

The Highland Council Reserve Forces Training & Mobilisation Policy

RESERVISTS

Introduction

The Highland Council employ 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.



Purpose and Scope

The Highland Council has pledged its support for members of, or those wishing to join the Reserve Forces. This policy intends to define our obligations towards all employees who are members of the Reserve Forces.

The Highland Council will not disadvantage those Reservists who notify the Highland Council of their Reserve status or those Reservists who are made known to the Highland Council directly by the Ministry of Defence (MoD).

The Highland Council shall agree to release Reservists for attendance at Reserve Forces Training events where these take place on their normal working paid employment.

The Highland Council will agree to the release of all employees mobilised for Reservist duties.

Types of Reservist

There are 2 notable types of Reservist:

1. Volunteer Reservists

Civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.

2. 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

On commencement of employment, all Reservists are required to inform the Highland Council that they are a member of the Reserve Forces and what specific force that they belong to. This will allow the Highland Council to provide an appropriate level of support to the Reservist. It also assists with resource planning during periods of leave e.g. training and/or mobilisation.

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 Highland Council is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.

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 any 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.

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 Highland Council of their Reserve status.

Training commitments and Time off

Reservists are typically committed to between 24-40 days training per year. Training tends to take place on one evening per week, over various weekends throughout the year. Training commitments will vary but, in most cases will include:

- **Weekly training** - one evening per week usually for around two-and-a-half hours
- **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. 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.

Please note that separate arrangements are in place for education staff where the LNCT 37 Special leave Policy is applicable. Generally, a decision as to whether or not to grant special leave will be determined having due regard to the contractual requirements in terms of attendance at their workplace and by the needs of the Council, the Service and the length of absence requested.

The Highland Council is committed to granting additional paid leave of 2 weeks per year to Reservists specifically to enable them to attend their annual camp.

Additional unpaid leave or annual leave from the employee's normal annual allocation of up to 10 days will be granted for short periods of training provided adequate notice is given and where such training cannot be undertaken in off-duty time. Attendance at weekend training which cannot be undertaken during off duty will be subject to the same arrangements.

Line Managers will be expected to facilitate time off to allow attendance at annual camp and other training commitments (e.g. weekly or weekend training sessions) unless there are exceptional circumstances.

Reservist employees will give as much notice as is reasonably possible of training commitments to allow appropriate planning for absences. 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 Call-out papers for mobilisation will be sent by post to the Highland Council or they will be 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

Guidance for Line Managers:**Pre-mobilisation**

Meet with Reservist to ensure all mobilisation paperwork completed (including pay, benefits & pension arrangements)

Make a claim for financial assistance for cover (see section on Financial Assistance within this policy)

Discuss any handover of work and return of equipment

Arrangements for keeping in touch

Refer to any other appropriate policy on the HR Microsite

During mobilisation

Keep in touch with Reservist as arranged

Post-mobilisation

Ensure both employer and reservist fulfill their return to work obligations

Provide after care and support if required (refer to Employee Assistance Programme, Mental Health Reps and Armed Forces Staff Network Mentors)

Link to Employee Assistance Programme:

https://www.highland.gov.uk/peopleandtransformation/downloads/file/640/employee_assistance_programme

Link to Mental health Reps:

https://www.highland.gov.uk/staffsite/downloads/file/5908/mental_health_representative_contact_list

Applying for Exemption/Deferral/Revocation

In all cases of mobilisation, the Highland 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.

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
- an 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).

Details of how to apply for exemption will be included in the call-out pack. The application must reach the Adjudication Officer within 7 days of the Highland 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.

If an unsatisfactory decision is received following the application for a deferral, the Highland 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 Highland Council will be required to release the Reservist for mobilisation.

Treatment of Terms and Conditions during mobilisation

The Highland 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.

Note: Under “The Reserve Forces Act (Safeguarding of Employment) Act 1985”, an employee’s service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, he or she can return to employment upon which their continuity of service will be restored.

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 Highland 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 Highland Council is not required to pay the Reservist’s salary during the period of mobilisation.

Pension

If the Reservist is a member of the Highland 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.

See associated Policy on Annual Leave for any required carry over of accrued but untaken leave

Link to Annual Leave Policy:

https://www.highland.gov.uk/peopleandperformance/info/28/hr_topics/24/equalities_in_employment

The Highland 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

The Reservist will continue to accrue any rights to service-related Highland Council sick pay during a period of mobilisation. 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 Highland Council sickness arrangements (in line with local policy). If the Reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered by the Highland Council Sickness arrangements (in line with local policy).

Return to work

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

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 an 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 any new 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.

Aftercare

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 Highland 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 restorative treatment if required (ie. counselling or therapy)

Additional Skills & Development

Line managers who carry out employee review or engagement 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. These additional skills should be recognised in any related appraisals or ERD/PRDs.

Financial Assistance

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;
Advertising costs
There is 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 must undertake additional training as a direct result of their mobilisation (routine training excluded), then the Highland Council can make an application for financial assistance.

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

