

REPORT TO: Cabinet

MEETING DATE: 12 November 2019

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Reserve Forces Training and Mobilisation Policy

1 PURPOSE

- 1.1 To seek approval from Cabinet for the newly developed Reserve Forces Training and Mobilisation Policy, following consultation with the Joint Trades Unions and employees.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the new Reserve Forces Training and Mobilisation Policy attached at Appendix A, which will be introduced from 2 December 2019, allowing time for communication of the revised Policy to be issued to managers and employees.

3 BACKGROUND

- 3.1 The Reserve Forces Training and Mobilisation policy was developed as part of East Lothian Council's ongoing commitment to the Armed Forces Covenant and Employer Recognition Scheme.
- 3.2 The policy supersedes the arrangements outlined in the Time of Work Policy (2008), and is more explicit in the support the Council offers in releasing Reservists for regular training and mobilisation for active duty.
- 3.3 The Time off Work Policy (2008) provides for:
- paid special leave to undertake 15 working days training per rolling 12 month period.
 - responsibility of the Reservist to advise paid training allowances claimed via MoD so that this can be off-set against their Council pay.

- employment protection in line with the Reserve Forces (Safeguard of Employment Act), whereby the Reservist will be reinstated to the same, or if not possible, equivalent post upon return to the Council.
 - scope for the Council to seek exemption, deferral or revocation of employees' mobilisation where this would have a substantial impact on service provision.
- 3.4 The newly developed policy, which is based on the MoD model policy, contains all elements covered in 3.3 above and, in addition, provides a comprehensive overview of the support available to Reservists outlining employee, manager, HR and Payroll responsibilities and processes in relation to training and mobilisation arrangements. Additionally, checklists for the line manager and Reservist along with a Manager's Summary have been included within the policy.
- 3.5 The newly developed policy also fully outlines treatment of terms and conditions in relation to a Reservist's mobilisation, including pay, pension, annual leave accrual, sick pay and leave, reinstatement to the Council, protections against dismissal, financial assistance and contact details for MoD services.
- 3.6 However, should a Reservist return from mobilisation and be faced with a redundancy situation due to service review, they can be subjected to the same arrangements as all other potentially displaced employees affected.
- 3.7 It should be noted that whilst the newly developed policy is more explicit than the 2008 policy, the new policy reflects what happens in practice when Reservists undertake training or when mobilised for active duty.
- 3.8 Discussions between HR and Trade Unions have been ongoing during the development of the policy, followed by full formal consultation with Trade Unions and employees which closed on 19 August 2019.
- 3.9 Trade Unions have confirmed that they are content with the policy and feedback was received from one employee relating to arrangements for MoD earnings being offset against Council pay when undertaking training, the arrangements for which are already outlined in the policy. To that end the policy and appendices have not been amended from the draft policy presented to CMT in February 2019, other than formatting and some grammatical rewording to enhance clarification for policy users.
- 3.10 The Council recently attained the Silver Award for the Defence Employer Recognition Scheme, having previously held the Bronze Award. The development and implementation of this policy will go some way to support the planned future application to achieve the Gold Award for the Defence Employer Recognition Scheme.

4 POLICY IMPLICATIONS

- 4.1 Following Cabinet approval, the revised Reserve Forces Training and Mobilisation policy will be implemented through publication on the Intranet. This

will be further supported with briefings for managers and all staff communications via Inform.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Integrated Impact Assessment has been carried out for this Policy and no negative impacts have been identified at this time.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – As a result of implementing this policy, there may be occasions where additional costs fall upon the Council. It is anticipated that these will be minor and with expected numbers relatively low, it is considered that any resultant costs will be managed within existing staffing budgets.
- 6.2 Human Resources – HR will fully implement the policy once approved and provide briefings, training and communication as required. Systems and processes will be further developed to record and report on active Reservist employees. This will involve HR and Payroll.
- 6.3 Other – An Armed Forces e-mail address has been set up and publicised in Inform, inviting current employees to get in touch if they have ever served in the Armed Forces, or are currently a Reservist or a volunteer with a local cadet group. The address is <mailto:hramedforces@eastlothian.gov.uk> and will be overseen by HR and the Local Community Planning Officer.

7 BACKGROUND PAPERS

- 7.1 None

AUTHOR'S NAME	Zoe McFadzean Gail Scott
DESIGNATION	HR Business Partner HR Adviser
CONTACT INFO	01620 828772
DATE	22 October 2019



Reserve Forces Training and Mobilisation

This policy applies to all employees including Teachers

*Date Approved:

This is an East Lothian Council Policy which has been subject to consultation with the Joint Trades Unions. Any review or amendment by the council will be following consultation with the Trades Unions.

Policy Title	Reserve Forces Training & Mobilisation
Policy Section	HR Policies
Prepared By/Policy Author	Human Resources
Version Number	V 1.0
Equality Impact Assessment	15 October 2019
Supporting Documents	
Links to other Council Policies /Processes	Recruitment & Selection Policy Special Leave Policy Managing Attendance Policy Performance Review & Development Policy
Approved By	Cabinet
Date Approved	
Review Date	
Date of next Review	
Policy Lead	HR Business Partner, HR & Payroll

CONTENTS

Section		Page
1	Introduction	4
2	Purpose & Scope	4
3	Types of Reservist & Legal Considerations	4
4	Reserve Status Notification	5
5	Training Commitments and Time off	6
6	Mobilisation	7
7	Applying for Exemption, Deferral or Revocation	8
8	Treatment of Terms and Conditions during Mobilisation	8
9	Pay & Payroll When Mobilised	8
10	Benefits	9
11	Pension	9
12	Accrual of Annual Leave	9
13	Dismissal and Redundancy	10
14	Sick Pay	10
15	Return to Work	10
16	Aftercare	12
17	Performance Review	12
18	Financial Assistance	12
19	Further Information	12
20	Applying for Exemptions, Financial Assistance & Appeals	13
Appendix 1	Line Manager Checklist	15
Appendix 2	Reservist Checklist	17
Appendix 3	Summary for Managers	19

1. INTRODUCTION

- 1.1 East Lothian Council (the council) employ employees who are members of the Reserve Forces and recognise the valuable contribution that Reservists make to the UK Armed Forces, their communities and the civilian workplace.
- 1.2 The council has pledged support to the Armed Forces including existing and prospective employees who are members of the Armed Forces community. To that end the council currently holds the Silver Award for the Defence Employer Recognition Scheme and ensures that Service Personnel/Armed Forces will not be disadvantaged as part of our recruitment processes. Additionally, the council has signed up to the East Lothian Community Covenant which is a formal promise that Service Personnel, their families and Veterans are recognised for the contributions they make and should not be disadvantaged because of this when accessing public and commercial services.

2. PURPOSE AND SCOPE

- 2.1 East Lothian Council has pledged its support for members of, or those wishing to join the Reserve Forces and acknowledges the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to both the individual and the council. This policy intends to define our obligations towards all employees who are members of the Reserve Forces.
- 2.2 East Lothian Council:
 - Will not disadvantage those Reservists who notify their manager of their reserve status or those Reservists who are made known to the council directly by the Ministry of Defence (MoD).
 - Shall, subject to the provisions set out in Section 5, seek to agree to release Reservists for attendance at Reserve Forces Training events where these take place on their normal working days.
 - Shall, subject to the provisions set out in Section 5, seek to agree to the release of all employees mobilised for Reservist duties.

3. TYPES OF RESERVIST & LEGAL CONSIDERATIONS

- 3.1 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 servicemen/women who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.
- 3.2 The key legislation relating to employers and the Volunteer Reserve Forces are:

- 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.
- Also, the Defence Reform Act 2014, introduced legislation in the UK to provide Reservists with immediate right of access, without a qualifying period, to an Employment Tribunal for unfair dismissal if the dismissal relates to Reserve Service.

3.3 The Reserve Forces Act 1996 also provides for other categories, such as:

- **Full Time Reserve Service:** - Reservists who wish to serve full time with regulars for a predetermined period in a specific posting.
- **Additional Duties Commitment:** - part-time service for a specified period in a particular post.
- **Sponsored Reserves:** - These are personnel employed by a contractor to provide a service to the Ministry of Defence (MoD).
- **High Readiness Reserves:** - These are Reserves, usually with a particular skill set, that are available at short notice (with written agreement from their employer).

4. RESERVE STATUS NOTIFICATION

- 4.1 An employee who wants to volunteer for mobilisation must inform the council and get written consent before they can apply.
- 4.2 Reservists are required to inform the council that they are a member of the Reserve Forces and the specific Force that they belong to, so that the council can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave e.g. training and/or mobilisation. The council also recognises the additional skills and experiences that being a Reservist can bring and therefore it is useful for the council to have an understanding of where these particular skills and experiences exist.
- 4.3 Reservist employees are also required to grant permission for the Ministry of Defence (MoD) to write directly to their employer. This is known as 'Employer Notification' and ensures that the council is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.
- 4.4 The MoD will issue written confirmation to the council to confirm the employee is a member of the Reserve Forces. The letter provides detail of mobilisation obligations and rights of the employee and employer, along with details of the financial assistance available if an employee is mobilised. Where possible, details of any annual training commitments will also be confirmed. The MoD

will also send a follow-up letter each year to confirm that the information held is still accurate.

- 4.5 It is the responsibility of the Reservist to ensure their personal details are kept up to date with MoD and the council e.g. if they change employer or leave their respective Reserve Force.
- 4.6 In any circumstance, the Reservist will not be disadvantaged as a result of notifying the council of their Reserve status.

5. TRAINING COMMITMENTS AND TIME OFF

- 5.1 The council recognises the importance of the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to their respective Reserve Force, themselves and the council.
- 5.2 Reservists are typically committed to undertake 24 to 40 days training per year. Training tends to take place one 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.
 - **Weekend training** - all Reservists are expected to attend a number of training weekends taking place throughout the year.
 - **Annual training** - a two 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.
- 5.3 This policy allows for a maximum of 15 working days paid leave in a rolling twelve month period to attend the Annual Camp. Any further request for approved time off beyond 15 days will be unpaid.
- 5.4 Line Managers will seek to facilitate work rotas or shifts to allow attendance at Annual Camp and other training commitments (e.g. weekly or weekend training sessions) unless there are exceptional circumstances that would have a substantial impact on the provision of council services. The Reservist should discuss flexibility requirements with their line manager in the first instance.
- 5.5 Evidence of the training camp must be submitted to the line manager as soon as the Reservist is notified of the dates by the MoD to allow appropriate planning to accommodate absences. Permission once given will not be rescinded unless there are exceptional circumstances.
- 5.6 Reservists in receipt of pay from MoD during any council approved paid time off work for training and Annual Camp must inform their line manager and HR of the amount of pay and this will be offset against their council

pay for the duration of paid leave authorised for Annual Camp and/or training (see 5.3). However, should Reservists choose to take Annual Leave from work for the purposes of attending Reservist training no offset of council salary will be made.

6. MOBILISATION

6.1 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.

6.2 The call-out papers for mobilisation are sent by post to the Reservist and the council, however may sometimes be delivered in person by the Reservist to their line manager at the council. The documentation will include the call-out date and the anticipated timeline. Whenever possible, Ministry of Defence 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.

6.3 A period of mobilisation comprises three distinct phases:

- Medical and pre-deployment training;
- Operational tour;
- Post-operational tour leave

6.4 Line Manager Responsibilities

6.4.1 Pre-mobilisation

- Meet with Reservist to ensure all mobilisation paperwork is fully completed (including pay, benefits & pension arrangements)
- Make a claim for financial assistance as appropriate (see section 10)
- Discuss any handover of work and return of equipment where required
- Confirm arrangements for keeping in touch
- Refer to and complete the Line Manager checklist (Appendix 1) and provide a copy to HR
- Ensure employee completes the Reservist checklist (Appendix 2) and provide a copy to HR

6.4.2 During mobilisation

- Keep in touch with Reservist as arranged and seek HR advice as appropriate

6.4.3 Post-mobilisation

- Ensure both council and Reservist fulfill their return to work obligations (see section 15)
- Refer to Line Manager and Reservist Checklists and mobilisation letters issued
- Discuss and provide after-care and support requirements

7. APPLYING FOR EXEMPTION, DEFERRAL OR REVOCATION

- 7.1 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.
- 7.2 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.
- 7.3 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 provide goods and 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).
- 7.4 Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer at the MoD Mobilisation Centre (see section 20) 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
- 7.5 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 council will be required to release the Reservist for mobilisation.

8. TREATMENT OF TERMS AND CONDITIONS DURING MOBILISATION

- 8.1 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.
- 8.2 Under The Reserve Forces Act (Safeguarding of Employment) Act 1985, an employee's service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, he or she can return to employment upon which their continuity of service will be restored.

9. PAY & PAYROLL WHEN MOBILISED

- 9.1 The MoD will assume responsibility for the Reservist's salary from commencement and 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.

- 9.2 Where mobilisation occurs the employee will be given unpaid special leave of absence.
- 9.3 The council is not required to pay the Reservist's salary during the period of mobilisation. It is important that the Payroll Department are notified of the period of unpaid special leave in writing by the line manager. Payment will recommence once the Reservist returns to work.
- 9.4 Mobilisation does not break continuity of employment (s217 (a) Employment Rights Act 1996) and therefore:
- A P45 will not be issued (in line with HRMC guidance) for service less than 12 months
 - For payroll purposes the Reservist will be placed on a period of 'Special Leave'
 - See payroll guidelines on Reservists; <https://www.gov.uk/employee-reservist>
- 9.5 Reservists released on full paid leave for Annual Camp or training will have their council pay adjusted to be offset against MoD pay received.

10. BENEFITS

- 10.1 Contractual benefits that are suspended by the council during mobilisation can be claimed by the Reservist as part of their Reservist Award via MoD e.g. leased car Scheme.
- 10.2 The Line Manager and Reservist should discuss benefit arrangements during the pre-mobilisation meeting (See section 6.5). This should cover those benefits which will be suspended and for any continuing benefits, arrangements should be made as to how these are paid.

11. PENSION

- 11.1 If the Reservist is a member of the SPPA or Lothian Pension Fund Pension Scheme and the council suspends the employer contribution, but 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.
- 11.2 Under Armed Forces Pension Scheme 2015 the Reservist will need to 'Opt-Out' of the council pension scheme i.e. either SPPA or Lothian Pension Fund, if they intend to apply for the MoD pension scheme.

12. ACCRUAL OF ANNUAL LEAVE

- 12.1 Reservists should be encouraged to take any accrued annual leave before mobilisation. Reservists will not accrue annual leave with the council during the period of mobilisation, as annual leave will accrue with MoD for that period.
- 12.2 Reservists accrue annual leave with the MoD whilst they are mobilized 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 and accrue annual leave entitlement by the MoD.

- 12.3 Any annual leave accrued with the council, which is untaken up to the date of commencement of mobilisation may be carried over and used in the next leave year following return to work.

13. DISMISSAL AND REDUNDANCY

- 13.1 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.

- 13.2 Reservists can be included in the redundancy pool if this is necessary due to Service Review within the council. 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.

14. SICK PAY

- 14.1 During the period of mobilisation the Reservist will continue to accrue any rights to service-related council sick pay. 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.
- 14.2 After this time the Reservist will be covered by the council's sick pay arrangements, in line with the council's Managing Attendance policy.
- 14.3 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 Managing Attendance policy.

15. RETURN TO WORK

- 15.1 Both the Reservist and the council have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process as follows.
- 15.2 **Reservist obligations:** The Reservist must write to their Head of Service by the third 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 military service. This letter formally starts the return to work process.
- 15.3 It is also encouraged that the employee informally contact their line manager to discuss their return to work at the earliest opportunity, whether via a letter, meeting or telephone call. The formal application must be made in writing for it to be valid under the Act.

- 15.4 **Employer obligations:** The council has an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist to their former role, where possible, and if not, to a mutually acceptable role, in line with the council's redeployment process, on the same terms and conditions prior to mobilisation.
- 15.5 Where reinstatement to their former role is not possible and the 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 (MoD) for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.
- 15.6 The Reservist should be reinstated to the council within 6 weeks of the last day of their full-time military service. They must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation in line with <http://www.legislation.gov.uk/ukpga/1985/17/section/7> .
- 15.7 Reservists may benefit from 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 via MoD 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.

16. AFTERCARE

- 16.1 A Reservist returning to work will benefit from a smooth re-integration into the workplace and team. The following should be considered as part of this process:
- Provide an update on changes and developments in the council.
 - Offer of specific refresher training where it is sought or considered necessary.
 - In cases where the job duties have changed since mobilisation a period of skills training may be required to assist with new aspects of the job.
 - Exploring whether the Reservist can meet up with colleagues informally or socially before or after return to work to prevent any feeling of dislocation, if this is sought.
 - Opportunity to discuss health concerns i.e. physical and mental as a result of deployment. Ensure reasonable time off to seek therapeutic treatment if required, including access to GP, the council's Occupational Health Service and Employee Assistance Programme.

17. PERFORMANCE REVIEW

17.1 Line managers who carry out Performance Review meetings with a Reservist should be aware that Reserve Forces activities undertaken by an individual (either through training or mobilisation) bring essential skills into the workplace such as leadership, communication, team working and organisational ability, which ultimately lead to improved performance in the workplace.

18. FINANCIAL ASSISTANCE

18.1 Financial assistance for employers in the event of an employee who is a Reservist being mobilised is governed by the Reserve Forces (call-out and recall) (Financial Assistance) Regulations 2005. 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:

18.2 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

18.3 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).

18.4 The maximum claim currently 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.

18.5 Training Award

- If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the council can make an application for the financial assistance via MoD; capped at £2,000. This must be claimed within 8 weeks of the Reservist returning to work and training commenced within 6 months of return to work.

19. FURTHER INFORMATION

19.1 Further sources of guidance and information can be obtained from the following:

- For employees who wish to inform the council if currently a Reservist, have served in the Armed Forces at any time, if a Volunteer with a local Cadet Group or if you have armed services related queries, please e-mail harmedforces@eastlothian.gov.uk
- Defence Relationship Management which provides advice and support in relation to employing members of the armed forces community <https://www.gov.uk/government/groups/defence-relationship-management>
- Defence Employer Support 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 website www.royalnavy.mod.uk/the-fleet/maritime-reserves
- Army website: www.army.mod.uk/join/20233.aspx
- Royal Air Force website www.raf.mod.uk/rafreserves
- Reservist Employer Toolkit <https://www.gov.uk/government/publications/reservist-employers-toolkit/reservist-employer-toolkit> This provides guidance and support on all aspects of employing Reservists.
- Financial Support for Employers <https://www.gov.uk/employee-reservist/financial-support-for-employers> This provides information on financial support available to the council upon mobilisation of employees
- The Reserve Forces (Safeguarding of Employment) Act 1985: <http://www.legislation.gov.uk/ukpga/1985/17>

20. APPLYING FOR EXEMPTIONS, FINANCIAL ASSISTANCE & APPEALS

20.1 **Single Service Adjudication Officers:** Guidance and applicants for exemption or deferral and Financial Assistance should be made to either:

- The person specified in the Call Out Notice
- The Adjudication Officer at the Mobilisation Centre
- The Adjudication Officer appointed for the Service in which the Reservist will serve when mobilised as below:

Army Adjudication Officer
 Army Personnel Centre
 PO Box 2673
 Glasgow
 Tel: 0141 224 5123
 Fax: 0141 224 2689
 Telephone Helpline: 0800 389 6585
 E-Mail: acp-cmops-mob-so2@mod.uk

Royal Navy and Royal Marines Adjudication Officer
Directorate of Naval Personnel
MPG-2, West Battery
Whale Island
Portsmouth PO2 8BX
Tel: 02392 623527
Fax: 02392 628660
E-mail: NavyLegal-ReservesADJSO2@mod.uk

Royal Air Force Adjudication Officer
Royal Air Force Adjudication Service
c/o Imjin Barracks
Gloucester GL3 1HW
Tel: 01242 682545
Fax: 01242 682510
E-mail: air1-woadj@mod.uk

20.2 **Appeals:** If you wish to appeal against the decision of the Adjudication Officer, an appeal can be directed to:

The Secretary
Reserve Forces Appeals Tribunal
Alexandra House
14-22 The Parsonage
Manchester
M3 2JA
Tel: 0161 833 6100
Fax: 0161 832 0249
E-mail: rfat@tribunals.gsi.gov.uk

Manager's checklist

Appendix 1

Employee Name:	
ELC Payroll No:	

Actions	Date Completed	Notes
Recording Reservist Details		
Acknowledge and respond positively to enquiries from employees who are interested in becoming Reservists or renewing their commitment		
Familiarise yourself with the Reserve Forces Training and Mobilisation Policy and this guidance document which details your responsibilities		
Maintain accurate records of employees who are Reservists and details of Reserve Unit, Reservist activities, such as training, mobilisation etc		
Managing Training Commitments		
Respond positively to all requests for training and apply council policy on extra leave for Reservists		
Inform HR and Payroll of rate of MoD pay being made to Reservist during training so that council salary can be offset		
Discuss any transferable skills acquired through training and how they can be used in the workplace		
Managing Mobilisation		
Ensure Reservist's next of kin details are up to date.		
Note and agree anticipated dates of Reservist's mobilisation, demobilisation and return to work and notify HR and Payroll immediately.		
Calculate Reservist's annual leave entitlement prior to mobilisation and agree leave with the Reservist as per the Reserve Forces Training and Mobilisation policy		
Arrange method and frequency for keeping in touch		
Note contact details, email and postal addresses		
Arrange a handover of work		
Arrange suitable cover to ensure work is completed		
Notify HR to issue mobilisation letter		

Terms and Conditions during Mobilisation		
Ensure the Reservist understands what happens to their pay, benefits, pension, loans etc. during mobilisation		
Ensure the Reservist has completed the pension scheme choice declaration detailed in their Call Out Notice. Liaise with HR and Payroll Departments to continue or suspend the employer contribution if the Reservists opts to remain in their council employment pension scheme. If the Reservist opts to remain in their council pension scheme the Reservists must continue to pay their employee contributions for the MOD to pay the employers contribution		
Confirm pension payee details as per the employer's call-out pack		
Make an application for Financial Assistance if appropriate (details in employer's call-out pack)		
Ensure all council equipment e.g. Laptop/mobile are returned as appropriate		
Inform payroll that the Reservist is mobilised and change status to unpaid special leave		
During Mobilisation		
Provide support during periods of active service, through mutually agreed keeping in touch arrangements, and upon their return to work		
Demobilisation		
Ask HR to respond to informal/formal contact from Reservist (or next of kin) regarding returning to work		
Set up meeting and agree Reservists return to work date		
Take forward any actions arising from the meeting including any necessary reasonable adjustments		
If the Reservist does not make contact within 3 weeks, notify HR who should make contact with the Reservist		
Return to Work		
Reservist's return to work: Liaise with HR and Payroll to reconfirm dates and complete appropriate paperwork		
Identify any transferable skills acquired whilst mobilised and how they can be used back in the workplace. Agree any re-orientation requirements and Personal Development Plan		
Provide on-going support during the transition period		

Reservist's checklist

Appendix 2

Employee Name:	
ELC Payroll No:	

Actions	Date Completed	Notes
Recording Reservist Details		
Inform line manager and HR (HRarmedforces@eastlothian.gov.uk) about membership of the Reserve Force and advise them of Unit details and Reservist training and mobilisation commitments as soon as dates are known		
Ensure military records are updated with Employer details		
Read the information available on the GOV.UK website https://www.gov.uk/employee-reservist		
Managing Training Commitments		
Familiarise yourself with the council's Reserve Forces Training and Mobilisation policy		
Consider options for leave in accordance with the council's Reserve Forces Training and Mobilisation policy regarding Reservist training		
Ensure manager has as much notice as possible of training commitments – ask Unit to provide evidence of training commitments as required		
Request authorisation from manager for Reservist leave in line with policy		
Managing Mobilisation		
Ensure next of kin details are up to date		
Notify manager on receipt of Call Out Notice immediately		
Agree with manager anticipated dates of mobilisation, demobilisation and return to work		

Actions	Date Completed	Notes
Discuss leave entitlements and agree any time off before mobilisation		
Identify work to be handed over		
Contact payroll to manage payment of loans and / or voluntary deductions		
Discuss and agree method and frequency of keeping in touch		
Complete pension scheme choice declaration as per Call Out papers		
Make an application for Reservist Financial Assistance if appropriate (details in Call Out Notice)		
Return any equipment including laptop or mobile as appropriate		
Terms and Conditions During Mobilisation		
Ensure understanding of what happens to pay, benefits, pension, loans etc. during mobilisation		
During Mobilisation		
Keep in touch at frequency agreed		
Demobilisation		
Contact manager informally and formally (in writing) to request return to work and agree a date		
Return to Work		
Return to work on agreed date		
Discuss any transferable skills acquired and how they can be used in the workplace		

Reserve Forces Training and Mobilisation Policy - Summary for Managers

<p>2 Types of Reservist</p>	<ul style="list-style-type: none"> • Volunteer Reservists e.g. civilians recruited into Royal Navy, Marine, Army reserves or Royal Auxiliary Air Force. • Regular Reservists e.g. ex-regular servicemen/women.
<p>Key Legislation</p>	<p><i>There are 3 key pieces of legislation:</i></p> <ul style="list-style-type: none"> • Reserve Forces Act 1996 (RFA 96) outlining powers to mobilise Reservists full-time. • Reserve Forces (Safeguarding of Employment) Act 1985 providing protection of employment and reinstatement • Defence Reform Act 2014 providing unfair dismissal rights
<p>General Employee Responsibilities</p>	<ul style="list-style-type: none"> • Employees who want to volunteer for mobilisation must inform their manager/HR and get written consent before they apply. • Reservists must inform their manager and HR of their volunteer or regular Reservist status, outlining specific force they belong to. • Reservists must grant MoD permission to write to the council, confirming mobilisation obligations and rights. This is known as the Employer Notification.
<p>Training and Time Off Commitments</p>	<ul style="list-style-type: none"> • Reservists are normally committed to 24 – 40 days training per year over evenings, weekends and Annual Camp (2 weeks). • Reservists are entitled to a maximum of 15 working days paid leave in a rolling 12 month period. • Reservists in receipt of pay from MoD during any training/Annual Camp must inform their manager of amount of pay received, which will then be offset against their council pay for that period. • Managers should facilitate work and shift rotas to enable attendance at training unless there are exceptional circumstances, i.e. where release would have substantial impact on the provision of services. • As part of the request for release, evidence and details of training and/or Annual Camp must be submitted to the manager.
<p>Mobilisation</p>	<ul style="list-style-type: none"> • Mobilisation is the process of calling Reservists into full time service with Regular Forces for military operations which will typically for no longer than 12 months, dependent on the nature of the operation. • Call out papers are sent by post to the Reservist and the council • MoD aims to give at least 28 days’ notice of mobilisation (however there is no statutory requirement to give this). • There are 3 phases of mobilisation; Medical and pre-deployment training, operational tour and post-operational tour leave. • Managers have pre and post mobilisation responsibilities (see section 6.5 of the policy). • Reservists will normally be released. Exceptionally, managers can seek exemption, deferral or revocation –the call-out pack explains.
<p>T & Cs during Mobilisation</p>	<ul style="list-style-type: none"> • There will be no loss of continuous council service or service related benefits provided the correct notification procedures are

	followed.
Pay and Conditions	<ul style="list-style-type: none"> • During mobilisation the MoD assumes responsibility for the Reservist's salary, paying basic salary according to military rank. • If MoD basic pay is less than the Reservist receives from the council, the Reservist can apply to MoD to make up the difference to ensure they suffer no loss of earnings • The manager must notify Payroll in writing of the period of the Reservist's mobilisation (see Manager's Checklist in Appendix 1). • Council pay will resume upon the Reservist's return to the council. • Mobilisation does not break continuity of council employment, no P45 will be issued for service less than 12 months and the Reservist will be placed on special leave for payroll purposes.
Benefits	<ul style="list-style-type: none"> • Contractual council employee benefits are suspended during mobilisation.
Pension	<ul style="list-style-type: none"> • The Reservist can decide to remain in the council pension scheme or to join the MoD pension scheme for duration of mobilisation. • If remaining with the council pension scheme, MoD makes the employer contributions to the council on behalf of the Reservist • If joining the MoD pension scheme, the Reservist needs to opt-out of the council scheme.
Accrual of Annual Leave	<ul style="list-style-type: none"> • Reservists should be encouraged to take accrued annual leave prior to mobilisation. No annual leave accrues whilst mobilised as Reservists accrue annual leave with MoD for that period.
Dismissal/ Redundancy	<ul style="list-style-type: none"> • A Reservist's employment cannot be terminated on grounds of military duties or liability to be mobilised. However, Reservists can be included in the redundancy pool in cases of Service Review.
Sick Pay	<ul style="list-style-type: none"> • MoD will be responsible for sick pay during the period of mobilisation. The council's sick pay arrangements resume at the end of mobilisation.
Return to the council	<ul style="list-style-type: none"> • The Reservist must write to their Head of Service by the third Monday after the last day of military service, requesting return to the council. • The council has an obligation to reinstate the Reservist, where possible, to their former role, if not to a mutually acceptable one with the same terms and conditions prior to mobilisation. • See section 15 for detailed arrangements and obligations
Aftercare	<ul style="list-style-type: none"> • The Reservist will benefit from smooth re-integration into the council workplace, including induction, OH & Employee Support Programme.
Performance Review	<ul style="list-style-type: none"> • Managers should take account of skills developed as part of mobilisation that are brought back into the workplace
Financial Assistance	<ul style="list-style-type: none"> • There is scope for financial support from MoD for the council in relation to backfilling the Reservists post e.g. advertising costs, costs of temporary replacement, overtime costs (see section 18 of the policy).
Training Award	<ul style="list-style-type: none"> • If a returning Reservist has to undertake additional training at the council as a direct result of their mobilisation, the council can apply for financial assistance from the MoD (capped at £2,000).