



Reserve Forces Policy

Author: Human Resources

Last updated: October 2024

Version: 2.0.1

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Introduction

The Royal Borough of Windsor and Maidenhead (RBWM) recognises the valuable contribution that reservists make to the UK Armed Forces, their communities and the civilian workplace. RBWM has pledged its support for the armed forces community by registering for the Defence Employer Recognition Scheme and aspires to achieve the highest award (Gold) available under the scheme.

Purpose and scope

RBWM 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 RBWM's obligations towards all employees who are members of the Reserve Forces.

RBWM will not disadvantage employees who are reservists. Subject to section three, RBWM agrees to release reservists for Reserve Forces training events that take place on normal working days. Subject to section four, RBWM agrees to release employees mobilised for reservist duties.

Principles and guidelines

1. Types of reservist

1.1. There are two main types of reservist:

- Volunteer reservists – civilians recruited into the Royal Navy Reserves, Royal Marine Reserves, Army Reserves and the Royal Auxiliary Air Force.
- Regular reservists – ex-regular service personnel who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

1.2. The Reserve Forces Act 1996 also provides for other categories, such as:

- Full time Reserve Services – 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 – personnel employed by a contractor to provide a service to the Ministry of Defence.
- High readiness reserves – reservists with a particular skill set that are available at short notice (with written agreement of their employer).

2. Reserve status notification

2.1. Reservists are required to inform RBWM that they are a member of the Reserve Forces and the specific force that they belong to. This will enable RBWM to provide the appropriate level of support to the employee. It also assists with resource planning during periods of leave e.g. training and/or mobilisation. RBWM recognises the additional skills and experiences that being a reservist can bring to RBWM and therefore it is useful for RBWM to have an understanding of where those skills and experiences exist.

2.2. Reservist employees are required to grant permission to the Ministry of Defence to write directly to RBWM. This is known as 'Employer Notification' and ensures that RBWM is made aware that the employee is a reservist and the benefits, rights and obligations that apply.

2.3. The Ministry of Defence will issue written confirmation to the employer informing them that the employee is a member of the Reserve Forces. The letter will provide detail of the mobilisation

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obligations and rights of the 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 Ministry of Defence will also send a follow up letter annually to confirm that the information held is still accurate.

- 2.4. It is the reservist's responsibility to ensure their personal details are kept up to date e.g. if they change employer or leave their Reserve Force.
- 2.5. In any circumstance, the reservist will not be disadvantaged as a result of notifying RBWM of their reserve status.

3. Training commitments and time off

- 3.1. RBWM 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 RBWM.
- 3.2. Reservists are typically committed to 24-40 days training per year. Training tends to take place one evening a week, over various weekends throughout the year and one two-week training period also known as 'annual camp'. Training commitments vary but, in most cases, include:

Table 1 Reservist training requirements

	Requirement	How requirement is met
1	Weekly training	Most reservists train at their local centre for around two and a half hours, one evening a week.
2	Weekend training	All reservists are expected to attend a number of training weekends, throughout the year.
3	Annual training	This is a two-week annual training course. This may take place at a training establishment as an attachment to a regular unit, a training exercise or a combination of these. Training normally takes place within the UK, although each year some reservists train overseas.

- 3.3. RBWM is committed to granting additional paid leave of two weeks per year for reservists, specifically to enable them to attend their annual camp.
- 3.4. Additional unpaid leave will be granted for short periods of training provided adequate notice is given and where such training cannot be undertaken in off-duty time. Attendance at weekend training which cannot be undertaken in off-duty time will be subject to the same arrangements.
- 3.5. Line managers will facilitate work rosters to allow attendance at annual camp and other training commitments unless there are exceptional circumstances.
- 3.6. Reservist employees should give as much notice as possible of training commitments to allow for the planning of absences. Permission once given will not be withdrawn unless there are exceptional circumstances.

Cadet Volunteers

- 3.7. RBWM recognises the important role that employees who are cadet volunteers play in inspiring and leading young people. It is therefore committed to ensure that cadet volunteers also receive additional time off to undertake specific cadet volunteer duties or cadet volunteer related training. Up to two additional paid weeks per year can be taken, which should be arranged in advance with the employees' line manager.

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4. Mobilisation

- 4.1. 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 upon the scale and nature of the operation and is typically no longer than 12 months.
- 4.2. The call-out papers are sent by post to RBWM or sometimes delivered by the reservist in person to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible the Ministry of Defence 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.
- 4.3. A period of mobilisation comprises three distinct phases:
 - Medical and pre-deployment training
 - Operational tour
 - Post-operational tour leave.
- 4.4. RBWM and line managers will support during reservists who are mobilised:

Pre-mobilisation

- Meet with the reservist to ensure all mobilisation paperwork is completed (including pay, benefits and pension arrangements).
- Make a claim for financial assistance as appropriate (see section 9).
- Discuss any handover work and return of equipment,
- Arrangements for keeping in touch.

During mobilisation

- Keep in touch with the reservist as arranged.

Post-mobilisation

- Ensure both employer and reservist fulfil their return to work obligations.
- Aftercare and support requirements.

5. Applying for exemption/deferral/revocation

- 5.1. In all cases of mobilisation, RBWM will release the reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the reservist.
- 5.2. 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.
- 5.3. 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.
 - Harm to the research and development of new products, 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).
- 5.4. Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer within seven days of RBWM receiving a call-out notice. If this timescale is not met, permission to make a late application will need to be obtained from the

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Adjudication Officer. The reservist also has the right to apply for an exemption or deferral if the call-out papers arrive at a difficult time.

- 5.5. If an unsatisfactory decision is received following the application for deferral, RBWM can appeal for a hearing of the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within five days of receipt of written notice of decision. If the tribunal rejects the application for exemption or deferral, RBWM will be required to release the reservist for mobilisation.

6. Treatment of terms and conditions

- 6.1. RBWM will continue to treat the contract of employment of employees mobilised for reserve service as operable throughout the period of service and there will be no loss of continuous service or service related benefits, unless the employee chooses not to continue making payments into their pension scheme, see 6.6.

Pay

- 6.2. The Ministry of Defence will assume responsibility for the reservist's salary for the duration of the 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 RBWM, 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.

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

Benefits

- 6.4. Contractual benefits that are suspended by RBWM during the mobilisation can be claimed by the reservist as part of their Reservist Award.
- 6.5. The line manager and reservist should discuss benefit arrangements during the pre-mobilisation meeting. This should cover those benefits which will be suspended and for any continuing benefits, arrangements should be made as to how these are paid.

Pension

- 6.6. If the reservist is a member of the pension scheme, RBWM will suspend its employer's contributions. If the reservist chooses to remain within the pension scheme, then the Ministry of Defence will make the employers contributions for the period of mobilisation, as long as the reservist makes their personal contributions.

Annual leave

- 6.7. Reservists should where possible take any accrued leave before mobilisation. If this is not possible, leave can be banked for use on return to work. RBWM is not obliged to accrue annual leave for a reservist employee during the period of mobilisation. Reservists accrue annual leave with the Ministry of Defence whilst in full time service. When they demobilise, reservists are entitled to a period of post-operational leave (POL). During this period they will continue to be paid by the Ministry of Defence.

Dismissal/Redundancy

- 6.8. 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.
- 6.9. Reservists can be included in a redundancy pool if this is necessary due to a downturn in business or closure of a service. However, all employees will be treated consistently, and

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redundancy criteria will not discriminate against reservists on the grounds of their reserve service or call-up liability.

Sick pay

6.10. During the period of mobilisation the reservist will continue to accrue any rights to service related occupational sick pay. Should a reservist become sick or injured during mobilisation they will be covered by the 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 the Ministry of Defence until the last day of paid military leave. After this time, the reservist will be covered by RBWM's sick pay arrangements.

6.11. If the reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered by RBWM's sick pay arrangements.

7. Return to work

7.1. Both the reservist and RBWM as their employer have obligations under the Reserve Forces (Safeguarding of Employment) Act 1985 regarding return to work.

Reservist

7.2. The reservist must write to RBWM by the third Monday after their last day of military service making their request to return to work and suggesting a date that falls within six weeks of their last day of full-time service. This letter formally starts the return to work process.

7.3. Reservists are encouraged to informally contact RBWM 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.

7.4. If a reservist is unhappy with an offer of alternative employment they must write to RBWM stating why there is reasonable cause for them not to accept it. If a reservist believes that RBWM's response to their application denies their rights under the Act, an application for reinstatement can be made to the Reinstatement Committee for assessment. This committee will consider the reservist's application and can make an order for reinstatement and/or compensation.

7.5. RBWM will grant five day's additional paid leave to the reservist during the leave year following their return for mobilisation.

Employer

7.6. RBWM has an obligation under the 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.

7.7. The reservist should be reinstated within six weeks of the last day of their full-time service. They will be reinstated for at least the minimum number of weeks as determined by their length of service prior to mobilisation, as specified in the Act.

7.8. 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.

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8. Aftercare

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

- The need to update on changes and developments in RBWM.
- 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.
- Whether the reservist can meet up with colleagues informally or socially before or after return to work to prevent any feeling of dislocation.
- Reasonable time off to seek therapeutic treatment if required.

9. Financial assistance

9.1. 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 the employee. There are two types of costs applicable:

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 the earnings of the reservist).
- Costs of a temporary replacement (by the amount that such costs exceed the earnings of the reservist).

10. Further information

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

- Defence relationship management
 - Website: <https://www.gov.uk/government/groups/defence-relationship-management>
 - Help line: 0800 389 5459
(A free helpline during office hours where advice and guidance can be obtained on training, mobilisation and employment issues.)
- Royal Navy – Website: <https://www.royalnavy.mod.uk/>
- Army – Website: <https://www.army.mod.uk/>
- Royal Air Force – Website: <https://www.raf.mod.uk/>

RBWM reserves the right to revise this policy or any of its components. Employees should review these terms periodically for any updates or changes.

Document History

Version	Date	Contributor	Approver	Descriptions
V1.0.0	February 2018	Human Resources	Human Resources	First Establishment
V2.0.0	October 2019	Human Resources	Human Resources	Amendment
V2.0.1	October 2024	Mariela Grancharova Yoko Lai	Vanessa Faulkner	Adopted to new format only, content unchanged.