



## Service Instruction 0865 Reservists

### Document Control

#### Description and Purpose

This document is intended to give guidance to Managers and employees regarding the support available to employees who provide a service to the armed forces.

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| 08.12.2015  | 11.04.2018  | Amanda Cross | Nick Mernock  | Sue Coker |
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#### Amendment History

| Version | Date     | Reasons for Change | Amended by   |
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| 1.1     | 06.04.17 | Review Date only   | Amanda Cross |
|         |          |                    |              |

#### Risk Assessment (if applicable)

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#### Equalities Impact Assessment

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| 25.11.15 |             | E&DPortal/EIAs/POD/EIA285 |

#### Civil Contingencies Impact Assessment (if applicable)

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|------|-------------|-------------------|
|      |             |                   |

#### Related Documents

| Doc. Type | Ref. No. | Title                      | Document location |
|-----------|----------|----------------------------|-------------------|
| SI        | SI 0767  | Time off for Public Duties | Portal/POD        |
| SI        | SI 0660  | Secondary Employment       | Portal/POD        |
| SI        | SI 0655  | Career Break               | Portal/POD        |

#### Contact

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#### Target audience

|                    |   |                 |                 |                 |
|--------------------|---|-----------------|-----------------|-----------------|
| All MFRS           | X | Ops Crews       | Fire Protection | Fire Prevention |
| Principal officers |   | Senior officers | Non uniformed   |                 |

#### Relevant legislation (if any)

Reserve Forces (Safeguard of employment) Act 1985  
The Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 2005

## RESERVISTS

### Introduction

The Reserve Forces (RF) made up of the Territorial Army, Royal Navy Reserve, Royal Marines Reserve & the Reserve Air Forces and supports the full time national defence forces. Merseyside Fire & Rescue Authority is committed to supporting the UK armed forces and will support employees who wish to become members of the Volunteer Reserve Forces.

This document formalises previous arrangements and details the Authority's position with regards to employee's who are members of the RF (Reservists)

There are two main types of Reservist:

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

### Registration

All employees' who are members of the reserve forces **must** register details with the Contracts and Policy team. Employees who register under this instruction will not be required to also register under the Services "Secondary Employment" process as detailed in the contracts of employment and relevant SI.

The Service also recognises the additional skills and experiences that being a Reservist can bring to the Service and therefore it is useful for the Service to have an understanding of where these particular skills and experiences exist and what specific force this skill have been gained in.

In order to maintain business continuity, it is MFRS's policy that the maximum number of persons allowed to be members of the RF is no more than 10 grey book employees and 2 green book employees at any one time. (excluding employees on career breaks) Therefore, the consent of the Flexible Working Panel must be sought, in writing, prior to any potential participation as a reservist. The Flexible Working Panel consists of members of the Contracts, TRM and Equality teams to ensure a consistent and speedy consideration of all requests.

If the quota is exceeded and the employee cannot become a member of the RF at this time, then their name will be added to a waiting list which will be held by the Contracts team. Approval to join the RF does not automatically entitle the employee to leave to attend training camps or other RF activities.

Reservist employees are also required to grant permission for the Ministry of Defence (MoD) to write directly to their employer. MFRS will periodically check our list of reserves against those supplied by the MOD in line with the 2004 agreement regarding the process of Employer Notification (EN). This allows the MOD to notify employers of their reservist employee's and has been a condition for anyone wishing to join or renew as a member of the RF. It additionally ensures the Service is made aware that the employee is a Reservist and the benefits, rights and obligations that apply. In any circumstance, the Reservist will not be disadvantaged as a result of notifying MFRS of their Reserve status.

## **Reservist Commitments**

### **Training**

The typical commitment of a RF member is attendance at 30 days training per year made up of evening and weekend training along with attendance for a continuous 15 days period each year known as annual camp.

The Authority will support all registered and accepted employees of MFRS with 1 weeks paid leave and 1 week unpaid leave to attend annual training camp. This will be administered by Time & Resource Management and permission must be sought prior to attendance.

### **Mobilisation**

Mobilisation refers to when a member of the RF is called up into full time military service on military operations. In the event of mobilisation, each case will be considered individually by the Flexible Working Panel taking into account the core business needs of the Service. If Service contingencies allow, MFRS will permit up to 5 grey book employees and 1 green book employee to be mobilised at any one time.

A period of mobilisation comprises three distinct phases:

- Medical and pre-deployment training;
- Operational tour;
- Post-operational tour leave

Members of the RF may be mobilised for a period 3 months or less up to a maximum of 12 month's under the provisions of the Reserve Forces Act 1996.

Whilst there is no statutory requirement for notice prior to Mobilisations it is expected that a minimum of 28 days' notice will be provided to the Authority by the MOD.

On return from a tour of duty with the reserved forces, the employee will be required to attend the Occupational Health Department to provide details of any illnesses, accidents or injuries sustained whilst on tour. For Operational employees training will be arranged, where necessary, to ensure the employees have operational readiness.

### **Exemptions**

The Reserve Forces Act 1996 allows for employers to apply for an exemption or deferral of mobilisation if it would cause "serious harm to the business"

The application must reach the Adjudication Officer within 7 days of the Service receiving 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 the call-out papers arrive at a difficult time.

The decision whether to apply for an exemption from mobilisation rests with the members of SLT and will take into account the circumstances at the time of application along with the impact the loss of the employee for a potential 12 month period would have on servicing the Merseyside community. It may be necessary to limit the number of reservists released to mobilisation dependent on the exigencies of the service to preserve operational strength.

### **Terms & Conditions of Employment whilst Mobilised**

An employee will have their term and conditions of employment varied as follows for any period that they are mobilised as a member of the RF.

- Pay – employees will not receive any pay from the Authority for the complete period of mobilisation (including post mobilisation leave – see Demobilisation) The MoD will assume responsibility for the Reservist's salary for the duration of their mobilisation. They will pay a basic salary according to the Reservist's military rank. If this basic element is less than the Reservist receives from the Service, 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.
- Benefits / Allowances – any additional benefits or allowances payable to an employee will cease for the period of mobilisation
- Pension – The Authority will cease employer contributions for any period of mobilisation. The MOD will make contributions equivalent to employer contributions providing an employee continues to make individual contributions. It is also advised that the employee discusses other contributory benefits with the relevant pension provider (before mobilisation).
- Leave – all accrued leave must be taken prior to mobilisation wherever practicably possible. Any anticipated leave taken over allowances will be required to be repaid prior to mobilisation.
- Service – the employee will benefit from continuous service unless they choose to resign from the Authority. Under The Reserve Forces Act (Safeguarding of Employment) Act 1985, an employee's service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, he or she can return to employment upon which their continuity of service will be restored.
- It is not anticipated that the employee will need the use of company equipment such as Authority laptops / mobiles

### **Demobilisation (Returning to work)**

Members of the RF undergo a three stage process (Adaptation, Assessment, Post Operational leave) when returning from active service.

Post operational leave on average lasts for 30 days and the last day of this leave is recorded as the last day of wholetime service and signals the end of all military pay as detailed above.

The Reserve Forces (Safeguard of Employment) Act 1985 obliges employers to reinstate individuals within 6 months if military service:

- In the occupation in which they were formerly employed
- On terms and conditions no less favourable than those they would have benefited from had they not undertaken the period of service. If this is not reasonable and practicable to offer the same terms and conditions then the employee must be offered the most reasonable terms and conditions which are reasonably practicable.

To qualify for the right to reinstatement the employee must:

- Submit a written application to the Flexible Working Panel by the third Monday after the end of military service, and
- Be able to resume duties within a further 3 weeks.

The Authority reserves the right to offer suitable alternative employment if, in exceptional circumstances, the previous post is not available. Operational employees will be posted to a location and duty system as required by the Authority and no guarantee can be made that the employee will return to their original location.

Employees wishing to return to employment must declare any criminal convictions as well a commit to undertaking a medical examination if required and any necessary familiarisation training.

### **Financial Assistance**

As provided in The Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 2005 the Authority will seek financial assistance from the MOD where applicable and necessary for:

- Replacement recruitments costs
- Additional wages incurred in covering for mobilised personnel with agency / temporary staff
- Any overtime costs from other employee's covering a mobilised reservists duties
- Any additional (non routine) training required as a result of the mobilisation
- Any other one off or recurring costs provided for within the regulations

### **Responsibilities**

The employee should ensure they register annually with the Contract team ensure an up to date list of reservists is maintained. It is advisable for the employee to advise both their line manager and the Flexible Working panel when they receive their call up papers to ensure there is no delay in confirming release.

The employee should provide the Flexible Working Panel with reasonable notice that they are required to attend the annual training camp. They must supply a Certificate of Attendance on their return to TRM to support the attendance at summer camp.

The line Manager should update the Contracts team who will liaise with the MOD on the Authorities behalf. The line Manager should consider any training need the employee has (for example being fit to ride) when they return and organise any appropriate training.

The Flexible working panel and TRM will liaise with the MOD adjudication officer with matter regarding exemptions and reclaiming financial assistance.

### **Additional Information**

Further sources of guidance and information can be obtained from the following:

- SaBRE (Supporting Britain's Reservists and Employers)  
[www.sabre.mod.uk](http://www.sabre.mod.uk)

Helpline: – 0800 389 5459. This is a free telephone helpline open during office hours where advice and guidance can be obtained on training, mobilisation and employment issues.

- Royal Navy website [www.royalnavy.mod.uk/the-fleet/maritime-reserves](http://www.royalnavy.mod.uk/the-fleet/maritime-reserves)

- Army website: [www.army.mod.uk/join/20233.aspx](http://www.army.mod.uk/join/20233.aspx)
- Royal Air Force website [www.raf.mod.uk/rafreserves](http://www.raf.mod.uk/rafreserves)

Instruction