



**Somerset**  
Council

# Reservist Policy

<b>Organisation</b>	Somerset Council
<b>Title</b>	Reservist Policy
<b>Owner</b>	HR Policy Team
<b>Primary Legislation</b>	Safeguarding of Employment Act (1985) The Reserve Forces Act (1996)

## 1. Policy Statement

- 1.1 Somerset Council recognises the vital role of the Reserve Forces and the valuable contribution that Reservists make to Defence, their communities, and the workplace. As such the Council undertakes to support employees who are, and those who wish to become, Reserve Forces. Somerset Council therefore offers the following subject to the provisions set out in this policy:
- Agree to release Reservists for attendance at Reserve Forces Training events where these take place on normal working days.
  - Agree to the release of employees mobilised for Reservist duties.
  - Continue to uphold the contracts of employment for Reservists throughout any periods of mobilisation so that there will be no loss of continuous service or any service related benefits.
- 1.2 This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

## 2. Declaration of Reservist Status

- 2.1 Reservists are required to inform their line manager that they are a member of the Reserve Forces and the force that they belong to. This is so that the Line Manager can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave for training and/or mobilisation.
- 2.2 Reservists are also required to grant permission for the Ministry of Defence (MoD) to write directly to the Council to confirm that they are members of the Reserve Forces. This ensures that the Council is made aware of the mobilisation obligations and rights of an employee; rights of an employer; and details of the financial assistance available if an employee is mobilised.

## 3. Leave for Training

- 3.1 The Reservist's Line Manager will endeavour to agree work patterns which allow attendance at annual camp and other training commitments unless there are exceptional service delivery circumstances. Somerset Council offers additional leave with pay for up to 10 days (pro rata) a year to enable Reservists to attend their annual camp.

- 3.2 Reservists can request paid leave from their normal annual entitlement to undertake additional short periods of training. Alternatively, they may request unpaid leave of up to three days per year provided such training cannot be undertaken in off-duty time and adequate notice is given.
- 3.3 Reservists should provide as much notice as possible to allow appropriate planning for absences. Permission once provided will not be rescinded unless there are exceptional circumstances (such as an Ofsted inspection).

## 4. Mobilisation

- 4.1 Mobilisation is the process of calling Reservists into full time service with the Regular Forces, to make them available for military operations. The period of mobilisation will depend on the nature of the operation and is typically no longer than 12 months.
- 4.2 In all cases of mobilisation, the Council will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist.
- 4.3 In such circumstances, the Council has the right to seek exemption, deferral, or revocation if the Reservist's absence is considered to cause serious harm to service delivery.
- 4.4 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 provide services.
  - Harm to the research and development of services or processes (which could not be prevented by the granting of financial assistance from the MoD).
- 4.5 For guidance on seeking exemption, deferral, or revocation please consult the Reservist Guidance Document [\(add link\)](#).

## 5. MoD Responsibility During Mobilisation

- 5.1 During mobilisation the MoD will:
- Assume responsibility for the Reservists salary.
  - Pay a basic salary according to the Reservists military rank. If this basic element is less than the salary element the Reservist receives from the Council it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings. This is known as a Reservist Award.
  - Provide five days of handover costs before the Reservist is mobilised and on their return to work.

### 5.2 Benefits

- 5.2.1 All contractual benefits that are suspended by the Council during mobilisation

can be claimed by the Reservist as part of their Reservist Award.

### 5.3 Pension

5.3.1 If the Reservist is a member of the Local Government Pension Scheme (LGPS) they can choose to remain in the scheme during the period of mobilisation. For this to happen; the Reservist will need to provide the MoD with their LGPS pension payment details. To obtain this information the Reservist can contact HR Admin & Payroll who will advise them of their assumed pensionable pay and the amount of employee and employer contributions. The MoD will pay the employer's contributions and arrange for the Reservist's contributions to be deducted from their pay.

### 5.4 Annual Leave

5.4.1 Reservists should be encouraged to take any accrued annual leave before mobilisation. Reservists accrue annual leave with the MoD whilst they are in full time service, as such the Reservist does not accrue annual leave with the Council during this time. When they demobilise, Reservists are entitled to a period of post-operational leave during which they will be paid by the MoD.

### 5.5 Dismissal/Redundancy

5.5.1 A Reservist's employment cannot be terminated on the grounds of their military duties or their liability to be mobilised.

5.5.2 In cases of restructures, Reservists can be included in the redundancy pool. However, redundancy criteria must not include an employee's responsibilities as a Reservist as grounds for redundancy.

### 5.6 Sick Pay

5.6.1 During the period of mobilisation any service related sick pay will continue to accrue. Should the Reservist become sick or injured during mobilisation they will be covered by the MoD healthcare arrangements (including pay) until they are demobilised. If the sickness or injury continues and this results in early demobilisation, the Reservist will remain covered by the MoD until the last day of paid military leave. After this time the Reservist will be covered by the Council's sickness policy.

## **6. Reinstatement**

6.1 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 that the employer is obligated to reinstate after mobilisation
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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>

- 6.2 The Reservist must contact the Council by the third Monday after their last day of military service making their request to return to work and suggesting a date of return (within six weeks of their last day of full-time service). This must be made in writing for it to be valid under the Reserve Forces Act.
- 6.3 The Council must reinstate the Reservist employee, where possible to their former role. If this is not possible because of organisational change the Reservist must be offered an alternative position of equivalent terms and conditions.
- 6.4 If the Reservist is not happy with an offer of alternative employment, they must contact their Line Manager stating why there is reasonable cause for them not to accept it. The Line Manager must then contact HR Advisory for advice.
- 6.5 If a Reservist believes that the Council's response to their concerns denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment and where appropriate a Trade Union Representative may be involved. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.

## Version History

Revision Date	Author	Version	Description of Revision