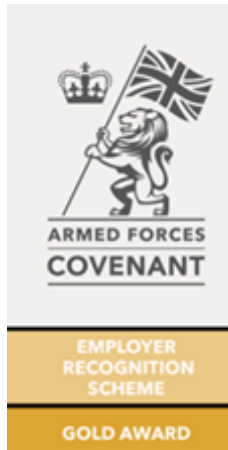




AAA CARING  
CARETAKER  
LTD

## Armed Forces & Reservist Policy



Recommended by	Director of HR
Approved by	Managing Director
Approval Date	August 2020
Armed Forces Champion	Richard H Tucker MBE
Review Date	August 2021
For use by	All Employees

# Armed Forces Reservist Policy

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## **1. INTRODUCTION**

- 1.1 AAA Caring Caretaker employs a number of staff who are members of the Reserve Forces. AAA Caring Caretaker has actively demonstrated their commitment to the Armed Forces by pledging their support and signing the Armed Forces Covenant and achieving Gold status. The company recognises the vital role of the Reserved Forces and the valuable contribution that Reservists make to our Defence, their communities and the civilian workplace.

## **2. PURPOSE**

- 2.1 AAA Caring Caretaker is committed to providing a supportive environment for staff who choose to volunteer for Reservist duties and/or are a Cadet Adult Force Volunteer (CFAV) without compromising service delivery. Consequently, the purpose of this policy is to provide clear guidance and information for all employees and managers on the procedure to follow when processing training and call-out requests.

## **3. SCOPE**

- 3.1 This policy applies to all employees of AAA Caring Caretaker.

## **4. SUPPORTING RESOURCES**

- 4.1 This policy and procedure should be read in conjunction with the following supporting resources:
- Special Leave procedure
  - Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 2005
  - Reserve Forces (Safeguard of employment) Act 1985
  - Employment Protection Amendment Act 2004
  - SaBRE website – [www.sabre.mod.uk](http://www.sabre.mod.uk)
  - The North West of England and the ISLE OF Man Reserve Forces and Cadets Association ([nwfrca.org.uk](http://nwfrca.org.uk))

## **5. DEFINITIONS**

- 5.1 **Reservist** - civilian recruited into any of the three Reserve Forces: Royal Naval Reserves and Royal Marines Reserves, Army Reserves and Royal Auxiliary Air Force.

- 5.2 **Regular Reservist** - ex-regular service personnel who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.
- 5.3 **Cadet Force Adult Volunteers (CFAV)** are Civilian volunteers who may or may not have previous military experience. They volunteer as civilian instructors, uniformed Non Commission Officers (NCO) or Officers who hold a Queens Commission and serve with within the Sea Cadet Corps (SCC), Army Cadet Force (ACF), Royal Air Force Air Cadets (RAFAC) or the Combined Cadet Force (CCF) Navy, Army or RAF Section”.
- 5.4 **Full Time Reserve Service** - Reservists who wish to serve full time with regulars for a predetermined period in a specific posting.
- 5.5 **Additional Duties Commitment** - part-time service for a specified period in a particular post.
- 5.6 **Sponsored Reserves** - These are personnel employed by a contractor to provide a service to the Ministry of Defence (MoD).
- 5.7 **Veteran** - a person who has served in the Armed Forces
- 5.8 **Mobilisation** - 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 the nature of the operation and is typically no longer than 12 months (the MoD aims to give at least 28 days’ notice of the date that the Reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation).
- 5.9 Period of mobilisation comprises of 3 distinct phases :
1. Medical and pre-deployment training
  2. Operational tour
  3. Post-operational tour leave

## 6 ROLES AND RESPONSIBILITIES

- 6.1 **All employees** have a responsibility to maintain open and honest communication with the HR department relating to Reservist training and duties. Reservist employees are required to grant permission for the MoD to write directly to their employer. This is known as “Employer Notification” and ensures that AAA Caring Caretaker is made aware that the employee is a Reservist and thus able to discern the benefits, rights and obligations that apply.
- 6.2 **Managers** have a responsibility to consider all Reservists training and call-out request fairly and consistently. Managers must ensure that all decisions relating to Reservist duties make due consideration of the service needs. Following a period of mobilisation managers are advised to:

- Update Reservists on changes and developments in the organisation.
- Offer specific refresher training where it is considered necessary.
- Where the job duties have changed since mobilisation a period of skills training may be required to assist with new aspects of the job.
- Consider reasonable time off to seek therapeutic treatment if required.

**6.3 The Human Resources Department** is responsible for providing support and advice to all staff on the implementation of this policy (where possible Reservists employed by AAA Caring Caretaker must be recorded on ESR as “Member of the reserved Armed forces” under supplementary role).

**6.4 The Armed Forces Champion** is responsible for increasing awareness of Reservists within AAA Caring Caretaker and to highlight the benefits of employing Reservists, Service Leavers, Veterans and spouses or partners of military personnel. The Armed Forces Champion is a point of contact for any Veterans that need or would like further information or help in finding Armed Forces networks and advisory agencies specifically targeting the Armed Forces Community.

## **7 PROCEDURE**

### **7.1 Training**

7.1.1 Employees who are required to attend periods of training including annual continuous training will be permitted to take special paid leave for two working weeks. Permission will only be authorised on receipt of the completed special leave form (see Special Leave Procedure) and a letter from the relevant unit confirming the details of the training / camp. Please note that whilst every attempt will be made to accommodate leave for the two weeks annual camp, permission can only be granted if AAA can satisfy their operational requirements.

7.1.2 In the avoidance of doubt, Cadet Force Adult Volunteers will also fall under the military special leave provisions if they are required to attend ‘continuous annual training’ and personal training syllabus courses which may be 1 day or 2 weeks in duration. For clarity, AAA Caring Caretaker

7.1.3 will honour the same leave entitlements as per other Reserves. If Personal Training Syllabus courses exceed this, the Adult Volunteer must make alternative arrangements.

7.1.4 Please note that in some instances the annual training cycle is undertaken April to April therefore there may be occasion where annual training can be undertaken in the same calendar year.

## **7.2 Call out**

- 7.2.1 Once a Reservist receives a call-out notice pack (this will be 28 days prior to the date when the Reservist is required to report for duty except in the case of High Readiness Reservist specialist) they are required to notify their manager and provide their manager with the employer pack.
- 7.2.2 The employer pack will contain a letter setting out the date and possible duration of mobilisation. The employer pack will outline the statutory rights and obligations of the employer, including the entitlement to apply for exemption, deferral or financial assistance including details of the process and required supporting documentary.
- 7.2.3 Where possible AAA Caring Caretaker will agree call-out requests. However, it is key to note that in all cases of mobilisation Reservists along with employer have the right to seek an exemption or deferral. AAA Caring Caretaker will apply for exemption or deferral from mobilisation within seven days of the call out notice being received if the Reservists mobilisation may hinder service delivery.
- 7.2.4 If AAA Caring Caretaker determines that it cannot release an employee then AAA Caring Caretaker reserves the right to appeal the Call Up. If this appeal is upheld the employee will not be released. In these circumstances the employee will be kept fully informed of the reasons for and progress of the appeal. Employees are entitled to initiate the grievance procedure if deemed necessary and both parties must aim to hear the grievance within the appropriate timeframes in respect of when the Reservist presents the call up notice pack to AAA Caring Caretaker and when the Reservist is required to attend for duty. Please refer to 7.2.1.

## **7.3 Mobilisation**

- 7.3.1 If an employee's call-out application is approved the individual and their line manager will agree the process. Annual leave will be calculated on a pro-rata basis up to the point that they are due to leave. Under the Employment Protection Amendment Act 2004 a Reservist's tour is considered continuous employment for the purposes of rights and benefits based on unbroken service, such as membership of superannuation schemes and leave entitlements.
- 7.3.2 AAA Caring Caretaker will not pay the Reservists salary or benefits during the time that they are mobilized and the Reservist will not accrue leave during mobilisation. The MoD will:
- Assume responsibility for the Reservists salary for the duration of their mobilisation
  - Pay a basic salary according to the Reservist's military rank. If this basic element is less than the salary element they receive from AAA Caring Caretaker, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings.
  - Cover the cost of contractual benefits

- 7.3.3 If the Reservist is a member of the NEST pension scheme, and chooses to remain in it, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions. Where mobilisation occurs the employee will be given special unpaid leave of absence and continuity of employment remains (see s.217 Employment Rights Act 1996). Please refer to appendix 5 for more details.
- 7.3.4 At the end of a Reservist's tour they are entitled to post-operational tour leave up to 40 days, during this leave period the Reservist must make contact with their employer to agree a date for their return to work. Employers are obliged to reinstate a Reservist to his or her original position or, if that is no longer practicable, in the best job and on the most favourable terms which are reasonable and practicable in his or her case.
- 7.3.5 If a Reservist is ill or injured whilst mobilised, they will be treated by Defence Medical Services and will remain mobilised until treatment is completed – whether to return to active duty, or to return to their civilian job, depending on the nature of the illness or injury. As long as they remain mobilised, any financial assistance received by the employer will continue, as will the obligation on the employer to reinstate the individual once their treatment is completed.
- 7.3.6 If an injury occurs that requires a longer period of treatment and therefore prolongs a mobilised period, the employer will be informed by the MoD and will be kept abreast of the individual's progress to the point of demobilisation. Once demobilised (any such decision will be taken by a standing medical board), the Reservist will return to work and their manager should follow the guidance set out in Appendix 4. It is also advisable for the manager to undertake a sickness absence Return to Work Interview to identify any additional support that may be required. AAA may request the returning Reservist to undertake an occupational health assessment to ensure that they are able to carry out their role on return.
- 7.3.7 If upon returning to work a Reservist develops health capability issues as a result of their tour of duty, then AAA Caring Caretaker would support and manage them in line with the appropriate company policies, including the Sickness Absence Policy.
- 7.3.8 A Reservist cannot be made redundant on the grounds of their military duties or their liability to be mobilised. Reservists can be included in the redundancy pool if this is necessary due to a downturn in business or closure of a department. However, all employees should be treated consistently, and redundancy criteria should not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

## 7.4 Post-Mobilisation

- 7.4.1 Reservist's must apply in writing to AAA Caring Caretaker for reinstatement, this letter must reach AAA Caring Caretaker (and copied to their line manager) no later than the third Monday after the last day of military service.
- 7.4.2 In line with the Reserve Forces (Safeguard of employment) Act 1985 AAA Caring Caretaker will reinstate the employee in the same type of job in which they were last employed, on terms and conditions which are no less favourable. However, if this is not reasonable and/or practicable, the Reservist will be re-employed in a mutually acceptable alternative role. AAA Caring Caretaker will re-employ the Reservist as soon as they are reasonably able to do so from the date stated by the Reservist in their letter for reinstatement.
- 7.4.3 There is a legal requirement under the Safeguarding of Employment Act 1985, for a Reservist to be re-employed for a minimum of 13, 26 or 52 weeks, depending on their length of employment prior to mobilisation, as follows;

Length of service	Minimum period of time that the employer is obligated to reinstate after mobilisation
If the employee has been in continuous employment for a consecutive period of <b>less than 13 weeks</b>	Must reinstate the employee for a minimum of <b>13 weeks</b>
If the employee has been in continuous employment for a consecutive period of more than 13 weeks and <b>less than 52 weeks</b>	Must reinstate the employee for a minimum of <b>26 weeks</b>
If the employee has been in continuous employment for a consecutive period of <b>not less than 52 weeks</b>	Must reinstate the employee for a minimum of <b>52 weeks</b>

## 8. MONITORING AND REVIEW

- 8.1 The Director HR is responsible for monitoring overall compliance with this policy.
- 8.2 This policy will be reviewed every year; however if national guidance or legislation changes then the procedure will be reviewed earlier.
- 8.3 The Policy will be available to all employees via the Human Resources department.



## **Appendix 1: Additional Management guidelines**

### **Reservist Training**

Reservists are typically committed to 30 days training per year. Training tends to take place 1 evening per week, over various weekends throughout the year and one continuous 15 day training period also known as 'annual continuous training'. 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 15-day continuous training course sometimes referred to as 'annual camp'. 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.

### **Applying for exemption/deferral**

AAA Caring Caretaker can apply for exemption or deferral from mobilisation within seven days of the call out notice being received if they can demonstrate that the Reservist's absence would cause serious harm to the business in one of the following ways

- 1) Loss of sales, markets, reputation, goodwill or other financial harm
- 2) Serious impairment of the ability to produce goods or provide services (Managers must consider whether a Reservist's mobilisation may affect the service delivery of AAA Caring Caretaker)
- 3) Harm to research and development of new products, services or processes, provided that this could not be prevented by the employer being given financial assistance under SI 2005/859.

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 the Reservist being served with 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 their call-out papers arrive at a difficult time.

If an unsatisfactory decision is received following the application for a deferral, AAA Caring Caretaker can appeal for a hearing by an Independent Reserve Forces 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, AAA Caring Caretaker will be required to release the Reservist for mobilisation.

## **Mobilisation**

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:

- Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or Advertising costs
- No financial cap on claims, but any claim must be supported by relevant documentation
- Overtime costs, if other employees work overtime to cover the work of the Reservist
- Costs of temporary replacement by the amount that such costs exceed earnings of the Reservists. 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.
- If a Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then AAA Caring Caretaker can make a claim for the cost. Further information can be found under section 9.2 of this guidance.

## **Reinstatement support**

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

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's required as a direct result of their mobilisation, although claims 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.

**For further support or information:**

**Royal Navy or Royal Marines**

[navylegal-reservesadiso2@mod.uk](mailto:navylegal-reservesadiso2@mod.uk)

Telephone: 02392 628 858  
Royal Navy and Royal Marines Adjudication Officer  
West Battery (MPG-2) Whale Island Portsmouth  
PO2 8BX

**Army Reserve**

[apc-cmops-mob-so2@mod.uk](mailto:apc-cmops-mob-so2@mod.uk)

Telephone: 0800 389 6585  
Army Adjudication Officer Army Personnel Centre,  
PO Box 26703,  
Glasgow  
G2 8YN

**Royal Air Force**

[aira1-woadj@mod.uk](mailto:aira1-woadj@mod.uk)

Telephone: 01242 682 545 RAF  
Adjudication Officer  
GL3 1EZ