



army families federation

the voice of army families

Briefing

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Equal access to School Children's Visits (SCVs) for divorced Service personnel

Divorced Service personnel assigned overseas who have children who do not live with them do not have the same access to MOD family related allowances as their married peers. The inability for this cohort to claim SCVs significantly affects their ability to see their children due to the additional cost of travelling to an overseas posting.

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Background

The aim of School Children's visits (SCVs) is to contribute towards the cost of reuniting children of Service personnel with their parents at their overseas duty station during some school holidays¹. The journey must be undertaken by the child.

Divorced Service parents who are not the prime mover are not entitled to SCVs to enable their children to visit them. This has a particularly significant impact for those Service personnel posted overseas as the cost of paying for their child's travel to an overseas location can be substantial.

AFF believes that this results in inequality for Service children who should have equal access to their serving parent, whatever their situation, and wherever they are posted.

The Service child

JSP 752 Chapter 1 outlines the definition of a Service child for allowances purposes but does not clarify the eligibility status of children of divorced Service personnel.

*'01.0210. Child. For the purpose of these regulations, except where otherwise stated, a child is defined as a legitimate or legitimated child or step-child of either or both of the spouses/civil partners; a child statutorily adopted by either or both of the spouses/civil partners; a child of the family (a legal term meaning any other child who is being brought up in the household of the husband/wife/civil partners at their expense or was so being brought up immediately before the spouses/civil partners were estranged, separated by legal order, divorced or the civil partnership was dissolved or before the death of the husband, wife or civil partner).
A child is deemed to be below the age of majority (18 years)[...].'*

JSP 752 Chapter 4 outlines the definition of an eligible child:

'04.1006. Eligible Child. If they are a child from a previous marriage/civil partnership to qualify as an eligible child their Service parent must be the prime mover in their life and have care and control of them, irrespective of whether their Service parent has remarried or registered another civil partnership. If the child lives with their non-Service parent who retains care and control there is no entitlement to SCVs to visit the Service parent.'

Personal Category Status (PStat Cat)

At present, only two categories of Army personnel are entitled to SCVs:

- PStat Cat 1 - Army personnel who are married or in a civil partnership
- PStat Cat 2 - Army personnel who have full parental responsibility for their child/ren (provide full residence, are the prime mover, provide a carer when absent due to their Service and accept financial responsibility)

Personnel who provide financial support to their child but are not the prime mover (PStat Cat 3 and 4) are not entitled to SCVs.

Military allowances are designed to mitigate against the impact of unique circumstances caused by Service life. The impact of not being reunited with a serving parent is the same whether their parents are married or divorced; we believe that PStat Cat 3 and 4 should be entitled to SCVs. Every child matters regardless of the marital status of their parents.

¹ JSP 752 Chapter 4 Section 10

Human impact

AFF has been contacted by several divorced Service personnel posted overseas who are ineligible for SCV with some unable to fund any child contact visits and others taking on the responsibility of paying for child contact at substantial personal cost.

‘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 arrange 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 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.’

The Rights of the Child

The UN Convention on the Rights of the Child², which has legal force in the UK, includes the right for the child to be treated fairly (including changing laws and practices that are unfair on children). This issue is potentially contrary to this law.

The cost for MOD

According to our report on Divorced Personnel³, there are 200 PStat Cat 3 Service personnel currently serving overseas who will also be affected by this issue; we are unaware of how many PStat Cat 4 Service personnel there are.

We are conscious that the MOD is battling to fill overseas posts, and that they are looking into all options to mitigate this. AFF feels that this change in policy may help the MOD with retention and encourage more Service personnel to volunteer for these posts.

Disparity in policy

AFF has been made aware of a case of a divorced Tri-Service person assigned overseas who has been successful in obtaining funded SCV flights for his children from a former marriage to visit him at his overseas posting. This was based on the argument that his Service did not provide him with an opportunity to see his children, except at his own expense, due to the nature of the posting and the prohibitive financial costs of funding overseas travel. The MOD has therefore already accepted the key principle that it has a duty to ensure Service personnel are not unduly prevented from reuniting with their children due to their Service.

Foreign and Commonwealth Office (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.

AFF VIEW:

Children of divorced Service personnel should have equal access to see their serving parent. Therefore, divorced Service personnel should be offered the same access to allowances as all other Service parents in order to support this.

² http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf

³ [http://www.aff.org.uk/linkedfiles/aff/aff_in_action/research_papers/briefdivorcedpersonnelandformerspouses\(finalmay2014\).pdf](http://www.aff.org.uk/linkedfiles/aff/aff_in_action/research_papers/briefdivorcedpersonnelandformerspouses(finalmay2014).pdf)

The ineligibility of those Service personnel who are divorced and not the prime mover of the child to SCVs has resulted in some children not being able to be reunited with their serving parent due to the prohibitive financial cost of travel; these children are disadvantaged in comparison to those children from different family situations.

AFF strongly believes that the rights of the child are paramount and that divorced soldiers should be supported to maintain a regular relationship with their children which in turn will aid retention.