

**Assistant Chief Executive's  
Human Resources**

# Armed Forces Reserves Policy

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February 2024

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## 1 Introduction

Rotherham Metropolitan Borough Council employs staff who are members of the Reserve Forces. We recognise the valuable contribution that Reservists make to the UK Armed Forces, their communities and the civilian workplace.

## 2 Purpose and Scope

RMBC has pledged its support for members of, or those wishing to join, the Reserve Forces and acknowledges the training undertaken by Reservists which enable them to develop their skills and abilities that are of benefit to both the individual and their employer. This policy intends to define our obligations towards all employees who are members of the Reserve Forces.

RMBC commits to:

- Not disadvantaging those Reservists who notify HR/Line Management of their Reserve status or those Reservists who are made known directly by the Ministry of Defence (MoD).
- Agreeing to the release of Reservists for attendance at Reserve Forces Training events where these take place on their normal working days as outlined in Section 5 below and the Special Leave Policy.
- Agreeing to the release of all employees mobilised for Reservist duties as outlined in Section 6 below.
- Continuing to treat the contracts of employment of employees mobilised for Reserve Service as operable, throughout the period of such service with no loss of continuous service or service-related benefits.

## 3 Types of Reservist

There are two main types of Reservist:

|                              |  |
|------------------------------|--|
| <b>Volunteer Reservists:</b> | Civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.             |
| <b>Regular Reservists:</b>   | Ex-regular servicemen/women 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.
- **Sponsored 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 Reserve Status Notification**

Reservists are required to grant permission to the Ministry of Defence (MoD) to write directly to their employer. This is referred to as 'Employer Notification' and ensures RMBC is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.

The employee is responsible for entering the Reserve Forces status onto the YourHR portal as part of their sensitive information so that this can be recorded.

The Ministry of Defence will issue written confirmation to RMBC that the employee is a Member of the Reserve Forces. The letter will provide details of mobilisation obligations and their rights as an employee, rights as an employer and details of the financial assistance available if the employee is mobilised. Where possible, it will also provide details of any annual training commitments. The MoD will also send a follow-up letter each year to confirm that the information held is still valid.

It is the responsibility of the Reservist to ensure their personal details are kept up to date e.g., if they change employer or leave their respective Reserve Force.

In any circumstance, the Reservist will not be disadvantaged as a result of notifying the Council of their Reserve status.

## **5 Time off for Training Commitments**

### **5.1 Reservists**

RMBC recognises the importance of training undertaken by Reservists that enables them to develop their skills and abilities.

The national agreement provides for two weeks' paid leave for the summer camp. In line with the Special Leave policy, it is also recommended that time for additional training, up to 16 days per annum which coincides with normal working days, should be treated as paid time off. Normally, additional training time falls on a Saturday or Sunday and there is an onus on the employee to arrange training at times which coincide with off duty time and to provide alternative dates. Where it is not possible to achieve mutually acceptable dates between the employee and line manager, for the employee's absence for additional, paid training time, a final decision regarding release on paid leave must be considered by the relevant Assistant Director in consultation with HR.

### **5.2 Cadet Force Adult Volunteer (CFAV)**

Cadet Force Adult Volunteers (CFAV's) help instruct and advise Sea, Army or Air Cadets in their free time, usually at weekly training sessions. They work with other Adult Volunteers to deliver a programme of activities for young people ages 10 to 20 (depending on the Cadet Force). CFAV's are not subject to military call up.

RMBC will grant CFAV's up to 5 working days' paid special leave to attend the annual camp in the summer. Employees who volunteer as a CFAV, who wish to attend the camp and utilise this provision, must provide their manager with as much notice as possible so that cover can be arranged as required.

Where an individual Volunteer is responsible for camp planning which may involve site visits, further paid leave to a maximum of three days may be granted. However this will be subject to operational circumstances. Employees in a Cadet Force with a higher annual commitment may potentially be granted additional leave on a paid or unpaid basis, subject to the needs of the service. For example, preparatory administration ahead of an annual camp.

For further details, please refer to the Special Leave policy.

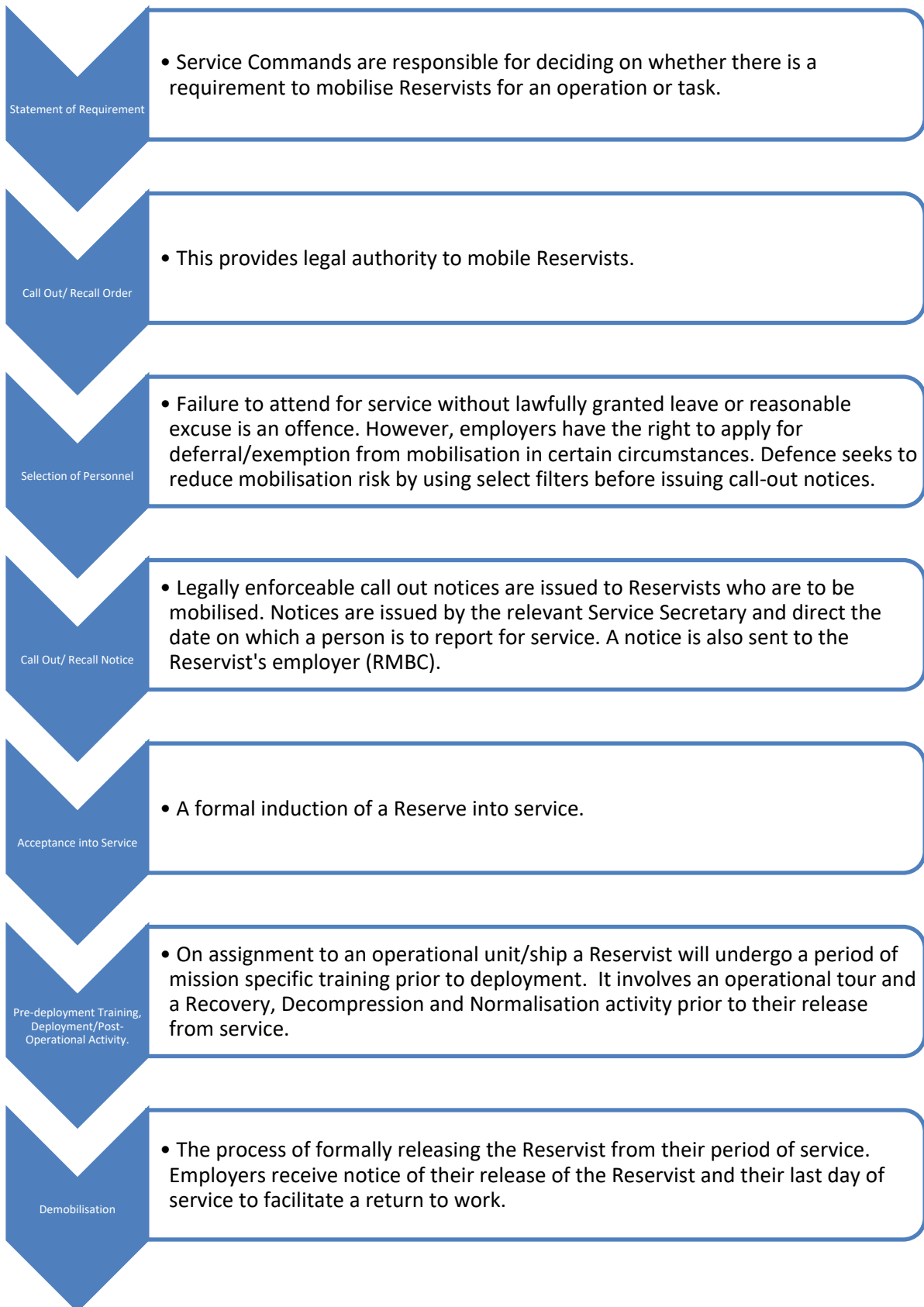
## **6 Mobilisation**

Mobilisation is the process of calling Reservists into full time service with the Regular Forces in order to make them available for military operations.

Reservists will be sent a 'call-out notice' if they are needed for full-time service. In many cases, the Reservist will receive 28 days' notice but they could be provided with fewer if they are needed urgently. There is no statutory requirement for a warning period prior to mobilisation.

As a Reservist, employees should notify their line manager as soon as possible when they know they are being mobilised.

## 6.1 Process of Mobilisation



## **6.2 Applying for an Exemption or Deferral**

In all cases of mobilisation, RMBC will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be presented to the Reservist.

If the Reservist's absence is considered to cause serious harm to service delivery, the line manager has the right to seek exemption, deferral or revocation.

The definition of 'harm' will vary and cases will be assessed on an individual basis. Definitions may include:

- Loss of reputation, goodwill or other financial harm
- Impairing the ability to provide a critical service
- Causing harm to the research and development of a new product, service or process which cannot be prevented by the granting of financial assistance under The Reserve Forces Act 1996.

Details of how to apply for exemption are included in the call-out pack provided on notification of mobilisation. It is recommended to seek advice from HR where an exemption is likely to be applied for. The application for exemption must reach the Adjudication Officer of the specified forces within 7 days of RMBC receiving a call-out notice. If the timescale is not adhered to, permission to make a late application will need to be obtained from the Adjudication Officer.

The Reservist also has a right to apply for exemption or deferral if the call-out papers arrive at a difficult time e.g. they are caring for someone.

If an unsatisfactory decision is received following an application for deferral, RMBC can choose to appeal for a hearing by the Ministry of Defence Reserve Forces Appeals Tribunal. Appeals must be received by the Tribunals Secretary within 5 days of receipt of written notice of the decision. In the event the tribunal rejects the application for exemption or deferral, RMBC will be required to release the Reservist for mobilisation and there will be no further right of appeal.

## **6.3 Terms and Conditions during Mobilisation**

RMBC 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.



### **6.3.1 Pay**

The MoD will assume responsibility for the Reservist's salary during the period of their mobilisation in accordance with Reservist's military rank salaries. If the salary according to their military rank is less than the Reservist receives from RMBC, it is the Reservist's responsibilities to apply to the MoD for the difference to ensure that they do not suffer a loss of earnings.

Where mobilisation occurs, the employee will be given special unpaid leave of absence and the Council will not be required to pay the Reservist's salary during the period of mobilisation.

### **6.3.2 Pension**

While the Reservist is mobilised they can either:

- Ask for their pension to count towards the Armed Forces Pension Scheme during the period of mobilisation.
- Continuing to contribute to the SYPA scheme where they are enrolled.

If the Reservist is a member of the SYPA pension scheme and wishes to continue contributing under the scheme during the period of mobilisation, the MoD will make the employer contributions for the period of mobilisation as long as the Reservist continues to make their personal contributions.

### **6.3.3 Annual Leave**

Reservists are encouraged to take any accrued annual leave before beginning their period of mobilisation. They will not accrue annual leave with RMBC during the period of mobilisation. Reservists will accrue annual leave with the MoD whilst they are in full time service. When they are due to demobilise, Reservists are entitled to a period of post-operational leave and during this period they will continue to be paid by the MoD.

### 6.3.4 Sick Pay

During the period of mobilisation, the Reservist will continue to accrue any rights to service-related sick pay under RMBC's Attendance Management policy. Should a Reservist become sick or injured during mobilisation they will be covered by Defence Medical Services and any financial assistance will continue to be received until demobilised.

If the Reservist becomes unwell post-mobilisation and a return-to-work date has been agreed, they will be covered by RMBC's sick pay arrangements in line with the Attendance Management policy.

## 7 Returning to Work

As part of the return-to-work process, the Reservist must 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. Receipt of this letter formally starts the return-to-work process.

On returning to work after mobilisation they are entitled to return to the same job as they occupied before commencing the period of mobilisation on the same terms and conditions. However, if this is not reasonably practicable, the Council may offer a suitable alternative, on terms and conditions that are no less favourable than would have applied if they had not been absent.

The Reservist should be reinstated within 6 weeks of the last day of their full-time service. Reservists must be reinstated for a minimum period of time depending on their length of service prior to mobilisation:

| Length of service (weeks) prior to mobilisation: | Number of weeks reservists must be re-employed for on return to work: |
|--|---|
| Up to 13 weeks                                   | At least 13 weeks   |
| Between 13 and 51 weeks                          | At least 26 weeks   |
| 52 weeks or more                                 | At least 52 weeks   |

### 7.1 Supporting a return to work

Due to the length of time a Reservist may have been absent from work it may be beneficial to discuss work objectives and training requirements to support a smooth transition back into work. The following should be considered as part of their re-integration into the workplace:

- Updates on changes and developments within the Council and the team

- Offering refresher training where it is sought or considered necessary.
- Training to support with new aspects of the role where job duties have changed during the period of mobilisation.
- Supporting an informal/social team meeting with colleagues for the Reservist.
- Signposting to RMBC wellbeing support channels where required.

## 8 Financial Support

### 8.1 Reservists Support:

If an employee is called for service, they can claim financial support to cover:

- A difference between their RMBC pay and their service pay through the MoD.
- Costs of any benefits in kind usually claimed at RMBC.

As a Reservist an employee will receive instructions about how to claim in their mobilisation pack.

They can claim any time after their service begins and up to 4 weeks after it ends.

For further details on what can be claimed please visit: [Rights and responsibilities for reservists and employers : Financial support for reservists - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/financial-support-for-reservists)

### 8.2 Employer Support:

To support with the mobilisation of a Reserve, the Council can access financial support where needed to cover:

- The cost of a temporary replacement if it is more than the Reservist's salary.
- Advertising costs/agency fees for the finding of a replacement
- A period of handover and takeover (5 days before and after mobilisation)
- Training costs for the replacement (Up to £2,000)
- 75% of the cost of specialist clothing for the replacement (up to £300)
- Overtime if other employees cover the work.
- Training the reservist needs to carry on their job when they return.

Claims can be submitted before the Reservist leaves, but receipt of payment will not occur until the Reservist has started service. Claims cannot be submitted later than 4 weeks after the last day of the Reservist's service.

For further details on what can be claimed and how to claim, please visit: [Rights and responsibilities for reservists and employers : Financial support for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/financial-support-for-employers)

## 9 Other Relevant Policies

For more information on Reserves please see:

- Special Leave with and without pay Provides further information of paid time off in relation to Reserves Training
- Recruitment and Selection Policy Provides further information on recruiting ex-members of the armed forces.

| Date Revised  | Date Approved | Summary of Changes | Author |
|---------------|---------------|--------------------|--------|
| February 2024 |               | Policy Implemented | ES     |
|               |               |                    |        |
|               |               |                    |        |