**Reserve and Cadet Forces Policy**

The key messages the reader should note about this document are:

1. The leave arrangements surrounding Reservists and Cadet forces.
2. The support for colleagues who have spouses or family members who are part of the Armed Forces
3. Colleagues who are part of the Reserve and Cadet Forces are supported to carry out their roles
4. This policy applies to all substantive colleagues

**DOCUMENT SUMMARY SHEET**

ALL sections of this form must be completed.

|  |  |
| --- | --- |
| **Document title** | Reserve and Cadet Forces Policy |
| **Document Reference Number** |  |
| **Key searchable words** | *Armed Forces, Reservists, Cadet Force Adult, Mobilisation, Demobilisation* |
| **Executive Team member responsible (title)** | Darren Skinner – Interim HR Director |
| **Document author (name and title)** | Faye Pass – HR Business Partner |
| **Approved by (Committee/Group)** | People Employment Group |
| **Date approved** | 14th March 2022 |
| **Ratified by** | Trust Policies and Procedures Group |
| **Date ratified** | 14th April 2022 |
| **Review date** | 14th March 2025 |
| **Frequency of review** | *At least every three years* |

1. **Introduction**

Leeds and York Partnership NHS Foundation Trust is committed to supporting colleagues where they are members of or have spouses and family members in the Reserve or Cadet Forces , which may require them to be absent from the workplace from time to time.

1.1 Leeds and York Partnership employ colleagues 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. It is recognised that colleagues may be subject to call up and mobilisation or have spouses or family members who may be subject to this. These colleagues also require regular time off for training to maintain their skills and readiness for deployment or may need support in dealing with spouses and family members being deployed.

1.2 The Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), Army Reserve and the Reserve Air Forces (RAFR and RAuxAF).

1.3 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.

* 1. 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 LYPFT in terms of service delivery.
  2. LYPFT pledges support towards members of, or those wishing to join the Reserve Forces or Cadet Forces and acknowledges the training undertaken by reservists that enables them to develop the skills that benefit both the individual and LYPFT.
  3. There are two main pieces of legislation relating to employers and the Volunteer Reserve Forces:
* [The Reserve Forces Act 1996](http://www.legislation.gov.uk/ukpga/1996/14/contents) (RFA 96) which provides the powers under which reservists can be mobilised for full-time service
* [The Reserve Forces (Safeguard of Employment) Act 1985](http://www.legislation.gov.uk/ukpga/1985/17) (SOE 85) which provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilised service.

**2. Recruitment**

2.1 Any colleagues that identify as being a member of the Armed Forces, Veterans, spouse/families, service leavers or Reservists, will receive a Guaranteed interview as part of the Guaranteed Interview Scheme, subject to meeting the essential criteria of the job post

2.2 Candidates who self-identify will be asked to disclose their relationship with the Armed Forces at the application stage by ‘ticking a box’ that will appear on their application. Hiring managers will be able to see this information on the application when shortlisting. Line Managers should then offer a guaranteed interview to anyone who fits the above criteria.

1. **Support for training and Leave**
   1. Reservists are required to inform their line manager, that they are a member of the Reserve Forces, so we can provide the relevant support. LYPFT also recognises the additional skills that being a reservist brings to the civilian workplace and therefore it is useful to understand where these particular skill sets are within the workforce.
   2. The Ministry of Defence (MoD) provides us with a notification each year in the form of a written confirmation that the colleague is a reservist. The letter will also provide detail of mobilisation obligations, rights as an employer and employee, details of financial assistance available upon mobilisation and where possible, details of any annual training commitments. A follow up letter will be sent each year confirming these details, it is the reservist’s responsibility to ensure that the employer details are correct with the MoD.
   3. Training commitments for reservists vary but are usually between 9 and 27 days a year, and typically include:

* Weekly training – around two and half hours for one evening a week at a local reserve centre.
* Weekend training – expected to attend a couple of training weekends spread throughout the year.
* Annual training – two-week continuous training camp that takes place each year, either in the UK or abroad.
  1. LYPFT is committed to granting additional paid leave of 10 days per annum to enable reservists to attend their annual camp training commitments and a further 5 days can be taken as unpaid leave.
  2. LYPFT is committed to granting additional paid leave of 10 days per annum to enable CFAV to attend their annual camp or cadet training and a further 5 days can be taken as unpaid leave.
  3. LYPFT is committed to granting additional paid leave of 3 days per annum to colleagues who have family members or spouses that are mobilised and a further 5 days can be taken as unpaid leave.
  4. Additional unpaid leave or annual leave from the colleagues normal annual allocation may be granted for short periods of training, provided adequate notice is given and where such training cannot be undertaken in off-duty time. Attendance at weekend camps, which cannot be undertaken during off-duty, will be subject to the same arrangements.
  5. Line managers will facilitate work rosters to allow attendance for annual camp and other training commitments, e.g. weekly or weekend training sessions.
  6. Reservist and CFAV employees are required to give as much notice as possible to allow appropriate planning for absences. This should (where known) include detail of all planned military training that will require absence from the workplace at the beginning of each year. Permission will be granted where possible in line with service needs. Once given, permission will not be rescinded except in exceptional and extreme circumstances, which will need to be agreed with the relevant Head of Operations or Equivalent.
  7. Any issues should be referred to your line manager in the first instance. Colleagues who remain dissatisfied may thereafter use the grievance procedure.

**4. Mobilisation**

4.1 Mobilisation is the process of calling reservists into full-time service. This can be with the Regular Forces on military operations or to fulfil their part of the UK’s defence strategy or humanitarian operations. 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.

4.2 Mobilisation will normally be for between 3 and 12 months, depending on the role and specialism. For operational reasons the Ministry of Defence is unable to give LYPFT a precise return date. Subject to the severity of the crisis there would normally be a minimum of 28 days’ notice of the date that a reservist will be required to report for mobilisation, and there is no statuary requirement for a warning period prior to mobilisation.

4.3 Colleagues who wish to volunteer for mobilisation must seek prior agreement via their line manager. Any such request will be considered within 7 calendar days.

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

4.4 A period of mobilisation comprises three distinct phases:

* medical and pre-deployment training
* operational tour
* post-operational tour leave.

4.5 When a reservist is called up for mobilisation managers will receive:

* a copy of the call-out notice
* notification of the expected return date and likely duration of mobilisation
* details of employers’ and reservists’ statutory rights and obligations
* information about financial assistance
* information about exemption and deferral.

Where there is compulsory mobilisation of any colleague, LYPFT reserves the right 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.

Professional Registration

An employee is responsible for ensuring that they maintain their competence and professional registration (where applicable) at all times during a period of mobilisation.

**5. Line Managers**

**Financial assistance**

We can apply for financial assistance, if it is believed that the loss of the colleague would have an exceptionally severe impact on their ability to provide services.

5.1 While a reservist is mobilised, the Trust will not pay colleagues, as they will receive their full salary paid by the MoD. However, the Trust will pay the reservist’s salary from the time of call-up until the first full monthly salary has been paid during mobilisation. The line manager should ensure that the payroll department is notified that the colleague is being mobilised and the date when their pay should stop.

Where mobilisation occurs, the colleague will be given special unpaid leave of absence within the organisation, this should be processed via an SW2 form to payroll.

5.2 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. Where a colleagues mobilisation results in additional costs, we can seek compensation from the MoD, for example:

**One-off costs** (no cap on claims but must be supported by relevant documentation)

* Any costs of hiring a temporary replacement that exceeds the reservist’s earnings.
* Advertising for replacement or agency costs.

**Recurring costs**

* Overtime costs if another colleague is used to cover the work of the reservist.
* Costs of temporary replacement.
* Training costs for any training the colleague needs as a result of having been mobilised when they return to work (the MoD will not pay for training that would have been carried out anyway).

The maximum claim available is £110 per day (£40,000 per annum) which can be made for every normal working day that the reservist is away on service. In order to claim financial assistance, LYPFT will provide the MoD with appropriate supporting documentary evidence.

The latest date for submitting claims for financial assistance, other than for training, is within four weeks of the date the reservist is demobilised.

**6. NHS pension whilst on active service**

6.1 A reservist who is called-up is entitled to remain a member of the NHS Pension Scheme. The MoD will pay the Trusts pension contributions whilst the individual is mobilised provided, they continue to pay their individual contributions.

6.2 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.

**7. Annual leave whilst mobilised**

7.1 Reservists have no entitlement to accrue annual leave or unpaid leave whilst mobilised and should be encouraged to take any accrued leave before mobilisation.

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.

7.2 All annual leave untaken up to the date of mobilisation may be carried over into the following leave year and would need to be used within 18 months.

**8. Pay progression & appraisals**

8.1 The Trust will continue to treat the contracts of employment for colleagues mobilised as part of the Reserve Service, as operable throughout the period of such service, which will be considered continuous, and a colleague will not be penalised if it coincides with their pay band gateway. This would be completed on the colleagues return and backdated to the normal incremental date.

8.2 Line managers who carry out appraisal meetings with a reservist should be made aware that the 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 to recognises 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.

**9. Support on return to work (demobilisation)**

9.1 Demobilisation with a reservist returning to work after a period in deployment requires a smooth reintegration into the workplace/team, including the following considerations:

* The need to update them 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 them with new aspects of the job.
* Whether the reservist can meet up with colleagues informally or socially (if appropriate) 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.

9.2 When the Line Manager is notified by a reservist that they want to return to work, we will reinstate the reservist with their former role. Where this is not possible, we will offer an equivalent position with the same terms and conditions of service, or a lower banded role with pay protection. The right to return to work lasts for six months after demobilisation.

9.3 Reservists should email or write to their managers to confirm their intentions to return providing much notice as possible, however we require a minimum of 8 weeks notice to be able to complete the necessary steps to return the reservist back into employment.

The reservist should be reinstated with six weeks of the last day of their full-time service as part of mobilisation.

9.4 To enable the sevice to plan for their return to work after their military service has ended, reservists must advise their line manager 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.

**10. Useful sources of help**

* [DRM (Defence Relationship Management)](https://www.gov.uk/government/groups/defence-relationship-management) provides support for employers of reservists, veterans, cadet force adult volunteers and military spouses and families.

Helpline: 0800 389 5459 Email: [employerrelations@rfca.mod.uk](mailto:employerrelations@rfca.mod.uk)

* [Royal Navy Reserves](https://www.royalnavy.mod.uk/our-organisation/maritime-reserves/royal-naval-reserve#units)
* [Army Reserves](https://www.army.mod.uk/who-we-are/the-army-reserve/)
* [Royal Air Force Reserves](https://www.raf.mod.uk/recruitment/lifestyle-benefits/life-as-a-reserve)
* [The Cadet Forces GOV.UK](https://www.gov.uk/guidance/the-cadet-forces-and-mods-youth-work)
* [Sea Cadets](http://www.sea-cadets.org/)
* [Army Cadet Force](http://armycadets.com/)
* [Air Training Corps](http://www.raf.mod.uk/aircadets/)
* [Combined Cadet Force](http://combinedcadetforce.org.uk/)

**11.0 Equality Impact**

The Trust has a duty under the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people from different groups. Consideration must be given to any potential impacts that the application of this policy/procedure  might have on these requirements and on the nine protected groups identified by the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, gender and sexual orientation).

Declaration: The potential impacts on the application of this policy/procedure have been fully considered for all nine protected groups. Through this process I have not identified  any potential negative impacts for any of the nine protected groups.

Faye Pass

HR Business Partner

14th April 2022

**Line Management Responsibilities**

Pre-mobilisation checklist

|  |  |
| --- | --- |
| Action | Completed |
| Liaise with Human Resources as soon as notification is received to ensure the relevant support is given |  |
| meet with reservist to ensure all appropriate mobilisation paperwork has been completed & wellbeing assessment updated  (including the pension scheme choice declaration as contained in the call out papers) |  |
| arrange for the colleague to receive the mobilisation letter (appendix A) |  |
| calculate the annual leave entitlement prior to mobilisation and agree the arrangement of leave as per the Trust’s Policy |  |
| Complete an SW2 Form and issue to Payroll, HR, E-rostering and HRSW |  |
| Ensure reasonable steps are taken to enable them to give consideration to pay progression on the relevant date. This may include a review of:   * previous records * progress towards meeting their PDP * notes of any relevant meetings between the manager and the employee * performance and development before planned absence starts |  |
| discuss any handover of work and return of equipment |  |
| discuss arrangements for keeping in touch including revised contact details during the mobilisation period |  |
| ensure that the next of kin details are recorded and up to date |  |
| consider requirements for cover during the period and the potential to claim for financial assistance to cover any additional employer costs associated with mobilisation |  |
| consider appropriate arrangements have been made in respect of the following (where applicable):  • lease car  • return of Trust property, such as ID Badge, mobile communication, keys, uniform  • salary sacrifice arrangements |  |

**Post Mobilisation Checklist**

|  |  |
| --- | --- |
| Action | Complete |
| Arrange for model letter (Appendix B) to be sent following formal written notification of a return to work date |  |
| Complete an SW2 form re-instating the pay |  |
| arrange a meeting prior to the return to work to ensure  • return to work is completed – is a phased return or flexible working agreement needed?  • discuss after care and any support requirements including any reasonable adjustments & Occ Health  • whether attending a Trust Induction is required and/or if any further or refresher training is required on returning to the role  • whether any renewal of DBS or professional registration is needed |  |
| Complete a wellbeing assessment upon return |  |

**Appendix A Letter of Mobilisation**

Dear [Insert name]

**Re: Employment arrangements during mobilisation**

Following the notification of your forthcoming mobilisation with the Reserve Forces, I am writing to set out employment related arrangements which will apply prior to, during, and immediately after your period of mobilisation, as agreed at our meeting of [Insert date].

Leave

During mobilisation you will be on unpaid special leave from the Trust, which will count as a period of continuous service. The period of mobilisation will count as reckonable service for the purposes of entitlements to certain terms and conditions, such as occupational sick pay and redundancy.

Your period of leave will commence on [Enter date]. Your approximate date of return to work is [Enter date].

Pay Arrangements

Your salary will be suspended whilst you are mobilised. Your Reserve Force will assume responsibility for your salary for the duration of your mobilisation.

Employment Benefits

As you will not be in receipt of any salary from the Trust during mobilisation you will need to decide which benefits you wish to continue, suspend or amend during the mobilisation period. For those benefits it is your responsibility to notify the Trust of your intentions. Such notifications must be provided to your line manager prior to mobilisation.

Where you have suspended/cancelled any benefits prior to mobilisation, it is your responsibility to contact your line manager to make any arrangements to restart once you return to work.

Annual Leave

Prior to mobilisation, you will accrue Trust annual leave under normal arrangements and you are required to take this leave where possible prior to mobilisation. If it is not possible to do so, you should discuss this with your line manager.

During the period of mobilisation accrual of Trust annual leave will cease and you will accrue annual leave with the Ministry of Defence (MoD). MoD annual leave arrangements will apply during mobilisation. There is no requirement to advise the Trust of any annual leave taken during the period of mobilisation.

Upon return to work you will start to accrue Trust annual leave. Any untaken accrued Trust annual leave should be taken prior to the end of the annual leave year in which your return from mobilisation.

Pension

You are entitled to remain a member of the NHS Pension Scheme. Your Reserve Force will pay the employer contributions for the period of mobilisation provided that you continue to pay your employee contributions and complete the necessary forms that are contained within your Call Out papers.

You must contact HR to discuss your pension, contributions and benefits. If you have opted to join the Reserve Forces Pension Scheme, you will not accrue reckonable service for your NHS Pension Scheme during your period of mobilisation.

Keeping in Touch

During our meeting we agreed the most appropriate way of keeping in touch whilst you are away. This will be by [Insert method,].

We have also agreed that we will aim to keep in touch [Insert frequency]. You have confirmed that your next of kin is [ Insert name] and their telephone number is [Insert number].

Sick Pay

During the period of mobilisation you will continue to accrue any service related Trust sick pay. However, should you become sick or injured during mobilisation you will be covered by MoD’s healthcare arrangements (including pay) until you are demobilised.

If the sickness or injury continues and this results in early demobilisation, you will remain covered by MoD until the last day of paid military leave. After this time you will be covered by the Trust sickness arrangements (in accordance with the policy).

If you become ill post mobilisation on the expected date of return to work, you will be covered by the Trust policy.

Return to work

You should provide the Trust with as much notice as is practicable of your return to work date. This can take place at any time once you know the expected date of demobilisation and the amount of Post-Operational Tour leave plus any other leave to be taken.

Such notification should be made in writing to your line manager. You should maintain contact with the Trust and provide notification should the expected return to work date change.

Formal Notification Requirements Once a Reservist reaches their last day of paid military service, under the Reserve Forces (Safeguarding of Employment Act 1985), they have an obligation to formally write to the Trust to request a return to work.

The Trust has an obligation under this act to reinstate the Reservist. In accordance with the legislation you must write to the Trust no later than the third Monday after your last day of paid military service to inform the Trust that you are available to return to work. The Trust will acknowledge receipt.

Return to Work

Upon return to work you will be entitled to return to the same job or a reasonable and suitable alternative.

Following mobilisation the Trust may require you to be passed fit by Occupational Health and pre employment checks for example DBS checks.

Return to Work Meeting

A Return to Work meeting will be scheduled upon your return to work. The purpose of this meeting is to discuss the mobilisation experience; the role you are returning to and any associated handover arrangements; confirm relevant administrative activities relating to pay and identify any support that the Trust can offer to ensure a smooth reintegration back into work, including any assistance from Occupational Health.

If you would like to discuss this letter, please do not hesitate to contact me.

Yours sincerely

[insert name]

[Position]

Declaration

I understand and accept the arrangements set out above including those variations to my terms and conditions of employment during my period of Reservist Mobilisation.

Signed………………………………………. Date…………………………….. Name…………………………………………

Signed by Line Manager:…………………………………………….

Name:………………………………………….

Date…………………………….

[Copies should be retained by HR & Reservist]

**Appendix B – Return to Work Acknowledgement**

Dear [Insert Name],

**Re: Acknowledgment of Return to Work**

I am writing to acknowledge your formal notification of intention to return to work following your Reservist Mobilisation.

It has been agreed that you will return to work on [insert date].

In support of this, a return to work meeting has been scheduled for [Time] on [Date] and will be held [Location]. The meeting will be attended by [Line manager] and [HR].

The purpose of this meeting is to welcome you back to work and to discuss a number of practical matters to support a smooth reintegration back into the workplace. In the meantime, if you have any queries, please do not hesitate to contact [line manager].

Yours sincerely

[Insert name and Trust position]

Cc [insert HR representative details]