

EMPLOYMENT POLICY

Reservist

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1. Scope & Purpose

- 1.1. Lothian is proud to honour the Armed Forces Covenant and support the Armed Forces community. We recognise the valuable contribution that Reservists make to the UK Armed Forces, their communities and the workplace and we are keen to support those Reservists currently working within Lothian as well as those who may join us in the future. Lothian recognise the value of Volunteer Emergency Responder's.
- 1.2. This policy is consistent and in accordance with the current legislative requirements and it is the responsibility of all employees to comply with this policy and be familiar with its contents and principles.
- 1.3. Lothian has pledged its support for members of, or those wishing to join the Reserve Forces and Volunteer Emergency Responders, recognises that the training undertaken by Reservists and Volunteer Emergency Responders which enables them to develop a wide range of skills that are of benefit to them and to us as their employer.

1.4. Lothian will not disadvantage those Volunteers or Reservists who notify us of their Reserve status or those Reservists who are made known to Lothian directly by the Ministry of Defence (MoD). Indeed, they will receive our complete support and encouragement.

1.5. This policy applies to all employees of the Lothian Group.

2. Types of Reservist

2.1. There are two main types of Reservist:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
- Regular Reservists - ex-regular service personnel who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

2.2. The Reserve Forces Act 1996 also provides for other categories, such as:

- Full Time Reserve Service - 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.
- Sponsored Reserves - These are personnel employed by a contractor to provide a service to the Ministry of Defence (MoD).
- High Readiness Reserves - These are Reserves, usually with a particular skill set, that are available at short notice (with written agreement from their employer).

3. Reserve Status Notification

3.1. Reservists are encouraged to inform Lothian that they are a member of the Reserve Forces and the specific force that they belong to. This allows Lothian to provide the appropriate level of support. It also assists with resource planning during periods of leave e.g. training and/or mobilisation. Lothian also recognises the additional skills and experiences that being a Reservist can bring and

therefore it is useful for Lothian to have an understanding of where these particular skills and experiences exist.

- 3.2. Reservist employees are also required to grant permission for the Ministry of Defence (MoD) to write directly to their employer. This is known as 'Employer Notification' and ensures Lothian is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.
- 3.3. 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, it will also provide details of any annual training commitments. The MoD will also send a follow-up letter each year to confirm that the information held is still accurate.

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

4. Volunteer Emergency Responders Status Notification

- 4.1 Volunteers are encouraged to inform Lothian that they are an Emergency Responder and the specific emergency service to which they belong. This allows Lothian to provide the appropriate level of support. It also assists with resource planning during periods of leave e.g., training. Lothian also recognises the additional skills and experiences that being a Volunteer Emergency Responder can bring and therefore it is useful for Lothian to have an understanding of where these particular skills and experiences exist.

Volunteer Emergency Responders recruited into roles as a Retained Fire Fighter with Scottish Fire & Rescue Service, Special constable with Police Scotland, Community First Responder with Scottish Ambulance Services, Coastguard Rescue Officer and Mountain Rescue.

5. Training Commitments & Time Off

- 5.1. We recognise the importance of the training undertaken by Reservists as well as the skills and experience it provides them with.
- 5.2. Reservists are typically committed to regular activities and training throughout the year. Training commitments vary but in most cases include:
 - **Weekly training** - most Reservists train at their local centre for around two-and-a-half hours, one evening a week.
 - **Weekend training** - all Reservists are expected to attend a number of training weekends which take place throughout the year.
 - **Annual training** - a two week annual training course sometimes referred to as 'annual camp'.
- 5.3. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place

within the UK, although each year some Reservists train overseas.

- 5.4. An employee who is member of the non-regular forces (Reservist) and attends an annual training camp for a period of not less than one week **will be granted special leave with pay** equal to the period for which the employee actually attends the camp, but not exceeding a period of 15 calendar days. A day's pay will be calculated based on their basic hourly rate and ordinary hours of work.

5.5. **Additional Leave**

Out with these provisions leave, with or without pay, may be authorised by the relevant Director in conjunction with the Head of HR.

Line Managers will where practicable facilitate work rosters to allow attendance at annual camp and other training commitments (e.g. weekly or weekend training sessions).

Reservist employees should give as much notice as possible of training commitments to allow appropriate

planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances.

5.6 Volunteer Emergency Responder training

- We recognise the importance of training. Employees must give their line manager notice of any training commitments with a reasonable amount of notice. In any circumstances Volunteer Emergency Responder's will not be disadvantaged as a result of notifying Lothian of their Volunteer status.
- Training Commitments and Time Off - Lothian recognise the importance of the training undertaken by Volunteer Emergency Responder's as well as the skills and experience it provides them with. Volunteer Emergency Responder's are typically committed to regular training throughout the year. Training commitments vary depending on which service you belong to. These commitments must be disclosed to their line manager.

- Additional leave - Time away from work for training. This depends on their role but most Voluntary Emergency Responder's undertake their training around their daily work commitments

6. Mobilisation

- 6.1. 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 nature of the operation and is typically no longer than 12 months.
- 6.2. The Call-out papers for mobilisation are sent by post to the employer or sometimes delivered in person by the Reservist to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, the MoD aims to give at least 28 days' notice in the case of a short notice operation, or 90 days' for a pre-planned operation of the date that a Reservist will be required to report for mobilisation. There is however no statutory requirement for a warning period prior to mobilisation.

6.3. A period of mobilisation comprises three distinct phases:

- Medical and pre-deployment training.
- Operational tour.
- Post-operational tour leave.

6.4. Pre-mobilisation – Line Managers should:

- Meet with the Reservist to ensure all mobilisation paperwork completed (including pay, benefits & pension arrangements).
- Make a claim for financial assistance as appropriate (please see section 10 – Financial Assistance).
- Discuss any handover of work and return of equipment.
- Arrangements for keeping in touch.

6.5. During mobilisation – Line Managers should:

- Keep in touch as arranged, taking care to ensure that updates on both work and the social side to work is provided.

6.6. Post-mobilisation – Line Managers should:

- Ensure both Lothian and the Reservist fulfil their return to work obligations.
- Ensure after care and support requirements are met and the employee is supported back into their role and team, which is particularly important when the Reservist has been away for a lengthy period of time.

7. Applying for Exemption/ Deferral/ Revocation

7.1. In all cases of mobilisation, Lothian will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist. This will only occur where approval has been granted by the relevant Director and advice has been sought from the Head of HR.

7.2. In such circumstances line managers have the right to seek exemption, deferral or revocation if the Reservist's absence is considered to cause serious harm to service delivery.

7.3. Definitions of 'harm' will vary from case to case, but may include;

- Loss of reputation, goodwill or other financial harm.
- Impairment of the ability to produce goods or provide services.
- Harm to the research and development of new products, services or processes (which could not be prevented by the granting of financial assistance under sections 83 and 84 of The Reserve Forces Act 1996).

7.4. Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer within 7 days of Lothian receiving a call-out notice. If this timescale is not met, permission to make a late application will need to be obtained from the Adjudication Officer. The Reservist also has the right to

apply for exemption or deferral if the call-out papers arrive at a difficult time.

- 7.5. If an unsatisfactory decision is received following the application for a deferral, Lothian can appeal for a hearing by the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within 5 days receipt of written notice of the decision. If the tribunal rejects the application for exemption or deferral, Lothian will be required to release the Reservist for mobilisation.

8. Treatment of Terms and Conditions during mobilisation

- 8.1. Lothian will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits.

8.2. Pay

Where mobilisation occurs the employee will be given special unpaid leave of absence. Lothian is not required to

pay the Reservist's salary during the period of mobilisation.

The MoD will assume responsibility for the Reservist'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 Lothian, 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.

8.3. Benefits

Contractual benefits that are suspended by Lothian during mobilisation can be claimed by the Reservist as part of their Reservist Award. The Line Manager and Reservist should discuss any benefit arrangements during the pre-mobilisation meeting. This should cover those benefits which will be suspended and for any continuing benefits, arrangements should be made as to how these are paid.

Advice can be sought from the HR Manager.

8.4. Pension

If the Reservist is a member of the occupational pension scheme, and he/she chooses to remain within the pension scheme, the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions.

8.5. Annual Leave

Reservists should be encouraged to take any accrued annual leave before mobilisation. Lothian is not obliged to accrue annual leave for a Reservist employee 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). During this period they will continue to be paid by the MoD.

8.6. Dismissal/Redundancy

A Reservist's employment will not 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 a redundancy pool, if this is necessary, due to a downturn in business or closure of a department. However, all employees will be treated consistently, and redundancy criteria will not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

8.7. Sick Pay

Should a Reservist become sick or injured during mobilisation they will be covered by Defence 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 Defence until the last day of paid military leave.

After this time the Reservists contractual entitlement to sick pay will apply as it would to any other period of sickness absence.

In the unlikely event of being injured in their volunteering role, most Volunteering organisations have insurance in place to cover their volunteers in cases of sickness and injury. The volunteer's organisation is not legally required to have insurance. The employee should be aware if they are covered as a volunteer with Public Liability insurance.

9. Return to work

9.1. Both the Reservist and Lothian have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process.

9.2. Reservist:

Reservists must write to their Line Manager 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 letter formally starts the return to work process.

Reservists should be encouraged to informally contact their Line Manager to discuss their return to work at the

earliest opportunity, whether via a letter, a meeting or a telephone call. The formal application must be made in writing for it to be valid under the Act.

If a Reservist is dissatisfied with the offer of alternative employment they must write to their Line Manager stating why there is reasonable cause for them not to accept it. If they believe that Lothian's response denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.

9.3. Lothian

Lothian has an obligation under the Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist, where possible to their former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation.

The Reservist should be reinstated within 6 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. Advice on this can be sought from the HR Manager.

Sometimes Reservists may need refresher training when they return to work, or be given time to familiarise themselves with processes and procedures in the workplace. Financial assistance may be available for retraining if it is required as a direct result of their mobilisation, although applications cannot be made for training courses that would have taken place anyway. Evidence of costs will be required in addition to evidence that the Reservist could not reach the required standard by any other means, such as workplace experience.

10. Aftercare

10.1. It is important that a Reservist returning to work has a smooth re-integration into the workplace/team. The following should be considered as part of this process:

- The need to update on changes and developments in Lothian.

- The need to offer specific refresher training where it is sought/considered necessary.
- Where the duties have changed since mobilisation, a period of skills training may be required to assist with new aspects of the job.
- Whether the Reservist can meet up with colleagues informally or socially before or after their return to work to prevent any feeling of dislocation. This aspect of the reintegration is particularly important and Managers are encouraged to give particular thought and attention to this.
- Reasonable time off to seek therapeutic treatment if required.

10.2. When a Volunteer Emergency Responders returns to work after attending an emergency call out, it is the employees' responsibility to make sure they are physically and mentally fit to return to their workplace and they will become adept at managing this transition. We have a duty of care to our employees so it is mandatory to enquire after their wellbeing in return. If necessary

reasonable time off to seek therapeutic treatment if required.

10.3. Performance Review

Line managers who carry out Performance Review meetings with a Reservist should be aware that Reserve Forces activities undertaken by an individual (either through training or mobilisation) bring essential skills into the workplace such as leadership, communication, team working and organisational ability, which ultimately lead to improved performance in the workplace.

11. Financial Assistance

11.1 Financial assistance for employers in the event of an employee who is a Reservist being mobilised is governed by the Reserve Forces (Call out and recall) (Financial Assistance) Regulations 2005. These cover additional costs above the normal earnings of the called-up Reservist associated with replacing that employee. There are 3 types of award available:

11.2 One-off costs

Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or Advertising costs. There is no financial cap on claims, but any claim must be supported by relevant documentation.

11.3. Recurring costs

Overtime costs, if other employees work overtime to cover the work of the Reservist (by the amount that such costs exceed earnings of the Reservist).

Costs of temporary replacement (by the amount that such costs exceed earnings of the Reservist).

11.4. 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 4 weeks of the end of full time Reservist service.

11.5. Training award

If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine

training excluded), then Lothian can make an application for the financial assistance.

12. Further information

12.1 Further sources of guidance and information can be obtained from the following:

- Defence Relationship Management:

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

- Helpline: – 0800 389 5459. This is a free telephone helpline open during office hours where advice and guidance can be sought.

- Royal Navy website:

www.royalnavy.mod.uk/the-fleet/maritime-reserves

- Army website:

www.army.mod.uk/join/20233.aspx

- Royal Air Force website:

www.raf.mod.uk/rafreserves

- Special Constable website:

volunteercoordination@scotland.pnn.police.uk

- Fire Fighter website:

sfrs@firescotland.gov.uk

- Community First Responder website:

sas.crsupport@nhs.scot

- Mountain Rescue Service website:

info@scottishmountainrescue.org

- Coastguard website:

crsenquiries@mcga.gov.uk

13. Version Control

Version No.	Date of Change	Change made by:	Key Amendments
V1.0	13/07/2018	C Cheyne	Published
V1.1	21/05/2019	C Cheyne	Amendment to 5.2
V2.0	30/05/6/2023	A Wilson	Volunteer Emergency Responders added 1.1, 1.3, 4.1, 5.6, 8.7 and 12.1
V3.0	16/01/2025	G Marshall	Amendment to 5.4

This policy does not form part of employees' terms and conditions of employment and may be varied from time

to time in accordance with business and legislative requirements.