



Reservist Policy

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This document is held by Tamworth Borough Council, and the document owner is the Head of HR & Organisational Development.

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Revision History

Revision Date	Version Control	Summary of changes
December 2017	01.01.02	TULG feedback, draft for CMT consideration
September 2017	01.01.02	New format, new CIA, review process
June 2023	01.01.03	Updated to incorporate GOV.UK guidance for employers

Approvals Creation and Major Change

Name	Title	Approved
Appointments & Staffing	Final Approval	09.03.16
Appointments & Staffing	Final Approval	January 2024

Approvals Minor Change and Scheduled Review

Name	Title	Approved
A. Goodwin	Director of Transformation & Corporate Performance	September 17

Approval Path

Major Change

Originator
Owner
TULG
CMT
Appts & Staffing Committee

Action

HR
Head of Paid Service
Consultative Group
Corporate Approval
Council Approval

Minor Change

HR
TULG
Director

Submission
Consultative Group
Delegated Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document is non mandatory and will be available on the Intranet and paper based copies.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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1. Introduction

This policy sets out how Tamworth Borough Council (TBC) supports employees who are Reservists. The reserve forces include the Army Reserve, Royal Naval Reserve, Royal Marines Reserve and Royal Auxiliary Air Force.

TBC recognises that many of the skills that Reservists gain during their training are transferable to the workplace and the valuable contribution Reservists make to the UK Armed Forces. TBC will assist Reservists as far as possible, for example by considering unusual leave requirements or the need to amend working patterns.

2. Purpose and Scope

TBC pledges its support for members of, or those wishing to join the Reserved Forces and acknowledges the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to both them and TBC. This policy intends to define our obligations towards all employees who are members of the Reserve Forces.

TBC will not disadvantage those Reservists who provide notice of their reserve status or those Reservists who are made known to TBC directly by the Ministry of Defence (MoD).

TBC will, subject to the provisions set out in this policy, agree to release Reservists for attendance at Reserve Forces training events where these take place on their normal working days.

TBC 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 under The Reserve Forces (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, they can return to employment upon which their continuity of service will be restored).

TBC will act in accordance with The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) which provides Reservists who have a liability to be mobilised with two types of protection:

- Protection of employment: the Act provides protection from unfair dismissal and makes it a criminal offence for an employer to terminate a Reservist's job without their consent solely or mainly because they have a liability to be mobilised.
- Rights to reinstatement: the Act provides a legal right to reinstate the Reservist to their former job, subject to certain conditions.

and

The Reserve Forces Act 1996 (RFA 96), which set out the call out powers under which reservists can be mobilised for full time service.

3. Types of Reservist

There are two main types of Reservist:

- Volunteer Reservists – civilians recruited into the Royal Naval Reserves, Royal Marine Reserves, Army Reserve and Royal Auxiliary Air Force.
- Regular Reservists – ex-regular servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

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.
- Sponsorship 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. Informing TBC that you are a Reservist

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

The MoD will issue written confirmation to TBC advising that the employee is a Member of the Reserve Forces. The MoD will issue a follow up letter each year to confirm that the information held is accurate.

5. Time off for activities in the reserve force

Reservists are typically committed to 19-27 days training per annum depending on which Service they belong to and any with specialist skills an average training requirement of 24 – 40 days training per year. Training tends to take place one evening per week, over various weekends throughout the year and one two-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 per week.
- Weekend training – all Reservists are expected to attend a number of training weekends which take 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.

Each leave year, Reservists will be given 10 days' extra paid leave (pro rata) to help them to meet their commitments to the reserve forces. The Reservist should make the request to their line manager in the same way as normal annual leave is requested, coding the request "Military Reserve leave". TBC will do its best to accommodate any requests to use this extra leave, TBC cannot guarantee that Reservists' extra leave requests will be given priority. To avoid Reservists being unable to take time off when needed, they should apply for this extra leave as soon as possible after they are informed that they need to take time off.

This entitlement 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) at the time when they are booking leave for the purpose of doing the reservist activities. The entitlement cannot be used for days when the Reservist is not undertaking reservist activities (for example, to recover from the physical demands of a weekend away with the reserve forces).

Additional unpaid leave or annual leave from the employee's normal annual leave entitlement will be granted for short periods of training provided adequate notice is given and where such training cannot be undertaken in off duty time.

Reservist employees should give as much notice as possible of training commitments to allow appropriate planning for absences.

6. Right to request flexible working

TBC operates a flexible working policy for all employees that goes beyond the statutory minimum. It will consider requests from all employees, regardless of their length of service.

A request for a change to working hours or pattern of working may be made for a temporary period or on a permanent basis.

Reservists should refer to the Right to Request Flexible Working policy.

7. Unauthorised absence

TBC will treat any instances of unauthorised leave, where perpetrated by Reservists as a serious disciplinary matter that could result in disciplinary action, up to and including dismissal. Employees should be aware that, if they take a period of leave that has not been approved, they will be subject to disciplinary action on their return to work. All reservist activities are now protected by statutory entitlements so there should be no need for employees who are Reservists to not inform their line manager of any activities.

8. Reservists' call-outs

Reservists may be called out for military operations, when they receive a 'call out notice', this notice is typically given 28 days before mobilisation, but could be less if they are needed urgently, notice can last up to 12 months.

Call out is the legal authority to mobilise Reservists. On being called out, the Reservist should present their mobilisation papers, typically together with a letter from the Ministry of Defence (MoD) to TBC, outlining the date, and possible duration, of their mobilisation. TBC will also be sent a pack from the MoD about their rights and responsibilities.

A period of mobilisation comprises three distinct phases:

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

The following actions must be taken:

Pre-mobilisation:

- Meet the Reservist to ensure all mobilisation paperwork is completed (including pay, benefits and pension arrangements).
- Make a claim for financial assistance as appropriate.
- Discuss any handover of work and return of equipment.
- Agree arrangements for keeping in touch and check next of kin details are up to date.

During Mobilisation:

- Keep in touch with the Reservist as arranged.

Post Mobilisation:

- Ensure both employer and Reservist fulfil their return-to-work obligations.

- After care and support requirements.

9. Applying for Exemption/Deferral/Revocation

TBC recognises that, under the Reserve Forces (Safeguard of Employment) Act 1985, if it believes that the employee's absence on military service is likely to do "serious harm" to it, it may apply for an exemption, deferral or revocation of mobilisation. TBC recognises that the criteria for exemption, deferral or revocation are strict and will seek an exemption, deferral or revocation only in exceptional circumstances.

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 productions, 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).

TBC's application must be submitted to the relevant adjudication officer within the period of seven days immediately following the date of the employee's receipt of the mobilisation notice.

There is financial assistance available to the organisation from the Ministry of Defence when a Reservist is called up.

More details of how TBC can seek an exemption, deferral or revocation and the financial assistance that is available to it can be found on <https://www.gov.uk/employee-reservist>

10. Reservists' rights during mobilisation

TBC will continue to treat the contracts of employment of employees mobilised for reserve services as operable throughout the period of such service and there will be no loss of continuous service or service-related benefits. (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, they can return to employment upon which their continuity of service will be restored.

There is no requirement for TBC to pay the Reservist during their absence on military operations. During this period the Reservist receives service pay from the Ministry of Defence, along with a standard award to make up any difference (up to the statutory limit) between their service pay and normal average weekly earnings and cost of any benefits in kind which TBC stops, this is known as Financial Assistance and the Awards to Reservists.

The Ministry of Defence also pays TBC's contributions to the Reservist's occupational pension scheme (as long as the Reservist gives an undertaking to continue paying their own contributions to the scheme), and premiums paid by TBC in relation to medical, health or life insurance. Alternatively, the Reservist can ask for the days they are mobilised to count towards the Armed Forces Pension Scheme. Under the Armed Forces Pension Scheme 2015, the Reservist will need to 'Opt Out' of this pension scheme if they intend to apply for the MoD to pay the employer contributions into their occupational pension scheme.

11. Annual Leave

Reservists are encouraged to take any accrued annual leave before mobilisation. TBC 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 MoD.

12. 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 breach The Reserve Forces (Safeguarding Employment) Act 1985.

Reservists could be included in the redundancy pool if this is necessary due to a downturn in business or a 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.

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.

13. Sick Pay

Should a Reservist become sick or injured during mobilisation they will be covered by the 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. Payroll

Mobilisation does not break continuity of employment (s.217(a) Employment Rights Act 1996) and therefore it is recommended:

- Not to issue a P45 for service of less than 12 months
- For payroll purposes put the individual on a period of 'special leave'
- Note that any period of mobilisation does not count towards reckonable service periods.

Full guidance is covered in <https://www.gov.uk/employee-reservist>

15. Reservist's demobilisation/return to work

Once a Reservist's deployment or task finishes, they are demobilised at a nominated mobilisation centre. The Reservist undergoes checks and briefings including medical, welfare and a period of post operational leave will follow. TBC will be notified of the demobilisation date and the Reservist's last day of permanent service. After this date, the Reservist can return to work. Regardless of the length of the military action, the mobilised reservist has the right to be reinstated into their former job within six months of demobilisation, on terms and conditions that are no less favourable than those that would have been in place but for the enforced absence from the organisation.

If it is not reasonably practicable to reinstate the reservist to their former job, TBC will re-engage them in the most favourable occupation and on the most favourable terms and conditions that are reasonable and practicable in the circumstances. This is the same statutory right or entitlement as afforded employees returning from maternity or shared parental leave.

To exercise the right to be reinstated, the Reservist must write to the organisation no later than the third Monday after demobilisation confirming their intention to return to work within 6 weeks of their last full-time service.

Once the reservist has been reinstated, TBC will continue to employ them in the same role (and on the same terms and conditions) for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation.

16. Continuity of employment

The continuity of the Reservist's period of employment is not broken by a period of mobilisation, if they are reinstated to their former employment within six months of demobilisation.

However, when calculating the employee's total period of continuous employment, TBC will discount the number of days falling in the period between the date on which the Reservist is called up for military operations and the day immediately preceding the day on which they return to work.

17. Aftercare

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

- The need to update on changes and developments.
- 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 the new aspects of the job.
- 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.
- Discuss any health concerns. If there is concern that a Reservist may be experiencing issues (physical or mental) as a result of their deployment, then the Reservist should be encouraged to seek advice and help from their GP or unit.

18. Further information

Further sources of information and guidance can be obtained from the websites for the Royal Navy, British Army and the Royal Air Force.

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

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Reservist Policy	
Date Conducted	December 2023	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To ensure all TBC employees are treated fairly regardless of their protected characteristics in their entitlement to the being a Reservist.

Who will be affected and how?

All employees who are a Reservist. This policy provides guidance on the process and entitlements for all employees who are also Reservists.

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?

All employees

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair

			treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This policy applies consistent and fair treatment to those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living & subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Pentana			

Date of Review (If applicable)

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