



The Armed Forces Covenant

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Author: Louisa Brooke-Holland and Claire Taylor

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The Armed Forces Covenant is a statement of the moral obligation which exists between the nation, the Government and the Armed Forces. It was published in May 2011 and its core principles were enshrined in law, for the first time, in the *Armed Forces Act 2011*. It applies to all three services.

The Covenant articulates the view that the nation has a moral obligation to members of the Armed Forces Community in return for the sacrifices they make.

The *Armed Forces Act* requires the Secretary of State for Defence to report to Parliament each year on the progress made on the four core areas specified in the Act – healthcare, education, housing and the operation of inquests. The Covenant encompasses fifteen broad themes in total.

The Government has made a series of commitments to the Armed Forces Community to fulfil the core principles of the Covenant – no disadvantage and special consideration. These are laid out in the accompanying booklet to the Covenant, *The Armed Forces Covenant: Today and Tomorrow*, in the Interim Report 2011 and in the Annual Report published in December 2012.

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1 Summary

The Armed Forces Covenant is, in the words of the Secretary of State for Defence: “the expression of the moral obligation the Government and the nation owe to the armed forces community.”¹

Until 2011 it was an informal understanding, albeit one whose fundamental principle lay deeply rooted in the history of the armed forces. Pressure for a formal, written Military Covenant, as it is also known as, grew under the previous Government and the Coalition Government’s *Programme for Government* pledged to work to rebuild the Military Covenant.

The written *Armed Forces Covenant* was published in May 2011. The Covenant articulates the view that members of the Armed Forces should expect respect, support and fair treatment in return for the sacrifices they make on behalf of the nation. Specifically, the Covenant outlines two core principles:

- No disadvantage: no current or former member of the armed forces, or their families, should be at a disadvantage compared to other citizens in the provision of public and commercial services.
- Special consideration: special consideration is appropriate in some cases, particularly for those who have been injured or bereaved.

These core principles of the Armed Forces Covenant were enshrined in law for the first time in the Armed Forces Act 2011, which received Royal Assent on 3 November 2011. This does not mean that it has created legally enforceable rights for Service personnel, but section 2 of the Act requires the Defence Secretary to report annually to Parliament on the Covenant with a particular focus on four areas: healthcare, education, housing and the operation of inquests.

The Covenant itself identifies fifteen themes in total.² The accompanying booklet to the Covenant, *The Armed Forces Covenant: Today and Tomorrow*, outlines in more detail the specific pledges and measures the Government intended to take to fulfil its responsibilities.

The Government published an interim report on 20 December 2011³ and the first statutory annual report was published in December 2012.⁴ Both reports contain summaries of progress made and measures implemented by the Government so far. Both reports also contain specific pledges for future action. The 2012 report highlights improving rates of home ownership as one area in which the Ministry of Defence intends to “make early progress.”⁵

Many areas of the Covenant fall to other Government departments, local authorities and the Devolved Administrations to deliver, for example in the provision of healthcare, housing for veterans and education. A new Cabinet sub-committee on the Armed Forces Covenant has

¹ HC Deb 6 December 2012 c73WS

² These are: Terms and Conditions of Service, Healthcare, Education, Housing, Benefits and Tax, Responsibility of Care, Deployment, Family Life, Commercial Products and Services, Transition, Support After Service, Recognition, Participation as Citizens, Changes in Defence and Recourse.

³ “*Armed Forces Covenant interim report (2011)*”, MOD,

⁴ “*The Armed Forces Covenant Annual Report 2012*”, MOD, 19 December 2012

⁵ “*The Armed Forces Covenant Annual Report 2012*”, MOD, 19 December 2012, p3; The full list of pledges can be found in the appendix to this note.

been established to oversee cross-Government work on the Cabinet. It is chaired by Oliver Letwin, Minister for Government Policy at the Cabinet Office.

The Scottish Government and the Welsh Assembly Government have published their own documents expressing their support for the Armed Forces Covenant. The Armed Forces Covenant Annual Report 2012 notes that the same progress has not been made with the Northern Ireland Executive, because of concerns that providing preferential access to serving and former members of the Armed Forces may run counter to section 75 of the Northern Ireland Act which promotes equality.

230 local authorities have signed up to the newly created Community Covenant in England, Scotland and Wales. This is a pledge designed to raise awareness of and strengthen links between the armed forces and the local community.

Parliament has taken a keen interest in the Covenant and its implementation. Several debates on the Covenant, both broad and specific, have taken place. The Defence Select Committee has launched a series of enquiries looking at specific aspects of the Armed Forces Covenant. It has published reports on military casualties and Service personnel accommodation and it is currently examining education for service personnel and their children. The Northern Ireland Select Committee is also exploring the implementation of the Covenant in Northern Ireland.

The Ministry of Defence is separately developing a 'New Employment Model' for Service personnel. This is expected to be implemented incrementally no later than April 2015. It is designed to offer new terms and conditions of service for both serving and future personnel. This note does not look at the New Employment Model but it is relevant because it will involve changes on issues discussed in the Covenant, for example accommodation (both service and home ownership), support for spousal employment and family life.

2 What is the Armed Forces Covenant?

The Armed Forces Covenant was published by the Government in May 2011 and its key principles – no disadvantage and special consideration - were enshrined into law by *the Armed Forces Act 2011*. The Act also requires the Secretary of State for Defence to publish an annual report on the Covenant.⁶

The Covenant was for years an unwritten social and moral commitment between the State and the Armed Forces that developed through long standing convention and customs. It is also referred to as the Military Covenant, the preferred term prior to the publication of the Covenant in 2011. Its fundamental principle is that in return for the sacrifices that Service personnel make, the State has an obligation to recognise that contribution and retain a long term duty of care towards Service personnel and their families.

The Covenant is historically associated with the Army, although its principles are applied across all three services. Indeed, one of the first references to the existence of an obligation on the State to provide for its injured soldiers dates back to the reign of Elizabeth I when an *Act for the Necessary Relief of Soldiers and Mariners* was passed in 1593.⁷

The fundamental principles of the Military Covenant were articulated in written form in *Army Doctrine Publication Volume 5* in December 2000. It states:

⁶ More information about the Covenant is available on the [Ministry of Defence](#) website.

⁷ 35 Elizabeth c.4, 1593 and 39 Elizabeth c.21, 1597

Soldiers will be called upon to make personal sacrifices - including the ultimate sacrifice - in the service of the Nation. In putting the needs of the Nation and the Army before their own, they forego some of the rights enjoyed by those outside the Armed Forces. In return, British soldiers must always be able to expect fair treatment, to be valued and respected as individuals, and that they (and their families) will be sustained and rewarded by commensurate terms and conditions of service. In the same way the unique nature of military land operations means that the Army differs from all other institutions, and must be sustained and provided for accordingly by the Nation. This mutual obligation forms the Military Covenant between the Nation, the Army and each individual soldier; an unbreakable common bond of identity, loyalty and responsibility which has sustained the Army throughout its history. It has perhaps its greatest manifestation in the annual commemoration of Armistice Day, when the Nation keeps covenant with those who have made the ultimate sacrifice, giving their lives in action.⁸

Then Chief of the General Staff, General Sir Richard Dannatt, articulated the Military Covenant succinctly in a speech in September 2007:

The real Covenant is with the population at large – the Nation. The covenant says that we do what we do in your name; soldiers do not ask why; but they do ask for respect and honour for doing what they have been sent to do with courage and professionalism.⁹

Criticisms in the latter years of the previous Labour Government that the Military Covenant was being steadily undermined¹⁰ prompted a series of welfare-related measures intended to improve the terms and conditions of Service personnel, their families and the treatment of veterans.

The then government published a command paper in July 2008 entitled *The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans* which set out a number of cross-departmental measures intended to improve welfare provision and support.¹¹ The Conservative Party and the Liberal Democrats also commissioned reports into the state of the Military Covenant around the same time.¹²

The new Coalition Government's *Programme for Government*, published in May 2010, subsequently outlined a commitment to "work to rebuild the Military Covenant."¹³

In June 2010 the Prime Minister also pledged to enshrine the principles of the Military Covenant into law for the first time. He said:

It's time for us to rewrite the military covenant to make sure we are doing everything we can,

Whether it's the schools you send your children to, whether it's the healthcare that you expect, whether it's the fact that there should be a decent military ward for anyone who gets injured.

I want all these things refreshed and renewed and written down in a new military covenant that's written into the law of the land.¹⁴

⁸ *Soldiering – The Military Covenant*, Army Doctrine Publication, Volume 5, February 2000

⁹ [Speech](#) at the International Institute for Strategic Studies, 21 September 2007

¹⁰ See for example the Royal British Legion's *Honour the Covenant* campaign which was launched in 2007

¹¹ Cm 7424, July 2008

¹² See Liberal Democrats, *No Choice but Change*, September 2008 and Conservative Party, *Restoring the Covenant*, September 2008

¹³ "The Coalition: our programme for Government", *Cabinet Office*, May 2010, section 8

A new independent Task Force on the Military Covenant, chaired by Professor Hew Strachan, was established in July 2010.¹⁵ It published its report, *Report of the Task Force on the Military Covenant*, in September 2010. It made a number of recommendations, some of which were accepted by the Government. These included the creation of an Armed Forces Community Covenant and encouraging home ownership among service personnel. The Government rejected the Task Force's proposals for a Veterans Commissioner and a formal ID card for veterans and service families (although the Defence Discount Scheme is being extended to veterans to enable them to access commercial discounts).¹⁶

The *Armed Forces Bill* was presented to Parliament on December 2010. The Bill contained provisions for the Secretary of State to present an annual report to Parliament on the implementation of the Military Covenant. It did not, however, go as far as some commentators had considered it might. The extent to which the Bill, as introduced, fulfilled the Prime Minister's pledge to enshrine the Covenant in law was the subject of intense debate both during the Select Committee stage of the Bill and during a number of Opposition Day debates. The Royal British Legion campaigned for the Bill to be amended. On 15 May 2011 the Prime Minister announced that the principles of the Military Covenant would now be written into the Bill.¹⁷

2.1 Publication of the Covenant

On 16 May 2011 the Government published two documents:

- *The Armed Forces Covenant* – which sets out, in one short statement, the principles of the Covenant, and provides guidance on what the Government believes it means in today's society.
- *The Armed Forces Covenant: Today and Tomorrow* – which sets out the practical measures that the Government is taking to support the Covenant. That paper brings together both the commitments that have already been made, with measures to be implemented in the future.¹⁸

Dr Liam Fox, then Defence Secretary, said in his statement to the House: "The armed forces covenant is not just about words; it is about actions. The men and women of our armed forces judge us by what we do to improve their lives and those of their families."¹⁹

2.2 The wording of the Covenant

The Armed Forces Covenant is outlined in three paragraphs under the heading "an enduring covenant between the people of the United Kingdom, Her Majesty's Government and all who serve or have served in the Armed Forces of the Crown and their families":

The first duty of Government is the defence of the realm. Our Armed Forces fulfil that responsibility on behalf of the Government, sacrificing some civilian freedoms, facing

¹⁴ "Military covenant to be enshrined in law", *MOD news*, 25 June 2010

¹⁵ More detail of the Task Force and the events leading up to the Covenant's publication can be found in the following House of Commons Library Note: C Taylor, *Armed Forces Covenant*, House of Commons Library Standard Note SN05979, 9 June 2011

¹⁶ The Government's response to the report is contained in *The Government's Response to the Report of the Task Force on the Military Covenant*.

¹⁷ That debate is examined in C Taylor, *Armed Forces Bill: Consideration in Select Committee*, House of Commons Library Note SN05899, 9 June 2011

¹⁸ Both documents, together with the Government's response to the report of the Task Force on the Military Covenant, were placed in the library of the house on 20 May 2012: [DEP2011-0846](#)

¹⁹ HC Deb 16 May 2011 c26

danger and, sometimes, suffering serious injury or death as a result of their duty. Families also play a vital role in supporting the operational effectiveness of our Armed Forces. In return, the whole nation has a moral obligation to the members of the Naval Service, the Army and the Royal Air Force, together with their families. They deserve our respect and support, and fair treatment.

Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

This obligation involves the whole of society: it includes voluntary and charitable bodies, private organisations, and the actions of individuals in supporting the Armed Forces. Recognising those who have performed military duty unites the country and demonstrates the value of their contribution. This has no greater expression than in upholding this Covenant.²⁰

The Armed Forces Community is defined as including Regular personnel, Reservists, veterans, the immediate families of those categories of individual, and the immediate family of those Service personnel and veterans who have died.

2.3 Enshrined in law

The principles of the Armed Forces Covenant were enshrined into law by the Armed Forces Act 2011 which received Royal Assent on 3 November 2011.

The Act cites the two core principles of the Covenant – no disadvantage and special consideration – and calls on the Defence Secretary to publish an annual report on the Covenant. The Act requires four areas - healthcare, education, housing and the operation of inquests – to be discussed in the Report. It also requires the views of any relevant governments and the devolved administrations to be included and to state where the views of a relevant developed administration have been sought but not obtained. The full wording of Article 343A of Section 2 of the Act can be found in appendix 2.

Dr Liam Fox, then Defence Secretary, described the thinking behind recognising the Covenant in law when he announced the Covenant in May 2011:

In deciding how best to recognise the covenant in law, the Government have had to maintain a careful balance. On the one hand, we do not want to see the chain of command undermined or the military permanently involved in human rights cases in the European courts. On the other, we must ensure that the legitimate aspirations of the wider service community, the armed forces charities and the British public for our armed forces are met.

We believe that a sensible way forward – one that will give the right kind of legal basis to the armed forces covenant for the first time in our history – is to enshrine the principles in law, provide a regular review of the policies that will make them a reality, ensure that Parliament has a chance to scrutinise that review through the annual report, and ensure that the report itself is widely informed, consultative and transparent. I believe that it is right for the Government to be held to account on delivering the principles underpinning the covenant by this House, and not by the European Courts. That is what our approach will ensure [...]

²⁰ Armed Forces Covenant, p1

The Government will set out on the face of the Armed Forces Bill the key principles that we believe underpin both the covenant and any report on its implementation. Ensuring that members of the armed forces community do not suffer disadvantage as a result of their service, and that where appropriate they receive special treatment, are at the heart of the armed forces covenant [...] the Government will bring forward amendments before Third Reading to require the Secretary of State to address those principles in preparing his report to Parliament, and to recognise the unique nature of service life.²¹

3 The Covenant in detail

The Armed Forces Act identifies two key principles:

The principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the armed forces; and

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.²²

The Covenant is broken down into fifteen themes: Terms and Conditions of Service, Healthcare, Education, Housing, Benefits and Tax, Responsibility of Care, Deployment, Family Life, Commercial Products and Services, Transition, Support After Service, Recognition, Participation as Citizens, Changes in Defence and Recourse. Each of these were expanded upon in the accompanying *The Armed Forces Covenant: Today and Tomorrow* booklet.

3.1 Scope of the Covenant

The Armed Forces Covenant: Today and Tomorrow set out the practical measures the Government is taking to support the principles of the Covenant, both in the immediate and longer term. The commitments made in that booklet were largely drawn from the work that had already been done, both by the previous Government but also as part of the Coalition's *Programme for Government*, Dr Andrew Murrison's report on mental health issues entitled *Fighting Fit: A Mental Health Plan for Servicemen and Veterans*, and the work of the Military Covenant task Force. Additional pledges were made in the subsequent 2011 interim report and the 2012 annual report.

As mentioned, there are 15 themes in *The Armed Forces Covenant: Today and Tomorrow*. The general expectations and aspirations implicit in the Covenant are noted as follows:

- **Terms and Conditions of Service (TACOS)** – Service personnel should be sustained and rewarded by TACOS which recognise the freedoms and choices that Service personnel have voluntarily given up. They should be fair, and where possible provide flexibility to match family circumstances, while meeting the needs of the MOD. They will be kept under regular review.
- **Healthcare** – The Armed Forces Community should enjoy the same standard of, and access to, healthcare as that received by any other UK citizen. Personnel injured on operations should be treated in conditions which recognise the specific needs of Service personnel. The families of Service personnel should retain their relative position on any NHS waiting list, if moved around the UK due to the Service individual being posted. Veterans should receive priority treatment within the NHS where it

²¹ HC Deb 16 May 2011, c26

²² Armed Forces Act 2011, 343A, 3a&b

relates to a condition resulting from their Service, subject to clinical need; while those injured in Service, whether physically or mentally, should be cared for in a way which reflects the Nation's moral obligation to them, while respecting that individual's wishes.

- **Education** – Children of members of the Armed Forces should have the same standard of, and access to, education as any other UK citizen. There should be special arrangements to support access to schools if a place is required part way through an academic year as a consequence of a posting. Assistance will also be available to support Service children's continuity of education. Service personnel should also receive appropriate training and education for personal and professional development in order to support them throughout their Service career and to prepare them for life after leaving the Services.
- **Housing** – Where serving personnel are entitled to publicly provided accommodation, it should be good quality, affordable and suitably located. Service personnel should have priority status in applying for Government-sponsored affordable housing schemes and Service leavers should retain this status for a period after discharge. Those injured in Service should have preferential access to appropriate housing schemes, as well as assistance with necessary adaptations whilst serving. Members of the Armed Forces Community should have the same access to social housing and other housing schemes as any other citizen, and should not be disadvantaged by the requirement for mobility while in Service.
- **Benefits and Tax** – Members of the Armed Forces Community should have the same access to benefits as any UK citizen, except where tailored alternative schemes are in place. The taxation may also be adapted to reflect the particular circumstances of Service personnel, for example in relation to Council Tax arrangements.
- **Responsibility of Care** – The Government, and the chain of command, has a responsibility to maintain an organisation which treats individuals with fairness, dignity and respect, and an environment which is free from bullying, harassment and discrimination. Special account must be taken for those individuals under the age of 18. Operational matters, including training and equipment, fall outside the scope of the Covenant however.
- **Deployment** – The impact of operational deployment on both personal and family life should be recognised, and may include financial support, welfare support and, where possible, facilities to enable good communications with home.
- **Family Life** – Service families give up certain freedoms and choices in order to support the Services. To sustain family life, family members should have the same access to childcare, training and employment opportunities as any other citizen. Support should be available to minimise the impact of mobility caused by service.
- **Commercial Products and Services** – It is for the commercial sector to determine its approach to the Armed Forces Community. However, the Government should work with the commercial sector to develop a situation where those individuals have as good access to commercial products and services, including financial services, as any other citizen.

- **Transition** – Support should be provided to all Service personnel to assist in their transition from Service to civilian life. Provision should include training, education, appropriate healthcare referral and job-seeking preparation and assistance. It should also include information and guidance on housing and financial management and the support that is available from both Government departments and the voluntary sector.
- **Support after Service** – The Covenant involves an obligation for life. In accessing services, veterans should expect the same level of support as any other citizen in society. Pension schemes should be fair and appropriate to the particular circumstances of Service personnel. All veterans should be able to access advice and in some cases additional support from the MOD and other Government departments, and the charitable sector, although access may be affected if they do not reside in the UK. Those injured in Service or have a health condition relating to Service should receive additional support, which may include a financial element depending on circumstances. Bereaved families should receive assistance commensurate with the loss that they have suffered, including at the inquest process.
- **Recognition** – The Armed Forces Community is entitled to appropriate recognition for the unique Service which it has given. This recognition will include commemorations and celebration; while the award of campaign medals and individual gallantry awards will continue to be used in recognition of individual sacrifice and meritorious service. The Veterans Badge will be available to all veterans in recognition of their service.²³

3.2 The Annual Reports

The Defence Secretary is required by section 2 of the Armed Forces Act to provide an annual report on the Covenant. The Government has published two reports so far:

- [The Armed Forces Covenant Interim Annual Report](#) in December 2011²⁴
- [The Armed Forces Covenant Annual Report 2012](#) in December 2012²⁵

Both reports provide the following:

1. Summaries of progress so far
2. Pledges for future action
3. Status of existing commitments

However the reports are laid out considerably differently. The interim report follows the fifteen areas identified in the *Armed Forces Covenant: Today and Tomorrow* document. The 2012 Annual Report, however, groups into chapters the seven groups affected: service personnel; reservists; wounded, injured and sick; families; the bereaved; service leavers and finally veterans.

Housing is identified by the Defence Secretary in his foreword to the 2012 Annual Report as an area that he looks to make early progress on. This includes increasing access to home ownership and improving the standard of Service accommodation. The Minister for Defence

²³ The Armed Forces Covenant, p6-8

²⁴ [The Armed Forces Covenant Interim Annual Report](#) , *MoD website*, 20 December 2011

²⁵ [Armed Forces Covenant Annual Report 2012](#), *MOD website*, 19 December 2012

Personnel, Welfare and Veterans, Mark Francois, discussed the annual report in a debate on defence personnel on 6 December 2012.²⁶ The specific commitments made in the 2012 Annual Report can be found in appendix 1. A Government summary of the commitments achieved is available on the [Ministry of Defence](#) website.

4 The Covenant across Government

A new Cabinet sub-committee on the Armed Forces Covenant was established in 2011. It is chaired by Oliver Letwin, Minister for Government Policy at the Cabinet Office, and its purpose is to oversee work related to the Covenant across Government. According to the 2012 Annual Report it has met several times and the Prime Minister has attended two meetings.

The External Reference Group, set up by the previous Government²⁷, has been renamed the Covenant Reference Group. It includes representatives from other Government departments as well as charities and the service families' federations. Its role, according to Lord Astor of Hever is to monitor "the performance of the Government in meeting their commitments and discusses with key stakeholders issues relating to the covenant."²⁸

Many areas of the Covenant fall under the responsibility of other Government departments and Local Authorities, for example in the provision of healthcare, housing for veterans and access to education, in England.

The following House of Commons Library notes provide more detailed information on these areas:

- W Wilson, [Housing options for ex-service personnel](#), House of Commons Library Standard Note SN04244, 28 December 2012
- T Jarrett, P Bolton, [School funding, including the Pupil Premium](#), House of Commons Library Standard Note SN04581, 24 September 2012
- D Thurley, [Armed Forces Pensions – 2011 onwards](#), House of Commons Library Standard Note SN05891, 9 July 2012
- T Powell, [Healthcare for veterans](#), House of Commons Library Standard Note SN05764, 10 June 2011

5 The Covenant and Devolved Administrations

The Devolved Administrations are responsible for delivering some aspects of the Covenant, for example in the provision of healthcare, housing for veterans and access to education.²⁹

The 2012 Annual Report states the Government has forged "good relationships with officials in Scotland Wales". Both Governments have published their own documents emphasising their support for the Armed Forces Covenant:

²⁶ HC Deb 6 December 2012 c1103

²⁷ HC Deb 9 October 2008 c461

²⁸ HL Deb 6 September 2011 cGC20

²⁹ Defence Minister Mark Francois has stated "the Armed Forces Covenant extends to members of the armed forces community wherever they originate and wherever they live in the United Kingdom" HC Deb 25 October 2012 c969W

- [Scottish Government support for the Armed Forces Community in Scotland](#), 5 September 2012
- [Package of Support for the Armed Forces Community in Wales](#), launched in November 2011

The Ministry of Defence is required by section 2 of the Armed Forces Act 2011 to state where the views of a relevant Devolved Administration has been sought but not obtained. With regard to Northern Ireland, the 2012 Annual Report said that there had been problems bringing the Covenant into effect:

In contrast to Scotland and Wales, it has not been possible to make the same progress in building support for and delivering the Armed Forces Covenant from within the Northern Ireland Executive. The suggestion that the Covenant could provide preferential access to cross-government services for serving and former members of the Armed Forces could be seen as running counter to their strict equalities legislation. We will continue to make the case for the Northern Ireland Executive to adopt the principles of the Armed Forces Covenant where it is possible to do so. For this year's annual report, the views of the Northern Ireland Executive have been sought but not obtained. Where services are provided by the MOD, these are provided consistently throughout the UK.³⁰

The Northern Ireland Select Committee announced a new inquiry into the implementation of the Armed Forces Covenant in Northern Ireland on 13 December 2012, details on the committee's [website](#).

The Democratic Unionist Party used part of its opposition day debate on 21 November 2012 to discuss the Military Covenant and its implementation in Northern Ireland.³¹ Jeffrey Donaldson moved a motion supporting the full implementation of the military covenant in each region of the United Kingdom, adding:

Why should Northern Ireland get such special treatment? We should do so because we have a special problem when it comes to the implementation of the military covenant.

That special problem is section 75 of the Northern Ireland Act 1998—the equality legislation that formed a key element of the Belfast agreement. The section places a statutory duty on public authorities to promote equality when carrying out their functions in relation to Northern Ireland. Unfortunately, officials in various Government Departments in Northern Ireland who might be able to offer support to veterans and service personnel say that they are unable to give any form of preferential treatment.³²

Mark Francois, Minister for Defence Personnel, Welfare and Veterans, described the situation as a “dilemma”:

Northern Ireland Departments and other public authorities also need to give due regard to the statutory obligations placed on them by section 75 of the Northern Ireland Act to promote equality of opportunity in respect of all the functions they perform and the services they provide. Herein, as it were, lies the dilemma. It is not for Westminster to tell Stormont what it must do in respect of the covenant—it is for Northern Ireland

³⁰ [Armed Forces Covenant Annual Report 2012](#), MOD website, 19 December 2012, p8

³¹ [HC Deb 21 November 2012 c640-679](#)

³² [HC Deb 21 November 2012 c645](#)

Executive Ministers to debate and negotiate and agree how the armed forces covenant should apply in Northern Ireland to the extent permitted by law.

There are some who say that section 75 is a hindrance and should be amended to somehow allow the covenant to be applied. Of course we want to see the armed forces covenant principles applied right across the United Kingdom. However, if the Northern Ireland Executive decides not to proceed with the covenant, that does not justify amending section 75, which is one of the cornerstones in the architecture of the Belfast agreement that was endorsed in referendums in both Northern Ireland and the Republic.³³

6 Armed Forces Community Covenant

The *Report of the Task Force on the Military Covenant* recommended the creation of an Armed Forces Community Covenant: the idea being that local communities explicitly express their support for their local Armed Forces. The Government endorsed the recommendation in its reply to the Task Force.

Community Covenant's take the form of a written pledge, usually between the armed forces in an area and the local authority, along with interested local businesses, organisations and charities. The aims are to encourage local communities to support the Armed Forces community in their area; promote understanding and awareness of issues affecting the Armed Forces community; to recognise and remember the sacrifices made by the Armed Forces Community; and to encourage activities which help to integrate the Armed Forces Community into local life.³⁴

The first Community Covenant scheme was launched in Oxfordshire in June 2011.³⁵ 230 local authorities have signed up to the Community Covenant: 196 in England, 27 in Scotland and seven in Wales, as of 1 December 2012.³⁶ The Government has allocated a £30 million Grant Scheme to support local activities.³⁷ The Royal British Legion is campaigning for all local authorities to sign up to the Community Covenant Scheme.³⁸

Defence Minister Mark Francois said Community Covenant's are "starting to have a positive impact on the lives of the armed forces community and on the wider community" and identified one of their chief benefits: "people are now talking to one another in a way that they never did before."³⁹

7 Reaction to Government Action on the Covenant

7.1 External members of the Covenant Reference Group

The opinions of the external members of the Covenant Reference Group were included in the 2011 Interim Report and the 2012 Annual Report.

The three Service Families Federation expressed their strong support for the Armed Forces Pay Review Body; named housing as the most-reported issue to all three Federations;

³³ HC Deb 21 November 2012 c652

³⁴ "Armed Forces Community Covenant scheme launched", *MOD News*, 20 June 2011

³⁵ An example of the wording of a Community Covenant can be found on the [MOD website](#); See also the main [Community Covenant](#) section of the MOD website; Those wishing to receive the quarterly e-newsletter can email COVENANT-MAILBOX@MOD.UK

³⁶ [Armed Forces Covenant Annual Report 2012](#), *MOD website*, 19 December 2012, p9

³⁷ Details of grant terms and criteria and application details are available on the [MOD website](#)

³⁸ See [Royal British Legion website](#)

³⁹ HC Deb 21 November 2012 c651

expressed concern about the transformation of the Defence Infrastructure Organisation (DIO) and the Next Generation Estate Contract⁴⁰; reference to the impact of mobility on family members access to health caused by crossing Primary Care Trust or country boundaries. The Federations also noted good progress in areas of service children's education and access to schools; removing benefit and tax disadvantages for spouses and also the delivery of welfare support, though on the latter it expressed concern that Reservists and their families receive appropriate welfare support. They also expressed concern about the lack of progress made in regard to visa application processes for Foreign and Commonwealth military personnel.

The COBSEO, RBL, SSAFA, WWA⁴¹ and Professor Hew Strachan authored a joint entry welcoming the annual report. They called on the Government to ensure the core principle of 'special treatment' is not overlooked. Like the Service Families Federations, they identify accommodation, Reservists health issues and the treatment of Foreign and Commonwealth Service personnel as areas of concern.

7.2 The Opposition

The Labour party supports the Armed Forces Covenant. Shadow Defence Minister Jim Murphy has described upholding the principles of the Covenant as "the embodiment of one nation politics"⁴², the principle publicly espoused by Labour leader Ed Miliband.

Mr Murphy wrote to the Defence Secretary in May 2012 calling for cross-party talks on how to end discrimination against members of the armed forces, including possible legal protections. Mr Murphy argued certain groups are protected legally from discrimination, harassment or abuse but not for the armed forces. He wrote "we believe now is the time to discuss enshrining greater protection for service personnel, veterans and their families." He argued that the principle that no-one should suffer disadvantage should apply across society and not just in the policy areas identified in the Covenant.⁴³

7.3 Parliamentary action

The Defence Select Committee has undertaken a series of inquiries looking at the Armed Forces Covenant. Two inquiries have been published:

- [The Armed Forces Covenant in Action? Part 1: Military Casualties](#) on 15 December 2011⁴⁴
- [The Armed Forces Covenant in Action? Part 2: Accommodation](#) on 26 June 2012⁴⁵

Two further inquiries are underway:

- [The Armed Forces Covenant in Action? Part 3: Educating the children of Service personnel](#), announced on 10 December 2012

⁴⁰ The Next Generation Estate Contracts programme is developing a "suite of contracts for the UK Defence estate." The prime contracts are expected to be awarded in 2014, "[Revised estate procurement schedule announced](#)", *MOD news*, 26 June 2012

⁴¹ The Confederation of Service Charities; Royal British Legion; Soldiers, Sailors, Airmen and Families Association; War Widows Association.

⁴² [Speech at Reform conference](#), *Labour party website*, 21 November 2012

⁴³ "[Discriminating against troops should be illegal](#)", *Defence Management news*, 28 May 2012

⁴⁴ Defence Committee, [The Armed Forces Covenant in Action? Part 1: Military Casualties](#), 15 December 2011, HC 762, 2010-12

⁴⁵ Defence Committee, [The Armed Forces Covenant in Action? Part 2: Accommodation](#), 26 June 2012, HC 331 2010-12

- [The Armed Forces Covenant in Action? Part 4: Education of Service personnel](#), announced on 5 December 2012

On accommodation, the Committee suggested the MOD is sending the wrong signals to Forces families about the value it places on providing good accommodation. The Committee said evidence given to it suggests personnel see the provision of proper housing as fundamental to the Armed Forces Covenant. It notes that one element of the New Employment Model is the Future Accommodation Project.

On military casualties, the Committee called on the Government to show how medical care will be delivered to injured service personnel after operations in Afghanistan end. In particular, the Committee questioned the sustainability of support for injured personnel over the long term and expressed concern about the number of people who could develop severe physical, mental health, alcohol or neurological problems.

The Northern Ireland Select Committee announced a new inquiry into the implementation of the Armed Forces Covenant in Northern Ireland on 13 December 2012, details on the committee's [website](#).

Parliamentary debates on defence matters have tended to include references to the Covenant. Recent debates in Parliament include one on defence personnel in the House of Commons on 6 December 2012⁴⁶ and one on the Armed Forces in the House of Lords on 5 November 2012.⁴⁷

The Labour Party used one of its opposition day debates to discuss the Covenant in February 2011, before the Covenant was published. The DUP used part of its opposition day debate on 21 November 2012 to discuss the Military Covenant and its implementation in Northern Ireland.⁴⁸

Examples of recent Early Day Motions on the Covenant are:

EDM 150 2012/13 from Nick Smith (53 signatures received):

That this House recognises the immeasurable contribution the British Armed Forces and their families make to national security and well-being; commits to honouring their many sacrifices by providing the highest levels of care and support for the service community at home; believes in the principles of the Military Covenant and wants them to apply across the whole of UK society; deplores any and all forms of discrimination directed towards the armed forces and their families; seeks to end discrimination on the grounds that we must protect those who protect the UK; further believes this should be an issue which unites all sides of the House; supports cross-party talks involving service charities and the military on how to make this happen; and further recognises the potential merit in introducing new legal protections, such as those that exist for other groups, to defend the service community against discrimination.⁴⁹

EDM 1770 2010/12 from Philip Davies (60 signatures received):

That this House believes in enshrining in law the Military Covenant, in so doing fulfilling the Prime Minister's pledge of 25 June 2010 to have a new military covenant that is written into the law of the land; further believes that a career in the armed forces is

⁴⁶ HC Deb 6 December 2012 c1065

⁴⁷ [HL Deb 5 November 2012 c777-827](#)

⁴⁸ [HC Deb 21 November 2012 c640-679](#)

⁴⁹ [EDM 150 2012/13](#), 11 June 2013

unique and that our Service personnel and their families deserve the highest levels of care and support; supports the defence community's call for a legally-binding military covenant which enshrines in law the principles that should guide defence policy; and urges hon. Members to support the News of the World's Justice for the Brave campaign and to support the provisions of amendments to the Armed Forces Bill which would make sure that the armed forces suffer no inequalities as an outcome of service and to strengthen the bond between the nation and the armed forces community.⁵⁰

⁵⁰ [EDM 1770 2010/12](#), 28 April 2011

Appendix 1: 2012 Report Commitments⁵¹

The 2012 report contains a number of pledges by the Government. These are organised by the seven groups that the Covenant encompasses:

Service Personnel
Work undertaken jointly with the Royal British Legion and Standard Life Charitable Trust to develop web-based financial capability training will lead to the creation of a website, which is planned to go live in 2013.
The MOD will establish a Single Living Accommodation management information system to provide critical information on the condition of the estate and inform key investment decisions.
A new way of working with the SCC will be implemented from January 2013, aimed at giving the SCC greater insight into the causes of undue delay and the effectiveness of the Services' monitoring of cases.
Under the Armed Forces Act 2011, the Services are seeking to introduce in 2013 a new alcohol and drugs testing regime for Service personnel carrying out safety-critical tasks in the course of their employment.
Reservists
The MOD will publish a White Paper in spring 2013 setting out its detailed proposals for the future Reserves.
MOD has initiated a review of Reserve Forces' mental health issues in order to identify ways to improve their reintegration after demobilisation. We expect the outcome of this review to be available in spring 2013.
New arrangements are being made during 2013-14 for members of the Royal Naval Reserve, Royal Marines Reserve and Territorial Army to receive a common standard of occupational healthcare.
Wounded, injured and sick
The MOD will take forward work to implement all of the recommendations contained in the Care Quality Commission review of the Defence Medical Services.
The MOD will work with DWP and other interested parties to review the requirement for and provision of specialist vocational training for those with brain injuries.
The MOD will establish a unified Defence Primary Healthcare Service, with the interim organisation in place from April 2013.
The MOD will seek to obtain funding for a study into support for the bereaved and the families of those who have been injured.
From April 2013, the Department of Health will establish a longer-term solution for prosthetics provision, including a network of multi-disciplinary prosthetic and rehabilitation centres, in line with the recommendations in Dr Murrison's report.
Families
The MOD and DfE will jointly review the impact of the revised Admissions guidance to ensure that it is removing disadvantage, where possible, to Service personnel in achieving their school of choice in

⁵¹ [Armed Forces Covenant Annual Report 2012](#), MOD website, 19 December 2012

England.
The DfE and MOD will continue to review the use of Service Pupil Premium and publish examples of best practice to ensure that it is addressing disadvantage to Service children's education.
The MOD will review the Support Fund for State Schools with Service children to ensure it continues to be used to mitigate the effects of exceptional mobility and deployment on schools, academies and free schools within the UK.
The MOD will monitor any changes to the Residential Support Scheme to ensure that Service children are not disadvantaged.
The MOD will continue to work with the relevant education departments to ensure that the specific needs of Service children are recognised in particular with the new academies and free schools in England.
The MOD will gather evidence of the particular needs of Service personnel when it comes to childcare provision within the UK to identify whether there is any disadvantage due to the nature of their work.
The MOD will work with the relevant education departments to seek clarification on how higher education will be funded, identify if this will disadvantage the children of Service personnel posted to them and seek to address disadvantage if it does exist.
The MOD has made a further £5M available to upgrade Service Family Accommodation by 31 Mar 2013. This will help bring long term empty properties back into use and reduce the use of costly substitute SFA.
The MOD will extend the circumstances in which personnel may retain Service Family Accommodation to include when the spouse or partner of a Service person has to give a specified period of notice to an employer or is in higher education.
The Department for Work and Pensions and the MOD will work together to see what more can be done to enhance the understanding of the special rules in place for spouses and civil partners in relation to Jobseeker's Allowance.
The MOD will continue to look for opportunities to mitigate the impact of years two and three of the planned pause on improvements to Service Family Accommodation.
The MOD has made available a further £131M to purchase new properties from developers for use as SFA in areas of high demand or where we believe significantly more SFA will be required in the future. These properties will become available in 2013 and will reduce the use of costly substitute SFA.
The bereaved
The MOD will conduct structured engagement with bereaved families' groups to identify where the MOD or other Government departments can provide new or enhanced means of support to bereaved families.
The MOD will increase the Funeral Expenses Grant from £500 to £1000 to help families with the incidental expenses associated with a funeral. The changed grant will now be paid to each Service family that suffers a bereavement, regardless of whether a Service funeral is held.
Service Leavers
The MOD will work with the UK Border Agency to ensure that special arrangements are made with effect from Spring 2013 to allow Foreign and Commonwealth Service personnel to be granted

settlement on the day or the day immediately after they leave the Armed Forces.

The Home Office will work with the MOD to make sure that new guidance is available to case officers considering applications for settlement and naturalisation to clarify for both case officers and applicants how military convictions will affect an application.

Veterans

Depending on the evidence provided, the Government will review the need for halfway housing for former Service personnel.

Appendix 2: The Armed Forces Act 2011

The following is the full text of article 343A of Section 2 of the Armed Forces Act 2011, which received Royal Assent on 3 November 2011:

343A Armed forces covenant report

- (1) The Secretary of State must in each calendar year—
 - (a) prepare an armed forces covenant report; and
 - (b) lay a copy of the report before Parliament.
- (2) An armed forces covenant report is a report about effects of membership, or former membership, of the armed forces on service people, or particular descriptions of such people—
 - (a) in the fields of healthcare, education and housing;
 - (b) in the operation of inquests; and
 - (c) in such other fields as the Secretary of State may determine.
- (3) In preparing an armed forces covenant report the Secretary of State must have regard in particular 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.
- (4) For the purposes of preparing an armed forces covenant report, the Secretary of State must obtain the views of any relevant government department, and seek the views of any relevant devolved administration, in relation to the effects to be covered by the report.
- (5) An armed forces covenant report must—
 - (a) set out in full or summarise the views of a relevant government department or relevant devolved administration obtained pursuant to subsection (4); and
 - (b) where the views of a relevant devolved administration have been sought but not obtained, state that fact.
- (6) The Secretary of State may not include in an armed forces covenant report a summary under subsection (5)(a) unless the relevant government department or relevant devolved administration has approved the summary.
- (7) An armed forces covenant report must state whether, in the Secretary of State's opinion, any effects covered by the report are such that service people or particular descriptions of service people are at a disadvantage as regards the field or fields in question, when compared with other persons or such descriptions of other persons as the Secretary of State considers appropriate.
- (8) Where the Secretary of State's opinion is that service people or particular descriptions of service people are at a disadvantage as mentioned in subsection (7), the report must set out the Secretary of State's response to that.

(9) As regards effects covered by an armed forces covenant report—

(a) the Secretary of State must consider whether the making of special provision for service people or particular descriptions of service people would be justified; and

(b) where the Secretary of State considers that such provision would be justified, the report must contain a reference to that fact.

(10) In relation to any particular description of service people covered by a report, the reference in subsection (2)(a) to the fields of healthcare, education and housing is to such of those fields as the Secretary of State considers are ones in which people of that description are affected by membership or former membership of the armed forces.⁵²

⁵² Armed Forces Act 2011