



Bridgewater Housing Association Policy

Policy name	Reservist
Policy category	Corporate (HR)
Policy number	CS65
Date adopted	29 th November 2023
Last review	
This review	29 th November 2023
Next review	29 th November 2028
Equalities impact assessment required	No
Links to other documents	EVH Statement of Terms and Conditions of Employment
Consultation	This policy was circulated to all staff for comment.

1. INTRODUCTION

This policy outlines Bridgewater Housing Association's commitment to supporting employees who are members of the Volunteer Reserves when they are to be mobilised for active service. The policy provides details of the following:

- The responsibilities for the employee and the employer
- The procedure should a reserve be required to attend training
- Mobilisation
- T&C's during mobilisation
- Reservist's return to work

This policy is for all employees of Bridgewater who are members of any branch of the Volunteer Reserves – Army Reserve, Maritime Reserve and Royal Air Force Reserve. The policy also extends to new employees of Bridgewater who are members of the Volunteer Reserves, and to employees who join any branch of the Volunteer Reserves while employed with Bridgewater.

2. SHR STANDARDS OF GOVERNANCE AND FINANCIAL MANAGEMENT

This policy is intended to provide additional assurance to the Board of Bridgewater Housing Association that it is complying with:

Standard 2

The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

Standard 5

The RSL conducts its affairs with honesty and integrity.

3. BACKGROUND

The Volunteer Reserves form an integral and important part of the United Kingdom's Armed Forces. The role of the UK's Reserve Forces has changed over the last decade from a large and mainly unused force, to one structured to support the UK's Armed Forces operations worldwide, and as such they have an ever-increasing role in operations at home and overseas. Future demands on the Reserve Forces is likely to increase as they continue to be used in sustained and large scale operations, to support and reinforce specialist capabilities in areas such as communications, medical and logistical support.

4. LEGISLATION

There are two main pieces of legislation covering the call-up, mobilisation, and employment of Reservists:-

- The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) - Describes the employment rights of Reservists, granting them the right to return to their existing jobs following call-up and protecting them from dismissal for the reason of being mobilised.
- The Reserve Forces Act (1996) (RFA) - Outlines the circumstances for calling Reservists into full-time military service and covers the regulations dealing with exemptions and financial compensation.

5. DEFINITIONS

- **Volunteer Reservist** – Civilians recruited into the Army Reserve, Maritime Reserve and Royal Air Force Reserve
- **RFA 96** - Reserve Forces Act 1996
- **Mobilisation** - The process of calling Reservists into full-time service with the Regular Forces on military operations, this includes, pre deployment training, deployment of operational period

and any post operational accrued leave). All members of the Volunteer Reserve Forces are committed to the possibility of mobilisation as detailed in The Reserve Forces Act (1996).

- **Demobilisation** - The administrative release of a reservist from military service prior to any outstanding leave owing.
- **Civil Contingency Reaction** - Volunteer Reservists who receive special training and may be mobilised in the event of extreme national need
- **Post Operational Tour Leave** - Time off earned while on full time military service
- **Serious Harm to the business** - Serious loss of sales, markets, reputation, goodwill or other financial harm or Serious impairment of the ability to produce goods or provide services
- **MoD** - Ministry of Defence

6. POLICY PRINCIPLES

- Bridgewater recognises and supports the work carried out by the Volunteer Reserves.
- No employee will be treated less favourably due to being a member of the Volunteer Reserves.
- Bridgewater will aim to release employees who are mobilised for reserved duties where possible while considering the needs of the business.

7. RESPONSIBILITIES

Employees:

- Inform their employer that they are a member of the Volunteer Reserves and the specific force they belong to.
- Grant permission for the MoD to write directly to their employer for Employer Notification.
- Ensure their personal details are up to date with the MoD.
- Ensure they are familiar with the contents of the policy and to work with Bridgewater within its framework.
- Make Bridgewater aware of their basic training commitments and Annual Camp and to ask for training leave when it arises.
- Give Bridgewater as much notice as possible of any additional leave they will need.

Employers:

- Will not treat any employee any less favourably due to being a member of the Volunteer Reserves.
- Will aim to release employees who are mobilised for reserved duties, where possible.
- Managers who have employees in the Volunteer Reserves must ensure they are familiar with the contents of this policy and are able to work within its framework to support employees.
- Ensure that they have received written notification from the MoD informing them that their employee is a Volunteer Reserve.
- Comply with their requirements for mobilising and the return of employees.

8. RESERVIST'S TRAINING COMMITMENTS

A reservist will normally have three types of training commitments that they are required to attend:

Weekly training - this normally takes place on an evening during the week for around 2½ hours

Weekend Training - this normally will takes place one weekend a month.

Continuous Training Period or (annual camp) - where Reservists are required to attend a continuous period of training for around 15 days.

As far as possible, line managers will plan any work rosters to allow attendance at regular training sessions.

Bridgewater is under no legal obligation to grant time off for the continuous training period.

However, in line with the Bridgewater's commitment to supporting its employees who are members of the Volunteer Reserves, where possible, time will be granted for the continuous training period.

Time off will be in the form of authorised unpaid leave therefore allowing to attend without the need for them to use their annual leave entitlement.

In order to receive authorised unpaid leave, the employee must provide their line manager with as much notice as possible to allow for appropriate planning to take place to cover work priorities during the reservist's absence. Unpaid leave should be requested through the Association's Time Management System.

9. 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. This includes the maximum period of mobilisation which 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 Bridgewater or hand delivered by the Reservists to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, the MoD aims to give at least 28 days' notice of the date a 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 involves three distinct phases:

- Medical and pre deployment training
- Operational Tour
- Post Operational Tour

10. APPLYING FOR EXEMPTION/DEFERRAL/REVOCATION

In all cases of mobilisation, Bridgewater will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist.

In such circumstances line managers have the right to seek exemption, deferral or revocation if the Reservist's absence is considered to cause serious harm to service delivery. For example:

- Loss of reputation, goodwill or other financial harm
- Impairment of the ability to produce goods or provide services.

An application must be made to the Adjudication Officer.

11. APPEAL PROCESS

An appeal can be made to the Reserve Forces Appeal Tribunal if Bridgewater is unhappy with the decision of the Adjudication Officer. The Adjudication Officer will provide information on making an appeal. Appeals must be lodged with the office of the Secretary to the Tribunal; no more than five working days after the Adjudication Officer's decision is received. The address for the appeals is given in Section 15 - Further Information.

The Reserve Forces Appeal Tribunal are independent of the MOD and make decisions in legal disputes around call-up to the UK Reserve Forces.

Bridgewater will be advised of the date, time and place of the appeal hearing. Appeals are normally held at the office of the Employment Tribunal Service nearest to Bridgewater. Where necessary, employers may be asked to provide the Tribunal with additional information in support of their case. Appeals are normally heard within 28 days of receipt of the appeal, throughout which time the Reservist will not be deployed outside the United Kingdom.

If the tribunal rejects the application for exemption or deferral, Bridgewater will be required to release the Reservist for mobilisation. The Reservist will suffer no detriment to their employment on such occasions.

12. TERMS AND CONDITIONS DURING MOBILISATION

Employees will continue to accrue continuity of service throughout the mobilisation. Specific terms relating to other parts of their employment are detailed below:-

Pay

Bridgewater will not pay a reservist during the time they are mobilised. The MOD will pay the reservist a basic salary in accordance with the Reservists military rank. If this is less than the Reservists normal salary, the reservist can apply to the MoD for the difference to ensure no loss of earnings. The reservist will resume contractual pay with Bridgewater when they return to work after mobilisation.

Holidays

Reservists should be encouraged to take any accrued annual leave before mobilisation. The Reservist will not accrue annual leave during the period of mobilisation. Reservists will accrue annual leave with the MoD whilst they are in full time service at a rate of 2.5 days per month paid for by the MoD and taken at the end of mobilisation. This period is called post-operational leave. Therefore, if a reservist within Bridgewater is mobilised for part of the annual leave year the employee's holiday entitlement will be pro-rated for the time in receipt of monthly salary from Bridgewater.

Pension

A reservist who is mobilised is entitled to remain a member of their occupational pension scheme. The MoD will pay the employer contributions that Bridgewater would have made provided that the Reservist continues to pay their contributions to the scheme. The pension scheme administrator cannot refuse to accept MoD payments.

Dismissal/Redundancy

A Reservist's employment cannot be terminated on the grounds of their military duties or their liability to be mobilised. To do so would be a criminal offence under Section 17 of The Reserve Forces (safeguarding of Employment) Act 1985.

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.

13. RETURN TO WORK

Both Bridgewater and the Reservist have responsibilities and obligations under the Reserve Forces (Safeguarding of Employment Act) 1985 regarding return to work.

Employee

- Write to their employer by the 3rd Monday after their last day of military service making their request to return to work and suggesting a date which falls within 6 weeks of their last day of full-time service. This letter formally starts the return to work process under the Reserve Forces (Safeguarding of Employment Act)1985.
- Informally contact their line manager to discuss their return to work as early as possible.
- Ensure they accept offers of support and training as is appropriate and required.

Employer

- Reinstatement the Reservist, where possible to their previous role, or if not possible, to a role on no less favourable conditions.
- Reinstatement the Reservist within 6 weeks of their last day of full-time service.
- Ensure adequate support and training is put in place to refresh the employee and assist them in integrating back into the workplace.
- Recognise that adjusting back to work life may be challenging and offer any appropriate support as required.

14. RE-INTRODUCTION TO EMPLOYMENT

Bridgewater recognises that employees returning to work after completing military service may have been away from the workplace for some time and may feel anxious and apprehensive about starting their job.

Bridgewater will commit to ensuring the Reservist receives a re-induction into their role. The aim of the re-induction programme is to support employees as they re-establish themselves back into the workplace.

Re-induction programmes should meet the needs of individual employees and be designed to ensure they receive appropriate updating of skills, knowledge and competence. The programme may cover the following areas:

- Detailed update covering any changes to Bridgewater's objectives, team objectives, changes to Bridgewater policies and changes to health and safety legislation.
- If appropriate update on conditions of service, training and development plan and job profile.
- Access to relevant training and development both as a refresher and as part of ongoing development.

15. FURTHER INFORMATION

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

Defence Relationship Management

www.gov.uk/government/groups/defence-relationship-management

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

www.royalnavy.mod.uk/the-fleet/maritime-reserves

Army

www.army.mod.uk

Royal Air Force website

<https://www.raf.mod.uk/our-organisation/raf-reserves-employers-overview>

Reserve Forces Appeal Tribunal

<https://www.gov.uk/courts-tribunals/reserve-forces-appeal-tribunal>

16. POLICY AVAILABILITY

This document can also be provided in large print, braille, audio or other non-written format and in a variety of languages, on request.

17. MONITORING AND REVIEW

This policy will be reviewed every three years, unless amendment is prompted by a change in legislation, operational requirements or staff feedback.