



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Armed Forces and Reservists Policy

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1. Introduction

- 1.1. Cherwell District Council is a signatory to the Armed Forces Covenant which is our commitment to supporting the former and serving armed forces community (and their families) to access public services fairly and help them to play a significant part in the local community.
- 1.2. Cherwell District Council supports employees who are members of the Reserve Forces and those who wish to join the Reserve Forces as well as offering a guaranteed interview scheme for veterans. 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 as possible. The Council accepts that these staff require time off for training to maintain their skills and readiness for deployment.
- 1.3 There are two main types of Reservist:
 - Volunteer Reservists - civilians recruited into the Royal Naval Reserves (RNR), Royal Marines Reserves (RMR), Territorial Army (TA) and Royal Auxiliary Air Force (RAFR and RAuxAF).
 - 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.

2. Purpose

- 2.1. This policy has been written to clarify the mutuality of obligation between the Council and those employees who are reservists and to provide guidance to employees and managers to help them navigate the relevant processes.

3. Legal framework

- 3.1. In most instances an employer's relationship with a reservist member of staff should be like that of any other employee and is regulated by employment legislation for example; Employment Rights Act 1996 and Working Time Regulations 1998 (SI 1998/1833)
- 3.2. However, there are areas where a reservist's status may affect the operations of the employing organisation. Legislation exists to define the rights and liabilities that apply to both parties.
- 3.3. There are two main pieces of legislation relating to employers and the Volunteer Reserve Forces:
 - 3.3.1. [The Reserve Forces Act 1996 \(RFA 96\)](#) which provides the powers under which reservists can be mobilised for full-time service.
 - 3.3.2. [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. Under this legislation an employer is guilty of an offence if it dismisses any employee who is a member of the reserve forces because they have been, or are liable to be, called up for military operations.



4. Notification of Reservist Status

- 4.1. In order for the Council to support reservists, the Council asks that new staff who are already reservists or existing staff who become reservists inform their line manager as soon as possible that they are, or intend to become, reservists. This request is made to allow the Council to deal with the practical implications and reservists who do this will not be disadvantaged in any way.
- 4.2. Employees must register their membership of (or departure from) reserve forces with their line manager and email the HR department on humanresources@cherwell-dc.gov.uk who will keep a record on iTrent of all members of the reserve forces.
- 4.3. Reservists must also give permission for the Ministry of Defence (MoD) to write to their manager directly. This system is called Employer Notification and is intended to ensure that the Council is aware of any employees in the Reserve Forces.

5. Leave for Training

- 5.1. Training commitments vary but in most cases include:
 - 5.1.1. Weekly training – most Reservists train at their local centre for around two-and-a-half hours, one evening per week
 - 5.1.2. Weekend training – all Reservists are expected to attend a number of training weekends which take place throughout the year
 - 5.1.3. 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.
- 5.2. Up to 2 weeks paid leave per year will be granted to attend the annual training. This is in addition to the employee’s normal annual leave entitlement. Certificates of attendance at annual training must be provided. Any additional training above the two weeks may be taken as flex-leave, annual leave or unpaid leave.
- 5.3. No additional leave will be granted for weekly or weekend training.
- 5.4. Reservists must inform their manager of their basic training commitments and annual training period. Booking time off for training must be made as far in advance as possible and proof of annual training dates must be provided. The reservist is responsible for providing correct and timely information about training commitments and any other issues that may affect their normal work to their manager.
- 5.5. Line Managers will as far as possible facilitate work rotas to allow attendance for annual training and other training commitments, e.g. weekly or weekend training sessions. Permission will normally be granted where the notice exceeds one month. Permission once given will not be rescinded except in exceptional circumstances.



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 twelve months.
- 6.2. Call-out papers for mobilisation are sent to the employer by the MOD (or, exceptionally, delivered in person by the reservist to their line manager). The documentation includes 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. Employees must ensure their manager is aware of any possibility of mobilisation at the earliest opportunity.
- 6.3. A period of mobilisation usually comprises three distinct phases:
 - 6.3.1. Medical and pre-deployment training;
 - 6.3.2. Operational tour;
 - 6.3.3. Post-operational tour leave.

7. Mobilisation – Reservist and Line Manager Responsibilities

- 7.1. If the reservist receives call out papers for mobilisation, they must inform their manager as soon as practicably possible.
- 7.2. Line managers will consider (in consultation with the relevant HR Business Partner) a request for mobilisation within 48 hours of the request occurring. If the normal line manager is unavailable, the request will be escalated to the next tier.
- 7.3. Line managers are expected to approve all mobilisation requests unless otherwise instructed by the relevant Assistant Director or Director who has first discussed the situation with the relevant HR Business Partner.
- 7.4. Once mobilisation has been agreed, line managers should do the following:
 - 7.4.1. Inform HR of impending mobilisation and first day of permanent military service, contained in the call out notice, so HR/payroll can adjust pay and benefits accordingly.
 - 7.4.2. Complete consent form included in the call-out pack and any internal paperwork regarding mobilisation.
 - 7.4.3. Meet with Reservist employee to discuss mobilisation. This should include:
 - Handover of work
 - Return of any equipment
 - Agree employee benefits entitlements and required actions
 - Keeping in touch - exchange contact details (e.g. email addresses) to enable both parties to do so. This will help with a smooth reintegration of the Reservist back into the workplace. Next of Kin details should also be updated.



8. Mobilisation - Applying for Exemption/Deferral/ Revocation

- 8.1. In all cases of mobilisation, CDC 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 CDC has 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:
 - 8.1.1. loss of reputation, goodwill or other financial harm
 - 8.1.2. impairment of the ability to produce good or provide services
 - 8.1.3. 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).
- 8.2. Details of how to apply for exemption are included in the call-out papers. The application must reach the Adjudication Officer within 7 days of CDC 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.
- 8.3. The Reservist also has the right to apply for exemption or deferral if the call-out papers arrive at a difficult time.
- 8.4. If an unsatisfactory decision is received following the application for a deferral, an appeal can be made to the Reserve Forces Appeal Tribunal. Appeals must reach the Tribunal's Secretary within 5 days receipt of written notice of the decision.

9. Mobilisation - Recovering the Council's costs

- 9.1. 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:
 - 9.1.1. **One-off costs:** Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or Advertising costs
 - 9.1.2. **Recurring costs:** Overtime costs, if other employees work overtime to cover the work of the Reservist [by the amount that such costs exceed earning of the Reservists]; or 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. Details can be found in the Call-out pack from the MoD.
 - 9.1.3. **Training award:** If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded).



10. Terms and Conditions during Mobilisation

10.1. Pay

- 10.1.1. The MoD will assume responsibility for the Reservist's salary for the duration of their mobilisation.
- 10.1.2. The Council will suspend the Reservist's salary during the period of mobilisation.

10.2. Continuous Service

- 10.2.1. Time spent away from work does not count towards continuous service, but continuity of employment is not broken where the reservist is re-engaged within 6 months of the end of their active service.

10.3. Pension

- 10.3.1. A Reservist who is a member of the Local Government Pension Scheme (LGPS) when called up is entitled to remain a member. The MoD will pay the employers pension contributions whilst the individual is mobilised, provided that they continue to pay their personal contributions.

10.4. Annual Leave

- 10.4.1. Where an employee is mobilised, this is treated by CDC as special unpaid leave. Reservists do not accrue annual leave whilst mobilised and on unpaid leave.
- 10.4.2. Reservists when they demobilise will get a period of post-operational leave. Reservists will be continued to be paid by the MoD during this time.
- 10.4.3. Annual leave untaken up to the date of mobilisation may be carried over into the following leave year if necessary. The "up to a maximum of 5 days" rule associated with untaken annual leave being carried forward is waived in the case of a mobilised reservist.

10.5. Sick Pay

- 10.5.1. Reservists who become sick or injured during mobilisation will be covered by MoD healthcare arrangements (including pay) until they are 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 subject to the Council's Sickness Absence Policy.

10.6. Redundancy

- 10.6.1. A Reservist is not immune from a company restructure and can be included in a redundancy pool but must be treated equally to other employees throughout the process.

11. Demobilisation

- 11.1. Both the Reservist and the Council have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 (SOA 85) regarding the return to work process.
- 11.2. Reservist – Demobilisation Return to Work Process



11.2.1. Reservists are encouraged to maintain contact with their line manager whilst mobilised and to notify the line manager of their last day of permanent service and when they intend returning to work.

11.2.2. The Reservist is obliged write to their employer 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 service. This letter formally starts the return to work process

11.3. Employer – Demobilisation Return to work process

11.3.1. The Council has an obligation to reinstate the Reservist, where possible to their former role, if not a mutually acceptable role on term and conditions no less favourable to than those prior to mobilisation.

11.3.2. Helping to ensure a smooth re-integration into the workplace will require consideration. Line managers should:

- Provide returning Reservist with an update on changes and developments in the organisation.
- Offer specific refresher training where it is sought or considered necessary.
- Where the job duties have changed since mobilisation, a period of skills training may be required to assist the Reservist with new aspects of the job.
- If appropriate, encourage informal get together with colleagues before or soon after the return to work to prevent feeling of dislocation if this is sought.
- Discuss any health concerns. If there is concern that a Reservist may be experiencing issues (i.e. physical / mental health) as a result of their deployment, then Reservist should be encouraged to seek advice, contact Validum or their GP.

Further sources of guidance and information can be obtained from SaBRE (Supporting Britain's Reservists and Employers) at www.sabre.mod.uk.

12. Spouses and Civil Partners of Reserve and Regular Forces Personnel

12.1. Managers should try to accommodate leave arrangements flexibly when requests are made. This needs to be done in the context of balancing business requirements and supporting individuals. A specific example of this would be to support military spouses by enabling them to take their leave at times which coincide with their partner's post-operational tour leave.

13. Disputes

13.1. Any disputes should be referred to the relevant HR Business Partner in the first instance. Employees may thereafter use the grievance procedure.



14. Monitoring

14.1. This policy should be reviewed and revised in accordance with any changes to leading statutory authority including:

- Reserve Forces (Safeguard of Employment) Act 1985
- Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 2005 (SI 2005/859)
- The Reserve Forces (Payment to Employers and Partners) Regulations 2014
- Working Time Regulations 1998 (SI 1998/1833)
- Employment Rights Act 1996

