

Employing Staff in the Reserve Forces Procedure

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1.0	March 2015	Draft	Creation of a procedure to deal with this topic.
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1. Introduction

- 1.1 This procedure sets out how the organisation supports staff who are reservists. The reserve forces include the Army Reserve, Royal Naval Reserve, Royal Marines Reserve and Royal Auxiliary Air Force.
- 1.2 The organisation recognises that many of the skills that reservists gain during their training are transferable to the workplace. The organisation will assist reservists as far as possible, for example by taking into account unusual leave requirements or the need to amend working patterns.

2. Scope

- 2.1 This procedure will apply to all employees of the Council.

3. Responsibilities

- 3.1. Managers are responsible for understanding the contents of this procedure and applying it where they have members of staff who are reservists.
- 3.2. Employees are responsible for understanding the contents of this procedure, particularly if they are reservists.
- 3.3. The Human Resources team are responsible for providing advice to managers and employees in relation to this procedure.

4. Council Register of Reservists

- 4.1 In order to support reservists as much as possible, the Council asks that new staff who are already reservists or existing staff who become reservists inform their line manager as soon as possible that they are, or intend to become, reservists. This request is made purely to allow us to deal with the practical implications and reservists who do this will not be disadvantaged in any way.

5. Supporting Time Off for Activities in the Reserve Forces

The Council is keen to support reservists wherever possible. The forms of support are detailed below.

5.1. Training

- 5.1.1. Each leave year, reservists will be given ten days' paid leave to help them to meet their commitments to the reserve forces. The reservist should make the request to his/her line manager in the same way as normal annual leave is requested, tagging the request "Military reserve leave". While the organisation will do its best to accommodate any requests to use this extra leave, the organisation cannot guarantee that reservists' extra leave requests will be given priority. To avoid reservists being unable to take time off when needed,

they should apply for this extra leave as soon as possible after they are informed that they need to take time off.

- 5.1.2. This offer is available only to employees who provide evidence that they need to take the time off as a reservist (for example, a letter from their commanding officer) at the time when they are booking holiday for the purpose of doing the reservist activities. The offer cannot be used for days when the reservist is not undertaking reservist activities (for example, to recover from the physical demands of a weekend away with the reserve forces).
- 5.1.3. Employees who need time off for activities as reservists, beyond the leave referred to in 5.1.1, are expected to use their normal annual leave entitlement. While the organisation will do its best to accommodate any request for leave for activities in the reserve forces, it cannot guarantee that reservists' annual leave requests will be given priority. To avoid reservists being unable to take time off when needed, they should apply for holiday as soon as possible after they are informed that they need to take time off.
- 5.1.4. All leave dates must be approved in advance by the reservist's line manager. It is important that reservists follow the usual procedure for requesting annual. The organisation will endeavour to agree to such requests, but reserves the right to turn down requests.

5.2. Carry Over of Annual Leave

- 5.2.1. Reservists seeking to balance their permitted leave with their commitments to the reserve forces should be aware that they may also have the option of carrying over holiday to the following leave year.
- 5.2.2. The organisation allows a maximum of five days' holiday to be carried over from one holiday year to the next. This figure is pro-rata if an employee works less than a full time working week.
- 5.2.3. More information on this can be found in the Council's Annual Leave Procedure.

5.3. Annual Leave Purchase Scheme

- 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 "buying" extra holiday entitlement, up to a maximum of ten days or 74 hours. This figure is pro-rata if an employee works less than a full time working week.
- 5.3.2. More information on this can be found in the Council's Annual Leave Procedure.

5.4. Flexible Working

- 5.4.1. The Council operates a flexible working policy for all employees. It will consider requests from all employees who have a minimum of 26 weeks' service.
- 5.4.2. A request for a change to working hours or pattern of working may be made for a temporary period or on a permanent basis.
- 5.4.3. More information on this can be found in the Council's Flexible Working Procedural Guide.

5.5. Unauthorised Absence

- 5.5.1. The 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 will be subject to disciplinary action on their return to work.

6. Reservists' Call-Outs

- 6.1. Reservists may be called out for military operations, with notice typically given 28 days before mobilisation, which can last up to 12 months.
- 6.2. On being called out, the reservist should present his/her mobilisation papers to his/her Line Manager, typically together with a letter from the Ministry of Defence to the organisation, outlining the date, and possible duration, of his/her mobilisation. The Ministry of Defence may also contact the organisation independently.
- 6.3. The Council recognises that, under the Reserve Forces (Safeguard of Employment) Act 1985, if it believes that the employee's absence on military service is likely to do "serious harm" to it, it may apply for an exemption, deferral or revocation of mobilisation. The Council recognises that the criteria for exemption, deferral or revocation are strict and will seek an exemption, deferral or revocation only in exceptional circumstances.
- 6.4. The Council's application for an exemption, deferral or revocation of mobilisation must be submitted to the relevant adjudication officer within the period of seven days immediately following the date of the employee's receipt of the mobilisation notice.
- 6.5. There is financial assistance available to the organisation from the Ministry of Defence when a reservist is called up.
- 6.6. More details of how the organisation can seek an exemption, deferral or revocation and the financial assistance that is available to it can be found on the SaBRE website - <http://www.sabre.mod.uk/>.

7. Reservists' Rights During Mobilisation

7.1. Pay

7.1.1. There is no requirement for the Council to pay the reservist during his/her 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 his/her service pay and normal average weekly earnings.

7.2. LGPS Pension Contributions

7.2.1. The Ministry of Defence also pays the Council's contributions to the reservist's occupational pension scheme (as long as the reservist gives an undertaking to continue paying his/her own contributions to the scheme).

7.3. Continuity of Employment

7.3.1. The continuity of the reservist's period of employment is not broken by a period of mobilisation, if he/she is reinstated to his/her former employment within six months of demobilisation.

7.3.2. However, 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 he/she returns to work.

8. Reservists' Demobilisation

8.1. Regardless of the length of the military action, the mobilised reservist has the right to be reinstated in his/her former job within six months of demobilisation, on terms and conditions that are no less favourable to him/her than those that would have been in place but for the enforced absence from the organisation.

8.2. If it is not reasonably practicable to reinstate the reservist to his/her former job, the organisation must re-engage him/her in the most favourable occupation and on the most favourable terms and conditions that are reasonable and practicable in the circumstances.

8.3. To exercise the right to be reinstated, the reservist must write to the organisation no later than the third Monday after demobilisation confirming his/her intention to return to work 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 his/her right to return to work with the organisation if he/she fails to do so within 26 weeks of demobilisation.

- 8.4. Once the reservist has been reinstated, the organisation will continue to employ him/her in that same occupation (and on the same terms and conditions) for a minimum of:
- the following 26 weeks, or
 - 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.