



## Reservists Policy

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# **1 Statement of Aims and Objectives**

- 1.1. South East Coast Ambulance Service NHS Foundation Trust ('The Trust' employ staff who are members of the Reserve or Cadet Forces and recognise the valuable contribution that reservists and Cadet Force Adult Volunteers (CFAV) make to the Armed Forces and their civilian workplace.
- 1.2. The Trust employs a number of staff who are in the Reserve Forces and who may be subject to call up and mobilisation. These staff members also require regular time off for training to maintain their skills and readiness for deployment.
- 1.3. The training undertaken by reservists or CFAV 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.
- 1.4. 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 for healthcare professionals and other staff contributing to the armed services as reservists.
- 1.5. The Trust has pledged its support for colleagues who are currently members or wishing to join the Reserve Forces or Cadet Force Adult Volunteers 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.
- 1.6. This policy intends to define The Trust's obligations towards all colleagues who are members of the Reserve Forces.

# **2 Principles**

- 2.1 The Trust seeks to eliminate unlawful discrimination against colleagues, potential colleagues, patients or clients on the grounds of sex, marital status, disability, sexual orientation, gender identity, age, race, ethnic or national origin, religion, pregnancy/ maternity, political opinion, or trade union membership and to promote equality of opportunity and good relations between colleagues and clients.
- 2.2 Colleagues must at all times indicate an acceptance of these principles and fulfil their responsibilities with regard to equality legislation and the Trust's Equality Diversity and Inclusion Policy and protocols.
- 2.3 Any colleague who is a member of the Volunteer Reserve Forces or Cadet Forces is required to notify the Trust of their status.

- 2.4 The Trust is committed to providing support to Reservist and Cadet Forces colleagues and will allow paid leave to attend an annual camp.
- 2.5 Following demobilisation, every support will be offered to allow the Reservist's return to the workplace to be as easy as possible.
- 2.6 The Trust will not disadvantage those Reservists and Cadet Forces who notify The Trust of their Reserve/CFAV status or those Reservists who are made known to The Trust directly by the Armed Forces.
- 2.7 Reasonable leave to support training will be made available to reservists and CFAVs to attend annual camp or equivalent continuous training. Permission will be granted where possible in line with service needs. Once given, permission will not be rescinded except in exceptional and extreme circumstances.
- 2.8 Should an individual gain clinical skills in a reservist or CFAV role, they will revert to the scope of practice of their SECamb substantive/ recognised role upon their return to work.

### **3 Definitions**

- 3.1. **Reservist** – a member of a reserve military force, (the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Army Reserve and the Reserve Air Forces (RAFR and RAuxAF).
- 3.2 **The Cadet Forces** - consist of adult volunteer instructors that provide training to Cadets within Sea Cadets, the Army Cadet Force, the Air Cadets and Combined Cadet Force.
- 3.3 **Mobilisation** – the process of calling reservists into full-time service with the Regular Forces, in order to make them available for military operations.

### **4 Responsibilities**

#### **4.1. Manager Responsibilities**

- 4.1.1 Line managers will as far as possible facilitate work rosters to allow attendance for annual camp and other training commitments.
- 4.1.2 Seeking advice from the HR Advisory Team where requests are not straightforward i.e., annualised hours
- 4.1.3 Assessing applications for voluntary mobilisation and allowing them wherever possible.

- 4.1.4 Meetings with the Reservist must take place prior to mobilisation to ensure all mobilisation paperwork is completed (including pay, benefits & pension arrangements) and to discuss any handover of work and agreements for keeping in touch.
- 4.1.5 Completing a staff changes form at the commencement and completion of any periods of mobilisation.
- 4.1.6 Supporting any members of their team returning from periods of mobilisation in an empathetic manner, offering training and a local re-induction where appropriate.
- 4.1.7 Raising awareness of and ensuring the Reservist contacts the Wellbeing Hub following demobilisation.
- 4.1.8 Raising awareness of the Employee Assistance Programme (EAP Service).

## **4.2. Colleague Responsibilities**

- 4.2.1 Reservists and CFAV's are required to inform the Trust that they are a member of the Reserve Forces or Cadet Forces and the specific Force that they belong to by declaring this as secondary employment via the Declaration of Interests Policy.
- 4.2.2 Reservist and CFAV's colleagues 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 each year.
- 4.2.3 Reservists and CFAV's need to apply for any period of additional (in excess of the 2-week annual camp), unpaid leave for training days 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.
- 4.2.4 Seeking permission from their manager prior to applying for voluntary mobilisation.
- 4.2.5 Informing the Trust as soon as practicably possible after receiving a call out order, providing details of the date and potential duration of their mobilisation.

- 4.2.6 Contacting their manager on their demobilisation to arrange a date to return to work. This should be no later than three weeks after the last day of the mobilisation.
- 4.2.7 Reservist colleagues 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 colleague is a Reservist and the benefits, rights and obligations and annual training commitments that apply.
- 4.2.8 It is the responsibility of the Reservist or CFAV to ensure their personal details are kept up to date e.g., if they leave their respective Reserve or Cadet Force.

#### 4.3. **Human Resources Responsibilities**

- 4.3.1 Providing advice and guidance to both managers and colleagues on the application of this policy.

### **5 Legal framework**

- 5.1 In most instances an employer's relationship with a reservist colleague should be like that of any other colleague. 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) which provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilised service.

### **6 Support for training**

- 6.1 Training for the Volunteer Reserve Forces is made up of:
- 6.1.1 Weekly training; Occasional training days; An annual continuous training period (annual camp).

6.2 The Trust is committed to providing support to enable Reservists to attend these events and enable CFAV's to attend their annual camp or cadet training. The following leave will be granted to allow this:

- Two weeks additional paid leave will be made available to attend annual camp or equivalent continuous training.
- Where such training cannot be undertaken in off-duty time, additional unpaid leave or annual leave from the colleagues' normal annual allocation may be granted for short periods of training, provided notice is given as soon as dates are known, usually at least 28 days. Short notice requests will be considered in exceptional circumstances. Attendance at weekend camps, which cannot be undertaken during off-duty, will be subject to the same arrangements.

## **7 Mobilisation**

7.1. 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 Trust a precise return date.

7.2. Any colleague who wishes to volunteer for mobilisation must seek prior agreement from the senior manager and line manager. Any such request will be considered within 10 working days. Any decisions made will be confirmed in writing.

7.3 Where there are multiple requests in a single department/unit these will be referred to the appropriate senior manager.

7.4 Where there is compulsory mobilisation of any colleague, 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.

7.5 The Trust can also apply for financial assistance, if they believe that the loss of their colleague would have an exceptionally severe impact on their ability to provide services. Additional information regarding exemption and deferral from mobilisation is available from Human Resources.

- 7.6 The MoD will issue written confirmation to the employer informing them the colleague is a Member of the Reserve Forces. The letter will provide detail of mobilisation obligations and rights as a colleague; rights as an employer; and details of the financial assistance available if a colleague 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 colleague 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.

## **8 NHS pension whilst on active service**

- 8.1 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. Where mobilisation occurs, the colleague will be given special unpaid leave of absence. The colleague's pension contributions would be calculated and held over until the colleague returns. These would then be recovered monthly from salary and over the same period as the colleague was absent. The Trust will continue, on request of the colleague, to pay employer's contributions to the NHS Pension Scheme for the period of mobilisation and invoice the MoD to recover this amount.

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

## **9 During Mobilisation**

### **9.1. Keeping in Touch**

- 9.1.1. The frequency and methods of keeping in touch will depend on the length of mobilisation and anticipated date of return.
- 9.1.2 Reservists will have access to messages sent through the British Forces Post Office and email.
- 9.1.3 Keeping in touch arrangements may include the Reservist providing updates of their mobilisation and the manager sending information to update the Reservist with what is going on at work. This will also help with the Reservist's integration when they return. The Reservist is obliged to inform the Trust should their circumstances change i.e. length of mobilisation or any health concerns.
- 9.1.4 The manager should note that there may be sustained periods during which it may not be possible to remain in regular contact.

## **9.2. Annual leave whilst mobilised**

- 9.2.1. Reservists have no entitlement to accrue annual leave whilst mobilised and on unpaid leave.
- 9.2.2. 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.
- 9.2.3. 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.

## **10 Support on return to work (Demobilisation)**

- 10.1. Demobilisation may be a difficult time, with a Volunteer Reservist returning to work after a challenging period in deployment. Helping to ensure a smooth re-integration into the workplace/team is vital to enable any necessary after care and support requirements to be discussed with the Colleague and should include: -
  - The need to update them on changes and developments.
  - 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.
  - Support through the Employee Assistance Programme (EAP Service) and/or Wellbeing Hub
  - Flexible working provisions or other leave arrangements, if sought
- 10.2. When the Trust is advised by a reservist that they want to return to work, the Trust is obliged to employ them in their old job 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.
- 10.3. To enable the Trust to plan for their return to work after their military service has ended, reservists must advise their line manager (or designated contact) in writing, of 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 Trust must be advised as



soon as possible, if, due to illness or some other reasonable cause, the colleague is unable to start work on the agreed date.

- 10.4. Line managers who carry out appraisal meetings with a reservist should be made aware that the Volunteer 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. It is therefore good practice that we recognise these skills and abilities in an individual's appraisal meeting and acknowledge that the activities can be regarded as evidence of achievement or in some circumstances contribute towards an individual being in a position to evidence application of knowledge and skills.

## **11 False Declarations**

- 11.1. If a colleague is found to have abused their right to time off under the conditions listed in any of the types of leave listed in this policy, they may be referred to HR for the matter to be investigated and dealt with through the Trust's Disciplinary Procedure. If the breach is so serious as to amount to a dishonest act and cause a financial loss to the Trust the matter may be referred to the Local Counter Fraud Specialist for investigation, which may lead to a criminal sanction.

## **12 Competence**

- 12.1. Advice on the application of this policy to both line managers and colleagues will be provided by the HR department.

## **13 Monitoring**

- 13.1. Human Resources (HR) will monitor the application of the policy and procedure through feedback from colleagues and managers. HR will use the information to monitor the implementation of the policy and management of cases. Feedback, legislature and changes to terms and conditions will be used to inform and improve policies, as well as provide recommendations for improving working practices. HR will provide relevant reports, based on this data, as required.

## **14 Audit and Review**

- 14.1. The policy and procedures contained within these documents will be in place for three years following approval of a review and amendments. An earlier review can take place should exceptional circumstances arise

resulting from this policy and procedure; in whole or in part, being insufficient for the purpose and/or if there are legislative changes.

## **16 References**

- NHS Employers Employing Staff in the Reserve Forces - Model Policy Example
- [The Reserve Forces Act 1996](#)
- [The Reserve Forces \(Safeguard of Employment\) Act 1985](#)

## **17 Financial Checkpoint**

- 17.1 To ensure that any financial implications of changes in policy or procedure are considered in advance of document approval, document authors are required to seek approval from the Finance Team before submitting their document for final approval.
- 17.2 This document has been confirmed by Finance to have no unbudgeted financial implications.