



# **MILITARY RESERVISTS IN SCHOOL POLICY**

**September 2018**

Next Review – May 2021

This policy is based upon the MB Rochdale model policy 2013.

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## 1. **INTRODUCTION**

The Wardle Trust recognise the valuable contribution that Reservists make to our country's defence, their communities and the civilian workplace.

Support is provided for staff in schools that are already Reservists, or wish to join the Reserve Forces. It is recognised that the training undertaken by Reservists will enable them to develop skills and abilities that are of benefit both to the individual and their employer.

This document will provide guidance to schools to help them manage and support these employees.

### **Equality**

The Trust aims to regularly review all the policies and procedures we operate to ensure there are no negative equality impacts. Consultation with our colleagues is an important part of how we achieve this. If you feel, on reading this policy, that there may be a negative equality impact within your school, please tell us about this

## 2. **TYPES OF RESERVISTS**

There are two categories of Reservist:

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

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)

## 3. **NOTIFICATION**

Reservists are required to inform their employer that they are a member of the Reserve Forces and the specific force that they belong to. They are also required to give permission for the Ministry of Defence (MoD) to write directly to their employer. This is known as 'Employer Notification' and ensures that school is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.

The MoD will issue written confirmation to the employer informing them the employee is a Member of the Reserve Forces. The letter will provide detail of mobilisation obligations and

their rights as an employee, as well as the school's rights as an employer and details of the financial assistance available if their employee is mobilised.

The MoD will send a follow-up letter each year to confirm that the information held is still accurate.

#### 4. **RESERVIST COMMITMENTS FOR TRAINING AND TIME OFF**

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 camp'. 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.

Wherever possible, staff should negotiate to attend annual training during school holidays. Should this not be possible, school staff will need to make a request for discretionary leave for any training that cannot be undertaken outside of working hours or during holiday closure periods. Discretionary leave is at the discretion of the Headteacher/Board of Trustees and it should be remembered that it is a request and not an entitlement and the needs of the school have to come first. If authorised, pay would be made in line with provisions within the discretionary leave policy.

Reservist staff should provide school with as much notice as possible to allow appropriate planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances.

## **5. MOBILISATION**

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 the nature of the operation and is typically no longer than 12 months.

The Call-out papers for mobilisation are sent by post to school or sometimes delivered in person by the Reservist to their line manager. The documentation will include the call-out date (first day of mobilisation) and the anticipated timeline.

Whenever possible, 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. A period of mobilisation comprises three distinct phases:

1. Medical and pre-deployment training;
2. Operational tour;
3. Post-operational tour leave

## **6. APPLYING FOR EXEMPTION/DEFERRAL/REVOCAION**

In all cases of mobilisation, employers have the right to seek exemption, deferral or revocation if the Reservist's absence is considered to cause serious harm to service delivery.

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).

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, the school 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, the school will be required to release the Reservist for mobilisation.

## **7. TREATMENT OF TERMS AND CONDITIONS DURING MOBILISATION**

### **7.1 Pay**

The school is not obliged to pay the Reservist's salary or contractual benefits whilst they are mobilised.

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 school, 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

## **7.2 Pension**

If the Reservist is a member of the Teachers' Pension Scheme or Local Government Pension Scheme and chooses to remain in it, 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 (as per s.217 Employment Rights Act 1996).

## **7.3 Annual Leave**

School is not obliged to accrue annual leave for a Reservist employee during their 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.

## **7.4 Redundancy**

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 staffing reduction or closure of a department. However, all employees should be treated consistently, and redundancy criteria must not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

# **8 RETURN TO WORK**

## **8.1 Reinstatement**

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 mobilization
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>

Providing the Reservist applies in writing for reinstatement, the school has a legal obligation to reinstate the employee in the same type of job in which they were last employed, on terms and conditions no less favourable to them than previously. However, if this is not reasonable and/or practicable, the Reservist should be re-employed in a mutually acceptable alternative role.

The school must 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. This letter must reach school (and be copied to their line manager) no later than the third Monday after the last day of military service.

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.

## 8.2 Financial help with retraining

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.

## 8.3 Appraisal/ Performance Review

Line managers who carry out Appraisal/ 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 can ultimately lead to improved performance in the workplace. It is therefore good practice that the school recognises these skills and abilities in an individual's

performance review and where possible, look for opportunities to further develop these skills after return to the workplace.

Employees must not suffer any detriment in respect their appraisal and opportunities for performance related pay due to absence from work during mobilisation. Headteachers should contact the Trusts HR team for further advice.

#### **8.4 Aftercare**

Demobilisation may be a difficult time, with a reservist returning to work after a challenging period in deployment. Helping to ensure a smooth re-integration into the workplace will require consideration of:

- The need to update the employee on changes and developments in the organisation.
- 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 with new aspects of the job.
- Whether the reservist can meet up with colleagues informally or socially before or after return to work to prevent any feeling of dislocation, if this is sought.
- Reasonable time off to seek therapeutic treatment if required.

### **9. FINANCIAL ASSISTANCE**

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.

If your Reservist employee is mobilised, an information pack will be sent out to you by the MOD, which will outline details of how to apply for financial assistance. You will need to provide written evidence of costs incurred.

There are 3 types of award available:

#### **9.1 One-off costs**

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

#### **9.2 Recurring costs**

- 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.

### **9.3 Training award**

If a Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the school can make a claim for the cost. An application for a training award must be made within 8 weeks of the Reservist completing the training. Further information can be found under section 8.2 of this guidance.

## Employer's Checklist

If you are notified of a reservist's mobilisation, you should:

- sign and return the mobilisation acknowledgment slip to the Army Personnel Centre
- ensure you receive the employer's notification papers
- assess the service impact of the employee's absence
- if their absence will cause 'serious harm' to the school that cannot be accommodated or offset by financial assistance, then consider applying for an exemption or deferral.

### If exemption is not sought:

- make cover arrangements ensuring that these do not prevent the return of the reservist at the end of their military service
- write to the individual, acknowledging their call-up and informing them of key information (see model letter at appendix B)
- notify payroll that the individual will receive no pay during the period of absence
- notify payroll and/or pension administrator of the pension arrangements
- keep a record of costs arising from providing cover so that a request for reimbursement may be made
- maintain a record of the employee's absence and if the employee's return to work date is known, ensure that reminder systems are in place, to enable preparation for their return
- ensure that the employee's position and their current absence is taken into account if any changes are proposed to staffing structures or other organisational arrangements
- agree the best method of contact between the reservist and their line manager during mobilisation.