

Reservists Policy



Quick Reference - Associated Documents and Version Control

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Reservists Policy

1. INTRODUCTION

- 1.1 The Council's committed to supporting employees who are Reservists during their employment and when they require to be mobilised.
- 1.2 The Policy provides information to employees and managers, including details on mobilisation and financial support.

2. SCOPE

- 2.1 This document applies to all employees of West Dunbartonshire Council.
- 2.2 The Council will ensure that good equal opportunities practice underpins the operation of this policy irrespective of age, disability, gender, gender re-assignment, race/ethnicity, religious faith/beliefs and sexual orientation, marital status, pregnancy/maternity. The policy and procedure has been fully impact assessed.

3 KEY PRINCIPLES

- 3.1 West Dunbartonshire Council recognises and supports the work carried out by the Reserve Forces and the benefits that the employment of Reservists can bring to the Council

4 APPLICATION OF POLICY AND PROCEDURES

4.1 Reservist's Training Commitments

- 4.1.1 The Council's Special Leave Scheme grants up to 15 days special leave with pay for an employee, who is a Reservist, to attend an annual training camp for a period of one week or more. This will be subject to the deduction of service pay and allowances received in respect of the period of special leave.
- 4.1.2 As far as possible, line managers will plan any work rosters to allow attendance at annual camp and other training commitments e.g. weekly or weekend training sessions.
- 4.1.3 Reservists are required to give line managers as much notice as possible; certainly no less than 10 working days, of their training commitment to allow appropriate planning for absences.

4.2 Procedure for Mobilisation

- 4.2.1 Mobilisation is the process of calling Reservists into full-time service to serve alongside the Regular Armed Forces on operations. All Reservists are committed to the possibility of being mobilised if necessary. They are normally

required to serve abroad but it is possible they would be needed to serve in the UK, for example in the event of a national emergency. Appendix 1 provides further information on mobilisation.

4.3 Exemption and Deferral from Mobilisation

4.3.1 The Council has the right to ask for exemption from, or deferral of, mobilisation if it is considered that the absence of the individual Reservist will cause serious harm to the business of the Council. Appendix 2 provides further information on exemption and deferral.

4.4 Mobilisation and Financial Assistance

4.4.1 Mobilising a Reservist will impact on the Council's resources and service delivery. The Council is entitled to claim financial assistance if finding a temporary replacement incurs additional costs. Appendix 3 provides further information on the financial assistance available to the Council.

4.5 Demobilisation

4.5.1 After completing their tour of duty, Reservists will be demobilised. On being advised by the Reservist that they intend returning to their job giving at least 4 weeks notice, the Council will ensure that individuals get full support in terms of their employment and welfare. Appendix 4 provides further information on demobilisation.

4.5.2 Demobilisation can often be a difficult and challenging time for them as Reservists face re-integration and adjustment back into family and social life and their job. Managers must also be aware of the impact on teams which have worked for some time without the Reservist. Annex 5 provide information on the re-induction of Reservists back into their job.

4.6 Reintroduction to Employment

4.6.1 After completing military service, Reservists will be demobilised and are guaranteed their job or a job of a similar type to return to. It is important at this time that employees return to work is planned by line managers in a supported and structured manner. Appendix 5 gives additional information on returning to work after demobilisation.

4.7 The Personal Development of Reservists

4.7.1 The training undertaken by Reservists enables them to develop skills and abilities that can be of benefit to them as employees, and to the Council in terms of service delivery.

4.7.2 A greater understanding of the training and skills development carried out by Reservists will assist managers in conducting PDP procedures. The Organisational Development Team can provide

advice to managers on this aspect of employees being members of the Reserve Forces.

5. RESPONSIBILITIES

- 5.1 It is the responsibility of all employees to advise their line manager and HR&OD services they are members of the Reserve Forces.
- 5.2 Managers who have employees in the Reserve Forces must ensure they are familiar with the contents of this policy, and are able to work within its framework to support employees.
- 5.3 Employees who are members of the Reserve Forces have a responsibility to ensure they are familiar with the contents of the policy.

Appendix 1

Mobilisation

Mobilisation is the process of calling Reservists into full-time service to serve alongside the Regular Armed Forces on operations. All Reservists are committed to the possibility of being mobilised if necessary. They are normally required to serve abroad but it is possible they would be needed to serve in the UK, for example in the event of a national emergency. These are the steps:

What happens?

Each of the Reserve Forces follows a strict procedure when mobilising Reservists. This includes notifying both you and your Reservist of the date when they are required to report for duty and a period of pre-mobilisation training.

As soon as a Reservist receives a call-out notice, they should inform their employer. Their employer should also receive an information pack, which sets out the date and possible duration of mobilisation as well as their statutory [rights and obligations](#) and how to apply for [financial assistance](#). Both Reservist and employer have the right to apply for an [exemption or deferral of mobilisation](#) under certain exceptional circumstances.

How much notice will I get?

Where ever possible the MOD aims to give at least 28 days' notice of mobilisation, although for operational reasons it can sometimes be less. There is no statutory requirement for a minimum period of notice of mobilisation.

The circumstances and notice periods of mobilisation are, however, different for High Readiness Reserves. See [Types of Reservist](#)

Appendix 2

Appealing against mobilisation

In all cases of mobilisation, you have the right to seek exemption from it, or defer or revoke it if the Reservist's absence will cause serious harm to your business or a related business.

Grounds for exemption, deferral and revocation

Definitions of 'harm' to your business will vary from case to case, but the Regulations stipulate they should include:

- loss of sales, markets, 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).

How to apply for exemption, deferral or revocation of mobilisation

If you want to apply for exemption, deferral or revocation of the mobilisation, you should do this within seven days the mobilisation notice being served. If you don't, you'll have to get permission to make a late application from the Adjudication Officer (see addresses below). This is usually a serving officer or an official appointed by the Ministry of Defence. Your Reservist also has the right to apply for exemption or deferral if their call-out papers arrive at a difficult time.

What information will you need to give when applying?

The more information you provide the better. For example, details such as your Reservist's name, address, payroll number and National Insurance number.

You should also give:

- full details of the business in which they're employed;
- their role;
- the effect their absence will have on the business if they're called out;
- grounds for exemption in terms of serious harm to the business. You can find information about this in the call-out pack.

How your application will be decided

An Adjudication Officer will decide whether an application for exemption, deferral or revocation will be accepted. They'll do their best to develop a thorough understanding of the implications for your business and to give you an answer as quickly as possible. Their decision will be based on a careful balance of your needs against those of the operation the Reservist has been called out for. For example, your application is more likely to succeed if the Reservist has skills that are widely available within the Service, but very specialised ones within the workplace.

Who to contact

If you want to apply for exemption, deferral or revocation you should contact either:

- the person specified in the call-out notice
- the Adjudication Officer at the mobilisation centre
- the Adjudication Officer appointed for the Service in which the Reservist will serve, at one of the addresses below:

Royal Navy/Royal Marines

Royal Navy and Royal Marines Adjudication Officer
West Battery (MPG-2)
Whale Island
PORTSMOUTH PO2 8BX

Tel: 02392 623527

Fax: 02392 628660

Email: NAVYLEGAL-RESERVESADJSO2@MOD.UK

Army Reserve

Army Adjudication Officer
Army Personnel Centre
PO Box 26703
GLASGOW G2 8YN

Tel: 0800 389 6585

Fax: 0141 224 2689

Email: apc-cmops-mob-so2@mod.uk

Royal Air Force

Royal Air Force Adjudication Officer
Royal Air Force Adjudication Service
c/o Imjin Barracks
Innsworth
GLOUCESTER GL3 1HW

Tel: 01242 682545

Fax: 01242 682510

Email: aira1-woadj@mod.uk

What options are available if an application is unsuccessful?

If you are dissatisfied with an Adjudication Officer's decision you can apply to a [Reserve Forces Appeals Tribunal \(RFAT\)](#).

Appendix 3

Financial assistance

On 27 March 2015, new rules came into effect that provide greater financial assistance to employers. This includes the introduction of a [new claim form](#), to simplify the process for employers and self-employed Reservists to make claims.

What you can claim for

Financial assistance additional costs

You don't have to continue to pay your Reservist employee while they're mobilised as they will be on military pay. (If you did choose to continue paying your Reservist whilst they are on mobilisation the MOD will not be able to reimburse you for this.)

Employers and self-employed Reservists can claim financial assistance to cover additional salary and employment related costs incurred. Such additional costs may include:

- Salary costs of a temporary replacement, if they exceed the usual cost of the Reservist employee's salary, to a maximum of £110 per working day for which the employee is mobilised;
- Agency fees, if you use a recruitment or employment agency to find a temporary replacement;
- Non-recurring advertising costs to find a temporary replacement. There's no maximum amount you can claim for such non-recurring costs, but you must be able to support your claim with invoices or bills;
- Up to 5 days handover costs before the employee is mobilised and up to 5 days takeover costs after they return to work;
- 75% of the costs up to a maximum of £300 for purchasing specialist clothing for a person who replaces a mobilised Reservist;
- Self-employed Reservists may claim expenses (capped at £2000) for related costs incurred when ceasing trading during mobilisation;
- Training costs (capped at £2000) for essential training to enable a replacement to fulfill a mobilised Reservist's role during mobilisation;
- Overtime, if you use other employees to cover the work of the Reservist;

Financial assistance for re-training

You can claim for any re-training essential for your Reservist employee or yourself if a self-employed Reservist to be able to carry out duties properly. In order to make a claim you'll need to be able to demonstrate that the Reservist or yourself needs the training as a result of having been mobilised - the MOD won't pay for training that would have been carried out anyway. There's no cap on the amount you can claim, but you will have to provide evidence of the costs.

Pension contributions

A Reservist who is called out is entitled to remain a member of their occupational pension scheme, but will be auto-enrolled in the Armed Forces Pension Scheme. If the Reservist elects to "Opt out" of the Armed Forces Pension Scheme during mobilisation, provided that they agree to continue to pay their own contributions, the MOD will pay the employer contributions

for the period. This payment is made as part of an award to the Reservist - you don't need to submit a claim for it. If a Reservist chooses to stay a member of their occupational pension scheme they will have to provide details of the pension provider and amounts of the contributions.

With the introduction of the new [Armed Forces Pension Scheme 2015 \(AFPS15\)](#) from 1 April 2015 a Reservist's pension takes into account all days of paid service including training and mobilisation. A Reservist can also choose to continue with their civilian pension scheme during these periods, although other options are available. During periods of permanent (mobilised) service, personnel must choose to 'opt out' of AFPS 15 if they intend to apply for the MOD to pay the employer contributions into their occupational pension scheme. In this instance, the Reservist must continue to make their contributions to the employer pension scheme during the mobilisation period.

How to make a claim for financial assistance

Download the easy to follow [claim form](#) here.

Further details on the process and timing for making claims, and how to seek advice are also available [here](#).

What you can't claim for

Reservist's salary or benefits

You don't have to pay your Reservist's salary or benefits in kind while they're mobilised. If you do choose to continue paying them, you can't claim for this.

Loss of profits, turnover or goodwill

You can't claim for any of these. If you believe losing your Reservist employee will do serious harm to your business, you should seek [exemption, deferral or revocation of mobilisation](#).

The Financial Assistance Regulations

For full details view The Reserve Forces Financial Assistance Regulations 2005, which can be downloaded as part of our 'Legal Aspects pack' (click download now on the right and enter your details).

Appendix 4

Demobilisation

What happens during demobilisation?

Your Reservist won't be coming back to you direct from the front line. The Armed Forces have a series of procedures in place to help them readjust to civilian life:

1. Adaption

Before returning home, your Reservist may undergo a process of 'winding down' with their unit in a controlled environment for up to four days. Here, they'll be given time to relax as well as receive a series of briefings to help prepare them for civilian life. These include:

- An update on media coverage of the conflict they've been involved in, so they'll know what people at home have heard about it.
- A presentation on Post Traumatic Stress Disorder by specially trained medical staff, and the opportunity for one-to-one interviews.

2. Assessment

Once Reservists arrive back in the UK, they're taken to their demobilisation centre, where the process of reintegration continues. As well as all the necessary post-operative administration procedures, such as handing back their uniforms, they undergo a series of medical assessments, and receive further briefings on stress, their return to work, welfare guidance and advice. One-to-one and specialist sessions are available throughout the Reservist's remaining time in service, and will continue for as long as needed.

3. Post-operational leave

The Reservist is then formally demobilised and free to start their post-operational leave. All Reservists are entitled to a period of leave and Reservists continue to be paid by the MOD during this period. (This usually works out at an average of around 30 days.) Post-operational leave allows them time to fully readjust and prepare for civilian life. It's also an ideal time to get in touch if you haven't done so before. Regular contact with your Reservist will help make their return to work that much smoother and easier. Their final day of post operational leave is known as their last day of whole-time service, and the last day they receive full military pay.

4. Last day of whole-time service

A Reservist's last day of whole-time service signals their final day of full military pay. They must write to you formally, to state their readiness to return to work no later than the 3rd Monday following their last day of whole-time service. The start date for your Reservist's return to work should be within around 6 weeks of their last day of whole time service (The timelines which need to be followed during this process are set out within the Safeguard of Employment Act 1985, this can be downloaded as part of SaBRE's Return to Work Pack).

The importance of keeping in touch

Regular contact with your Reservist during their post-operational leave will help ease their transition back to work. Most employers find it really useful to keep managers and colleagues

informed during this period, and to have an informal interview with their Reservist on their return. This will give them the opportunity to talk about their experiences and for you to update them on what's been going on in their absence.

Appendix 5

Reinstating a Reservist after mobilisation

In order to return to work a Reservist needs to write to their employer requesting reinstatement in their role and agree a return to work date. There are certain responsibilities for both parties at this time to ensure a smooth [return to work](#).

Your Reservist's obligations

Your Reservist has to write to you to formally state that they're available to come back to work no later than the third Monday after their last day of full-time service, unless there are extenuating circumstances such as sickness. Their last day of whole-time service is the final day they receive full military pay, for more information see [demobilisation](#).

A Reservist must also tell you the date on which they'll be available to start back at work. This date should also fall within a set time limit, approximately 6 weeks of the last day of full-time service. These time frames are set out within the Reserve Forces (Safeguard of Employment Act) 1985.

Your obligations

- The Reserve Forces (Safeguard of Employment) Act 1985 gives Reservists the right to be re-employed by their former employer in the same role on equally favourable terms and conditions as before. If this is not possible then a suitable alternative should be offered which is the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable.
- You must continue to employ the returning Reservist for a set number of weeks, depending on how long they've been with you before they were mobilised. They are entitled to be re-employed for a minimum of 13, 26 or 52 weeks, depending on their length of employment before their mobilisation.
- You have to re-employ them from, or as soon as possible after, the date on which they told you they'd be ready to return. You aren't allowed to make them return to work before this date.
- Reservists can be included in a redundancy pool if this is necessary due to a downturn in business or closure of a department or branch. 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.

What if an offer of an alternative form of employment is rejected?

If a Reservist is not happy with the offer of alternative employment they must write to you 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. They will consider the Reservist's application and, if they accept it, can make an order for reinstatement and/or compensation.

Can you appeal?

Yes you can. In order to appeal against a reinstatement committee's decision you can make further appeals to an Umpire.