

Reservist Policy

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Employing Members of the Reserved Forces

Introduction

This policy outlines Cloch Housing Association's commitment to supporting employees who are members of the Volunteer Reserve Forces when they are to be mobilised for active service. The policy provides details of the following:

- The responsibilities for the employee and the employer
- The procedure should a reserve be required to attend training
- Mobilisation
- T&C's during mobilisation
- Reservist's return to work

This policy is for all employees of Cloch who are members of any branch of the Volunteer Reserve Forces (VRF), Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Territorial Army (TA) and the Royal Auxiliary Air Force (RAAF). The policy also extends to new employees of Cloch who are members of the Volunteer Reserve Forces (VRF), and to employees who join any branch of the VRF while employed with Cloch.

Background

The Volunteer Reserve Forces form an integral and important part of the United Kingdom's Armed Forces. The role of the UK's Reserve Forces has changed over the last decade from a large and mainly unused force, to one structured to support the UK's Armed Forces operations worldwide, and as such they have an ever-increasing role in operations at home and overseas. Future demands on the Reserve Forces is likely to increase as they continue to be used in sustained and large scale operations, to support and reinforce specialist capabilities in areas such as communications, medical and logistical support.

Legislation

There are two main pieces of legislation covering the call-up, mobilisation, and employment of Reservists.

- **The Reserve Forces Act (1996) (RFA)**
Outlines the circumstances for calling Reservists into full-time military service, and covers the regulations dealing with exemptions and financial compensation.

- **The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85)**
Describes the employment rights of Reservists, granting them the right to return to their existing jobs following call-up and protecting them from dismissal for the reason of being mobilised.

Definitions

For the purpose of this policy, the terms Reserve Forces, Volunteer Reserve Forces, Reserves and Volunteer Reservist refer to individuals directly recruited from the civilian community who are in full-time or regular employment and are members of the Territorial Army (TA), Royal Naval Reserve (RNR), Royal Marines Reserve (RMR), or the Royal Auxiliary Air Force (RAAF).

- **VRF** - Volunteer Reserve Forces
- **TA** - Territorial Army
- **RFA 96** - Reserve Forces Act 1996
- **Mobilisation:** The process of calling Reservists into full-time service with the Regular Forces on military operations, this includes, pre deployment training, deployment of operational period and any post operational accrued leave). All members of the Volunteer Reserve Forces are committed to the possibility of mobilisation as detailed in The Reserve Forces Act (1996).
- **Demobilisation:** The administrative release of a reservist from military service prior to any outstanding leave owing.
- **Civil Contingency Reaction:** Volunteer Reservists who receive special training and may be mobilised in the event of extreme national need
- **Post Operational Tour Leave** : Time off earned while on full time military service
- **Serious Harm to the business** - Serious loss of sales, markets, reputation, goodwill or other financial harm or Serious impairment of the ability to produce goods or provide services

Policy Principles

- Cloch recognises and supports the work carried out by the VRF.
- No employee will be treated less favourably due to being a member of the reserved forces

- Cloch will aim to release employees who are mobilised for reserved duties where possible while considering the needs of the business.

Responsibilities

Employees:

- To inform their employer that they are a member of the reserve forces and the specific force they belong to
- Grant permission for the Ministry of Defence to write directly to their employer for Employer Notification.
- Ensure their personal details are up to date with the MoD
- Employees who are members of the VRF have a responsibility to ensure they are familiar with the contents of the policy and to ensure they work with Cloch within its framework.
- It is up to individual Reservists to make Cloch aware of their basic training commitments and Annual Camp and to ask for training leave when it arises. The employee is responsible for giving Cloch as much notice as possible of any additional leave they will need and for representing this accurately.

Employers

- Will not treat any employee any less favourably due to being a member of the reserved forces
- Will aim to release employees who are mobilised for reserved duties, where possible.
- Managers who have employees in the VRF must ensure they are familiar with the contents of this policy and are able to work within its framework to support employees.

Reservist's Training Commitments

A reservist will normally have three types of training commitments that they are required to attend:

1) Weekly training, this normally takes place on an evening during the week for around 2½ hours

2) Weekend Training, this normally will take place one weekend a month.

(As far as possible, line managers will plan any work rosters to allow attendance at Regular training sessions)

3) Continuous Training Period or (annual camp).

Where Reservists are required to attend a continuous period of training for around 15 days.

Cloch is under no legal obligation to grant time off for the continuous training period. However, in line with the Cloch's commitment to supporting its employees who are members of the Reserve Forces where possible, time will be granted for the continuous training period. Time off will be in the form of authorised unpaid leave therefore allowing to attend without the need for them to use their annual leave entitlement.

In order to receive authorised unpaid leave, the employee must provide their line manager with as much notice as possible. This must be no less than 10 working days to allow for appropriate planning to take place to cover work priorities during the reservist's absence.

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. This includes the maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months.

The call out papers for mobilisation are sent by post to the Company or hand delivered by the Reservists to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, MoD aims to give at least 28 days' notice of the date a Reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.

A period of mobilisation involves three distinct phases:

- Medical and pre deployment training
- Operation Tour
- Post operational tour

Applying for Exemption/Deferral/Revocation

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

In such circumstances line managers have the right to seek exemption, deferral or revocation if the Reservist's absence is considered to cause serious harm to service delivery. For example,

- Loss of reputation, goodwill or other financial harm
- Impairment of the ability to produce goods or provide services

Appeal Process

An appeal can be made to the Reserve Forces Appeal Tribunal if Cloch is unhappy with the decision of the Adjudication Officer. The Adjudication Officer will provide information on making an appeal. Appeals must be lodged with the office of the Secretary to the Tribunal; no more than five working days after the Adjudication Officer's decision is received. Appeals can be faxed or posted first-class. The address for the appeals is given in the useful information section at the end of this policy.

Reserve Forces Appeal Tribunals are independent of the MOD, with appointments made by the Secretary of State for Constitutional Affairs and Lord Chancellor. Each tribunal consists of a legally qualified chairperson and two lay-members drawn from a list held by the Employment Tribunals Service.

Cloch will be advised of the date, time and place of the hearing appeal hearing. Appeals are normally held at the office of the Employment Tribunal Service nearest to Cloch. Where necessary, employers may be asked to provide the Tribunal with additional information in support of their case. Appeals are normally heard within 28 days of receipt of the appeal, throughout which time the Reservist will not be deployed outside the United Kingdom.

Terms and conditions during Mobilised

Employees who are mobilised will continue to accrue continuity of service throughout the time they have been mobilised. Specific terms relating to other parts of their employment are detailed below.

- **Pay**

Cloch will not pay a reservist during the time they are mobilised. The MOD will pay the reservist a basic salary in accordance with the Reservists military rank. If this is less than the Reservists normal salary, the reservist can apply to the MoD for the difference to ensure no loss of earnings. The reservist will resume contractual pay with Cloch when they return to work after mobilisation.

- **Holidays**

Reservists should be encouraged to take any accrued annual leave before mobilisation. The Reservist will not accrue annual leave during the period of mobilisation. Reservists will accrue annual leave with the MoD whilst they are in full time service at a rate of 2.5 days per month paid for by the MoD and taken at the end of mobilisation, this period is called post-operational leave. Therefore, if a reservist within Cloch is mobilised for part of the annual leave year the employees holiday entitlement will be pro-rated for the time in receipt of monthly salary from Cloch.

- **Pension**

A reservist who is mobilised is entitled to remain a member of their occupational pension scheme. The MoD will pay the employer contributions that Cloch would have made provided that the reservist continues to pay their contributions to the scheme. The pension scheme administrator cannot refuse to accept MoD payments.

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 s.17 of The Reserve Forces (safeguarding of Employment) Act 1985.

Reservists can be included in the redundancy 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.

Return to Work

Both Cloch and the Reservist have responsibilities and obligations under the Reserve Forces (Safeguarding of Employment Act) 1985 regarding return to work.

Employee

- Must write to their employer by the 3rd Monday after their last day of military service making their request to return to work and suggesting a date which falls within 6 weeks of their last day of full time service. This letter formally starts the return to work process under the 1985 Act stated above.
- Informally contact their line manager to discuss their return to work as early as possible
- Will ensure they accept offers of support and training as is appropriate and required.

Employer

- To reinstate the Reservist, where possible to their previous role, or if not possible to a role on no less favourable conditions.
- The Reservist should be reinstated within 6 weeks of their last day of full time service.
- To ensure adequate support and training is put in place to refresh the employee and assist them in integrating back into the workplace.
- Will recognize that adjusting back to work life may be challenging and will offer any appropriate support as required.

Reintroduction to Employment

Cloch recognises that employees returning to work after completing military service as a member of the Reserve Forces may feel anxious and apprehensive about starting their job.

Cloch will commit to ensuring the Reservist receives a re-induction into their role. The aim of the re-induction programme is to support employees as they re-establish themselves back into the workplace. The programme must ensure that the employees get a good start back into employment, as failure to do so may result in unfavourable situations for both the employer and the employee.

Re-induction programmes should meet the needs of individual employees and be designed to ensure they receive appropriate updating of skills, knowledge and competence. The programme may cover the following areas:

- Detailed update covering any changes to Cloch's objectives, team objectives, changes to Cloch policies and changes to health and safety legislation
- If appropriate update on conditions of service, training and development plan and job profile
- Access to relevant training and development both as a refresher and as part of ongoing development
- Support within the re-integration programme which include, if appropriate, non-line manager support e.g. Local initiatives, government/ MOD programmes or the NHS

Monitoring and Review

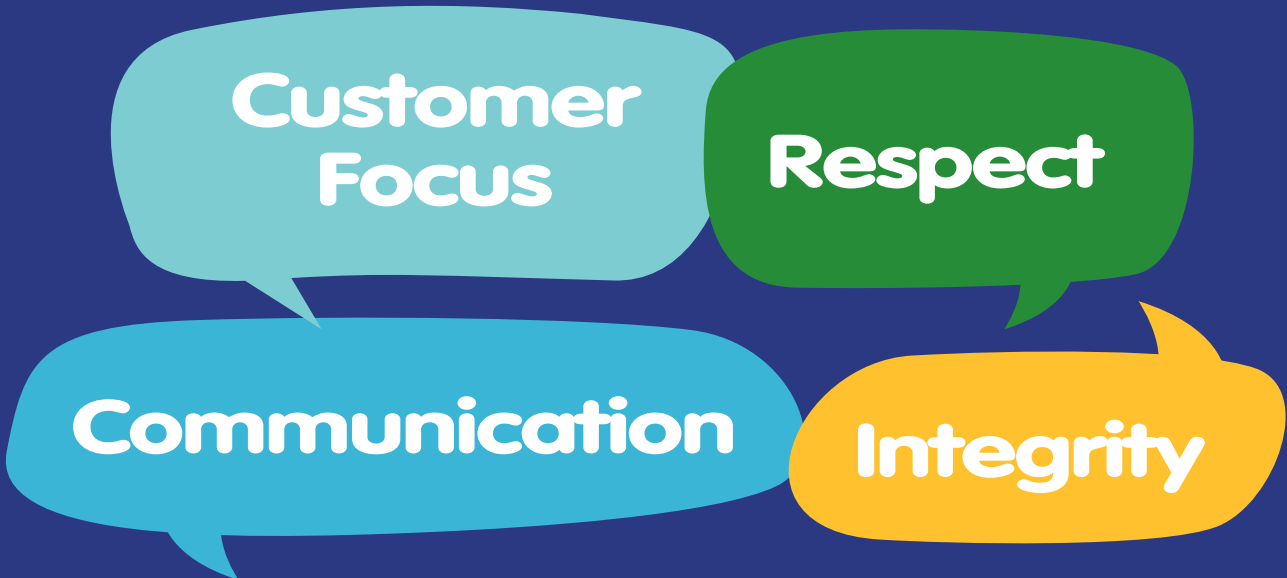
This policy requires the full co-operation of all employees who are members of the VRF and their line managers.

This Policy will be reviewed on a 3 yearly basis to ensure it meets legislative and organisational needs.

Further Information

Further sources of information including financial assistance for employers for one off, recurring and training costs can be obtained from the SaBRE website.

- **SaBRE** (Supporting Britain's Reservists and Employers)
www.sabre.mod.uk **0800 389 5459**
- **Royal Navy**
www.royalnavy.mod.uk/the-fleet/maritime-reserves
- **Army**
www.army.mod.uk/join/20233.aspx
- **Royal Air Force**
www.raf.mod.uk/rafreserves



CLOCH HOUSING ASSOCIATION LTD	
Policy Name	Reservist Policy
Policy Category	HR
Policy Number	085
Date Adopted	01/12/2013
This Review	20/08/2019
Next Review	01/08/2024
Equalities Impact Assessment Required	
Link to other policies	EVH Terms & Conditions
Consultation	N/A
Need for Procedure	No