



House of Commons
Defence Committee

**The Armed Forces
Covenant in Action?
Part 3: Educating the
Children of Service
Personnel: Government
Response to the
Committee's Fourth
Report of Session
2013–14**

**Eighth Special Report of Session
2013–14**

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The Defence Committee

The Defence Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Defence and its associated public bodies.

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The current staff of the Committee are James Rhys (Clerk), Dougie Wands (Second Clerk), Karen Jackson (Audit Adviser), Ian Thomson (Committee Specialist), Christine Randall (Senior Committee Assistant), Rowena Macdonald and Carolyn Bowes (Committee Assistants), and Sumati Sowamber (Committee Support Assistant).

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Eighth Special Report

The Defence Committee published its Fourth Report of Session 2013–14 on *The Armed Forces Covenant in Action? Part 3: Educating the Children of Service Personnel* on 23 July 2013. The Government's response to this Report was received on 3 October 2013. This is appended.

Government Response

All children, regardless of circumstance or setting, must receive a good education and the necessary support to enable them to overcome barriers, thrive in their school and community, and succeed in later life. The Government welcomes the House of Commons Defence Committee's inquiry into *The Armed Forces Covenant in Action? Part 3: Educating the Children of Service Personnel* and the findings set out in the Committee's report published on 23 July 2013. The Government recognises the importance of its commitment which states that Service children should have the same standard of and access to education as other children in the UK, in the area in which they live. We welcome the Committee's identification of the considerable challenges presented as a result of the mobility required of Armed Forces personnel and their children. We also welcome the acknowledgement that the meeting of the obligations made in the Armed Forces Covenant is dependent on the voluntary agreement of numerous bodies that have a part to play in providing education for Service children.

The Government notes the Committee's concerns about a conflict at the heart of the Armed Forces Covenant caused by the Government being dependent on the commitment of schools and others who provide education services—Government Departments, local authorities and the devolved administrations—to deliver the same provision to all Service families wherever they live in the UK.

We also note the Committee's conclusion that the Government must demonstrate its commitment to the Covenant by seeking the co-operation of the devolved administrations and local authorities to ensure the obligations are met.

We are grateful for the opportunity to respond to the report. Our formal response to the Committee's recommendations and conclusions is set out below. Where appropriate, we have grouped together related conclusions and recommendations to respond with a single coherent narrative that addresses both the specific recommendation and the wider underpinning arguments. The Committee's findings are highlighted in bold, with the Government's response in plain text. For ease of reference, paragraph numbering follows that in the 'Conclusions and Recommendations' section of the Committee's Report, including the paragraph reference to the report itself.

Conclusions and Recommendations

1. We note the MoD's commitment to maintaining high standards in SCE schools. We are satisfied that the procedures in place, including Ofsted inspections, ensure the standard of teaching in schools attended by Service children is at least 'good', or that where weaknesses are identified they are addressed. (Paragraph 16)

We are glad that the Committee has identified and acknowledged this high level of commitment, and the good work that SCE do for Service children overseas.

2. It is encouraging to note that Service children's progress is broadly in line with other pupils even though they face considerable challenges. However, mobile Service children do not perform as well as non-mobile Service children. With greater recognition of their needs and focused additional support, Service children could do even better. The Government should ensure that these children are given every opportunity to maximise their potential. (Paragraph 20)

A key priority in the MoD's Children & Young People's Strategy & Improvement Plan is the continued development of a unified and proactive strategy to mitigate the potentially adverse affects of not only mobility but also deployment, drawdown, re-basing and transition. To that end MoD has engaged with other Government Departments, schools, local authorities and the devolved assemblies to highlight the specific needs of Service children, particularly in relation to the mobile nature of their lives. The MoD provides specialist information, advice and support through Directorate Children & Young People to enable any organisation to make more informed decisions about the additional support they can provide to Service children.

Sharing best practice is vital. The DfE promoted and delivered a national conference in October 2011 on supporting children from Service families. This is now being followed up by regional conferences run by the Service Children in State Schools (SCISS) network scheduled for October 2013 (Swindon), November 2013 (Nottinghamshire) and January 2014 (North Yorks). A similar event has been held by the Association of Directors of Education Services in Scotland (May 2013).

3. The nature of Service life means that families have to be mobile if they are to accompany the Service parent. That moves can be made at short notice, or during term-time, means that parents may not have time to research the schools in the area, and may not get a place in their preferred school, as places in high performing schools are unlikely to be available either at short notice or part way through the school year. It is clear that there is a contradiction at the heart of the Covenant, in that Service families' mobility makes it difficult for parents to get places in the schools of their choice. The timescale for the implementation of the New Employment Model will not help those children currently in education. The MoD needs to consider further how it can assist parents to gain access to their preferred choice of schools. (Paragraph 27)

The MoD will continue to monitor the situation with regard to school admissions, providing evidence to the DfE and devolved equivalents where disadvantage is experienced and changes to the Code(s) are justified, as well as continuing to provide advice and support to any Service family adversely affected. The DfE focus on underperformance and coasting schools should mean that Service families have a wider choice of good schools in future.

4. The Government should explain how it intends to resolve the conflict between the Armed Forces Covenant, which says that Service children may need special

arrangements to access school places, and the Schools Admissions Code which sets out a strict timetable for admissions, to ensure that Service families can access the schools of their choice when they need them. (Paragraph 31)

The DfE have made a number of changes to the School Admissions Code to support Service children and their families. These include introducing provisions intended to ensure that Service families are not disadvantaged when applying for a school place outside the normal admissions round. It recognises that Service families often have to move at times when the normal round will not work for them. The School Admissions Code is explicit that an admission authority must not refuse a Service child a school place just because the family is not yet living in the area. They can be offered a place as soon as the family have a confirmed posting.

The MoD will continue to work with the DfE to monitor the effectiveness of the recent changes to the Code. This will include identifying potential improvements to mitigate any disadvantage experienced by Service children.

5. Availability of school places will be a significant issue as large numbers of Service families are re-located as a result of re-basing and the withdrawal from Germany. We seek reassurance that there will be sufficient places for the children moving as part of major re-basing moves and the withdrawal from Germany. The Ministry of Defence must provide information promptly to allow the Department for Education to liaise with Local Authorities and the Devolved Administrations to ensure that the right number of places and adequate funding will be provided in advance of major moves. (Paragraph 37)

6. Schools with significant numbers of Service children on their roll experience additional challenges, including a lack of the appropriate level of funding throughout the school year and difficulties caused by high levels of admissions through the school year. The Government should work with Local Authorities to ensure that appropriate funding is available. Where there is competition for places between Service children and the resident population, and both have equal merit, we question who will provide the funding for additional school places. One option may be for the Ministry of Defence to fund additional buildings, if needed, and the Local Education Authority to pay for staff and on-going maintenance costs. (Paragraph 38)

The DfE is working closely with the MoD and relevant local authorities (LAs) affected by the re-basing and withdrawal from Germany to ensure a smooth transition between schools and minimal impact on pupils and their families. DfE has written to relevant LAs with large military bases in their areas (June 2013) asking them to consider the impact this may have on admissions and finding suitable school places in advance, to begin finance and operational planning now, and begin advising schools on admissions. MoD will provide DfE and LAs with detailed information about the number of Service children due to arrive (and when), to assist those LAs to plan ahead and to ensure that

funding levels reflect the number of additional places needed. Concurrently the MoD is working with the DfE to make sufficient capital funds available, and with those same LAs where there will be a known influx of Service children due to re-basing. In the next year of the MoD Support Fund, priority will be given to those areas likely to be affected. The MoD has recent examples of best practice when undertaking such moves and these are being shared to ensure that education departments and LAs affected should be able to plan for any additional spaces required.

The MoD has worked with the DfE on the recent reform of revenue funding arrangements for schools, which secured the retention of the ability of LAs to provide a mobility factor to schools experiencing such turbulence; further analysis of how this is working will be undertaken with DfE to ensure that schools with Service children are not being disadvantaged. Moreover the MoD Support Fund can provide grants to schools experiencing a short-term funding shortfall due to a temporary reduction in the number of Service pupils. Whilst the responsibility for resourcing additional school capacity remains with the DfE and devolved equivalents, the MoD is currently looking at whether we could assist in this process.

To ensure that we can address such issues in a structured way, the MoD has established the Education of Service Children Change Programme¹.

7. While we acknowledge the challenges facing Service children we must not forget the advantages of Service life for children of Service families. (Paragraph 40)

We agree, and the MoD's Education of Service Children Change Programme will ensure that this unique benefit is preserved.

12. We are dismayed that no appreciable progress has been made on the transfer of pupils' records since our predecessors' 2006 report. Service children and their families deserve better. Only now is work being undertaken to develop a Service children's transition document. We are pleased that the Devolved Administrations are broadly supportive of a common approach to the transfer of information. We recommend that the Government liaise with the Devolved Administrations, local

¹ The MoD Education of Service Children Change Programme is a series of four separate, but interlinked, projects each focused on particular aspects of the provision of education to Service children. This programme of work is being taken forward under the leadership of DCYP and is in recognition of the changes being introduced in Defence which carry implications for that education. They are:

Project 1 – Improving Education Provision for Service Children in the UK – this is about strengthening partnerships with local schools and relevant authorities with the aim of improving education provision for the children of Service families in the UK State sector.

Project 2 – Managing the Closure of SCE Schools in Germany – SCE will be closing schools in Germany while maintaining educational standards throughout the process.

Project 3 – Meeting the Educational Needs of Service Children Returning from Germany – an estimated 5,000 children are currently educated in Service schools in Germany. The vast majority will be looking to be placed in the maintained sector when their families return. There will be a need for close liaison between DfE, Devolved Administrations and LAs to ensure a smooth transition.

Project 4 – Defining the SCE Future Operating Model – Germany drawdown will change SCE fundamentally with the centre of gravity shifting to Cyprus. Much work needs to be done to determine the most appropriate business model (or models) for these schools in the future.

authorities and others to reach a UK-wide agreement on a transfer document for Service children and a process for ensuring it is used, to resolve this issue once and for all. (Paragraph 59)

The challenge has been to develop a resource for schools which transcends the different legislations across England and the Devolved Administrations, and which does not add significantly to the workload when schools transfer the information on children required by local legislation. The development of such a document has required funding and research. The research, development and consultation is now complete and the resource, now titled the Pupil Information Profile (PIP) for Service Children, should be available to schools from Autumn 2013. Importantly, the PIP allows for specific details of Special Educational Needs (SEN) to be included. The MoD is already working closely with DfE and the Devolved Administrations to encourage the use of the PIP by all schools with Service children across the UK and overseas.

8. The lack of clarity about the number of Service children with Special Educational Needs is disturbing. The Ministry of Defence and the Department of Education should liaise with the Devolved Administrations to establish how many Service children have Special Educational Needs across the UK so that the scale of the problem is known. (Paragraph 43)

9. Service children with Special Educational Needs are spread across the English local authorities, the Devolved Administrations and SCE schools overseas. The number in any one local authority or administration is likely to be small. We consider that, with the will and support of Government and engagement with the Devolved Administrations, it must be possible to make things easier for those families in this difficult situation. It is unacceptable that no progress has been made on our predecessor Committee's 2006 recommendation that Service children with a Special Educational Needs should be given a statement which would be accepted by all schools. We welcome the Minister's commitment to resolving the issue, and expect to see prompt action. (Paragraph 49)

10. The Children and Families Bill has no specific clauses relating to the needs of those children of Service personnel who have Special Educational Needs. It is disappointing that the Government has not taken this opportunity to incorporate the commitments made in the Armed Forces Covenant into this new legislation. However, we hope that the provisions of this Bill will ease some of the difficulties faced by Service families who have children with Special Educational Needs. (Paragraph 51)

The MoD and DfE will continue to engage with the Devolved Administrations on all aspects of Service children's education including SEN issues noting that, although Northern Ireland tracks Service children in State schools, Scotland does not, and Wales has yet to decide.

Whilst Service personnel cannot be compelled to register children with SEN with the MoD, we are aware of those that register with CEAS, and CEAS provide comprehensive advice and support to these children both in the UK and overseas. The effective meeting of a child's SEN requires identification and resolution of those needs to take place at the lowest practicable level of administration. That is why the responsibility falls to LAs (and the MoD where it acts in lieu of LAs overseas), and it is at that level that accurate figures are maintained. However, LAs would not necessarily categorise Service children separately. The key concern of the MoD, as identified at Paragraph 49 of the Report, is maintaining support when children with SEN move to new locations.

LAs are under a statutory duty to transfer statements within England and, currently, between England and Wales. The receiving LA is under a statutory duty to maintain the statement and arrange the special educational provision. The receiving LA must tell the parents within six weeks of the transfer when they will review the statement and whether they propose to re-assess the child. We amended the Children and Families Bill, currently going through Parliament, to ensure that individual Education, Health and Care plans will transfer within England. DfE has also worked successfully with SCE to improve the transfer of information about these children's needs during moves out of the SCE area of responsibility.

DfE is working with the MoD, (mainly SCE and CEAS), to improve provision for children with SEN from Service families and to agree wording for the new DfE SEN Code of Practice so that these children will not be disadvantaged. Following his appearance before the Committee, Minister (DPWV) met with the Parliamentary Under-Secretary of State for Children & Families (3 July 2013) to ensure awareness of the issue and MoD input to the new SEN code.

The Children and Families Bill will bring benefits to all children with SEN, including those from Services families; and the MoD will continue to work closely with the DfE to ensure that the Code of Practice reflects the needs of Service children with SEN, particularly in regard to the factors of Service-induced mobility and deployment.

11. We urge the Government to work with local authorities and the Devolved Administrations to reach agreement that Service children's SEN statements are recognised by all, without exception, across the UK, demonstrating the country's 'moral obligation' to this very small number of children and their families, who deserve our full support. (Paragraph 53)

As highlighted in previous responses the introduction of the MoD's PIP for Service Children will include specific details of SEN, and will precede the pupil across national and LA borders and boundaries.

13. We recognise that as a result of mobility children encounter difficulties in the consistency of their education. When moving mid-year pupils can repeat topics, for example. Evidence also suggests some children may not be academically stretched as

much as they should be. We recommend that under the New Employment Model, Future Army 2020, and Future Force 2020, the MoD undertakes to minimise, as far as possible, moves during the school year, and restricts, wherever possible, the movement of whole units to an appropriate time in the academic year. (Paragraph 65)

The New Employment Model (NEM) seeks to support greater domestic stability in a variety of ways including longer postings, fewer moves, improved accommodation options and more distributed training, however there will remain a need for some mobility to underpin operational capability. As a result some families may choose to remain mobile to avoid separated service. This issue forms part of a NEM consultation exercise, which began in June 2013, involving Service personnel and their families on the modernisation of terms and conditions of service. Phase one of the consultation, (which has included road shows, focus groups and interviews with personnel and families), is followed by a second phase involving more targeted evidence gathering through surveys. Once concluded there will be a period of detailed analysis of the information gathered. The outcome of this analysis will be communicated towards the end of the year. Further consultation will take place in early 2014 on the detail of some of the components of the NEM and their implementation.

14. Maintaining continuity in their children's education is a major concern for parents. We support the principle of paying Continuity of Education Allowance (CEA) to those families who choose to send their children to boarding school to provide continuity. The MoD should clarify the rules on CEA and reassure Service personnel that entitlement to CEA is not under further review and will not change at short notice. (Paragraph 75)

The re-write of CEA regulations is complete and the principal changes have been promulgated to all Service personnel. JSP752 has been updated with effect from 1 Aug 13 (Version 18.1). While we cannot rule out any further future changes to CEA regulations, no further fundamental changes to CEA policy are currently planned.

15. The Ministry of Defence should ensure that all Service personnel are aware of the availability of the CEA. It should also advertise more effectively the existence of the state boarding schools. (Paragraph 83)

The availability of CEA to eligible Service personnel is widely advertised and their attention is specifically drawn to the State Boarding sector. Moreover, as part of their application for CEA, individuals have to certify that they have specifically considered the State Boarding sector.

16. The safety and well-being of children is paramount and the rules should not hinder movement of pupils in cases where, for example, there have been suggestions of abuse. The MoD should clarify the rules on CEA and its role in the decision-making process when parents wish to move their children to another school during a

key stage of education. We recommend that in principle the MoD should be more prepared to leave to parents the difficult judgement of when to move a child; while it is axiomatic that a “Continuity of Education Allowance” is designed to provide continuity, the name of the allowance should not be a major barrier to the parents deciding what is best for their child. (Paragraph 88)

The MoD agrees that the safety of Service children – indeed all children - is paramount. The CEA regulations do not hinder movement of pupils but the advice to Service parents about what to do if they have a safeguarding concern has been revised and strengthened. Now, if a parent suspects that their child may be at risk they are entitled to withdraw their child immediately and seek authority through casework subsequently.

17. We support the payment of the Service Pupil Premium to support Service children. However, we are not convinced that this expenditure is adequately monitored for value for money for the taxpayer, and to ensure that it is used to the best possible advantage to the Service children themselves. The Government should introduce guidelines on how the Service Pupil Premium should be spent. It should also require schools to make more transparent how this money is spent. The Government should monitor and publish this information and share examples of best practice. (Paragraph 95)

18. Ofsted should be asked to report in more detail on the results achieved by use of the Service Pupil Premium to ensure that the funding is meeting the particular needs of Service children. The DfE and the MoD should also report on the overall level of expenditure on the Service Pupil Premium. (Paragraph 96)

The Government agrees that the Service Pupil Premium (SPP) should be spent on securing the maximum benefit for Service children and value for money for taxpayers. Schools are best placed to decide how to use the SPP to meet the needs of their pupils. It is right that they continue to make decisions based on a pupil’s individual needs. The School Information (England) (Amendment) Regulations 2012 require schools to publish on their website the amount of the school’s allocation from the Pupil Premium grant, including the SPP, in respect of the current academic year; details of how it is intended that the allocation will be spent; details of how the previous academic year’s allocation was spent, and the effect of this expenditure on the educational attainment of those pupils at the school in respect of whom grant funding was allocated.

DfE currently publish Pupil Premium allocation tables on their website each year which include SPP allocations at national, local authority and parliamentary constituency level. They do not publish information at school level as there are data sensitivities (small numbers mean that it might be possible to identify individual pupils).

19. The anomalies in the payment of a Service Pupil Premium across the Devolved Administrations indicates a contradiction between the Armed Forces Covenant and the practice across the UK. The Government should liaise with the Devolved

Administrations to encourage the same level of support for all Service children across the UK in line with the Covenant. In its response to this report the Government should set out why the Service Pupil Premium can at the same time represent good value for money in those areas which have it and be unnecessary in those areas which do not. (Paragraph 100)

Education is a devolved matter, and it must remain for the Devolved Administrations to make their own decisions on spend. The MoD will continue to work closely with them in the interests of Service children across the UK, largely through the national networks facilitated by CEAS. Although Scotland has already determined that funding is adequate without a pupil premium, and the debate continues in Wales, the MoD will continue to champion the benefits of a distinct and separate pupil premium for Service children. It should not be forgotten that Northern Ireland's equivalent of the SPP predates England's by some years.

20. We are concerned that the introduction of the Service Pupil Premium has replaced other forms of funding, so that schools with a significant number of Service children may not benefit as much as was intended. The Government should ensure that Local Authorities do not use the Service Pupil Premium to replace other funding. (Paragraph 102)

The Government notes this concern and shares the Committee's view, that if this is happening it needs to be looked into and corrected. MoD officials will engage with their DfE counterparts on this point.

21. The Government should publish figures showing the distribution of the Support Fund for Schools across all parts of the UK, and encourage applications from Welsh schools to ensure all regions get their fair share. (Paragraph 105)

DCYP published details of the distribution of the Support Fund across the UK on their website. Currently these details are being updated and the information is due to migrate to the 'gov.uk' website soon. DCYP are working with the Welsh Assembly to assist them in encouraging applications from Welsh schools, this includes a standing MoD presence on the Welsh Government's Standing Committee for Service Children in Schools in Wales.

22. The Government should publish details of the ways in which the Support Fund for Schools money is spent in support of Service children, and give examples of good practice so that best use is made of this limited resource. We agree with the Scottish Government, that the Government should maintain this Fund after the planned four years to provide pastoral and other support to individual schools where needed. The need will rise as significant numbers of Service children move during re-basing and the withdrawal from Germany. (Paragraph 108)

DCYP is currently undertaking an audit of the successful applicants from the 2012 application round and will publish this information on the DCYP website as well as sharing information with the Education Departments throughout the UK. Meanwhile, the MoD is looking at the feasibility of extending this Fund for a further four years with priority concentrating on those areas most affected by the geographical changes in the Armed Forces footprint.

23. We are reassured that a range of funding is available to support the education of children of a parent killed in the service of their country, though such payments need to be made promptly to avoid unnecessary hardship or worry for bereaved families. (Paragraph 113)

We will continue to prioritise the support provided to bereaved families and strive to process Armed Forces Bereaved Scholarship Scheme applications as quickly as possible.

Conclusion

24. We support the aims of the Armed Forces Covenant, in that:

Children of members of the Armed Forces should have the same standard of, and access to, education (including early years services) as any other UK citizen in the area in which they live. (Paragraph 114)

We welcome the Committee's conclusion.

25. In this inquiry, we have identified that the mobility required of Armed Forces personnel means their children face considerable challenges in achieving the same access to education as the rest of the UK population. During the inquiry it has also become clear that in order to meet the obligations made in the Armed Forces Covenant, the Government is dependent on the voluntary agreement of the numerous bodies who all play a part in providing education for the children of Service personnel. (Paragraph 115)

The Government acknowledges the conclusion of the Committee, and is taking steps to address it as set out against the conclusion below.

26. In our view there is a conflict at the heart of the Armed Forces Covenant because the Government is dependent on the commitment of those who provide education services—Government Departments, Local Authorities and the devolved administrations—offering the same provision to all Service families wherever they live in the UK. The Government must demonstrate its commitment to the Armed Forces Covenant by seeking the co-operation of the Devolved Administrations and Local Authorities to ensure that its obligations are met. (Paragraph 116)

The Government notes the Committee's view but would suggest that the issue is one of complexity rather than conflict. DfE are working across boundaries in synergy with other parts of government to ensure that these challenges are resolved and do not negatively impact upon Service children.

The Armed Forces Covenant belongs to the whole Nation, and it is not just for the Government to deliver. LAs, local communities, public services, businesses and charities all have a role to play. It is an obligation for the whole of society.

The MOD works closely with the Devolved Administrations to ensure that equitable provision, with the local civilian community, is offered to all Service families wherever they live. Representatives from the Devolved Administrations are invited to attend the Covenant Reference Group, which oversees delivery of the Armed Forces Covenant.

The MOD established the Community Covenant to encourage local communities to support the Armed Forces community and to encourage LAs to take actions to ensure that Service families are not disadvantaged in the provision of services. To date over 370 communities across England, Scotland and Wales (more than 90% of LAs) have now signed Community Covenants, and the Government will continue to work closely with LAs to ensure that the obligations of the Armed Force Covenant continue to be met.