



## Reserved Forces and Voluntary Emergency Responders Policy and Procedure

### Introduction

Cotswold District Council prides itself on being an employer of choice. With an incredibly varied role in delivering the very best for our residents, communities and businesses, our employees are committed and really make a difference. In return we seek to support and empower our employees, to give their best.

CDC embraces and supports the Armed Forces Reservists (Reservists) and those who volunteer as Emergency Service Responders (Volunteers) working within our organisation. For the purpose of this policy, CDC recognises the following roles. This list is not exhaustive:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
- Regular Reservists - ex-regular servicemen/women who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.
- Volunteer Emergency Services Responders - Community First Responder / St John's Ambulance / Special Police Constables / Search & Rescue Services/Retained Fire-Fighters.

### Purpose and Scope

CDC has pledged its support for employees who are members of or those wishing to join the Reserve Forces and/or Volunteer Emergency Services and acknowledges the training undertaken by Reservists and Volunteers enables them to develop skills and abilities that are of benefit to both the individual and the organisation.

This policy defines CDC's obligations towards all employees who are Reservists and/or Volunteers. We will not disadvantage those Reservists and/or Volunteers who notify the Company of their Reserve or Volunteer status.

We shall, subject to the provisions set out in Section 4, agree to release Reservists and Volunteers for attendance at training events where these take place on an employee's normal contracted working day. We shall, subject to the provisions set out in Appendix 1 - Mobilisation of Reservists Guidance agree to the release of all employees mobilised for Reservist duties.

### Reservists and Volunteers Notification Requirement

Reservists and Volunteers are required to inform their employer that they are a member of the Reserve Forces and/or Emergency Services and the specific force/organisation that they belong to. This is so that CDC can provide the appropriate level of support to the individual.

We also recognise the additional skills and experiences that being a Reservist or Volunteer can bring to the organisation and therefore it is useful for CDC to understand where these particular skills and experiences exist.

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 the Company is made aware that the employee is a Reservist and of the benefits, rights and obligations that apply.

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

The individual will not be disadvantaged as a result of notifying CDC of their Reserve status.

### Training Commitments and Time Off

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

This includes any period of training. Typical training may involve:

- Weekly training - most Reservists/Volunteers train at their local centre for around two-and-a-half hours, one evening a week.
- Weekend training – most Reservists/Volunteers are expected to attend a number of training weekends which take place throughout the year.
- Annual training – all Reservists are expected to attend a 1–2-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, as a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some Reservists train overseas.

Legally employers are not obliged to grant leave for attending training, however, CDC is committed to granting additional paid leave of up to two weeks (10 days) pro-rata per year to employees who are Reservists and/or Volunteers specifically to enable them to attend their annual camp and/or training days throughout the year.

Reservist and Volunteer employees are asked to give as much notice as possible to their Line Manager of the training commitments to allow appropriate planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances. The permitted time off will be recorded on Business World against reason code RESFORCE.

### Appendix One - Mobilisation of Reservists Guidance

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 and is typically no longer than 12 months.

The Call-out papers for mobilisation are sent by post to the organisation 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.

A period of mobilisation comprises three distinct phases:

- Medical and pre-deployment training
- Operational tour
- Post-operational tour leave

Pre-mobilisation

- Meet with Reservist to ensure all mobilisation paperwork is completed (including pay, benefits and pension arrangements)
- Make a claim for financial assistance as appropriate (see s.10 of policy)
- Discuss any handover of work and return of equipment
- Arrangements for keeping in touch
- Refer to checklists in Line Manager and Reservist Guidance document

During mobilisation

- Keep in touch with Reservist as arranged post-mobilisation
- Ensure both employer and reservist fulfil their return-to-work obligations ([include link to template letters](#))
- After care and support requirements

### Applying for Exemption/Deferral/Revocation

In all cases of mobilisation, CDC 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, line managers have the right to seek exemption and should refer the matter to the appropriate director for a decision 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
- 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).

Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer within 7 days of the Company 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

If an unsatisfactory decision is received following the application for a deferral, the Company 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, the Company will be required to release the Reservist for mobilisation.

### Treatment of Terms and Conditions during Mobilisation

CDC will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service. There will be no loss of continuous service or service-related benefits, although some other benefits may be suspended. 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 and their continuity of service will be restored.

### Pay

The MoD will assume responsibility for the Reservist's salary for the duration of their mobilisation. They will pay a basic salary according to the Reservist's military rank. If this basic element is less than the salary the

Reservist receives from CDC, 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.

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

CDC is not required to pay the Reservist's salary during the period of mobilisation.

### Benefits

Contractual benefits that are suspended by the Company during mobilisation can be claimed by the Reservist as part of their Reservist Award. Example benefits include:

- All those benefits available at the time on the Portal

The Line Manager and Reservist should discuss benefit arrangements during the pre-mobilisation meeting.

This should cover those benefits that will be suspended and for any continuing benefits, arrangements should be made as to how these are paid.

### Pension

If the Reservist is a member of the Local Government Pension Scheme (LGPS) CDC will continue to run the pension scheme and make the employer contribution. If the Reservist decides to stay in the scheme and contributes personally, the MoD will contribute as the employer during the mobilization time, as long as the Reservist also keeps contributing.

### Annual Leave

Reservists should be encouraged to take any accrued annual leave before mobilisation. CDC is not obliged to accrue annual leave for a Reservist employee during the period of mobilisation. Reservists accrue annual leave with the MoD whilst they are 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 MoD.

CDC employees are entitled to carry over up to 5 days leave from one holiday year to the next i.e. the annual holiday year is from 1st April to 31st March.

### Dismissal/Redundancy

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.

Reservists can be included in the redundancy pool if this is necessary due to a downturn in business or closure of a department. 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.

### Sick Pay

During the period of mobilisation, the Reservist will continue to accrue any rights to service-related CDC sick pay. 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 the current CDC Sickness arrangements (in line with local policy).

If the Reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered by CDC Sickness arrangements as per the CDC Sickness Policy.

### Return to work

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

### Reservist

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.

They are also encouraged to informally contact the employer, via a letter, a meeting or a telephone call 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 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.

### Employer

CDC 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 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.

### Aftercare

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

- The need to update on changes and developments in the organisation.
- 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 their return to work to prevent any feeling of dislocation, if this is sought.
- Reasonable time off to seek therapeutic treatment if required.

### Performance Review

Line managers who carry out Performance Review meetings 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.

### 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 awards 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 correct at 2/09/2021, but may be subject to change). 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.

#### Training Award

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

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