

# Reserve Forces' training and mobilisation policy

The City of Edinburgh Council (we) employ people who are members of the Reserve Forces and we recognise the valuable contribution they make to the UK Armed Forces, their communities, and the civilian workplace.

Further guidance can be found in the 'Reservist and manager guide'.

## Author

Human Resources

## Review

The policy will be reviewed as and when a change to the existing policy is deemed necessary, primarily because of changes to:

- legislation,
- statute, or
- Government policy.

## Purpose

This policy defines our obligations towards employees who are members of the Reserve Forces. The Reservists and managers user guide is a practical guide to implementing this policy.

We will not disadvantage Reservists and shall agree to release them for training events where these take place on normal working days.

## Scope

We support members of the Reserve Forces, and those wishing to join. We acknowledge the training they undertake and support the release of all employees mobilised for Reservist duties.

During mobilisation we will treat Reservists' contracts of employment as operable and there will be no loss of continuous service or service-related benefits.

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## 1. Types of Reservist

There are two main types of Reservist:

- Volunteer
- Regular.

## 2. Reserve status notification – employee actions

You must update MyHR and let your manager know which specific force you belong to.

You must grant permission for the Ministry of Defence (MoD) to write directly to us. This is known as 'Employer Notification'.

Further information is available in the 'Reservist and manager guide'.

## 3. Training commitments and time off for Reservists

You will usually be committed to 24-40 days' training per year. Details of all training can be found in the 'Reservist and manager guide'.

We will grant you special leave (paid) for two weeks per year so you can attend your mandatory annual training.

Additional unpaid leave or annual leave from your entitlement will be granted for short periods of training if you provide sufficient notice, double the amount of time off requested; for example, if you need two days off you need to give four days' notice.

Once we have approved time off this will not be overturned unless there are exceptional circumstances.

## 4. Mobilisation

Mobilisation is when you're called into full-time service with the Regular Forces for military operations. The maximum period of mobilisation will depend on the scale and nature of the operation but is usually no longer than 12 months.

The Call-out papers for mobilisation are sent to us by post or you can hand these directly to your line manager. There is a requirement for you to give us copies of your call out papers, even if the MoD has sent them to us. Your manager needs to record and authorise the unpaid leave so we can issue the correspondence that sets out your position whilst undertaking military service.

## 5. Applying for exemption, deferral, or revocation

We will release you to report for duty unless there are exceptional circumstances. Line managers can apply for exemption, deferral, or cancellation if your absence would cause serious disruption to service delivery. Details on the application process can be found in the 'Reservist and manager guide'.

## 6. Treatment of Terms & Conditions during mobilisation

The Reserve Forces (Safeguarding of Employment) Act 1985 provides protection of employment rights. This means that your contract of employment will continue to exist during the period of special unpaid leave.

When mobilisation occurs, you'll be given special unpaid leave of absence.

Your employment cannot be terminated on the grounds of your military duties or if you're mobilised. To do this would be a criminal offence under Section 17 of The Reserve Forces (Safeguarding of Employment) Act 1985.

You can be included in the redundancy pool if this is necessary, for example, following an organisational review. Redundancy criteria will not discriminate against you on the grounds of your Reserve status or call-up liabilities.

## 7. Pay, benefits, and pension

### Pay

- The MoD will assume responsibility for your salary for the duration of your mobilisation. They will pay a basic salary according to your military rank. If this is less than you receive from us it's your responsibility to apply to the MoD for the difference to ensure you don't suffer a loss of earnings. This is known as a Reservist Award.
- We're not required to pay your salary during the period of mobilisation.
- You will receive an automatic pay step in both the development and competency zones of your pay scale when you have been called out. This is to ensure that you're not disadvantaged under the terms of the Reserve Forces (Safeguarding of Employment) Act 1985.
  - Notes: A pay step will not be applied if you have a live warning on file for absence or misconduct.

### Benefits

- You can claim back any contractual benefits that are suspended during mobilisation, for example: assisted car scheme, ride to work scheme and childcare vouchers.
- You should discuss benefit arrangements during your pre-mobilisation meeting with your line manager. Please refer to 'The Reservists and managers user guide' for further information.

### Pension

- The rules about pensions and Reserve Forces service are set out in the Local Government Pension Scheme (Scotland) Regulations 1998. If you receive a call-out notice you and your manager should seek advice from Lothian Pension Fund.
- If you're a teacher you should seek advice from the Scottish Public Pensions Agency (Teachers Section) when you receive your call out notice.

## 8. Annual leave

You should try to take any accrued annual leave before mobilisation.

### During mobilisation

We're not obliged to accrue annual leave for you during the period of mobilisation as you will accrue leave from the MoD whilst you are in full-time service.

### Post-mobilisation

When you demobilise, you're entitled to a period of post-operational leave (POL) which is determined by the MoD. During this period, you will continue to be paid by the MoD.

## 9. Sickness absence

### Sick pay

During the period of mobilisation, you'll continue to accrue any rights to occupational sick pay.

### During mobilisation

If you become sick or injured during mobilisation you will be covered by Defence Medical Services and any financial assistance will continue to be received (including pay) until you're demobilised. If the sickness or injury results in early demobilisation, you'll remain covered by the MoD until the last day of paid military leave. After this time our sickness absence procedure will cover you.

### Post-mobilisation

If you become ill post-mobilisation, and a notional return to work date has been agreed, our sickness absence procedure will cover you.

## Return to work responsibilities

You (the Reservist)	Us (The City of Edinburgh Council)
<p>You must write to your line manager by the third Monday after their last day of military service making a formal request to return to work.</p> <p>Your return date should fall within six weeks of your last day of full-time service.</p>	<p>We have an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate you, where possible to your former role, or, to a mutually acceptable role on the same terms and conditions prior to mobilisation.</p> <p>If you're not happy with the offer of alternative employment you must write to your Head of Service stating why you cannot accept it.</p>
<p>You should also speak directly to your line manager to discuss your return to work at the earliest opportunity.</p>	<p>If you believe that our response denies your rights under the Safeguard of Employment Act 1985, you can make an application to a Reinstatement Committee for assessment.</p>
	<p>You should be reinstated within six weeks of the last day of your full-time service.</p>
	<p>You may need refresher training when you return to work, or be given time to familiarise yourself with any changes in the workplace or your duties.</p>

## Aftercare

When you return to work you'll benefit from a smooth reintegration into the workplace/team. Your line manager should:

- update you on any changes and developments;
- offer specific refresher training where it is sought and/or considered necessary;
- provide skills training to assist with new aspects of the job; and
- provide reasonable time-off to seek therapeutic treatment if required and ensure you are made aware of Employee Assistance Programme which we have in place for all of our employees.

## 10. Financial assistance

Financial assistance for employers in the event mobilisation is governed by the Reserve Forces (Call out and recall) (Financial Assistance) Regulations 2005. These cover additional costs above the normal earnings of the Reservist associated with replacing them. There are three types of award available.

One-off costs	Recurring costs	Training award
<ul style="list-style-type: none"> <li>• Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement;</li> <li>• Advertising costs.</li> <li>• No financial cap on claims, but any claim must be supported by relevant documentation.</li> </ul>	<ul style="list-style-type: none"> <li>• 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].</li> <li>• Costs of temporary replacement [by the amount that such costs exceed earnings of the Reservist].</li> </ul>	<ul style="list-style-type: none"> <li>• If you need to undertake additional training on return from mobilisation we can make an application for financial assistance.</li> <li>• Details on the application process can be found in the 'Reservist and manager guide'.</li> </ul>

## 11. Further information

Name	Contact details and website
<b>Defence Relationship Management</b>	<a href="https://www.gov.uk/government/groups/defence-relationship-management">https://www.gov.uk/government/groups/defence-relationship-management</a> Helpline: 0800 389 5459. Free helpline, open during office hours, offering advice and guidance on training, mobilisation, and employment issues.
<b>Royal Navy</b>	<a href="http://www.royalnavy.mod.uk/the-fleet/maritime-reserves">www.royalnavy.mod.uk/the-fleet/maritime-reserves</a> .
<b>Army</b>	<a href="http://www.army.mod.uk/join/20233.aspx">www.army.mod.uk/join/20233.aspx</a>
<b>Royal Air Force</b>	<a href="http://www.raf.mod.uk/rafreserves">www.raf.mod.uk/rafreserves</a>