

**Agenda Item No:**

**Report To:** Cabinet

**Date of Meeting:** 21 March 2024

**Report Title:** HR Policy – Armed Forces Policy

**Report Author & Job Title:** Joy Cross – HR Manager

**Portfolio Holder** Cllr Dawnie Nilsson - Cabinet Member for People & Services  
**Portfolio Holder for:**



<b>Summary:</b>	Cabinet are asked to review and approve the new Armed Forces Policy
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**Key Decision:** NO

**Significantly Affected Wards:** None specifically

**Recommendations:** **That Cabinet:**

1. **Review and approve the new Armed Forces Policy.** For cabinet to review the policy documents and approve them in order that they can be implemented.

**Policy Overview:** Recruitment and Selection Policy and Procedure  
Volunteering Policy  
Leave of Absence Policy

**Financial Implications:** None

**Legal Implications** The policy documents form part of the contract of employment (contained with the Conditions Of Service) and as such the Conditions Of Service is referred to.

**Equalities Impact Assessment** See Attached

**Other Material Implications:** None

**Exempt from Publication:** NO

**Background Papers:** N/A

**Contact:**

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## **Report Title: HR Policy – Armed Forces Policy**

### **Introduction and Background**

1. Ashford has a strong military history and important connections with the reservist and regular forces communities.
2. To recognise this importance and to follow best practice amongst other local authorities we seek to attain the Armed Forces Covenant Silver Award.
3. In order to successfully apply for this award the Council is required to demonstrate its commitment to various employment standards via policy documentation.
4. A new Armed Forces Policy has been created which highlights the proposed introduction of new measures to support the Armed Forces community. The policy also brings together existing support mechanism under the one document.

### **Summary of Policy**

5. The new policy document is included at Appendix One and is summarised below
6. Recruitment and Selection – provides proactive opportunities in the selection process for current and ex-services personnel and reservists.
7. Wider Support – supports employees who are the family members of current and ex-services personnel and reservists.
8. Leave of Absence – expands the Leave of Absence provisions to cover extraneous duties; to attend the annual camp of the Non-Regular Forces and as a Cadet Force Adult Volunteers (CFAVs) (up to nine days is currently provided for in this policy).
9. Community – promotes the Armed Forces Covenant both in the community and in our internal communications.
10. Further Information – refers to our existing policy suite in relation to this topic.

### **Implications and Risk Assessment**

11. The main risks and implications of the course of action proposed are around introducing a policy document that is unlawful and an overall failure to consult with employees reading proposed changes to their contractual terms of employment (as detailed within the afore mentioned conditions of service).
12. A meaningful consultation process has been followed with regard to this issue and is detailed below

### **Equalities Impact Assessment**

13. Members are referred to the attached Assessment.

## **Consultation Planned or Undertaken**

14. As all HR policy documents form part of our Conditions of Services, these policies are contractual and therefore employees must be consulted regarding any proposed changes. Additionally as the proposed changes are material they must be referred to Cabinet and approved.
15. The new Policy was considered at the Joint Consultative Committee on 15 February 2024; where the report was received and noted. Minutes of the committee are available for Cabinet's reference if required.

## **Other Options Considered**

16. The alternative would be to not recognise and support the Armed Forces Community in this particular way.

## **Conclusion**

17. The proposed policy document has been produced following thorough consultation across the organisation and represents a transparent, fair and consistent set of procedures, supporting employees and the organisation equally.

## **Portfolio Holder's Views**

18. I welcome this policy, and the support that it highlights, to constructively and practically support employment opportunities for the armed forces community in the Ashford Borough.

## **Contact and Email**

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# APPENDIX ONE



## Armed Forces Policy

### Introduction

1. The Armed Forces Covenant is a promise from the nation to those who serve. It says we will do all we can to ensure that those who served are treated fairly and not disadvantaged in their day-to-day lives.
2. The Council has pledged to help support current and ex-services personnel, reservists and service families. These may include employees, applicants and members of the Community.

### Recruitment and Selection

3. The Recruitment and Selection decision is important as it aims to get the best possible person-to-job fit which contributes significantly towards the Council's effectiveness.
4. As part of our Recruitment and Selection process, we will guarantee that we will shortlist for interview all individuals that apply who are reservists and ex-services personnel who meet the essential criteria. This will be identified through questions on the on-line application form which the applicant will complete as part of the selection process.
5. When advertising any roles externally, adverts and / or website links will be sent to relevant charities and interest groups in the Armed Forces Community to proactively highlight the opportunities available within the Council.
6. Reservists and ex-services personnel who are not successful at interview for any reason will be offered the opportunity for a detailed feedback discussion.

### Wider Support

7. The Council recognises that current employees may have familial links to current Armed Forces Personnel.
8. The Council recognised that when Armed Forces Personnel are deployed their families may need additional support. The Council will adopt a flexible and supportive approach to Spouses, Partners and Dependents of Armed Forces Personnel should they need to take short notice annual leave/flexi leave in relation to their family member's deployment.

## **Leave of Absence**

9. Under the Leave of Absence Policy, paid leave of absence shall be granted to enable Officers to attend to their extraneous duties such as:
  - Officers required to attend the annual camp of the Non-Regular Forces
  - Officers who are Cadet Force Adult Volunteers (CFAVs)

## **Community**

10. Under the Volunteering Policy, employees have the opportunity to apply for up to 3 days' volunteering leave per year (pro rata for part time employees). This could be used to support Armed Forces/Cadet related events or groups.
11. All applications are subject to approval by the Assistant Director.
12. The Council will endeavour to promote the Armed Forces Covenant and the work that is done under it for both employees and members of the community by way of the internal communication methods (Smarthub) and the ABC website.
13. The Council will establish and maintain positive relationships with the local armed forces community to alert them to opportunities with ABC as a large local employer (for example our local Royal British Legion office and the local Cadet movement).
14. The Council will identify and support significant dates in the Armed Forces Community (for example Armed Forces Week and Remembrance Services).

## **Monitoring and review of policy**

15. The application of this policy will be monitored and the policy will be reviewed on a regular basis.

## **Further Information**

16. For information on related matters please refer to the following policy documents contained within the Conditions of Service.
  - Recruitment and Selection Policy and Procedure
  - Volunteering Policy
  - Leave of Absence Policy

# Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

## Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

## Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
  - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
  - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

### Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)



<b>Lead officer:</b>	Michelle Pecci - Assistant Director
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	Approval of material change to conditions of service – additional policy
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	21 March 2024
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	Cabinet/Council are asked to approve the introduction of the new Armed Forces Policy. For cabinet to review the policy documents and approve them in order that they can be implemented.
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>	Research into Armed Forces Covenant
<b>Consultation:</b> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	Consultation via JCC 15 February 2024

**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Protected characteristic</b>	<b>Relevance to Decision High/Medium/Low/None</b>	<b>Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral</b>
<u>AGE</u> Elderly	none	Neutral
Middle age	none	Neutral
Young adult	none	Neutral
Children	none	Neutral
<u>DISABILITY</u> Physical	none	Neutral
Mental	none	Neutral
Sensory	none	Neutral
<u>GENDER RE- ASSIGNMENT</u>	none	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	none	Neutral
<u>PREGNANCY/MATERNITY</u>	none	Neutral
<u>RACE</u>	none	Neutral
<u>RELIGION OR BELIEF</u>	none	Neutral
<u>SEX</u> Men	none	Neutral
Women	none	Neutral
<u>SEXUAL ORIENTATION</u>	none	Neutral

<b>Mitigating negative impact:</b> Where any negative impact has been identified, outline the measures taken to mitigate against it.	n/a
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**Is the decision relevant to the aims of the equality duty?**

Guidance on the aims can be found in the EHRC's [Essential Guide](#), alongside fuller [PSED Technical Guidance](#).

Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	n/a
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	n/a
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	n/a

**Conclusion:**

- Consider how due regard has been had to the equality duty, from start to finish.
- There should be no unlawful discrimination arising from the decision (see guidance above).
- Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.
- How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?

Consultation has been followed and advice provided by qualified HR professionals

*The council's revised policy register will assist services to meet this*

**EIA completion date:**

12.03.24