

CABINET

COUNCILLOR ADE ADEOLA  
DIGITAL FIRST AND  
CORPORATE PORTFOLIO HOLDER  
REPORT NO. DEM2403

16TH APRIL 2024

KEY DECISION? NO

## RESERVIST POLICY

### SUMMARY AND RECOMMENDATIONS:

A Reservist Policy is a statement that the Council supports and recognises the need to ensure flexible working practices to help staff maintain their working responsibilities if they are or become Reservists in the Armed Forces. It sets out the procedures in the case that a Reservist is required to be mobilised.

The adoption of a Reservist Policy supports the Council's ambition to reach the Gold Award standard in the Defence Employer Recognition Scheme.

**The Cabinet is recommended to** approve a Reservist Policy for the Council as set out in Appendix 1 to the Report.

## 1. INTRODUCTION

- 1.1. This Report proposes the adoption of a new Reservist Policy for the Council (attached at Appendix 1) which sets out a commitment to flexible working arrangements and a pledge of support for those staff in the organisation who are or will become Reservists in the Armed Forces. It provides that Reserves will be entitled to the same career opportunities and not treated unfavourably.
- 1.2 Reservists in the workplace perform military duties in their spare time, combining this with their civilian career. All members of the Reserve Forces can be mobilised to full-time service and typically this would be for a period shorter than 12 months.

## 2. BACKGROUND

- 2.1. The Council is committed to supporting the armed forces community and has signed the Armed Forces Covenant and is a silver award holder in the Defence Employer Recognition Scheme working towards the gold award standard this year.

- 2.2. The adoption of a Reservist Policy is a further development of a provision in the Council's Special Leave Policy which provides that employees who are voluntary reservists in a Defence service will be granted up to two weeks additional paid leave each year in order to attend annual training camp. The Policy provides further details of the procedures for Reserves and a commitment to support staff who require flexibility to support their military service outside of work.
- 2.3. An employer at the gold award standard would be expected to have a policy on Reserves, although it is not a requirement that the Council has employees who are Reserves.

### **3. PROPOSAL TO ADOPT RESERVIST POLICY**

#### **General**

- 3.1. The Policy has been drafted by the People Team and the Democracy Team in line with Employment legislation and Armed Forces guidance.
- 3.2. The policy covers the rights and responsibilities of both reservist employees and the Council as an employer. For example, the Council has an obligation to provide support for training events, mobilisation and continuous employment rights during mobilisation, and the employee has an obligation to provide the Council with notification of their status as reservist and to follow arrangements for pre-mobilisation and return to work following deployment.

#### **Alternative Options**

- 3.3. Not to adopt a new policy about employing Reservists. However, Rushmoor Borough Council is a strong supporter of the armed forces community.

#### **Consultation**

- 3.4. As part of its review of support for the local armed forces community in the Autumn 2023, the Overview and Scrutiny Committee, the Cabinet and the Cabinet Champion for Armed Forces have expressed support for the Council to carry out further work towards the gold award standard in the Defence Employer Recognition Scheme and support for the Armed Forces community.

### **4. IMPLICATIONS**

#### **Risks**

- 4.1. Risk of mobilisation and loss of key staff. Staff who are reservists are requested to notify their manager in order that plans can be made for staff coverage in the event of the employee being called up.

### **Legal Implications**

- 4.2. The Council's obligations towards reservists are set out in the policy.

### **Financial and Resource Implications**

- 4.3. There are no direct financial implications arising from this report.

### **Equalities Impact Implications**

- 4.4. The policy applies equally to all staff who meet the criteria.

### **Other**

- 4.5. None

## **5. CONCLUSIONS**

- 5.1. The adoption of the policy is a pledge of support for those staff in the organisation who wish to become Reservists in the Armed Forces. It is designed to ensure the organisation's commitment to supporting armed forces employees and potential employees in its employment practices – with flexible arrangements and procedures in the case that a reservist employee is mobilised.

### **LIST OF APPENDICES/ANNEXES:**

Appendix 1 – Reservist Policy

### **BACKGROUND DOCUMENTS:**

### **CONTACT DETAILS:**

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## RESERVIST POLICY

### 1. Introduction

Rushmoor Borough Council recognises the valuable contribution that Reservists make to the UK Armed Forces, their communities and the civilian workplace. Reservists in the workplace perform military duties in their spare time, combining this with their civilian career. The training undertaken by Reservists enables them to develop skills and abilities that are of benefit to both the individual and the Council as their employer.

### 2. Scope

Rushmoor Borough Council offers this policy as a pledge of support to all its employees who are or will become Reservists in the Armed Forces. Its guidelines and procedures also apply to the Reservist's manager(s), the People Team and those recruiting staff either internally or externally.

### 3. Policy Statement

Rushmoor Borough Council recognises the need to develop effective flexible working practices in order to help staff maintain their working responsibilities, whilst they serve in the Armed Forces Reserves.

### 4. Principles and Aims

This policy aims to enable employees of Rushmoor Borough Council to become Reservists in the Armed Forces and manage both their civilian and military career flexibly. It should ensure mutual benefit for both parties.

Rushmoor Borough Council will not disadvantage those Reservists who notify Rushmoor Borough Council of their Reserve status or those Reservists who are made known to Rushmoor Borough Council directly by the Ministry of Defence (MoD).

Rushmoor Borough Council shall, subject to the provisions set out in Sections 6 & 7, agree to release Reservists for attendance at Reserve Forces Training events, and subject to the provisions set out in Section 8 agree to the release of all employees mobilised for Reservist duties.

Rushmoor Borough 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.

## 5. Types of Reservist

5.1 There are three types of Reservists which this policy applies to: (1) Volunteer Reservists (2) Regular Reservists and (3) High Readiness Reserves.

- Volunteer Reservists are civilians, recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
- Regular Reservists are ex-regular servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.
- High Readiness Reserves have a particular skill set, and are available at short notice with the written agreement of their employer

## 6 Reserve Status Notification

6.1 In order to provide a Reservist with appropriate support, Reservists are required to inform their line manager that they are a member of the Reserve Forces and the specific force that they belong to. This also assists with resource planning during periods of leave e.g. training and/or mobilisation.

6.2 Reservist employees are also required to grant permission for the Ministry of Defence (MoD) to write directly to their employer. This is known as 'Employer Notification' and ensures Rushmoor Borough Council is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.

6.3 The MoD will issue written confirmation to the employer informing them the employee is a Member of the Reserve Forces. This 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.

6.4 It is the responsibility of the Reservist to ensure their personal details are kept up to date e.g. if they change employer or leave their respective Reserve Force.

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

## **7 Training and Leave**

- 7.1 Reservists are typically committed to up to 24-40 days training per year. Training tends to take place one evening per week and/or over various weekends throughout the year. There is also a two-week training event each year for reservists known as the 'annual camp'. Training should be taken outside of work hours when possible (see para 7.2 below for the annual camp). Flexible working arrangements can be discussed between the employee and their line manager to help manage the demands of training.
- 7.2 Supplementary to the flexible work arrangements offered, and as set out in the Council's Special Leave Policy, Rushmoor Borough Council will provide Reservists up to 10 working days (pro rata for part-time employees) for paid training leave in order to attend the annual two-week training camp offered to all Reservists in the Armed Forces (as referenced in para 7.1 above).
- 7.3 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.

## **8 Mobilisation**

- 8.1 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 on the scale and the nature of the operation. Mobilisation is typically shorter than 12 months.
- 8.2 The Call-out papers for mobilisation are sent by post to Rushmoor Borough Council or sometimes delivered in person by the Reservist to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, Defence aims to give at least 28 days' notice of the date that a Reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.
- 8.3 Employees who are called out must present to their line manager their mobilisation papers and any information intended for the employer.
- 8.4 Line managers must inform the People Team of impending mobilisation and the first day of permanent military service. Rushmoor Borough Council will adjust pay and benefits accordingly (see Section 10).
- 8.5 Line managers must complete the consent form included in the call-out pack and any internal paperwork regarding mobilisation.
- 8.6 The People Team must meet with the employee to discuss mobilisation. They must also exchange contact details.

## Summary of Activity:

### Pre-mobilisation

- Employer meeting with Reservist to ensure all mobilisation paperwork completed (including pay, benefits & pension arrangements)
- Employer can make a claim for financial assistance as appropriate (see s.12 of policy)
- Discuss any handover of work and return of equipment.
- Discuss arrangements for keeping in touch – including establishing a contact at the MOD as a link for communications.

### During mobilisation

- Contact to be maintained between employer/Reservist as agreed during the pre-mobilisation discussion.

### Post-mobilisation

- Ensure both employer and reservist fulfill their return-to-work obligations (including reference to template letters)
- After care and support requirements

## 9 **Applying for Exemption/Deferral/Revocation**

- 9.1 In all cases of mobilisation, Rushmoor Borough Council will release the Reservist to report for duty unless there are exceptional circumstances whereby line managers need to invoke their right to seek an exemption, deferral or revocation of the reservist's mobilisation because it is considered that the Reservist's absence would cause 'serious harm' to service delivery.
- 9.2 Definitions of 'serious harm' will vary from case to case, but may include loss of reputation, goodwill or other financial harm or impairment of the ability to provide services e.g., the staff member is vital to the delivery a high profile/high financial risk project at a critical time. If the line manager believes there are exceptional circumstances, the decision and reasoning will be explained to the Reservist.
- 9.3 Details of how to apply for an exemption are included in the call-out pack. The application must reach the Adjudication Officer within 7 days of Rushmoor Borough Council receiving a call-out notice. If this timescale is not met, permission to make a late application will need to be obtained from the Adjudication Officer. The Reservist also has the right to apply for exemption or deferral if the call-out papers arrive at a difficult time.
- 9.4 If an unsatisfactory decision is received following the application for a deferral, Rushmoor Borough Council can appeal for a hearing by the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals



Secretary within 5 days receipt of written notice of the decision. If the tribunal rejects the application for exemption or deferral, Rushmoor Borough Council will be required to release the Reservist for mobilisation.

## **10 Terms and Conditions during mobilisation**

- 10.1 Rushmoor Borough Council will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service such that there will be no loss of continuous service.

### **Pay and Benefits**

- 10.2 For payroll purposes, the individual should be considered on a period of unpaid leave. A P45 should not be issued for a mobilisation period less than 12 months.
- 10.3 The employee will receive a salary from the MoD during mobilisation that is appropriate to their rank in the Service. Accordingly, Rushmoor Borough Council will suspend payment of their civilian salary.
- 10.4 If the pay the Reservist receives from Rushmoor Borough Council is higher than their Service pay, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings. This is known as a Reservist Award.
- 10.5 All contractual benefits are suspended during mobilisation but can be claimed by the Reservist from the MoD.
- 10.6 The People Team and the Reservist will discuss benefit arrangements during a pre-mobilisation meeting. The Reservist will be given evidence of suspended benefits to help support their claim for financial assistance.

### **Pensions**

- 10.7 If the employee is a member of the Local Government Pension Scheme, then Rushmoor Borough Council will suspend its employer contributions during mobilisation.
- 10.8 If the employee continues to pay their contributions, then the Ministry of Defence will pay the employer contributions on the amount of Assumed Pensionable Pay.

### **Annual Leave**

- 10.9 Annual Leave will not accrue during the employee's mobilisation.
- 10.10 Reservists accrue leave with the MoD, rather than Rushmoor Borough Council whilst they are in full-time service. When they demobilise, Reservists are entitled to a period of post-operational leave. During this period they will continue to be paid by MoD.

## **Dismissal/Redundancy**

- 10.11 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.
- 10.12 Reservists can be included in the redundancy pool if this is necessary. However, all employees should be treated consistently, and redundancy criteria should not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

## **Sickness Arrangements**

- 10.13 Should a Reservist become sick or injured during mobilisation they will be covered by 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 Defence until the last day of paid military leave. After this time the Reservist will be covered by Rushmoor Borough Council's sickness absence arrangements and mental health and other wellbeing provisions as appropriate.

## **11 Post-Mobilisation Return to Work**

- 11.1 Both the Reservist and their employer have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return-to-work process.
- 11.2 The Reservist must return to work within six weeks of their last day of mobilisation.
- 11.3 The Reservist must write to their employer 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.
- 11.4 The Employer has an obligation to reinstate the Reservist to their former role, or a mutually acceptable role on the same terms and conditions as the previous position.
- 11.5 They must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation.
- 11.6 If a Reservist is not happy with the offer of alternative employment they must write to the employer 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.

## **Aftercare**

11.7 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 Rushmoor Borough 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.
- Whether the reservist can meet up with colleagues informally or socially before or after return to work to prevent any feeling of dislocation, if this is sought.
- Reasonable time off to seek therapeutic treatment if required.

## **Development Reviews**

11.8 Line managers who carry out Development Reviews with a Reservist should be aware that Reserve Forces activities undertaken by an individual (either through training or mobilisation) bring essential skills into the workplace such as leadership, communication, team working and organisational ability, which ultimately lead to improved performance in the workplace.

## **12. Financial Assistance**

12.1 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 that employee. (It is limited to additional costs as the Council will not be paying the salary of the Reservist while they are away working for the MoD).

There are 3 types of financial award available:

### **(1) One-off costs of agency/advertising fees**

Employers can claim financial assistance to cover the cost of using a recruitment agency or employment agency (and their advertising costs) to find a temporary replacement for a Reservist who is mobilised. There is no financial cap on claims, but any claim must be supported by relevant documentation.

## (2) Recurring costs

### Overtime costs

If other employees work overtime to cover the work of the Reservist, then the MoD will help with these costs.

### Salary costs of temporary replacement

If a temporary replacement's salary is more than the earnings of the Reservist who is mobilised, then the MoD will cover the costs of that difference.

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

## (3) Training costs

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

## 13. Further information

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

- [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](#)
- [Army website](#)
- [Royal Air Force website](#)