

Armed Forces (Flexible Working) Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD CRAIG OF RADLEY
LORD WALKER OF ALDRINGHAM
LORD BOYCE

- 1** Page 1, leave out lines 6 and 7 and insert –
““(ha) enabling a person serving with a regular force –
(i) to serve on a flexible basis; or
(ii) to request periods of unpaid leave of absence;”, and”
- 2** Page 1, line 9, leave out “person’s service with a regular force to be restricted” and insert “person to restrict their service”
- 3** Page 1, line 10, leave out “or to be subject to other geographic restrictions”
- BARONESS JOLLY
BARONESS SMITH OF NEWNHAM
- 4** Page 1, line 14, at end insert –
“() After subsection (2) insert –
“(2A) With regard to the rights conferred on a person by subsection (2)(ha) to (j), the regulations must specify –
(a) whether and for how long a person must have served in a regular force before being entitled to apply for those rights;
(b) to whom and in what manner a person must apply;
(c) how many times a person may apply to exercise those rights;
(d) whether there is any limit on the number of times a person may have an application approved;
(e) for what specific periods of time a person will not be required for duty or liable for overseas deployment;
(f) if the application is approved, for how long the agreed arrangements may remain in place;

Clause 1 - continued

- (g) the factors that may be taken in account when considering an application;
- (h) how the agreed arrangements may be altered or suspended; and
- (i) if an application is refused, how a person may appeal the decision.””

LORD CRAIG OF RADLEY
LORD WALKER OF ALDRINGHAM
LORD BOYCE

- 5 Page 1, line 16, leave out “right conferred on a person by virtue of” and insert “working arrangement agreed under”

LORD TOUHIG
LORD TUNNICLIFFE

- 6 Page 1, line 17, at end insert –

“() After subsection (4) insert –

“(4A) Regulations under subsection (2)(ha), (i) or (j) may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.””

BARONESS JOLLY
BARONESS SMITH OF NEWNHAM

- 7 Page 1, line 17, at end insert –

“() After subsection (5) insert –

“(5A) Within three years of paragraphs (ha) to (j) of subsection (2) coming into force, and annually thereafter, the Secretary of State must lay a report before each House of Parliament evaluating the impact of those paragraphs on recruitment and retention of members of the armed forces.

(5B) The report must include –

- (a) an assessment of recruitment and retention of technical specialists in the armed forces;
- (b) a comparison of recruitment and retention between Her Majesty’s naval, military and air forces; and
- (c) a comparison of retention between those serving on a full-time basis and those serving on a part-time basis.””

BARONESS BURT OF SOLIHULL
BARONESS JOLLY

- 8 Page 1, line 17, at end insert –

“() After subsection (5) insert –

“(5A) Within three years of paragraphs (ha) to (j) of subsection (2) coming into force, and annually thereafter, the Secretary of State must lay a report before each House of Parliament evaluating the impact of those paragraphs on diversity within the armed forces.

(5B) In subsection (5A) “diversity” means the protected characteristics in section 4 of the Equality Act 2010.””

After Clause 1LORD TOUHIG
LORD TUNNICLIFFE**9** Insert the following new Clause—**“Protection of pay and allowances**

- (1) Nothing in this Act shall lead to the full-time equivalent level of remuneration provided to persons serving with a regular force being reduced.
- (2) In this section, “remuneration” means—
 - (a) basic pay;
 - (b) the x-factor allowance; and
 - (c) any other universal payments, provided to persons serving with a regular force.”

10 Insert the following new Clause—**“Annual reporting on the impact of part-time service and geographic restrictions**

- (1) The Secretary of State must report on an annual basis on the impact of the measures implemented by section 1 of this Act.
- (2) The report shall include information relating to the number of—
 - (a) existing personnel who apply to serve part-time;
 - (b) existing personnel who apply to become subject to geographic restrictions;
 - (c) new personnel who apply to serve part-time within twelve months of completing basic training;
 - (d) new personnel who apply to serve subject to geographic restrictions within twelve months of completing basic training; and
 - (e) occasions on which the rights conferred by section 1 of this Act have been varied, suspended or terminated,in the period covered by the report.
- (3) The report must include a statement from the Secretary of State regarding the impact of the measures implemented by section 1 of this Act on the overall effectiveness of each regular force.
- (4) The report must be laid before both Houses of Parliament.”

11 Insert the following new Clause—**“Recruitment and retention of armed forces personnel: duty to publish an assessment**

- (1) Within six months of the coming into force of this Act, the Secretary of State must publish an assessment of the likely impact of the measures contained within this Act on recruitment and retention of persons serving with a regular force.
- (2) The assessment must include—
 - (a) the number of persons serving with a regular force in the present year;

After Clause 1 - continued

- (b) the number of persons serving with a regular force in each of the last five years;
 - (c) the anticipated number of new personnel for each of the next three years;
 - (d) the anticipated number of part-time or geographically restricted personnel for each of the next three years; and
 - (e) the anticipated impact of flexible working measures on recruitment and retention of female and Black, Asian and Minority Ethnic personnel.
- (3) The assessment must be laid before each House of Parliament.”

12 Insert the following new Clause –

“Implications for the Armed Forces Covenant

- (1) Within six months of the coming into force of this Act, the Secretary of State must lay a statement before both Houses of Parliament outlining the implications of this Act for the Armed Forces Covenant.
- (2) In preparing the statement, the Secretary of State must determine whether the Armed Forces Covenant, or any of its supporting documentation, requires revision in order to reflect the measures provided for in this Act.
- (3) The Secretary of State must ensure that the Armed Forces Covenant annual report considers the contribution of this Act to meeting the goals of the Armed Forces Covenant.”

BARONESS SMITH OF NEWNHAM
BARONESS JOLLY

13 Insert the following new Clause –

“Accommodation

After section 329 of the Armed Forces Act 2006 insert –

“329A Accommodation

A person to whom section 329(2)(ha) applies is entitled to service family accommodation or single living accommodation.””

14 Insert the following new Clause –

“Information on part-time and flexible working

After section 329 of the Armed Forces Act 2006 insert –

“329A Information on part-time and flexible working

- (1) At least twelve months before section 329(2)(ha) to (j) comes into effect, the Defence Council must provide information to all members of the armed forces, and to the public, on those provisions.
- (2) Such information must include –
 - (a) how to apply for the rights conferred by section 329(2)(ha) to (j);
 - (b) how section 329(2)(ha) to (j) will operate; and
 - (c) any further information that is available relating to other ways of flexible working that are currently offered by the armed forces.

After Clause 1 - continued

- (3) The information in subsection (2) must be distributed in written and electronic formats.””

BARONESS JOLLY
BARONESS SMITH OF NEWNHAM

15 Insert the following new Clause –

“Monthly personnel statistics

After section 329 of the Armed Forces Act 2006 insert –

“329A Monthly personnel statistics

- (1) The Defence Council must record any member of the armed forces currently exercising their rights under section 329(2)(ha) in the monthly personnel statistics as an appropriate fraction of a full-time serving member of the regular forces.
- (2) The Defence Council must record any member of the armed forces currently exercising their rights under section 329(2)(i) in the monthly personnel statistics as being unable to be deployed for the duration of the exercise of that right.””

BARONESS BURT OF SOLIHULL
BARONESS JOLLY

16 Insert the following new Clause –

“Promotion

After section 329 of the Armed Forces Act 2006 insert –

“329A Promotion

It is irrelevant for the purpose of promotion within the armed forces whether or not a person has applied to use the rights conferred on them under section 329(2)(ha) of this Act.””

BARONESS JOLLY
BARONESS SMITH OF NEWNHAM

17 Insert the following new Clause –

“Resettlement services

After section 329 of the Armed Forces Act 2006 insert –

“329A Resettlement services

- (1) A person who is leaving the armed forces and to whom section 329(2)(ha) has applied is entitled to resettlement support, career transition advice and training opportunities.
- (2) Within three years of this section coming into force the Secretary of State must review its impact upon resettlement services.””

After Clause 1 - continued

BARONESS SMITH OF NEWNHAM
BARONESS JOLLY

18 Insert the following new Clause –

“Regulations

- (1) Section 373 of the Armed Forces Act 2006 (orders, regulations and rules) is amended as follows.
- (2) In subsection (3), after paragraph (e) insert –
“(ea) regulations under section 329(2)(ha), (i) or (j).”

Clause 3

EARL ATTLEE

19 Page 2, line 15, leave out “come into force” and insert “must come into force within the period of three years from the date on which this Act is passed”

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8 September 2017
