

Together
we make a
difference

RESERVISTS POLICY

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TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE
1.	Introduction	3
2.	Scope	3
3.	Equal Opportunities	4
4.	Supporting Reservists	4
5.	Informing the Council	4
6.	Reservist Commitments	5
7.	Appeals for Exemption and Deferrals	6
8.	Treatment of Terms and Conditions During Mobilisation	6
9.	Financial Assistance	8
10.	Equality Impact Assessment and Monitoring	8
11.	Data Protection	8

1. INTRODUCTION

- 1.1 The Reservists Policy sets out how the Council supports employees who are reservists (members of the UK's Reserve Forces) and clarifies the Council's obligations towards them and how they should be managed.

The Council is a supportive employer and has signed the Armed Forces Covenant.

This is a written and publicised voluntary pledge from business and charitable organisations who wish to demonstrate their concrete support for the armed forces community.

2. SCOPE

2.1 Reserve Forces

The Reserve Forces, known as Reservists are ordinary people who give up their time to train and serve alongside the Regular Forces.

The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Territorial Army and Royal Auxiliary Air Force.

There are two types of Reservist:

Volunteer Reservists, civilians recruited into any of the four Volunteer Reserve Forces (VRF) which are; the Royal Naval Reserves, Royal Marines Reserves, Territorial Army (TA), and Royal Auxiliary Air Force. Reservists engage for a period of 3 years at end of which they need to re-engage if they wish to remain members of the VRF.

Regular Reservists, ex-regular servicemen/women who may retain a liability to be mobilised depending on how long has been served in the Armed Forces.

As members of the Royal Naval Reserve, Royal Marines Reserve, Territorial Army and Royal Air Force Reserves, they make up a significant element of the nation's total defence capacity and are called upon as individuals for their specialist skills or as ready-formed units whenever required. They receive the same world-class training and develop the same skills as their Regular counterparts – which means they can carry out the same roles to the exacting high standards.

3. EQUAL OPPORTUNITIES

- 3.1 The Council is an equal opportunities employer and recognises that a diverse workforce, coming from all sections of the community, can improve services by offering different skills, experiences, backgrounds and cultures.

Wyre Council is committed to giving fair support to members of the armed forces, veterans and their families whilst recognising and remembering the sacrifices they have made. The Council signed the Armed Forces Community Covenant on 25th June 2012. The Armed Forces Covenant is a pledge that we acknowledge and understand that those who serve or who have served in the armed forces, and their families, should be treated with fairness and respect.

The covenant supports serving personnel, service leavers, veterans, and their families and is reinforced by the different groups that have committed to making a difference.

These include:

- Central government, overseen by the Minister for Defence People and Veterans,
- The Armed Forces (Royal Navy, British Army, Royal Air Force)
- Businesses of all sizes
- Local government
- Charities
- Communities
- Cadet forces and their adult volunteers

4. SUPPORTING RESERVISTS

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

5. INFORMING THE COUNCIL

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

Anyone who becomes a Reservist, or seeks to renew their commitment (re-engage), must give permission for the Ministry of Defence (MoD) to write to their employer directly. This system, known as Employer Notification, is designed to ensure that the employer is aware that they have a reservist employee and that the employee knows about the associated benefits, rights and obligations.

6. RESERVISTS COMMITMENTS

6.1 Training

Reservists are typically committed to 30 days training per year. Training tends to take place 1 evening per week, over various weekends throughout the year and one continuous 15 day training period also known as annual camp.

The Council is not legally obliged to allow time off for training but as a supportive employer, for volunteer members of the Non-Regular Forces who attend Annual Training, Chief Officers/Heads of Service are authorised to grant two weeks leave of absence with pay per leave year. See Leave and Work Life Balance Policy.

6.2 Mobilisation

Mobilisation occurs when a Reservist is called up into full-time military service on military operations. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no less than 3 months and no longer than 12 months.

The call-out notice papers for mobilisation are either sent by post to the employing organisation by the Reservist's unit, or delivered in person by the Reservist to their line manager. The reservist must inform the Council as soon as possible when they know that they are being mobilised.

The documentation will include the call-out date (first day of mobilisation) and the anticipated timeline. Whenever possible, the Ministry of Defence (MoD) aims to give at least 4 weeks notice of the date they are required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.

A period of mobilisation comprises three distinct phases:

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

6.3 Appeals for Exemption and Deferrals

The Council can apply for exemption from or deferral of call-out and mobilisation. When applying, the Council must make the case that mobilisation would cause the business obvious and significant harm. Details of what to do are included in the callout pack. The application must reach the Adjudication Officer within 7 days of the Reservist being served with a call-out notice.

If an unsatisfactory decision is received, 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.

If the tribunal rejects the application for exemption or deferral, the Council must release the Reservist for mobilisation.

7. TREATMENT OF TERMS AND CONDITIONS DURING MOBILISATION

7.1 Pay

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

The MoD will:

- Assume responsibility for the Reservist's salary for the duration of their mobilisation.
- Pay a basic salary according to the Reservist's military rank. If this basic element is less than the salary element they receive 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.
- Cover the cost of contractual benefits.

7.2 Pension

If the Reservist contributes towards the Local Government Pension Fund, and chooses to remain in it, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions.

The Council's Payroll & Pensions Officer can be contacted for further details.

7.3 Annual Leave

Reservists should be encouraged to take any holiday accrued before mobilisation to ensure this is not lost. Annual Leave during the period of mobilisation will not accrue.

7.4 Return to Work

After service, reservists are given a period of leave. If they want to return to work before the end of their leave they must get permission from either their commanding officer or the demobilisation centre.

The Council cannot force a reservist to return to work before their leave finishes.

7.5 Notice of Returning to Work

Reservists should write to their employer as soon as they know when they can return to work. This must be no later than the third Monday after their last day of service.

The Council must re-employ them as soon as they're able to.

7.6 Returning to the Same Job

Reservists are entitled to return to the same type of job they were doing before they were mobilised, on the same terms and conditions.

If the job no longer exists, they're entitled to a reasonable alternative.

7.7 How long reservists must be re-employed for

Employers must offer reservists employment for a certain amount of time, depending on how long they were employed by them before mobilisation.

Weeks of employment before mobilisation	Number of weeks reservist must be re-employed for
Up to 13	At least 13
Between 13 and 51	At least 26
52 weeks or more	At least 52

- 7.8 Any reservist that is not re-employed can apply to the employment tribunal who can instruct the Council to re-employ the reservist or award financial compensation.

8. FINANCIAL ASSISTANCE

- 8.1 The Council can claim financial support if a reservist employed is called up.

The Council can claim financial assistance to cover:

- The cost of a temporary replacement if it's more than the reservist's salary (up to £110 a day)
- Advertising costs and agency fees for finding a replacement
- A period of handover and takeover (5 days before and after mobilisation)
- 75% of the cost of specialist clothing for the replacement (up to £300)
- Training costs for the replacement (up to £2,000)
- Overtime, if other employees cover the work
- Training the reservist needs to carry on their job when they return

The Council cannot claim for:

- Loss of profits, turnover or goodwill
- The reservist's salary or pension contributions if the Council keeps paying them

9. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 9.1 The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

10. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 10.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.