

Livewell Southwest

**Reserve Forces – Training and
Mobilisation Policy**

Version No 2:14
Review: September 2017

Notice to staff using a paper copy of this guidance

The policies and procedures page of LSW Intranet holds the most recent version of this document and staff must ensure that they are using the most recent guidance.

Author: HR Manager

Asset Number: 193

Reader Information

Title	Reserve Forces – Training and Mobilisation Policy v2.14
Asset Number	193
Rights of Access	Public
Type of Paper	Policy
Category	Non clinical
Document Purpose and Description	Livewell Southwest employees who are members of or those who wish to join the Volunteer Reserve Forces. Guidance for all staff who wish to join the Reserve Forces or who have a reserve commitment to the Crown.
Author	HR Manager
Ratification Date and Group	17 th September 2014.
Publication Date	24 th March 2017
Review Date and Frequency of Review	Two years after publication, or earlier if there is a change in evidence.
Disposal Date	The Policy Ratification Group will retain an e-signed copy for the archive in accordance with the Retention and Disposal Schedule, all copies must be destroyed when replaced by a new version or withdrawn from circulation.
Job Title of Person Responsible for Review	Deputy Director of HR & Corporate Services
Target Audience	All staff employed by Livewell Southwest (LSW). This includes Agency staff.
Circulation List	Electronic: Plymouth Intranet and LSW website Written: Upon request to the Policy Ratification Secretary on 01752 435104. Please note if this document is needed in other formats or languages please ask the document author to arrange this.
Consultation Process	<ul style="list-style-type: none"> • Policy Group • JCCN • SABRE (Supporting Britain's Reservist and Employers)/Ministry of Defence • Pensions Officer • A Reservist Staff Member
References	Not listed
Equality Analysis Checklist completed	Yes
Supersedes Document	Reserve Forces Time off Policy and Reserve Forces Time off and Mobilisation Policy
Author Contact Details	By post: Local Care Centre Mount Gould Hospital, 200 Mount Gould Road, Plymouth, Devon. PL4 7PY. Tel: 0845 155 8085, Fax: 01752 272522 (LCC Reception).

Document Version Control

Version Number	Details e.g. Updated or full review	Date	Author of Change	Description of Changes and reason for change
2.1	New document	November 2007	Mike Williams	New draft Policy replacing Reserve Forces Policy
2.2	Updated	January 2008	Sue Behenna	Incorporating other factors discussed at Policy Group January 2008
2.3	Updated	4 February 2008	Sue Behenna	Feedback from Reservist Colleague. Removal of para 1.2 of Version No 1.2 regarding notification procedures
2.4	Updated	29 February 2008	Jade Brelsford	Updated to comply with corporate standards following JCC approval to go for ratification.
2.5	Update	April 2008	S Edmunds	Prepared for publication
2.6	Reviewed	January 2010	M. Williams	Reviewed, no changes made.
2.7	Reviewed	January 2012	PRG	Reviewed date extended, no other changes made
2.8	Reviewed	3 January 2012	Diane Fry	Reviewed, minor changes made
2.9	Reviewed	April 2014	Learning & Development Manager	Reviewed, no changes made.
2.10	Extended	July 2014	HR Manager	Extended no changes.
2.11	Reviewed	August 2014	HR Manager	Reviewed, no changes made.
2.12	Extended	June 2016	HR Manager	Extended, updated to Livewell Southwest
2.13	Extended	August 2016	HR Manager	Extended
2.14	Extended	March 2017	HR Manager	Extended

Contents		Page
1	Introduction	5
2	The Legal Aspects	5
3	Practical Support for Training	5
4	Mobilisation	6
5	Financial Assistance for Employers	6
6	Pension whilst on Active Service	7
7	Annual Leave whilst Mobilised	7
8	Carry Over of Annual Leave from One Leave to the Next	7
9	Reckonable and Continuous Service	7
10	Support on Return to Work (Demobilisation)	8
11	Useful Sources of Help	8

Reserve Forces – Training and Mobilisation Policy

1. Introduction

- 1.1 Livewell Southwest supports employees who are members of or those who wish to join the Volunteer Reserve Forces. These consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Territorial Army (TA) and the Reserve Air Forces (FAFR and RAUXAF). This policy will also apply to employees with a reserve commitment to the Crown following discharge from the regular armed forces.
- 1.2 The Reservist should tell the organisation that they are a Reservist. The HR & Corporate Services Department will keep a register of all employees who are members of the volunteer forces. Such employees who wish to take advantage of the provisions below must register their membership with their line manager and the HR & Corporate Services Department.

2. The Legal Aspects

- 2.1 In most instances our relationship with a Reservist member of staff should be like that of any other employee. However, there are areas where a Reservist's status may affect the operations of the organisation. Legislation exists to define the rights and liabilities that apply to both parties.
- 2.2 There are two main pieces of legislation relating to employers and the Volunteer Reserve Forces.
 - The Reserve Forces Act 1996 (RFA 96) which provides the powers under which Reservists can be mobilised for full-time service.
 - The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) – PDF 1Mb which provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilised service.

3. Practical Support for Training

- 3.1 Special paid leave of 1 week per year (pro-rata) available to attend annual camp.
- 3.2 Unpaid leave of 1 week per year available (to supplement paid leave above) to attend annual camp.
- 3.3 Line managers will as far as possible facilitate work rosters to allow attendance for annual camp and other training commitments, e.g. weekly or weekend training sessions.
- 3.4 Reservist Employees should give as much notice as possible to allow appropriate planning for absences. Permission will be granted where the notice exceeds one month and should normally be granted in other circumstances. Permission once given will not be rescinded except in exceptional and extreme circumstances.

- 3.5 Any disputes should be referred to the Head of HR & Corporate Services in the first instance. Employees may thereafter use the Grievance Procedure.

4. Mobilisation

- 4.1 Mobilisation is the process of calling reservists into full-time service.

- (i) With the Regular Forces on military operations
- (ii) To fulfil their part of the UK's defence strategy.

The Reserve Forces Act 1996 provides the legal basis for mobilisation. In the past this has usually been done on a voluntary basis with the prior agreement of employers but can involve compulsory mobilisation of selected personnel. Subject to the severity of the crisis there would normally be a minimum of 30 days' notice. Mobilisation will normally be for between 3 and 12 months. For operational reasons the MOD (Ministry of Defence) are unable to give the employer a return date.

- 4.2 An employee who wishes to volunteer for mobilisation must seek prior agreement of the organisation. Any such request will be considered within 48 hours by the Line Manager, Locality or Deputy Locality Manager and Employee Relations Manager.
- 4.3 Where there are multiple requests in a single department/unit or across the organisation as a whole, these will be referred by the Director of HR & Corporate Services for joint consideration by the Executive Team (ET).
- 4.4 Where there is compulsory mobilisation of any employee the organisation (following a similar process to 4.2 above) will decide whether to seek exemption or deferral. The grounds of exemption are strictly limited and would have to show serious harm to the LSW's ability to provide services. The organisation would only seek exemption in very exceptional circumstances.

5. Financial Assistant for Employers

- 5.1 Where an employee's mobilisation results in additional costs the organisation will seek compensation from the MOD e.g.
- Overtime costs if we use another employee to cover the work of the Reservist.
 - Any costs of hiring a temporary replacement that exceeds the Reservist's earnings with the organisation.
 - Advertising for replacement or agency costs.
 - Training costs for any training the employee needs as a result of having been mobilised (the MOD will not pay for training that we would have carried out anyway) when they return to work to carry out their duties properly.

- 5.2 While the Reservist is mobilised the organisation is not obliged to pay them earnings. Line managers should liaise with their Employee Relations Manager to facilitate the claim.
- 5.3 In order to claim financial assistance the organisation will provide the MOD with appropriate supporting documentary evidence e.g. invoices.
- 5.4 The latest date for submitting claims for financial assistance, other than for training, is within four weeks of the date the Reservist is demobilised.

6. NHS Pension whilst on Active Service

- 6.1 A Reservist who is called out is entitled to remain a member of the NHS Pension Scheme. The MOD will pay the employers' pension contributions whilst the individual is mobilised. Where mobilisation occurs the employee will be given authorised unpaid leave of absence. The employee's pension contributions would be calculated and held over until the employee returns to the organisation. These would then be recovered monthly from salary and over the same period as they were absent. The organisation will continue, on request of the employee, to pay employer's contributions to the NHS pensions scheme or Scottish Widows for the period of mobilisation and invoice the MOD to recover this amount. In other respects conditions of the organisation's career break scheme apply. Advice on the NHS Pension Scheme can be sought from the NHS Pensions Agency (see Useful Sources of Help section). Advice on the Scottish Widows Group Personal Pension can be sought from Lucas Fettes & Partners (company pension advisor for Scottish Widows on 0845 3578910).

7. Annual Leave whilst Mobilised

- 7.1 Reservists have no entitlement to accrue annual leave whilst mobilised and on nil pay from the organisation.
- 7.2 Reservists will, in any case get a period of 'post tour' leave which they accrue at the rate of 2.5 days per month of service from the MOD.

8. Carry Over of Annual Leave

- 8.1 The normal rules applying to the carry over of leave are waived in the case of a reservist. Annual leave untaken up to the date of mobilisation may be carried over into the following leave year.

9. Reckonable and Continuous Service

- 9.1 A period of mobilisation will count towards continuous employment for statutory purposes. It will not affect reckonable service.

10. Support on Return to Work (Demobilisation)

10.1 Demobilisation may be a difficult time, with a Volunteer Reservist returning to work after a challenging period in deployment. Helping to ensure a smooth re-integration into the workplace/team will require consideration of the following:

- The need to update them 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 them with new aspects of the job.
- Whether the Reservist can meet up with colleagues over coffee or even socially before or after return to work to prevent any feeling of dislocation, if this is sought.
- Reasonable time off to seek therapeutic treatment.

11. Useful Sources of Help

SABRE (Supporting Britain's Reservists and Employers Helpline for Reservists and Employers).

Tel 0800 389 5459 www.sabre.mod.uk

South Western Regional office of SABRE

Mount House

Mount Street

Taunton

Somerset TA1 3QE (Mr Alec Dunn, SABRE Campaign Director)

Tel: 01823 254571

Fax: 01823 259935

NHS Pensions Agency

Hesketh House

200-220 Broadway

Fleetwood

Lancashire

FY7 8LG

Tel: 0845 421 4000

Lucas Fettes & Partners

(Pensions Advisor for Scottish Widows)

Lakeside 500,

Old Chapel Way

Broadland Business Park

Norwich NR 7 OWG

Email ncvopension@lucasfettes.co.uk

Tel: 0845 3578910

All policies are required to be electronically signed by the Lead Director. Proof of the e-signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Locality Manager.

Signed: Interim Head of Human Resources

Date: 23 September 2014