

Armed Forces Bill

AMENDMENTS TO BE MOVED IN GRAND COMMITTEE

Clause 8

LORD COAKER

Page 9, line 17, at end insert –

- “(d) a relevant employment function,
- (e) a relevant pensions function,
- (f) a relevant compensation function,
- (g) a relevant social care function,
- (h) a relevant criminal justice function, or
- (i) a relevant immigration function.”

Page 9, line 18, at end insert –

“(za) the Secretary of State;”

Member’s explanatory statement

This amendment would place the same legal responsibility to have 'due regard' to the Armed Forces Covenant on central government as the Bill currently requires of local authorities and other public bodies.

Page 11, line 16, at end insert –

- “(d) a relevant employment function,
- (e) a relevant pensions function,
- (f) a relevant compensation function,
- (g) a relevant social care function,
- (h) a relevant criminal justice function, or
- (i) a relevant immigration function.”

Page 11, line 17, at end insert –

“(za) the Welsh Ministers;”

Member’s explanatory statement

This amendment would place the same legal responsibility to have 'due regard' to the Armed Forces Covenant on the Welsh Government as the Bill currently requires of local authorities and other public bodies.

Page 12, line 40, at end insert –

- “(d) a relevant employment function,
- (e) a relevant pensions function,
- (f) a relevant compensation function,
- (g) a relevant social care function,
- (h) a relevant criminal justice function, or
- (i) a relevant immigration function.”

Page 12, line 41, at end insert –

“(za) the Scottish Ministers;”

Member’s explanatory statement

This amendment would place the same legal responsibility to have ‘due regard’ to the Armed Forces Covenant on the Scottish Government as the Bill currently requires of local authorities and other public bodies.

Page 14, line 13, at end insert –

- “(d) a relevant employment function,
- (e) a relevant pensions function,
- (f) a relevant compensation function,
- (g) a relevant social care function,
- (h) a relevant criminal justice function, or
- (i) a relevant immigration function.”

Page 14, line 14, at end insert –

“(za) a Northern Ireland department;”

Member’s explanatory statement

This amendment would place the same legal responsibility to have ‘due regard’ to the Armed Forces Covenant on the Northern Ireland Executive as the Bill currently requires of local authorities and other public bodies.

Page 18, line 28, at end insert –

“343AG Section 343AF: report

- (1) The Secretary of State must lay a report before each House of Parliament no later than three months after the day on which this Act is passed, and thereafter must make a report at least once in every calendar year.
- (2) The report in subsection (1) must set out how the powers in section 343AF will work in practice.
- (3) Any report published under subsection (1) after the initial report made three months after this Act is passed must include –
 - (a) a statement detailing how the powers granted through section 343AF have been used since the last report was issued,
 - (b) a review of the relevance of the listed bodies and functions in section 343AF in relation to the Armed Forces Covenant Annual Report under section 343A of this Act, and

Clause 8 - continued

- (c) the outcome of a consultation conducted by the Secretary of State with the Armed Forces Covenant Reference Group on the bodies and functions listed in section 343AF in regard to their appropriateness and relevance as part of the Armed Forces Covenant annual report.””

Member’s explanatory statement

This amendment would require the Secretary of State to set out how powers in the Bill could be used to widen its scope to address all matters of potential disadvantage for service personnel under the Armed Forces Covenant including employment, pensions, compensation, social care, criminal justice and immigration.

After Clause 18

LORD DANNATT
LORD HOUGHTON OF RICHMOND
LORD COAKER
LORD TUNNICLIFFE

Insert the following new Clause—

“Mental health support

- (1) A Minister of the Crown must make provision for additional mental health support for serving Armed Forces personnel, including but not limited to targeted support for serving Armed Forces personnel who have been affected by the United Kingdom’s withdrawal and Taliban takeover in Afghanistan in 2021.
- (2) This support should aim to improve mental health treatment provided to Armed Forces personnel through the Defence Medical Services, Department of Community Mental Health, the Veterans Mental Health and Wellbeing Service, and the Veterans and Reserves Mental Health Programme.
- (3) Progress, monitoring and evaluation of this support must be included in the annual Armed Forces Covenant report.”

Member’s explanatory statement

This amendment would provide additional mental health support to serving Armed Forces personnel, including those who have been affected by the UK withdrawal and Taliban takeover in Afghanistan in 2021.

LORD COAKER

Insert the following new Clause—

“Indefinite leave to remain payments by Commonwealth and Gurkha members of armed forces

- (1) The Immigration Act 2014 is amended as follows.

After Clause 18 - continued

- (2) In section 68 (10), after “regulations” insert “must make exceptions in respect of any person with citizenship of a Commonwealth country (other than the United Kingdom) who has served at least four years in the armed forces of the United Kingdom, or in respect of any person who has served at least four years in the Brigade of Gurkhas, such exceptions to include capping the fee for any such person applying for indefinite leave to remain at no more than the actual administrative cost of processing that application, and”.

Member’s explanatory statement

This new Clause will ensure that Commonwealth and Gurkha veterans applying for Indefinite Leave to Remain following four years of service will only pay the unit cost of an application.

Insert the following new Clause—

“Report on dismissals or discharges from the Armed Forces on grounds relating to sexual orientation or gender identity

- (1) The Secretary of State must lay before Parliament a report on the number of people who have been dismissed or discharged from the Armed Forces on the grounds relating to sexual orientation or gender identity.
- (2) The report under subsection (1) must include cases where—
 - (a) there is formal documentation citing sexual orientation as the reason for their dismissal, or
 - (b) there is evidence of sexual orientation or gender identity being a reason for their dismissal, though another reason is cited in formal documentation.
- (3) The report under subsection (1) must make recommendations for appropriate compensation to be awarded, including but not limited to—
 - (a) the restoration of ranks,
 - (b) pensions, and
 - (c) other forms of financial compensation.
- (4) The report must include a review of the cases of those service personnel who as a result of their sexual orientation were convicted of service discipline offences as a consequence of engaging in conduct which, if occurring in the same circumstances today, would not now be an offence and make recommendations on how to address such convictions.
- (5) The report must include dismissals and discharges back to at least 1955.
- (6) The first report under subsection (1) must be laid no later than six months after the day on which this Act is passed.
- (7) The Secretary of State may make further reports under subsection (1) from time to time.”

Member’s explanatory statement

This new Clause requires the government to conduct a comprehensive review of the number of people who were dismissed or forced to resign from the Armed Forces due to their sexual orientation and to make recommendations on appropriate forms of compensation.

Insert the following new Clause—

“Armed Forces Federation

- (1) The Armed Forces Act 2006 is amended as follows.
- (2) After section 333, insert—

“333A Armed Forces Federation

- (1) There shall be an Armed Forces Federation for the United Kingdom for the purpose of representing members of the Armed Forces in the United Kingdom in all matters affecting their welfare, remuneration and efficiency, except for—
 - (a) questions of promotion affecting individuals, and
 - (b) (subject to subsection (2)) questions of discipline affecting individuals.
- (2) The Armed Forces Federation may represent a member of the armed forces at any proceedings or on an appeal from any such proceedings.
- (3) The Armed Forces Federation shall act through local and central representative bodies.
- (4) This section applies to reservists of the Armed Forces as it applies to members of the Armed Forces, and references to the Armed Forces shall be construed accordingly.

333B Regulations for the Armed Forces Federation

- (1) The Secretary of State may by regulations—
 - (a) prescribe the constitution and proceedings of the Armed Forces Federation, or
 - (b) authorise the Federation to make rules concerning such matters relating to their constitution and proceedings as may be specified in the regulations.
- (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision—
 - (a) with respect to the membership of the Federation;
 - (b) with respect to the raising of funds by the Federation by voluntary subscription and the use and management of funds derived from such subscriptions;
 - (c) with respect to the manner in which representations may be made by committees or bodies of the Federation to officers of the Armed Forces and the Secretary of State; and
 - (d) for the payment by the Secretary of State of expenses incurred in connection with the Federation and for the use by the Federation of premises provided by local Armed Forces bodies for Armed Forces purposes.
- (3) Regulations under this section may contain such supplementary and transitional provisions as appear to the Secretary of State to be appropriate, including provisions adapting references in any enactment (including this Act) to committees or other bodies of the Federation.
- (4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section applies to reservists of the Armed Forces as it applies to members of the Armed Forces.””

Member's explanatory statement

This new Clause would create a representative body for the Armed Forces, akin to the Police Federation, which would represent their members in matters such as welfare, pay and efficiency.

Insert the following new Clause—

“Universal Credit

- (1) The Government must publish annual statistics on the number of veterans who are receiving universal credit.
- (2) These statistics should be included in the annual Armed Forces covenant report.”

Member's explanatory statement

This amendment would require the Government to publish statistics on the number of veterans in receipt of universal credit.

Insert the following new Clause—

“Flexible Service scheme report

A Minister of the Crown must make provision to improve the uptake and use of the Flexible Service scheme, for both women and men, and report its progress by the end of 2022.”

Member's explanatory statement

This amendment is based on recommendations in the House of Commons Defence Sub-Committee Women in the Armed Forces report, “Protecting Those Who Protect Us: Women in the Armed Forces from Recruitment to Civilian Life”.

Insert the following new Clause—

“Recommendations of the Service Complaints Ombudsman

Within three months of the passing of this Act, the Secretary of State must make the recommendations of the Service Complaints Ombudsman binding on the Armed Forces and the Ministry of Defence, including a clear timescale and action plan for implementation of changes where they are recommended.”

Member's explanatory statement

This amendment is based on recommendations in the House of Commons Defence Sub-Committee Women in the Armed Forces report, “Protecting Those Who Protect Us: Women in the Armed Forces from Recruitment to Civilian Life”.

Insert the following new Clause—

“Experiences of veterans by sex, gender or other protected characteristics

The annual report of the Armed Forces Covenant must include a metric to monitor the experiences of veterans by sex or gender and by other protected characteristics.”

Member's explanatory statement

This amendment is based on recommendations in the House of Commons Defence Sub-Committee Women in the Armed Forces report, "Protecting Those Who Protect Us: Women in the Armed Forces from Recruitment to Civilian Life".

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8 September 2021
