

Armed Forces Reserve Policy

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What is in this policy?

The Trust employs a number of staff who are in the Reserve Forces and who may be subject to call up and mobilisation in areas of conflict. These staff also require regular time off for training to maintain their skills and readiness for deployment.

The Mandate from the Government to Health Education England: April 2015 to March 2016 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. The Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Army Reserves, Special Forces (Reserves) and the Royal Air Force (RAF) Reserves.

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.

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- **Stakeholder Group** can include any group that has been consulted over the content or requirement for this policy.
- **Steering Group** can include any meeting of professionals who has been involved in agreeing specific content relating to this policy.
- **Other Groups** include any meetings consulted over this policy.
- **Policy Assurance Group** must agree this document before it is sent to the **Approval Authority** for final sign off before upload to the DMS.

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1. Introduction

University Hospitals Bristol and Weston NHS Foundation Trust (the Trust) employs a number of staff who are in the Reserve Forces and who may be subject to call up and mobilisation in areas of conflict. These staff also require regular time off for training to maintain their skills and readiness for deployment.

The Mandate from the Government to Health Education England: April 2015 to March 2016 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. The Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Army Reserves (AR) and the RAF Reserves (RAFR).

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.

2. Purpose

This Policy aims, in a consistent, open and fair manner, to provide a clear framework for the procedure that should apply to the management of all staff who are currently or wish to become a member of the British Reserve Forces.

The Trust supports employees who are members of, or wish to join the Volunteer Reserve Forces. This document also applies to employees with a reserve commitment to the Crown following discharge from the regular armed forces.

This document does not apply to employees who are armed forces reserves for another nation.

Three pieces of legislation apply to employees who are armed forces reserves. These are:

- The Reserve Forces Act 1996, which enables reservists to be mobilised for full-time service;
- The Reserve Forces (Safeguard of Employment) Act 1985, which provides protection of employment for reservists;
- White Paper: Reservists in the Future Force 2020

3. Scope

This policy applies to our fixed term and substantive members of staff who are reservists or who are seeking to join the reserve forces. This policy does not apply to temporary staff within the Trust.

4. Definitions

4.1 Reservists

A member of one of the Volunteer Reserve Forces or an ex-regular service person who retains a liability to be mobilised.

4.2 Mobilisation

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 MoD is unable to give the employer a precise return date. An example of the notification to employer letter is included in Appendix B.

4.3 Cadet

A junior member of the Armed Forces who is aged between 16 and 18 years old. Adult volunteers may work with cadets. There is no active service liability and Cadets cannot be mobilised.

4.4 ESR

Electronic Staff Record.

5. Duties, Roles and Responsibilities

5.1 Staff

- (a) Informing their ward manager/head of department when they have been accepted as an armed forces reserve.
- (b) Giving appropriate notice of training events – permission will be granted where the notice is more than one month and should normally be granted in other circumstances.
- (c) Keeping their manager informed of relevant leadership courses and other technical training so that it can be entered onto their Trust training record.
- (d) Giving 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 and extreme circumstances.
- (e) Informing their ward manager/head of department when they cease to be an armed forces reserve.
- (f) Checking their payslip to ensure that any unpaid work has been accurately recorded and notify Payroll of any discrepancies.

- (g) Upholding the principles of this policy.

5.2 Line Manager

- (a) Notifying HR Services when a member of staff becomes or ceases to be a member of the armed forces reserve.
- (b) Making two weeks paid leave available to reservists to attend annual camp or equivalent continuous training. Additional unpaid leave or annual leave from the employee's normal annual allocation may be granted for short periods of training provided adequate notice is given 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.
- (c) Facilitating (as far as possible) work rosters to allow attendance for annual camp and other training commitments, e.g. weekly or weekend training sessions.
- (d) Referring any disputes over leave to attend to reserve duties to the HR Services team in the first instance for impartial and informal support with resolution. Employees who remain dissatisfied with their manager's response may thereafter use the grievance procedure.
- (e) Supporting staff returning from mobilisation – see Section 8 of this policy.
- (f) Informing Payroll of unpaid & paid leave.

5.3 HR Services

- (a) Accurately recording on the ESR system whether a staff member is a reservist.

5.4 Learning & Development

- (a) Actively recording any reservists training on their ESR record which has been declared to them by the line manager.

5.5 Payroll

- (a) Liaising with the Ministry of Defence (MoD) for reimbursement of funds.
- (b) Recording leave (paid and unpaid on ESR).

5.6 Resourcing

- (a) Actively recording any reservists on ESR record where this has been declared on their application.

6. Policy Statement and Provisions

6.1 Mobilisation

- (a) **Voluntary Mobilisation**

An employee who wishes to volunteer for mobilisation must seek prior agreement of the Trust via their line manager. Any such request will be considered within 48 hours.

Where there are multiple requests in a single department that would have a significant impact on service delivery these will be referred to a senior manager.

(b) Compulsory Mobilisation

Where there is compulsory mobilisation of any employee who is a reservist, the employer 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. The employer can also apply for financial assistance, if they believe that the loss of their employee would have an exceptionally severe impact on their ability to provide services. Additional information regarding exemption and deferral from mobilisation is contained in Appendix A. Examples of the application forms for deferral, revocation or exemption from the call out, or to apply for financial assistance are in Appendix B.

6.2 Financial Assistance for Employers

Applicable Standards

Where an employee's mobilisation results in additional costs, the employer may seek compensation from the MoD, for example:

- (i) Overtime costs if another employee is used to cover the work of the reservist.
- (ii) Any costs of hiring a temporary replacement that exceeds the reservist's earnings.
- (iii) Advertising for replacement or agency costs.
- (iv) Training costs for any training the employee needs as a result of having been mobilised (the MoD will not pay for training that would have been carried out anyway) when they return to work to carry out their duties properly.

6.3 Measurement and Key Performance Indicators

While the reservist is mobilised, the employer is not obliged to pay them earnings. However, staff who are mobilised will receive their full salary from the employer from the time of the call-up until the first full monthly salary has been paid by the MoD. This is to ensure that the individual is provided with sufficient time to put their financial affairs in order and provide the MoD with sufficient time to process the respective salary entitlement.

Any excess salary paid after the date of mobilisation will be recoverable when the individual returns to work. The line manager should ensure that payroll is notified that the employee is being mobilised and the date when their pay should stop.

In order to claim financial assistance, the employer will provide the MoD with appropriate supporting documentary evidence for example, invoices. (See Appendix D for more details).

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

6.4 NHS Pension whilst on active service

If the employee is an active Member of the NHS Pension Scheme who is called up for service, their mobilisation will be regarded as being on authorised leave of absence. For the duration of the call-out, Employer and Employee pension contributions will be paid at the level of the Employees pensionable pay in payment immediately prior to call-out. The Ministry of Defence (MOD) will take responsibility for the Employer contributions.

The MOD will communicate with the NHS Employer so that all the arrangements for making such payments can be put in place. It is also possible that the MOD will arrange for the Employees contributions to be deducted from their salary and paid as directed by the NHS Employer.

The mobilised employee will continue to build up Scheme benefits as normal and are entitled to normal Scheme Benefits throughout the period of call up, although they are not covered by the NHS Injury Benefits Scheme.

If, as a result of the reservist activity, they become permanently incapable of performing their NHS duties they will retain the same rights as other active Scheme Members to retire on the grounds of Ill Health.

7. Annual leave whilst mobilised

Reservists have no entitlement to accrue annual leave whilst mobilised and on unpaid leave.

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.

All annual leave untaken up to the date of mobilisation may be carried over into the following leave year. The "up to a maximum of 5 days" rule associated with untaken annual leave being carried forward is waived in the case of a reservist.

8. Support on demobilisation

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 Trust will require the following:

- (i) Update them on changes and developments in the organisation.
- (ii) Offer specific refresher training where it is sought/considered necessary.

- (iii) 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.
- (iv) Whether the reservist can meet up with colleagues informally or socially (if appropriate) before or after return to work to prevent any feeling of dislocation, if this is sought.
- (v) Reasonable time off to seek therapeutic treatment.
- (vi) Signposting and access to wellbeing resources available via the Trust, including the Employee Assistance Programme, counselling opportunities, Occupational Health referral etc.

9. Return to work

When an employer is advised by a reservist that they want to return to work, the employer is obliged to employ them in their old substantive post 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.

To enable the employer to plan for their return to work after their military service has ended, reservists must advise the designated contact in writing, copied to their line manager, the date they will be available to start work. This communication should be made no later than the third Monday 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. An example of the MoD notification letter to Employers is in Appendix C.

10. Injury or death on active service

10.1 Minor injury whilst on training or active service

If an individual suffers an injury whilst on training or active service, the following applies:

- Injury whilst on training – report to their unit at the time. The MoD is responsible for their sick pay if they are unable to attend work.
- Injury whilst on active service – reserves are required to take out insurance (e.g. through PAX); loss of earnings will be covered via insurance. The MoD will pay sick leave incurred whilst mobilised, with NHS sick pay taking over when the individual is demobilised.

10.2 Severe injury or death whilst on active service (i.e. permanently unfit for work)

The individual is treated as a service person and their case will be dealt with by the Armed Forces Compensation Scheme. Contact the pensions manager by emailing PayrollEnquiries.UHBW@uhbw.nhs.uk for details of how this would work alongside the NHS Pension Scheme.

Death on active service – the individual’s Death in Service benefit from the NHS will apply if they are a member of the pension scheme. The individual’s next of kin would also benefit from any MoD death benefits.

In the event of a reserve suffering serious injury or dying whilst on active service, each unit has a Notifying Officer who will liaise with the individual’s family and the Trust.

10.3 Liaison arrangements

In the event of a reserve suffering serious injury or dying whilst on active service, each unit has a Notifying Officer who will liaise with the individual’s family and the Trust.

11. Useful sources of help

DRM (Defence Relationship Management) helpline for reservists and employers Tel: 0800 389 5459, Email: <https://www.gov.uk/government/groups/defence-relationship-management>

Supporting the Armed Forces in the NHS – NHS Employers <http://www.nhsemployers.org/reservists>

Armed forces covenant <https://www.armedforcescovenant.gov.uk/>

Reserve Forces Act 1996 <https://www.legislation.gov.uk/ukpga/1996/14/contents>

The Reserve Forces (Safeguard of Employment) Act 1985
<https://www.legislation.gov.uk/ukpga/1985/17>

Reservists in the Future Force 2020
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/210470/Cm8655-web_FINAL.pdf

12. Appendix A – Exemption and Deferral from Mobilisation

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.

The definition of ‘serious harm’ varies from case to case, but the broad guidelines laid out in **The Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 2005 (Statutory**

Instrument 859) (CORFA 05) specifically mention:

- Serious loss of sales, markets, reputation, goodwill or other financial harm
- Serious impairment of the ability to produce goods or provide services
- Demonstrable harm to research and development of new products, services or processes, provided that the harm could not be prevented by the employer receiving financial assistance under CORFA 05.

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. A serving officer or MoD official normally holds this post.

Addresses:

Royal Naval and Royal Marines Adjudication Officer, West Battery (MPG-2)

Whale Island, Portsmouth, PO2 8BX

Tel: 02392 623527 Fax: 02392 628660

E-mail: navylegal-reservesadiso2@mod.uk

Army Adjudication Officer, Army Personnel Centre, PO Box 26703, Glasgow, G2 8YN

Tel. 0800 3896585 Fax: 0141 224 2689

E-mail: apc-cmops-mob-so2@mod.uk

Royal Air Force Adjudication Service, c/o Imjin Barracks, Innsworth, Gloucester, GL3 1HW

Tel. 01242 682545 Fax: 01242 682510

E-mail: aira1-woadj@mod.uk

The following information must be provided when applying for exemption or deferral:

- Personal details including full name, address, payroll and National Insurance number
- Details of the job or role they perform within the Board
- The effect that their absence would have on the Board and/or departmental business and/or service

13. Appendix B – Example letter from Service and Personnel Veterans Agency (SPVA) to Employers

«EMPLOYEE_NUMBER» «EMPLOYEE_RANK_NAME» «EMPLOYEE_INITIALS»
«EMPLOYEE_LAST_NAME» - CALL OUT OF A MEMBER OF THE RESERVE FORCES

1. Your employee, named above, is a member of the Reserve Forces and has recently been given a formal Notice of Call Out. The Call Out, which is compulsory, means that «GENDER» may be taken into full time service with the Armed Forces in support of operations in «TOUR_LOCATION» under «OPERATION_NAME». «GENDER2» reporting date is «MC_REPORTING_DATE» and «GENDER» can expect to be mobilised for «PERMANENT_SERVICE_LENGTH» months. I have enclosed with this letter an employer’s acknowledgement form (Enclosure 1); I would be grateful if you could complete and return it to me at the address given at the bottom of the form.

2. Employers and Reservists have statutory rights and obligations. In outline these are:

a. The Employer. You are entitled to apply for deferral, revocation or exemption from the Call Out. You may also apply for financial assistance as set out in The Reserve Forces (Call Out and Recall) (Financial Assistance) Regulations 2005.

b. The Reservist. The Reserve Forces (Safeguard of Employment) Act 1985 gives the Reservist the right, in law, to be reinstated in «gender2» former employment by you at the end of «gender2» military duty.

3. It is my duty to inform you that, should you wish to apply for a deferral, revocation, or exemption from the Call Out, or to apply for financial assistance, then you should write to the Adjudication Officer of the Service to which your employee belongs. The addresses for each Adjudication Officer are given in the enclosed Guide for Employers.

4. Reservists who are called out for service have a right to seek reinstatement to their civilian employment under the terms of the Reserve Forces (Safeguard of Employment) Act 1985. The Act obliges an employer to reinstate a former employee who has completed «gender2» period of called out service and who applies for reinstatement in accordance with the provisions of the Act.

APPLICATIONS FOR DEFERRAL, REVOCATION OR EXEMPTION FROM CALL OUT

5. You have the right to apply for deferral, revocation or exemption from Call Out if you believe that the loss of your employee would have an exceptionally severe impact on your business. In order for the Adjudication Officer to amend or rescind the Notice of Call Out, you will, of course, need to provide suitable evidence. You should make your application on company headed notepaper, over-stamped, if possible, with a company stamp. Please note that, even if you make such an application, your employee is required to report for military duty on the specified date, unless a “determination” has been made in your favour before that date. In the event that your application is successful, your employee will be sent new instructions or will be demobilised and

released from military duty if he or she has already reported. (A short guide to the Application Process is enclosed (Enclosure 2) to assist you.)

APPLICATIONS FOR FINANCIAL ASSISTANCE

6. You are not obliged to ask for financial assistance. If you do not wish to make an application, simply complete the relevant section on the enclosed form. This letter, however, offers you the formal opportunity to make an application for financial assistance and further details are given below.

MAKING AN APPLICATION

7. The detailed requirements for information and evidence are attached at Annex A. Should you wish to make an application, it should identify the net additional costs you have incurred (or will incur) within the overall limits. Your application does not have to be in any special format but should be comprehensive and should identify the costs being applied for and provide appropriate documentary evidence to support your application. The Employers Award comprises:

- a. Up to £110 a day (approx £40K per year – subject to annual review) for extra salary costs incurred in replacing the reservist, subject to satisfactory proof of costs incurred. (This amount is in excess of the salary amount previously paid to the Reservist).
- b. Certain non-recurring costs of replacing a Reservist. These costs are agency fees or advertising costs, and are not subject to a limit, but you must demonstrate the fees incurred and that they have been paid.
- c. A training award for re-training that a Reservist requires for his/her job and is required as a result of absence on mobilised service. This is not subject to limit, but invoices will be required.

TIME LIMITS

8. If you do not provide the information and evidence within the time limits given below, without reasonable excuse, this may result in the rejection of your application. If it seems likely that a delay will occur, please notify the Adjudication Officer in writing that you intend to apply but that your application has been delayed. Applications for all awards, other than the training award, can be made at any time up to 4 weeks after the Reservist's release from permanent service. The training award must be claimed within 8 weeks of the Reservist completing the relevant training, and the training must ordinarily be completed within 6 months of the Reservist's release from permanent service. If the training is not available at that time, then the employer must notify the Adjudication Officer within the initial 6 months, and may then apply for such training provided it is carried out within 12 months of the Reservist's release from permanent service.

CONSIDERATION AND DETERMINATION

9. Each application is considered as soon as possible. If sufficient evidence is provided the Adjudication Officer will make a “determination”. If the evidence provided is insufficient the Adjudication Officer may make a preliminary determination and request further details. Once a determination has been made the Adjudication Officer will post to you, the employer, within 2 days, a written statement showing:

- a. The reasons why the specific determination was made.
- b. How any award was calculated and the factors taken into account – and when the payment of the award might be expected (usually sent with the determination).
- c. The address to which an appeal must be submitted if you are dissatisfied with the Adjudication Officer’s determination.

10. You are required to notify the Adjudication Officer if you become aware of any inaccuracies in the information you have provided or any changes to it. This must be done within 7 days of the change coming to your attention.

FURTHER QUERIES AND REPLIES

11. If you have any difficulties or concerns, please do not hesitate to contact the Adjudication Officer, or a member of the Adjudication Officer’s staff, by telephoning:

- a. Royal Navy & Royal Marines -
02392 628660
- b. Army - 0800 389 6585
- c. Royal Air Force - 01242 682545

12. Please complete the enclosed ‘Employer’s Acknowledgement of the Call Out of an Employee’ form within 7 days of receipt of this letter. Additionally, you should make an application for financial assistance, using the guidance at Enclosure 3 as soon as you are able. To assist us, I would be most grateful if you could ensure that your employee’s Military Service Number, Rank, Name and Initials are included on any letter or documents that you send.

13. I realise that this is an unusual and perhaps unexpected event, but it is one that arises after much careful thought by the Secretary of State. I am most grateful for your co-operation in this matter.

Enclosures:

1. Employer's Acknowledgement of the Call Out of an Employee.

2. Deferral, Revocation or Exemption of Call Out or Recall - Guide for Employers.
3. Employers' Financial Assistance Guidance for the Provision of Information and Evidence.

Enclosure 1 Part A (Amdt 30 Apr 09)

EMPLOYERS' ACKNOWLEDGEMENT OF THE CALL OUT OF AN EMPLOYEE

Name	«EMPLOYEE_L AST_NAME»	Rank	«EMPLOYEE_ R ANK_NAME»	Service Number	«EMPLOYEE_ NUMBER»
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1. I have read the attached letter and guide. I note the Ministry of Defence has Called Out the above named reservist in support of operations, with an anticipated duration of «PERMANENT_SERVICE_LENGTH» months. I understand that the Reserve Forces (Safeguard of Employment) Act 1985 applies to this situation.

2. * I do not intend to make an application against the Call Out.

or

* I intend to request that the Call Out to be deferred/ revoked until: *or*

* I intend to request that my employee be granted exemption from this Call Out.

I understand that applications for deferral, revocation or exemption have to be made in accordance with the notes for "Deferral, Revocation of Call Out", enclosed with this letter.

3. If my employee is taken into 'Permanent Service', I would wish/would not wish* to make an application for financial assistance towards the replacement costs incurred by my business. My initial estimate of these costs is:

7. I acknowledge that my responses at paragraphs 2-3 is an initial indication and that I will have to provide a formal submission.

Signed:	Date:
Position:	Company:
Address: Post code	Telephone Number:

After completion of this form, please return it without delay to: JPAC Mobilisation Cell
 «JPAC_ADDRESS_LINE_1»
 «JPAC_ADDRESS_LINE_2»
 «JPAC_ADDRESS_LINE_3»
 «JPAC_TOWN_OR_CITY»
 «JPAC_COUNTY»
 «JPAC_POST_CODE»

Please endorse with your Company Stamp
 Signed:
 Name:

PLEASE ALSO FAX A COPY OF THIS RETURN WITHIN 2 DAYS TO THE JPAC «JPAC_EXT_FAX»

Enclosure 1 Part B (Amdt 30 Apr 09) **EMPLOYEE'S PENSION PAYEE DETAILS**

Name	«EMPLOYEE_ L AST_NAME»	Rank	«EMPLOYEE_ RAN K_NAME»	Service Number	«EMPLOYEE_ NUMBER»
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NB. Please clear the release of this information with your employee. You need only complete paragraphs 2 - 8 if the answer to paragraph 1 is "YES"

1. Do you contribute to your employee's (the reservist's) pension scheme?

2. Current monthly payment of employer contributions is	£	Or	If payments are made in 13 instalments for each year state the total annual contribution	£
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3. Name of Pension Payee
(Employer or Pension Provider as appropriate)

4. Address of Pension Payee

Postcode

5. Pension Payee Contact Name

6. Pension Payee Telephone Number

7. Bank Details of Pension Payee (Employer or Pension Provider as appropriate)

Sort Code:
Account Number:

8. Employer Pension Scheme Reference Number

*Delete as appropriate

PLEASE FAX A COPY OF THIS RETURN (WITHIN TWO DAYS) TO THE APPROPRIATE SERVICE ADJUDICATION OFFICER – DETAILS ARE IN PARAGRAPH 16 OF ENCLOSURE 2

Your Employee's Service is «SERVICE_SHORT_NAME»

Enclosure 2

DEFERRAL¹, REVOCATION² OR EXEMPTION³ OF CALL OUT OR RECALL GUIDE FOR EMPLOYERS

1. Deferral: The postponement of the Reservist's Call Out/Recall date.
2. Revocation: The cancellation of the Reservist's Call Out/Recall Notice.
3. Exemption: The cancellation of the Reservist's Call Out/Recall Notice plus the suspension of the Reservist's Call Out/Recall liability for up to a year.

INTRODUCTION

1. This guide is intended for employers. It provides a summary of the scheme under which you can ask for a Reservist you employ to be exempted from Call Out or Recall, to have their Call Out or Recall deferred or to be released from service. The scheme was introduced by the Reserve Forces Act 1996 and the regulations made under it. Copies of the Reserve Forces Act and the relevant Statutory Instruments can be purchased from The Stationery Office, or downloaded from the HMSO website.

2. You should bear in mind that this is intended to be a guide. It is not an authoritative statement of law. To make the guide easier to follow, the matters of exemption, deferral and release from service are referred to here simply as 'exemption'. Reservists can apply for exemption on their own account if their personal circumstances would suffer as a direct result of Call Out or Recall. There is a separate guide describing the scheme for reservists.

WHO CAN APPLY

3. The regulations permit you to seek the exemption for reservists you employ if the reservist's absence would cause serious harm to your business or undertaking or to a partner, proprietor or employee of that business or undertaking. Any business or undertaking employing a Reservist can apply for the employee to be exempted. If the Reservist is a partner in a business then the business is regarded as his employer; and if the Reservist is a director of a company (other than a non-executive director) that company is regarded as his employer. The self-employed can apply as an employer or as a Reservist, or both. A Reservist, who has been offered and has accepted a job, but has not yet started working for you, is regarded as an employee of your business or undertaking.

WHEN YOU CAN APPLY

4. Although, in order to cover various different situations, the regulations provide a number of different starting dates for making an application, in simple terms applications must be made within 7 days of the Reservist being served with his or her Notice of Call Out or Recall. If the application is not made in that 7 days, the permission of the Adjudication Officer to make a late application must be obtained

5. Normally late applications can only be considered if you did not know of any grounds for the application and could not reasonably have discovered them until later; or did not learn

until afterwards that the employee had been called out, accepted into service or had his entitlement to release postponed. Even then, once you become aware of the relevant facts, you must make your application promptly.

GROUNDINGS FOR EXEMPTION

6. To obtain exemption you have to show that the absence of the Reservist would cause serious harm to the business or undertaking in which the Reservist is employed or to a partner, proprietor or employee of that business or undertaking. What constitutes serious harm will vary from case to case. However, the regulations define such harm as including:

- The serious loss of sales, markets, reputation, goodwill or other financial harm;
- The serious impairment of the ability to produce goods or provide services; or
- Demonstrable harm to research and development of new products, services or processes;

provided that the harm could not be prevented by giving you financial assistance under the Reserve Forces (Call Out and Recall) (Financial Assistance) Regulations 2005.

INFORMATION YOU SHOULD PROVIDE

7. You will need to provide as much information as possible about the Reservist who is being called out or recalled (i.e. at least surname, first name, address, payroll number and National Insurance number). It is important that you also provide as much information as you can about the business in which the Reservist is employed, the role that is performed, and the impact that the Reservist's absence will have if called out.

8. If there are any mistakes in the information in your application, or something happens which changes the information you have provided, you must tell the Adjudication Officer within seven days of your becoming aware of it. It could be an offence if you fail to give information that you are required to provide, or if you provide information that is deliberately misleading.

MAKING AN APPLICATION

9. An application should be made in writing but can be sent by post, fax or e-mail. If the Reservist's Notice of Call Out or Recall specified a person to whom the application can be given, then it can be sent to that person. Otherwise it can be given to any Adjudication Officer at the place to which the Reservist went to be accepted into service. Finally it can be sent to one of the Adjudication Officers whose addresses are set out below. Obviously you can seek independent legal advice on any matter regarding exemption, though you should keep in mind that this will be at your own expense.

DETERMINATION OF APPLICATIONS

10. An Adjudication Officer appointed for the purpose will determine your application. The Adjudication Officer is usually a Service officer or Ministry of Defence official. The Adjudication Officer will try to determine your application quickly, but there might be a need to get further

information, make enquiries or interview you. The Adjudication Officer's decision will be made as soon as possible and it will be confirmed in writing within two days of the decision being made. If a decision has not been made by the time the Reservist is due to report to the Mobilisation Centre, he should report there as instructed. If he is then accepted into service, your application will be treated as an application for release from permanent service.

FACTORS THAT WILL BE TAKEN INTO ACCOUNT

11. In determining your application for exemption the Adjudication Officer will seek to balance your need as an employer to retain the Reservist against the Services' need for the Reservist to support the operation for which he or she has been called out. Therefore if the Services' requirement is for unskilled manpower, an application to retain a Reservist who had specialist skills might readily succeed. It might be different if the Services' need specifically requires people with the skills possessed by your Reservist. However, even then, if you can show that retaining the Reservist at that time is essential, your application may still be successful.

12. If your application is granted, the Reservist will not be accepted or will be released even if he or she wishes to enter or continue in Permanent Service. If you have an application granted, the exemption can still be waived if you give written agreement to such a waiver. An exemption granted to you will lapse if the Reservist leaves your employment. You must inform the Adjudication Officer if a Reservist who is exempted leaves your employment.

TIMING OF EXEMPTION

13. The Adjudication Officer can decide that exemption should take effect immediately as either deferment (if the Reservist is not yet in service) or early release (if the Reservist is in service). The Adjudication Officer can also specify that an exemption will lapse upon the happening of some future event (for example, the exemption may have been granted because the Reservist was needed to fulfil a certain contract. The Adjudication Officer can decide that, once that contract is completed, the exemption will lapse). In general terms exemptions only last for 12 months from the date when they take effect.

APPEALS

14. If you are not satisfied with the decision that the Adjudication Officer makes, you can appeal to the Reserve Forces Appeal Tribunal. The members of this Tribunal are entirely independent of the Ministry of Defence - most are Employment Tribunal chairman or members. How the tribunal regulates itself is not within the scope of this guide. Any appeal must be made no later than five days after the date on which you were told of the decision. Advice on how to do this is given in another guide which can be obtained from DRM at the address below.

FINALLY

15. If you require general advice about exemption or any other matter relating to the Reserve Forces Act 1996 you should contact:

Mount House, Mount Street, Taunton, Somerset, TA1 3QE
Telephone: 01823250110

Email: wx-reed@rfca.mod.uk

Defence Relationship Management (DRM)

(visit the DRM website <https://www.gov.uk/government/groups/defence-relationship-management>)

WHERE TO APPLY

16. Your application should be made to the Adjudication Officer appointed for the Service in which the Reservist serves.

<p>Royal Naval and Royal Marines Adjudication Officer, West Battery (MPG-2) Whale Island, Portsmouth, PO2 8BX</p> <p>Tel: 02392 628 858</p> <p>Fax: 02392 628660</p> <p>E-mail: navylegal-reservesadjso2@mod.uk</p>	<p>Royal Air Force Adjudication Service, Imjin Barracks</p> <p>Innsworth, Gloucester, GL3 1HW</p> <p>Tel. 01452712612 ext 6107</p> <p>Fax: 01452510939</p> <p>E-mail: aira1-adjmlbx@mod.gov.uk</p>	<p>Army Adjudication Officer</p> <p>Army Personnel Centre, PO Box 26703, Glasgow, G2 8YN</p> <p>Tel. 0800 3896585</p> <p>Fax: 0141 224 2689</p> <p>E-mail: apc-cmops-mob-so2@mod.uk</p>
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Enclosure 3

EMPLOYERS' FINANCIAL ASSISTANCE GUIDANCE FOR THE PROVISION OF INFORMATION AND EVIDENCE

To support your application it is requested that you provide the Adjudication Officer with the following information or documents:

1. Earnings. Documentary evidence of your employee's current earnings and written evidence of the earnings you have contracted to pay your employee for the 52 weeks immediately following the Call Out date.

2. Replacement Salary Costs. Documentary evidence of any replacement salary costs incurred eg agency invoices or copies of payslips for temporary replacement, and/or documentary evidence of any overtime or increases in salary to existing staff.

3. Non-Recurring Costs. Documentary evidence of any agency fees or advertising costs incurred in replacing the Reservist.

4. Training Award. If you wish to make an application for a Training Award you must provide:

- a. A statement of the training that the Reservist is required to undertake for the performance of his/her job.
- b. A statement that the application makes the maximum use of opportunities to re-acquire the necessary standard at no additional cost through such free training as may be available, or workplace experience.
- c. Invoices for the relevant training.

14. Appendix C - Example letter reserve demobilisation. From SPVA

«EMPLOYEE_NUMBER» «EMPLOYEE_RANK_NAME»
«EMPLOYEE_INITIALS» «EMPLOYEE_LAST_NAME». - EMPLOYER
NOTIFICATION OF DEMOBILISATION

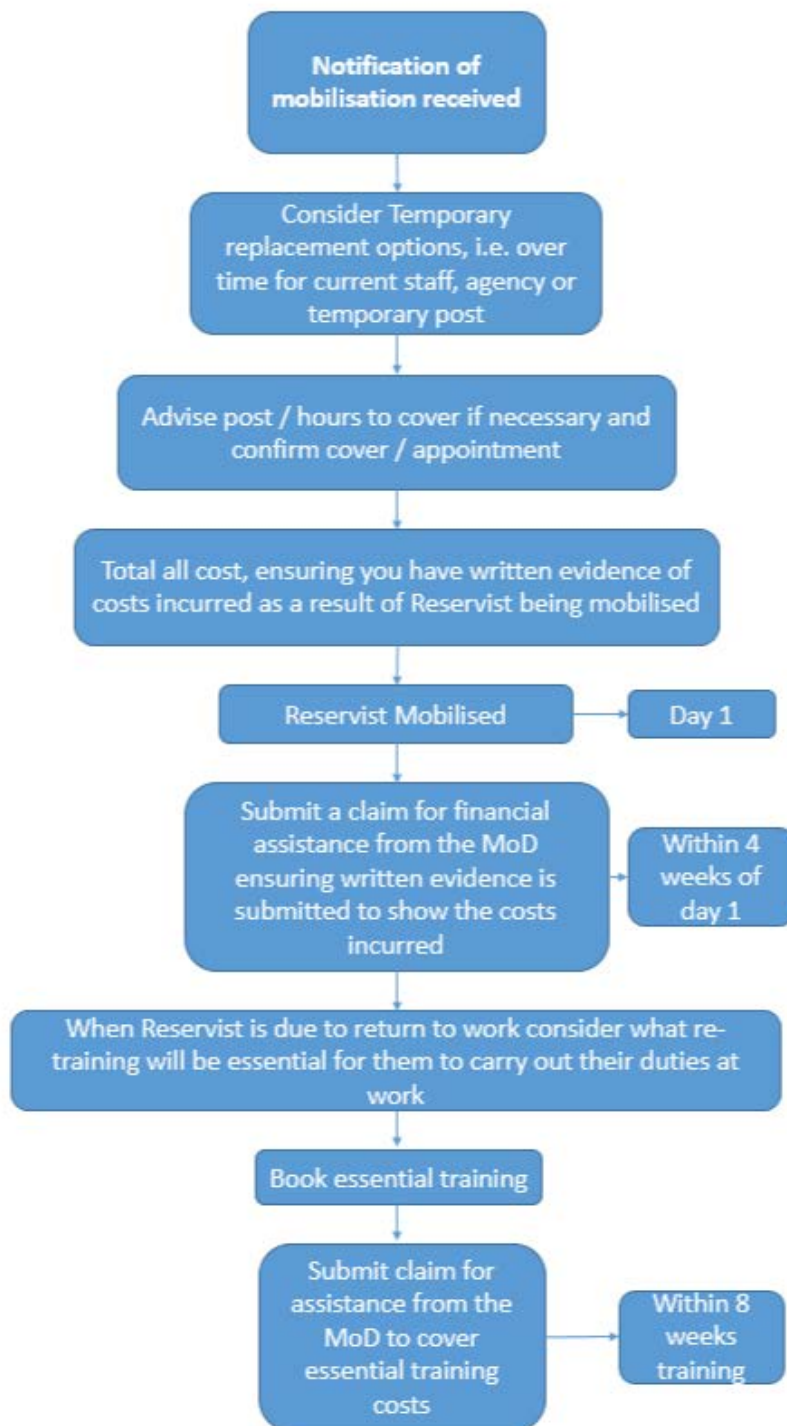
1. The above named reservist is being demobilised and «gender2» last day of service will be «PERMANENT_SERVICE_END_DATE». «Gender» should write to you no later than the third Monday after «gender2» last day of service, to inform you of «gender2» intended return to work date.

2. I would also like to remind you that financial assistance is available should your employee require training on «gender2» return from mobilised service. You must satisfy the Adjudication Officer that your employee needs to undertake such training for the performance of «gender2» employment and that this need has arisen as a result of «gender2» mobilised service. (The Ministry of Defence will not pay for training that you would have carried out anyway). If you wish to make an application for a Training Award you must provide:

- A statement of the training required by your employee.
- A statement that the application makes the maximum use of opportunities to re-acquire the necessary standard at no additional cost through free training as may be available, or workplace experience.
- Invoices for the relevant training.

3. A claim for a training award must be made within eight weeks of your employee completing the training, and this should ordinarily be within 6 months of «gender2» return to work. If the training is not available at that time, then you must notify the Adjudication officer within the initial 6 months, and may then apply for such training provided it is carried out within twelve months of your employees release from permanent service.

15. Appendix D – Financial Assistance Flowchart



16. Appendix E – Monitoring Table for this Policy

The following table sets out the monitoring provisions associated with this policy. Please ensure any possible means of monitoring this policy to ensure all parts are fulfilled are included in this table. **The first line is an example for you and should be removed prior to submission.**

Objective	Evidence	Method	Frequency	Responsible	Committee
To ensure the policy is fit for purpose	Monitoring by the Head of Resourcing and HR Services	Policy review	48 months	Head of Resourcing and Head of HR Services	People & Education Group

17. Appendix F – Dissemination, Implementation and Training Plan

The following table sets out the dissemination, implementation and training provisions associated with this Policy.

Plan Elements	Plan Details
The Dissemination Lead is:	Head of Resourcing
Is this document: A – replacing the same titled, expired policy, B – replacing an alternative policy, C – a new policy:	A
If answer above is B: Alternative documentation this policy will replace (if applicable):	[DITP - Existing documents to be replaced by]
This document is to be disseminated to:	All Staff
Method of dissemination:	HR Web and Newsbeat
Is Training required:	No
The Training Lead is:	[DITP - Training Lead Job Title]

Additional Comments
N/A

18. Appendix G – Equality Impact Assessment (EIA) Screening Tool

Further information and guidance about Equality Impact Assessments is available here: <http://nww.avon.nhs.uk/dms/download.aspx?did=17833> (This has been extended until novemeber2020)

Query	Response
What is the main purpose of the document?	This Policy aims, in a consistent, open and fair manner, to provide a clear framework for the procedure that should apply to the management of all staff who are currently or wish to become a member of the British Reserve Forces.
Who is the target audience of the document? Who is it likely to impact on? (Please tick all that apply.)	Add <input checked="" type="checkbox"/> or <input checked="" type="checkbox"/> Staff <input checked="" type="checkbox"/> Patients <input checked="" type="checkbox"/> Visitors <input checked="" type="checkbox"/> Carers <input checked="" type="checkbox"/> Others <input checked="" type="checkbox"/>

Could the document have a significant negative impact on equality in relation to each of these characteristics?	YES	NO	Please explain why, and what evidence supports this assessment in relation to your response.
Age (including younger and older people)		NO	The policy sets out the Trusts commitment to a consistent, open and fair process for dealing with all members of staff within its scope.
Disability (including physical and sensory impairments, learning disabilities, mental health)		NO	As above
Gender reassignment		NO	As above
Pregnancy and maternity		NO	As above
Race (includes ethnicity as well as gypsy travelers)		NO	As above
Religion and belief (includes non-belief)		NO	As above
Sex (male and female)		NO	As above
Sexual Orientation (lesbian, gay, bisexual, other)		NO	As above
Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)		NO	As above
Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)		NO	As above

Will the document create any problems or barriers to any community or group? NO

Will any group be excluded because of this document? NO

Will the document result in discrimination against any group? NO

If the answer to any of these questions is YES, you must complete a full Equality Impact Assessment.

Could the document have a significant positive impact on inclusion by reducing inequalities?	YES	NO	If yes, please explain why, and what evidence supports this assessment.
Will it promote equal opportunities for people from all groups?	<input checked="" type="checkbox"/>		As far as the policy scope allows
Will it help to get rid of discrimination?	<input checked="" type="checkbox"/>		As far as the policy scope allows
Will it help to get rid of harassment?	<input checked="" type="checkbox"/>		As far as the policy scope allows
Will it promote good relations between people from all groups?	<input checked="" type="checkbox"/>		As far as the policy scope allows
Will it promote and protect human rights?	<input checked="" type="checkbox"/>		As far as the policy scope allows

On the basis of the information/evidence so far, do you believe that the document will have a positive or negative impact on equality? (Please rate by circling the level of impact, below.)

Positive impact				Negative Impact		
Significant	Some	Very Little <input checked="" type="checkbox"/>	NONE	Very Little	Some	Significant

Is a full equality impact assessment required? NO

Date assessment completed: 25/09/2020

Person completing the assessment: Will Calton