

Ministry of Defence – Information Sheet for those Working in Family Courts in Scotland

What is the purpose of this information sheet and its relevance to the Family Court system?

1. The Ministry of Defence (MOD) intend for this document to be used as an aid for those working in the Family Court system to understand better the working and living arrangements of those in the Services. Whilst respecting the independence of the Judiciary and Family Courts system, the MOD has a mandate through the Armed Forces Covenant (detailed below in paragraph 6) to try and mitigate disadvantage, including the perception of disadvantage, brought about through Service.
2. Therefore, the MOD intend this information sheet to make good on our Covenant pledge and to:
 - 2.a. Provide those working in the Family Court system with some general information about the support that is available to Service personnel to facilitate a compatible family and Service life (further detailed in paragraphs **19** and **20** amongst others);
 - 2.b. Direct those working in the Family Court system to where they might wish to seek further information to best understand the circumstances of individual Service personnel (further detailed in paragraphs **11** and **12**);
 - 2.c. Advise those working in the Family Court system that the circumstances of individual personnel within the Armed Forces are completely unique, and there should never be any assumptions made regarding how often a parent, who happens to also be a Service person, is required to move around in the UK or deploy overseas.

Why has this information sheet been created?

3. Anecdotal evidence has been collated by the Army Family Federation (an organisation that exists to support the families of Service personnel) and passed to the 'Families Team' and 'Covenant Team' within the MOD. The evidence describes reports from some personnel who feel that their status as serving members of the Armed Forces has resulted in less favourable perceptions of their parenting capabilities.
4. The MOD understands that individual court orders and judgments are always based on the particular circumstances of that unique case and with the welfare of the child(ren) as the paramount consideration. However, we also appreciate that the nature of life within the Armed Forces is not universally well understood.
5. This document is **not** designed to give detailed guidance on life within the Armed Forces but rather to emphasise the point that a general overview, whilst useful for context, cannot be applied to the circumstances of all Service personnel. Therefore, it will almost always be appropriate for the Court to seek greater clarity on the individual circumstances of a particular Service person who becomes engaged with the Family Justice system.

The meaning of the Armed Forces Covenant and how it might apply

6. The Armed Forces Covenant is a pledge by the Nation to ensure that no member of the Armed Forces Community will face disadvantage because of Service life.¹ Due to the complex workings of our Armed Forces, it is possible that military personnel may feel like their personal situation has not been fully understood when it comes to a determination of contact and residence orders, or other decisions relating to parental responsibilities and rights. Whilst there is no mandate for those within the Family Court system to be signatories² to the Covenant, we hope that this note will help alleviate concerns of potential disadvantage for Service personnel.

Armed Forces – key facts and information on Service life that may be relevant to those in the Family Court system

7. The Armed Forces is made up of Regular and Reservist personnel from the three Services:
 - **Royal Navy/Royal Marines** – 40,000 personnel of whom 34,000 are ‘Regulars’
 - **Army** – 119,000 personnel of whom 81,000 are ‘Regulars’
 - **Royal Air Force** – 38,000 personnel of whom 33,000 are ‘Regulars’
8. As of January 2022, there were approximately 197,000 UK forces personnel, 148,000 of whom were ‘Regular’ personnel.³ Some Reservist personnel are employed on full-time contracts, while others will be committed to a limited number of days service per year.
9. As of April 2021 the number of Regular Armed Forces based in Scotland was 10,120. Scotland has a substantially larger military presence in both personnel and military installations than the other Devolved Administrations. Scotland is home to several thousand trained Volunteer Reserves and over 11,000 cadets.
10. **Salary** – The salaries of Service personnel are set by the [Armed Forces Pay Review Body](#) and are published on Gov.uk. However, individuals may have enhanced pay based on specialities and/or qualifications.

Points of contact for Family Court professionals

11. This would be entirely dependent on the individual, their circumstances, and the specific questions posed. The primary way of finding appropriate contacts in the different single Services is via the Service person’s “Secretariat”⁴. The Secretariat would ensure a court

¹ The Armed Forces Covenant is enshrined in the Armed Forces Act (2006 – amended 2011). From Nov 2022 Public Bodies in the Health, Housing, and Education sectors have a legal duty to consciously consider the Covenant when developing, delivering, and reviewing policies and decisions that may impact the Armed Forces Community. Further information available here: [Armed Forces Covenant - GOV.UK \(www.gov.uk\)](#).

² A signatory is predominantly an independent business, although public bodies often choose to acknowledge the Covenant (and some public bodies, as above, are legislatively bound to do so).

³ Further described under s374 of the Armed Forces Act 2006.

⁴ navystratpol-secparli@mod.gov.uk; armysec-group@mod.gov.uk; air-dressec-parlibusiness@mod.gov.uk.

professional, such as a child welfare reporter, is guided to the appropriate, authorised individual to address particular questions that may be posed.

- 11.a. There are 'Welfare' and 'career management' professionals within each Service, who would commonly already be aware of an individual going through the Family Court system and may be able to advise on aspects of policy and support according to individual circumstances.
- 11.b. In addition, Service personnel are supported by their Chain of Command, (the hierarchy within the military that is reflected by 'rank'). Usually, the individual who is directly above in this chain is best placed to understand the circumstances of any particular Service person. However, there may be exceptions, where those who are two or more positions higher than the relevant Service person may be better placed to answer or comment on particular questions.

12. Contact with Welfare officials, career managers, and the Chain of Command should be made with the consent of the Service person, who may be able to provide relevant contact details directly, or – as above – the "Secretariat" within each Service should act as an appropriate first point of contact.

Mobility

13. There is sometimes a presumption that those in the Armed Forces lead a highly mobile lifestyle. However, mobility requirements vary based on a number of factors and the degree to which personnel move around is entirely individual. Two often-used terms are described below:
14. **Deployment** – Deployments are where Service personnel deploy on operational activity, either overseas or within the UK. These usually are undertaken as part of a unit, but Service personnel can deploy individually. Deployment lengths vary but are usually around 4-6 months on average. Service personnel are not accompanied by their families. The MOD has implemented restrictions placed on how frequently an individual can deploy, known as 'Harmony Guidelines' that ensure personnel are not away for excessive amounts of time.
15. **Assignment** – Assignments are the routine postings of Service personnel into different roles to enable them to develop the skills and experience to deliver MOD outputs. Assignments can be within the UK or overseas. Assignment lengths can vary but are usually around 2-3 years long. However, a Service person may undertake a number of assignments within the same area or may only be required to move a short distance. Families can accompany their Service person on their assignments and accommodation is provided for them in their new location.
16. Aside from "harmony guidelines", and as mentioned above, there are a range of other factors that will determine mobility requirements. These include 'Welfare' and medical issues, as well as training/skills, rank/career stage, and the role that the individual person fulfils (which does not need to remain static through their career). Additionally, a Service person may express a preference for the location of their next "assignment". The MOD offers the ability to serve in a more localised geographical area for several years in order to facilitate for the family the purchase of private accommodation (via, for instance, the Forces Help to Buy scheme) and to allow for the continuity of a Service child's education.

In short, whilst the Armed Forces can offer the chance for individuals to travel and lead a non-static lifestyle, this is not the case for all personnel.

Access to Service accommodation

17. All Service personnel are allocated to a Personal Status Category (PStat Cat);⁵ The PStat Cats are used to determine eligibility for expenses, allowances, and accommodation. This current categorisation, broadly summarised below, dictates what kind of accommodation Service personnel can access.

- If you are married, in a civil partnership, (with or without children) or the ‘prime mover’⁶ for a child you are **entitled** to Service Family Accommodation (SFA);
- If you are in a long-term relationship, you are **eligible** to live in SFA properties if there are any surplus in your local area (MOD plans to extend entitlement to SFA to those in a long-term relationship before the end of 2023);
- If you are a single parent (who is not the ‘prime mover’ for a child) you are **eligible** to access surplus SFA properties, as well as dedicated housing for the purposes of child contact;
- If you are a single person you are **entitled** to Single Living Accommodation (SLA) and also to “misappropriated” SFA (i.e. when no longer deemed suitable for families).



Spouses and civil partners with or without children are **entitled** to SFA, as are single parents who have majority custody. Those in a long term relationship are also **eligible**.



Single personnel are **entitled** to SLA properties and also “misappropriated” SFA.



Welfare housing Surplus and misappropriated SFA

Single parents who do not have majority custody are **eligible** to access surplus SFA and are also **eligible** to access special welfare housing for “time spent with” arrangements.

⁵ As defined in policy in Joint Service Publication 752: [JSP 752 -Tri-Service regulations for expenses and allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/JSP_752_Tri-Service_regulations_for_expenses_and_allowances_-_GOV.UK_(www.gov.uk).pdf). Work is currently underway to review and modernise PStat Cats (2023-2034).

⁶ A term used in Defence policy (see JSP 752, above) and used as synonymous with being a “primary carer”.

18. **Loss of entitlement** – Entitlement to SLA is lost when a Service person leaves the Armed Forces; they are given 93 days to vacate the property before they no longer have a licence to occupy it. If a Service person’s marriage or civil partnership breaks down there is a 93-day reconciliation period afforded to the couple, which enables the SFA to remain occupied and the possibility for the Service person to move into SLA. If the parties do not reconcile, then entitlement to SFA is lost and a further 93-day period is given for the SFA to be vacated, and the Service person(s) will be rehoused in SLA. If either party reaches the end of the 93-day period but has not been able to make necessary arrangements for private rental/home ownerships/social housing, the MOD will, in exceptional circumstances, allow the persons to temporarily remain in the property to avoid homelessness. There is also significant support from the third sector⁷ and HIVE information centres⁸ to assist in finding alternative accommodation.
19. **Child residence arrangements** – Currently, Service personnel (who are separated from the other parent) must be party to a shared care arrangement in which the child(ren) lives with them for no less than 50% of the time in order to be allocated to a “PStat Cat” that generates **entitlement** to SFA. Single parents remain **eligible** to live in surplus SFA properties that are available in their area as reflected above. In addition, Service “welfare” properties are available at heavily subsidised rates to assist in those circumstances when a parent may only have access to SLA and would prefer more space when being visited by their child(ren) for overnight or holiday visits. Parents may also choose to utilise the Services Cotswold Centre at Corsham⁹ for this purpose.

Additional support

20. **Principles of support** – Alongside the principles of the Armed Forces Covenant, the MOD also has a dedicated Families Strategy, which is accessible via [Gov.uk](https://www.gov.uk) and describes our commitments to making the Armed Forces a place that “supports and nurtures family life”. We continuously seek to improve the lives of our Service personnel and families and are currently reviewing allowances and incentives (including SFA eligibility) to assess where changes can and should be made.
21. **Welfare support** – In support of the wellbeing of the Service community, personnel can have access to **personal support**, such as advice and counselling on a wide variety of issues, including relationship difficulties, financial difficulties, relocation, etc. Service personnel can also have access to **community support** such as community centres and clubs, youth activities, leisure activities, etc., through Defence support structures. This support is available to those based in the UK and overseas. The Families Federations also offer advice to Service families.¹⁰

⁷ Local councils may have a duty to house someone who doesn’t have somewhere to live. [Shelter](#) have an online tool to further advise.

⁸ [HIVE Information Centres | The British Army \(mod.uk\)](#).

⁹ [Services Cotswold Centre - GOV.UK \(www.gov.uk\)](#).

¹⁰ <https://nff.org.uk/> (Naval), <https://aff.org.uk/> (Army), <https://www.raf-ff.org.uk/> (RAF).

Reservists

22. Reservists from all three Services can be compulsorily mobilised to support operations if deemed necessary, but they and/or their employers can appeal against their mobilisation. The first appeal can be made via the Service Adjudication Officer (AO); a secondary appeal against the AO's decision can be made through the Reserve Forces Appeal Tribunal. Reservists can also volunteer to be mobilised, and they will do this regularly. Therefore, we would urge that the Service person's individual circumstances and Reservist role are considered when recommendations, orders, and judgments are made.
23. **Reservist accommodation** – Reservists are not normally entitled to military accommodation; however, Reservist contracts and terms of employment vary.

Financial remedy

24. Those Service personnel who are subject to a court order to provide financial support payments may be subject to a requirement to have these funds deducted directly using the MOD HR and Pay system. The 'Defence Council' preside over this decision and would intervene if the deduction would reduce **pay** below a minimum threshold.