

East Dunbartonshire Council

Reserve Forces Toolkit for Managers

**Chief Officers, Craft & Local Government
Employees & Teachers**

Education, People & Business



Teachers and employees on SNCT Conditions of Service should refer to
Education Procedure Manual 2/11

October 2020



sustainable thriving achieving

East Dunbartonshire Council

www.eastdunbarton.gov.uk

Contents

1.0	Purpose.....	3
2.0	Scope.....	3
3.0	Underpinning Principles	3
4.0	References	3
5.0	Responsibilities.....	3
6.0	Process.....	4
7.0	Mobilisation	4
8.0	Applying For Exemption/Deferment/Revocation.....	4
9.0	Financial Assistance	6
10.	Demobilisation	7
11.0	Return To Work.....	7
12.0	Further Information.....	7
13.0	Exemptions, Financial Assistance And Appeals – Where To Apply.....	7
14.0	Manager’s Checklist For Mobilisation Of Reservists.....	9
15.0	Reservists Checklist For Mobilisation	11
16.0	Template Mobilisation Letter	12
17.0	Declaration	15
18.0	Return To Work	16
19.0	Return To Work Acknowledgement Letter.....	17

1.0 PURPOSE

The toolkit is designed to provide managers with the guidance and information required with regard to Reserve Forces and mobilisation. It is designed to provide information on the relevant steps that a line manager should undertake in line with the Special Leave Policy.

2.0 SCOPE

The Special Leave Policy (inclusive of Reserve Forces) applies to all Local Government Employees Craft Employees and Chief Officers.

Teachers should refer to guidance manual 2/11 Special Leave for Teachers and Employees on Scottish Negotiating Committee (SNCT) Conditions of Service.

The regulations on special leave for employees of the council are based on the principle that employees should not make personal arrangements which conflict with their contractual duties, wherever possible.

3.0 UNDERPINNING PRINCIPLES

The approach to issues within the Council will be through the following principles:

- Confidentiality
- Objective Approach
- Sensitivity to the feelings of all employees involved
- Openness and honesty
- Effective information gathering
- Following the established procedures

4.0 REFERENCES

There are two main pieces of legislation referenced to within the policy and toolkit:

- The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) which provides Reservists who have a liability to be mobilised with two types of protection:
 - Protection of employment: the Act provides protection from unfair dismissal and makes it a criminal offence for an employer to terminate a Reservist's job without their consent solely/mainly because they have a liability to be mobilised.
 - Rights to reinstatement: the Act provides a legal right to reinstate the Reservist to their former job subject to certain conditions.
- The Reserve Forces Act 1996 (RFA 96) sets out the call-out powers which Reservists can be mobilised for full time service.

5.0 RESPONSIBILITIES

Line Managers' & Supervisors:

- Facilitate training requests and longer periods of absence for mobilisation.
- Support the Reservist employee during mobilisation and facilitate their return to work.

-
- Adhere to established procedures and compliance with legislation.

Reservist Employees:

- Discuss their status with their line manager prior to any action.
- Provide managers with as much notice as possible to allow appropriate planning for absences.
- Seek approval if they intend to volunteer for High Readiness Reserve Status.
- Adhere to established procedures and compliance with legislation.

6.0 PROCESS

The Ministry of Defence (MoD) will provide written confirmation to East Dunbartonshire Council informing them an employee is a member of the Reserve Forces. This written confirmation will provide detail of mobilisation obligations, rights as an employee, rights as an employer and details of financial assistance if an employee is mobilised and where possible, details of annual training commitments.

The MoD will also issue a follow-up letter each year to confirm that the information held by the council remains accurate.

7.0 MOBILISATION

Mobilisation is the process by which an individual Reservist or group of Reservists are brought into permanent service with the Regular Forces to make them available for military operations. The maximum period of mobilisation will depend on the scale and nature of the operation and is typically no longer than 12 months.

The call-out order provides legal authority to mobilise Reservists. A call-out notice which is, legally enforceable, will be issued as formal notification of a Reservist's mobilisation. Both the Reservist and the council will receive a call-out pack which can be sent by post or delivered in person by the Reservist. The documentation includes the call-out date (when the Reservist must report for duty at a specified mobilisation centre) and the anticipated timeline.

While all Reservists are technically on immediate notice for call-out when circumstances permit, it is the MoD's responsibility to give the Reservist and the council notice. Whenever possible, the MoD will aim to give at least 28 days formal notice of the date that the Reservist will be required to report to the mobilisation centre for contingency operations. They will also aim to give 90 days' notice for pre-planned operations although there is no statutory requirement for a warning period prior to mobilisation.

8.0 APPLYING FOR EXEMPTION/DEFERRAL/REVOCATION

The council supports mobilisation in all but exceptional circumstances and will release Reservist employees for service. However, the council has the right to appeal a call-out notice if the Reservist's absence is considered to cause serious harm to the business.

Reservists can also appeal against a call-out notice and advice on how to apply for an exemption/deferral or revocation as well as deadlines for appeals are included in the council's call-out pack.

Reservist employees and the council must appeal within 7 days of getting the call-out notice. If the deadline is missed, permission will have to be obtained from the adjudication officer to make a late application.

Terms & Conditions during Mobilisation	
Pay	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 council it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings (Financial Assistance and the Awards to Reservists). The council will suspend the Reservist's salary during the period of mobilisation.
Benefits	All contractual benefits that are suspended by the employer during the period of mobilisation can be claimed by the Reservist as part of their Reservist Award. The manager and Reservist should discuss benefit arrangements prior to the mobilisation period. This should cover those benefits which will be suspended and for any continuing benefits, arrangements should be made as to how these are paid. The council are responsible for providing the Reservist with evidence of suspended benefits to support their claim for Financial Assistance.
Payroll	Mobilisation does not break continuity of employment (s.217 (a) Employment Rights Act 1996). To do so would be a criminal offence under s.17 of the Reserve Forces (Safeguarding of Employment) Act 1985.
Pension	If the Reservist is a member of the council's pension scheme and chooses to remain in it under the Financial Assistance regulations, if the council suspends or withdraws their contributions then the MoD will make the council's contributions for the period of mobilisation as long as the Reservist continues to make their personal contribution. Under the Armed Forces Pension Scheme 2015, the Reservist will have to opt out of this pension scheme if they intend to apply for the MoD to pay the council's contributions into their occupational pension scheme.
Annual Leave	Reservists are encouraged to take any accrued annual leave before mobilisation. The council doesn't have to accrue annual leave for a Reservist employee during the period of mobilisation. Reservists accrue annual leave

	with the MoD whilst they are in full-time service and this is factored into the mobilisation period and taken before the last day in permanent service.
Sick Pay	<p>During the period of mobilisation the Reservist will continue to accrue any rights to service related council sick pay. However should the Reservist become sick or injured during mobilisation they will be covered by Defence healthcare arrangements (including pay) until demobilised. If the sickness or injury continues and this results in early demobilisation, the Reservist will remain covered by Defence until the last day of paid military leave.</p> <p>After this time the Reservist will be covered by the council's sickness arrangements in line with local policy.</p> <p>If the Reservist becomes ill post mobilisation and a notional return to work date has been agreed, they will be covered by the council's sickness arrangements in line with local policy.</p> <p>Reservists may require 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 mobilisation. 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.</p>

9.0 FINANCIAL ASSISTANCE

The council can receive financial assistance including:

- Recurring costs (overtime costs or costs of temporary replacement by the amount that such costs exceed the relevant earnings of the Reservists). **Claims can be made for every normal working day that the Reservist is away on permanent service.**
- Non-recurring costs (agency fees and advertisement costs).

There is no financial cap on the above claims but any claim must be supported by relevant documentation. An application for all costs must be made within 4 weeks of the end of mobilised service.

In addition:

- Handover Award – the council may claim this award for no more than 5 days before the Reservists report for military service and for no more than 5 days after they return to work following mobilised service.
- Clothing Award – 75% of the cost of specialist clothing for the replacement or up to £300.

- Training Award – up to £2,000.

See financial assistance for employers: <https://www.gov.uk/employee-reservist/financial-support-for-employers>

10. DEMOBILISATION

Once a Reservist's deployment or task finishes they are demobilised at a nominated mobilisation centre. The council will be notified of the demobilisation date and once leave has been calculated they will be notified of the Reservist's last days of permanent service. After this date the Reservist can return to work.

11.0 RETURN TO WORK

Both the Reservist and the council have obligations under the Reserve Forces (Safeguarding of Employment Act) 1985 (SOE 85) regarding the return to work process. After service Reservists are given a period of special leave. If they wish to return to work before the end of their leave they must get permission from either their commanding officer or the demobilisation centre.

12.0 FURTHER INFORMATION

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

- Defence Relationship Management
www.gov.uk/mod/employer-relations
- Royal Navy
www.royalnavy.mod.uk/the-fleet/maritime-reserves
- Army
www.army.mod.uk/territorial
- Royal Air Force
www.raf.mod.uk/rafreserves

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

13.0 EXEMPTIONS, FINANCIAL ASSISTANCE AND APPEALS – WHERE TO APPLY

- Army Adjudication Officer
Army Personnel Centre
PO Box 2673
Glasgow
Tel: 0141 224 5123
Fax: 0141
Helpline: 0800 389 6585
Email: apc-cmops-mob-so2@mod.uk

- Royal Navy and Royal Marines Adjudication Officer
Directorate of Navy Personnel
MPG-2, West Battery
Whale Island
Portsmouth PO2 8BX
Tel: 02392 623 527
Fax: 02392 628 660
Email: NavyLegal-ReservesADJSO2@mod.uk
- Royal Air Force Adjudication Officer
Royal Air Force Adjudication Service
c/o Imjin Barracks
Gloucester GL3 1HW
Tel: 01242 682545
Fax: 01242 682510
Email: air1-woadj@mod.uk

If you wish to appeal against the decision of the adjudication officer this can be directed to:

- The Secretary
Reserve Forces Appeals Tribunal
Alexandra House
14-22 The Parsonage
Manchester
M3 2JA
Tel: 0161 833 6100
Fax: 0161 832 0249
Email: rfat@tribunals.gsi.gov.uk

14.0 MANAGER'S CHECKLIST FOR MOBILISATION OF RESERVISTS

Actions	Completed	Notes
Recording Reservist Details		
Acknowledge and respond positively to enquires from employees who are interested in becoming Reservists or renewing their commitment.		
Familiarise yourself with the Reservist Policy and guidance documents detailing your responsibilities.		
Maintain accurate records of employees who are Reservists as well as activities.		
Managing Training Commitments		
Respond positively to all requests for training and apply EDC policy on extra leave for Reservists.		
Discuss transferable skills acquired through training and how they can be used in the work place.		
Managing Mobilisation		
Ensure Reservist's details are up-to-date.		
Note and agree anticipated dates of Reservist's mobilisation, demobilisation and return to work.		
Calculate Reservist's annual leave entitlement prior to mobilisation and agree leave with the Reservist in line with EDC's policy.		
Arrange method and frequency for keeping in touch.		
Arrange a handover of work.		
Arrange suitable cover to ensure work is completed.		
Complete and issue mobilisation letter. (Appendix 3)		
Terms and Conditions during Mobilisation		
Ensure the Reservist understands what happens to their pay, benefits, payroll, pension, annual leave and sick pay as detailed in the Reserve Policy.		
Ensure all equipment is returned as appropriate.		
Inform payroll that the Reservist is mobilised and change status accordingly.		
During Mobilisation		
Provide support during periods of active service through mutually agreed keeping in touch (KIT) days and upon their return to work.		
Demobilisation		
Respond to informal/formal contact from the Reservist or next of kin regarding returning to work. (Appendix 4)		
Set up a meeting and agree Reservist's return to work date.		
Take forward any actions arising from the meeting including any necessary reasonable adjustments.		
If the Reservist does not make contact within 3 weeks, notify HR who will in turn, contact the Reservist.		

Return to Work		
Reservist's return to work: liaise with HR and Payroll to reconfirm dates.		
Identify any transferable skills acquired during mobilisation and how they can be used back in the workplace.		
Provide on-going support during the transition period.		

15.0 RESERVISTS CHECKLIST FOR MOBILISATION

Actions	Completed	Notes
Recording Reservist Details		
Inform manager about membership of the Reserve Forces and advise them of Unit details and Reservist training and mobilisation commitments as soon as dates are known.		
Ensure military records are updated with EDC details.		
Read the information available online.		
Managing Training Commitments		
Familiarise yourself with EDC's policy on Reserves.		
Consider options for leave in accordance with EDC policy regarding Reservist training.		
Ensure your line manager has as much notice as possible of training commitments and ask unit MoD to provide evidence of training commitments if required.		
Request authorisation from your line manager for leave – additional requests for additional paid leave may not always be granted.		
Managing Mobilisation		
Ensure next of kin details are up-to-date.		
Notify your line manager on receipt of call-out notice immediately.		
Agree with your line manager anticipated dates of your mobilisation, demobilisation and return to work.		
Discuss leave entitlements and agree any time off before mobilisation.		
Identify work to be handed over.		
Contact payroll to manage payment of loans and/or voluntary deductions.		
Discuss and agree method and frequency of keeping in touch.		
Complete pension scheme choice declaration as per call-out papers.		
Make an application for Reservist Financial Assistance.		
Return any equipment as appropriate.		
Terms and Conditions during Mobilisation		
Ensure understanding of what happens to pay, benefits, payroll, pension, annual leave and sick pay.		
During Mobilisation		
Keep in touch as agreed with your line manager.		
Demobilisation		
Contact your line manager informally and formally to request return to work and agree a date.		
Return to Work		
Return to work on the agreed date.		
Discuss any transferable skills acquired during		

mobilisation that can be used back in the workplace.		
------------------------------------------------------	--	--

16.0 TEMPLATE MOBILISATION LETTER

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.

Special Leave

During mobilisation you will be on unpaid special leave from EDC, which will count as a period of continuous service. Your period of special leave will commence **[enter date]**. Your anticipated date of return to work is **[enter date]**.

Pay Arrangements

Your salary and contractual benefits will be suspended during your mobilisation. Your Reserve Force will assume responsibility for your salary for the duration of your mobilisation.

Benefits

As you will not be in receipt of any salary from EDC during mobilisation you will need to decide which benefits you wish to continue, suspend or amend during your mobilisation period. Therefore if you are a member of any salary sacrifice/deduction scheme please contact payroll.

For those benefits that you wish to stop, suspend or amend during your mobilisation period, it is your responsibility to notify any providers (internal and third party) and payroll of the intention to stop, suspend or amend any arrangements. Such notifications must be completed prior to mobilisation.

You should be aware that failure to notify any providers (internal and third party) and payroll of any alterations to contributions/payments will result in the monthly payments continuing to be made as normal by EDC through payroll and you will be required to reimburse EDC the full amount within **[insert timeframe]** of returning to work.

EDC recommends that you make any repayments of any contributions/payments that EDC makes on your behalf on a monthly basis as there may be tax adjustments if repayments are made as a lump sum at the end of mobilisation.

Consideration has to be given to the Childcare Voucher Scheme as once you have left, you are unable to re-join. However, you are able to benefit from the governments tax free childcare scheme.

Where you suspended/cancelled any benefits prior to mobilisation, it is your responsibility to contact the provider to make arrangements to re-start once you return to work.

Annual Leave

Prior to mobilisation you will accrue EDC annual leave under normal arrangements and you are encouraged to take this leave where possible prior to mobilisation.

During the period of mobilisation and EDC annual leave will cease to accrue and you will accrue annual leave with Defence. Defence annual leave arrangements will apply and there is no requirement to advise EDC of any annual leave taken during the period of mobilisation.

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

Pension

You are entitled to remain a member of EDC's Pension Scheme. Your Reserve Force will pay EDC's 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 can contact HR or your line manager 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 EDC Pension Scheme during your 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 EDC sick pay. However, should you become sick or injured during mobilisation you will be covered by Defence'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 Defence until the last day of paid military leave.

After this time you will be covered by EDC's sickness arrangements in line with local policy. If you become ill post mobilisation, and a notional return to work date has been agreed, you will be covered by EDC's sickness arrangements in line with local policy.

Return to Work

You should provide EDC 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 to your line manager. You should maintain contact with EDC should this expected return to work date change. Your line manager will advise Payroll and the relevant Pension Scheme of this return to work date.

Formal Notification Requirements

Once a Reservist reaches their last day of paid military service, under the Reserve Forces (Safeguarding of Employment Act 1985), you have an obligation to formally write to EDC to request a return to work. EDC has an obligation under this act to reinstate the Reservist. Under this legislation you must write to EDC no later than the third Monday after your last day of paid military service to inform EDC that you are available to return to work. EDC will acknowledge receipt of this letter.

The Role the Reservist is returning to

Upon return to work you will be entitled to the same job or a reasonable and suitable alternative. In the event that your previous role and reasonable and suitable alternatives no longer exist as a result of changes to the business, EDC will employ its best endeavours to identify another reasonable and suitable job.

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; pay and benefits and other relevant administration activities and to

identify any support that EDC can offer to ensure an efficient 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 and council position]

17.0 DECLARATION

Declaration

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

Signed:

Date:

Name:

Signed on behalf of EDC:

Name:

Date:

[Copies should be retained by Line Manager]

18.0 RETURN TO WORK



sustainable thriving achieving

East Dunbartonshire Council

www.eastdunbarton.gov.uk

Acknowledgement of Return to Work for Reservist Employees

Full name:	
Department:	
Location:	
Post Title	
Employee Number:	
Return to Work Date:	
Signed:	Date:
Please provide any additional comments:	

On receipt of this form your line manager will send a Return to Work Acknowledgement Letter detailing your agreed return to work date and the date, time and location of your scheduled return to work meeting.

19.0 RETURN TO WORK ACKNOWLEDGEMENT LETTER

Dear **[insert name]**

Re: Acknowledgement of Return to Work

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

It is agreed that you will return to work on **[insert date]** and 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 an efficient reintegration back into the workplace.

In the meantime if you have any queries, please do not hesitate to contact either **[line manager]** or **[HR]**.

Yours sincerely

[Insert name and council position]

Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages.

Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

Kirkintilloch G66 1TJ Tel: 0300 123 4510

本文件可按要求翻澤成中文，如有此需要，請電 0300 123 4510 。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫੋਨ ਕਰੋ।

Gabhaidh an sgriobhainn seo cur gu Gàidhlig ma tha sin a dhith oirbh. Cuiribh fòin gu 0300 123 4510

अनुरोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फोन कीजिए।