

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Education and Children's Services Committee
<b>DATE</b>	12 September 2023
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Armed Forces Covenant
<b>REPORT NUMBER</b>	CFS/23/243
<b>DIRECTOR</b>	Eleanor Sheppard
<b>CHIEF OFFICER</b>	Shona Milne
<b>REPORT AUTHOR</b>	Linsey Hay
<b>TERMS OF REFERENCE</b>	1.1.1

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### 1. PURPOSE OF REPORT

- 1.1 The Armed Forces Act 2021 amended the Armed Forces Act 2006 to create legal obligations on specified bodies in all four home nations of the UK. These legal obligations are referred to as The Armed Forces Covenant and came into force on 22<sup>nd</sup> November 2022. This report outlines how the education service intend to continue to discharge their duties under the Covenant.

### 2. RECOMMENDATIONS

That the Committee:-

- 2.1 instructs the Chief Education Officer to monitor implementation of the proposed actions for education and build them into the National Improvement Framework Plan; and
- 2.2 instructs the Chief Education Officer to update on progress through routine reporting on the National Improvement Framework Plan.

### 3. CURRENT SITUATION

- 3.1 The Armed Forces Act determines that when a specified body exercises a relevant function, it must have due regard to:
- the unique obligations of, and sacrifices made by, the Armed Forces;
  - 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.
- 3.2 The Duty applies to members of the regular forces and the reserve forces; members of British overseas territory forces who are subject to Service law,

former members of any of His Majesty's forces who are ordinarily resident in the UK and relevant family members.

3.3 The specified bodies who need to demonstrate due regard to the Covenant include:

- 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

3.4 The Duty must be complied with when a specified body develops, implements and/or reviews a relevant policy, or makes decisions on its delivery of relevant services.

3.5 Specified bodies, including Local Authorities, can demonstrate 'due regard' by having mechanisms in place that prompt decision-makers to assess how their decision making might impact on those who are currently or have previously served and maintaining records of this consideration.

3.6 The Education Service collaborated with the Association of the Directors of Education (ADES) to consider the implications of the Covenant more fully and are already considering the Covenant as policies are being refreshed, for example through the recently refreshed Quality Improvement Framework presented to Committee in July 2023.

3.7 The Education Service has undertaken some analysis of current practice in keeping with the expectations outlined in the Statutory Guidance in Appendix A in order to identify a proposed direction of travel.

### 3.8 **Identifying service children**

Schools have an awareness of current service children, but less oversight of veterans unless parents have disclosed this. So far as the education of children and young people is concerned a requirement to have "due regard" already exists in Scotland through the provisions in Standards in Scotland's Schools etc. Act 2000 Sections 3A and 3B of that Act imposes a duty of "due regard" on Scottish Ministers and education authorities to reduce inequalities of outcome for all pupils. This by default also includes those pupils from families with an armed forces background. It is thought however, that amending yearly school data capture forms, to accurately identify those parents and carers who are impacted by the Covenant, would help schools more effectively discharge their duties.

### 3.9 **Admissions**

Schools have been briefed on the need for timely admission arrangements for those covered by the Covenant. Officers place siblings together in local schools wherever possible. The school application process does not currently identify service families. As a result, there currently isn't a mechanism to track the time taken from school application to school placement. It is proposed to amend the school admissions form and SEEMiS fields to enable live data collection and more comprehensive monitoring.

### **3.10 Educational attainment and curriculum**

Secondary school staff have been briefed on the need to give due regard to the continuation of secondary courses wherever possible. School Improvement Plans already support work to improve the outcomes of particular groups although there wasn't specific reference to armed forces families in Local Authority guidance for session 2022/23. The Local Authority guidance has been amended to consider this group where children impacted by the Covenant are in attendance.

### **3.11 Wellbeing**

It is important to ensure that children and young people of Armed Forces families receive the support they need to address barriers to participation, learning and achievement; promote positive mental health and wellbeing; benefit from the development of high-quality education which is sustained; and achieve their full potential through established GIRFEC arrangements. Training has been delivered to Head Teachers. These arrangements could be further strengthened by offering those covered by the Covenant a GIRFEC meeting on at least a yearly basis. A professional learning film on the needs of those covered by the Covenant will be developed for dissemination to staff to support this more proactive approach.

### **3.12 School transport considerations**

In Scotland, children and young people who are 5-21 years old, are eligible for a card giving free bus travel (from 31 January 2022). Children under 5 years old already travel for free on buses and don't need a card. Provided the child is living in Scotland and has proof of person (proving name and age), proof of residence and proof of photograph, all required to be verified as part of the application, they are eligible for the free bus travel. To apply for the cards, proof of residence in Scotland is needed. A letter from the child's school/college/university is one of the options and is thought to be the most straight forward for an Armed Forces family. We propose to amend Local Authority guidance to reflect the need for school leaders to prioritise the writing of a letter to act as proof of residency to enable free bus travel.

### **3.13 Attendance**

Absence from school, whatever the cause, disrupts learning. It is important that parents encourage their children and young people to attend school and that parents arrange family holidays during the holiday period wherever possible. School leaders already have a mechanism to record family holidays outwith the school holiday period as authorised absence where absolutely necessary. We propose to continue to monitor the attendance of those covered by the Covenant at school and Local Authority level.

### **3.14 Additional support needs**

A range of services to support those with additional support needs is currently available. However, there is no way of tracking access to services for those covered by the Covenant. It is proposed to add an additional field into the Request for Assistance process to enable more effective tracking.

### **3.15 Identified Education Lead**

An Education Authority lead is already in place. No specific information is available to families regarding the provision of education for Armed Forces

families and this should be rectified by adding to the information already available on the Council website.

- 3.16 It is proposed that the service proactively amend existing processes in order to take account of the new legislative duties rather than await official review periods to ensure that we accelerate progress. Proposed improvements will be included in the National Improvement Framework Plan for 2023/24 with progress reported through the established tracker presented to each meeting of the Education and Children’s Services Committee.

#### 4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report.

#### 5. LEGAL IMPLICATIONS

- 5.1 Implementation of the recommendations and actions set out in this report will enable the Authority to meet its duties under the 2006 Act more effectively.

#### 6. ENVIRONMENTAL IMPLICATIONS

- 6.1 No negative environmental impacts have been identified.

#### 7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	Risk of not complying with the Armed Forces Covenant	Proactive consideration of the statutory guidance and identification of next steps has kept this risk low.	L	Yes
<b>Compliance</b>	Risk of not complying with national guidance	Proactive planning and approaches to improve the data available to help monitor the impact of our policies on those covered by the Covenant will support our compliance.	L	Yes
<b>Operational</b>	Risk that school are unaware of children and	Improved data collection will help schools discharge their duties	L	Yes

	families covered by the duties			
<b>Financial</b>	No risks identified			
<b>Reputational</b>	Risk that the Council isn't seen to prioritise those covered by the Covenant	Proactive planning and monitoring will help mitigate this risk	L	Yes
<b>Environment / Climate</b>	No risks identified			

## 8. OUTCOMES

<u><b>COUNCIL DELIVERY PLAN</b></u>	
<b>Impact of Report</b>	
<p><b>Aberdeen City Council Policy Statement</b></p> <p>Commit to realising the potential of each individual, by seeking to widen curriculum choice and implement progressive choices.</p>	<p>This report will help improve our understanding and monitoring of those covered by the Armed Forces Covenant.</p>
<u><b>Aberdeen City Local Outcome Improvement Plan</b></u>	
<p>Prosperous People - 95% of all our children, including those living in our priority neighbourhoods, will sustain a positive destination upon leaving school by 2026</p>	<p>Improved monitoring of a range of processes and the progress of those covered by the Armed Forces Covenant will help identify areas for further improvement.</p>
<p><b>Regional and City Strategies</b></p> <p>Prevention Strategy</p> <p>Children's Services Plan</p> <p>National Improvement Framework Plan</p>	<p>Careful analysis of data will help identify any further preventative actions required to support the children of armed forces personnel.</p>

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Stage 1 Assessment completed
Data Protection Impact Assessment	Not required
Other	None

## 10. BACKGROUND PAPERS

[Statutory Guidance on the Armed Forces Covenant Duty](#)

## 11. APPENDICES

Appendix A - Armed Forces covenant Action Plan

## 12. REPORT AUTHOR CONTACT DETAILS

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