



Medway Council Reservist Policy

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1.0 Introduction and Scope

- 1.1 Medway Council is committed to employing and supporting staff who are Reservists in the Armed Forces and recognises the enormous value and contribution that Reservists make to the UK Armed Forces, the local community, workplace and the country.
- 1.2 Medway Council is dedicated to supporting the Armed Forces and this commitment is reflected in Medway Council's Award in the [Defence Employer Recognition Scheme](#).
- 1.3 The 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](#).
- 1.4 This policy is designed to cover all employees who are Reservists or who are interested in becoming a Reservist or have an active interest in the Council's commitment to supporting the Armed Forces.
- 1.5. This policy intends to define the Council's obligations towards all employees who are members of the Reserve Forces.
- 1.6. This policy is aligned to current legislative requirements and it is the responsibility of all employees affected by this Policy to comply with this Policy and familiarise themselves with its content and operation.

2.0 Legal Framework

- 2.1 Generally the Council's relationship with a member of staff that is also a Reservist will be like that of any other employee. However, there are areas where a Reservist's status may affect the operations of the Council. Legislation exists to define the rights and liabilities that apply to both parties.
- 2.2 There are two main pieces of legislation to consider relating to employers and Reservists:
 - [The Reserve Forces Act 1996](#) – This generally provides the powers under which Reservists can be mobilized for full time service
 - [The Reserve Forces \(Safeguard of Employment\) Act 1985](#) – This provides protection of employment for those liable to be mobilized and reinstatement for those returning from mobilized service.

3.0 Types of Reservist

- 3.1. There are two main types of Reservist:
 - **Volunteer Reservists** – People recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.

- **Regular Reservists** – ex-regular servicemen and servicewomen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

3.2. 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.
- **High Readiness Reserves** – These are Reserves, usually with a particular skill set, that are available at short notice (with written agreement from their employer).

4.0 Notification of Reservist Status

- 4.1. The Council requests that employees who are current Reservists or who wish to become Reservists inform their line manager as soon as possible that they are, or intend to become, Reservists. This request is to allow the Council to understand the level of Reservist activity within the organisation currently, and in the foreseeable future; allowing us to prepare for any practical implications that may arise.
- 4.2. Reservists who notify the Council of their current Reservist Status or intention to become a Reservist will not be disadvantaged in any way.
- 4.3. Any employee that is either a current Reservist or has signed up to become a Reservist will need to provide Medway Council's details to their commanding officer. Medway Council will then usually receive a letter from the Ministry of Defence within 5 weeks of an employee signing up.
- 4.4. If a new employee is already a Reservist when commencing employment with Medway Council, they must notify their commanding officer and Medway Council will receive a letter as per paragraph 4.3 above.
- 4.5. If an employee leaves Medway Council, they must remember to inform their commanding officer accordingly.

5.0 Training, Commitments and Time Off

- 5.1. Medway Council appreciates the importance of the training undertaken by Reservists that enables them to develop skills and capabilities that are of benefit to their respective Reserve Force, Medway Council and themselves individually.
- 5.2. Training commitments vary for Reservists but generally can include:
- **Weekly Training** – most Reservists train at their local centre for around 2.5 hours, 1 evening per week.

- **Weekend Training** – all Reservists are expected to attend a number of training weekends which take place throughout the year.
- **Annual Training** – A 2 week annual training course otherwise referred to as “annual camp”. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some Reservists train abroad.

- 5.3. Medway Council grants employees that are Reservists up to an additional 10 days of paid leave per annum to accommodate some of the training required above. This is covered under the Council's Special Leave Policy.
- 5.4. If a Reservist requires more leave to attend training during the year, employees can use their own annual leave entitlement, any applicable flexi-time and/or time off in lieu (where relevant) or request unpaid leave.
- 5.5. Employees that are Reservists must give notice in writing to their line manager of training commitments to allow for appropriate planning for absences. When requesting special leave, annual leave, flexi-time, time off in lieu or unpaid leave to attend training, employees should give as much notice as is reasonably possible.
- 5.6. Provided reasonable notice is given by the employee, line managers will, wherever possible, try to accommodate and grant requests from Reservists for special leave, annual leave, flexi-time, time off in lieu or unpaid leave for the purposes of attending training and will, where possible, try to arrange and facilitate work patterns and volumes to allow Reservists to attend training commitments.

6.0. Mobilisation

- 6.1. 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.
- 6.2. If a Reservist is to be mobilised they will be sent a call out notice by the Ministry of Defence. Usually Reservists will get 28 days' notice of mobilisation but there is technically no legal requirement to provide any such notice.
- 6.3. The call-out papers for mobilisation could be sent by post to the Council or sometimes could be delivered in person by the Reservist to their line manager. The documentation will include the call-out date and the anticipated timeline.
- 6.4. When a Reservist receives a call-out notice, they must inform their line manager as soon as possible so that an appropriate pre-mobilisation meeting can be agreed and planned.
- 6.5. During the pre-mobilisation meeting the following should be discussed between the line manager and the Reservist:

- Ensure that the Reservist has completed all mobilisation paperwork (including those relating to pay, benefits and pension arrangements).
- Support the Reservist in making a claim for financial assistance (if appropriate).
- Discuss any handover of work and temporary return of the Council's equipment such as Surface pro, phone, fob etc.
- Make arrangements for both the Reservist and line manager to keep in touch throughout the mobilisation period.

6.6. During mobilisation the line manager is expected to maintain regular contact with the Reservist as per arrangements discussed at the pre-mobilisation meeting.

6.7. When a Reservist returns from mobilisation, the line manager will ensure that the procedures for returning to work are followed and that aftercare is considered and offered where appropriate (see sections 9 and 10 below).

7.0. Mobilisation: Exemption, Deferral and Revocation

7.1. In all cases of mobilisation, Medway Council will generally release the Reservist to report for duty accordingly.

7.2. Notwithstanding paragraph 7.1. above, there may be exceptional circumstances where the Council may seek exemption, deferral or revocation. This will be the case where the Reservist's absence is deemed to potentially cause serious harm to the delivery of the Council's services.

7.3. If the Council decides to seek an exemption, deferral or revocation then the line manager will inform the Reservist of that decision and the reasoning that supports that decision.

7.4. "Serious harm" is not specifically defined in any legislation and is therefore open to interpretation. However, examples could include:

- Loss of reputation and/or goodwill
- Financial loss
- Impairment of the ability to provide services
- Harm to the research and development of new services or processes (which could not be prevented by the granting of financial assistance under sections 83 and 84 of The Reserve Forces Act 1996).

7.5. Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer within 7 days of the Council receiving a call-out notice. If this timescale is not met, permission to make a late application will need to be obtained from the Adjudication Officer. The Reservist also has the right to apply for exemption or deferral if the call-out papers arrive at a difficult time.

7.6. If an unsatisfactory decision is received following the application for a deferral, the Council can appeal for a hearing by the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within 5 days receipt of written notice of the

decision. If the Tribunal rejects the application for exemption or deferral, the Council will be required to release the Reservist for mobilisation.

8.0. Terms and Conditions during Mobilisation

- 8.1. The Council will continue to treat the contracts of employment of employees that are Reservists and have been mobilised as operable throughout the period of such mobilisation and there will be no loss of continuous service or service related benefits.
- 8.2. **Pay:** The Ministry of Defence will assume responsibility for the Reservist's salary for the duration of their mobilisation. They will pay a basic salary according to the Reservist's military rank. If this basic element is less than the Reservist receives from the Council, it is the Reservist's responsibility to apply to the Ministry of Defence for the difference to ensure that they suffer no loss of earnings. This is known as a Reservist Award.
- 8.3. The Council is not required or under any obligation to pay the Reservist's salary during the period of mobilisation.
- 8.4. **Benefits:** any contractual benefits that may be suspended by the Council during mobilisation can be claimed by the Reservist as part of their Reservist Award. The Reservist should discuss any benefit arrangements during the pre-mobilisation meeting with their line manager.
- 8.5. **Pension:** The Local Government Pension Scheme Regulations 1997 provides that a member of the Local Government Pension Scheme must, whilst the individual is on Reserve Forces service, pay basic pension contributions (any AVCs or additional contributions an individual may be paying to purchase added years) if and only if, the Reserve Forces pay equals or exceeds the pay they would normally have received. If this is the case, contributions are due on the Reserve Forces pay and the service would count in full for pension purposes.
- 8.6. If the Reservist is a member of the Local Government Pension Scheme and Medway Council suspends the employer contribution, and the Reservist chooses to remain within it, then the Ministry of Defence will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions. For further information please contact pensions@medway.gov.uk. Further information relating to pension options can be found in the call-out pack.
- 8.7. **Annual Leave:** Reservists are encouraged to take any accrued annual leave before mobilisation. Medway Council is not obliged to accrue annual leave for a Reservist employee during the mobilisation period. Reservists will however accrue annual leave with the Ministry of Defence whilst they are in full-time service. When they demobilise, Reservists are entitled to a period of post-operational leave. During this period they will continue to be paid by the Ministry of Defence.
- 8.8. **Dismissal/Redundancy:** A Reservist's employment cannot be terminated on the grounds of their military duties or their liability to be mobilised. To do so would be a criminal offence under The Reserve Forces (Safeguarding of Employment) Act 1985.

- 8.9. Reservists can be included in the redeployment pool if this is necessary due to a downturn in business or closure of a department. However, all employees should be treated consistently, and redundancy criteria should not discriminate against Reservists on the grounds of their Reserve service or call-up liability.
- 8.10. If a Reservist is not happy with any offer of alternative employment they must write to the Council stating why there is reasonable cause for them not to accept it. If a Reservist believes that an employer's response to their application denies their rights under the Reserve Forces (Safeguarding of Employment) Act 1985, an application can be made to a Reinstatement Committee for assessment. The committee will consider the Reservist's application and can make an order for reinstatement and/or compensation. Details can be found in the call-out pack from the Ministry of Defence.
- 8.11. **Sick Pay:** During the period of mobilisation the Reservist will continue to accrue any rights to service-related Council sick pay. 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 (including pay) until demobilised. If the sickness or injury continues and this results in early demobilisation, the Reservist will remain covered by Defence until the last day of paid military leave.
- 8.12. After this time the Reservist will be covered by Medway Council's sickness arrangements (in line with Council policy).
- 8.13. If the Reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered by Medway Council's sickness arrangements (in line with Council policy).

9.0 Returning to Work after Mobilisation

- 9.1. Both the Reservist and Medway Council have obligations under The Reserve Forces (Safeguarding of Employment) Act 1985 regarding the return to work process.
- 9.2. **Reservist:** The Reservist must write to Medway Council 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. This letter formally starts the return to work process.
- 9.3. They are also encouraged to informally contact Medway Council to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call. The formal application must be made in writing for it to be valid under the Act.
- 9.4. Sometimes Reservists may need refresher training when they return to work, or be given time to familiarise themselves with processes and procedures in the workplace. Financial assistance may be available for retraining if it is required as a direct result of their mobilisation, although applications cannot be made for training courses that would have taken place anyway. Evidence of costs will be required in addition to evidence that the Reservist could not reach the required standard by any other means,

such as workplace experience. Details can be found in the call out pack from the Ministry of Defence.

- 9.5. **Medway Council:** Medway Council has an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist, where possible to their former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation.
- 9.6. The Reservist should be reinstated within 6 weeks of the last day of their full-time service. They must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation.

10.0. Aftercare

- 10.1. A Reservist returning to work will benefit from a smooth re-integration into the workplace and their specific team. The following should be considered as part of this process:
 - Discuss updates on changes and developments in the Council and their team as necessary.
 - Offer specific refresher training where it is sought/considered necessary, especially if the role has changed.
 - Where the job duties have changed since mobilisation a period of skills training may be required to assist with new aspects of the job.
 - Encourage and help facilitate meet ups with colleagues informally or socially before or after return to work to prevent any feeling of dislocation or isolation; if this is sought,
 - Reasonable time off to seek therapeutic treatment if required.
 - Provide details of the Employee Assistance Programme Provider to the Reservist and the contact details for that service
 - Discuss any wider health concerns the Reservist may be experiencing. If there is a concern that the Reservist is experiencing health problems, then they should be encouraged to consult their GP and a referral to Occupational Health may be required.

11.0. Further Information

- 11.1 Further guidance and information can be obtained from the following sources:
 - Defence Relationship Management
<https://www.gov.uk/government/groups/defence-relationship-management>
 - Royal Navy website www.royalnavy.mod.uk/the-fleet/maritime-reserves
 - Army website: www.army.mod.uk/join/20233.aspx
 - Royal Air Force website www.raf.mod.uk/rafreserves