



**Ministry  
of Defence**

**JSP 820  
Tri-Service Disability and Additional Needs Policy**

**Part 1: Directive**

# Foreword

People lie at the heart of operational capability; attracting and retaining the right numbers of capable, motivated individuals to deliver Defence outputs is critical. This is dependent upon maintaining a credible and realistic offer that earns and retains the trust of people in Defence. In order to achieve this, all personnel must be confident that, not only will they be treated fairly, but also that their families will be treated properly and that Service veterans and their dependants will be respected and appropriately supported.

JSP 820 is the authoritative policy and guidance on the support available to Service personnel and their dependants who may have Disabilities or Additional Needs.

**Defence Authority for People**

**Chief of Defence Personnel  
Lt Gen Andrew Gregory CB**

# Preface

## How to use this JSP

1. JSP 820 is intended as a practical handbook on the application of policy in support of those Service Personnel and their families who may have a disability or additional need. It is designed to be used by staff responsible for the delivery of that support. This JSP contains the policy and direction on disability and additional needs welfare support and guidance on the processes involved and best practice to apply
2. The JSP is structured in two parts:
  - a. Part 1 - Directive, which provides direction that must be followed, in accordance with Statute or Policy mandated by Defence, or on Defence by Central Government.
  - b. Part 2 - Guidance, which provides the guidance and best practice that will assist the user to comply with the Directive(s) detailed in Part 1

## Further Advice and Feedback- Contacts

3. The owner of this JSP is Pers Trg-SVW-Welfare. For further information on any aspect of this guide, or questions not answered within the subsequent sections, or to provide feedback on the content, contact:

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# 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 National Health Service and Community Care Act 1990.
- F. Equality Act 2010.
- G. JSP 898 Catalogue of Defence Policies with Impact on Training and Education.
- H. JSP 342 Education of Service Children.
- I. JSP 752 Tri-Service Regulation for Allowances.
- J. JSP 464 Tri-Service Accommodation Regulations (TSARs).
- K. JSP 800 Defence Movements and Transportation Regulations.
- L. Naval Service Policy – BR3 Part 5 Chapter 24 Para 2422
- M. Army Policy – AGAI Vol 3 Chapter 108
- N. RAF Policy – AP3392 Vol 2 Leaflet 2411

## Policy

1. 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 UK legislation within Overseas Commands wherever it is appropriate and practicable to do so. Arrangements exist within the single Services to assist personnel and their dependants<sup>1</sup> who have disabilities and/or additional needs including health and social care<sup>2</sup>. Registering a disability or additional need within a Service person's dependent family will allow the single Service to provide this assistance.

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 into account the different Service needs.

2. 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 Authorities<sup>3</sup> (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.

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> The term Local Authority is used to mean the responsible authority in each of the counties of the UK.

3. Within Overseas Commands, it may not always be possible to replicate the level of support normally available in the UK. Subsequently, an individual may be refused an accompanied assignment to some locations due to the MOD's inability to meet the needs of the Service person and/or their dependants.

## Objectives

4. The objectives of the Tri-Service Disability and Additional Needs Policy are to:
- a. Ensure all Service personnel who have, or have a dependant with, a disability or additional needs, register the fact with the appropriate Service career management organisation.
  - b. Within Overseas Commands, implement the spirit of UK legislation, listed at Annex B, wherever possible, applicable and practicable to do so.
  - c. Ensure that the single Services provide 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 Additional Needs and Disability Policies which, in combination with this tri-Service policy, provide comprehensive direction.

## Responsibilities

5. **Service Personnel.** Service personnel who have, or have dependants, with disabilities and/or additional needs are to register the fact with their Service appointing authorities in accordance with single Service instructions. Every effort will be made to avoid an impact on their career development; however the Service need and the need to ensure appropriate support for the individual and/or their dependants who may in some circumstances make some impact unavoidable. There may be limitations to the level of support that can be offered in overseas locations to Service personnel and/or their dependants that have Additional Needs or disabilities. Consequently there will be certain decisions concerning career and location that the Service person will have to make with regard to such limitations. 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. Service personnel are to inform relevant Housing Authorities of their needs as soon as possible or ahead of a move of accommodation.

6. **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, assignment authorities consult Overseas Command J1/N1/G1/A1 branches in order to ensure that suitable support can be provided prior to an assignment<sup>4</sup> order being promulgated.
- c. Provide appropriate support in Overseas Commands where it is practicable to do so.
- d. Seek to avoid an impact on a Service persons career as a result of a disability or Additional Need.

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

# 2 – MOD SUPPORT

## Assignment, Promotion and Career Management

1. **Assignment.** Personnel who have disabilities or Additional Needs or have responsibility for dependants with disabilities or Additional Needs will be treated equitably with regard to promotion and future employment. They will not attract favourable treatment, nor will they be subject to rigid rules. However, individual circumstances will be taken into account by the relevant assigning authorities. Suitable assignments will be selected within operational and manning constraints. However, 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 in order to judge the suitability of future assignments.
2. **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.
3. **Future Service.** It is possible that the disabilities or additional needs of a Service person 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.

## Accommodation

4. Policy for Service personnel with dependants who have disabilities or additional needs and require adaptations to be made to Service accommodation is set out in JSP 464 Tri-Service Accommodation Regulations (TSARs) Part 1, Chapter 7, Section III for UK, and Part 2, Chapter 6, Section III for NI and Overseas.

## Education

5. **Service Personnel.** Policy for Service personnel identified as having Specific Learning Difficulties (SpLD) can be found JSP 898, Part 4, Chapter 6.
6. **Service Children.** Army parents who have children with Special and Additional Educational Needs (SAEN), it is mandatory in all circumstances to register SAEN children with both the Chain of Command and the Childrens Education Advisory Service (CEAS). Parents who serve in the other Services, and have children with SAEN, are strongly encouraged to register their children, particularly if they are offered an overseas assignment.
7. If a child is not already registered with CEAS and the Service person wishes to pursue an overseas assignment, their child's SAEN must be declared at the time when the assignment is offered. If the SAEN is not declared, it may be necessary to return the



family to the U.K., or to reach agreement with the relevant military unit for the Service family to be assigned to an area where it is known that appropriate provision exists.

8. **Continuity of Education Allowance.** Service parents wishing to apply for Continuity of Education Allowance (CEA) must first approach CEAS for advice, in accordance with the regulations set out in JSP 752, Chapter 9, Section 1. The aim of Continuity of Education Allowances (CEA) is to assist Service personnel to achieve continuity of education for their child(ren) that would otherwise be denied in the maintained day school sector if their child(ren) accompanied them on frequent assignments both at home and overseas

9. An additional allowance for those already claiming CEA, to assist with the cost of additional SAEN assistance is available in accordance with JSP 752 Chapter 9, Section 3. An appropriate educational psychologists report confirming the child's SAEN and the need for the school to provide additional support is required, and any initial enquires about CEA and SAEN must be made to CEAS.

## **Medical Screening Prior to Moving Overseas**

10. The MOD aims to provide care of parity to the NHS in England, where practical. However this is not always possible and across the various overseas locations the standard and availability of healthcare varies greatly. Whilst every effort is made to make suitable provisions for those that have disabilities and Additional Needs (AN), it may not be possible to achieve this. In general, personnel undergoing a course of medical investigations or enduring secondary healthcare treatments should not be posted overseas.

11. Prior to an overseas assignment or move<sup>5</sup>, Service personnel are required to inform their Chain of Command or assigning authority of any family medical conditions or needs which may require additional support. This is to ensure that Service personnel and dependants only move to locations where the necessary clinical support can be provided. Supportability checking is undertaken through the Defence Passenger Reservation Cell (DPRC) for all travel, whether or not it is booked through DPRC, however before overseas travel can be booked through DPRC, medical screening paperwork must be completed by all dependents and their civilian doctors in order to identify medical conditions that may not be supportable overseas. It is essential for the dependants that this is completed promptly and accurately.

## **Raising Awareness**

12. MOD and the single Services are to ensure they regularly publish/publicise reminders to Service personnel and their families of the requirement to register using the following form of words:

**Additional Needs and Disability Registration** Service Personnel who are being assigned overseas or are already overseas and have dependants with disabilities and/or additional needs are to register the fact with their Service appointing authorities in accordance with single Service instructions. Every effort will be made to avoid an impact on their career development; however the Service need and

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<sup>5</sup> Formed Unit moves do not generate an assignment order.

the need to ensure appropriate support for the individual and/or their dependants who may in some circumstances make some impact unavoidable.

# ANNEX A - PRINCIPAL ELEMENTS OF RELEVANT LEGISLATION

1. It is MOD policy to adopt and reflect English legislation within Overseas Commands wherever it is practicable to do so.
2. The principal 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 Acts 1989 and 2004<sup>6</sup>** reflects the paramount responsibility for the Services to safeguard the child's welfare and to provide appropriate support services and cooperate with other bodies to improve the well being of children. Under Section 17 (10) Children Act 1989, 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. It also provides for the provision of information and support to parents as well as rights of appeal in respect of the educational provision and assessment. In particular there is now a right of access to those with Special Educational Needs to mainstream education.
  - 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 Education 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 it extends disability discrimination duties covered by the **Disability Discrimination Act 1995** to cover every aspect of education.
3. **The Equality Act 2010** consolidates previous anti-discrimination legislation, including the Disability Discrimination Act 1995, to provide a simpler, more

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<sup>6</sup> In Scotland the Children (Scotland) Act 1995 applies.

consistent and more effective framework for preventing discrimination. The Act provides new and extended rights and responsibilities, examples in the context of disability include: associative discrimination i.e., direct discrimination against someone because they associate with another person who is disabled. Also, the concept of discrimination arising from disability, which occurs if a disabled person is treated unfavourably because of something arising in consequence of their disability.

Further advice and information on Special Educational Needs is available from the DfE website at <http://www.education.gov.uk/> and specifically at <http://www.education.gov.uk/popularquestions/childrenandfamilies/specialeducationalneeds>