

Time off for Reservists Policy

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1. Aim

- 1.1 This policy sets out how Bury Council will support staff who are reservists. The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Territorial Army and Royal Auxiliary Air Force.
- 1.2 Bury Council recognises that many of the skills that reservists gain during their training and deployment are transferable to the workplace. The Council will assist reservists as far as possible in meeting their obligations.
- 1.3 This policy brings together in one document the work-life balance initiatives currently available for employees of Bury Council that are particularly relevant for reservists and details how the Council meets the legal requirements placed on employers of reservists.

2. Definitions

- 2.1 Volunteer reservists are called out to supplement the Regular Forces whenever operational demands require it. If they are mobilised they will carry out the same roles to the same high standards as their Regular counterparts. They also receive the same world-class training and develop the same skills.
- 2.2 Reservists make up around 14% of the nation's total defence capacity which in turn makes them an essential part of our defence strategy. They are called upon as individuals for their specific skills or as ready-formed units to serve alongside the Regular Forces whenever required.
- 2.3 Training commitments vary between the three Reserve Forces, 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 are spread throughout the year.
 - Annual training - this is a 15-day continuous 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.

3. Scope

- 3.1 This policy applies to all employees of Bury Council and is recommended for adoption by schools.

4. Principles

- 4.1 The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) provides reservists who have a liability to be mobilised with two types of protection:
- Protection of employment: the Act provides protection from unfair dismissal and makes it a criminal offence for an employer to terminate a reservist's job without their consent solely or mainly because he or she has a liability to be mobilised; and
 - Rights to reinstatement: the Act provides a legal right to reinstate the reservist to their former job, subject to certain conditions.
- 4.2 The Reserve Forces Act 1996 (RFA 96) details the four main powers under which mobilisation of reservists can take place:
- If it appears that national danger is imminent, a great emergency has arisen or if there's been an actual attack on the United Kingdom Sections 52 (mobilisation) and 68 (recall);
 - If it appears that warlike operations are in preparation or progress (s54);
 - If it appears necessary or desirable to use our Armed Forces on operations outside the UK for the protection of life or property; or on operations elsewhere in the world for the alleviation of distress or the preservation of life or property in time of disaster or apprehended disaster (s56);
 - if it appears necessary or desirable to use our Armed Forces for urgent work of national importance (s56).
- 4.3 Legally, all mobilisations are compulsory. The Armed Forces use a process known as 'Intelligent Selection' to identify the most appropriate people for call out. This allows reservists to be selected according to their individual skills and specialisations and allowing a unit to take into account a reservist's personal and employment circumstances.
- 4.4 Occasionally, however, when there are very short operational deadlines, for example, the Ministry of Defence cannot meet its requirements by identifying willing and available individuals. Under these circumstances a reservist may be mobilised without taking account of personal, welfare and employment issues.
- 4.5 The Armed Forces Act (2021) further enshrines the Armed Forces Covenant into law to help prevent service personnel and veterans being disadvantaged when accessing public services. Its provisions specifically apply to the role of Local Authorities in relation to housing, education and healthcare. It is, therefore, not directly relevant to our policy position on supporting reservists in the workforce. This policy is, however, aligned with the Act's broad intent to strengthen public services' due regard to the principles of the Armed Forces Covenant.

5. Approach

- 5.1 Bury Council asks that new recruits who are already reservists or existing staff who become reservists should inform their line manager as soon as possible that

they are, or intend to become, reservists so that the necessary support can be given, and any practical implications can be addressed. Reservists (and ex-services personnel) are also asked to declare their status via the 'my profile/sensitive information' section on the Employee Self-Service iTrent portal.

5.2 Time Off for activities in the reserve forces:

5.2.1 The Council's local Conditions of Service (Section 4 – Hours and Leave) provide an entitlement of:

- Up to 10 days' leave with pay for attendance at annual training with Volunteer Reserve Forces
- Up to a further 18 days' leave with pay in any period of twelve months for other attendance with Volunteer Reserve forces with prior agreement of the employee's Director (or their representative)

5.2.2 Whilst the Council will endeavour to accommodate any request for leave for activities in the reserve forces, it cannot guarantee that a reservist's request for leave will be given priority. To avoid reservists being unable to take time off when needed, they should apply for leave as soon as possible after they are informed that they need to take time off.

5.2.3 All holiday/leave dates must be approved in advance by the reservist's line manager. It is important that reservists follow the usual procedure for requesting leave.

5.2.4 In approving paid leave managers may ask to review appropriate evidence, for example a letter from their Commanding Officer. Leave cannot be used for days when a reservist is not undertaking reservist activities (for example to recover from the physical demands of a weekend away with the reserve forces).

5.3 Flexibility with Annual Leave:

5.3.1 Reservists seeking to balance their permitted leave with their commitments to the reserve forces should be aware that they also have the option of: -

- Carrying forward a maximum of five days' holiday (a normal working week for part time staff) to be carried over from one holiday year to the next, with the prior approval of the employee's line manager. Requests to carry forward in excess of 5 days will not normally be agreed other than in exceptional circumstances and will be subject to the exigencies of the Service;
- Purchasing up to a maximum of ten days (two weeks) days in one leave year and reducing their salary accordingly. The amount of entitlement that can be bought will be pro-rata dependent upon hours worked. Purchasing additional annual leave may have an effect on an individual's pension contributions. Please see section 13 for further information.

5.3.2 Details of all the flexible working opportunities available for employees to request can be found on the Council's Work-Life Balance intranet page.

5.4 Unauthorised Absence:

5.4.1 Bury Council will treat any instances of unauthorised leave as a serious disciplinary matter that could result in disciplinary action, up to and including dismissal. Employees should be aware that, if they take a period of leave that has not been approved, they may be subject to disciplinary action on their return to work.

5.5 Continuity of employment:

5.5.1 The continuity of the reservist's period of employment is not broken by a period of mobilisation, if they are reinstated to their former employment within six months of demobilisation.

5.5.2 When calculating the employee's total period of continuous employment, the organisation will discount the number of days falling in the period between the date on which the reservist is called up for military operations and the day immediately preceding the day on which they return to work.

5.6 Pension contributions:

5.6.1 Under the LGPS 2014 Regulations an individual will not pay pension contributions for any period of unpaid absence; so this will reduce their pension benefits when they retire. Active members of the Scheme can recoup lost benefits by paying Additional Pension Contributions (APCs) by completing Greater Manchester Pension Fund Form P38(1). This form can be downloaded from www.gmpf.org.uk and should be returned to the Pensions Team at pensions@bury.gov.uk

5.6.2 If the form is returned within 30 days of an individual's last day of absence, the Council will contribute 2/3rds of the cost; otherwise, the full cost of buying the lost pension is payable by the individual.

5.6.3 The Pensions Team can tell individuals how much pension they have lost as a result of the break and an estimate of the cost can be calculated via the APC online calculator at www.gmpf.org.uk

5.6.4 For further information contact the Pensions Team at pensions@bury.gov.uk

5.7 Useful contacts:

- Your reservist's chain of command - Unit Admin, Welfare, Pastoral and Medical Staff
- Navy Personal and Family Service and Royal Marines Welfare (www.rncom.mod.uk)
- Army Welfare Services (www.army.mod.uk/welfare-support)
- Forces Help RAF (www.rafcom.co.uk)
- Veterans and Reserves Mental Health Programme (in partnership with the NHS referred via GP) 0800 032 6258
- Combat Stress (www.combatstress.org.uk/veterans/support-for-reservists/)

For internal queries or support, please contact your HR Business Partner.

6. Detailed Guidance

6.1 Reservists' call-ups

- 6.1.1 Each of the Reserve Forces follows a strict procedure when mobilising reservists. This includes notifying both the employer and their Reservist of the date when they are required to report for duty and a period of pre-mobilisation training.
- 6.1.2 Where ever possible the Ministry of Defence 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. Mobilisation is likely to last up to 12 months.
- 6.1.3 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 (see Paragraph 2.1) and how to apply for financial assistance.
- 6.1.4 When a reservist is called up, financial assistance is available to employers from the Ministry of Defence. The Council may apply to the Ministry of Defence for an award in respect of any costs incurred in replacing the employee that exceed the reservist's earnings, although there is a set cap on the daily amount awarded.
- 6.1.5 An employer cannot refuse to permit an employee who has been called up on military service to go. However, where it believes that the employee's absence on military service is likely to do serious harm to the business or undertaking it may apply for an exemption, deferral or revocation of mobilisation. "Serious harm" includes serious loss of sales, markets, reputation or goodwill or other financial harm; damage to the employer's ability to produce goods or provide services; or demonstrable harm to research projects or the development of new products, services or processes.
- 6.1.6 More details of how the Council can seek an exemption, deferral or revocation and the financial assistance that is available to it can be found on the Ministry of Defence SaBRE website by visiting: [http://www.sabre.mod.uk/.](http://www.sabre.mod.uk/) – The Council will only submit exemption requests in very exceptional circumstances and the submission of any request will require approval by the relevant Executive Director and the Director of People & Inclusion.

6.2 Reservists' rights during mobilisation

- 6.1.2 There is no requirement for the Council to pay reservists during their absence on military operations. During this period the reservist receives service pay from the Ministry of Defence, along with a standard award to make up any difference (up to the statutory limit) between their service pay and normal average weekly earnings.
- 6.1.3 The Ministry of Defence also pays the employer contributions to the reservist's occupational pension scheme (as long as the reservist gives an undertaking to continue paying their own contributions to the scheme).

6.3 Reservists' demobilisation

- 6.3.1 Reservists do not return to their employer directly following a tour of duty as the Armed Forces have in place a series of procedures in place to help them readjust to civilian life. Once reservists arrive back in the UK, they are taken to their demobilisation centre. As well as all the necessary post-operative administration procedures, 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.
- 6.3.2 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 also provides an opportunity for the employer to re-commence contact with the employee and support them in preparing to return to work... A reservist's 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.
- 6.3.3 Regardless of the length of the military action, the mobilised reservist has the right to be reinstated in their former job within six months of demobilisation, on terms and conditions that are no less favourable to them than those that would have been in place but for the enforced absence from the organisation.
- 6.3.4 If it is not reasonably practicable to reinstate the reservist to their former job, the Council must re-engage them in the most favourable occupation and on the most favourable terms and conditions that are reasonable and practicable in the circumstances.
- 6.3.5 A reservist's last day of whole-time service signals their final day of full military pay. They must write to their employer 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 but must be within the following 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 organisation if he/she fails to do so within 26 weeks of demobilisation.
- 6.3.6 Once the Reservist has been reinstated, the organisation will continue to employ them in that same occupation (and on the same terms and conditions) for:
- The following 26 weeks
 - 52 weeks if the reservist had been employed for a consecutive period of at least 52 weeks at the time he/she was called up for military operations; or
 - A minimum of 13 weeks if the employee was employed for fewer than 13 weeks immediately prior to mobilisation.

6.4 Welcoming reservists back to work

- 6.4.1 Regular contact with reservists during their post-operational leave will help ease their transition back to work and line managers will ensure such contact is maintained. Managers will also work collaboratively with the employee to schedule a re-induction process and agree a structured return to work process which gives

them the opportunity to talk about their experiences and for the manager to update them on what's been going on in their absence.

- 6.4.2 Sometimes reservists may need refresher training on their return to work or time to re-familiarise themselves with processes and procedures. Financial assistance is available for retraining if it is required as a direct result of their mobilisation, although employers cannot claim for any training courses the reservist would have undertaken if they were in the workplace. There is no cap on the amount an employer can claim for, but the Council would have to provide evidence of the costs, and show that the reservist could not reach the required standard by any other means, such as workplace experience.
- 6.4.3 The Council may grow in terms of leadership, planning and training others and that these are skills that can be put to good use within the organisation. Reservists will also have acquired stress management, resilience and technical skills which could prove advantageous. On their return, if you feel it is appropriate, discuss with them how any new skills acquired could be utilised in their role.
- 6.4.4 Reservists return to civilian life with a huge variety of new skills and accomplishments which can be of great benefit to employers. They can also face challenges too. If managers have any concerns about a reservist employee's ability to reintegrate into the workplace, or changes to their usual behaviour, they should be signposted to the support available through the Council's existing wellbeing offer (including EAP) as well as specific assistance available for reservists and veterans (see useful contacts below).