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of Defence

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Inverclyde Council Reservists Policy



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DOCUMENT CONTROL

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mechanical, photocopying or otherwise without the prior permission of Inverclyde Council.

1. Introduction

- 1.1 Inverclyde Council is committed to employing staff who are members of the Reserve Forces and they recognise the valuable contribution that Reservists make to the UK Armed Forces, their communities and the civilian workplace.
- 1.2 This policy is consistent and in accordance with the current legislative requirements and it is the responsibility of all employees to comply with this policy and be familiar with its contents and principles.

2. Purpose

- 2.1 Inverclyde Council has pledged its support for members of, or those wishing to join the Reserve Forces and acknowledges the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to both the individual and their employer. This policy intends to define our obligations towards all employees who are members of the Reserve Forces.
- 2.2 The Council will not disadvantage those Reservists who notify the Council of their Reserve status or those Reservists who are made known to the Council directly by the Ministry of Defence (MoD).
- 2.3 The Council shall, subject to the provisions set out in Section 4, agree to release Reservists for attendance at Reserve Forces Training events where these take place on their normal working days.

The Council shall, subject to the provisions set out in Section 5 agree to the release of all employees mobilised for Reservist duties.

- 2.4 Inverclyde Council will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits but refer to para 9.

3. Scope

- 3.1 This policy applies to all employees of the Council.

4. Types of Reservist

- 4.1 There are two main types of Reservist:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
- Regular Reservists - ex-regular servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

The Reserve Forces Act 1996 also provides for other categories, such as:

- Full Time Reserve Service -Reservists who wish to serve full time with regulars for a predetermined period in a specific posting
- Additional Duties Commitment - part-time service for a specified period in a particular post
- Sponsored Reserves - These are personnel employed by a contractor to provide a service to the Ministry of Defence (MoD).
- High Readiness Reserves – These are Reserves, usually with a particular skill set, that are available at short notice (with written agreement from their employer)

5. Reserve Status Notification

- 5.1 Reservists are required to inform their employer that they are a member of the Reserve Forces and the specific force that they belong to. This is so that the Council can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave e.g. training and/or mobilisation. The Council also recognises the additional skills and experiences that being a Reservist can bring to the Council and therefore it is useful for the Council to have an understanding of where these particular skills and experiences exist.
- 5.2 Reservist employees are also required to grant permission for the Ministry of Defence (MoD) to write directly to their employer. This is known as 'Employer Notification' and ensures the Council is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.
- 5.3 The MoD will issue written confirmation to the employer informing them the employee is a Member of the Reserve Forces. The letter will provide detail of mobilisation obligations and rights as an employee; rights as an employer; and details of the financial assistance available if an employee is mobilised. Where possible, it will also provide details of any annual training commitments. The MoD will also send a follow-up letter each year to confirm that the information held is still accurate.
- 5.4 It is the responsibility of the Reservist to ensure their personal details are kept up to date e.g. if they change employer or leave their respective Reserve Force.

In any circumstance, the Reservist will not be disadvantaged as a result of notifying the Council of their Reserve status.

6. Training commitments and Time off

- 6.1 The Council recognises the importance of the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to their respective Reserve Force, the individual and the Council

Reservists are typically committed to 24-40 days training per year. Training tends to take place 1 evening per week, over various weekends throughout the year and one 2 week training period also known as 'annual camp'. Training commitments vary but in most cases include:

- **Weekly training** - most Reservists train at their local centre for around two-and-a-half hours, one evening a week.
- **Weekend training** - all Reservists are expected to attend a number of training weekends which take place throughout the year.
- **Annual training** - a 2 week annual training course sometimes referred to as 'annual camp'. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some Reservists train overseas.

- 6.2 An employee who is member of the non-regular forces and attends an annual training camp for a period of not less than a week will be granted special leave with pay equal to the period which the employee actually attends the camp, but not exceeding a period of 15 days and subject to the deduction of service pay and allowances received in respect of the period of special leave.

6.3 Additional Leave

Out with these provisions leave, with or without pay, may be authorised by the Director or Head of Service in conjunction with the Head of Organisational Development and Human Resources, in accordance with para 17.11 of the Conditions of Service.

- 6.4 Line Managers will where practicable facilitate work rosters to allow attendance at annual camp and other training commitments (e.g. weekly or weekend training sessions).

Reservist employees should give as much notice as possible of training commitments to allow appropriate planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances.

7. Mobilisation

- 7.1 Mobilisation is the process of calling Reservists into full time service with the Regular Forces, in order to make them available for military operations. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months.

- 7.2 The Call-out papers for mobilisation are sent by post to the employer or sometimes delivered in person by the Reservist to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, Defence aims to give at least 28 days' notice of the date that a Reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.

A period of mobilisation comprises three distinct phases:

- Medical and pre-deployment training;
- Operational tour;
- Post-operational tour leave

Pre-mobilisation – Line Managers should:

- Meet with Reservist to ensure all mobilisation paperwork completed (including pay, benefits & pension arrangements)
- Make a claim for financial assistance as appropriate (see s.12 of policy)
- Discuss any handover of work and return of equipment
- Arrangements for keeping in touch

During mobilisation – Line Managers should:

- Keep in touch with Reservist as arranged

Post-mobilisation – Line Managers should:

- Ensure both employer and reservist fulfill their return to work obligations (including reference to template letters)
- After care and support requirements

8. Applying for Exemption/Deferral/Revocation

- 8.1 In all cases of mobilisation, the Council will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist.
- 8.2 In such circumstances line managers have the right to seek exemption, deferral or revocation if the Reservist's absence is considered to cause serious harm to service delivery.

Definitions of 'harm' will vary from case to case, but may include;

- loss of reputation, goodwill or other financial harm
- impairment of the ability to produce goods or provide services
- harm to the research and development of new products, services or processes (which could not be prevented by the granting of financial assistance under sections 83 and 84 of The Reserve Forces Act 1996).

- 8.3 Details of how to apply for exemption are included in the call-out pack. The

application must reach the Adjudication Officer within 7 days of the Council receiving a call-out notice. If this timescale is not met, permission to make a late application will need to be obtained from the Adjudication Officer. The Reservist also has the right to apply for exemption or deferral if the call-out papers arrive at a difficult time.

- 8.4 If an unsatisfactory decision is received following the application for a deferral, the Council can appeal for a hearing by the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within 5 days receipt of written notice of the decision. If the tribunal rejects the application for exemption or deferral, the Council will be required to release the Reservist for mobilisation.

9. Treatment of Terms and Conditions during mobilisation

- 9.1 The Council will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits

Pay

The MoD will assume responsibility for the Reservist's salary for the duration of their mobilisation. They will pay a basic salary according to the Reservist's military rank. If this basic element is less than the Reservist receives from the Council, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings. This is known as a Reservist Award.

Where mobilisation occurs the employee will be given special unpaid leave of absence.

The Council is not required to pay the Reservist's salary during the period of mobilisation.

Benefits

Contractual benefits that are suspended by the Council during mobilisation can be claimed by the Reservist as part of their Reservist Award. The Line Manager and Reservist should discuss any benefit arrangements during the pre-mobilisation meeting. This should cover those benefits which will be suspended and for any continuing benefits, arrangements should be made as to how these are paid.

Pension

If the Reservist is a member of the Council pension scheme and the employer suspends the employer contribution, and the Reservist chooses to remain within it, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their

personal contributions.

Annual Leave

Reservists should be encouraged to take any accrued annual leave before mobilisation. The Council is not obliged to accrue annual leave for a Reservist employee during the period of mobilisation. Reservists accrue annual leave with the MoD whilst they are in full time service. When they demobilise, Reservists are entitled to a period of post-operational leave (POL). During this period they will continue to be paid by the MoD.

Dismissal/Redundancy

A Reservist's employment cannot be terminated on the grounds of their military duties or their liability to be mobilised. To do so would be a criminal offence under s.17 of The Reserve Forces (Safeguarding of Employment) Act 1985.

Reservists can be included in the redundancy pool if this is necessary due to a downturn in business or closure of a department. However, all employees should be treated consistently, and redundancy criteria should not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

Sick Pay

Should a Reservist become sick or injured during mobilisation they will be covered by Defence Medical Services and any financial assistance will continue to be received (including pay) until demobilised. If the sickness or injury continues and this results in early demobilisation, the Reservist will remain covered by Defence until the last day of paid military leave.

After this time The Reservist will be covered by the Council sickness arrangements (in line with local policy).

10. Return to work

10.1 Both the Reservist and their employer have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process

10.2 Reservist:

The Reservist must write to their employer by the third Monday after their last day of military service making their request to return to work and suggesting a date which should fall within 6 weeks of their last day of full-time service .This letter formally starts the return to work process.

They are also encouraged to informally contact the employer to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call. The formal application must be made in writing for it to be valid under the Act.

If a Reservist is not happy with the offer of alternative employment they must write to the employer stating why there is reasonable cause for them not to accept it. If a Reservist believes that an employer's response to their application denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.

10.3 **Employer:**

The Employer has an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist, where possible to their former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation.

The Reservist should be reinstated within 6 weeks of the last day of their full-time service. They must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation.

Sometimes Reservists may need refresher training when they return to work, or be given time to familiarise themselves with processes and procedures in the workplace. Financial assistance may be available for retraining if it is required as a direct result of their mobilisation, although applications cannot be made for training courses that would have taken place anyway. Evidence of costs will be required in addition to evidence that the Reservist could not reach the required standard by any other means, such as workplace experience.

11. **Aftercare**

11.1 A Reservist returning to work will benefit from a smooth re-integration into the workplace/team. The following should be considered as part of this process:

- The need to update on changes and developments in the Council.
- The need to offer specific refresher training where it is sought/considered necessary.
- Where the job duties have changed since mobilisation a period of skills training may be required to assist with new aspects of the job.
- Whether the reservist can meet up with colleagues informally or socially before or after return to work to prevent any feeling of dislocation, if this is sought.
- Reasonable time off to seek therapeutic treatment if required.

Performance Review

Line managers who carry out Performance Review meetings with a Reservist should be aware that Reserve Forces activities undertaken by an individual (either through training or mobilisation) bring essential skills into the workplace such as leadership, communication, team working and organisational ability,

which ultimately lead to improved performance in the workplace.

12. Financial Assistance

12.1 Financial assistance for employers in the event of an employee who is a Reservist being mobilised is governed by the Reserve Forces (Call out and recall) (Financial Assistance) Regulations 2005. These cover additional costs above the normal earnings of the called-up Reservist associated with replacing that employee. There are 3 types of award available:

One-off costs

- Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or Advertising costs
- No financial cap on claims, but any claim must be supported by relevant documentation

Recurring costs

- Overtime costs, if other employees work overtime to cover the work of the Reservist [by the amount that such costs exceed earnings of the Reservist]
- Costs of temporary replacement [by the amount that such costs exceed earnings of the Reservist]

The maximum claim available is £110 per day (£40,000 per annum). Claims can be made for every normal working day that the Reservist is away on service. An application for one-off costs and recurring costs must be made within 4 weeks of the end of full time Reservist service.

Training award

If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the Council can make an application for the financial assistance.

13. Further information

Further sources of guidance and information can be obtained from the following:

- Defence Relationship Management
<https://www.gov.uk/government/groups/defence-relationship-management>

Helpline: – 0800 389 5459. This is a free telephone helpline open during office hours where advice and guidance can be obtained on training, mobilisation and employment issues.

- Royal Navy website www.royalnavy.mod.uk/the-fleet/maritime-reserves
- Army website: www.army.mod.uk/join/20233.aspx

- Royal Air Force website www.raf.mod.uk/rafreserves

14 Equality Impact Assessment

- 14.1 This policy has been impact assessed in line with the Councils obligation to comply with the Equality Act 2010.

15 Monitoring and Review

- 15.1 This policy will be monitored and reviewed regularly as it is applied, and in line with any legislative changes relating to equality and diversity in the workplace.

Data Protection: Inverclyde Council is obliged to comply with current Data Protection Laws and will use this information for the purposes of processing your personal information for the performance of a contract with you and related purposes.

Further information can be found at www.inverclyde.gov.uk/privacy

