

Agenda Supplement – Equality and Social Justice Committee

Meeting Venue:

For further information contact:

Video Conference via Zoom

Rhys Morgan

Meeting date: 4 October 2021

Committee Clerk

Meeting time: 13.00

0300 200 6565

SeneddEquality@senedd.wales

Remote – Supplementary pack 2

Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

9 Consideration of the Armed Forces LCM

(17.15 – 17.30)

(Pages 1 – 4)

Attached Documents:

Armed Forces Bill LCM

Armed Forces Supplementary LCM

Legal Advice Note

LCM Draft Report

Response from the Deputy Minister for Social Partnership regarding the
Armed Forces Bill LCM



Eich cyf/Your ref
Ein cyf/Our ref

Jenny Rathbone MS
Chair
Equality and Social Justice Committee

1 October 2021

Dear Jenny

Thank you for your letter of 20 September regarding the Legislative Consent Memorandum (LCM) on the Armed Forces Bill. I am grateful for the Committee's work on this issue as we seek to improve still further support for the Armed Forces community in Wales.

I will address the three questions you raised in order below.

1. Does the Welsh Government have a view on whether the proposed due regard duty goes far enough?

The Welsh Government has had ongoing engagement with UK Government and colleagues from Scotland and Northern Ireland on the plans for the Armed Forces Bill since January 2020. There has also been considerable consultation with and debate within the Armed Forces sector through the UK Select committee on the Armed Forces Bill.

It is unclear from the question whether the committee is asking if the proposed due regard duty '*goes far enough*' in relation to the *functions* within the Bill (currently health, housing and education) or the *bodies* within the scope of the new duty. I will therefore outline our position in relation to both these elements as both have been the subject of much debate during the entire process, as can be seen in the UK Government Select committee evidence sessions. I will then outline our position on the nature of the Covenant due regard duty itself.

Functions within the Bill

We recognise that members of the Armed Forces community may face difficulties in areas other than health, education and housing. For example, my officials have raised the issue of social care not being included within the scope of the Bill during the planning process.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Some of the major charities and representative bodies have also requested that other areas be included within the scope based on their experiences.

The UK Government has ultimately determined the policy areas within scope of the Bill and provision has been made so that additional areas can be added at a later date. In the draft statutory guidance document, in relation to the 3 policy areas included, it states that *'these three strands of policy also comprise the foundation of successful lives and are commonly raised areas for concern by members of the Armed Forces Community'*.

The Welsh Government publishes an Annual Report on the Armed Forces Covenant which outlines progress and actions being taken across a broad range of policy areas including health, education, housing, finance, employment, criminal justice and commemoration.

Bodies within the scope of the Bill

This is a UK Government Bill and they have determined the public bodies to be included, in consultation with all partners with the focus of the legislation being on *'local – and, as appropriate, regional - service provision'*. We have worked with them closely in relation to specifying the appropriate bodies in Wales.

As a Government, we already have well-established procedures in place to ensure scrutiny of our delivery against the Covenant including the Armed Forces Expert Group, the Welsh Government Covenant Annual Report and an Annual Statement to the Senedd.

As I said in my evidence to the Select committee, the question about expansion of that scope to other Government Departments or devolved Governments is something that would need to be explored through ongoing consultation. To date we have received no indication that the UK Government wishes to pursue that option, although additional bodies (and functions) can be specified by the Secretary of State.

Covenant duty

As a Government we are aware of the different views expressed during the process of developing this legislation, on the impact and efficacy of the proposed new Covenant duty.

In practice the “due regard” duty will be similar to other public sector duties to have “due regard” such as the public sector equality duty in the Equality Act 2010. We have emphasised that statutory guidance, along with training and resources, will be vital in ensuring that bodies within scope fully understand what is expected of them and how they might meet that duty. As a Government we will work with partners such as the WLGA and Local Health Boards to support all providers in upholding the duty. We will also monitor any implications for our own systems and processes.

2. How will the Welsh Government ensure that Welsh public bodies subject to the new duty take effective and meaningful steps to support the Armed Forces community?

It is important we recognise that public bodies in Wales are already taking effective and meaningful steps to support the Armed Forces community. They have delivered a significant level of support for the Armed Forces community, embracing the principles of the Armed Forces Covenant and delivering real change in people's lives. They continue to do so within the governance and support structures we have established, in often challenging times particularly through the COVID-19 pandemic.

Support for the Armed Forces community is in many cases embedded in the work of these bodies and evidenced by numerous activities and initiatives. These include dedicated

Armed Forces Champions in Local Authorities / Local Health Boards, Armed Forces fora that bring together key stakeholders to deliver support and dedicated Welsh Government funded Armed Forces Liaison Officers (AFLOs) covering all Local Authorities in Wales. The AFLOs are unique to Wales and they are working with the Welsh Government and Ministry of Defence (MOD) to promote awareness of the Bill and the due regard duty and support partners in engaging with the process. The AFLOs work across their Local Authorities to support delivery of the Covenant, engaging with staff, delivering training, and ensuring policies take account of the Armed Forces community locally. Such work we believe will complement the aims of the Bill.

Building awareness of the Covenant principles and the Armed Forces community is central to the work of the Welsh Government, other public bodies and charity partners and I believe it will stand us in good stead when the duty to have due regard to the principles of the Covenant comes into force.

The collaborative approach that is being taken to developing the statutory guidance that will accompany the legislation, involving all Local Authorities, Local Health Boards and charity partners across Wales, will also help to ensure public bodies are aware of the Covenant duty and can take steps to ensure they are upholding the Covenant principles.

The Welsh Government will not be responsible for ensuring a public body has taken *'effective and meaningful steps to support the Armed Forces community'*. In any dispute over whether the Covenant Duty has been complied with by a public authority, a member of the public may submit their complaint(s) to that authority, following the authority's standard complaints process. Where it is not possible to resolve the matter through the established complaints process, a complainant may seek to challenge any alleged non-compliance with the Covenant Duty, by making an application to judicially review the actions of the public body.

You will have noted that the Bill does not mandate the provision of specific services for the Armed Forces Community, nor does it mandate any particular delivery outcomes. It is designed to ensure that the relevant decision-makers consider the issues facing the Armed Forces Community in these key areas that affect their day-to-day lives.

3. What representations has the Welsh Government made to the UK Government to ensure that the Armed Forces themselves play a greater role in supporting the Armed Forces community in Wales?

We owe our Armed Forces a debt of gratitude for the work they do and I know the Committee will share my admiration for their dedication and sacrifice. This has been especially evident during the pandemic where our Armed Forces have supported the NHS, local communities and other partners.

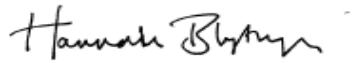
I hold regular meetings with the UK Government and our Tri Service leads in Wales who are part of the Armed Forces Expert Group. This includes engagement with the MOD and its transition services. In November an employment event will be held in Wales for Service leavers and veterans organised by the Welsh Government, MOD, Career Transition Partnership and charity partners demonstrating the support from the Armed Forces to the community in Wales.

160th (Welsh) Brigade run a wide range of engagement activity including working with young people and cadets, supporting service children through the Regional Schools Engagement officers (RSLOs) and supporting community events for the Armed Forces including during Remembrance and the Poppy Appeal.

Regimental associations are also active across Wales, supporting veterans and working with the other Armed forces charities to provide holistic support including funding and peer support.

The Armed Forces charitable sector in Wales deliver a wide range of support and engage widely with the Armed Forces sector to coordinate activity and promote their services.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Hannah Blythyn'.

Hannah Blythyn AS/MS

Y Dirprwy Weinidog Partneriaeth Gymdeithasol
Deputy Minister for Social Partnership