



TOLLCROSS  
housing association

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## Reserve Forces Policy

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Prepared By	Anne Wilson, Corporate Services Director
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Reviewed By	Audit & Business Sub-Committee

### CORPORATE FIT

Internal Management Plan	✓
Risk Register	✓
Business Plan	✓
Regulatory Standards	✓
Equalities Strategy	✓
Legislation	✓

On request, the Association can provide translations of all our documents, policies and procedures in various languages and other formats such as computer disc, tape, large print, Braille etc. and these can be obtained by contacting the Association's offices.

## 1. Introduction

- 1.1 This policy outlines Tollcross Housing Association's commitment to supporting employees who are members of the Volunteer Reserve Forces when they are to be mobilised for active service. The policy provides information to senior staff, eg. Managers, Directors and Chief Executive with employees who are members of the Reserve Forces, including details on mobilisation, responsibilities for employee and employer, the procedure should a reservist be required to attend training, reservists return to work, financial support and appeal procedures.
- 1.2 This policy covers all employees of the Association who are members of any branch of the Volunteer Reserve Forces (VRF), Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Territorial Army (TA) and the Royal Auxiliary Air Force (RAAF).

## 2. Background

- 2.1 The Volunteer Reserve Forces are an integral and important part of the United Kingdom's Armed Forces. The role of the UK's Reserve Forces has changed in the last ten years from a large and rarely used 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. Future demands on the Reserve Forces is likely to increase as they continue to be used in sustained and large scale operations, to support and reinforce specialist capabilities in areas such as communications, medical and logistical support.
- 2.2 In addition, as the Reserve Forces are community based there are other key roles the forces may have to undertake. First, is the provision of a civil contingency reaction capability for crisis in the UK, and second is the continued maintenance of links between military and civilian communities.

## 3. Legislation

- 3.1 There are three main pieces of legislation covering the call-up, mobilisation, and employment of Reservists.
  - 1) ***The Reserve Forces Act (1996) (RFA)***

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

2) ***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 following call-up, and protecting them from dismissal for the reason of being mobilised.

3) **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.

#### 4. **Equalities**

4.1 An Equality Impact Assessment (EIA) has been carried out when preparing this policy. In line with good practice the completed EIA will be published alongside the Policy

4.2 Where there is a need for follow-up action, the tasks and timeframe for achieving them shall be noted in the Equality and Human Rights Action Plan to ensure they are addressed.

4.3 We do not see this policy as having any direct impact upon the protected characteristics contained within the Equality Act 2010.

#### 5. **Definitions**

5.1 For the purpose of this policy, the terms

- *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 Serve Services: 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. All members of the Volunteer Reserve Forces are committed to the possibility of mobilisation as detailed in The Reserve Forces Act (1996). This policy does not cover Regular Reservists who are former members of the British Armed Forces with a residual services and mobilisation commitment.
- *Demobilisation* - Administrative release of a reservist from military service, prior to any outstanding leave owing to the reservist.
- *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
- *VRF* - Volunteer Reserve Forces
- *AR* - Army Reserve
- *RFA 96* - Reserve Forces Act 1996
- *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

## 6. Policy Principles

- 6.1 The Association recognises and supports the work carried out by the VRF.
- 6.2 No employees will be treated less favourably due to being a member of the reserved forces.
- 6.3 The Association will aim to release employees who are mobilised for reserved duties where possible while considering the needs of the business.

## 7. Reservist's Training Commitments

- 7.1 A reservist will normally have three types of training commitments that they are required to attend:
- Weekly training - this normally takes place on an evening during the week for around 2½ hours
  - Weekend Training - this normally will take place one weekend a month. *(As far as possible, line managers will plan any work rosters to allow attendance at regular training sessions)*
  - Continuous Training Period or (annual camp) - Where Reservists are required to attend a continuous period of training for around 15 days.
- 7.2 There is no statutory requirement for the Association to grant time off for the continuous training period. However, in line with the Association's commitment to supporting its employees who are members of the Reserve Forces where possible, time will be granted for the continuous training period, if practical. Time off in the form of authorised unpaid leave or annual leave if the employee wishes.
- 7.3 In order to receive authorised unpaid leave, the employee must provide their line manager with as much notice as possible, in line with the Association's leave procedure.

## 8. Procedure for 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 There are two types of mobilisation, voluntary and compulsory and although it is possible for Reservists to be compulsory mobilised. In most circumstances mobilisation will be voluntary.
- An employee of the Association who volunteers for mobilisation must seek permission from their Director, and release will depend on the impact of their absence on service delivery. The

Association is under no obligation to release a Reservist volunteering for mobilisation, however in line with this policy where possible, permission will be granted for mobilisation.

- Where mobilisation is compulsory, the Reservist will provide The Association with their mobilisation papers, and a letter setting out the date and probable period of mobilisation along with information on statutory rights and obligations.

8.4 Reservists are mobilised by the MOD using a system called 'intelligent selection', the system identifies willing and available individuals for specific appointments. The process involves partnership working between the Reservist, their employer and their unit to identify willingness and availability for mobilisation.

8.5 There is no statutory period of notice prior to compulsory mobilisation, in addition, the MOD does not require to seek The Association's consent. However, where possible, the Armed Forces aim to provide The Association's and Reservist with at least 28 days notice.

8.6 The RFA 96 gives the following reasons for mobilisation:

- **Standing Military Tasks**, such as support to the operation of Permanent Joint Operating Bases or maritime components;
- **Operations**, within or outside the UK;
- **Defence Engagement Tasks**, such as Military Capacity Building, Short term Training Teams or activities in direct support of defence diplomacy objectives.

## 9. Exemption/Deferral/Revocation from Mobilisation

9.1 The Association has the right to ask for exemption from, or deferral of mobilisation if it is considered that the absence of the individual Reservist will cause serious harm to the business of the Association, such as loss of reputation, goodwill or other financial harm or impairment of the ability to produce goods or provide services.

## 10. Application for Exemption/Deferral/Revocation

10.1 In all cases of mobilisation, the Association will release the Reservist to report for duty unless there are exceptional circumstances, in such circumstances this will be explained to the Reservist.

10.2 An application must be made to the Adjudication Officer.

## 11. Appeal Process

- 11.1 An appeal can be made to the Reserve Forces Appeal Tribunal if The Association is unhappy with the decision of the SAO. The SAO 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 SAO's decision is received. Appeals can be faxed or posted first-class. The address for the appeals is given in the useful information section at the end of this policy.
- 11.2 Reserve Forces Appeal Tribunals are independent of the MOD, with appointments made by the Secretary of State for Constitutional Affairs and Lord Chancellor. Each tribunal consists of a legally qualified chairperson and two lay-members drawn from a list held by the Employment Tribunals Service.
- 11.3 The Association will be advised of the date, time and place of the hearing of the appeal. Appeals are normally held at the office of the Employment Tribunal Service nearest to The Association. Where necessary, employers may be asked to provide the Tribunal with additional information in support of their case. 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.

- 11.4 If the tribunal rejects the application for exemption or deferral, the Association will be required to release the Reservist for mobilisation. The Reservist will suffer no detriment to their employment on such occasions.

## **12. Terms and Conditions while Mobilised**

- 12.1 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.

### *12.2 Pay*

- 12.2.1 The Association will not pay a reservist during the time they are mobilised. The MOD will pay the reservist during this time. If this is less than the reservist's 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 The Association when they return to work after mobilisation.

### *12.3 Holidays*

- 12.3.1 While the reservist is mobilised they will not accrue annual leave or public/general holidays. Therefore, if a reservist within the Association is mobilised for part of the annual leave year the employee's holiday entitlement will be pro-rated for the time in receipt of monthly salary from the Association for the current annual leave year. When the reservist returns from duty, they will get a period of post tour leave which they accrue holidays at a rate of 2.5 days per month of the duration of them being in full time military service.

### *12.4 Pension*

- 12.4.1 A reservist who is mobilised is entitled to remain a member of their occupational pension scheme. The MOD will pay the employer contributions that the employer would have made provided that the reservist continues to pay their contributions to the scheme. The pension scheme administrator cannot refuse to accept MOD payments.

### *12.5 Dismissal/Redundancy*

- 12.5.1 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.

### 12.6 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.

## 13. Returning to Work

13.1 Both Tollcross Housing Association and the reservist have responsibilities and obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding return to work.

### Employee

- Must write to their employer by the 3<sup>rd</sup> Monday after their last day of military service making their request to return to work and suggesting a date which falls within 6 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 stated above.
- Informally contact their line manager to discuss their return to work as early as possible.
- Will ensure they accept offers of support and training as is appropriate and required.

### Employer

- To 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 6 weeks of their last day of full time service.
- To ensure adequate support and training is put in place to refresh the employee and assist them in integrating back into the workplace.
- Will recognise that adjusting back to work life may be challenging and will offer any appropriate support as required.

## 14. Reintroduction to Employment

- 14.1 The Association recognises that employees returning to work after completing military service as a member of the Reserve Forces may feel anxious and apprehensive about starting their job. It is therefore important that they undergo re-induction into their job and the Association. It is important that the Association and managers are aware that this can be a difficult and challenging time for reservists as they face re-integration and adjustment back into family, social and work life.
- 14.2 The aim of the re-induction programme is to support employees as they re-establish themselves back into the workplace. The programme must ensure that the employees get a good start back into employment, as failure to do so may result in unfavourable situations for both the employer and the employee.
- 14.3 Re-induction programmes should 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:
- Detailed update covering any changes to the Association's objectives, team objectives, changes to the Association policies and changes to health and safety legislation
  - If appropriate update on conditions of service, PDP and job profile
  - Access to relevant training and development both as a refresher and as part of ongoing development

## 15. Responsibilities

### Employee

- To inform their employer that they are a member of the reserve forces and the specific force they belong to.
- Grant permission for the Ministry of Defence to write directly to their employer for Employer Notification.
- Ensure their personal details are up to date with the MOD.
- Employees who are members of the VRF have a responsibility to ensure they are familiar with the content of the policy and to ensure they work with the Association within its framework.
- It is up to individual reservists to make the Association aware of their basic training commitments and Annual Camp, and to ask for training leave when it arises. The employee is responsible for giving the Association as much notice as possible of any additional leave they will need and for representing this accurately.

### **Employer**

- Will not treat any employee any less favourably due to being a member of the reserved forces.
- Will aim to release employees, who are mobilised for reserved duties where possible.
- Managers who have employees in the VRF must ensure they are familiar with the content of this policy, and are able to work within its framework to support employees.
- Note that they have received written notification from the MOD informing them that their employee is a member of the Reserve Forces.
- Will comply with their requirements for mobilising and the return of employees.

## **16. General Data Protection Regulations**

The Association will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection and Data Retention Policies. Information regarding how your data will be used and the basis for processing your data is provided in Tollcross Housing Association's employee transparency statement.

## **17. Monitoring and Review**

This policy requires the full co-operation of all employees who are members of the VRF, and their line managers.

This policy will be reviewed every 3 years or sooner as deemed necessary by Management Committee or in line with legislative changes.

## **FURTHER INFORMATION**

### **Employee Counselling**

A confidential service for employees who are having problems at work due to alcohol, drugs, gambling or stress

Rowan Consultancy

[www.rowan-consultancy.co.uk](http://www.rowan-consultancy.co.uk)

4 Kinnoull Street, Perth PH1 5EN

01738 562005

### **Royal Navy**

[www.royalnavy.mod.uk](http://www.royalnavy.mod.uk)

### **Army**

[www.army.mod.uk/join/20233.aspx](http://www.army.mod.uk/join/20233.aspx)

### **Royal Air Force**

[www.raf.mod.uk/rafreserves](http://www.raf.mod.uk/rafreserves)

### **Government information**

<https://www.gov.uk/defence-and-armed-forces>

<https://www.gov.uk/government/groups/defence-relationship-management>