



# Solihull Metropolitan Borough Council

## Reservists Policy

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**(1) This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.**

**Or**

**(2) For School's (e.g. some Academies) not participating in the Council's Consultation and Negotiation Framework**

**This Model Policy was provided by the Solihull School's HR Service. The school must undertake negotiation and consultation with the relevant Trade Union/Staff Association representatives before this policy is adopted by the School Governing Body. Advice is available from your HR provider on how to undertake this, if required.**

# Reservists Policy

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# Reservists Policy

## 1. Introduction

Solihull Metropolitan Borough Council (SMBC) is committed to supporting its local Armed Forces and is signatory to the Community Covenant<sup>1</sup>. The Council also employs staff who are members of the Reserve Forces and they recognise the valuable contribution that Reservists make to the UK Armed Forces. The reserve forces include the Royal Navy Reserve, Royal Marines Reserve, Army Reserve and Royal Auxiliary Air Force.

The Council recognises that many of the skills that Reservists gain during their training are transferable to the workplace. The Council will assist Reservists as far as possible, for example by taking into account unusual leave requirements or the need to adjust work patterns.

## 2. Purpose and Scope

The Council supports employees who are Reservists, 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 the Council.

This policy sets out the Council's support for employees who are members of the Reserve Forces.

The Council will, subject to the provisions set out in Section 4, agree to release Reservists for attendance at Reserve Forces Training events where these take place on their normal working days.

The Council shall, subject to the provisions set out in Section 5 agree to the release of all employees mobilised for Reservist duties.

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.

1 The Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community working and residing in the sub-region (Warwickshire County Council, Coventry City Council and Solihull Borough Council, Charitable and Voluntary sectors, civilian community and the Armed Forces Community)

### **3. Types of Reservist**

There are two main types of Reservist:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Territorial Army 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**

To enable the Council to support Reservists, the Council requests that new employees who are already Reservists, or existing staff who become Reservists, inform their line manager as soon as possible that they are, or intend to become a Reservist. This request is made purely to allow the Council to deal with the practical implications and providing this information will not disadvantage Reservists in any way. It also assists with resource planning during periods of leave e.g. training and/or mobilisation. The Council also recognises the additional skills and experiences that being a Reservist can bring to the Council and therefore it is useful for the Council to have an understanding of where these particular skills and experiences exist.

It is the responsibility of Reservists to ensure their personal details are kept up to date e.g. if they leave their respective Reserve Force.

### **5. Time off for activities in the reserve forces**

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 30-35 days training per year (this will be reviewed subject to White Paper proposals in 2014). Although training commitments vary, they tend to take place one evening per week, over various weekends throughout the year and one two week training period also known as 'annual camp'.

The Council will grant up to 10 working days per year with pay (or equivalent for part time employees) to enable reservists to meet their obligations and attend mandatory training. Requests for additional leave will need to be accommodated through the use of flexible working arrangements, adjusting work patterns, annual leave, flexi/TOIL arrangements or may be taken as unpaid leave. Please refer to the [Leave of Absence Policy](#) for further information.

This additional leave is only available to employees who provide evidence that they need to take the time off as a Reservist, e.g. a letter from their Commanding Officer, at the time when they are booking holiday for the purpose of undertaking reservist activities.

Reservist employees should give as much notice as possible to allow appropriate planning for absences. All holiday/leave dates must be approved in advance by the individual's line manager and Reservists must follow the usual procedure when requesting leave.

## **6. Reservists' call-ups**

Reservists may be called up for military operations, with notice typically given 28 days before mobilisation, which are likely to last up to 12 months.

On being called up, the Reservist should present his/her mobilisation papers, typically together with a letter from the Ministry of Defence to the Council outlining the date, and possible duration, of his/her mobilisation. The Ministry of Defence may also contact the Council.

The Council recognises that, under the Reserve Forces (Safeguard of Employment) Act 1985, if it believes that the employee's absence on military service is likely to do "serious harm" to it, it may apply for an exemption, deferral or revocation of mobilisation. The Council recognises that the criteria for exemption, deferral or revocation are strict and will seek an exemption, deferral or revocation only in exceptional circumstances.

The Council's application must be submitted to the relevant adjudication officer within the period of seven days immediately following the date of the employee's receipt of the mobilisation notice.

There is financial assistance available to the Council from the Ministry of Defence when a Reservist is called up. The Council may apply to the Ministry of Defence for an award in respect of any costs incurred in replacing the employee that exceed the Reservist's earnings, although there is a set cap on the daily amount awarded.

More details of how the Council can seek an exemption, deferral or revocation and the financial assistance that is available to it can be found on the [Ministry of Defence's SaBRE website](#).

## **7. Reservists' rights during mobilisation**

There is no requirement for the Council to pay the reservist during his/her absence on military operations. During this period the Reservist receives service pay from the

Ministry of Defence, along with a standard award to make up any difference (up to the statutory limit) between his/her service pay and normal average weekly earnings.

The Ministry of Defence also pays the Council's contributions to the reservist's occupational pension scheme (as long as the Reservist gives an undertaking to continue paying his/her own contributions to the scheme) in order for reckonable service to be preserved.

## **8. Continuity of employment**

The continuity of the Reservist's period of employment is not broken by a period of mobilisation, if he/she is reinstated to his/her former employment within six months of demobilisation.

## **9. Returning to work**

Both Reservists and the Council have obligations under the Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work arrangements.

Regardless of the length of the military action, the mobilised reservist has the right to be reinstated in his/her former job within six months of demobilisation, on terms and conditions that are no less favourable to him/her than those that would have been in place but for the enforced absence from the Council.

If it is not reasonably practicable to reinstate the reservist to his/her former job, the Council must re-engage him/her in the most favourable occupation and on the most favourable terms and conditions that are reasonable and practicable in the circumstances.

To exercise the right to be reinstated, the Reservist must write to the Council no later than the third Monday after their last day of military service confirming his/her intention to return to work within the following 13 weeks. The initial 13-week period may be renewed for a further 13 weeks if circumstances such as illness or injury prevent the reservist's return during the initial period. However, the Reservist forfeits his/her right to return to work with the Council if he/she fails to do so within 26 weeks of demobilisation.

Reservists are encouraged to contact their manager at the earliest opportunity to discuss their return to work.

Once the Reservist has been reinstated, the Council must continue to employ him/her in that same occupation (and on the same terms and conditions) for a minimum period that is dependent on previous length of service:

- the following 26 weeks;
- 52 weeks if the Reservist had been employed for a consecutive period of at least 52 weeks at the time he/she was called up for military operations; or

- a minimum of 13 weeks if the employee was employed for fewer than 13 weeks immediately prior to mobilisation.

## **10. Training and support**

On returning to work Reservists may need support to re-integrate into the workplace. Managers should give consideration to the following matters:

- To be updated on changes and developments that may have taken place within the Council.
- The need to offer specific training where this is considered necessary.
- Where job changes have taken place since mobilisation, it may be necessary to update skills and knowledge.
- Reasonable time off to seek therapeutic treatment if required. Reservists should also be made aware of the Council's Employee Assistance Programme.

## **11. Performance and development review**

Managers should ensure that, upon returning to work, discussions take place with Reservists at the earliest opportunity to agree, and where appropriate review, performance objectives for the remaining part of the PDR year.

As part of development reviews, managers should take account of new and relevant skills that Reservists may have acquired during military operations and explore opportunities where these skills can be utilised.

## **FREQUENTLY ASKED QUESTIONS**

### **Q1. Do I need to inform my employer if I am or intend to become a Reservist?**

Yes, in order for the Council to offer support, you should inform your line manager as soon as possible.

### **Q2. Am I allowed any paid time off for Reservist training?**

The Council will grant you up to 10 working days (or equivalent for part time) to attend mandatory training. Please refer to the Council's Leave of Absence Policy for further guidance.

### **Q3. What if I require more than 10 days off for additional training or activities?**

Any requests for additional leave will need to be accommodated through the use of flexible working arrangements, adjusting work patterns, annual leave, flex/TOIL arrangements or may be taken as unpaid leave.

### **Q4. Can the Council refuse to release me if I am called up?**

Yes but only in exceptional circumstances. If the Council believes that your absence is likely to do "serious harm" it can apply for an exemption, deferral or revocation of mobilisation

### **Q5. Will the Council pay me during any period of mobilisation?**

No, during the period of mobilisation the Reservist will receive service pay from the Ministry of Defence, along with a standard award to make up any difference (up to the statutory limit) between your service pay and normal average weekly earnings.

**Q6. What will happen to my occupational pension during mobilisation?**

The Ministry of Defence will continue to pay the Council's contributions to your occupational pension scheme as long as you continue to pay your own contributions to the scheme. If you choose to not pay your own contributions the period of mobilisation will not count towards your reckonable service for pension purposes.

**Q7. If I take any additional leave as unpaid what happens to my pension contributions?**

For the first 30 days full LGPS membership continues during this period, but you must pay the pension contributions that would have been paid had you been at work. After 30 days this period will not count as membership of the LGPS unless you pay for it to do so. You can pay contributions for the whole period of your absence up to a maximum of 3 years, and maintain your full benefits.

**Q8. Will I have a break in my continuous service?**

No, your continuous service will be preserved throughout any period of mobilisation and for the purposes of contractual benefits such as annual leave, occupational sick pay and occupational maternity pay.

**Q9. Can I return to the same job after mobilisation?**

Yes, you may return to the same job within six months of demobilisation. However if there has been a change to your job for a reason such as redundancy then you must be offered a job on less favourable term and conditions. In order for you to be re-instated to your former job you will need to inform the Council of your intention to return to work.

**Q10. If I returned from mobilisation in December, would I still be entitled to an annual Performance and Development Review and a consequent pay review?**

Yes, you should not receive any less favourable treatment as a result of your mobilisation. However, a suitable review period will need to be set on your return, which maybe outside the corporate timescales, in order to have sufficient information and evidence to base your assessment on. A reasonable review

period might be between 4 and 6 months, but this will depend on the role. Any change in pay would be backdated to 1<sup>st</sup> April, in line with all other employees.