



army families federation

the voice of army families

Briefing

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Divorced personnel and former spouses

AFF is aware that divorced Service personnel, and their former spouses, are facing a range of disadvantages due to their marital status.

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Introduction

Divorced Service personnel, and their former spouses, can face many disadvantages. The impact of the mobility experienced by the former spouse as part of an Army family, and the fact that they may no longer be considered as part of the Armed Forces community, can adversely impact education, housing and employment. The definition of a Service child is also key and can affect the allowances and entitlements permitted.

Overseas children's visits

A divorced serving Officer, posted overseas in the Middle East, was not entitled to School Children's Visit (SCV) flights for his children to visit him as he is not the primary mover/carer. Although he was funded to have return visits to the UK, the lack of entitlement to SCV resulted in him having to pay for his three children to visit him in the Middle East. There are 200 PStatCat 3 Service personnel currently serving overseas who will also be affected by this issue.¹

In addition, Service personnel who claim Continuity of Education Allowance (CEA), and are assigned overseas, are able to claim Local Overseas Allowance (LOA) when their children return home to visit during school holidays. However, divorced Service personnel are not entitled to claim for LOA if their children come out to visit.

A recent study, by Modern Fatherhood (a collaboration between the University of East Anglia, NatCen Social Research and the Thomas Coram Research Unit²) in November 2013, highlighted that the closeness of the relationship between a father and his non-resident children is strongly associated with the level of contact the father has with his children - the more frequent the contact, the closer the relationship.

Foreign and Commonwealth (FCO) personnel, who are posted overseas, divorced and have children who are resident with the non-FCO parent, are entitled to two funded children's Journeys to visit their FCO parent per year.

“The financial impact upon me of funding SCVs for my three children is stark. Return flights for their first trip over the New Year cost me just short of £1,650. I plan to do this three times per year. Having to make arrangements with my ex-wife to share the children's holiday time means that I am actually seeing my children for less time than my married colleagues; my children visited for just seven days over New Year, which arguably makes the relative cost of their visit higher.”

I think it not unreasonable that the funding of SCVs should be de-linked from receipt of CEA. Currently the arrangements in place serve to punish Service personnel for divorce, which surely cannot be fair in view of the considerable pressures on a relationship imposed by the nature of Service life.”

¹ PStatCat 1 - Married or in a registered civil partnership; PStatCat 2 - Prime Carer & Provider for child; PStatCat 3, Separated providing voluntary support; PStatCat 4 - Separated providing support as result of court order; PStatCat 5 - All other members of the Armed Forces

² Modern Fatherhood, Non-Resident Fathers briefing paper, 20 Nov 2013,

<http://www.modernfatherhood.org/publications/what-do-we-know-about-non-resident-fathers/>

Service children

JSP 770 states that a Service Entitled family is defined as a Service person, their spouse/civil partner and any dependent children. It also states that a Service child is defined as one for “whom a serving Service person has parental responsibility who will themselves therefore be PStatCat 1 or 2”.

If the serving parent is PStatCat 3 or 4, then the child is not regarded as a Service child. However, as long as they have a serving parent, they are still affected by many of the issues of a Service child such as the serving parent deploying or being posted overseas.

Schools Admissions Code

If a family is assigned to a new area, and there is no available place for their child in their local school, the Schools Admission Code allows the school to increase the class size to accommodate the Service child. If a Service family separates, the former spouse and child may wish to move to a different area to establish a new life as they no longer have a connection to their previous military area; for example, they may wish to return to their home area to be closer to their family. They would not currently be able to apply the Schools Admission Code if they were unable to gain a place at their local school, and would be disadvantaged due to their marriage to someone in a mobile Service role.

Service Pupils Premium

The premium is awarded based on whether you live with a Service person, rather than one of your birth parents being a Service person; if you live with someone who is not biologically your father but is a Service person, the school receives the premium. For those parents who divorced after 2011 and whose children were already in school and receiving the premium in 2011, they can continue to receive this for the next six years. However, if another child in the family started school after 2011 they would not receive the premium, despite also being the child of a divorced Service person.

Social housing

A former Army wife was refused social housing as she was considered to have no local connection to the area. Due to being separated from her former Service husband, she was no longer regarded as part of the Armed Forces community. A former Service person has up to five years after leaving the Services to be taken into consideration when lacking a local connection.

SFA for divorced personnel

If a Service person is separated or divorced, and lives in Single Living Accommodation (SLA), they have nowhere to host their children during weekend/holiday visits unless there is a contact/welfare house and it is available. In some areas, the number of contact houses is very limited, e.g. three contact houses and one flat for the Salisbury Plain garrison area. Many Service personnel would pay to live in SFA to enable them to have their children stay more easily.

The recent study by Modern Fatherhood highlighted that the number of bedrooms a non-resident father has in his property directly relates to how often his children may visit. 31% of non-resident children, in contact with their father who had one or no bedrooms in their property, did not stay over; only 34% stayed on a regular basis - compared to 48% of those with fathers that had two bedrooms.

Job Seekers Allowance

If a Service spouse has accompanied their serving partner on posting, and therefore had to give up their job, they are entitled to Job Seekers Allowance as they have been forced to terminate their employment. If a Service spouse separates from their serving partner, they may not wish to remain in the area their serving partner is based in, as they may no longer feel they have any connection with it and want to return to their home area. They would therefore have to terminate any local employment but the Job Centre may see this as voluntary and so they would not be entitled to JSA.

Child Support Agency allowance

Under the rules of the Child Support Agency (CSA), there are different bands of how many nights a year a child needs to spend with their non-resident parent in order to determine their maintenance payment³. If this target is not met, then extra maintenance fees are levied.

There is also some confusion and contradictory evidence over whether the non-resident parent is required to be present during the whole night to count towards the target. This is a key issue for Service families as the serving non-resident parent may often be away overnight, on exercises or deployment, but the child may still stay with their new family. The Child Maintenance Service have confirmed that they would consider this on a case by case basis, but other families have been told that the serving non-resident parent must be in the property overnight to avoid extra maintenance fees being levied.

Retaining SFA due to education

If a child is about to take GCSEs or A-Levels, and their Service parent is posted, they are entitled to remain in their SFA until they have completed that stage of their education. If parents separate, the Housing Allocations Service Centre (HASC) can “consider” factors, such as educational impact, to allow them to remain longer to complete a crucial stage of education, but it is at their discretion.

How can we remove disadvantage?

AFF would like the MOD to recognise that the “Army family” is not defined as purely a Service person, their spouse and their children living in SFA - there is a far broader definition with complex family situations. This includes families living in their own homes, understanding the requirements of Service children even if their parents are no longer married and the responsibility towards former Army spouses who may have accompanied their serving partner on postings and through deployments for many years.

AFF would like the MOD, and other government departments and agencies, to recognise that in terms of Service children, the needs of the child remain paramount and that the Army has a duty to facilitate equal access to both parents, particularly where it has become more difficult for the child to access their serving parent due to the nature of their Service or posting. The impact of Service life on a child is not removed when their parents’ divorce; the concern about a serving parent deploying overseas or being posted further from where they live remains, and the Army has a duty to support these children.

³ Child Maintenance Service,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260890/how-we-work-out-child-maintenance.pdf

AFF would like to remove any disadvantage caused to Service personnel, their former spouses and children due to being legally separated or divorced. AFF wants the MOD to provide commitments to remove this disadvantage, which may include changes by the Covenant Reference Group to the Armed Forces Covenant. This includes:

- For the five years consideration, given to former Service personnel when applying for social housing with no local connection, to be extended to ex-Service spouses
- For divorced Service personnel posted overseas to be entitled to publically funded children's visits (SCV) in recognition that, although the parents may not still be married, the Service person still has a responsibility to their children and the right to maintain a relationship when separated due to an overseas Service posting
- For ex-Service spouses and their children to be given more support in transitioning to civilian life, potentially via the Unit Welfare Office
- Divorced Service personnel to be able to live in small SFA to enable them to have their children to visit in appropriate surroundings
- For Job Centres to recognise that, if someone separates from their serving partner and wishes to return to their home area, any termination of their employment be regarded as not voluntary and they are able to claim JSA. They would only be able to claim this on their first move back to their recognised home area.
- For the CSA to recognise the nature of Service life and allow deployed Service personnel to include those nights where their child has stayed with their new step-family to count towards their maintenance payments target
- For the MOD to amend the JSP to make it an entitlement, not a factor for consideration, for separating families who have children at a key point of education, e.g. about to take their GCSEs, to remain in their SFA longer than 93 days to complete their exams and not be put under additional pressure by moving house whilst also experiencing family breakdown

AFF VIEW:

AFF believes that the Army has a commitment to support the children of Service personnel to minimise the effects of Service life on them, regardless of whether their parents remain married. AFF believes that the Covenant Reference Group should look to make additional commitments to ensure that Service children and former Service spouses do not remain disadvantaged because of the nature of the serving parent/former partner's job.