

# RESERVISTS POLICY

This document applies to all Council employees.

## Notes:

- This policy is advisory only for all school based employees

*This document may not be applicable to employees who transferred into LCC under TUPE legislation and remain on the terms and conditions of their previous organisation.*

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## **POLICY**

This policy defines the Council's obligations towards employees who are members of the Reserve Forces and provides guidance to help manage and support these employees.

## **TYPES OF RESERVIST**

### **VOLUNTEER RESERVISTS**

Civilians recruited into any of the Volunteer Reserve Forces below:

- Maritime Reserves Royal Naval Reserves and Royal Marines Reserves
- Army Reserves
- Royal Air Force Reserves

Individuals join the Volunteer Reserve Forces for varying lengths of time.

### **EX-REGULAR RESERVISTS**

Ex-regular Armed Forces personnel who may retain a liability to be mobilised depending on how long they have previously served in the UK Armed Forces.

## **NOTIFICATION**

Reservists are required to inform their employer that they are a member of the Reserve Forces and the specific Reserve Force that they belong to.

Staff in Fire and Rescue should refer to Service Order 18 Conditions of Service.

Reservist employees are required to grant permission for the Ministry of Defence (MoD) to write directly to the Council. This is known as 'Employer Notification' and ensures that the 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 Council 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 the financial assistance available if an employee is mobilised. The MoD will also send a follow-up letter each year to confirm that the information held is still accurate.

Managers must inform People Management if a new employee in their team is a Volunteer Reservist or Ex Regular Reservist, or if a current employee becomes a Volunteer Reservist.

Managers must also inform People Management of the details of any future mobilisation when known.

## **RESERVIST COMMITMENTS**

### **TRAINING**

Volunteer Reservists are typically committed to around to 30 days training per year.

Training commitments vary but typically include:

- **Weekly training** - one evening a week.
- **Weekend training** - several weekends throughout the year.
- **Annual training** - a 2 week continuous training course referred to as 'Annual Camp'.

### **Annual Camp**

The Council will grant Volunteer members of the Reserve Forces two weeks paid leave of absence to attend annual camp in addition to their normal entitlement.

If any further time off is required to attend annual camp, the Reservist will need to request annual leave, or, a mix of flexi time, annual leave, and/or unpaid leave for the duration of the absence from their line manager.

In exceptional circumstances only, managers may grant Special Leave of absence.

### **Additional Training Commitments**

Where any additional training commitment takes place during scheduled working hours, the Reservist will need to request annual leave or, a mix of flexi time, annual leave, and/or unpaid leave for the duration of the absence from their line manager.

In exceptional circumstances only, managers may grant Special Leave of absence.

## **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 are sent by post to the Council or sometimes delivered in person by the Reservist to their line manager. The documentation will include the call-out date (first day of mobilisation) and the anticipated timeline.

The MoD aims to give 3 months' notice of the first day of mobilisation, although this is not a statutory requirement.

A period of mobilisation comprises three distinct phases:

1. Medical and pre-deployment training;
2. Operational tour;
3. Post-operational tour leave.

### **Applying for Exemption/Deferral/Revocation**

In certain circumstances, e.g. where essential services are provided by one, or a small number of employees, it may not be possible to release the employee, or that release may be delayed until alternative arrangements can be made to provide cover for the absence.

In these cases the manager (supported by their Director) will need to apply to the MoD Adjudication Officer for an exemption or deferral. This must take place within 7 days the Reservist being issued with the call out papers. The Independent Reserve Forces Tribunal may reject this application in which case the individual must be released for mobilisation.

In all cases of mobilisation, 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
- 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 are included in the call-out pack. The application must reach the Adjudication Officer within 7 days of the Reservist being served with 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 their call-out papers arrive at a difficult time.

If an unsatisfactory decision is received following the application for a deferral, the Council can appeal for a hearing by an Independent Reserve Forces Tribunal. Appeals must reach the Tribunals Secretary within 5 days receipt of written notice of the decision.

Application for exemption or deferral of mobilisation by the Council would only be in exceptional circumstances.

### **Confirmation of Employment Arrangements**

Following the notification of mobilisation with the Reserve Forces, the Council will write to the employee confirming the employment arrangements which will apply during the period of mobilisation.

In addition, the Council will write to the employee at the end of the mobilisation period to confirm the arrangements for the employee's return to work as applicable.

See [Template Letter1 Mobilisation](#) and [Template Letter 2 Return to Work](#).

### **Pay and Service**

The Council will not pay the Reservist's salary or contractual benefits whilst they are mobilised.

The MoD will assume responsibility for the Reservists salary for the duration of their mobilisation by paying a basic salary to the Reservist according to their military rank.

If this basic element is less than the salary element the Reservist receives from the Council, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings.

The MoD will also cover the cost of contractual benefits.

Continuity of service will not be broken.

## **Pension**

If the Reservist is a member of their workplace pension scheme, and chooses to remain in it, under the Financial Assistance regulations, if the employer suspends or withdraws their employer contributions then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions. Under the Armed Forces Pension Scheme 2015 the reservist will need to 'Opt out' of this pension scheme if they intend to apply for the MOD to pay the employer contributions into their occupational pension scheme.

Where mobilisation occurs unpaid leave of absence is granted and continuity of employment remains.

The normal rules for leave of absence will apply for pension purposes i.e. the employee is required to pay full contribution for the first 30 days then opt to continue. If they do not do so, the period will not count as reckonable/qualifying service.

## **Annual Leave**

Reservists should be encouraged to take any accrued annual leave before mobilisation where practicable. Annual leave will not be accrued by 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.

## **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 downturn in business or restructure. 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.

## **Reinstatement**

There is a legal obligation to re-engage the Reservist employee on their return from mobilisation. They should be re-employed in the same type of job in which they were last employed and on terms and conditions which are no less favourable. However if this is not possible then the employee should be re-deployed in a mutually acceptable alternative role.

## **Financial Help with Retraining**

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 from the MoD if it's required as a direct result of their mobilisation, although claims 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**

Demobilisation may be a difficult time, with a reservist returning to work after a challenging period in deployment. Helping to ensure a smooth re-integration into the workplace/team will require consideration:

- The need to update on changes and developments in the organisation.

- 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.

## **RESPONSIBILITIES**

### **DIRECTORS AND MANAGERS**

Implementing the policy and ensuring that employees have the necessary information.

### **SERVICE MANAGER - PEOPLE**

Review and revision of the policy.

### **LEAD OFFICER – ARMED FORCES COVENANT**

To be the organisational point of contact for Armed Forces Covenant related matters; to champion the Lincolnshire Armed Forces Covenant partnership and raise awareness amongst partner organisations of the covenant and the practical ways it can be implemented to support the Armed Forces Community.

## **ADVICE AND SUPPORT**

People Management

Armed Forces Covenant at [communitycovenant@lincolnshire.gov.uk](mailto:communitycovenant@lincolnshire.gov.uk)

Further sources of guidance and information can be obtained from:  
<https://www.gov.uk/government/groups/defence-relationship-management>

**Staff in Fire and Rescue should refer to Service Order 18 Conditions of Service and Service Order 20 – Leave**

## **APPENDIX 1 - FINANCIAL ASSISTANCE**

During the period of mobilisation the MOD provides financial assistance to members of the reserve forces and their employers who suffer financial loss as a direct result of the call out of members of the Reserve Forces for service in the Armed Forces.

### **EMPLOYERS**

#### **Recurring costs:**

- Overtime costs, if other employees work overtime to cover the work of the Reservist
- Costs of temporary replacement by the amount that such costs exceed the relevant earnings of the Reservists

The maximum claim available is £110 per day (c£40,000 per annum). Claims can be made for every normal working day that the Reservist is away on permanent service.

#### **Non-recurring (One-off) costs:**

- Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or
- Advertising costs

There is no financial cap on the above claims, but any claim must be supported by relevant documentation

An application for non-recurring (one-off) costs and recurring costs must be made within 4 weeks of the end of mobilised service.

#### **Handover award**

The employer may claim this award for no more than 5 days before the Reservists reports for military service and for no more than 5 days after they return to work following mobilised service. The amount payable for a handover is subject to a cap and is the daily rate of pay to the replacement of the reservists multiplied by the number of days of handover. The cap is the sum of the daily rate of pay of the Reservist during the handover and £100 per day.

#### **Clothing award**

An employer may reclaim the cost (subject to the cap) of providing specialist clothing to the person who replaces the reservist during mobilised service for the performance of their employment as the Reservist's replacement. The cap is the lesser of £300 or 75% of the costs incurred by the employer in providing the clothing.

#### **Training award**

The employer may reclaim the cost (subject to the cap of £2,000) of training the person who replaces the Reservist during the period of mobilized service. If on the Reservists return to work a Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the employer can apply to re-claim these costs. This training must be claimed for within 8 weeks of the Reservist returning to work and the training must be commenced within 6 months of the return to work.

## **Employer Incentivisation Payments (EIP)**

From 1 October 2014, employers are able to claim Employer Incentive Payments (EIP) if they meet the criteria below. In addition to any Financial Assistance an additional monthly payment of £500 for each mobilised Reservist or partner for the period of mobilisation is available. Full details and a guide to claim payments will be enclosed in the employer call out pack. It will be paid pro-rate for those that are part-time, have more than one employer and are called up or demobilised part way through the month. If the Reservist was mobilised before 01 October 2014, and the period in permanent service continued past 01 October 2014, the Service Adjudication Officer will write to the employer advising that EIP can be claimed.

### **NB:**

Payments will only be made to micro, small and medium sized enterprises with fewer than 250 employees and an annual turnover of less than £25.9 million. Charities and partnerships that meet the criteria will also be eligible.

## **EMPLOYEE RESERVISTS**

Payments to make up the difference between civilian earnings and military salary which the Reservists may claim during periods of mobilised service. This award is to ensure that the Reservist is not financially disadvantaged by mobilisation. A Reservist can also claim for replacing certain benefits in kind suspended or withdrawn by their employer. These benefits include, but are not limited to:

- health or medical insurance
- life insurance
- accommodation
- educational fees for dependent children
- loss of a company car used by the Reservist's dependants

The resulting payment for this group of awards is subject to a cap of £400 per day (or £822 per day for certain medical consultants).

Without financial limits, Reservists can also claim for certain allowable expenses arising from mobilisation, and these expenses are limited to: additional payments for the care of a dependent child or relative; additional expenses for the care of a pet; additional home insurance premiums; and payment for the essential maintenance of the Reservist's main residence and garden.

Self-employed Reservists will be able to claim (subject to a cap of £2,000) for some of the overheads they incur if their business is in abeyance during mobilisation, these include:

- the cost of insuring the business or equipment
- the cost of renting business premises
- business rates
- profession or trade membership fees
- the cost of line rental for telephone or internet
- the cost of leasing vehicles or equipment

[See the Financial Assistance Claim Form.](#)