

## **EMPLOYMENT MATTERS COMMITTEE**

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### **RESERVIST POLICY**

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#### Summary

The draft Reservist Policy is a new policy for Medway Council and forms an integral part of the Council's ongoing commitment towards the [UK Defence Employer Recognition Scheme](#).

In July 2020 Medway Council was successful in achieving the Gold Award for the UK Defence Employer Recognition scheme and was one of just 127 employers which were granted the Gold Award last year. The award recognises the Council's work supporting serving and ex-military personnel and advocating for other organisations to support the armed forces community. It also reflects Medway Council's commitment as an employer, encouraging staff to sign up as reservists and ensuring those in the armed forces community have equal access to jobs and employment terms and conditions.

The proposed draft policy has been consulted upon with staff forums and trade unions. The consultation period ran from 14 December 2020 – 28 December 2020.

#### 1. Budget and policy framework

1.1. The consideration of policies for staff is a matter for the Employment Matters Committee. The draft Reservist Policy is a new policy and the recommendations in this report are for the Employment Matters Committee.

#### 2. Background

2.1. Medway Council is committed to employing and supporting staff who are reservists in the UK Armed Forces and recognises the enormous value and contribution that reservists make to the UK Armed Forces, the local community, workplace and the country. In order to be effective in that support, an Armed Forces Working Group meets several times a year. It draws together staff from frontline departments and key stakeholders to make improvements to Council Services for the Armed Forces and in recent years the Council has sought to reflect its commitment by aligning to best practice criteria under the [UK Defence Employer Recognition Scheme](#)

- 2.2. The UK Defence Employer Recognition Scheme encourages organisations to support defence. The scheme comprises Bronze, Silver and Gold awards for employer organisations that pledge, demonstrate or advocate support to defence and the armed forces community, and align their values with the Armed Forces Covenant and the best practice criteria under the scheme.
- 2.3. In 2018 Medway Council were proud to receive the Silver Award in the UK Defence Employer Recognition Scheme. Last year in July 2020 Medway Council was successful in achieving the Gold Award on the scheme and was one of just 127 employers which were granted the Gold Award last year.
- 2.4. Part of the criteria for Gold Award holders is that they must actively ensure that their workforce is aware of their positive policies towards defence people issues. For example, an employer nominated for support to the Reserves must have an internally publicised and positive human resources policy on Reserves (Source: Gov Website)
- 2.5. Currently the only publicised policy wording concerning Reservists is contained in the Council's Special Leave Policy (Appendix 2) as follows:

*“13.0 - Reserved Armed Forces*

*13.1 - Paid leave of absence is granted as governed by the Reserves Forces Act 1996. Employees must advise their Service Manager of their reservist category and seek agreement as necessary.”*

- 2.6 Medway Council HR are committed to continuously reviewing HR policies to ensure that as an employer the Council is up to date with legislation and best practice guidance. It was felt that as a Gold Award holder the policy wording above should be developed and a new separate and dedicated Reservist Policy be created in order to provide a more robust support framework for staff that are or are looking to become reservists.
- 2.7 The draft Reservist Policy has been benchmarked against other local authorities and public sector organisations in addition to suggested best practice policies and the criteria of the UK Defence Employer Recognition Scheme.
- 2.8 A full copy of the draft Reservist Policy is attached as Appendix 1 to this report.

### 3. Key Provisions and Development

- 3.1. A copy of Medway Council's current Special Leave Policy is attached as Appendix 2 to this report for comparative purposes.
- 3.2. The draft Reservist Policy has been specifically developed in order to create a more robust policy and support framework for staff that are or are looking to become, reservists.

- 3.3. Building upon the provisions in the Special Leave Policy, the draft Reservist Policy contains the following key areas:
- 3.4. **Types of Reservist** – this section outlines the different types of reservist that the policy may apply to
- 3.5. **Notification of Reservist Status** – this section sets out the procedure for employees to follow in order to notify the Council of their actual or intended reservist status. This procedure will allow the Council to continually gauge the level of reservist activity within the organisation allowing the Council to prepare for any practical implications that may arise
- 3.6. **Training, Commitments and Time Off** – this section maps out the support framework and key support provisions for reservists regarding training requirements, paid leave and other support.
- 3.7. **Mobilisation** - Mobilisation is the process of calling Reservists into full-time service with the Regular Forces for the purposes of making them available for military operations. The maximum period of mobilisation will depend on the scale and the nature of the operation but is typically no longer than 12 months. This section of the policy sets out a clear process for staff and service areas to follow regarding mobilisation of staff members.
- 3.8. **Mobilisation: Exemption, Deferral and Revocation** – This section of the policy builds upon the previous section of the policy regarding mobilisation and sets out the relevant procedures that would be followed in the event that the Council wishes to apply for an exemption, deferral or revocation regarding a staff member's potential mobilisation
- 3.9. **Terms and Conditions During Mobilisation** – this section of the policy sets out the terms and conditions concerning pay, benefits, pension, annual leave, sick pay and dismissal/redundancy
- 3.10. **Returning to Work After Mobilisation** – this section of the policy sets out the procedure to be followed in order to effectively re-integrate reservists back into the organisation following a period of mobilisation
- 3.11. **Aftercare** – this section of the policy sets out some wider guidance for service areas to follow in order to promote a smooth re-integration of reservists back into the workplace following a period of mobilisation and wider support that is available and should be considered as required such as occupational health for example.
- 3.12. The draft Reservist Policy has been drafted in line with plain English principles with the aim of creating an accessible policy for all to follow.

## 4. Advice and analysis

- 4.1. The Human Resources team undertook a benchmarking exercise to examine how other public sector organisations and other local authorities define and set out their arrangements regarding reservists.
- 4.2. In addition, academic sources and wider sources of best practice were examined from leading institutions including the Advice, Conciliation and Arbitration Service (ACAS), Chartered Institute of Personnel and Development (CIPD) and XpertHR in addition to the criteria of the UK Defence Employer Recognition scheme.
- 4.3. The draft Reservist Policy was developed from this benchmarking exercise and the policy was then reviewed by the Human Resources team as a collective before proceeding to consultation with trade unions and staff forums and sent to Legal and Finance for further comment.
- 4.4. Whilst there is no strict statutory requirement under legislation to have a dedicated Reservist Policy in place, holders of the Gold Award under the UK Defence Employer Recognition scheme are expected to promote and maintain purpose led policies relating to Reservists and there are many good reasons for having a dedicated policy in place which include fostering good employment relations and promoting diversity.
- 4.5. A Diversity Impact Assessment has been carried out in relation to the draft Reservist Policy and this is attached as Appendix 3 to this report.
- 4.6. The Diversity Impact Assessment concluded that the likely impact of the implementation of the proposed draft Reservist Policy would be to foster good relations and that no adverse impact is envisaged from the adoption and implementation of the draft Reservist Policy

## 5. Risk management

- 5.1. Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.
- 5.2. Whilst there is no strict statutory requirement to have a dedicated Reservist Policy in place this is expected of Gold Award holders under the UK Defence Employer Recognition Scheme. Having a dedicated Reservist Policy is likely to foster good employment relations and will be useful in helping the Council to maintain its Gold Award under the UK Defence Employer Recognition Scheme.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Not adopting a dedicated Reservist Policy and simply keeping the current provision in the Special Leave Policy could risk the Council not maintaining its Gold Award status in the future	As mentioned earlier in this report, it is an expectation that Gold Award holders seek to promote and maintain purpose led policies relating to reservists	Consider the developed provisions in the draft Reservist Policy and adopt the draft Reservist Policy as a new dedicated policy for Reservists	C2

## 6. Consultation

6.1. The draft Reservist Policy has been consulted upon with the following stakeholders:

- Trade Unions
- BAME Workers Forum
- Gender Forum
- LGBTQI Workers Forum
- Disabled Workers Forum

6.2 The consultation period closed on 28<sup>th</sup> December 2020.

6.3 The draft Reservist Policy and this report have also been shared with Legal and Finance.

## 7. Financial implications

7.1. The financial implications of the paid leave and other support set out in the draft Reservist Policy is not likely to be high or significant as the policy only relates to staff that specifically are or specifically wish to become reservists.

7.2. The cost of a communication campaign to promote the draft Reservist Policy would be negligible and ultimately minimised by leveraging digital media and other already established communication channels.

## 8. Legal implications

8.1. The legal framework and implications for the draft Reservist Policy are set out in a legal framework section in the draft Reservist Policy.

8.2. However, generally the Council's relationship with a member of staff that is also a reservist will be like that of any other employee. Specific legislation exists to define the rights and liabilities that apply to both employers and staff

that are reservists and these have been referred to in the draft Reservist Policy.

## 9. Recommendation

9.1. Members are asked to approve the draft Reservist Policy .

### Lead officer contact

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### Appendices

Appendix 1 – Draft Reservist Policy  
Appendix 2 – Medway Council Special Leave Policy  
Appendix 3 - Diversity Impact Assessment

### Background papers

None.