

Livewell Southwest

**Reserve Forces – Training and
Mobilisation Policy**

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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.

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Document Version Control

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Reserve Forces – Training and Mobilisation Policy

1. Introduction

- 1.1 Livewell Southwest is committed to fairness and equity and values diversity in all aspects of its work as a provider of health and social care services and as an employer of people. We constantly strive to build a workforce that is representative of the community it serves.
- 1.2 Livewell Southwest is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy maternity, race, religion or belief, sex and sexual orientation in the provision of our services and in recruitment and employment. This enables an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation.
- 1.3 Livewell Southwest (the Organisation) 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.
- 1.4 The Reservist should tell the Organisation that they are a Reservist. The HR 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 Department.

2 Purpose

- 2.1 The purpose of this policy is to explain the arrangements for reserve forces training and mobilisation, what it means for employees and LSW, and its impact on pay and leave. It also explains the process for requesting this type of leave.
- 2.2 This Policy applies to all employees. It does not apply to agency workers, external consultants or self-employed contractors.
- 2.3 This policy does not form part of any employee's contract of employment and may be amended from time to time.

3 Definitions

The organisation – Livewell Southwest CIC

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).

Commitment to the Crown – employees who have a commitment following discharge from the regular armed forces.

4 Duties and Responsibilities

4.1 The Chief Executive is ultimately responsible for the content of all policies, implementation and review.

4.2 Line Managers are responsible for:

- Ensuring that this policy is adhered to within their specified area.
- Ensuring that employees are made aware of this policy and understand their responsibilities in relation to it where applicable.

4.3 Employees must:

- Inform their Line Manager of any commitments in relation to the policy provision.
- All employees have a responsibility to familiarise themselves with this and other relevant policies and procedures.

5 The Legal Aspects

5.1 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.

5.2 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.

6 Practical Support for Training

6.1 The Organisation is committed to granting:

- (a) Special paid leave of 1 week per year (pro-rata) available to attend annual camp.
- (b) Unpaid leave of 1 week per year available (to supplement paid leave above) to attend annual camp.

6.2 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.

- 6.3 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.
- 6.4 Any disputes should be referred to the HR Department in the first instance. Employees may thereafter use the Grievance Procedure.

7 Mobilisation

- 7.1 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.
- 7.2 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 28 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.
- 7.3 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. There is no obligation on the Organisation to agree to a voluntary mobilisation.
- 7.4 Where there are multiple requests in a single department/unit or across the Organisation as a whole, these will be referred by the HR Department for joint consideration by the Executive Team (ET).
- 7.5 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. An employee who has received a call-up notice for compulsory mobilisation must inform their line manager immediately.

8 Financial Assistance for Employers and Employees

- 8.1 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.
- Handover costs in order for relevant matters to be handed over from the reservist to the replacement and then from the replacement to the reservist.
- The cost of providing specialist clothing required by the reservist's replacement.

8.2 Line managers should liaise with the HR Department to facilitate the claim.

8.3 In order to claim financial assistance the Organisation will provide the MOD with appropriate supporting documentary evidence e.g. invoices.

8.4 The latest date for submitting claims for financial assistance, other than for training, is within four weeks of the date the Reservist is demobilised.

8.5 While the Reservist is mobilised the Organisation is not obliged to pay them earnings. The MoD assumes responsibility for the Reservist's salary throughout their period of mobilisation. This will be a basic salary according to the Reservist's military rank. If this is less than the Reservist's normal pay, the Reservist may apply to the MoD for a reservist's award – this will be the individual employee's responsibility to arrange directly with the MOD.

9 Pension whilst on Active Service

9.1 A Reservist who is called out is entitled to remain a member of the Pension Scheme. The MOD will pay the employers' pension contributions whilst the individual is mobilised provided the individual continues to make personal contributions to the Scheme.

9.2 Where mobilisation occurs the employee will be given authorised unpaid leave of absence. The Organisation will facilitate the employee's continued pension contributions by calculating and holding these 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.

9.3 On request of the employee, the Organisation will continue to pay employer's contributions to their pension scheme for the period of mobilisation and invoice the MOD to recover this amount.

9.4 Contact details for advice on pension scheme can be located on the intranet.

10 Annual Leave whilst Mobilised

10.1 Reservists have no entitlement to accrue contractual annual leave whilst mobilised and on nil pay from the Organisation; therefore annual leave calculations will need to be updated.

10.2 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.

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

11 Sick Pay

- 11.1 During the period of mobilisation the Reservist will continue to accrue any rights to service-related Organisation sick pay.
- 11.2 Should a Reservist become sick or injured during mobilisation they will be covered by the MOD's 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 the MOD until the last day of paid military leave.

12 Reckonable and Continuous Service

- 12.1 The Organisation will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service.
- 12.2 A period of mobilisation will therefore count towards continuous employment for statutory purposes. It will not affect reckonable service or the continuation of service related benefits as long as the employee returns within six months of the end of their whole time service.

13 Support on Return to Work (Demobilisation)

- 13.1 To return to work, the Reservist must write to the Organisation 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 formally starts the return to work process and it must be in writing to be valid.
- 13.2 The Reservist is also encouraged to informally contact the Organisation in order to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call.
- 13.3 The Organisation will reinstate the Reservist to their former role or, if not possible, to a suitable alternative role on the same terms and conditions prior to mobilisation.
- 13.4 If a Reservist is not happy with the offer of alternative employment they must write to the Organisation stating why there is reasonable cause for them not to accept.
- 13.5 The Reservist will be reinstated by the Organisation for the following minimum periods:
- (a) 13 weeks, where the Reservist was employed for up to 13 weeks prior to mobilisation,

- (b) 26 weeks, where the Reservist was employed for between 13 and 51 weeks prior to mobilisation; and
- (c) 52 weeks, where the Reservist was employed for at least 52 weeks prior to mobilisation.

14 Aftercare

14.1 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.

15 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

16 Training Implications

Training and support will be provided to Managers on their duties in relation to this Policy as required.

17 Monitoring Compliance

The effectiveness of this policy will be monitored both in terms of whether the process was properly followed leading to a legal and fair outcome, and whether managers at all levels are taking the opportunity to learn from any problems and improve their overall approach to people management.

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.

The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.

Signed: Director of Professional Practice and Development

Date: 19th May 2017