



RESERVISTS POLICY

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CONTENTS

DOCUMENT INFORMATION	2
1. INTRODUCTION.....	4
2. PURPOSE.....	4
3. SCOPE.....	4
4. EQUALITY STATEMENT	5
5. LEGAL FRAMEWORK.....	6
6. THE TRUST'S RESPONSIBILITIES.....	6
7. MANAGER AND EMPLOYEE RESPONSIBILITIES	6
8. MOBILISATION.....	6
9. NHS PENSION WHILST ON ACTIVE SERVICE	8
10. ANNUAL LEAVE WHILST MOBILISED	8
11. EXEMPTION AND DEFERRAL FROM MOBILISATION.....	8
12. MONITORING & REVIEW	9
13. RELATED POLICIES	9
APPENDIX 1 - USEFUL CONTACTS & FURTHER INFORMATION	10
APPENDIX 2 – ARMED FORCES RESERVIST DECLARATION	11
Equality Impact Assessment.....	12

1. INTRODUCTION

- 1.1 South Central Ambulance Service NHS Trust ('The Trust') is committed to support staff who are in the Reserve Forces (Maritime Reserve, Army Reserve and RAF Reserve) and who may be called up for mobilisation to areas of conflict.
- 1.2 These staff require regular time off for training to maintain their skills and readiness for deployment. The training undertaken by reservists enables them to develop skills and abilities that can be of benefit to them as employees, and to the employer in terms of service delivery.
- 1.3 The [Mandate from the Government to Health Education England: April 2014 to March 2015](#) states that there are clear advantages to the NHS, its staff and the Armed Forces of healthcare professionals and other staff contributing to the armed services as reservists. There are benefits which accrue to the NHS, its staff and the hosts and recipients of volunteering at home and overseas.
- 1.4 The average Reservist receives approximately £8000 of training per annum in skills such as communications, IT and LGV licences (Gov.uk). Therefore the more Reservists the Trust employs, the more we can benefit from these transferrable qualities. Exposure to Reserve Forces also develops core values including teamwork, leadership and the ability to improvise in unfamiliar or difficult circumstances.
- 1.5 The Trust values of Teamwork, Caring, Professional and Innovation underpin everything we do to support our vision of saving lives and enabling patients to get the care they need. SCAS aims to nurture a healthy culture, based on all staff demonstrating their role-relevant values-based behaviours within their working lives. All staff are expected to model their behaviours to support SCAS with its strategic aims to become an Employer, Partner and Provider of Choice.

2. PURPOSE

- 2.1 The Trust has pledged its support for members of staff who are currently in or wishing to join the Reserve Forces and acknowledges the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to both the individual and their employer.
- 2.2 This policy intends to define The Trust's obligations towards all employees who are members of the Reserve Forces.

3. SCOPE

- 3.1 The policy applies equally to all employees working on any of The Trust's sites.
- 3.2 The Trust will not disadvantage those Reservists who notify The Trust of their Reserve status or those Reservists who are made known to The Trust directly by the Armed Forces.
- 3.3 Reservists are required to inform their employer that they are a member of the Reserve Forces and the specific Force that they belong to (*A Declaration of Military Service form can be found in Appendix 2*). This is so that The Trust can provide the

appropriate level of support to the Reservist. It also assists with resource planning during periods of leave e.g. training and/or mobilisation.

Reservist employees are also required to grant permission for their Unit Commanding Officer to write directly to their employer subject to any security considerations. This is known as 'Employer Notification' and ensures The Trust is made aware that the employee is a Reservist and the benefits, rights and obligations and annual training commitments that apply.

The MoD will issue written confirmation to the employer informing them the employee is a Member of the Reserve Forces. The letter will provide detail of mobilisation obligations and rights as an employee; rights as an employer; and details of the financial assistance available if an employee is mobilised. Where possible, the MOD will routinely inform employers three months before the start of the training year of the annual training commitments that their employee is expected to attend. It will also provide reasonable notice of any changes. The MoD will also send a follow-up letter each year to confirm that the information held is still accurate.

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

In any circumstance, the Reservist will not be disadvantaged as a result of notifying The Trust of their Reserve status.

- 3.4 This policy does not apply to anything other than Military Employment. In the case of other roles, such as Special Constable, please refer to the Additional Leave Policy and other leave policies including the Paid and Unpaid leave policy.

4. EQUALITY STATEMENT

The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marriage and civil partnership, disability, race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity or any other basis not justified by law or relevant to the requirements of the post. The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of the aforementioned protected characteristics, whether full or part-time or employed under a permanent or a fixed-term contract or any other irrelevant factor.

- 4.1 By committing to a policy encouraging equality of opportunity and diversity, The Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.
- 4.2 Where there are barriers to understanding; for example, an employee has difficulty in reading or writing, or where English is not their first language, additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the

procedure. Further information on the support available can be sought from the HR Department.

- 4.3 Employees exercising their rights and entitlements under these regulations will suffer no detriment as a result.

5. LEGAL FRAMEWORK

- 5.1 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) which provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilised service.

6. THE TRUST'S RESPONSIBILITIES

- 6.1 To provide reasonable leave to support training. Up to **2 weeks paid leave** (pro rata - per annual leave year) will be made available to reservists to attend annual camp or equivalent continuous training. Additional annual leave from the employees normal annual allocation may be granted for short periods of training, provided adequate notice is given (at least 35 working days) and where such training cannot be undertaken in off-duty time. Attendance at weekend camps, which cannot be undertaken during off-duty, will be subject to the same arrangements.

6.1.1 Reservists need to apply for this leave by submitting a claim in writing. Note that this is an application for leave and not a right, and managers may not grant this leave under exceptional circumstances e.g. operational pressure.

7. MANAGER AND EMPLOYEE RESPONSIBILITIES

- 7.1 Reservists are responsible to inform their managers of the training they are committed to do (this ranges from 24-40 days depending on which service they belong to and any specialist skills they have).
- 7.1.1 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.
- 7.1.2 Reservist employees are required to give as much notice as possible to allow appropriate planning for absences. This should include detail of all planned military training that will require absence from the workplace at the beginning of each year. Permission will be granted where possible in line with service needs. Once given, permission will not be rescinded except in exceptional circumstances e.g. operational pressure.

8. MOBILISATION

- 8.1 Mobilisation is the process of calling reservists into full-time service. This can be with the Regular Forces on the military operations or 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 28 days' notice. Mobilisation will normally be for between 3 and 12 months. For operational reasons the Ministry of Defence (MoD) is unable to give the employer a precise return date.

- 8.2 An employee who wishes to volunteer for mobilisation must seek prior agreement of their employer via the designated contact and line manager. Any such request should be submitted in writing and will be considered within 10 working days. Any decisions made will be confirmed in writing.
- 8.3 Where there is compulsory mobilisation of any employee, The Trust is entitled to apply for deferral, revocation or exemption from the call out. Suitable and timely evidence will need to be provided to support an application to defer, revoke or seek exemption from the call out.
- 8.4 When mobilised, the Reservist is on unpaid special leave, the Trust will stop paying the employee's salary. The Reserve Force will then assume responsibility for the Reservist's salary for the duration of their mobilisation and pay a basic salary according to their military rank. If this basic element is less than their normal salary, it is the Reservist's responsibility to apply to the Reserve Force for the difference to ensure no loss of earnings.
- 8.5 *Pre-mobilisation:* Meetings with the Reservist must take place to ensure all mobilisation paperwork completed (including pay, benefits & pension arrangements) and to discuss any handover of work and agreements for keeping in touch.
- 8.6 *During mobilisation:* The Employee must keep in touch with The Trust as agreed and is obliged to inform The Trust should their circumstances change i.e. length of mobilisation or any health concerns.
- 8.7 *Post-mobilisation:* The Trust and the Employee must ensure to fulfil their return to work obligations, any necessary after care and support requirements to be discussed with the Employee.
 - 8.7.1 When an employer is advised by a reservist that they want to return to work, the employer is obliged reengage them as per their contract of employment as stated in The Reserve Forces (Safeguard of Employment) Act 1985. Where this is not possible, they must be offered an equivalent position with the same terms and conditions of service. The right to return to work lasts for six months after demobilisation.
 - 8.7.2 To enable SCAS to plan for the staff members return to work after their military service has ended, reservists must advise their line manager (or designated contact) in writing, the date they will be available to start work. This communication should be made no later than 5 weeks after the completion of military service. The employer must be advised as soon as possible, if, due to illness or some other reasonable cause, the employee is unable to start work on the agreed date.

- 8.7.3 If the Reservist is not fit to return to work immediately, sickness absence procedures should be applied in the normal way and should take into account individual circumstances.

9. NHS PENSION WHILST ON ACTIVE SERVICE

- 9.1 A reservist who is called-up is entitled to remain a member of the NHS Pension Scheme. The MoD will pay the employer's pension contributions whilst the individual is mobilised provided they continue to pay their individual contributions.
- 9.2 Where mobilisation occurs, the employee will be given special unpaid leave of absence. The employee's pension contributions would be calculated and held over until the employee returns. These would then be recovered monthly from salary and over the same period as the employee was absent. The employer will continue, on request of the employee, to pay employer's contributions to the NHS Pension Scheme for the period of mobilisation and invoice the MoD to recover this amount.
- 9.3 If the employee decides to opt out of their NHS Pension scheme to enter the relevant/most applicable MOD Pension scheme they must advise their local HR Adviser.
- 9.4 If the employee opts out of their NHS Pension scheme, the Trust has a legal responsibility to automatically enrol the employee back into the scheme every 3 years (it then becomes the responsibility of the employee to opt out again).
- 9.5 If at any point after opting out you decide you would like to opt back in to the NHS Pension scheme again, please contact your local HR Adviser.

Further information regarding pensions refer to NHS Pensions Agency:
<http://www.nhsbsa.nhs.uk/Pensions/4189.aspx>

10. ANNUAL LEAVE WHILST MOBILISED

- 10.1 Reservists have no entitlement to accrue annual leave whilst mobilised and on unpaid leave.
- 10.2 Reservists will have a period of 'post tour' leave which they accrue at the rate of 2.5 days per month of service from the MoD. This leave will be taken before the individual is demobilised.

Any annual leave untaken in line with the *Annual Leave Policy* up to the date of mobilisation may be carried over into the following leave year. The maximum of 37.5 hours rule associated with untaken annual leave being carried forward is waived in the case of a reservist if they are unable to take leave due to being on duty.

11. EXEMPTION AND DEFERRAL FROM MOBILISATION

- 11.1 The employer has the right to ask for exemption from, or deferral of, mobilisation if it is considered that the organisation will suffer serious harm because of their absence. Serious harm can be defined as demonstrable harm to the provision of services or any financial harm.

11.2 To be considered for exemption or deferral, the Reservist, or the employer, must make an application, within seven days of the Reservist being served with a mobilisation notice, to the Service Adjudication Officer (SAO) for the Service in which the Reservist will serve. Late applications can only be made with the permission of the SAO appointed by the MoD.

12. MONITORING & REVIEW

12.1 This policy will be reviewed as indicated on the front sheet – or sooner subject to legislative change.

13. RELATED POLICIES

13.1 Please read this policy in conjunction with the following:

- Additional Employment Policy
- Annual Leave Policy
- Capability Policy
- Discipline and Conduct Policy
- Equal Opportunities Policy
- Grievance Policy
- Sickness Management Policy
- Paid and Unpaid Leave Policy

APPENDIX 1 - USEFUL CONTACTS & FURTHER INFORMATION

Name: Laura Farrow – Recruitment Advisor
Tel: 07795 347789
Email: laura.farrow@scas.nhs.uk

Name: SaBRE
Website: www.sabre.mod.uk/Employers/Supportive-Employers/Industry-Bodiesworking-with-SaBRE/NHS-Employers.aspx

Name: Unison
Website: www.unison.org.uk
Tel: 0870 770 1112
Email: unison-southern@unison.co.uk

Name: Unite the Union
Website: www.unitetheunion.org
Tel: 01753 313820/0800 709 007
Email: Membership.southeast@unitetheunion.org

Name: GMB
Website: <https://www.gmb-southern.org.uk>
Tel: 0208 397 8881 (Regional Office)
Email: info@gmb.org.uk

Name: Advisory Conciliation and Arbitration Service (ACAS)
Website: www.acas.org.uk/

Name: Department for Business, Innovation & Skills
Website: www.bis.gov.uk

APPENDIX 2 – ARMED FORCES RESERVIST DECLARATION

Armed Forces Reservist Declaration

- 1.1 An Armed Forces Reservist Declaration form is available for Internal use by SCAS Staff. It can be accessed internally via our [Staff Intranet](#).

Equality Impact Assessment

- 1.1 A full Equality Impact Assessment has been carried out on this policy on the 18/05/2017 and is available on request to the public and internally via our [Staff Intranet](#).
(see also section 4. Equality Statement)

Joint Consultative Committee

- 1.1 The purpose of the Joint Consultative Committee (J.C.C) is to provide a forum for discussion, consultation and negotiation between senior managers and representatives of the recognised trade unions. This policy has been agreed and signed off by the committee. A copy has been forward to all parties concerned and is available on request to the public and internally via our [Staff Intranet](#).