

Time Off For Reservists

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Area Applicable:	All Caerphilly employees except School based employees unless the School Governing Body has adopted the Scheme.
Review Year	2015



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NOTE

This scheme has been developed on a corporate basis but the operational requirements of schools have been taken into consideration. The scheme is recommended to Governing Bodies for adoption. Support in managing issues in relation to the subject matter of this scheme can only be offered to schools where LEA recommended policies and procedures have been adopted and in line with any Service Level Agreement with Human Resources in force at the time.

GLOSSARY

Regular Reservists are former full-time members of the Armed forces. They may still be liable for call out for a number of years after their military service has ended, depending on their age, length of original service and the skills they have.

Volunteer Reservists are made up of civilians who accept an annual training commitment and are called out to supplement the Regular Forces whenever Operational demands require it. If they're mobilised they'll carry out the same roles to the same high standards as their Regular counterparts. They also receive the same training and develop the same skills.

Standard Volunteer Reservists, although Volunteer Reservists train over many years for active duty, they are only mobilised when absolutely necessary. In most circumstances, the Ministry of Defence (MOD) uses 'Intelligent Selection', which is the process of identifying willing and available individuals for specific appointments. This includes consulting with the Reservist's employer.

All Volunteer Reservists make a serious commitment to training. For the majority of them, this is around 30 days a year, made up of some midweek evenings, some weekends and one 15-day continuous training period (Annual Camp).

Full-Time Reserves (FTRS) gives Reservists the opportunity to apply for a full-time post for a fixed period (this is different from mobilisation). Because of the valuable experience this provides some employers choose to grant sabbatical leave for such duties.

Additional Duties Commitment (ADC) gives Reservists the opportunity to undertake part-time work with the Armed Forces. This could be with a Regular or Reserve Unit, but it's more likely to be within a headquarters establishment. ADCs sometimes form part of a job-sharing arrangement. The minimum commitment is 13 weeks - at least one day a week throughout this period.

High Readiness Reserves have specific skills which the Armed Forces may occasionally need but at short notice. Reservists have to volunteer for High Readiness status, and if they have a full time job (or work more than two days a week) they will also need to 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.

Sponsored Reserves enables the MOD to enter into a defence contract on condition that an agreed proportion of the contractor's workforce has a Reserve liability. These Reservists can be trained and called out to undertake the contracted task as members of the Armed Forces.

Mobilisation is the process of calling reservists into full-time service to serve alongside the Regular Armed Forces on operations. All Reservists are committed to the possibility of being mobilised if necessary. They are normally required to serve abroad but it is possible they would be needed to serve the UK, for example in the event of a national emergency.

INTRODUCTION

1. This policy sets out how the Council supports employees who are reservists. The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Territorial Army and Royal Air Force Reserves.
2. 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, for example by taking into account unusual leave requirements or the need to amend working patterns.

SCOPE OF THE SCHEME

3. The Council's recognised trade unions have been consulted on this scheme.
4. The Time Off For Reservists scheme applies to all employees except those school based support/teaching staff for whom the Governing Body sets the local terms and conditions of employment unless adopted by the school Governing Body. This scheme is recommended to School Governing Bodies for adoption.
5. The effective date of this scheme is 1st September 2012 or the date that the scheme is adopted by the School Governing Body. This scheme supersedes all earlier schemes and must be used to deal with any absence issues that arise.
6. In this scheme, the term Line Manager is used to encompass anyone who has the responsibility of managing employees. The scheme is available on the Council's Intranet site, from Managers, Head teachers or Human Resources

RESERVIST TRAINING

7. Each leave year, reservists will be given 15 days' extra paid leave to help them meet their commitments to the reserve forces. The reservist should make the request under the Leave of Absence Scheme, to their Line Manager stating the leave is for "Military training". While the Council will do its best to accommodate any requests to use this extra leave, the Council cannot guarantee that reservists extra leave requests will be given priority. To avoid reservists being unable to take time off when needed, they must apply for this extra leave as soon as possible after they are informed that they need to take time off.
8. This offer 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) when booking their leave. The offer cannot be used for days when the reservist is not undertaking reservist activities or to recover from the physical demands of a weekend away with the reserve forces.
9. All leave dates must be approved in advance by the reservist's Line Manager. It is important that reservists follow the Council's Leave of Absence Scheme.

RESERVIST MOBILISATION

10. Each of the Reserved Forces follows a strict procedure when mobilising reservists. This includes notifying the Council and the reservist of the date when they are required to report for duty and a period of pre-mobilisation training.
11. The Ministry Of Defence (MOD) aims to give a least 28 days notice of mobilisation, although for operational reasons it can sometimes be less. There is no statutory requirement for a minimum period of mobilisation.
12. On being called up, the reservist should inform their Line Manager. The Council will also receive an information pack, which sets out the date and possible duration of mobilisation as well as their

statutory rights, obligations and how to apply for financial assistance. Both the reservist and the Council have the right to apply for an exemption or deferral mobilisation under certain exceptional circumstances.

APPEALS FOR EXEMPTION OR DEFERRAL

13. The Council recognises that, under the Reserve Forces (Safeguard of Employment) Act 1985, if it believes that the reservist's absence on military service is likely to do "serious harm" to the Council, it may apply for an exemption or deferral of mobilisation. The Council recognises that the criteria for exemption or deferral from being mobilised are strict and will seek exemption or deferral only in exceptional circumstances. The application for exemption will be made by the Head of Service.
14. The Council's application must be submitted to the relevant Adjudication Officer (the person specified in the call-out notice or the Adjudication Officer at the mobilisation centre) within the period of seven days immediately following the date of the employee's receipt of the mobilisation process.

RESERVISTS' RIGHTS DURING MOBILISATION

15. There is no requirement for the Council to pay the reservist during their absence on military operations. During this period the reservist receives service pay from the MOD, along with a standard award to make up any difference (up to the statutory limit) between their service pay and normal average weekly earnings.
16. The reservist who is called up is entitled to remain a member of their occupational pension scheme. Provided that they agree to continue to pay their own contributions, the MOD will pay the employer contributions that the Council would have made.
17. If the reservist's mobilisation commences or ends part way through the annual leave year then the annual leave entitlement for that year will be calculated on a pro-rata basis.

RESERVISTS' DEMOBILISATION

18. Regardless of the length of the military action, the mobilised reservist has the right to be reinstated in their former job within six months of demobilisation, on the terms and conditions that are no less favourable than those that would have been in place prior to being called up.
19. If it is not reasonably practicable to reinstate the reservist to their former job, the Council must find a suitable alternative which is the most favourable occupation and on the most favourable terms and conditions that are reasonable and practicable in the circumstances. Heads of Service will need to evidence why they are unable to reinstate the reservist to their former job and the Head of Workforce and Organisation Development will need to approve the reasons why the reservist cannot return to their post.
20. Reservists can be included in the Career Transfer Unit, if this is necessary, due to them not being able to return to their previous post. However, all employees should be treated consistently and should not discriminate against reservists on the grounds of their reserve service or call-up liability.
21. If a reservist is not happy with the offer of alternative employment they must write to their Business Partner Team stating why there is reasonable cause for them not to accept it. If a reservist believes that the Council's response to their application denies their rights under the Safeguard of Employment Act 1985, an application can be made to an external body called the "Reinstatement Committee" for assessment. They will consider the reservists application and, if they accept it, can make an order for reinstatement and/or compensation.
22. If the Council wishes to appeal against a Reinstatement Committee's decision they can make a further appeal to an external Umpire.

23. To exercise the right to be reinstated, the reservist must write to the Council no later than the third Monday after demobilisation confirming their intention to return to work within the following 13 weeks. The initial 13-week period may be renewed for a further 13 weeks if circumstances such as illness or injury prevent the reservists return during the initial period. However, the reservist forfeits their right to return to the Council if they fail to do so within 26 weeks of demobilisation.
24. Once the reservist has been reinstated, the Council will continue to employ them in that same occupation if possible and on the same terms and conditions for:
 - The following 26 weeks, if employed for more than 13 weeks but less than 52 weeks.
 - 52 weeks, if the reservist had been employed for a consecutive period of at least 52 weeks at the time they were called up for military operation; or
 - A minimum of 13 weeks, if the employee was employed for fewer than 13 weeks immediately prior to mobilisation.
25. The continuity of the reservist's period of employment is not broken by a period of compulsory or voluntary mobilisation, if they are reinstated in their former post within six months of demobilisation.
26. However, when calculating the employee's total period of continuous employment, the Council 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 the return to work
27. For example, if a reservist was called up for duty in January 2010 for 12 months and they are coming up to 5 years of continuous service in July 2010, prior to their call up they had 4 years 6 months service. When they return to work in January 2011, they are reinstated to their former post. They still only have 4 years and 6 months continuous service. However, whilst they have been on reservist duties they have still continued to accrue their statutory rights.

FINANCIAL ASSISTANCE

28. There is financial assistance available to the Council from the MOD for an award in respect of any costs incurred in replacing the employee that exceed the reservists earnings, although there is a set cap of the daily amount awarded.
29. If a reservist employee is mobilised, an information pack will be sent to the Council by the MOD or given to the reservist employee to forward to their Line Manager. This will outline details of how you can start the process to apply for financial assistance.

FURTHER INFORMATION

30. Managers can get further information from SaBRE, (Supporting Britain's Reservists and Employers) which is a marketing and communication campaign. It was set up in October 2002 to provide employers with any help and support needed regarding Reservist employment. This can cover:
 - General advice about employing a reservist
 - Information on anything from a reservists training obligations to an employer's legal rights and responsibilities
 - Help in understanding the many benefits of employing reservists
 - Regional SaBRE Campaign Directors who can help with specific enquiries
 - Advice and guidance of good practice for employers on reservist employment matters
 - Providing a conduit for feedback to the MOD on behalf of reservists and their employers

You can contact SaBRE about any issue relating to the support of Britain's Reservists and employers via their helpline on **0800 389 5459** or (open Monday to Friday 9am-5pm; closed weekends and bank holidays) or by [email](#).

INTERPRETATION OF THE PROCEDURE

31. In the event of a dispute relating to the interpretation of the procedure, the final decision on interpretation will lie with Corporate Human Resources.

REVIEW OF THE PROCEDURE

32. A review of this procedure will take place when appropriate. Any amendments will be consulted on with all the relevant parties. In the case of amendments relating to legislative requirements, the procedure will be amended and reissued.

SEPTEMBER 2012