



Cyngor Bwrdeistref Sirol

**Blaenau Gwent**

County Borough Council

# Time Off For Reservists Policy



**ORGANISATIONAL DEVELOPMENT DIVISION**

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## NOTES

This scheme has been developed on a corporate basis but the operational requirements of schools have been taken into consideration. The scheme is recommended to Governing Bodies for adoption. Support in managing issues in relation to the subject matter of this scheme can only be offered to schools where LEA recommended policies and procedures have been adopted and in line with any Service Level Agreement with Organisational Development (OD) in force at the time.

## GLOSSARY

**Regular Reservists** are former full-time members of the Armed forces. They may still be liable for call out for a number of years after their military service has ended, depending on their age, length of original service and the skills they have.

**Volunteer Reservists** are made up of civilians who accept an annual training commitment and are called out to supplement the Regular Forces whenever Operational demands require it. If they're mobilised they'll carry out the same roles to the same high standards as their Regular counterparts. They also receive the same training and develop the same skills.

**Standard Volunteer Reservists**, although Volunteer Reservists train over many years for active duty, they are only mobilised when absolutely necessary. In most circumstances, the Ministry of Defence (MoD) uses 'Intelligent Selection', which is the process of identifying willing and available individuals for specific appointments. This includes consulting with the Reservist's employer.

All Volunteer Reservists make a serious commitment to training. For the majority of them, this is around 30 days a year, made up of some midweek evenings, some weekends and one 15-day continuous training period (Annual Camp).

**Full-Time Reserves** (FTRS) gives Reservists the opportunity to apply for a full-time post for a fixed period (this is different from mobilisation).

**Additional Duties Commitment** (ADC) gives Reservists the opportunity to undertake part time work with the Armed Forces. This could be with a Regular or Reserve Unit, but it's more likely to be within a headquarters establishment. ADCs sometimes form part of a job-sharing arrangement. The minimum commitment is 13 weeks - at least one day a week throughout this period.

**High Readiness Reserves** have specific skills which the Armed Forces may occasionally need but at short notice. Reservists have to volunteer for High Readiness status, and if they have a full time job (or work more than two days a week) they will also need to have the written consent of their employer. This consent takes the form of an agreement that is renewed annually. If they are mobilised, an HRR can be asked to serve for up to nine months.

**Sponsored Reserves** enables the MoD to enter into a defence contract on condition that an agreed proportion of the contractor's workforce has a Reserve liability. These Reservists can be trained and called out to undertake the contracted task as members of the Armed Forces.

**Mobilisation** is the process of calling reservists into full-time service to serve alongside the Regular Armed Forces on operations. All Reservists are committed to the possibility of being mobilised if necessary. They are normally required to serve abroad but it is possible they would be needed to serve the UK, for example in the event of a national emergency.

## **1. INTRODUCTION**

This policy sets out how the Council/School supports staff who are reservists. The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Army Reserve and Royal Air Force Reserves.

The Council/School recognises that many of the skills that reservists gain during their training are transferable to the workplace. The Council/School will assist reservists as far as possible, for example by taking into account unusual leave requirements or the need to amend working patterns.

This policy must be cross-referenced with all other relevant Council/School [policies](#).

## **2. WHAT THE POLICY COVERS**

All applications for reserve forces' leave are to be made under the provisions of this policy. A process flowchart is attached as [appendix 1](#).

## **3. GUIDING PRINCIPLES**

Reservists are required to inform the Council/School that they are a member of the Reserve Forces and the specific force that they belong to. Each leave year, full time employees who are reservists will be given 15 days (111 hours), pro rata for part time employees, extra paid leave to help them meet their commitments to the reserve forces. The reservist should make the request under the Leave of Absence Scheme ([see appendix 2](#)), to their Line Manager/Headteacher stating the leave is for "Military training". While the Council/School will do its best to accommodate any requests to use this extra leave, the Council/School cannot guarantee that reservists extra leave requests will be given priority. To avoid reservists being unable to take time off when needed, they must apply for this extra leave as soon as possible after they are informed that they need to take time off.

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) when booking their leave. The offer cannot be used for days when the reservist is not undertaking reservist activities or to recover from the physical demands of a weekend away with the reserve forces.

All leave dates must be approved in advance by the reservist's Line Manager/Headteacher.

## **4. RESERVIST MOBILISATION**

Each of the Reserved Forces follows a strict procedure when mobilising reservists. This includes notifying the Council/School and the reservist of the date when they are required to report for duty and a period of pre-mobilisation training.

The Ministry of Defence (MoD) aims to give a 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 mobilisation.

On being called up, the reservist should inform their Line Manager/Headteacher. The Council/School will also receive an information pack, which sets out the date and possible

duration of mobilisation as well as their statutory rights, obligations and how to apply for financial assistance. Both the reservist and the Council/School have the right to apply for an exemption or deferral mobilisation under certain exceptional circumstances.

## **5. APPEALS FOR EXEMPTION OR DEFERRAL**

The Council/School recognises that under the Reserve Forces (Safeguard of Employment) Act 1985, if it believes that the reservist's absence on military service is likely to do "serious harm" to the Council/School, it may apply for an exemption or deferral of mobilisation. The Council/School recognises that the criteria for exemption or deferment from being mobilised are strict and will seek exemption or deferral only in exceptional circumstances. The application for exemption is required to be made by the Head of Service/Headteacher.

The Council/School's application must be submitted to the relevant Adjudication Officer (the person specified in the call-out notice or the Adjudication Officer at the mobilisation centre) within the period of seven days immediately following the date of the employee's receipt of the mobilisation process.

## **6. RESERVISTS' RIGHTS DURING MOBILISATION**

There is no requirement for the Council/School to pay the reservist during their absence on military operations. During this period the reservist receives service pay from the MoD, along with a standard award to make up any difference (up to the statutory limit) between their service pay and normal average weekly earnings.

The reservist who is called up is entitled to remain a member of their occupational pension scheme. Provided that they agree to continue to pay their own contributions, the MoD will pay the employer contributions that the Council/School would have made.

If the reservist's mobilisation commences or ends part way through the annual leave year then the annual leave entitlement for that year will be calculated on a pro-rata basis.

## **7. RESERVISTS' DEMOBILISATION**

Before returning home, reservists will undergo a process of 'winding down' with their unit in a controlled environment for up to four days. Here, they will be given time to relax as well as receive a series of briefings to help prepare them for civilian life.

These include:

- An update on media coverage of the conflict they have been involved in, so they know what people at home have heard about it.
- A presentation on Post Traumatic Stress Disorder by specially trained medical staff, and the opportunity for one-to-one interviews.

Once a reservist arrives back in the UK, they will be taken to their demobilisation centre, where the process of reintegration continues. As well as all the necessary postoperative administration procedures, such as handing back their uniform, they will 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 their remaining time in service, and can continue for as long as needed.

They will then be formally demobilised and free to start their post-operational leave. All Reservists are entitled to a period of leave and will continue to be paid by the MoD during this time. (This usually works out at an average of around 30 days including any amount of annual leave they have built up during deployment.) Post-operational leave allows the reservist to fully readjust and prepare for civilian life.

Regular contact with their employer during their post-operational leave will help ease their transition back to work. Most reservists find it useful if Managers and colleagues are kept informed during this period, and to have an informal interview with their Line Manager/Headteacher on their return. This will give an opportunity to talk about their experiences and to update them on any key changes within the Council/department.

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 and, on the terms and conditions that are no less favourable than those that would have been in place prior to being called up.

The Council has an obligation to reinstate the post holder into employment at the first opportunity once notified of their availability. The employee should be reinstated into the post in which they were employed prior to the call up, and on terms and conditions comparable to those, which would have applied had there been no call out, unless not reasonable and practical. Heads of Service will need to evidence why they are unable to reinstate the reservist to their former job.

Reservists can be included on the Redeployment List, if necessary, due to them not being able to return to their previous post. Reservists can only be considered for redundancy purposes where there is a service review/restructure, or departmental need. Redundancy criteria should not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

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.

If a reservist is not happy with the offer of alternative employment they must write to the Head of Organisational Development stating why there is reasonable cause for them not to accept it. If a reservist believes that the Council/School's response to their application denies their rights under the Reserved Forces (Safeguard of Employment) Act 1985, an application can be made to an external body called the "Reinstatement Committee" for assessment. Consideration will be given to the reservist's application and, if accepted, can make an order for reinstatement and/or compensation.

If the Council/School wishes to appeal against a Reinstatement Committee's decision they can make a further appeal.

To exercise the right to be reinstated, the reservist must write to the Council/School no later than the third Monday after demobilisation confirming their 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 reservists return during the initial period. However, the reservist forfeits their right to return to the Council/School if they fail to do so within 26 weeks of demobilisation.

Once the reservist has been reinstated, the Council/School will continue to employ them in that same occupation if possible and on the same terms and conditions for:

- A minimum of 13 weeks following reinstatement, if the employee was employed for less than 13 weeks prior to mobilisation.
- 26 weeks following reinstatement, if employed for more than 13 weeks but less than 52 weeks prior to mobilisation.
- 52 weeks following reinstatement, if the reservist had been employed for a consecutive period of at least 52 weeks prior to mobilisation.

The continuity of the reservist's period of employment is not broken by a period of compulsory or voluntary mobilisation, if they are reinstated in their former post within six months of demobilisation.

When calculating the employee's total period of continuous employment, the Council/School will discount the number of days falling in the period between the day on which the reservist is called up for military operations and the day prior to their return to work.

For example, if a reservist was called up for duty in January 2019 for 52 weeks and prior to their call up they had 4 years 26 weeks service. When they return to work in January 2020, they are reinstated to their former post. They still only have 4 years and 26 weeks' continuous service.

## **8. FINANCIAL ASSISTANCE**

Financial assistance for employers in the event of an employee who is a Reservist being mobilised (financial assistance is not provided for the 15 days of training) is governed by the Reserve Forces (Call out and recall) (Financial Assistance) Regulations 2005 (as amended March 2015). 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; or Advertising costs.
- No financial cap on claims, but any claim must be supported by relevant documentation.
- Handover costs of five days before mobilisation and five days on return to work (subject to the daily cap on the claim which is the employees daily pay rate plus £110 (per day).
- Specialist Clothing costs, up to 75% (to a maximum of £300) for purchasing specialist clothing for a person who replaces a Reservist during a period of mobilisation.
- Training costs up to £2000 of the costs of training necessary for a Reservist's replacement during mobilisation, to ensure that they are as effective as possible in the role.

### **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 has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the Council/School can make an application for the financial assistance.

## 9. AFTERCARE

When a reservist returns to work, it is crucial that the department ensures a smooth re-integration into the workplace/team. This will require consideration of:

- The need to update on changes and developments in the Service Area/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.
- Reasonable time off to seek therapeutic treatment if required.

In order to support the reservist back into the workplace, the department may need to implement supportive measures, and a referral to Occupational Health may be necessary. For further guidance, please seek advice from Organisational Development, in line with relevant Council/School policies.

In addition, further sources of guidance and information can be obtained from the following:

- 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](http://www.rncom.mod.uk))
- Army Welfare Services ([www.army.mod.uk/welfare-support](http://www.army.mod.uk/welfare-support))
- Forces Help RAF ([www.rafcom.co.uk](http://www.rafcom.co.uk))
- Veterans and Reserves Mental Health Programme (in partnership with the NHS referred via GP) 0800 032 6258
- Veterans UK ([www.veterans-uk.info](http://www.veterans-uk.info))
- Confederation of Service and Ex Service Organisations ([www.cobseo.org.uk](http://www.cobseo.org.uk))

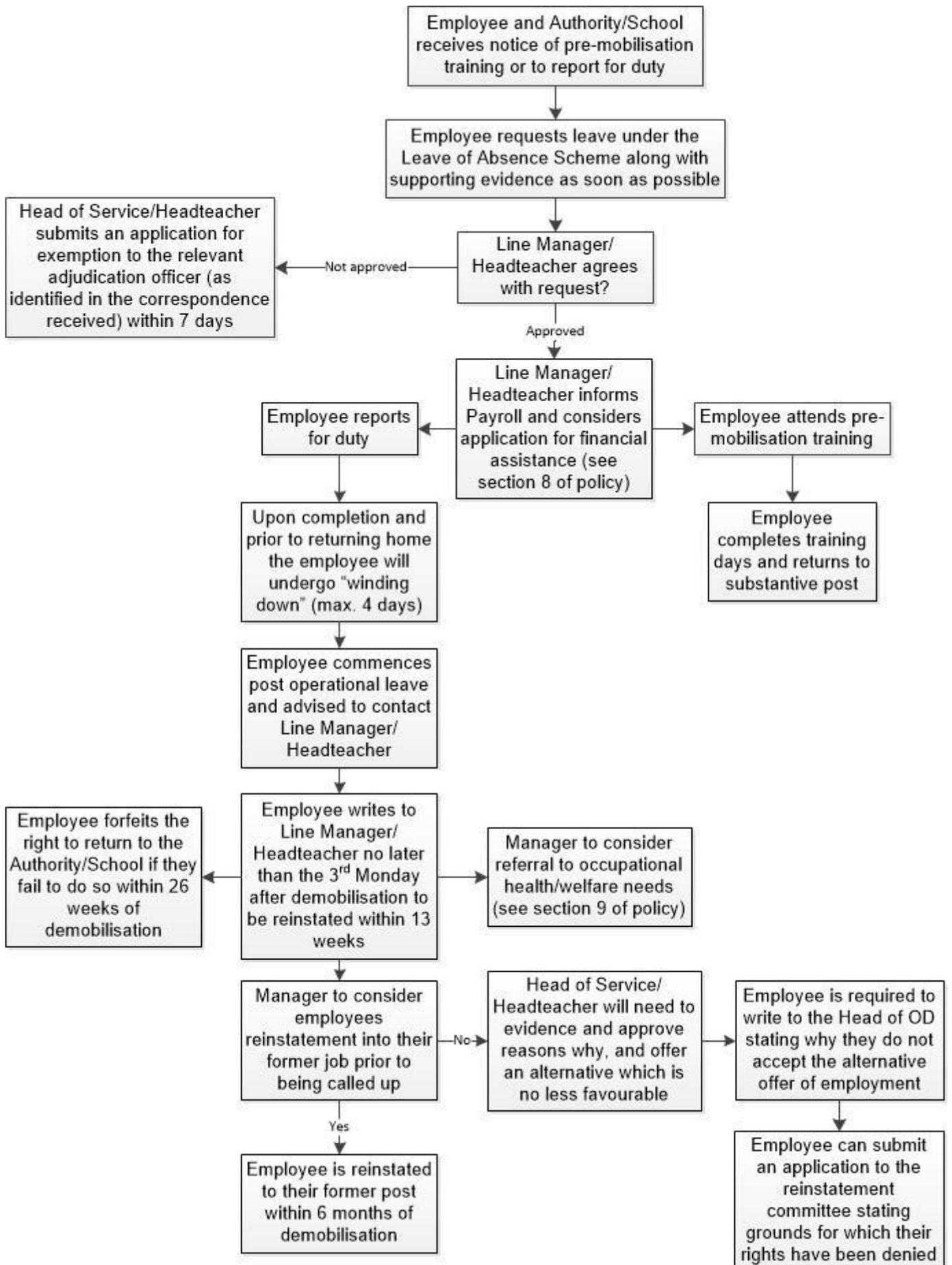
## 10. FURTHER INFORMATION

Managers can get further information from SaBRE, (Supporting Britain's Reservists and Employers). You can contact SaBRE about any issue relating to the support of Britain's Reservists and employers via their helpline on 0800 389 5459 or by email via [www.sabre.mod.uk](http://www.sabre.mod.uk).

## 11. REVIEW OF THE SCHEME

A review of this scheme and procedure will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments or updates relating to legislative requirements that do not change the general principle of the policy, the scheme will be amended and reissued.

## APPENDIX 1: PROCESS FLOWCHART



# Reservists

## Request for Leave of Absence



### SECTION 1 - PERSONAL DETAILS (TO BE COMPLETED BY EMPLOYEE)

Full Name	<input type="text"/>		
Home Address	<input type="text"/>		
Designation	<input type="text"/>		
Place of Work	<input type="text"/>		
Staff Number	<input type="text"/>	N.I. Number	<input type="text"/>

### SECTION 2 - LEAVE OF ABSENCE DETAILS (TO BE COMPLETED BY EMPLOYEE)

Dates From	Dates To	Time Requested (hours/full days)	Reason For Leave Of Absence
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Employee Signature  Date

### SECTION 3 - FOR COMPLETION BY LINE MANAGER/HEADTEACHER

Request Approved  Request Declined

Line Manager/Headteacher Signature  Date

### ORGANISATIONAL DEVELOPMENT DIVISION ONLY

Correspondence  OD Authorised Signature

Update System  Date