outlined in [section 1I](#).

9D. Administration of justice in the Service Justice System

What could count as Covenant disadvantage in this area?

If members of the Armed Forces Community in the Service Justice System have an inferior experience compared to similar members of the general population in the relevant civilian Criminal Justice System, without justifiable reasons, this could be Covenant disadvantage. This could be as complainants, victims, witnesses, suspects, accused, or offenders. (Group G: 'have an otherwise worse experience than others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to amend the policies or practices of either justice system in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

9.19. In some circumstances, it might be appropriate to compare the experience of members of the Armed Forces Community in the Service Justice System with the experience of comparable civilians in the relevant civilian Criminal Justice System. However, such comparisons should always be approached with caution, as there may be valid reasons for differences. For example, demographic differences between the Armed Forces Community and the general population may lead to some variation. Additionally, the process of investigating offences in a military setting can differ significantly from that in a civilian context, due to operational and environmental factors. Alternative procedures or approaches may also be justified by the specific needs of Service.

9.20. Where differences do exist, they should be assessed on whether they are clearly justifiable, recognising that some may appear disadvantageous but reflect the 'unique obligations and sacrifices' of Service, and are often offset or compensated for in other ways. For example, to maintain discipline, the Service Justice System might need to impose a different penalty to one that might be applied by a civilian Criminal Justice System.

9.21. A body subject to the Duty may promote policies which aim to minimise or remove Covenant disadvantage in this area, recognising that these justice systems are legally required to guarantee certain core rights, such as the right to a fair trial. However, it would not be appropriate for a body subject to the Duty to seek to curtail the independence of police officers, prosecutors, or members of the judiciary within the Service Justice System in exercising their discretion within the law.

9E. Issues that are not Covenant disadvantages

9.22. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant's moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

9.23. **Issues not arising from Service** or that **match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if the Armed Forces Community face:

- a. The typical broader impacts on an individual and their wider family from involvement in a justice system, such as impacts on their employment and housing.
- b. The common challenges for those leaving prison when reintegrating into society.
- c. The normal challenges due to standard ongoing legal obligations after release, such as probation, parole, or mandatory reporting.
- d. The usual waiting times for cases to progress through a justice system.
- e. The normal challenges knowing how to engage with an unfamiliar justice system.
- f. The common difficulties faced by victims in accessing justice.
- g. Not meeting the criteria for legal aid.

9.24. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)). For example, if two members of the Armed Forces Community have different experiences in the justice systems.

9.25. **Service offences and their enforcement:** Serving personnel are subject to Service law. This enforces a single disciplinary code worldwide, and is essential for the operational effectiveness of the Armed Forces. Service law covers both criminal offences under the law of England & Wales, and Service offences (including non-criminal conduct offences such as absence without leave) whether committed in the UK or overseas. Service offences and their enforcement are unique to the Armed Forces (and civilians subject to Service discipline). There is no one in the general population in comparable circumstances, which means no comparison can be made. Therefore, Service offences and their enforcement cannot be a source of Covenant disadvantage. Instead, this is one of the 'unique obligations and sacrifices' of Service (see [section 1G4](#)).

10. The Duty in practice: Transport

10A. What does 'transport' cover?

10.1. Bodies subject to the Duty in the policy area of 'transport' (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. That is, when exercising any functions relating to either public or private transport.

10.2. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

10.3. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

10B. Higher transport costs due to Service life

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community has higher transport costs than comparable people in the general population, for Service reasons such as those below, this could be Covenant disadvantage. (Group A: 'pay more than others in comparable circumstances in the civilian general population, due to Service'.⁴⁶)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to amend its relevant policies in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

⁴⁶ The broad groups of Covenant disadvantage are outlined in [section 1H](#).

10.4. If relevant policies do not take account of the ‘unique obligations and sacrifices’ of Service life, members of the Armed Forces Community might incur higher transport costs than the general population. For example:

- a. Members of the Armed Forces Community who take their car with them on an overseas posting might face higher insurance costs, or they might have to arrange additional cover. They might have to obtain an International Driving Permit or register the vehicle in the host country. They might face unfamiliar driving conditions, or language difficulties while driving. The car might need to pass the host country’s roadworthiness test.
- b. If they leave their car in the UK, they might need to pay to put it into storage, and it could deteriorate faster from lack of use. If they cancel their car insurance in advance, they might incur cancellation fees, or lose their No Claims Discount. If their insurance lapses while they are abroad, or if the car’s MOT expires, this might create practical challenges on their return. If they purchased the car on finance, they might have to continue paying for it, while not being able to use it.
- c. Members of the Armed Forces Community might be required by the Armed Forces to re-locate to remote UK bases, where they might have to pay more to travel to their local employment, to access services such as childcare and healthcare, or for their children to travel to school. Public transport might be limited, which might cause difficulties if they do not own a vehicle, or if they leave it back home for other family to use.
- d. Members of the Armed Forces Community might face higher transport costs if posted to towns and cities with congestion charges or low-emission zone charges for vehicles. This is because they may have limited choice over where they live, and family members might rely on having a car, if the public transport available does not match their needs.
- e. Members of the Armed Forces Community with an injury from Service might face higher transport costs than other citizens with a similar disability, if a transport concession for disabled citizens does not recognise their military evidence of disability.
- f. Some transport services and schemes are means tested. See [chapter 15](#) for more information about how members of the Armed Forces Community might incur higher transport costs in this context.

10C. Special provision

What could count as Covenant special provision in this area?

More favourable transport policies for members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, relative to comparable people in the general population and the rest of the Armed Forces Community, could be Covenant special provision. Special provision in this context could take different potential forms, see [section 11](#).

A body subject to the Duty is legally obliged to ‘have due regard’ to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to implement more favourable transport policies for those sacrificing the most. This

might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

10.5. The Covenant does not create any entitlement to preferential treatment for members of the Armed Forces Community. However, a body subject to the Duty may decide preferential treatment is justified for those sacrificing the most.

10D. Issues that are not Covenant disadvantages

10.6. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant's moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

10.7. **Issues not arising from Service** or that **match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if the Armed Forces Community face:

- a. The normal costs of owning one or more cars to meet a family's transport needs.
- b. The difficulties using public transport also experienced by the general public, such as overcrowding or inconvenient timings.
- c. The typical expenses associated with personal travel for everyday activities, or for occasional or leisure purposes.
- d. The normal challenges for parents managing transport for their children, such as balancing school runs or transport to extracurricular activities with their own work.
- e. The normal costs of travelling between home and place of work.

10.8. **Members of the Armed Forces Community may be required to frequently re-locate and travel around the country and across the globe.** This *geographical mobility* is one of the 'unique obligations and sacrifices' of Service (see [section 1G2](#)), and necessary to ensure the effective running of the Armed Forces. It is not itself Covenant disadvantage.

10.9. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)). For example, if one member of the Armed Forces has higher transport costs than another, as the Armed Forces requires them to serve in a more expensive location, or to re-locate more often.

11. The Duty in practice: Pensions

11A. What does 'pensions' cover?

11.1. Bodies subject to the Duty in the policy area of 'pensions' (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. That is, when exercising any functions relating to occupational pension schemes. This includes the Armed Forces Pension Schemes (including the Early Departure Payment); pension schemes implemented abroad but administered by a body subject to the Duty; and other occupational pension schemes in wider society with scheme members from the Armed Forces Community. For example, Service partners might be members of the NHS Pension Scheme.

11.2. This chapter does not cover:

- a. the State Pension, which is covered by the [social security benefits](#) chapter;
- b. the War Pension Scheme, for which see the [Armed Forces compensation](#) chapter; or
- c. the taxation of Armed Forces pensions, for which see the [personal taxation](#) chapter.

11.3. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

11.4. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

11B. The Armed Forces Pension Schemes

11.5. Members and former members of the Armed Forces, who meet the relevant requirements, are able to claim an Armed Forces pension, providing them and eligible dependants with a range of benefits. The Armed Forces Pension Schemes (AFPS) are among the most generous pensions available in the UK, reflecting the unique sacrifice that scheme members have provided their country throughout their career. For example, AFPS 15 is the last non-contributory scheme in the public sector; it is the only public sector scheme with an Early Departure Payment; it has the second highest accrual rate of all public sector schemes; and it has the most generous Death in Service provisions of all the public sector. Therefore,

AFPS is not generally seen as a source of Covenant disadvantage. AFPS may present opportunities for special provision, as outlined later in this chapter.

11C. Accruing benefits in other occupational pension schemes

What could count as Covenant disadvantage in this area?

If a member of the Armed Forces Community finds it harder to accrue occupational pension scheme benefits than comparable people in the general population, for Service reasons such as those below, this could be Covenant disadvantage. (Group A: 'receive less than others in comparable circumstances in the civilian general population, due to Service'.⁴⁷)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to amend its pension schemes in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

11.6. Service family members who find it hard to maintain their civilian employment, for reasons outlined in the [employment](#) chapter, may not accrue as many occupational pension scheme benefits as comparable people in the general population. This can also happen if they are able to work but have to accept roles that are lower paid or unrelated to their field of expertise; if their frequent re-locations mean they are slower to climb the career ladder; or if an employer has different contribution rates depending on its employees' length of service or salary band, and the Service family member is less likely to work for the organisation long enough to benefit from the higher contribution rates.

11.7. Similarly, veterans who find it hard to gain or maintain civilian employment after their Service, for reasons outlined in the employment chapter, may not accrue as many occupational pension scheme benefits as comparable people in the general population. This could also happen if a veteran decides to take a job with fewer hours after leaving Service, to spend more time with their family and make up for time missed during their military career.

11.8. When deciding if a member of the Armed Forces Community falls into this scenario, it is important to note they may have gained other benefits, such as working fewer hours or retiring early, meaning there is a balance to strike when assessing if overall they are disadvantaged.

11D. Special provision

11.9. The Covenant does not create any entitlement to preferential treatment for members of the Armed Forces Community. However, a body subject to the Duty may decide preferential treatment is justified for those sacrificing the most.

⁴⁷ The broad groups of Covenant disadvantage are outlined in [section 1H](#).

What could count as Covenant special provision in this area?

Superior pension benefits for scheme members sacrificing the most, such as those injured or bereaved by Service, relative to other comparable scheme members, could be Covenant special provision. (Group A: 'receive higher payments than others in comparable circumstances in the civilian general population and the rest of the Armed Forces Community'.⁴⁸)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to provide any particular superior pension benefits to scheme members sacrificing the most. This might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

11E. Issues that are not Covenant disadvantages

11.10. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant's moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

11.11. **Issues not arising from Service** or that **match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if the Armed Forces Community face:

- a. Changes to pension schemes that match changes in other schemes more widely. For example, raising the normal pension age, or moving from final salary to average salary.
- b. Issues with pension schemes that are not exclusive to the Armed Forces, but also affect other schemes in wider society. For example, the McCloud judgment.
- c. The normal difficulties understanding pension entitlements or the impacts of pension changes, due to the frequent complexity of pension schemes.
- d. Aspects of historical Armed Forces Pension Schemes that align with features of other pension schemes in wider society at that time.
- e. Common errors in pension administration, customer service, or communications.
- f. Pension Sharing Orders that the member does not agree with, but are based off legal frameworks that are equally applicable to members of other pension schemes.

11.12. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)). For example, if two members of the Armed Forces Community accrue different Armed Forces Pension Scheme benefits, as they served in different cohorts in the Armed Forces, or at different periods of time.

⁴⁸ The broad groups of Covenant special provision are outlined in [section 1I](#).

12. The Duty in practice: Immigration and citizenship

12A. What does ‘immigration and citizenship’ cover?

12.1. Bodies subject to the Duty in the policy area of ‘immigration and citizenship’ (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. This includes functions relating to the immigration status, immigration control, and application for settlement or British citizenship of non-UK members of the Armed Forces Community.

12.2. Non-UK members of the Armed Forces Community covered by the Duty includes non-UK serving personnel (regular and reserve)⁴⁹, non-UK veterans of the UK Armed Forces who are ordinarily resident in the UK, and non-UK family members. British or Irish members of the Armed Forces Community may also engage with immigration and citizenship bodies, such as when sponsoring a non-British family member through the immigration system, and they are also covered by the Duty.

12.3. Covenant disadvantage is always assessed by comparing the Armed Forces Community with people in the general population ‘in comparable circumstances’. While this can encompass many different factors, when it comes to immigration and citizenship issues, this is likely to mean comparing the Armed Forces Community with civilians in the general population navigating the same or similar immigration or citizenship route.

12.4. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

12.5. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

⁴⁹ That is, British Overseas Citizens, British Overseas Territory Citizens, British National (Overseas) Citizens, Commonwealth Citizens, and Nepalese Citizens, serving in the UK Armed Forces.

12B. The Armed Forces' exemption from immigration control

12.6. Non-UK citizens serving in the UK Armed Forces are exempt from UK immigration control through UK law. If organisations dealing with non-UK members of the Armed Forces do not understand this exemption, and expect them to have a visa, for example, this can create difficulties when these members of the Armed Forces enter the UK, when they access services such as housing or healthcare, or when they apply for civilian work ahead of discharge.

12.7. This exemption ceases on discharge from the Armed Forces. They then become subject to immigration control, and must either regularise their immigration status or leave the UK (or they may revert back to the immigration status they held before serving, provided it remains valid and has not expired). The switch in immigration status could affect their ability to plan effectively in the run-up to their discharge, or their ability to access services and support. For example, they may not be eligible for some public services until their new immigration status is confirmed. Likewise, if there is a delay between discharge and a decision being made on their immigration status, this could affect their rights to work or access public funds.

12.8. However, being exempt from immigration control is a unique benefit provided to non-UK citizens serving in the UK Armed Forces. It may therefore be more appropriate to regard the challenges outlined above as challenges implementing a benefit that is not afforded to others, rather than Covenant disadvantages.

12C. Non-UK members of the Armed Forces Community posted abroad

12C1. Immigration applications while posted abroad

What could count as Covenant disadvantage in this area?

If a non-UK member of the Armed Forces Community finds it more difficult to make an immigration application than comparable civilians navigating the same or similar immigration route, because they are deployed abroad with the Armed Forces, this could be Covenant disadvantage. (Group C: 'find it harder in practice to access something than others in comparable circumstances in the civilian general population, due to Service'.⁵⁰)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to modify its immigration application practices in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

12.9. Entitled non-UK family members of a serving member of the UK Armed Forces can apply for a visa to join them in the UK. These family members, as well as serving personnel soon to discharge, might apply for a visa renewal, an immigration status, British citizenship, or

⁵⁰ The broad groups of Covenant disadvantage are outlined in [section 1H](#).

a passport, while posted abroad. There could be additional challenges doing so from certain countries, or if they have to travel back to the UK from certain countries to have a visa activated, or attend a test or interview, for example.

12C2. Demonstrating continuous residence in the UK

What could count as Covenant disadvantage in this area?

If a non-UK member of the Armed Forces Community does not meet criteria for continuous residence in the UK, unlike comparable civilians navigating the same or similar immigration or citizenship route, due to spending time deployed abroad with the Armed Forces, this could be Covenant disadvantage. (Group B: 'are ineligible for something that is available to others in comparable circumstances in the civilian general population, due to Service'.)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to modify its continuous residence criteria in any particular way. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

12.10. Immigration rules may require applicants for an immigration status to meet criteria about continuous residence in the UK. However, members of the Armed Forces Community making an immigration application might have spent time posted abroad.

12D. Special provision

What could count as Covenant special provision in this area?

More favourable immigration or citizenship rules for non-UK members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, relative to comparable civilians and the rest of the non-UK Armed Forces Community, navigating the same or similar immigration or citizenship route, could be Covenant special provision. Special provision in this context could take different potential forms, see [section 1I](#).

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to implement more favourable rules for those sacrificing the most. This might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

12.11. The Covenant does not create any entitlement to preferential treatment for members of the Armed Forces Community. However, a body subject to the Duty may decide preferential treatment is justified for those sacrificing the most.

12E. Issues that are not Covenant disadvantages

12.12. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant's moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

12.13. **Issues not arising from Service** or that **match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if non-UK members of the Armed Forces Community face:

- a. The normal costs and eligibility criteria for non-UK nationals to meet when applying for a visa, an immigration status, a passport, or British citizenship.
- b. The barriers or expenses commonly faced by non-UK nationals when accessing public or commercial goods and services in the UK, or when understanding their entitlements.
- c. The normal challenges for non-UK nationals trying to find employment in the UK, for reasons such as the language barrier, lack of right to work in the UK, or not understanding how the UK employment market works.
- d. The challenges commonly arising for non-UK nationals in the UK through cultural differences and adapting to life in a new country.
- e. The expense of travelling between their country of origin and the UK.
- f. Issues with isolation or loneliness, due to moving away from friends and family back in their country of origin.

12.14. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)). For example, if two non-UK members of the Armed Forces Community have different immigration or citizenship experiences.

12.15. Likewise, it is not Covenant disadvantage if non-UK members of the Armed Forces Community have immigration or citizenship challenges that their British counterparts do not. Also, there are justified reasons why the immigration and citizenship experience of foreign nationals differs from that of British nationals.

13. The Duty in practice: Armed Forces compensation

13A. What does ‘Armed Forces compensation’ cover?

13.1. Bodies subject to the Duty in the policy area of ‘Armed Forces compensation’ (for which, see [section 1C](#)) must have due regard to Covenant principles when exercising any public functions in this area. That is, when exercising any functions relating to compensation payable to members of the Armed Forces Community for issues arising from Service in the Armed Forces.⁵¹ For example, compensation for injury, illness or death attributable to Service.

13.2. The Duty does not cover compensation sought by the Armed Forces Community for issues not arising from Service. For example, compensation sought from a civilian employer or a healthcare provider for wrongdoing unconnected to their Service.

13.3. Members of the Armed Forces Community may seek compensation from the Ministry of Defence by taking legal action against MOD (section 13B); through MOD’s schemes for awarding compensation when there is no allegation of fault against MOD (section 13C); or through other available processes (section 13D). The Duty covers all such routes.

13.4. This chapter does not cover:

- a. the inclusion or exemption of Armed Forces compensation in means tests, for which see the [means tests](#) chapter;
- b. the taxation of compensation payments, for which see the [personal taxation](#) chapter.

13.5. The purpose of this chapter is to describe how Covenant disadvantage could arise in this policy area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

13.6. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

⁵¹ See section 343AZA(7) of the Armed Forces Act 2006.

13B. Taking legal action against MOD

13.7. Members of the Armed Forces Community often have the right to take legal action against MOD for alleged negligence or other wrongdoing. For example, bringing an employer's liability claim, or a clinical negligence claim.⁵² MOD considers such claims on the basis of whether it has a legal liability to pay compensation, determined by common law principles.

13.8. Whether members of the Armed Forces Community seeking compensation in this way experience Covenant disadvantage is assessed by comparing them with people in the general population 'in comparable circumstances'. That is, people alleging similar harm by an organisation in wider society, and taking legal action against that organisation.

13.9. Sometimes, there is no one in the general population alleging similar harm and taking legal action. In such cases, there cannot be Covenant disadvantage.

13.10. If there is a comparator in the general population, and the legal procedures to claim compensation are the same for the Armed Forces Community as the comparator, this would also generally mean there is no Covenant disadvantage. This includes the use of the same courts or mediation processes, the same overarching framework of law and procedure, and the processes being conducted in accordance with the civil procedure rules and common law principles set out in case law.

13.11. Covenant disadvantage could arise if there is a disparity in the legal procedures for the Armed Forces Community relative to the comparator, without justifiable reasons.

13.12. Likewise, special provision could be in place if there are differences that favour members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, relative to the comparator in the general population.

13C. MOD's no-fault compensation schemes

13.13. MOD also provides bespoke compensation to the Armed Forces Community for injury, illness or death attributable to Service, when the claimant does *not* need to take legal action against MOD. For example, to those injured or bereaved through enemy action.

13.14. MOD has established two main schemes to provide compensation in these circumstances: the Armed Forces Compensation Scheme (AFCS)⁵³ and the War Pension Scheme (WPS)⁵⁴. These compensate for any injury, illness or death caused or made worse by Service after (AFCS) or before (WPS) 6 April 2005.

⁵² Latest statistics: <https://www.gov.uk/government/collections/mod-compensation-claims-statistics>

⁵³ Latest statistics: <https://www.gov.uk/government/collections/armed-forces-compensation-scheme-statistics-index>

⁵⁴ Latest statistics: <https://www.gov.uk/government/collections/war-pension-recipients-index>

13.15. Whether AFCS or WPS claimants experience Covenant disadvantage is assessed by comparing them with people in the general population ‘in comparable circumstances’. That is, people experiencing similar harm while not alleging fault.

13.16. Different groups of AFCS or WPS claimants are likely to have different comparators in the general population. For some groups, there may be no one in the general population experiencing similar harm while not alleging fault. In such cases, that group of AFCS or WPS claimants cannot be disadvantaged.

13.17. If there is a comparator in the general population, Covenant disadvantage could arise if there is a disparity for the AFCS or WPS claimants relative to the comparator, without justifiable reasons.

13.18. Likewise, special provision could be in place if there are differences that favour the AFCS or WPS applicants, relative to the comparator in the general population.

13D. MOD’s other compensation schemes

13.19. MOD may also establish, or consider establishing, other processes to award compensation to members of the Armed Forces Community without them needing to take legal action. As above, whether there is Covenant disadvantage for such members of the Armed Forces Community is assessed by comparing them with people in the general population ‘in comparable circumstances’. That is, people experiencing similar harm and being offered compensation through a similar process.

13.20. There may be no one in the general population ‘in comparable circumstances’, in which case there cannot be disadvantage for the Armed Forces Community. If a comparator is present in the general population, Covenant disadvantage could arise if there is a disparity for the Armed Forces Community relative to the comparator, without justifiable reasons. Special provision could be in place if there are differences that favour members of the Armed Forces Community sacrificing the most, such as those injured or bereaved by Service, relative to the comparator in the general population.

13E. Issues that are not Covenant disadvantages

13.21. The Armed Forces Community may face issues that are not considered Covenant disadvantages, and therefore not covered by the Duty. This does not diminish the importance of these issues or imply that support should not be considered, rather, it only means they are not breaches of the Covenant’s moral obligation. Where support is in place to mitigate such issues, this should not be seen as Covenant implementation, and the Legal Duty of due regard does not apply. This section outlines some such issues but is not exhaustive.

13.22. **Issues not arising from Service** or that **match comparable civilians** are not considered Covenant disadvantages (see [section 1H](#)). For example, if the Armed Forces Community face:

- a. The usual legal expenses incurred when suing another organisation.

- b. The normal challenges understanding rights and navigating the legal system.
- c. The normal time delays waiting for a court or mediation process to begin.
- d. Decisions by courts or mediation processes that the complainant does not agree with, but are based off legal frameworks that are equally applicable to the general population.

13.23. **The fact that a member of the Armed Forces Community is paid compensation**, due to experiencing harm during Service, does not necessarily mean there has been a breach of the Covenant. Being exposed to a wide range of threats, with a danger of death, or short or long-term injury to physical and/or mental health, is one of the 'unique obligations and sacrifices' of Service (see [section 1G1](#)), and a necessary part of Service life.

13.24. **Disparities between different groups in the Armed Forces Community** are not considered disadvantages, as the purpose of the Covenant is to address comparisons with the general population (see [section 1H1](#)). For example, if two members of the Armed Forces Community follow different compensation routes and are awarded different amounts.

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14. Cross-cutting theme: Identifying members of the Armed Forces Community

14.1. Effective Covenant implementation often requires staff who interact with the public to know which individuals they engage with are members of the Armed Forces Community. This is necessary to ensure their unique circumstances can be considered by decision makers and policy makers. This is the case in many of the policy areas covered by the Duty.

14.2. However, while many members of the Armed Forces Community are forthcoming about their Service and the issues they face, making it simpler for organisations to deal with them appropriately, this is not always the case. Some may be less likely to seek out support services and can be reluctant to reveal their life in Service, and less forthcoming about the nature of the support they need. This could be because:

- a. They feel a stigma in accessing support, either because it is perceived that accessing support could bring shame on them or the unit they served in, or they believe they are not entitled to the support they require.
- b. They believe that civilian service providers will not understand or support them.
- c. They lack awareness of the support available to which they are entitled, or they do not understand there might be special provision available.
- d. They might not regard themselves as a member of the Armed Forces Community, for example if they served a very short amount of time, or if they view their time in Service as a job that was in the past, and not something that affects their current life.
- e. There might be issues in their local area which make it difficult to access support. For example, members of the Armed Forces Community in parts of Northern Ireland might be particularly unwilling to come forward and access dedicated support, for fear of stigma and/or recrimination, or due to security concerns.

14.3. Therefore, professionals might not know which people they deal with are members of the Armed Forces Community, making it less likely they will be provided with the right support.

14.4. Bodies could gain this awareness by asking the person they are in contact with if they have ever been part of the Armed Forces Community, then recording this data.

14.5. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

15. Cross-cutting theme: Means tests

15.1. Several matters covered by the Duty, including some social security benefits and legal aid, social housing, Disabled Facilities Grants for adults, some social care and childcare services, and some transport schemes and services, are means tested. That is, an individual's or household's financial situation is assessed to determine if they qualify.

15.2. The purpose of this chapter is to describe how Covenant disadvantage could arise in this area, and how special provision could be implemented. This is to help stakeholders understand what constitutes disadvantage or special provision in this area, so that due regard can be had. The disadvantages outlined in this chapter are not necessarily widespread issues; mitigations may already be in place (not discussed here). Also, the special provisions outlined here are possible options and may not always be available.

15.3. Case studies about supporting the Armed Forces Community are available at: www.armedforcescovenant.gov.uk/case-study-database/

15.4. Some members of the Armed Forces Community receive compensation for injury, illness or death arising from Service in the Armed Forces. Including this compensation in a means test assessment is not necessarily a breach of the Covenant, but it depends how that means test treats similar compensation in wider society. That is, compensation paid by other organisations to people in the general population for comparable reasons.

15.5. Identifying comparable compensation in the general population may not be straightforward. Different types of Armed Forces compensation are likely to have different comparators in the general population.

- a. It may be appropriate to compare how a means test treats compensation from MOD's no-fault schemes⁵⁵ with how it treats similar compensation from other public sector no-fault schemes or similar social security benefits.
- b. It may be appropriate to compare how a means test treats compensation paid to the Armed Forces Community suing MOD with how it treats compensation paid to the public suing an organisation in wider society for a similar reason.

15.6. If a type of Armed Forces compensation has no comparable compensation in the general population, a means test's treatment of it cannot be a source of either Covenant disadvantage or special provision.

⁵⁵ The Armed Forces Compensation Scheme and War Pension Scheme.

15.7. If a type of Armed Forces compensation does have comparable compensation in the general population, and **a means test treats these two types of compensation equally (either including both or disregarding both), there is no disadvantage or special provision for the Armed Forces.** Disadvantage or special provision could arise if there is a difference between how they are treated, as follows.

What could count as Covenant disadvantage in this area?

If a means test includes a type of Armed Forces compensation in its assessment, but disregards the general population's comparable compensation, the Armed Forces Community could be less eligible for the benefit or public service than comparable civilians, so this could be Covenant disadvantage. (Group B: 'ineligible for something that is available to others in comparable circumstances in the civilian general population, due to Service'.⁵⁶)

A body subject to the Duty is legally obliged to 'have due regard' to the principle that it is desirable to remove such disadvantages, and must be able to evidence this. However, this does not mean it is required to treat the two types of compensation in an identical manner in a means test. This might not be feasible, or the desirability of removing the disadvantage may be outweighed by other factors (see [section 1F](#)).

15.8. The Covenant does not create any entitlement to preferential treatment for members of the Armed Forces Community. However, a body may decide preferential treatment is justified for those sacrificing the most, such as those injured or bereaved by Service. All those receiving compensation for injury, illness or death arising from Service are likely to fall into this category.

What could count as Covenant special provision in this area?

If a means test disregards a type of Armed Forces compensation in its assessment, but includes the general population's comparable compensation, this means Armed Forces Community members sacrificing the most could be more eligible for the benefit or public service than comparable civilians, so this could be Covenant special provision. (Group B: 'eligible for something that is not available to others in comparable circumstances in the civilian general population and the rest of the Armed Forces Community'.⁵⁷) Special provision could alternatively involve applying a more generous threshold for the Armed Forces compensation.

A body subject to the Duty is legally obliged to 'have due regard' to the principle that special provision may be justified, and must be able to evidence this. However, this does not mean it is required to disregard a particular type of Armed Forces compensation in a means test, or have a more generous threshold. This might not be feasible, or the desirability of doing so may be outweighed by other factors (see [section 1F](#)).

⁵⁶ The broad groups of Covenant disadvantage are outlined in [section 1H](#).

⁵⁷ The broad groups of Covenant special provision are outlined in [section 1I](#).

Appendix 1: Bodies subject to the Duty

A1.1. The bodies who are subject to the Duty are listed in the Armed Forces Act 2006 at sections 343AZA(4) and 343AZB. They are listed in the tables below. The Act groups them into four categories, which are replicated below. When terms relating to the specified bodies are further defined in the Act, those definitions have also been included in the tables below for ease of reference.

National authorities

Country	Bodies
UK-wide	<ul style="list-style-type: none"> A Minister of the Crown, within the meaning of the Ministers of the Crown Act 1975
Wales	<ul style="list-style-type: none"> The Welsh ministers
Scotland	<ul style="list-style-type: none"> The Scottish ministers
Northern Ireland	<ul style="list-style-type: none"> The First Minister and deputy First Minister in Northern Ireland acting jointly, a Northern Ireland Minister or a Northern Ireland department

Local authorities

Country	Bodies
England	<ul style="list-style-type: none"> A county council in England, a district council, a London borough council, the Common Council of the City of London, or the Council of the Isles of Scilly.⁵⁸
Wales	<ul style="list-style-type: none"> The council of a county or county borough in Wales
Scotland	<ul style="list-style-type: none"> A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 A local authority landlord within the meaning of the Housing (Scotland) Act 2001 (asp 10) (see section 11(3) of that Act) An integration authority, within the meaning of section 59 of the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9)
Northern Ireland	<ul style="list-style-type: none"> The Northern Ireland Housing Executive

⁵⁸ **Unitary authorities** are not explicitly listed in the Act, and therefore not listed in this table, as legally they remain either a county council or district council, so are brought within scope of the Duty by the inclusion of these terms.

Education bodies

Country	Bodies
England	<ul style="list-style-type: none"> • The governing body of a maintained school, where 'maintained school' has the same meaning as in the School Standards and Framework Act 1998 (see section 20 of that Act) • The proprietor of an Academy, within the meaning of the Education Act 1996 (see section 579(1) of that Act) • A school which is approved under section 342 of the Education Act 1996 • The governing body of an institution within the further education sector in England, within the meaning of the Further and Higher Education Act 1992 (see sections 90 and 91 of that Act) • A special post-16 institution, within the meaning of the Children and Families Act 2014 (see section 83 of that Act)
Wales	<ul style="list-style-type: none"> • The governing body of a maintained school, where 'maintained school' has the same meaning as in the School Standards and Framework Act 1998 (see section 20 of that Act)
Scotland	<ul style="list-style-type: none"> • A person in their capacity as an appropriate agency for the purposes of section 23 of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4)
Northern Ireland	<ul style="list-style-type: none"> • The Education Authority established under section 1(1) of the Education Act (Northern Ireland) 2014 (c. 12 (N.I.)) • The Board of Governors of a grant-aided school, within the meaning of the Education and Libraries (Northern Ireland) Order 1986

Health bodies

Country	Bodies
England	<ul style="list-style-type: none"> • NHS England • An integrated care board established under section 14Z25 of the National Health Service Act 2006 • A National Health Service trust in England • An NHS foundation trust
Wales	<ul style="list-style-type: none"> • A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 • A Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006, other than a cross-border Special Health Authority. 'Cross-border Special Health Authority' means a Special Health Authority which is established under the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 by virtue of (a) paragraph 1(2) of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006, or (b) the power under section 28 of the National Health Service Act 2006 and the power under section 22 of the National Health Service (Wales) Act 2006 being exercised together • A National Health Service trust in Wales

Scotland	<ul style="list-style-type: none">• A Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978• A Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978.• The Common Services Agency for the Scottish Health Service
Northern Ireland	<ul style="list-style-type: none">• A Local Commissioning Group appointed under section 9 of the Health and Social Care (Reform) Act (Northern Ireland) 2009• A Health and Social Care trust established by virtue of Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)), other than the Northern Ireland Ambulance Service Health and Social Care Trust

Appendix 2: How bodies can raise awareness of Armed Forces issues

A2.1. While the Duty is not prescriptive about the actions bodies should take in order to promote awareness of the Duty and the issues faced by the Armed Forces Community, the type of actions that they might wish to consider adopting have been included below. These are based on the existing good practice of those bodies already working to deliver the Armed Forces Covenant in their local area.

Appointing individuals

- Local authorities can appoint an elected member champion.
- Appointing a dedicated officer, staff group, or other lead person, who can advise on and co-ordinate Armed Forces issues across the whole organisation.
- Promoting a single point of contact within the organisation that members of the Armed Forces Community can contact if they require assistance or advice.

Communication and engagement

- Organising and/or attending regular meetings with Armed Forces representatives, charities, public sector representatives, the local Armed Forces presence, Armed Forces Covenant networks, and/or organisation champion(s).
- Establishing and/or attending local partnership boards to collaborate with other similar organisations, sharing best practice and information.
- Providing a web page or material with key information and links for members of the Armed Forces Community (such as examples [1](#) [2](#) [3](#)), including details on complaints procedures and signposting relevant organisations such as ombudsmen.
- A clear statement of what members of the Armed Forces Community can expect from the organisation in terms of support (such as this [example](#)).
- A mechanism for reporting actions and achievements.
- A mechanism for prompting further research.
- Training frontline staff.

Collaboration

- Sharing awareness, data and good practice on the Armed Forces Community within the organisation and other similar organisations.
- Requesting more information from organisations who have dealt with the Armed Forces Community before.

Research

- Understanding the make-up of the Armed Forces Community in the local area.
- Identifying gaps in knowledge.
- Consulting online information and tools, such as the Veterans' Gateway or the Armed Forces Covenant Fund Trust's Knowledge Network.
- Conducting a Joint Strategic Needs Assessment on the needs of the local Armed Forces Community and, where possible, anticipate the needs of those moving into the local area.

- Undertaking primary evidence capturing exercises, such as a CHAIN style report to capture homeless veterans.
- Collecting and analysing data on the local Armed Forces Community, including by asking service users about their Armed Forces status.
- Consulting national data sources such as the census, and statistics on the locations of Armed Forces pension and compensation recipients and recipients of Service Pupil Premium.
- Consulting research and best-practice guides, such as the Forces in Mind Trust's '[Our Community Our Covenant](#)' report.
- Engaging regularly with service end-users who are members of the Armed Forces Community.

Vision

- Having an action plan that is regularly monitored and reviewed.
- Conducting regular policy reviews.

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Appendix 3: Further information

A3.1. This publication, and other resources related to the Armed Forces Covenant, are available from the Covenant website: www.armedforcescovenant.gov.uk. The website contains a freely available learning platform with training tools, advice and wider guidance aimed at (and populated by) service providers, to ensure that they have easy access to the information they require to comply with the Armed Forces Covenant Duty, and more. More guidance can also be found at [The Armed Forces Covenant](#).

A3.2. For advice, information, or guidance on Covenant issues, the Ministry of Defence's Covenant Team can be contacted at: COVENANT-MAILBOX@mod.gov.uk.

Other useful sources

Statutory frameworks, policies and guidance

Healthcare:

- [Healthcare for the Armed Forces Community \(NHS\)](#)
- [NHS 111 Wales](#)
- [Scotland's Health on the Web](#)
- [Health and Social Care Northern Ireland](#)

Education:

- [School Admissions Code and Fair Access Protocols \(England\)](#)
- [School Transport: A Guide for Parents \(England\)](#)
- [School admissions \(Wales\)](#)
- [Additional Learning Needs Code \(Wales\)](#)
- [Attendance – Included, engaged and involved \(Scotland\) Part 1](#) and [Part 2](#)
- [Getting it Right for Every Child \(Scotland\)](#)
- [Admissions \(Northern Ireland\)](#)

Housing:

- [Guidance on Allocations](#)
- [Improving Access to Social Housing for the Armed Forces](#)
- [Homelessness Code of Guidance for Local Authorities](#)
- [Armed Forces and ex-Service Personnel – A Scottish Housing Guide](#)
- [Welsh Government's Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness](#)
- [Welsh Government's National housing pathway for veterans of the Armed Forces](#)

Other:

- [Scotland Armed Forces and Veterans Community](#)
- [Veterans Wales](#)
- [Local Government and Social Care Ombudsman's Armed Forces Covenant guidance to councils](#)

Documents and research

- [Armed Forces Covenant Annual Report and other useful publications](#)
- [Armed Forces Covenant Local Authority Guide](#) and [other useful resources](#)
- [Armed Forces Families Strategy](#)

- [Duty and Care: Armed Forces Family Mobility and Health Care Report](#)
- [The Emotional Cycle of Deployment](#)
- [Forces Additional Needs and Disability Forum 30th Anniversary Report](#)
- [Forces In Mind Trust 'Our Community Our Covenant' Report](#)
- [Living in our shoes: Understanding the needs of UK Armed Forces families](#)
- [Greater Manchester Armed Forces Covenant Guide](#)
- [Relocating to Scotland](#)
- [Reserve Forces Review 2030](#)
- [Voice of Schools Survey](#)

Contacts, stakeholders and training

- [ABF The Soldiers' Charity](#)
- [Armed Forces Covenant Fund Trust](#)
- [Army Families Federation](#)
- [Association of Directors of Education in Scotland \(ADES\)](#)
- [ADES Forces Children's Education](#)
- [BLESMA: The Military Charity for Limbless Veterans](#)
- [Children's Education Advisory Service CEAS \(MOD\)](#)
- [Confederation of Service Charities \(COBSEO\)](#)
- [Defence Medical Welfare Service](#)
- [Forces Children Scotland](#)
- [Forces in Mind Trust](#)
- [Housing e-Learning for Frontline Workers \(Greater Manchester Housing Partnership\)](#)
- [Joint Services Housing Advice Office](#)
- [The Military Human: Understanding Military Culture and Transition \(York St John University\)](#)
- [Naval Families Federation](#)
- [National and Regional Schools Commissioners \(England\)](#)
- [Northern Ireland Housing Executive](#)
- [Northern Ireland Veterans Commissioner's Office](#)
- [Northern Ireland Veterans' Support Office](#)
- [RAF Benevolent Fund](#)
- [RAF Families Federation](#)
- [Reserve Forces' and Cadets' Associations](#)
- [Royal British Legion](#)
- [Royal Naval Benevolent Trust](#)
- [Scottish Veterans Commissioner](#)
- [Service Children's Progression Alliance](#) and [SCiP Alliance Map](#) of Service children
- [Service Children in State Schools](#)
- [SSAFA The Armed Forces Charity](#)
- [Supporting Service Children in Education Cymru](#)
- [Veterans Advisory and Pensions Committees \(VAPCs\)](#)
- [Veterans Covenant Healthcare Alliance](#)
- [Veterans' Gateway](#)
- [Veterans UK](#)
- [War Widows Association](#)

Appendix 4: Resolving disputes

Complaints process

A4.1. The Armed Forces Covenant Duty does not introduce any new enforcement mechanism.

A4.2. In the instance of a dispute over whether a body has complied with the Duty, this should be raised with the body concerned, following that body's standard complaints process. Public bodies should clearly advertise their complaints procedures to make the process easy to access. In many cases, communicating clearly and proactively with the complainant throughout about the decision taken and reasons why should help to alleviate concerns.

Unresolved complaints

A4.3. Should the body's standard complaints process fail to achieve an adequate resolution, complainants may be able to engage in a mediation, appeal, or tribunal process, or refer the matter to the relevant ombudsman where appropriate. Bodies should clearly signpost these further means of redress to make the process easy to access.

A4.4. Complainants and bodies are encouraged to engage with the Armed Forces Covenant Team in the Ministry of Defence to make them aware of an issue. The Ministry of Defence has no formal powers to adjudicate disputes. However, it has substantial experience of dealing with Covenant issues, and by working with complainants, bodies in scope, and other stakeholders such as local Armed Forces Champions, it has been able to resolve many Covenant-related disputes or mediate a solution.

Further advice:

- [Armed Forces Covenant Team \(UK\)](#)
- [Office for Veterans' Affairs \(UK\)](#)
- [Armed Forces Expert Group \(Wales\)](#)
- [Scottish Veterans Commissioner](#)
- [Northern Ireland Veterans Commissioner's Office](#)
- [Northern Ireland Veterans' Support Office](#)

Unresolved complaints: judicial review

A4.5. It might be possible to seek to challenge any alleged non-compliance with the Covenant Duty by making an application to judicially review a body's actions or omissions. Time limits apply for judicial review and, therefore, legal advice should be sought early. Rules and procedures can differ across the different home nations of the UK. Further guidance on the judicial review process is available at the following sources:

- ['Judge Over Your Shoulder' Guide](#)
- [Guide for England & Wales](#)
- [Guide for Scotland](#)
- [Guide for Northern Ireland](#)

Glossary

Term	Meaning in this Guidance
The Act	The Armed Forces Act 2006, which contains the Duty.
Armed Forces Community	<p>The people covered by the Duty. In summary, it is the following groups:</p> <ol style="list-style-type: none"> 1. currently serving members of the UK regular and reserve forces; 2. members of British overseas territory forces who are subject to UK Service law; 3. former members of groups 1-2 who are ordinarily resident in the UK; and 4. relevant family members, including the bereaved. <p>The Act's equivalent term is 'service people'. See section 1J. Note the term 'Armed Forces Community' may have a different meaning in other contexts. For example, to include veterans residing abroad.</p>
Covenant disadvantage(s)	A disparity for member(s) of the Armed Forces Community relative to others in comparable circumstances in the UK civilian general population, arising from Service. See section 1H .
Covenant principle(s)	<p>The Covenant principles are:</p> <ol style="list-style-type: none"> 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 effects on such people of membership, or former membership, of the armed forces. <p>These are the principles to which due regard must be had. See section 1D.</p>
The Duty	The Armed Forces Covenant Legal Duty, set out in section 343AZA of the Armed Forces Act 2006.
Relevant family member(s)	A family member covered by the Duty. They are group 4 of the Armed Forces Community (defined above). See section 1J4 .
Service child(ren)	A family member under 18 covered by the Duty. They are part of group 4 of the Armed Forces Community (defined above). See section 1J4 .

Term	Meaning in this Guidance
Service family(ies)	An equivalent term for ‘relevant family member’.
Service member(s)	<p>The following people:</p> <ol style="list-style-type: none"> 1. currently serving members of the UK regular and reserve forces; 2. members of British overseas territory forces who are subject to UK Service law; and 3. former members of groups 1-2 ordinarily resident in the UK. <p>They are covered by the Duty. They are groups 1-3 of the Armed Forces Community (defined above).</p>
Service partner(s)	<p>The current and former spouses and civil partners of ‘Service members’ (defined above), and any person whose relationship with a ‘Service member’ is or was formerly akin to a relationship between spouses or civil partners, such as a cohabiting couple in a committed relationship. They are covered by the Duty. They are part of group 4 of the Armed Forces Community (defined above). See section 1J4.</p>
Service people	<p>The Act’s term for all the people covered by the Duty. This Guidance uses the term ‘Armed Forces Community’ (defined above).</p>
Service person(nel)	<p>The following people:</p> <ol style="list-style-type: none"> 1. currently serving members of the UK regular and reserve forces; 2. members of British overseas territory forces who are subject to UK Service law. <p>They are covered by the Duty. They are groups 1-2 of the Armed Forces Community (defined above).</p>
Special provision	<p>More favourable provision than for others in comparable circumstances in the UK civilian general population. The Covenant recognises that special provision is usually for those sacrificing the most, such as those bereaved or injured by Service. See section 1I.</p>
Specified matter(s)	<p>The Act’s term for a policy area covered by the Duty. See section 1C.</p>
Specified person(s)	<p>The Act’s term for a body or person subject to the Duty. See section 1B.</p>
Unique obligations and sacrifices	<p>The necessary disparities compared to the general population that enable the Armed Forces to function effectively. See section 1G.</p>
Veteran(s)	<p>People who are former members of the UK regular and reserve forces (or former members of British overseas territory forces who were subject to UK Service law), who are ordinarily resident in the UK. They are covered by the Duty. They are group 3 of the Armed Forces Community (defined above).</p>

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