

Time Off For Reservists Policy

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Applicable To:	All Caerphilly employees except employees directly employed by Schools unless the School Governing Body has adopted the Policy, Workers or Contractors.
Equalities Sentence:	All Equalities considerations have been taken into account when drafting this Policy. These have been reflected in all documentation during the consultation and governance processes.

The Council's recognised trade unions have been consulted on this policy.



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NOTES

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.

In this policy, the term Manager is used to encompass anyone who has the responsibility of managing employees. The policy is available on the HR Support Portal, from Managers or from HR.

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 staff who are reservists. The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Army Reserve 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.
3. This policy must be cross-referenced with all other relevant Council/Governing Body policies and procedures.
4. This policy supersedes all earlier policies.

WHAT THE POLICY COVERS

5. All applications for reserve forces' leave are to be made under the provisions of this policy.

GUIDING PRINCIPLES

6. Each leave year, full time employees who are reservists will be given 15 days (111 hours'), pro rata for part time employees, 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.
7. 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.
8. 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

9. 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.
10. 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.
11. 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

12. 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 deferment 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.
13. 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

14. 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.
15. 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.
16. 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

17. Before returning home, reservists will undergo a process of 'winding down' with their unit in a controlled environment for up to four days. Here, they will be given time to relax as well as receive a series of briefings to help prepare them for civilian life.

These include:

- An update on media coverage of the conflict they have been involved in, so they know what people at home have heard about it.
 - A presentation on Post Traumatic Stress Disorder by specially trained medical staff, and the opportunity for one-to-one interviews.
18. Once a reservist arrives back in the UK, they will be taken to their demobilisation centre, where the process of reintegration continues. As well as all the necessary postoperative administration procedures, such as handing back their uniform, they will undergo a series of medical assessments, and receive further briefings on stress, their return to work, welfare guidance and advice. One-to-one and specialist sessions are available throughout their remaining time in service, and can continue for as long as needed
 19. They will then be formally demobilised and free to start their post-operational leave. All Reservists are entitled to a period of leave and will continue to be paid by the MOD during this time. (This usually works out at an average of around 30 days including any amount of annual leave they have built up.) Post-operational leave allows the reservist to fully readjust and prepare for civilian life. It's also an ideal time to get in touch with their employer if they haven't done so already. Regular contact with the employer will help make their return to work that

much smoother. The final day of post operational leave is known as your last day of whole-time service.

20. Regular contact with their employer during your post-operational leave will help ease their transition back to work. Most reservists find it useful if Managers and colleagues are kept informed during this period, and to have an informal interview with their Line Manager on their return. This will give them the opportunity to talk about their experiences, if they choose to, and for you to update them on what's been going on in their absence.
21. 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.
22. 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 HR and Organisation Development will need to approve the reasons why the reservist cannot return to their post.
23. Reservists can be included in the Redeployment Pool, 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.
24. If a reservist is not happy with the offer of alternative employment they must write to HR 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 Reserved Forces (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.
25. If the Council wishes to appeal against a Reinstatement Committee's decision they can make a further appeal to an external Umpire.
26. 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.
27. 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.
28. 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.

29. 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
30. 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

31. 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.
32. 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.

AFTERCARE

33. Demobilisation may be a difficult time, with a reservist returning to work after a challenging period in deployment. Helping to ensure a smooth re-integration into the workplace/team will require consideration of:
 - The need to update on changes and developments in the Section/Service Area.
 - 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 new aspects of the job.
 - Reasonable time off to seek therapeutic treatment if required e.g. Prosthetics, disfigurements, etc.
34. It's worth remembering that reservists may have a delayed response to what they've seen and experienced. Some symptoms are a normal part of readjustment to everyday life and should pass within a few months. But if they persist, it's important to remember that a great deal of help and support is available from a variety of sources.
35. We are all different and act differently. Some people internalise issues and some people get it all out in the open and get it dealt with. Talking about mental health issues is a very difficult thing to do. You have to volunteer information, and even with encouragement, that can be difficult. With the regular Army, a lot of those issues could be dealt with because the service personnel are always around people who have been through the same kind of experience. It's different for reservists.
36. There are various signs which might suggest a Reservist may need help with post operational stress management. These include:
 - Flashbacks
 - Depression
 - Confusion Inability to make simple decisions
 - Trouble sleeping Irritability
 - Quick temper Hyper-alertness
 - Anxiety Panic attacks
 - Feelings of isolation

Who to contact for help

- Your Reservist's chain of command - Unit Admin, Welfare, Pastoral and Medical Staff
- Navy Personal and Family Service and Royal Marines Welfare (www.rncom.mod.uk)
- Army Welfare Services (www.army.mod.uk/welfare-support)
- Forces Help RAF (www.rafcom.co.uk)
- Veterans and Reserves Mental Health Programme (in partnership with the NHS referred via GP) 0800 032 6258

Useful sources of information

- Veterans UK (www.veterans-uk.info).
- Confederation of Service and Ex Service Organisations (www.cobseo.org.uk).

37. Examples of supportive measures available to employees and Managers include.:
- Referrals to and the provision of advice by, Occupational Health..
 - Access to physiotherapy services..
 - Access to an Employee Assistance Programme (Care First).
 - Workplace adaptations and access to the services of an external specialist on workplace adaptations.
 - Amended duties as directed by Occupational Health or an employee's GP.
 - Phased returns to work as directed by Occupational Health or an employee's GP.
 - Rehabilitation management.
 - Healthy living initiatives as provided under the Welsh Government's Corporate Health Standard.
 - Voluntary use of annual leave, particularly to alleviate any financial burden of taking time off.
 - Flexible working.
 - Working from home, if appropriate to the post. Refer to the Council's Home Working Scheme.
 - Career Break Scheme.
 - Reduced or condensed hours. Taking time off in lieu, if appropriate.

FURTHER INFORMATION

38. 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 via www.sabre.mod.uk.

INTERPRETATION OF THE SCHEME

- 39.. In the event of a dispute relating to the interpretation of this scheme the Head of HR and Organisational Development or the Human Resources Service Manager will make the final decision on interpretation.

REVIEW OF THE SCHEME

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

JULY 2015