



Putting People 1st

**Supporting Employees who are
Members of the UK Reserve Forces**

S.08

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This policy document can be produced in various formats, for instance, in larger print or audio-format; and it can also be translated into other languages, as appropriate.

Our equality and diversity policy statement describes our key equality commitments that we use to develop all organisational services; this includes employment services and services to tenants and other customers.

Our core values include providing a fair and equal service for all people and this is detailed in our Equality and Diversity Policy. Our approach to implementing this policy will reflect that commitment.

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Table of Contents

1. Introduction	2
2. Background	2
3. Legislation	2
4. Definitions	3
5. Policy Principles.....	3
6. Responsibilities.....	3
6.1. Employees:.....	3
6.2. Employers:.....	4
7. Reservist's Training Commitments	4
8. Mobilisation.....	5
9. Applying for Exemption/Deferral/Revocation	5
10. Appeal Process	5
11. Terms and Conditions During Mobilisation	6
12. Return to Work	6
12.2. Employee Responsibilities	6
12.3. Employer Responsibilities	7
13. Reintroduction to Employment	7
14. General Data Protection Regulations	7
15. Monitoring and Review	7

1. Introduction

- 1.1. This policy outlines Pineview's commitment to supporting employees who are members of the Volunteer Reserve Forces when they are to be mobilised for active service.
- 1.2. This policy applies to all employees who are members of the reserve armed forces (reservists).
- 1.3. The policy provides details of the following:
 - The responsibilities for a Reservist who is an employee
 - The responsibilities of Pineview if employees are members of the Reserve Forces
 - The procedure if a Reserve be required to attend training
 - Mobilisation
 - Terms and Conditions of employment during mobilisation
 - Reservist's return to work

2. Background

- 2.1. The Volunteer Reserve Forces form an integral and essential 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.

3. Legislation

- 3.1. The 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 after 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.

Reserve Forces Act (1996)

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

4. 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

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.

5. Policy Principles

- Pineview recognises and supports the work carried out by the Volunteer Reserve Forces.
- Pineview will not treat anyone less favourably due to being a member of the reserved forces.
- Pineview will aim to release employees who are mobilised for reserved duties where possible while balancing the needs of the business.

6. Responsibilities

6.1. Employees:

- To inform their employer that they are a Reservist and the specific force they belong to.
- Grant permission for the Ministry of Defence (MOD) to write directly to their employer to notify them.
- Ensure their employer details are up to date with the MOD.

- Be familiar with the contents of this policy, and to ensure they work with within Pineview's framework.
- To make Pineview aware of their training commitments and to ask for training leave as required.
- To give Pineview as much notice as possible of any additional leave they may require.

6.2. **Employers:**

- Will not treat any employee less favourably due to being a member of the reserve forces.
- Will aim to release employees, who are mobilised for reservist duties wherever possible.
- Managers who have employees in the reserve forces must ensure they are familiar with the contents of this policy, and work within its framework to support employees.
- Ensure that they have received written notification from the MOD informing them that their employee is a member of the reserve forces.
- Will comply with the MOD's requirements for mobilising and support the return of reservists to work.
- Will apply to the MOD for financial support they are eligible to receive.
- Will ensure that payroll is updated accordingly to reflect the status should a reservist be mobilised.

7. Reservist's Training Commitments

- 7.1. 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 on several weekends throughout the year.
 - Continuous Training Period - a continuous period of training for 15 days each year.
- 7.2. As far as possible, line managers will plan shifts to allow attendance at regular training sessions.
- 7.3. There is no statutory requirement for the employer to grant time off for the continuous training period. However, in line with Pineview's commitment to supporting employees who are members of the Reserve Forces, time will be granted for the continuous training period if practical. Time off will be in the form of authorised unpaid leave, or annual leave dependent on how the employee wishes to take this.
- 7.4. The employee must provide their line manager with as much notice as possible and leave must be requested in line with the normal procedure for booking annual leave.

8. Mobilisation

- 8.1. Mobilisation is the process of calling Reservists into full time service with the Regular Forces, to make them available for military operations. The maximum period of mobilisation will depend on the scale and the nature of the operation but is typically no longer than 12 months.
- 8.2. A period of mobilisation involves three distinct phases:
 - Medical and pre deployment training
 - Operation Tour
 - Post operational tour
- 8.3. The call out papers for mobilisation will be sent by post to Pineview or hand delivered by the Reservists to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, the MOD will 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.

9. Applying for Exemption/Deferral/Revocation

- 9.1. In all cases of mobilisation, Pineview will release the Reservist to report for duty unless there are exceptional circumstances, in such circumstances this will be explained to the Reservist.
- 9.2. If Pineview wishes to apply to delay or cancel mobilisation, they can do this if the absence of the employee would seriously harm the business. For example, if there would be financial harm to the business or it would make it difficult to produce goods or provide services.
- 9.3. Applications must be made to the person named in the notice of mobilisation or the adjudication officer at the mobilisation centre or for the service.
- 9.4. If the organisation is going to apply for delay or cancellation of the mobilisation, they will inform the reservist of this and the reasons for the application.

10. Appeal Process

- 10.1. An appeal can be made to the Reserve Forces Appeal Tribunal if Pineview 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.
- 10.2. If the tribunal rejects the application for exemption or deferral, Pineview will be required to release the Reservist for mobilisation. The Reservist will suffer no detriment to their employment on such occasions.

11. Terms and Conditions During Mobilisation

- 11.1. 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.
- 11.2. **Pay:** A reservist will not be paid their salary 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 their employer when they return to work after mobilisation.
- 11.3. **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.

If a reservist is mobilised for part of the annual leave year the Reservist's holiday entitlement will be pro-rated for the time in receipt of pay from Pineview.

- 11.4. **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 Pineview would have made provided that the Reservist continues to pay their contributions to the scheme. The pension scheme administrator can not refuse to accept MOD payments.
- 11.5. **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. This applies from the first day of employment; no qualifying period is required.

If Pineview has to consider redundancies, the Reservists can be included in the redundancy pool. However, all employees will be treated consistently, and redundancy criteria should not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

- 11.6. **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. If the employee remains unfit at the point of demobilisation they would be managed in line with organisational policies.

12. Return to Work

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

12.2. Employee Responsibilities

- 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 six weeks of their last day of full time service. This letter formally starts

the return-to-work process under the Reserve Forces (Safeguarding of Employment Act) 1985 Act.

- The employee must informally contact their line manager to discuss their return to work as early as possible.
- The employee must accept offers of support, information and training as is appropriate and required to ensure they settle back into their role.

12.3. **Employer Responsibilities**

- The employer will 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 six weeks of their last day of full time service.
- The employer will ensure adequate support and training is put in place to refresh the employees and assist them in integrating back into the workplace.
- The employer will recognise that adjusting back to work life may be challenging and will offer any appropriate support as required.

13. Reintroduction to Employment

13.1. Pineview recognises that employees returning to work after completing military service have been out of the workplace for some time and will commit to ensuring the Reservist receives a re-induction into their role.

13.2. The aim of the re-induction programme is to support employees back into the workplace. Re-induction programmes will be tailored to 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:

- A detailed update covering any changes to Pineview's objectives, team objectives, changes to policies and health and safety legislation
- If appropriate an update on conditions of service, job descriptions
- Access to relevant training and development both as a refresher and as part of ongoing development

14. General Data Protection Regulations

14.1. The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our [Transparency Statement – Employees](#).

15. Monitoring and Review

15.1. This policy requires the full co-operation of all employees who are members of the Volunteer Reserve Forces, and their line managers. This Policy will be reviewed on a three yearly basis, to ensure it meets legislative and organisational needs or where EVH issues a revised Model Policy, whichever is sooner.