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## **BRITISH ARMY GUIDE TO THE EMPLOYMENT AND DEPLOYMENT OF SERVING PARENTS AND CARERS**

References:

- A. D/DPS(A)/28/9/PS4(A) dated 29 Feb 2008.
- B. Queens Regulations for the Army 1995.

### **Introduction**

1. This guidance provides advice to the Chain of Command and to serving parents and carers about measures designed to ensure that they are able to fulfil their full range of military duties whilst meeting their obligation to children or dependant adults. It replaces the previous guidance issued at Reference A.
2. All parents and carers have a legal responsibility to protect their child or dependant adults<sup>1</sup> and this includes ensuring adequate care arrangements for any period of absence. The complexities associated with Service life require all parents and carers to consider robust care provision for their dependants.

### **Advice to the Chain of Command**

3. The aim of this guidance is to make serving parents and carers aware of their liability to carry out a full range of military duties and deployments and to assist them with constructing robust care arrangements for any children or dependant adults. The Chain of Command has a significant part to play in balancing operational commitments and routine duties with compassion and flexibility where appropriate.

- a. **Working Patterns.** Guidance and policies now exist to enable serving parents or carers to request flexible working arrangements during periods. This includes the following:

- (1) **JSP 760 – Leave Types.** Service personnel, under law, are not entitled to the statutory provision of time off for dependants<sup>2</sup>. However, military leave regulations replicate this provision and support the principle of reasonable time off in order to deal with an emergency involving family or dependants. Where time off is needed for a dependant, the issue can be dealt with using one, or a combination of the following leave types: include; Career Intermissions, Time off for Dependants,

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<sup>1</sup> <https://www.gov.uk/parental-rights-responsibilities> accessed on 13 Oct 17.

<sup>2</sup> A dependant can be a spouse, partner, child, grandchild, or someone who depends on the Service person for care.

Special Unpaid Leave, Enhanced Leave, Parental Leave, and Transfer of Leave Between Spouses/Civil Partners. Details of each leave type can be found in [JSP 760 – Tri-Service Leave Policy](#).

(2) **Flexible Working Arrangements (FWA)**. While flexible working is not a right in the Armed Forces, all Service Personnel are entitled to request FWA so they may better balance the demands of personal life and Service commitments. There are currently two FWA options available to Service Personnel:

(a) **Flexible Working Policy**. This option allows an individual to amend their working hours, for example to work compressed hours, vary start and finish times or working from home<sup>3</sup>. The line manager must consider FWA where it does not impinge on operational capability although it may not always be possible for non-standard hours to be worked due to the ways in which the unit operates. Any implementation of FWA is done on a temporary basis only and is subject to review. Further details can be found in [JSP 750 - Centrally Determined Terms of Service](#).

(b) **Flexible Duties Trial**. The flexible duties trial allows Service Personnel to use unpaid leave entitlements to reduce their commitment by serving for a reduced number of days per year, and/or on a reduced level of deployability, for a bounded period of time. Further details can be found in [2017DIN01-006 - Flexible Duties Trial](#).

b. **Deployments/Exercises**. The Army assists in helping soldiers balance the needs of their family against their unlimited liability where possible. However, Reference B, para 9.260 states that '*a soldier must be available for a world-wide posting at any time*'. The following guidance is offered to Commanding Officers:

(1) If a CO determines that it is operationally imperative for an individual to deploy then they should do so.

(2) No two sets of circumstances will be identical; the CO should weigh the particular demands of the operational task against morale of the team and the specific circumstances of the individual. In some circumstances the balance will lie with the operational imperative, ie; the skills of the individual are irreplaceable and in others with the individual, for instance in the case a serving parent recently widowed. The Army Welfare Service can be approached for impartial advice.

(3) Individuals should be given as much notice as possible of deployments, exercises or other changes in working practices to allow serving parents or carers to put the necessary arrangements to enable them to meet their commitments.

(4) Where individuals are repeatedly unable to carry out their military duties, the CO may have to consider administrative action on the grounds of inefficiency. Administrative Action is intended to address *professional* shortcomings and [AGAI 67 - Administrative Action](#) should be consulted in the first instance. Such action may ultimately result in reduction in rank or discharge.

c. **Pre-empting potential challenges**. Much can be done by units to pre-empt potential challenges by identifying individuals with care responsibilities on their arrival in units and advising, where necessary, on the preparation of both short and long term care plans. Individuals should also be provided with information on local Service or civilian childcare facilities and facilitating private fostering arrangements. Units should consider the following:

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<sup>3</sup> These working patterns can be applied for on grounds other than childcare or carers responsibilities.

- (1) **Care Plans.** Units should encourage serving parents and carers to produce care plans. An example of a care plan and suggested topics to be discussed can be found at Annex H to [AGAI 81 - Army Welfare Policy](#). Care plans should cover parents or carers intended arrangements for the provision of short term care (eg to cover a 24 hour duty) along with long term plans (eg arrangements for an extended deployment). Care plans could include powers of attorney for temporary and long-term guardians, certificates of acceptance of guardianship/care and financial support arrangements. Those who are identified as needing guidance should be interviewed.
- (2) **Provision of Childcare/Carer Information.** Units should establish a consolidated list of local childcare facilities in order to assist parents and carers making appropriate arrangements. In the UK, local authority Children's Services or the Defence Children's Education Advisory Service can also provide information and guidance.
- (3) **Facilitating Private Fostering Arrangements.** If during a deployment any children are to be left in the care of someone who is not a close relative<sup>4</sup> for a period of over 28 days, there are legal requirements to notify the local authorities to ensure that the child receives the best possible care<sup>5</sup>. Overseas Commands should consider establishing both short term and long term foster carers from volunteers within the existing Service community in conjunction with the British Forces Social Work Service.
- (4) **Returning to Work (RtW) from Parenting Leave<sup>6</sup>.** All new parents RtW from parenting leave should be interviewed by the Chain of Command. Suggested topics to be discussed are outlined at Annex H to [AGAI 81 - Army Welfare Policy](#).
- (5) **Employment of New Mothers.** New mothers RtW from maternity leave are graded as MLD(T) for a period of six months from their RtW date<sup>7</sup>. Medical policy<sup>8</sup> outlines that after pregnancy, consideration should be given for a rehabilitation or remedial exercise programme to enable them to attain the necessary fitness and functional capacity. Additionally, health and safety policy<sup>9</sup> requires a risk assessment to be conducted upon their RtW to ensure they are employed appropriately; this should consider whether the Servicewomen is breastfeeding.
- (6) **Pregnancy and Maternity – A Guide for Commanders and Line Managers.** A reference document will shortly be released which collates and summarises extant policy and guidance to support the chain of command and line managers in the management of pregnant Servicewomen and those returning from maternity leave. It will be linked in this document when released.

## Advice for Serving Parents

4. Serving parents should ensure that their Chain of Command and Career Managers are aware of their personal circumstances. All Service Personnel are able to include personal circumstances on their posting preference proforma and can use the Employee Domestic and Welfare Considerations tab on JPA<sup>10</sup> to highlight any personal circumstances which may need to be considered during the assignment process.

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<sup>4</sup> The following are defined as a close relative in the Children Act 1989: "grandparent, brother, sister, uncle, aunt or step-parent."

<sup>5</sup> Advice should be sought from the local authority Children's Services department.

<sup>6</sup> Parenting leave includes Maternity, Adoption and Shared Parental Leave.

<sup>7</sup> [PAP 2017](#), Chapter 1, para 0117.

<sup>8</sup> [JSP 950, Part 1, Leaflet 6-6-7, Annex J - Manual of Medical Fitness](#).

<sup>9</sup> [JSP 375, P 2, Vol 1, Chapter 20 - New and Expectant Mothers](#)

<sup>10</sup> Found under the Extra Information Types tab.

5. **Dual Serving Parents.** Dual serving parents should note that whilst the Army will endeavour to meet geographical and assignment preference, there is a risk it may not be possible for them to be co-located. Both parents should engage with their chain of commands and career management staff to determine the best possible outcomes for their family.

6. **Deployment of serving parents.** Queens Regulations<sup>11</sup> state that 'a soldier must be available for world-wide assignment at any time' and this applies equally to single and dual serving parents. The Army will endeavour not to deploy both parents at the same time, where this does not affect operational capability.

7. **Declaring Supportability.** All Service Personnel are reminded that [AGAI 108](#) requires them to inform their Chain of Command and Career Manager as soon as they are aware that a family member has a supportability need. This is to allow the Chain of Command to ensure responsive career management which meets the needs of the Army and when informed, takes account of any additional family supportability needs that may have an impact on future assignments.

8. **Parental Leave.** The aim of Parental Leave is to allow Service Personnel unpaid leave to look after their child. Parents may take up to 4 weeks per year for each child. It is unpaid and can be taken by either parent until a child is 18.

9. **Pregnancy and Maternity – A Servicewomens Guides.** A reference document will shortly be released which collates and summarises extant policy and guidance to Servicewomen who are pregnant and on maternity leave. It will be linked in this document when released.

## Support Networks.

10. There are a number of additional support networks which can provide impartial advice and guidance to the Chain of Command and serving personnel, these include:

- a. **Army Welfare Service (AWS).** The AWS provide accessible, independent, confidential and professional specialist welfare services to soldiers and their families with any personal or family difficulty. Further information and contact details can be found on their [website](#).
- b. **Army Families Federation (AFF).** AFF are the independent voice of Army families. They offer support, information and guidance to individuals and Army communities on issues that impact on the quality of their lives and have a number of specialists in areas such as education and housing. Further information and contact details can be found on their [website](#).
- c. **Forces Additional Needs and Disability Forum (FANDAF).** FANDAF is a support group run by SSAFA for serving personnel who have a family member with an additional need or disability. Further information can be found on their [website](#).
- d. **Army Parents' Network (APN).** The APN is a social media enabled forum which provides access to information, advice and peer support for the Chain of Command and serving parents. It is a closed group on Facebook and can be accessed by searching 'Army Parents Network'.

## Foreign and Commonwealth

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<sup>11</sup> Queens Regulations for the Army para 9.620.

11. Serving parents intending to arrange childcare support in the UK, or during an overseas assignment, using individuals, relatives or friends subject to UK immigration controls will need to take account of UK immigration rules or Service Standing Orders or Instructions applicable to their overseas assignment. This needs to be done well in advance. Those planning on returning children to their country of origin during an extended deployment will need to satisfy any safeguarding children requirements required by legislation in their country of origin.

### **Summary**

12. The Army has an interest in helping soldiers balance the needs of their employment with their family life. However as soldiers, serving parents or carers must be available for deployment at any time and thus have a responsibility for ensuring that they have robust arrangements in place to care for their children or dependant adults should they need to be away. Key to this is making arrangements well in advance and ensuring that advice and support is sought from either the unit Welfare Staff or the Army Welfare Service.

13. Commands, formations and units are to ensure that this guidance is promulgated within their areas of responsibility, incorporated into local standing instructions or orders where relevant and made readily available to those to whom it applies.

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