



Cloch Housing Association

Reservists

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Link to other policies	No, but to EVH Terms & Conditions
Consultation	No
Need for Procedure	No

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 a Reservist who is an employee
- The responsibilities of the Association if employees are members of the Reserve Forces
- The procedure if a Reservist is 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 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).

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. The Reserve Forces are used in sustained and large-scale operations, to support and reinforce specialist capabilities in areas such as communications, medical and logistical support.

Legislation

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

- **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.
- **Defence Reform Act (2014)**

Outlines the employment protection arrangements for those who are a member of the Reserve Forces, and in civilian employment; the powers of the Secretary of State to call out Reservists, and; to make payments to employers of Reservists who are called out for service.

- **The Reserve Forces Act (1996) (RFA)**

Sets out the call-out powers under which Reservists can be mobilised for full-time services.

Definitions

- **Volunteer Reservist:** civilians recruited into the Royal Navy Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
- **Regular Reservist:** ex-regular servicemen who may retain a liability to be mobilised depending on how 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
- **High Readiness Reserves:** Reserves with a particular skill set, that are available at short notice and written agreement from their employer
- **VRF - Volunteer Reserve Forces**
- **AR – Army Reserve**
- **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).
- **Demobilisation:** The 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 Reservist 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
- Be familiar with the contents of the policy and to ensure they work with Cloch within its framework.
- To make Cloch aware of their basic training commitments and Annual Camp and to ask for training leave when it arises.
- To give Cloch as much notice as possible of any additional leave they will need.

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.
- That they have received written notification from the MoD informing them that their employee is a member of the Reserve Forces.
- Will comply with their requirements for mobilising and the return of employees.

Reservist's Training Commitments

A Reservist will normally have three types of training commitments:

- Weekly training: this takes place in the evening during the week;
- Weekend training: this takes place one weekend a month;
- Continuous training period (or Annual Camp): a continuous period of training for around 15 days.

There is no statutory requirement for Cloch 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, or annual leave if the employee wishes.

In order to receive authorised unpaid leave, the employee must provide their line manager with as much notice as possible and must be requested in line with Cloch's annual leave procedure. 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. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months.

A period of mobilisation involves three distinct phases:

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

The call out papers for mobilisation will be sent by post to Cloch 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 this.

Applying for Exemption/Deferral/Revocation

In all cases of mobilisation, Cloch will release the Reservist to report for duty unless there are exceptional circumstances, in such circumstance this will be explained to the reservist.

If Cloch wishes to request an exemption, deferral or revocation, the reason for this must be for reasons such as:

- Loss of reputation, goodwill or other financial harm
- Impairment of the ability to produce goods or provide services
- Harm to research and development of new products, services or processes

An application must be made to the Adjudication Officer.

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 are normally heard within 28 days of receipt of the appeal, throughout which time the Reservist will not be deployed outside the United Kingdom.

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.

If the tribunal rejects the application for exemption or deferral, Cloch will be required to release the Reservist for mobilisation. The Reservist will suffer no detriment to their employment on such occasions.

Terms and conditions during Mobilisation

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. Reservists will be entitled to a period of post-operational leave, during

this time the MoD will pay them. Therefore, if a reservist within Cloch is mobilised for part of the annual leave year the Reservist's 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

It is automatically unfair to dismiss an employee who is a member of the reserved forces if the reason for the dismissal is in any way connected with them being a Reservist.

Reservists can be included in the redundancy pool if this is necessary. However, all employees will be treated consistently, and redundancy criteria will not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

Sick Pay

If a Reservist is unfit for work during mobilisation they will be covered by Defence Medical Services, and any financial assistance will continue to be received (including pay) until their demobilisation, the Reservist will remain covered by the MoD until the last day of military leave.

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
- 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 have been out of the workplace for some time, 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.

Re-induction programmes will be 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

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

- 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
- Government information
<https://www.gov.uk/defence-and-armed-forces>
<https://www.gov.uk/government/groups/defence-relationship-management>