

# Reserve Forces Training and Mobilisation Guidance

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**Strategic Alignment**  
*Improving the Council’s Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.*

<b>Consultation process</b>	<i>Consulted with Joint Trade Unions and Employee Equality Forum</i>
<b>Stakeholders</b>	Contacts identified for each service
	<i>Joint Trade Unions Employee Equality Forum Employees</i>
<b>Distribution</b>	

### Change record

<b>Date</b>	<b>Author</b>
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As part of our commitment to the Armed Forces Covenant, North Lanarkshire Council are committed to supporting all employees who volunteer or wish to volunteer in the following:

- The Army Reserve
- The Cadet Force Adult Volunteers
- The Royal Naval Reserve (RNR)
- The Royal Marines Reserve (RMR)
- Special Forces Reserve
- The Reserve Air Forces (RAFR and RAauAF)

North Lanarkshire Council will support Reservists or Cadet Force Adult Volunteers who provide notification of their reserve/volunteer status or those reservists who are made known to the Council directly by the Ministry of Defence (MoD) by:

- Providing up to 15 days paid leave to Reservists specifically to enable them to attend their annual training or equivalent continuous training (Pay is subject to the deductions of service pay and allowances received for the period of training).
- Releasing employees mobilised for Reservist duties.
- Ensuring employees mobilised for Reservist duties will not lose their continuous service or service-related benefits.

Further information can be found in the Reserve Forces Training and Mobilisation Guidance Note and Special Leave Policy and Special Leave Guidance Note.

# **Reserve Forces Training & Mobilisation Guidance Note**

## **1. Introduction**

North Lanarkshire Council supports employees who are members of, or wish to join the Volunteer Reserve Forces. These consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Army Reserve (previously known as Territorial Army), Special Forces Reserve, Reserve Air Forces (RAFR and RAuxAF) and Adult Cadet Force volunteers. It acknowledges and recognises the valuable contribution that Reservists make to the UK Armed Forces, their communities and the civilian workplace.

## **2. Purpose and Scope**

North Lanarkshire Council has pledged its support for members of, or those wishing to join, the Reserve Forces or volunteer as a cadet force instructor and acknowledges the training undertaken that enables them to develop skills and abilities that are of benefit to both the individual and their employer. This guidance intends to define our obligations towards all employees who are members of the Reserve and Cadet Forces.

The Council will not disadvantage reservists or cadet force volunteers who provide notification of their status or those reservists who are made known to the Council directly by the Ministry of Defence (MoD).

The Council shall, subject to the provisions set out in the Special Leave Policy and this guidance agree to release Reservists for attendance at Reserve Forces Training events where these take place on their normal working days.

The Council shall, subject to the provisions set out in this guidance agree to the release of all employees mobilised for Reservist duties.

The Council will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service-related benefits.

This guidance applies to all employees of North Lanarkshire Council.

## **3. The Legal Framework for Reservists**

The two main pieces of legislation relating to employers and Reserve Forces are detailed below:

- The Reserve Forces Act 1996 (RFA 96) which provides the powers under which Reservists can be mobilised for full-time service.
- The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) which provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilised service.

There are two main types of Reservist:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.

- Regular Reservists - ex-regular service personnel who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

There is also a third category of reservist, High Readiness Reservists (HRRs) These are reservists that have specific skills which the Armed Forces may occasionally need but at short notice. Reservists volunteer for High Readiness status, and, if they work two days or more a week, must 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.

In most instances an employer's relationship with a Reservist employee should be like that of any other employee. However, there are areas where a Reservist's status may affect the operations of the organisation. Legislation exists to define the rights and liabilities that apply to both parties.

#### **4. Reserve Status Notification**

Reservists are required to inform their employer that they are a member of the Reserve Forces and the specific force that they belong to. This is so that North Lanarkshire Council can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave eg training or mobilisation. North Lanarkshire Council also recognises the additional skills and experiences that being a Reservist can bring to the Council and therefore it is useful for the Council to have an understanding of where these particular skills and experiences exist.

Reservist employees are also required to grant permission for the Ministry of Defence (MoD) to write directly to the employer. This is known as 'Employer Notification' and ensures that the Council is made aware that the employees is a Reservist and the benefits, rights and obligations that apply.

The MoD will issue written confirmation to the employer 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. Where possible, it will also provide details of any annual training commitments. The MoD will also send a follow-up letter each year to confirm that the information held is still accurate.

The detail of an employee's membership of the reserve forces will be recorded on Itrent.

It is the responsibility of the Reservist to ensure their personal details are kept up to date e.g. if they change employer or leave their respective Reserve Force.

#### **5. Training and Leave for Reservists**

North Lanarkshire Council recognises the importance of the training undertaken by Reservists that enables them to develop skills and abilities of benefit to their respective Reserve Force, the individual and the Council.

Reservists are typically committed to 24-40 days training per year. Training tends to take place 1 evening per week, over various weekends throughout the year and one 2-week training period also known as 'annual camp'. Training commitments vary but, in most cases, include:

- Weekly training - most Reservists train at their local centre for around two-and-a-half hours, one evening a week. This must be done in the employees own time
- Weekend training - all Reservists are expected to attend a number of training weekends which take place throughout the year. Employees who are unable to arrange for such training to be undertaken in off-duty time, may be granted special leave with pay.
- Annual training - a 2-week annual training course sometimes referred to as 'annual camp'. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some Reservists train overseas.

The Council is committed to granting additional paid leave of up to 15 days per year to Reservists specifically to enable them to attend their annual training or equivalent continuous training.

Line Managers will facilitate work rosters to allow attendance at annual training and other training commitments (e.g. weekly or weekend training sessions) unless there are exceptional circumstances.

Reservist employees should give as much notice as possible of training commitments to allow appropriate planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances.

## **6. 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 in person by the Reservist to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, the MoD aims to give at least 28 days' notice of the date that a Reservist will be 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:

- Pre-mobilisation: Medical and pre-deployment training
- Mobilisation: Operational tour
- Post-mobilisation: Post-operational tour leave

### **Pre-mobilisation**

- Line manager to meet with Reservist to ensure all mobilisation paperwork completed (including pay, benefits & pension arrangements)
- Line manager to assist with any claims for financial assistance as appropriate (see section 10)
- Discuss any handover of work

- Arrangements agreed between Reservist and Line Manager regarding keeping in touch

### **During Mobilisation**

- Line Manager and Reservist keep in touch as arranged

### **Post-mobilisation**

On return, the Line Manager must meet with the Reservist to advise on any work updates and ensure that they are able to return fully to their work obligations. It is also vitally important that the Line Manager discusses any after care and support requirements as necessary.

Advice on how to support reservists can be sought from the ER team.

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

In all cases of mobilisation, the Council will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist.

In such circumstances 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 Council receiving 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 the 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 the Reserve Forces Appeals 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 Trust will be required to release the Reservist for mobilisation.

## **8. Terms and Conditions of employment during mobilisation**

The Council will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service-related benefits.

### **Pay**

The MoD will assume responsibility for the Reservist's salary for the duration of their mobilisation. They will pay a basic salary according to the Reservist's military rank. If

this basic element is less than 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. This is known as a Reservist Award.

Where mobilisation occurs, the employee will be given special unpaid leave of absence.

The Council is not required to pay the Reservist's salary during the period of mobilisation.

### **Salary Increments**

Where an employee is absent from work following mobilisation, the service will be considered continuous. Salary increments will be awarded as if the employee was at work and applied on their return.

### **Pension**

If the Reservist is a member of the Local Government or Teachers pension scheme and the employer suspends the employer contribution, and the Reservist chooses to remain within 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.

### **Annual Leave**

Reservists should be encouraged to take any accrued annual leave before mobilisation. The Council is not obliged to accrue annual leave for 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.

### **Dismissal/Redundancy**

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.

Reservists can be included in the redundancy pool if this is necessary due to a downturn in business or closure of a department. 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.

### **Sick Pay**

During the period of mobilisation the Reservist will continue to accrue any rights to Council service-related sickness allowance. Should a Reservist become sick or injured during mobilisation they will be covered by Defence Medical Services and any financial assistance will continue to be received (including pay) until demobilised. If the sickness or injury continues and this results in early demobilisation, the Reservist will remain covered by Defence until the last day of paid military leave.

After this time, the Reservist will be covered by the Council's sickness arrangements, in line with local policy.

If the Reservist becomes ill post-mobilisation, and a notional return to work date has been agreed, they will be covered by the Council's sick leave arrangements.



## **9. Support on Return to Work (Demobilisation)**

Both the Reservist and their employer have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return-to-work process.

### **Reservist:**

The Reservist must write to their Line Manager no later than the 3<sup>rd</sup> Monday after their last day of military service making their request to return to work and suggesting a date which should fall within 6 weeks of their last day of full-time service. This letter formally starts the return-to-work process.

They are also encouraged to informally contact the employer to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call. The formal application must be made in writing for it to be valid under the Act.

If a Reservist is not happy with the offer of alternative employment, they must write to the employer stating why there is reasonable cause for them not to accept it. If a Reservist believes that an employer's response to their application denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.

### **Employer:**

The Employer has an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist, where possible to their former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation.

The Reservist should be reinstated within 6 weeks of the last day of their full-time service.

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 if it is required as a direct result of their mobilisation, although applications 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**

A Reservist returning to work will benefit from a smooth re-integration into the workplace/team. The following should be considered as part of this process:

- The need to update on changes and developments in the Council and Service
- The need to offer specific refresher training where it is 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 before or after their return to work to prevent any feeling of dislocation, if requested.

- Reasonable time off to seek therapeutic treatment if required.

## 10. Financial Assistance for Employers

Where an employee's mobilisation results in additional costs the Council may seek compensation from the MOD. There are three 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.

### Recurring Costs

- Overtime costs if another employee is used to cover the work of the Reservist [by the amount that such costs exceed earnings of the Reservist].
- Any costs of hiring a temporary replacement [by the amount that such costs exceed earnings of the Reservist].

### Training Costs

- Training costs for any training the employee needs as a result of being mobilised when they return to work to carry out their duties properly (the MOD will not pay for training that the Council would have carried out anyway).

To claim financial assistance, the employer will provide the Ministry of Defence with appropriate supporting documentary evidence e.g. invoices.

The latest date for submitting claims for financial assistance, other than for training, is within four weeks of the date the Reservist is demobilised.

### Further Information

Defence Relationship Management

<https://www.gov.uk/government/groups/defence-relationship-management>

Helpline:- 0800 389 5459. This is a free telephone helpline open during office hours where advice and guidance can be obtained on training, mobilisation and employment issues.

Royal Navy: [www.royalnavy.mod.uk/the-fleet/maritime-reserves](http://www.royalnavy.mod.uk/the-fleet/maritime-reserves)

Army: [www.army.mod.uk/join/20233.aspx](http://www.army.mod.uk/join/20233.aspx)

Royal Air Force: [www.raf.mod.uk/rafreserves](http://www.raf.mod.uk/rafreserves)

SABRE (Supporting Britain's Reservists and Employers) Helpline for Reservists and Employers [www.sabre.mod.uk](http://www.sabre.mod.uk)

Tel: 0800 389 5459

Scottish Public Pension Agency (SPPA) 7 Tweedside Park, Tweedside, GALASHIELS, TD1 3TE [www.sppa.gov.uk](http://www.sppa.gov.uk)

Tel: 01896 893100

Strathclyde Pension Fund Office : [www.spfo.org.uk](http://www.spfo.org.uk)

