Employment of Reservists

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Introduction

Westmorland and Furness Council (the Council) is fully supportive of employees who are existing members of or wish to join the Reserve Forces and recognises the valuable contribution that Reservists make to the Armed Forces, the countries defence, their communities and the civilian workplace.

This document sets out the Council’s obligations towards employees who are members of the Reserve Forces. Employees who notify the Council of their Reserve status or those employees who are made known as Reservists to the Council directly by the Ministry of Defence (MoD) will not be disadvantaged.

Scope

This procedure applies to all employees of Cumbria County Council including those employed in Schools.

Principles

1. The Council recognises the vital role of Britain’s Reserve Forces and the valuable contribution that Reservists make to our Defence, their communities and their civilian workplace;
2. The Council supports membership of the Reserve Forces by its employees;
3. The Council will not unreasonably refuse a request to release an employee from work if they are mobilised for active duty – whether voluntary or compulsory;
4. Employees will be granted up to 2 weeks special paid leave (additional to their annual leave entitlement) to attend annual camp or similar training activities.
5. Employees who are required to undertake additional training during working time will be granted reasonable time off provided that the training cannot be arranged for non-working time
6. If mobilised, employees will be granted unpaid leave for the duration of their active service and their contract of employment with the Council will continue;
7. Annual leave will not accrue during the period of absence;
8. Any pay or non-pay benefits that the employee normally receives will be suspended during a period of mobilisation e.g. salary sacrifice schemes. The only exception to be leased cars for which separate contractual conditions apply. (The employee will be required to maintain their agreed contributions)

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# What is a Reservist?

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)

# Reserve Status Notification

Employees who are Reservists are required to inform their manager and update MyHR that they are a member of the Reserve Forces and the specific force to which they belong. This enables the Council to put in place the appropriate level of support. Knowledge of which employees are Reservists also assists with resource planning during periods of leave e.g. training and/or mobilisation. The Council recognises the additional skills and experiences that being a Reservist can bring and therefore it is useful to have an understanding of where these particular skills and experiences exist.

Employees who are Reservists are also required to grant permission for the MoD to write directly to their employer. This is known as ‘Employer Notification’ and ensures the employer is made aware that the employee is a Reservist and the benefits, rights and obligations that apply. The employer is notified via written confirmation from the MoD. A follow up letter is sent to the employer from the MoD annually to confirm the information is still accurate.

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.

# Training Commitments and Time Off

The Council recognises the importance of the training undertaken by Reservists, which 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’.

Employees will be granted up to 2 weeks special paid leave (additional to their annual leave entitlement) to attend annual camp or similar training activities. Employees should request the leave using MyHR and they must provide their manager with documentary evidence (e.g. a letter of confirmation) of their involvement in the training. Where more leave is required during the year, employees can use their annual leave entitlement, flexi time and time off in lieu (where relevant) or request unpaid leave.

When requesting any type of leave to attend training, Reservist employees should give as much notice as possible, to allow appropriate planning for absences. Managers will try to accommodate requests, wherever possible. Permission, once given, will not be rescinded unless there are exceptional circumstances.

# Mobilisation

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.

The Reserve Force will notify both the employer and their Reservist of the call-out date and the anticipated timeline. Whenever possible, the MoD aims to give at least 28 days’ notice of the date that the Reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.

When an employee receives a call-out notice, they should inform their manager as soon as possible. In the period leading up to the mobilisation date, a planned hand-over of work should be agreed. A period of mobilisation comprises three distinct phases:

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

## Pre-mobilisation

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

## During mobilisation

* Keep in touch with Reservist as arranged

## Post-mobilisation

* Ensure both employer and Reservist fulfil their return to work obligations
* After care and support requirements

In all cases of mobilisation, the Council will be expected to release the Reservist to report for duty unless there are exceptional circumstances, in which case the Council can seek exemption, deferral or revocation. However, the grounds for this are extremely limited and the Reservist's absence would have to be deemed to cause serious harm to service delivery. For the Council, serious harm might include: loss of reputation; loss of goodwill; impairment of the ability to provide services; harm to the research and development of new services or processes, or; other financial harm.

If the Council were to seek an exemption, deferral or revocation they must explain their decision and reasoning to the Reservist. Any exemption request should be discussed with a Senior Manager prior to contacting the MoD.

# Treatment of Terms and Conditions

## Pay

During a period of mobilisation, the Reservist employee is on unpaid, special authorised leave and this will be recorded as such on iTrent. The MoD assumes responsibility for the Reservists salary. The Reservist will receive service pay from the MoD according to the Reservist’s military rank. If this is less than the employee’s average weekly earnings it is the Reservist’s responsibility to apply to the MoD for a service award to make up the difference.

## Pension

The MoD also pays the employer contributions to the Reservist's occupational pension scheme (as long as the Reservist gives an undertaking to continue paying their personal pension contribution). If employees have any queries regarding the payment of pension, they should contact the HR Service Centre.

## Annual Leave

Reservists should be encouraged to take any accrued annual leave before mobilisation. Employees are advised they will not receive/accrue annual leave entitlement for the period that they are not working at the Council i.e. mobilised or on post-operational leave. Reservists accrue annual leave with the MoD whilst they are in full time service which is taken as a period of post-operational leave during which period they continue to be paid by the MoD. Employees would be eligible to carry forward annual leave in accordance with the procedure in place at that time.

## Redundancy

A Reservist cannot be made redundant on the grounds of their military duties or their liability to be mobilised. Reservists can be included in the redundancy pool if this is necessary due to a reshaping. However, all employees should be treated consistently, and redundancy criteria must not discriminate against Reservists on the grounds of their Reserve service or call up liability.

## Benefits that Relate to Length of Service

The period of mobilisation will count towards continuous service for the purposes of Sick Pay entitlement, Occupational Maternity Pay, Adoption Pay, Redundancy Pay etc.

## Sickness

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’s sickness arrangements. If the Reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered and managed by the Council’s sickness arrangements.

# Demobilisation and Return to Work

Reservists do not return to work for their employer directly following a period of mobilisation. The Armed Forces has a series of procedures in place to help them re-adjust to civilian life. This includes a ‘winding down’ period before they return home and then once back in the UK, assessment and support, is provided at a de-mobilisation centre, followed by a period of post-operational leave.

During the period of post-operational leave, which is usually an average of around 30 days, Reservists continue to be paid by the MoD. Post-operational leave allows them time to fully re-adjust and prepare for civilian life. This is also the suggested time for the employee’s manager to get in touch with them. Regular contact with the individual will help make their return to work easier. The Reservist employee’s last day of post-operational leave is their last day of full-time service and the last day that they receive full military pay. The MoD will advise the Council of this date; however, the employee should also inform their manager to ensure that the date is known and the manager should inform the Service Centre.

## Reservist

The employee is encouraged to informally contact their manager to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call. However, 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.

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.

## 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.

Managers should also ensure that the employees Annual Leave entitlement is amended accordingly and liaise with the HR Service Centre and the Reservist regarding payroll or pension issues.

# Support Following Return to Work

Demobilisation can be a difficult time, with a Reservist returning to work after a potentially challenging period in deployment. It is therefore important to ensure a smooth reintegration into the team, including the provision of a local re-induction, with an update on changes and developments within both their immediate team and the wider organisation. This can help to prevent any feeling of dislocation. The following should also be considered:

* Any essential training should be planned to take place as soon as possible after the employee returns from active duty in order to ensure a timely update.
* Where the job role or duties have changed since mobilisation, a period of skills training may be required in order to assist them with any new or amended aspects of their role.
* There should also be the offer of a referral to the Occupational Health Service, if required.

Reservist employees may acquire skills, which include: leadership; planning; training; stress management; resilience, and; technical skills. On their return, if appropriate, there should be a discussion about how their new skills could be utilised in their role.

Reservist employees may also return to face challenges.  If managers have any concerns about a Reservist employee's ability to reintegrate into the workplace, or observe changes to their usual behaviour, there is help and support available.

# Financial Assistance

Financial assistance is available for employers in the event of an employee who is a Reservist being mobilised. These cover additional costs above the normal earnings of the called-up Reservist associated with replacing that employee and are paid in accordance with MoD guidelines. 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]

## 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.

# Useful Information

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

* Defence Relationship Management – this includes manager and reservists checklists:

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

* Royal Navy website <https://www.royalnavy.mod.uk/organisation/maritime-reserves>
* Army website: <https://www.army.mod.uk/who-we-are/the-army-reserve/>
* Royal Air Force website: <https://recruitment.raf.mod.uk/reserve>