



# **Employing Reservists Policy**

**January 2021**

# Employing Reservists Policy

## 1. Introduction

- 1.1 The Council is fully supportive of employees who are members of, or who wish to join, the Reserve Forces (RF) and recognises the knowledge, skills and experience this can bring to the workplace.
- 1.2 As an Organisation, the Council is proud to support defence and the armed forces community, and have aligned our values with the Armed Forces Covenant.

## 2. Purpose

- 2.1 The purpose of this policy is to outline the support available to employees who are members of RF. In addition, the policy outlines the processes to be followed in circumstances where RF members are called into a period of prolonged service within the Regular Forces in support of military operations.
- 2.2 Furthermore this policy also demonstrates our commitment to those who serve, have served, and their families by proactively demonstrating our commitment to the Armed Forces Covenant by ensuring that members of the armed forces community should face no disadvantage compared to other citizens.

## 3. Scope

- 3.1 The policy applies to all employees of the Council covered by the terms of the National Joint Council for Local Government Services; employees covered by the Craft agreement and employees covered by the Joint Negotiating Committees for Chief Officers and Chief Executives. This includes full-time, part-time and temporary employees who are members of the RF.
- 3.2 In line with the Reserve Forces Act 1996, a RF member who has been offered and has accepted a post with the Council, but has yet to start the post, will be regarded as an employee for the purposes of this policy.

## 4. What is a 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/servicewomen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.
- 4.2 Reservists are civilians from a wide range of business and industries and their collective skills are used to reinforce the regular armed forces. They may therefore be called upon during times of increased operational demands.

- 4.3 High Readiness Reservists (HRRs) have specific skills which the Armed Forces may occasionally need but at short notice and may be required to serve for up to 12 months on call out. The High Readiness Reserve (HRR) is made up of special Volunteer Reservists who should be available to report for service at a minimum of 7 days' notice however, for a major disaster or emerging crisis there is no minimum notice. Any employees who are Reservists and work for more than 2 days per week require written consent from the Council before they can hold HRR status. It is the employee's responsibility to notify the Council if they are applying to hold HRR status.

## **5. Notification of Reservists**

- 5.1 Anyone who joins the RF will provide the Ministry of Defence (MoD) with their permission to contact their employer directly. However, employees are encouraged to notify their manager when they initially join, or re-new their commitment to, the RF.

## **6. Supporting training**

- 6.1 All members of the RF undergo rigorous training to develop key skills and Reservists are typically committed to 35 to 40 days training per year. Training tends to take place over 1 evening per week and over various weekends throughout the year. Reservists also complete an annual training period, which is usually known as the 'annual camp' which is a 15 day period.
- 6.2 Three months before the start of the Reservists training year, employees should be aware of key training events that they are expected to attend and should inform their manager.
- 6.3 The Council grants up to a 10 working days (in any leave year, pro rata for part time employees) paid leave of absence for employees who are serving members of RF to attend training. Employees must discuss this with their manager as soon as possible once they have been notified of the date of the camp to ensure that their absence can be covered and to ensure no adverse effects on service delivery.
- 6.4 A signed Certificate of Attendance from the Unit Commanding Officer on return following the period of absence should be forwarded to Human Resources. Failure of the employee to provide this will result in payment for the absence not being made.

## **7. Mobilisation**

- 7.1 Mobilisation occurs when a Reservist is called up into full time military service on military operations. The maximum period of mobilisation will depend on the scale and nature of the operation and is typically no less than 3 months and no longer than 12 months. Reservists will be sent a 'call-out notice' if they're needed for full-time service.
- 7.2 The mobilisation papers are either sent by post to the Council by the Reservist's unit, or may be delivered in person by the employee to their manager. Wherever possible, the Ministry of Defence (MoD) aims to provide at least 28 days' notice of the date the employee is required to report for mobilisation, although there is no statutory requirement for notice to be provided and in certain emergency situations the MoD may give less notice. As a result, if an employee receives mobilisation papers they are

responsible for notifying their manager immediately and provide them with the pack of information from the MoD, which includes the date and anticipated duration of the mobilisation.

- 7.3 On receipt of these papers, the manager is required to forward them to Human Resources, confirming whether they support the mobilisation or that they wish to apply for an exemption or deferral of mobilisation for the employee (see section 7.4). Where mobilisation is supported, the line manager will write to the employee to confirm the details of benefits and salary during mobilisation using the template letter. A copy of this letter to be sent to HR and retained on their personal file.
- 7.4 The Council can apply for an exemption from, or deferral of, mobilisation but this will only be agreed in exceptional circumstances where it would cause the business obvious and significant harm. The regulations outline that for an exemption to be considered the Council needs to demonstrate one of the following:-
- Serious loss of sales, markets, reputation, goodwill or other financial harm
  - The serious impairment of the employer's ability to produce goods or provide services
  - Demonstrable harm to research and development of new products, services or processes, provided that the harm could not have been prevented by the employer being given financial assistance under the mobilisation regulations (refer to section 10 for more information on financial assistance)
- 7.5 Applications for exemption need to be made within 7 days of the Reservist being served with mobilisation papers, therefore if a manager feels that they want to apply for exemption from mobilisation they should seek further advice from Human Resources immediately.
- 7.6 On receiving notification of mobilisation, the line manager will meet with the employee to ensure all relevant paperwork is completed in accordance with the advice in the MoD call-out pack, a copy of the completed paperwork will also be checked by a member of the HR team. The line manager will also discuss any handover of work with the Reservist and arrangements for keeping in touch during the mobilisation period.

## **8. Benefits during mobilisation**

### **Salary**

- 8.1 The Council does not continue to pay an employee when they are mobilised, they will instead be classed as on unpaid leave. However, the Council can claim costs to minimise any disruption caused by the mobilisation of an employee, please refer to section 10 for more information on financial assistance.

### **Pension Scheme**

- 8.2 Employees who are mobilised are entitled to remain a member of the pension scheme. Providing that the employee continues to pay their contributions towards the scheme, the MoD will pay the employer contributions the Council would have made. It is the responsibility of the employee to notify the Payroll team whether or not they wish to pay pension contributions to cover their period of mobilisation before it commences by completing a Pension Contributions Options Forms (RESERV 1 Form). If an

employee wishes to pay pension contributions following a period of mobilisation, they should then complete a Pension Contributions Repayment Form (RESERV 2 form) within 30 days of their return to work. All forms are available on the intranet

### **Annual Leave**

- 8.3 Employees should ensure that, wherever possible, they take any annual leave they have accrued prior to commencing their period of mobilisation if they expect that they will not return within the leave year. Reservists will not accrue annual leave or bank holiday entitlements during the 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.

Upon returning to work the Council annual leave accrual will restart. This annual leave should be taken before the end of the holiday year in which the employee returns from mobilisation. Where the employee has not been able to take the holidays within the current leave year they may be carried over at the discretion of the Director and will be required to be used within the new leave year of returning to work from mobilisation.

### **Continuous Service**

- 8.4 Employees will continue to accrue continuous service, regardless of the duration of the mobilisation.

### **Essential Car User Allowance**

- 8.5 If the employee is designated as an essential car user the payment will cease whilst the employee is deployed.

## **9. Returning to work following mobilisation**

### **Dismissal/Redundancy**

- 9.1 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.
- 9.2 Reservists can be included in the redundancy pool if this is necessary due to a downturn in business or closure of a service. 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.
- 9.3 However, the Council has a legal obligation to reinstate an employee following a period of mobilisation into the same post in which they were last employed or if this is not practically possible (for instance due to restructuring) into a mutually acceptable alternative post on terms and conditions no less favourable to them than previously.
- 9.4 When dealing with potential redundancy situations, managers need to ensure that all employees, including those who may be absent from work due to mobilisation, are where possible consulted and kept informed and every appropriate effort should be made to contact absent employees to make them aware of the procedure. Preferred

contact methods must be arranged by mutual agreement before the employee is deployed.

### **Return to Work**

- 9.5 Following their period of active duty, Reservists are entitled to a period of leave (funded by the MoD) of up to one month. During this period, the employee is responsible for contacting their manager to agree a date for their return to work. If a Reservist wishes to return to work before the end of their leave and their line manager/head of service is in agreement, they must get permission from either their commanding officer or the demobilisation centre.
- 9.6 To exercise the right to be reinstated, the reservist must write to the Council no later than the third Monday after demobilisation confirming their intention to return to work within 6 weeks. A return to work date will be mutually agreed with the Service Manager within 6 weeks of their last day of full-time service as a Reservist, whereby this is not possible a Service Manager may extend this period up to 13 weeks. The initial 13-week period may be renewed for a further 13 weeks if circumstances such as illness or injury prevent the reservist's return during the initial period. However, the reservist forfeits their right to return to work with the Authority if they fail to do so within 26 weeks of demobilisation.
- 9.7 On receipt of the letter from the employee, the manager must make contact with them and arrange a start date and agree the post that they will be returning to.
- 9.8 Managers should also ensure that any essential training should be planned to take place as soon as possible after the employee returns to work. Where the job role or duties have changed during mobilisation (or the employee has been reinstated to an alternative post) a period of skills training and support may be required in order to assist the employee with any new or amended aspects of their role.
- 9.9 Due to injuries they have sustained during mobilisation, some employees may require support or reasonable adjustments to enable them to return to their post. Any required medical assessments to determine what support mechanisms may be required will be completed through the usual Council procedures and as detailed in the Attendance Management Policy.

## **10. Financial assistance from the Ministry of Defence**

- 10.1 The Council can claim financial assistance to cover the cost of replacing an employee who is mobilised over and above the salary that the employee would earn.
- 10.2 The costs that can be claimed include:-
- Overtime for using other employees to cover the work of the Reservist
  - Costs of hiring a temporary replacement
  - Agency fees if a recruitment agency or employment agency is used to find a temporary replacement
  - Advertising costs to place an advert to find a temporary replacement

- 10.3 In addition, the Council can claim costs associated with additional training the Reservist needs to carry out their duties properly on their return to work. In order to claim for this, the manager would need to demonstrate that the training required is as a result of the Reservist being mobilised. The MoD will not cover the cost of training that would have been completed anyway, regardless of whether or not the employee was mobilised.
- 10.4 Information on making a claim for costs are included in the mobilisation pack supplied by the MoD. Where managers wish to make a claim for financial assistance, they need to contact Human Resources.

## **11.0 Armed Forces Covenant**

- 11.1 The partnership with the Armed Forces Covenant supports employees in their role as a Reservist, helping them to balance their civilian work with being part of the armed forces. As an employer the Council is dedicated in assisting employees in maintaining this balance by signing the Covenant. In doing this the Council have assured specific measures to make it easier for employees to meet their reserve service commitments, such as offering extra paid leave to attend annual training.
- 11.2 Ashfield District Council has pledged our commitment to the Covenant and has an Armed Forces Champion. The role of a 'champion' includes making sure that the Local Authority achieves its commitments to the armed forces community.
- 11.3 The Armed Forces Covenant is an agreement between the armed forces community, the nation and the government. It encapsulates the moral obligation to those who serve, have served, their families and the bereaved, ensuring that members of the armed forces community should face no disadvantage compared to other citizens.
- 11.5 The Council is a forces friendly organisation and works with partner agencies including Career Transition Partnerships (CTP) who offer recruitment services and help find quality applicants for apprenticeships, full time and vocational work opportunities.
- 11.6 Our commitment to the Armed Forces Covenant recognises the unique challenges that come with being a family member of a serving person and actively work in partnership with Forces Family Jobs (FFJ). FFJ is the go-to place for training and employment for family members of currently serving UK military personnel. We support our armed forces community and want them to achieve their aspirations.

## **12.0 Additional information**

Policies and information which support this document are listed below and are all available on the intranet:-

- Leave Policy
- Recruitment and Selection
- RESERV 1 - Pension Contributions Option Form
- RESERV 2 - Pension Contributions Repayment Form

