



COUNCIL OFFICER DECISION - DELEGATED - FOR PUBLICATION ONLY

Monday, 29th March, 2021 at 1.53 pm

AGENDA

1) *Employing Reservists*

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DELEGATED OFFICER DECISION BY THE CHIEF EXECUTIVE

REMOTE MEETING

PRESENT

OFFICERS Alison McEwan-
Democracy Officer

3. EMPLOYING RESERVISTS

Purpose To seek approval for a change to the Council's Employing Reservists Policy.

Reason For Decision To ensure that the Council's policy reflects our commitment to supporting the Armed Forces and employees that are members of the Reserve Forces.

Decision That following consultation with Group Leaders and the Executive Member for Resources & Performance Management the increase from 5 to 10 days leave for Reservists is approved under the Chief Executive's Council delegation.

Decision made by: Mick Cartledge – Chief Executive

Date: 29/03/2021

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INDIVIDUAL DECISION BY THE CHIEF EXECUTIVE



DATE	19 th March 2021
PORTFOLIO	Resources & Performance Management
REPORT AUTHOR	Vicky White
TEL NO	Ext 7124
EMAIL	vwhite@burnley.gov.uk

HR Policy – Employing Reservists

PURPOSE

1. To seek approval for a change to the Council's Employing Reservists Policy.

RECOMMENDATION

2. That the increase from 5 to 10 days leave for Reservists is approved under the Chief Executive's Council delegation, in consultation with Group Leaders and the Executive Member for Resources & Performance Management.

REASONS FOR RECOMMENDATION

3. To ensure that the Council's policy reflects our commitment to supporting the Armed Forces and employees that are members of the Reserve Forces.

SUMMARY OF KEY POINTS

4. This is an amendment to policy which affects staff terms and conditions and therefore requires consultation with Group Leaders and the Executive Member for Resources and Performance Management.
5. This policy was developed as a result of the Council's commitment to the Armed Forces Covenant and the Council's wish to be considered for the Ministry of Defence (MoD) Employer Recognition Scheme Gold Award. The Council was awarded the Silver Award in 2020.
6. One of the criteria for the Gold Award is for the employer to have positive HR policies in respect of reservists and provide at least 10 days additional leave for training purposes. The current policy developed allows 5 days paid leave for reservists to attend their annual summer training camp (pro rata for part time employees).
7. The policy defines our obligations towards all employees who are members of the Reserve Forces and has been developed in line with the MoD guidance.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

8. There will be a financial implication to increasing the days leave to employees who are members of the Reserve Forces to attend their annual camp. We currently have limited employees with reserve status.
- 9.. In the event that a reservist is mobilised the MoD will assume responsibility for their salary for the duration of their mobilisation. The MoD also provide financial assistance to employers for temporary/agency cover or overtime costs.

POLICY IMPLICATIONS

10. The policy demonstrates the Council's commitment to supporting the employment of staff who are members of the Reserve Forces and recognition of the valuable contribution they make to the UK Armed Forces, their communities and the civilian workforce.

DETAILS OF CONSULTATION

11. Management Team Trade Union Meeting – 19th March 2021
Group Leaders
Executive Member for Resources & Performance Management

BACKGROUND PAPERS

12. None

FOR FURTHER INFORMATION PLEASE CONTACT	Vicky White, Strategic HR Manager Ext 7124
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CORPORATE POLICY AND GUIDANCE

PEOPLE AND DEVELOPMENT

Employing Reservists

Reserve Forces Training and Mobilisation

March 2021

1. Introduction

Burnley Council supports the employment of staff who are members of the Reserve Forces and they recognise the valuable contribution that Reservists make to the UK Armed Forces, their communities and the civilian workplace.

2. Purpose and Scope

Burnley Council has pledged its support for members of, or those wishing to join, the Reserve Forces and acknowledges the training undertaken by Reservists that enables them to develop 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 and has been developed in line with the MoD guidance.

3. Types of Reservist

There are two main types of Reservist:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
- Regular Reservists - ex-regular servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

4. Reserve Status Notification

Reservists are required to inform the Council that they are a member of the Reserve Forces and the specific force that they belong to. This is so that the Council can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave e.g. training and/or mobilisation.

Reservist employees are also required to grant permission for the Ministry of Defence (MoD) to write directly to the Council. This is known as 'Employer Notification' and ensures the Council is made aware that the employee is a Reservist and the benefits, rights and obligations that apply. The notification will provide detail of mobilisation obligations and rights as an employee; rights as an employer; and details of the financial assistance available if an 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 accurate.

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

5. Training commitments and Time off

The Council recognises the importance of the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to their respective Reserve Force, the individual and the Council.

Reservists are typically committed to 24-40 days training per year. Training commitments vary but in most cases include:

- **Weekly training** - most Reservists train at their local centre for around two-and-a-half hours, one evening a 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 sometimes 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 overseas.

The Council is committed to granting additional paid leave of 10 days per year to Reservists specifically to enable them to attend their annual camp (pro-rata for part-time employees).

Additional unpaid leave or annual leave from the employee's normal annual allocation of up to 10 days will be granted for short periods of training provided adequate notice is given and where such training cannot be undertaken in non-work time. Attendance at weekend training which cannot be undertaken during non-work time will be subject to the same arrangements.

Line Managers will facilitate work rosters to allow attendance at annual camp and other training commitments (e.g. weekly or weekend training sessions) unless there are exceptional circumstances.

Reservist employees should give as much notice as possible of training commitments to allow appropriate planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances.

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

Whenever possible the Ministry of Defence will give at least 28 days' notice of the date that a Reservist will be required to report for mobilisation.

When notification of an employee being mobilised is received, managers should contact the People & Development team as soon as possible for further advice.

7. Applying for Exemption/Deferral/Revocation

In all cases of mobilisation, the Council 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 managers have the right to seek exemption, deferral or revocation if the Reservist's absence is considered to cause serious harm to service delivery.

Definitions of 'harm' will vary from case to case, but may include:

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

8. Treatment of Terms and Conditions during mobilisation

The Council 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.

Under The Reserve Forces Act (Safeguarding of Employment) Act 1985, an employee's service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, he or she can return to employment upon which their continuity of service will be restored

Pay

The MoD will assume responsibility for the Reservist's salary for the duration of their mobilisation.

Where mobilisation occurs the employee will be given special unpaid leave of absence.

Pension

If the Reservist is a member of the Local Government Pension Scheme and chooses to remain within it, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions.

Annual Leave

Reservists should be encouraged to take any accrued annual leave before mobilisation. Annual leave will not be accrued during any period of mobilisation. Up to two days annual leave can be carried over into the next leave year.

Dismissal/Redundancy

A Reservist's employment cannot be terminated on the grounds of their military duties or their liability to be mobilised.

Redundancy criteria will not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

Sick Pay

If sickness or injury results in early demobilisation, the Reservist will remain covered by Defence until the last day of paid military leave. After this time the Reservist will be covered by the Council's Managing Attendance Policy and sick pay scheme.

9. Return to work

Both the Reservist and the Council have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process

Employee obligations:

The Reservist must write to their manager 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.

They are also encouraged to informally contact their manager to discuss their return to work at the earliest opportunity.

The formal application must be made in writing for it to be valid under the Act.

If a Reservist is not happy with the 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 Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.

Council obligations:

The 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.

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.

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 from the MoD 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.

10. Aftercare

A Reservist returning to work will benefit from a smooth re-integration into the workplace/team. The following should be considered as part of this process:

- The need to update on changes and developments in the Council.
- The need to offer specific refresher training where it is sought/considered necessary.
- Where the job duties have changed since mobilisation a period of skills training may be required to assist with new aspects of the job.

- Reasonable time off to seek therapeutic treatment if required.

11. Financial Assistance

Financial assistance for employers in the event of an employee who is a Reservist being mobilised is governed by the Reserve Forces (Call out and recall) (Financial Assistance) Regulations 2005. These cover additional costs above the normal earnings of the called-up Reservist associated with replacing that employee. There are 3 types of award available:

One-off costs:

- Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or advertising costs
- No financial cap on claims, but any claim must be supported by relevant documentation

Recurring costs:

- Overtime costs, if other employees work overtime to cover the work of the Reservist (by the amount that such costs exceed earnings of the Reservist)
- Costs of temporary replacement (by the amount that such costs exceed earnings of the Reservist)

The maximum claim available is £110 per day (£40,000 per annum). An application for one-off costs and recurring costs must be made within 4 weeks of the end of full time Reservist service.

Training award

If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the Council can make an application for the financial assistance.

12. Further information

Further sources of guidance and information can be obtained from the following:

- Defence Relationship Management
<https://www.gov.uk/government/groups/defence-relationship-management>
Helpline: – 0800 389 5459. This is a free telephone helpline open during office hours where advice and guidance can be obtained on training, mobilisation and employment issues.
- 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