

Reserve Forces Training and Mobilisation Guidance

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1. INTRODUCTION

Brunel recognises the vital role of Britain's Reserve Forces and the valuable contribution that Reservists make to our Defence, their communities and the civilian workplace. This guidance sets out the obligations for employees and managers when an individual is a volunteer in the Reserve Forces.

The Volunteer Reserve Forces (VRF) consists of the Royal Naval Reserve, the Royal Marines Reserve, the Army and the Reserve Air Forces. Their role is to provide an increase to the Regular Forces with extra resources at times of increased operational demands.

2. NOTIFICATION

Employees are required to inform their manager that they are either a member of the Reserve Forces and to advise of the specific force they belong to or that they intend to become a Reservist. It is necessary for Reservist employees to grant permission for the Ministry of Defence (MoD) to write directly to the University to provide an 'Employer Notification'.

This 'Employer Notification' letter will confirm to the University:

- the employee's membership of the Reserve Forces;
- details of mobilisation obligations;
- the rights of the Reservist employee;
- the rights of the University as an employer;
- and details of financial assistance available if an employee is mobilised.

3. TRAINING COMMITMENTS AND LEAVE

Reservist employees may be required in any year to undertake training, which is typically an evening a week, over various weekends throughout the year and a two week annual course.

The Employee Volunteering Policy and Procedure includes provision for paid time away from work for the purposes of carryout reserve forces activities including attendance at training exercises.

All requests for leave must be authorised by the manager and members of staff should give as much notice as possible of any duties/training for which they wish to take leave.

A discussion between the manager and employee will need to take place to agree what leave is to be used using a combination of annual leave, paid volunteering leave and unpaid leave.

4. MOBILISATION

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 and can last up to 12 months.

The call-out papers for mobilisation will either be sent to the University by the Reservist's Unit or will be delivered in person by the Reservist to their manager. The documentation will include the call-out date (first day of mobilisation) and the anticipated timeline. Where possible, the MoD aims to give at least 28 days' notice of the date the Reservist employee is 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:

1. medical and pre-deployment training;
2. operational tour;
3. post operational tour leave.

In exceptional circumstances, the University can apply for exemption from or deferral of call-out and mobilisation. When applying, the University may make the case that mobilisation is considered to cause a risk to the University's business continuity. Details of what to do are included in the call-out pack. The application must reach the Adjudication Officer within seven days of the Reservist being served with a call-out notice. If an unsatisfactory decision is received, the University can appeal for a hearing by an Independent Reserve Forces Tribunal. Appeals must reach the Tribunals Secretary within five days receipt of written notice of the decision. If the tribunal rejects the application for exemption or deferral, the University must release the Reservist for mobilisation.

Managers should contact their HR Business Partner if a Reservist employee is called for mobilisation to ensure that the necessary process is applied and the appropriate payroll changes are made.

5. TERMS AND CONDITIONS DURING MOBILISATION

Pay

During mobilisation, Reservist employees will be put on unpaid "Special Leave".

The Reservist employee's salary will be suspended during the period of mobilisation. The MoD will assume responsibility for the Reservist employee'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 Reservist receives from the University, 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'.

The continuity of the Reservist's period of employment is not broken by a period of mobilisation, if they are reinstated within six months of demobilisation. Note that the period of mobilisation will not break continuity of service but it will not count towards the overall period of continuous service.

Pension

If the Reservist employee is a member of a pension scheme and chooses to remain in it during mobilisation, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist employee continues to make their personal contributions.

Annual Leave

The Reservist employee will not accrue annual leave 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) before their return to work. During this period they will continue to be paid by the MoD. In accordance with the University's Annual Leave Procedure, up to five days annual leave may be carried forward into the following leave year.

Dismissal & Redundancy

In line with the Reserve Forces (Safeguarding of Employment) Act 1985, a Reservist's employment with the University cannot be terminated on the grounds of their military duties or their liability to be mobilised. Reservist employees may be included in a redundancy pool if this is necessary due organisational change. All employees will be treated fairly and in accordance with the University's Avoidance of Redundancy Procedure.

6. FINANCIAL ASSISTANCE

We are advised that the MOD will cover the Reservist's salary and contractual benefits so that they are not disadvantaged during mobilisation and will also cover additional costs incurred by the employer as a result of the Reservist's mobilisation. These include:

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 employee;
- costs of temporary replacement by the amount that such costs exceed earnings of the Reservist employee.

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 four weeks of the end of full time Reservist service.

Training Award

If a Reservist employee has to undertake additional training as a direct result of their mobilisation (routine training excluded), a claim may be made for the cost. This training must be claimed for within eight weeks of the Reservist returning to work and the training must be commenced within six months of the return to work.

Any queries relating to financial assistance will need to be made to the MoD.

7. DEMOBILISATION

Once a Reservist's deployment finishes they are demobilised at a nominated demobilisation centre. The Reservist undergoes checks including a medical and a period of leave will follow. The University will be notified of the demobilisation date and once leave has been calculated, will be notified of the Reservist's last day of military service. After this date, the Reservist can return to work.

8. RETURNING TO WORK

It is essential that the Reservist employee makes contact (via email, a meeting or a telephone call) with their manager to discuss arrangements for their return to work.

Following these discussions, the Reservist employee must provide formal written notice to their manager of their agreed date of their return to work. This date should be within six weeks of their last day of full-time service. The Reservist must provide this notice to their HR Business Partner as soon as possible. Human Resources will acknowledge receipt of this formal notification and will arrange for the appropriate adjustments to be made to the Reservist employee's pay and benefits.

If a Reservist employee is ill or injured during a period of mobilisation, they will be treated by the MoD until they are fit to return to their duties or to be demobilised. Following demobilisation, if the Reservist employee requires further treatment, due to ill health or injury, the member of staff must comply with the University's Sickness Absence Policy.

The University will reinstate the Reservist employee, where possible to their previous role. In the event of organisational change, the University will ensure that every effort is made to fully explore suitable alternative employment and redeployment opportunities, in accordance with the University's Redundancy Procedure. 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 (through the MoD). This committee will consider the Reservist's application and, if they accept it, can make an order for reinstatement and/or compensation.

The Reservist employee should be reinstated within six 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.

9. FURTHER INFORMATION

Further information on the reserve forces and mobilisation is available on the Government webpages at: <https://www.gov.uk/employee-reservist>

If you need further advice or guidance please contact your HR Business Partner. Information and guidance can also be found at SaBRE (Supporting Britain's Reservists and Employers) www.sabre.mod.uk or 0800 389 5459