



## POLICY AND RESOURCES SCRUTINY COMMITTEE – 31ST JULY 2012

**SUBJECT: REVIEW OF THE COUNCIL'S TIME OFF FOR RESERVISTS POLICY**

**REPORT BY: DEPUTY CHIEF EXECUTIVE**

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### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to consult with Elected Members on the review of the Council's Time Off For Reservists Policy.

### **2. SUMMARY**

- 2.1 The Council first introduced a Time For Reservists Policy in 1997 soon after Local Government Reorganisation and has been operating that policy ever since. The legislation has now changed with regard to the number of days, the type of reservists that there are and the process that needs to be followed by employers.
- 2.2 This policy makes the above legislative changes and brings the Council into being legally compliant.

### **3. LINKS TO STRATEGY**

- 3.1 The new Policy links to the People Management Strategy and therefore to all other strategies, including all equality strategies, policies and procedures, that relies on employees to deliver the strategy and service provision.

### **4. THE REPORT**

- 4.1 The Council first introduced a Time For Reservists Policy in 1997 soon after Local Government Reorganisation and has been operating that policy ever since. The legislation has now changed with regard to the number of days, the type of reservists that there are and the process that needs to be followed by employers.
- 4.2 At the time the original policy was introduced Council employees who were reservists were entitled to 10 days paid leave per year to allow them to attend the annual camp for training purposes. There is a requirement on all reservists to attend an annual training camp and this period of training has now been extended to 15 days per annum. It is this amount of paid leave that the revised policy is now seeking to grant employees. Even though there are a number of employees who are reservists, the numbers of requests that the Council receives for this type of leave remain very low.
- 4.3 Reservists are now at greater risk of being called up for military duty than in previous times because of the reduction in full time military personnel. It is therefore important that their skills are maintained during their training. The full definition of the categories of reservist that there are currently is contained in the Policy, which is attached as an Appendix. Whilst reservists

are on military training, the Council is required to pay them their salary but if they are called up there is no requirement to pay the employee as they are paid by the Ministry of Defence.

- 4.4 Once a reservist has been demobilised, they have 13 weeks within which to come back to their previous employment on the same terms and conditions that they enjoyed prior to being called up. The period of time that they must enjoy these conditions for after returning to employment will vary depending on the service that they had prior to being called up. This is detailed in the policy but the longest period of time is 52 weeks. Employees are entitled to return to the post that they were occupying prior to being called up unless there are very good business reasons as to why they cannot return to the post. If a Head of Service feels that it is not possible for an employee to return to their substantive post, they must detail these reasons in writing and they must be counter signed by the Head of Workforce and Organisation Development to ensure that the reservist employee is being treated fairly.
- 4.5 Employees must apply for their training and call up leave as soon as they are notified of the relevant dates. Application for the leave is made under the Council's Leave of Absence Scheme and the associated documentation, both hardcopy paperwork or electronic format, should be completed in line with the Leave of Absence Scheme.
- 4.6 The Policy has undergone the Council's stated consultation process, including consultation with the Council's recognised trade unions and the Senior Policy Officer (Equalities and Welsh Language).

## **SUMMARY**

- 4.7 The current Time Off For Reservists Policy is very out of date as it has been in operation since 1997. The legislative requirements placed on employers have changed considerably along with the amount of time that reservists must spend at training camps. The policy has been reviewed in line with the most up to date legislation and this has now been translated into the policy to ensure that the Council is legally compliant and not treating any employees who are reservists in an unfair manner.
- 4.8 It is intended that the Time Off For Reservists Policy becomes effective on 1<sup>st</sup> September 2012.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 The draft policy was sent to be equality impact assessed in May 2012, however due to the restricted focus of the policy on such a small group of staff members, and for one specific reason, no equality impact assessment was undertaken.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There financial implications of introducing this Policy will depend on the number of employees who are reservists. Whilst they are on training camps there is a financial requirement on the Council to pay them their salary. However, if they were to be called up for active duty there is no requirement to pay them as they are paid by the Ministry of Defence. The exact number of employees who are reservists is not known but it is known that the number of requests for this type of leave that are received annually is small.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no personnel implications on the introduction of the policy.

## **8. CONSULTATIONS**

- 8.1 As stated above, the Policy has undergone the Council's consultation process and the views of the Council's recognised trade unions and the Senior Policy Officer (Equalities and Welsh Language) have been considered.

## **9. RECOMMENDATIONS**

- 9.1 That Policy and Resources Scrutiny Committee provide feedback on the revised Time Off For Reservists Policy prior to the Policy going forward to Cabinet for approval.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 The Council's current Time Off For Reservists Policy is out of date and is not legally compliant. By adopting this Policy it will stop the Council from receiving claims for unfair treatment from reservist employees.

## **11. STATUTORY POWER**

- 11.1 Local Government Act 1972  
Local Government Act 2000  
Employment Act 2008

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Consultees: Corporate Management Team  
Head of Workforce and Organisation Development  
Deputy Chief Executive  
Council's recognised trade unions  
Principal Solicitor/Deputy Monitoring Officer  
Senior Policy Officer (Equalities and Welsh Language)  
Human Resources Managers  
Human Resources Senior Management Team

Background Papers:  
Council's Time Off For Reservists Policy  
SABRE Guidance  
Local Government Employers website – [www.lge.gov.uk](http://www.lge.gov.uk)

Appendix:  
Appendix 1 Draft Time Off For Reservists Policy