

JSP 820



MOD DISABILITY AND ADDITIONAL NEEDS POLICY

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MINISTRY OF DEFENCE
Directorate Service Personnel Policy

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Chapter 1 – Introduction

References:

- A. The Children Act 1989 and 2004.
- B. The Education Act 1996.
- C. The Chronically Sick and Disabled Person Act 1970.
- D. The National Assistance Act 1948.
- E. The Community Care Act 1990.
- F. The Special Educational Needs and Disability Act 2001
- G. Disability Discrimination Act 1995 and 2005.
- H. Defence Policy for Support of Specific Learning Difficulties
- I. JSP 342 Education of Service Children.
- J. JSP 752 Regulations for Tri-Service Allowances.
- K. JSP 464 Tri-Service Accommodation Regulations (TSARs).
- L. JSP 800 Defence Movements and Transportation Regulations.

Section 1 – General Policy

0101. The MOD has a duty to ensure that national legislation is adhered to within the UK. It is MOD practice to implement the spirit of English legislation within Overseas Commands wherever it is appropriate and practicable to do so. Arrangements exist within the single Services to assist personnel and their dependants¹ who have disabilities and/or additional needs². The aim of this policy is to give guidance on the range and types of assistance available and to emphasise the role of the single Services. Although this policy gives general guidance it must be read alongside specific single Service policies that take account of the different Service needs.

0102. Within the UK, all Service personnel and their dependants, who are UK citizens and/or have recourse to public funds, are entitled to access the same support and services - including medical, educational or social services - provided by Local Authorities³ (LA) as any other UK citizen. The MOD **does not** replicate these services in the UK. However, the MOD does accept that where differences occur as a result of service in the Armed Forces, there is a need for sympathetic consideration of problems, and for assistance to be provided where possible.

0103. Overseas it may not always be possible to replicate the level of support available in the UK. Therefore, there will be occasions when this may impact on whether it is possible to be assigned to a specific location overseas. Registration, appropriate career management and consultation with the overseas commands will mitigate such occasions.

Section 2 - Objectives

0104. The objectives of the MOD Disability and Additional Needs Policy are to:

¹ A dependant is defined as a Service person's spouse, civil partner, son or daughter under 18 (up to 25 if unmarried and still in full time education or to be out of full-time education for up to one year between secondary and further education) or any age if assessed by a medical authority as suffering from a physical or mental infirmity.

² The term 'Additional Needs' is used to include all Service personnel and their dependants who have special requirements in Education, Medical Care or Social Care, or as defined in legislation at Annex A.

³ The term Local Authority is used to mean the responsible authority in each of the countries of the UK.

- a. Ensure all Service personnel who have, or have a dependant with, a disability or additional needs, register with the appropriate Service career management authorities.
- b. Implement the spirit of English legislation, listed at Annex A, wherever possible, applicable and practicable to do so within Overseas Commands.
- c. Ensure appropriate career management for Service personnel who have registered a disability or additional need. The aim is to promote the maximum flexibility for Service personnel (and by implication their dependants) to live their lives whilst meeting their Service obligations.
- d. Promote the support provided by the Services in addition to existing LA support provided in the UK.
- e. Inform the separate single Service Special Needs and Disability Policies which, in combination with this tri-Service policy, provide comprehensive direction. The single Service policies are:
 - RN Policy – BR14 Article 0513
 - Army Policy – AGAI 108
 - RAF Policy – AP3392 Vol 2 Leaflet 2411

Section 3 - Responsibilities

0105. Service Personnel. Service personnel who have, or have dependants with, disabilities and/or additional needs are to register with their Service appointing authorities in accordance with single Service instructions. Individuals who register should be reassured that the registration will not adversely affect their career management. However, a failure to register may, in the case of an overseas assignment, lead to subsequent repatriation with consequent disruption to the Service person and their family and could lead to the recovery of some or all of the costs from the Service person. Service personnel and their dependants who have additional needs must acknowledge that there may be limitations to the level of support that can be offered worldwide. Consequently, there will be certain decisions concerning career and location that they themselves must make with regard to such limitations.

0106. MOD/Services. The MOD and the Services will:

- a. Provide a focus for additional needs, special educational needs and disability advice and an appropriate forum at which such needs can be discussed.
- b. Ensure that where individuals register, career management authorities consult overseas Command J1/G1 branches in order to ensure that suitable support can be provided prior to an assignment⁴ order being promulgated.
- c. Provide appropriate support in Overseas Commands where it is practicable to do so.

⁴ "Assignment" is the tri-Service Joint Personnel Administration (JPA) term for appointing, drafting and posting.

Chapter 2 – MOD SUPPORT

Section 1 – Assignment, Promotion and Career Management

0201. Assignment. Personnel with, or with responsibility for dependants who have, disabilities or additional needs will be treated equitably with regard to promotion, future employment and assignment. They will not attract favourable treatment, nor will they be subject to rigid rules. However, their individual circumstances will routinely be taken into account by the relevant assigning authorities and suitable assignments will be selected within operational and manning constraints. Once an assignment order has been issued the only recourse will be an individual's right to apply for deferment or cancellation in accordance with single Service regulations. Therefore, it is essential that Service authorities receive early notification of the existence of disabilities and/or additional needs to judge the suitability of future assignments.

0202. Promotion. The attention of Promotion Boards will not be drawn to the fact that a Service person has disabilities and/or additional needs, or is responsible for a dependant with disabilities and/or additional needs. Candidates for promotion will be graded on the basis of their ability and on their future employability in the next rank.

0203. Future Service. It is possible that the disabilities or additional needs of a Service person or their dependants may constrain that Service person's ability to meet their Service obligations. Where there is evidence of this, single Services must inform the Service person that it may not be possible to offer service beyond the end of their current engagement.

Section 2 - Accommodation

0204. It is essential that the relevant housing authority (for Service Family Accommodation (SFA), Substitute Service Family Accommodation (SSFA) and Substitute Service Single Accommodation (SSSA) in GB this is Defence Estates Operations Housing (DE-Ops Housing)) is made aware of the full details of disabilities, and facilities required, when applications are submitted⁵ for accommodation (SFA and Single Living Accommodation (SLA)). The future plans of DE include the introduction of regional Housing Information Centres (HICs), each of which will have a specified point of contact for any additional needs issues. The MOD takes a sympathetic approach to the provision of suitably adapted accommodation and each case will be considered on its merits. However, due to the wide range of potential needs and frequency of moves it is not MOD policy to provide custom-built accommodation available for Service personnel or families with disabilities and/or additional needs.

0205. Once suitable accommodation has been allocated necessary modifications will be carried out by, and at the expense of, the relevant housing authorities. The modifications will be based on the requirements identified in reports produced by LA Community Care Officers or Social Services advisers where available, or the equivalent MOD staff overseas, but must be supported by authoritative evidence. When possible, modified SFA/SLA should be retained in the adapted form for preferential allocation in the future.

⁵ Guidance in JSP464 Tri-Service Accommodation Regulations (TSARs) Part 1, Chapter 7, Section III for UK, and Part 2, Chapter 6, Section III for NI and Overseas.

Section 3 - Education

0206. Support of Service personnel with Specific Learning Difficulties (SpLD). A SpLD Policy has been drafted to promote and provide systematic support to those personnel in the Armed Forces with identified needs to maximise their learning potential and their training. The SpLD Policy is designed to ensure that personnel in Defence with SpLD are treated appropriately and, in particular, that Armed Forces personnel with SpLD are identified, assessed and supported in a coherent and effective way.

0207. Service Children's Education (SCE). SCE is a tri-Service agency responsible for the education of the children of Service families whilst overseas. Children with a wide range of Special Educational Needs (SEN) are supported in SCE schools although it is not possible to make provision for the complete range of SEN. SCE schools follow the Department for Education and Skill's Code of Practice for identifying and meeting SEN. Further guidance can be found in JSP 342 Chapter 8.

0208. Wherever possible, children with SEN are supported in their usual class and school. In addition to the resources normally available to SCE schools additional funds may be allocated from the Agency's central budget to support children with SEN, often through the employment of SEN learning support assistants. Schools are also supported in the assessment and management of SEN by staff of the SCE Educational Psychology and Child Guidance Service and the Inspection and Advisory Service.

0209. Children's Education Advisory Service (CEAS). CEAS is a tri-Service organisation in the UK which provides advice and support about entitlements, admissions and appeals and with the transfer of registered children between LAs when the children accompany their parents on posting. CEAS staff can attend case conferences with parents or on their behalf. All advice and subsequent correspondence is dealt with in the strictest confidence.

0210. CEAS also maintain a voluntary register of Service children with SEN. To register with CEAS contact the CEAS helpline listed at Annex B. To be registered a child must meet one or more of the following criteria:

- a. Be undergoing a statutory assessment
- b. Have a statement of SEN (co-ordinated support plan in Scotland)
- c. Have a note in lieu
- d. Have a sensory or physical impairment
- e. Be in a special school in the UK
- f. Have needs that cannot be met overseas
- g. Have an Individual Education Plan (IEP)
- h. Is subject to School Action
- i. Is subject to School Action Plus

0211. CEAS assists in applications for Continuity of Education (Special Educational Needs Addition (CEA(SENA))) (Board and Day) for eligible children in accordance with the provisions of JSP 342 and 752. Such provision is made to assist Service personnel to achieve continuity of education for their children, which may be denied in the state sector if they moved frequently with their parents, either at home or overseas. CEAS issue a certificate of eligibility and inputs the end date of the certificate along with the qualifying reasons onto JPA. Unlike CEA, SENA can not be aggregated between children. The cost

of SEN assessments is an allowable element of SENA payments when it is required for an initial claim and will be refunded if subsequently requested by CEAS.

0212. Parents who are serving overseas who have SEN registered children in boarding school are entitled to one extra half-term funded flight per year in addition to the three main holiday flights⁶. CEAS will co-ordinate escorts to accompany children with additional needs if they travel to or from overseas on school holidays. SSAFA-FH provides a Family Escort Service to help families and their dependants, including those with additional needs, with travel to, from and within the UK. All children must be accompanied by an adult. Needs should be discussed with the SSAFA-FH Family Escort Service Co-ordinator. Contact details of the SSAFA-FH Family Escort Service Co-ordinator can be found at Chapter 4.

0213. Service personnel who have children with SEN at special boarding schools paid for by LA funding are not prevented from being posted elsewhere in the UK or overseas. When a child is placed in such a school by a Local Authority (LA), funding will usually be continued by the new authority into whose area the Service parent is posted. CEAS will advise and assist in this process.

0214. When a child is placed in such a school by an LA and the parent is posted overseas the LA which made the statement may maintain it but is not required to by law. Joint funding with CEA may be an option on which CEAS can advise and negotiate but it is imperative that as much notice as possible is given. In law, the responsible LA is the one in which the boarding school is located whilst the parent is overseas.

Section 4 - Medical

0215. Medical Screening Prior to Moving Overseas. The Defence Medical Services Department (DMSD) intends to introduce a new policy for checking that the particular medical support needs of Service personnel and dependants accompanying Service personnel overseas can be met prior to a move taking place. This is to ensure that dependants only move to places where the necessary support can be provided, either through the host nation or through Defence sources. This supportability checking is already undertaken to some extent where movement is booked through the Defence Passenger Reservations Cell (DPRC) but is being changed in an improved and more focussed future policy. Once this has been agreed, any checks of, or advice on, the supportability of Service personnel and dependants with disabilities and/or additional needs will be aligned with this policy.

0216. Equipment. In the UK, special medical equipment for Service families should be supplied by the local health authorities. Overseas it is the responsibility of the Service medical authorities to ensure the provision of mobility and other aids to Service personnel and their dependants with special needs and disabilities.

0217. Authority for the purchase of mobility or other aids, when supported by the clinician concerned, will normally be granted where it can be confirmed that the NHS or LA would have provided them if the person concerned was in the UK.

⁶ JSP 800 Defence Movements and Transportation Regulations Volume 2 Chapter 10

Section 5 – Social Services

0218. Overseas Commands. Overseas Commands maintain different levels of expertise depending on the size of the Command. In all cases J1/G1 staff should be consulted in the first instance. However, Service families may find it useful to refer to the “Disability and Additional Needs - a guide for parents and carers”, produced by the Forces Special Needs and Disability Support Group, for up to date information. Copies can be obtained through SSAFA-FH or on the Service Community part of the MOD website.

0219. British Forces Germany (BFG). In BFG, there is an Additional Needs and Disability Co-ordinator (AN+DC) working with the British Forces Social Work Service (BFSWS). The AN+DC is contracted to work with children, young people and adults with disabilities and/or additional needs and can provide community care assessments. BFSWS holds the statutory register for children with a disability, however registration is voluntary. Movement of children who are on the disability register will be referred to the receiving LA with the permission of the parent, and/or guardian where appropriate. SCE maintains a register of children with statements of SEN. Movement of these children will be notified to the receiving LA by SCE.

0220. Cyprus. There are five Social Workers in Cyprus covering all geographical areas to meet and support all welfare issues through British Forces Cyprus. They are able to advise on such matters as housing aids and adaptations, financial assistance and benefits for families, and many other practical matters. They can also offer counseling and sympathetic support when needed.

Section 6 – Single Service Support

0221. When Service personnel require assistance they can seek advice from their local unit/station administration or welfare staff. Unit administrative/welfare staff should seek guidance from formation, Garrison or overseas Commands and/or single Service welfare staff for further advice:

	Policy Advice	Welfare
Royal Navy and Royal Marines	HQ Fleet NLM WS	Naval Personal and Family Support (NPFS)
Army	HQ AG PS4(A)	Army Welfare Service
RAF	HQ STRIKE Community Support	SSAFA-FH (RAF)

Chapter 3 - Additional Sources of Support

Section 1 – General

0301. MOD Advisor. An MOD Special Needs and Disability Advisor (SNDA)⁷ is funded by the MOD and established at HQ SSAFA-FH in London. The SNDA is a fully qualified and experienced additional needs advisor who provides a focal point of contact for all Service families with disabilities and additional needs. Contact details for the SNDA can be found at Chapter 4.

0302. Forces Special Needs and Disability Support Group (FSNDSG). This group is a non-publicly funded body which is supported by SSAFA-FH, to keep Service families with disabilities and additional needs in touch with issues that affect them both inside and outside Service life. The support group issues a regular newsletter to registered members and also to all ships, stations, barracks, HIVEs etc; and also produces in conjunction with the three Services a guide book for parents called “Disability and Additional Needs - a guide for parents and carers”. To become a registered member please contact the SNDA.

0303. The Support Group is directed by a Member’s Forum which is a proactive group representing all families in all three Services. The Forum is facilitated by the SNDA. More details on the FSNDSG and Forum can be found in 2006DIN02-051 (Feb 06).

0307. Charitable Assistance. SSAFA-FH professional and voluntary staff provide assistance and advice to families with disabilities and/or additional needs and should be involved wherever possible. Both the Army Families Federation and Airwaves also provide a special needs advisor. These organisations, single Service welfare organisations and HIVE can signpost to a range of other charitable organisations that may be able to offer advice and practical or financial assistance. Contact details for all these supporting staff and organisations can be found in Chapter 4.

Section 2 - Financial Benefits and Assistance

0308. A full list of Department for Work and Pensions (DWP) benefits for UK citizens or those with recourse to public funds are available on the DWP website at www.dwp.gov.uk/lifeevent/benefits, by contacting local Social Security offices (contacts found in local UK telephone directories) and from SSAFA-FH.

0309. Regimental/Corps Benevolence. Regimental or Corps Benevolence may be able to provide additional financial assistance where a need is identified. Units will be in a position to give appropriate contact information for such organisations; individuals are advised to contact welfare or administrative staff.

⁷ The SNDA post is funded by the MOD on a tri-Service basis.

Chapter 4 – Useful Contacts

MOD Policy

SP Pol Families
Level 7, Zone C
Main Building
Whitehall
London
SW1A 2HB

MOD Additional Needs and Disability Advisor

SSAFA-FH

19 Queen Elizabeth Street
London
SE1 2LP
Tel: +44 (0)20 7403 8783
Email: info@ssafa.org.uk
Website: www.ssafa.org.uk

Service Children's Education

HQ SCE
Wegberg Military Complex
BFPO 40
Tel: +49 (0)216190 804434
Website: www.sceschools.com

Children's Education Advisory Service - Helpline

Building 190
Trenchard Lines
Upavon
Pewsey
Wilts
SN9 6BE
Tel: +44 (0)1980 618244
Email: enquiries.ceas@gtnet.gov.uk
Website: www.ceas.mod.uk

SINGLE SERVICE

RN & RM Policy

Fleet-Naval Life Management
Welfare and Support
Chaplaincy Annex
Admiralty House
HM Naval Base
Portsmouth
PO1 3LR

RN & RM Welfare Support

www.rncom.mod.uk

East and Overseas NPFS/RMW

Swiftsure Block

HMS Nelson

HM Naval Base

Portsmouth

Hants

PO1 3HH

Tel: +44 (0)2392 722712

North NPFS/RMW

Triton House

1-5 Churchill Square

Helensburgh

Argyll and Bute

G84 8HL

Tel: +44 (0)1436 672798

West NPFS/RMW

Fenner Block

HMS DRAKE

HM Naval Base

Devonport

Plymouth

Devon

PL2 2BG

Tel: +44 (0)1752 555041

Army Policy

Personnel Services 4 (Army)

Building 398

Tranchard Lines

Upavon

Pewsey

Wiltshire

SN9 6BE

Army Welfare Support

Army Welfare Service

Erskine Barracks

Wilton

Salisbury

Wiltshire

SP2 0AG

Tel: +44 (0)1722 432569

Email: afab@hqland.army.mod.uk

Website: www.army.mod.uk/aws

RAF Policy

Community Support
Ground Floor
Hurricane Block
RAF High Wycombe
Buckinghamshire
HP14 4UE

RAF Welfare Support

www.rafcom.co.uk

SSAFA-FH (RAF)

19 Queen Elizabeth Street
London
SE1 2LP

From the UK (Main Line): 0800 731 4880

From Germany: 0800 1827 395

From Cyprus: 800 91065

From the Falkand Islands: # 6111

From anywhere in the world: (Call-back) +44 (0)1980 630854

Paradigm dial Homelink access number, then enter *201 at the PIN prompt

Website: www.ssafa.org.uk/ConfidentialSL.html

Overseas Commands

Additional Needs and Disability Co-ordinator (BFG)

British Forces Social Work Service
Forward Outpatients Building
Mercer Barracks
BFPO 36
Tel: +49 (0)541 960 2171

For other Overseas Commands refer to the “Disability and Additional Needs - a guide for parents and carers” booklet.

Defence Passenger Reserve Centre – Families Section

Tel: +44 (0)207 305 4800

Forces Special Needs and Disability Support Group Forum

SNDA
SSAFA-FH
19 Queen Elizabeth Street
London
SE1 2LP
Tel: +44 (0)20 7463 9234
Email: info@ssafa.org.uk
Website: www.ssafa.org.uk

HIVE UK & Overseas

HQ Land Command Louisburg Building
Erskine Barracks
Salisbury
Wiltshire
SP2 0AG
Tel: +44 (0)1722 436498/9
Web: www.hive.mod.uk

Naval Families Federation

Castaway House
Portsmouth
Hampshire
PO2 8RN
Tel: +44 (0)2392 654374
Web: www.nff.org.uk

AFF Special Needs Specialist

Army Families Federation
AFF Central Office
Trenchard Lines
Upavon
Pewsey
Wiltshire
SN9 6BE
Tel: +44 (0)1980 615525
Email: specialneeds@aff.org.uk
Website: www.aff.org.uk

Airwaves Health and Special Needs Advisor

Airwaves (Association of RAF Families)
Admin Support Office
RAF Innsworth
Gloucester
GL3 1HW
Tel: +44 (0)1452 712612 ext 6666
Email: health@airwavesforfamilies.com
Website: www.airwavesforfamilies.com

PRINCIPLE ELEMENTS OF RELEVANT LEGISLATION

1. It is Tri-Service practice to adopt and reflect English legislation within Overseas Commands wherever it is practicable to do so.
2. The principle Acts which cover the responsibilities of appropriate authorities with regard to Additional Needs are outlined below, with each Act placing various obligations upon the Services. The principle areas on each are:
 - a. **The Children Act 1989 and 2004** reflects the paramount responsibility for the Services to safeguard the child's welfare and to provide appropriate support services. Under part III Section 17 (10) of this act, children are considered to be "in need" if:
 - i. They are unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of additional services by a local authority.
 - ii. Their health or development is likely to be significantly impaired, or further impaired, without the provision of such service; or
 - iii. They are disabled.
 - b. **The Education Act 1996** refers to "children with learning difficulties which call for special educational provision" and requires LEA (and thus Services overseas) to be able to identify and assess the special needs requirement and make educational provision for those children.
 - c. **The Chronically Sick and Disabled Person Act 1970, The National Assistance Act 1948 and The Community Care Act 1990** requires the Services to be aware of all affected persons in their community, to provide practical assistance in the form of welfare services and suitable housing, and to ensure that such persons are given access to schools to take advantage of educational facilities.
 - d. **The Special Educational Needs and Disability Act 2001** amends elements of the Educational Act 1996 by introducing additional measures to increase access to mainstream schools for children with Special Educational Needs, the provision of information and support to parents and a range of other measures that include increased parental rights of appeal, and its extends disability discrimination duties covered by the **Disability Discrimination Act 1995** to cover every aspect of education.
 - e. **Disability Discrimination Act 1995** aims to end the discrimination which many disabled people face. This Act gives disabled people rights in the area of education; employment; access to goods, facilities and service; and buying or renting land or property. The **Disability Discrimination Act 2005** amends or extends existing provisions in the DDA 1995.

Further advice and information on Special Educational Needs is available from the DfES website at www.dfes.gov.uk and specifically at www.teachernet.gov.uk/wholeschool/sen.