

ABERDEEN CITY COUNCIL

COMMITTEE	Communities Housing & Public Protection Committee
DATE	5 September 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Armed Forces Covenant Duty
REPORT NUMBER	CUS/23/247
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Jacqui McKenzie
REPORT AUTHOR	Graeme Gardner
TERMS OF REFERENCE	1.1.1

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.
- 1.2 These legal obligations are referred to as The Armed Forces Covenant Duty and came into force on 22 November 2022. This report outlines how the Council's Housing service intend to discharge their duties under the Covenant.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Note the statutory guidance available in Appendix A;
- 2.2 Instruct the Chief Officer - Early Intervention and Community Empowerment to monitor implementation of the proposed actions for housing and incorporate them into the next Local Housing Strategy; and update progress on actions through the Local Housing Strategy.

3. CURRENT SITUATION

- 3.1 The Armed Forces Act 2006 as amended 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 people who benefit from the duty are “Service people” comprising:
- currently serving members of the UK regular and reserve forces;
 - currently serving members of British Overseas Territories’ Armed Forces who are subject to UK Service law;
 - former members of the UK regular and reserve forces and British Overseas Territory Forces, who are ordinarily resident in the UK (‘veterans’); and the ‘relevant family members’ of people in these groups.

- 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. This would include housing services as veterans, Service personnel leaving Service, and Service families might lack knowledge about housing services, not have built up sufficient ‘local connection’, not be prioritised to receive social housing, experience a lack of available social housing, find it more difficult to communicate with housing bodies, be reluctant to seek early help, or require adaptations to be made to their home when they re-locate.

- 3.5 Relevant functions related to Housing in Scotland are:

- Allocations policy for social housing;
- Homelessness;
- Disabled Facilities Grants (referred to as Disabled Adaptation Grants in Scotland)

3.6 **Allocation Policy for Social Housing**

Service People are currently identified through the housing application process whereby they are asked whether a member of their household serves in the armed forces.

- 3.7 During 2021/22 the Council received 18 applications from this group and 16 in 2022/23. As of 1 August 2023 there are 6 live applications with the Council who have identified that they are serving with the armed forces.

- 3.7 As of August 2023 a new question has been added to the Housing application to take into account the wider duties under the Armed Forces Covenant as highlighted at 3.2.

- 3.8 Aberdeen City Council has committed to 1% of all council new build houses to those leaving the armed forces. At least 0.5% of Council’s new build stock

would be available, on completion, for those injured in service or requiring accessible homes.

- 3.10 Applications from service personnel who are planning to leave the armed forces who wish to be housed in one of the Council's new social housing developments only, will be given priority status and placed on the Urgent List and awarded a medium priority 56 days before they are due to leave the forces.
- 3.11 The Council have achieved with the target of letting 1% of our new builds in both developments completed during 2022.
- 3.12 In Aberdeen City and across Scotland, armed forces personnel receive priority access to the Low-cost Initiative for First Time Buyers (LIFT) shared equity schemes and in the past 10 years, more than £6m has been made available through the affordable housing supply programme to provide more than 100 homes for the armed forces community.

3.13 Homelessness

In addition to the above information captured in Housing Applications, specific questions are also asked through the homeless assessment process. This captures information on service people who were in service with the last 5 years or more than 5 years ago.

	In service 5 or More Years Ago	In Service Less than 5 Years Ago	Total Applications
2022/23	9	34	1772
2021/22	2	26	1405
2020/21	5	28	1464

3.14 Disabled Adaptation Grant

There is currently no way to identify people who would be covered by the Armed Forces Covenant in the Council's Scheme of Assistance Grants for Disabled Adaptations. A proposal to resolve this is within the Action Plan for the Armed Forces Covenant.

- 3.15 The Council provide funding to Disabled Persons Housing Service (DPHS), whose Veterans Voice service provides a housing advisory service for disabled veterans of the armed forces, police, fire service and merchant navy. DPHS Aberdeen will assist with access to housing applications and provide housing options on social and private sectors.

3.16 Action Plan

An integrated Action Plan has been developed and is included in Appendix B.

- 3.17 It is proposed that the service proactively seek out other tenants and applicants who meet the definitions provided by the Armed Forces Covenant and 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.
- 3.18 Proposed improvements will be included in action plans within the Local Housing Strategy 2018 to 2023 and will be fully incorporated within future Local Housing Strategies.
- 3.19 The Action Plan will also be reported to the Armed Forces Advisory Working Group which will be re-established and will monitor progress.

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

- 5.1 As per the Armed Forces Act 2006 as amended, the Council has 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.

This report reflects the work done to date and proposed future work to fulfil that obligation.

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?
Strategic Risk	Risk of not complying with	Proactive consideration of the statutory guidance	L	Yes

	the Act 2006 as amended	and identification of next steps has kept this risk low.		
Compliance	Risk of not complying the Armed Forces Act 2006 as amended	We will require to improve the data collection to help monitor the impact of our policies on those covered by the Covenant which will support our compliance.	L	Yes
Operational	Risk that Housing services are unaware of households covered by the duties	Improved data collection will reduce this risk	L	Yes
Financial	No risks identified			
Reputational	Risk that the Council isn't seen to prioritise those covered by the duty	Proactive planning and monitoring will help mitigate this risk	L	Yes
Environment / Climate	No risks identified			

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
<p>Aberdeen City Council Policy Statement</p> <ul style="list-style-type: none"> • Increase the number of new build properties that are adapted to meet particular needs (LHS) • Increase in % of adults who report they are in housing most suitable for their needs (JBSP) - Housing pathway • Support the adaptation of homes to accommodate people's changing needs, and to support the building of more homes that are future-proofed for accessibility (ACCPol) • Adopt a preventative approach that will ensure referrals for housing support are 	<p>This report will help improve our understanding and monitoring of those people covered by the Armed Forces Covent and meet the objectives laid out in the Council delivery plan.</p>

<p>made at the appropriate time to avoid homelessness (LHS)</p> <ul style="list-style-type: none"> • Reduce repeated homelessness (LHS) • Ensure that homelessness services positively influence health inequalities and health outcomes (LHS) • Do everything in our power to end homelessness 	
<p><u>Aberdeen City Local Outcome Improvement Plan</u></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>Regional and City Strategies</p>	
<p>Local Housing Strategy 2018 - 2023</p> <p>The Local Housing Strategy aims to deliver 6 overarching strategic outcomes:</p> <ol style="list-style-type: none"> 1. There is an adequate supply of housing across all tenures and homes are the right size, type and location that people want to live in with access to suitable services and facilities. 2. Homelessness is prevented and alleviated. 3. People are supported to live, as far as is reasonably practicable, independently at home or in a homely setting in their community. 4. Consumer knowledge, management standards and property condition is improved in the private rented sector. 5. Fuel poverty is reduced which contributes to meeting climate change targets. 6. The quality of housing of all tenures is improved across the city. 	<p>The report and action plan will support the Council in meeting the 6 overarching strategic outcomes of the Local Housing Strategy.</p>

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Stage 1 Completed
Data Protection Impact Assessment	DPIA's will be updated as the action plan is implemented and recording measures updated
Other	None

10. BACKGROUND PAPERS

[COM/18/114 Refreshed Community Covenant and Covenant with Armed Forces](#)

[CUS/19/461 Progress Update on Armed Forces Covenant accreditation process](#)

[CUS/20/237 Armed Forces Covenant Gold Accreditation Award](#)

11. APPENDICES

[Appendix A – Statutory Guidance](#)

Appendix B – Armed Forces Action Plan (Attached)

12. REPORT AUTHOR CONTACT DETAILS

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