



Seaford Town Council

Seaford Town Council Personnel Committee Agenda – 7th July 2022

To the Members of the Personnel Committee

Councillors J Edson (Chair), D Argent (Vice Chair), S Adeniji, J Cash, M Everden, O Honeyman and R Honeyman.

A meeting of the **Personnel Committee** will be held in the **Council Chambers**, 37 Church Street, Seaford, BN25 1HG on **Thursday, 7th July 2022** at 7.00pm, which you are summoned to attend.

Adam Chugg, Town Clerk

30th June 2022

PLEASE NOTE:

- **Public attendance at this meeting will be limited to 28 people although please note that in accordance with the Town Council's Public Participation Policy, there will be no agenda item for public participation.**
- **Any parts of the meeting carried out in public session will be recorded and uploaded to the Town Council's YouTube channel.**
- **See the end of the agenda for further details of public access.**

AGENDA

1. Apologies for Absence

To consider apologies for absence.

2. Disclosure of Interests

To deal with any disclosure by Members of any disclosable pecuniary interests and interests other than pecuniary interests, as defined under the Seaford Town Council Code of Conduct and the Localism Act 2011, in relation to matters on the agenda.

3. [National Joint Council Pay Scale – Future Implications](#)

To consider report 47/22 presenting an update from the Local Government Association on the future implications for the National Joint Council pay scale (pages 5 to 9).

4. New Policy – Reservist Policy

To consider report 49/22 presenting a proposal for the Town Council to adopt a Reservist Policy, supporting employing Reservists of the Armed Forces (pages 10 to 28).

5. Exclusion of the Press & Public

The Chair will move that in accordance with the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting during the discussion on the next three items of business for the reasons as set out below.

The Proper Officer considers that discussion of the following items is likely to disclose exempt information as defined in the Local Government Act 1972 and Data Protection legislation and may therefore need to take place in private session. The exempt information reasons are shown alongside each item below. Furthermore, in relation to paragraph 10 of Schedule 12A, it is considered that the public interest in maintaining exemption outweighs the public interest in disclosing the information.

6. General Personnel Update EXEMPT

To consider report 48/22 providing the Committee with an update on the Human Resources activities of the Town Council (exempt pages 2 to 33).

Reason for exemption: to provide confidential updates surrounding the Human Resources functions of the Town Council.

Explanation of Reason: under Data Protection legislation, information about an individual member of staff / groups of staff is confidential between the Town Council and staff member/s.

7. Job Evaluation Process EXEMPT

To consider exempt report 45/22 presenting a job evaluation for consideration (exempt pages 34 to 46).

Reason for exemption: to provide confidential updates surrounding employees of the Town Council.

Explanation of Reason: under Data Protection legislation, information about an individual member of staff / groups of staff is confidential between the Town Council and staff member/s.

8. HR & Governance Team Support EXEMPT

To consider exempt report 46/22 presenting an update on, and proposals relating to, support for the Town Council's HR & Governance functions (exempt pages 47 to 55).

Reason for exemption: to provide confidential updates surrounding the Human Resources functions of the Town Council.

Explanation of Reason: under Data Protection legislation, information about an individual member of staff / groups of staff is confidential between the Town Council and staff member/s.

AGENDA NOTES

For further information about items on this Agenda please contact:

Adam Chugg, Town Clerk, 37 Church Street, Seaford, East Sussex, BN25 1HG

Email: admin@seafordtowncouncil.gov.uk

Telephone: 01323 894 870

Circulation:

All Town Councillors, Young Mayor, Deputy Young Mayor and registered email recipients.

Public Access:

Members of the public looking to access this meeting will be able to do so by:

1. Attending the meeting in person.

Due to health and safety restrictions, the number of public in attendance will be limited to 28. The Town Council therefore asks that you contact

admin@seafordtowncouncil.gov.uk or 01323 894 870 to register your interest in attending at least 24 hours before the meeting.

Spaces will be assigned on a first come, first served basis.

Please note that if you don't register and just attempt to turn up at the meeting, this could result in you not being able to attend if there is no space.

OR

2. Watching the recording of the meeting on the [Town Council's YouTube channel](#) , which will be uploaded after the meeting has taken place.

Public Access to the Venue:

If you are attending the meeting in person, please arrive for 6.55pm where you will be shown into the meeting for a 7.00pm start.

Public Participation:

In accordance with the Town Council's Public Participation Policy, there will be no agenda item for public participation.

Public Comments

Members of the public looking to submit comments on any item of business on the agenda can do so in writing ahead of the meeting and this will be circulated to all committee

members. Comments can be submitted by email to admin@seafordtowncouncil.gov.uk or by post to the Town Council offices.

Health & Safety Measures:

While Covid restrictions are no longer mandated the Town Council wishes to stay vigilant and mindful of the health and safety of its meeting participants by upholding the requirement that you should not attend the meeting if you are displaying any Covid-19 symptoms (or have tested positive) as identified on the [NHS website](#) or symptoms of any similarly contagious illness.



Seaford Town Council

Report No:	47/22
Agenda Item No:	3
Committee:	Personnel
Date:	7th July 2022
Title:	National Joint Council Pay Scale – Future Implications
By:	Georgia Raeburn, HR & Governance Manager
Purpose of Report:	To present an update from the Local Government Association on the future implications for the National Joint Council pay scale

Recommendations

The Personnel Committee is recommended:

1. To note the contents of the report.

1. Information

- 1.1** For a number of years, the percentage increases to the National Joint Council's (NJC) salary scale have been considerably below the increase to the national minimum wage (NMW) and living wage (NLW). This has resulted in a reduction to the gap between NMW and the bottom pay points on the NJC salary scale.
- 1.2** In recent years, there have been attempts to ameliorate the impact of the closing gap. But in both 2020 and 2021, the NJC increase was over 3% less than that of the NMW and NLW – reducing the gap that had been widened in previous years. The 2022 pay award is yet to be announced.
- 1.3** The NJC is now in a position where the bottom of its salary scale falls below NLW. It would also take a 4% increase each year for the next three years in order to meet the predicted NMW by 2024.
- 1.4** It is clear that the ever-closing gap between NMW and the NJC scale cannot be left unaddressed. Regardless of options taken, it is certain that

this will bear a significant financial implication for employers. The financial impact does not stop at salary costs, as the increases will spread to employer's national insurance and pension contributions too.

- 1.5 The risks posed include the uncertainty of the financial implication on coming years and as such, planning how to offset rising salary costs. Also, the increased chance of staff turnover or recruitment struggles due to devalued salaries if the pay award agreed in coming years is not significant enough to bridge the salary gap with other sectors and NMW.
- 1.6 The Local Government Association has issued a summary of the situation and possible future options, as attached at Appendix A (also available publicly [online](#)).
- 1.7 Officer/s will be in attendance at the pay briefing on 13th July.
- 1.8 This is also not just isolated to the public sector – the average pay increase in the UK, across all sectors, from March to May 2022 was 4%, which is the highest it has been since 1992 but still considerably less than inflation. The inflationary pressure is being felt by employers and employees across all sectors.
- 1.9 Committee is asked to note the contents of the report at this stage in time but should expect further updates in due course, as matters are progressed.

2. Financial Appraisal

- 2.1 There are no direct financial implications as a result of this report.
- 2.2 It is not possible at this early stage to assess the financial implications of any future NJC pay deals.

3. Contact Officer

The Contact Officer for this report is Georgia Raeburn, HR & Governance Manager.

HR & Governance Manager	
Town Clerk	

National Employers for local government services

**To: Chief Executives in England, Wales and N Ireland
(additional copies for HR Director and Finance Director)
Members of the National Employers' Side
Regional Directors**

19 May 2022

Dear Chief Executive,

2022 National Pay Negotiations

The three local government unions (UNISON, GMB and Unite) are expected to lodge their pay claim for 2022-23 at the end of this month, which you will note will be almost two months beyond the usual pay award implementation date of 1 April.

Because the National Employers are conscious of councils' frustration at the time it took to settle the 2021 pay round, they have written to the unions expressing their hope that we can all work together in the forthcoming negotiations to avoid another lengthy process. The employers have also sought reassurance from the unions that they will engage constructively and agree from the outset to be bound by the eventual outcome, in accordance with the provisions of the NJC's Constitution.

The employers of course respect that each of the unions has its own processes to adhere to and that any member consultations they conduct will take as long as is deemed necessary by their national committees. However, the employers have asked the unions to make every effort to try and synchronise as much as possible the dates and duration of their respective consultations.

Employer regional pay consultation briefings have been arranged to take place (virtually) in each of the nine English regions, Wales and Northern Ireland between 14 and 27 June. It is vital that every council is represented at these meetings by senior elected members and senior officers. Please contact your regional employer organisation for details of the event in your area.

As well as seeking views on the unions' pay claim, the briefings will build on the themes set out previously in the [employer circular dated 2 February](#), which itself was the basis for the regional briefings held in March.

There could not be a better example of the challenge we face from the proximity of the National Living Wage (NLW) to the bottom of the NJC pay spine, than the fact that since the March briefings the Low Pay Commission (LPC) has revised upwards its forecasts for the NLW in 2023 and 2024:

*“Although our recommendations in the autumn will be subject to Commissioners' assessment of economic conditions, **our current best estimate for the on-course NLW rate in April 2023 is £10.32, within a range of £10.14 - £10.50. Our current best estimate of an NLW set at two-thirds of median earnings for those aged 21 and***

over in 2024 would be £10.95 within a range of £10.58 - £11.33. These are based on the latest wage growth forecasts, but actual wage growth may turn out higher or lower, and we will update these ranges in the summer based on changing forecasts. We will publish a report, to coincide with the increase in NLW and NMW rates, setting out this pathway in more detail”

This forecast is the highest rate yet predicted for the NLW in 2023 and 2024 and there is no guarantee it won't rise further, due to the ongoing economic volatility, potential impact of the international context and expected further increases in the rate of inflation.

Prior to this, we had been working on an assumption (which we shared at the March briefings) that the NJC's bottom pay points would need to rise to around £10.25 in 2022 and £11 in 2023 to provide some headroom, if the forecasts came in at the top of the ranges we had seen over the previous two years. It is clear that both of these figures are now inadequate as targets and will likely change again during the pay negotiation process.

The problem for the NJC is caused less by in-year comparisons but more the practicalities of *when* the government announces the increase to the NLW for each forthcoming April (usually in October / November) and the NJC's negotiating timescales, which, as is currently evident, almost always run past the usual implementation date of 1 April due to the timing of the local government funding settlement, trade unions' pay claim, the consultation process and sometimes the electoral timetable.

Even if we were to do just the bare minimum required to simply remain compliant with NLW legislation and allowing for forecasts to jump again beyond the LPC's latest projections, but nothing else (in terms of a 'normal' pay award), we would need to do the following:

- A bottom rate of £10.50 in 2022 would require deleting SCPs 1-5
- A bottom rate of £11.50 in 2023 would require deleting SCPs 6-10
- Not allowing for any increase on any other SCPs or any restoration of differentials

This would result in:

- 35 per cent of the entire FTE workforce on the new bottom pay point
- Cost in the region of £366m (2.41 per cent on national paybill) over the two years from 2022

Of course, this scenario is completely unworkable from the point of view of operating a pay structure; would severely compromise managerial hierarchies and would take up the majority of the budget councils have put aside for pay which we know from the March briefings is in the region of 2 per cent for this year. Plus, of course, a pay deal that included retrospectively deleting pay points would be unlikely to be welcomed by councils because of the, potentially significant, impact on local grading structures.

While all councils have different grading structures utilising the pay spine, the pay points potentially in scope for removal under this scenario could cover roles such as planning

assistants and support officers; legal apprentices, assistants, clerks and secretaries; many roles in schools potentially up to and including teaching assistants; maintenance and cleaning staff; IT assistants and technical support officers; helpdesk assistants, team leaders and supervisors and many other entry, first and second step supervisory roles, all of whom would end up earning the same, lowest rate of pay. Notwithstanding the retention and morale issues this would create, it could also lead to huge equal pay challenges in many areas.

Given that the scenario above will not come to pass, the National Employers have few opportunities to consider anything other than a pay award that applies to the pay spine as currently configured. As mentioned above, retrospectively deleting pay points is probably not an option in 2022; doing so could only be considered in the later part of a multi-year deal, should that be achievable.

Projected increases to the lower earners' pay is more or less guaranteed due to the increases to the statutory NLW, but it is also important to remember that the NLW is just one element of what will need to be considered by the National Employers in the forthcoming pay negotiations. To secure an agreement will require consideration of more than just ensuring compliance with the NLW; it will also need to take account of other factors such as the wider economic backdrop of rising inflation, cost of living, energy and fuel prices, all of which will understandably be the focus of the unions' attention in the negotiations. The National Employers are also acutely aware of the recruitment and retention challenges councils are facing.

As has been made clear in previous communications, including at the March briefings, this year's pay challenge is of a different order of magnitude to recent years. In terms of potential costs, you will understand that the National Employers can only ever make estimates based on the national payroll. Costs for individual councils will vary from place to place: those councils with relatively few staff on the bottom pay points are likely to incur lower costs than councils (and schools) with large numbers of staff on those pay points.

Whilst we cannot provide a running commentary once the negotiations get underway; I shall of course provide updates whenever I can.

The National Employers look forward to hearing from you at the forthcoming regional pay briefings.

Yours sincerely,

Naomi Cooke

Naomi Cooke
Employers' Secretary



Seaford Town Council

Report No:	47/22
Agenda Item No:	4
Committee:	Personnel
Date:	7th July 2022
Title:	New Policy – Reservist Policy
By:	Georgia Raeburn, HR & Governance Manager
Purpose of Report:	To present a proposal for the Town Council to adopt a Reservist Policy, supporting employing Reservists of the Armed Forces

Recommendations

The Personnel Committee is recommended:

1. To recommend to Full Council to adopt the draft Reservist Policy as presented within report 47/22.

1. Information

- 1.1 A query has been raised, by a current employee, as to whether or not the Town Council would approve them applying to become a Reservist with the Armed Forces.
- 1.2 This is not something that the Town Council has considered before and would come with the need to adopt a policy setting out the rights and responsibilities of both employer and employee that are Reservists.
- 1.3 Officers have researched this – there being a wealth of information available on the Gov.uk website, supporting and encouraging employers to open themselves up to employing Reservists.
- 1.4 An overview of the research conducted is attached at Appendix A.
- 1.5 The Committee is asked to review this and consider whether it believes the Town Council ought to consider becoming a Reservist Employer.

2. Draft Reservist Policy

- 2.1 Attached at Appendix B is the Ministry of Defence’s example Reserve Forces Training & Mobilisation Policy.
- 2.2 This document provides the framework to ensure that both employee and Reservist are comfortable in their rights and responsibilities as part of the arrangement.
- 2.3 Officers are presenting this example policy unchanged at this stage, as it is important that the Committee can see the example as recommended by the Ministry of Defence.
- 2.4 The blue text within the example policy represents best practice but can be changed by the employer, depending on company policy.
- 2.5 For the purposes of this report, the following are the adaptable clauses with officer commentary alongside:

Section	Clause	Commentary
1	<p>The Company will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits.</p> <p><i>Explanatory Note: 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.</i></p>	<p>Yes – include.</p> <p>Agree that this should remain intact as best practice and protecting the Reservist’s contract of employment with the Town Council.</p>

Section	Clause	Commentary
4	<p>The Company is committed to granting additional paid leave of two weeks per year to Reservists specifically to enable them to attend their annual camp.</p> <p><i>Explanatory Note: it is up to the employer if any additional leave (paid or unpaid is granted), legally employers are not obliged to grant leave for attending training.</i></p>	<p>Yes – include.</p> <p>Agree that the Town Council should agree to up to two additional fully paid weeks for attendance at this annual camp.</p>
4	<p>Additional unpaid leave or annual leave from the employee’s normal annual allocation of up to XX days will 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 training which cannot be undertaken during off-duty will be subject to the same arrangements.</p>	<p>Yes – with amendments.</p> <p>There is no maximum on unpaid leave requests within the Town Council, so no need to specify an amount here. To provide further paid leave in addition to the two weeks above could be seen as excessive.</p> <p><u>Recommended wording:</u></p> <p>The Town Council will do its best to grant requests from the Reservist for paid annual leave (from their usual entitlement) or unpaid leave for short periods of training provided adequate notice is given and where such training cannot be undertaken in off-duty time. Attendance at weekend</p>

Section	Clause	Commentary
		training which cannot be undertaken during off-duty will be subject to the same arrangements.
7	<p>The Company will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits.</p> <p><i>Explanatory Note: 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.</i></p>	<p>Yes – include.</p> <p>Agree that this should remain intact as best practice and protecting the Reservist's contract of employment with the Town Council.</p>
7	[Insert any policy on carrying over annual leave here]	<p><u>Recommended wording:</u></p> <p>Where possible, annual leave will be used in the current leave year. The Town Council will allow the Reservist to carry forward any untaken annual leave across leave years that have been unable to be used as a result of being mobilised in</p>

Section	Clause	Commentary
		<p>the current leave year. If the leave has not been taken by the end of the next leave year (being the year it was carried forward in to), this will be sacrificed.</p>
7	<p>During the period of mobilisation the Reservist will continue to accrue any rights to service-related Company sick pay.</p> <p>...After this time [the last day of paid military leave] The Reservist will be covered by the Company 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 Company Sickness arrangements (in line with local policy).</p>	<p>Yes – include.</p> <p>The Town Council has a very generous sickness absence policy and it would not appear to be fair to remove a Reservists rights to access this due to having been mobilised.</p>
9	<p>Performance Review: Line managers who carry out Performance Review meetings with a Reservist should be aware that Reserve Forces activities undertaken by an individual (either through training or mobilisation) bring essential skills into the workplace such as</p>	<p>Yes – include.</p> <p>The Town Council would ensure to support both Reservist and line managers, including acknowledging, and where possible utilising, the skills learned in the course of being a Reservist.</p>

Section	Clause	Commentary
	leadership, communication, team working and organisational ability, which ultimately lead to improved performance in the workplace.	

- 2.6** The Town Council has not employed a Reservist before and as such, it will be a learning curve for it as an employer. It is also challenging to assess the impact of this on the Town Council's operations as there are many factors to take into consideration; the individual's role, the team they work within being, the time of year of mobilisation (different teams have different peak times) and so on.
- 2.7** It almost needs to be taken as a holistic decision; does the Town Council wish to become a Reservist Employer? If so, the Town Council will then adjust accordingly, using the support, guidance and funding available to it.
- 2.8** If the Committee is minded to, it is recommended to recommend to Full Council to adopt the Reservist Policy as presented with report 47/22 – this would enable the Town Council to consider itself a Reservist Employer.
- 2.9** If the Committee does recommended adoption of the policy, officers will transfer this to the Town Council's usual policy format for presenting to Full Council.

3. Financial Appraisal

- 3.1** It is very hard to assess the financial implications of becoming a Reservist Employer.
- 3.2** The financial implications if an employee were mobilised would depend on the period of mobilisation, the nature of the individual's role within the Town Council and what cover the Town Council needed in their absence.
- 3.3** Section 3 of Appendix A sets out the financial support that employers may be able to access if a Reservist is mobilised. In short, the Town Council would not be liable for the Reservist's salary costs while mobilised or the pension contributions (both being covered by the Ministry of Defence). The Town Council may also be eligible for support towards the salary costs of a temporary replacement, agency fees and advertising costs, training costs

for the temporary replacement or Reservist on their return after mobilisation and any handover costs before/after mobilisation.

4. Contact Officer

The Contact Officer for this report is Georgia Raeburn, HR & Governance Manager.

HR & Governance Manager	
Town Clerk	

Employing Reservists Overview

1. A Reservist

A reservist is an individual who gives up their spare time to train and serve alongside the regular forces.

2. Mobilisation

The employee (reservist) can be mobilised at any point in time, for service from a couple of days up to a maximum of 12 months.

The aim is for at least 28 days' notice of short notice (contingency) operations and 90 days' notice for longer (pre-planned) operations.

The employer will receive a call out notice letter setting out all of the relevant details.

3. Employer Rights

The employer has a right to request a deferral, revocation or exemption from the call out, if the employer can demonstrate that the absence of the reservist will do serious harm to the business, such as:

- The serious loss of sales, markets, reputation, goodwill or other financial harm;
- The serious impairment of the ability to produce goods or provide services; or
- Demonstrable harm to research and development of new products, services or processes;
- provided that the harm could not be prevented by giving you financial assistance under the Reserve Forces (Call Out and Recall) (Financial Assistance) Regulations 2005.

The employer also has a right to request financial assistance towards;

- Defence-funded salary costs for a mobilised reservist
- Defence-funded employer contributions to an organisation's pension scheme, if withdrawn by the employer and the reservist chooses to remain within this scheme
- Additional salary costs for a temporary replacement or overtime costs if they exceed the reservist's salary up to a maximum of £110 per day (circa £40k per year)
- Agency fees and non-recurring advertising costs incurred in replacing the reservist
- Up to £2000 of costs of training the person who fills in for the reservist during mobilisation

- Five days of handover costs before the employee is mobilised and on return to work
- Essential retraining costs for the Reservist returning to work following mobilisation

4. Employee Rights

After a period of permanent service, there is legislation which provides that an employer must reinstate a reservist to their former role or, if not possible, offer the most favourable employment.

A reservist also has the right not to be dismissed wholly or partly because of their reserve status.

Mobilisation does not break the reservist's continuous service – they will not be issued with a P45 upon mobilisation and will instead be recorded as on 'special leave'.

5. Training

The reservist will receive all the same training offered to members of the Regular Forces, including IT skills, communication skills and other very transferable skills.

Most reservists train with a unit one evening per week, undertake weekend training activities and also undertake annual training usually over a two week period.

Many employers opt to provide reservists with additional paid leave for this two week training period.

6. Salary Payments, Pensions, Annual Leave etc.

The Ministry of Defence 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 company, 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 Financial Assistance and the Awards to Reservists.

The employer should suspend the reservist's salary during the period of mobilisation.

All contractual benefits are on hold during a period of mobilisation.

If the reservist is within the company pension scheme, the employer can cease contributions and the MoD will make these contributions on the employer's behalf. The MoD also operates a pension scheme and it is the reservists responsibility to opt out of the MoD scheme if they wish for the MoD to contribute to their company pension scheme.

The reservist will cease to accrue annual leave with the employer while mobilised – the reservist will accrue annual leave with the MoD and use this after their period of service.

7. Demobilisation

Once a reservist's deployment or task finishes, they are demobilised at a nominated mobilisation centre. The reservist undergoes checks and briefings including medical, welfare and period of post operational leave will follow.

The employer will be notified of the demobilisation date and once leave has been calculated, they will be notified of the reservist's last day of permanent service. After this date, the reservist can return to work.

The MoD provides guidance for employers on how they can assist with after care and support following a reservists return to work.

8. Benefits for an Employer

- Contributing to the security and defence of the United Kingdom.
- Supporting an employee in their wish to be a part of the security and defence of the UK.
- An employee upskilled with first class transferable skills that will benefit any business.
- Setting a good example with regards to the employment of reservists and veterans.

9. Challenges for an Employer

- Any delays in a recruitment process could result in a period of time with less staff or indeed with lesser trained staff.
- Depending on the reaction to their deployment, the reservist's return to work may present some challenges if they struggle to adjust back to civilian life or with some of the experiences they may have been through (although see 'other considerations' below re training so the employer can prepare for this).

10. Other Considerations

- Look at training for relevant line managers / HR staff on managing servicemen and women.
- Best practice is to devise a Reservist Policy and handbook so there is complete clarity around the process and rights, providing reassurance for the employee and employer.

11. Sources of Information

[MoD Guide to Employing Reservists](#)

[MoD Reservist Template Call Out Letter](#)

[MoD Template Employer's Handbook](#)

[MoD Template Reservist HR Policy](#)



Reserve Forces Training & Mobilisation Policy - Example

[Text in blue is adaptable depending on your company policy. For the purposes of this document, it represents best practice]

1. Introduction

[Insert company name] employ staff who are members of the Reserve Forces and they recognise the valuable contribution that Reservists make to the UK Armed Forces, their communities and the civilian workplace.

2. Purpose and Scope

The Company has pledged its support for members of, or those wishing to join the Reserve Forces and acknowledges the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to both the individual and their employer. This policy intends to define our obligations towards all employees who are members of the Reserve Forces. The accompanying document *Line Manager and Reservist Guidance* is a practical guide to help manage and support these employees.

The Company will not disadvantage those Reservists who notify the Company of their Reserve status or those Reservists who are made known to the Company directly by the Ministry of Defence (MoD).

The Company shall, subject to the provisions set out in Section 4, agree to release Reservists for attendance at Reserve Forces Training events where these take place on their normal working days.

The Company shall, subject to the provisions set out in Section 5 agree to the release of all employees mobilised for Reservist duties.

The Company will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits.[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]

2. Types of Reservist

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 servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

The Reserve Forces Act 1996 also provides for other categories, such as:

- Full Time Reserve Service - Reservists who wish to serve full time with regulars for a predetermined period in a specific posting
- Additional Duties Commitment - part-time service for a specified period in a particular post
- Sponsored Reserves - These are personnel employed by a contractor to provide a service to the Ministry of Defence (MoD).
- High Readiness Reserves – These are Reserves, usually with a particular skill set, that are available at short notice (with written agreement from their employer)

3. Reserve Status Notification

Reservists are required to inform their employer that they are a member of the Reserve Forces and the specific force that they belong to. This is so that the Company can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave e.g. training and/or mobilisation. The Company also recognises the additional skills and experiences that being a Reservist can bring to the Company and therefore it is useful for the Company to have an understanding of where these particular skills and experiences exist.

Reservist employees are also required to grant permission for the Ministry of Defence (MoD) to write directly to their employer. This is known as 'Employer Notification' and ensures the Company is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.

The MoD will issue written confirmation to the employer informing them the employee is a Member of the Reserve Forces. The letter will provide detail of mobilisation obligations and rights as an employee; rights as an employer; and details of the financial assistance available if an employee is mobilised. Where possible, it will also provide details of any annual training commitments. The MoD will also send a follow-up letter each year to confirm that the information held is still accurate.

It is the responsibility of the Reservist to ensure their personal details are kept up to date e.g. if they change employer or leave their respective Reserve Force.

In any circumstance, the Reservist will not be disadvantaged as a result of notifying the Company of their Reserve status.



4. Training commitments and Time off

The Company recognises the importance of the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to their respective Reserve Force, the individual and the Company

Reservists are typically committed to 24-40 days training per year. Training tends to take place 1 evening per week, over various weekends throughout the year and one 2 week training period also known as 'annual camp'.

Training commitments vary but in most cases include:

- **Weekly training** - most Reservists train at their local centre for around two-and-a-half hours, one evening a week.
- **Weekend training** - all Reservists are expected to attend a number of training weekends which take place throughout the year.
- **Annual training** - a 2 week annual training course sometimes referred to as 'annual camp'. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some Reservists train overseas.

The Company is committed to granting additional paid leave of two weeks per year to Reservists specifically to enable them to attend their annual camp. [it is up to the employer if any additional leave (paid or unpaid) is granted], legally employers are not obliged to grant leave for attending training]

Additional unpaid leave or annual leave from the employee's normal annual allocation of up to x days will 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 training which cannot be undertaken during off-duty will be subject to the same arrangements.

Line Managers will facilitate work rosters to allow attendance at annual camp and other training commitments (e.g. weekly or weekend training sessions) unless there are exceptional circumstances.

Reservist employees should give as much notice as possible of training commitments to allow appropriate planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances.

5. 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. The maximum period of mobilisation 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 the Company or sometimes delivered in person by the Reservist to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, Defence aims to give at least 28 days' notice of the date that 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 comprises three distinct phases:

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

Line Managers should refer to the example *Line Manager and Reservist Guidance* document which accompanies this example policy for further information on the following actions:

Pre-mobilisation

- Meet with Reservist to ensure all mobilisation paperwork completed (including pay, benefits & pension arrangements)
- Make a claim for financial assistance as appropriate (see s.10 of policy)
- Discuss any handover of work and return of equipment
- Arrangements for keeping in touch
- Refer to checklists in Line Manager and Reservist Guidance document

During mobilisation

- Keep in touch with Reservist as arranged

Post-mobilisation

- Ensure both employer and reservist fulfill their return to work obligations (including reference to template letters)
- After care and support requirements

6. Applying for Exemption/Deferral/Revocation

In all cases of mobilisation, the company 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.

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 produce goods or provide services
- harm to the research and development of new products, services or processes (which could not be prevented by the granting of financial assistance under sections 83 and 84 of The Reserve Forces Act 1996).

Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer within 7 days of the Company 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.

If an unsatisfactory decision is received following the application for a deferral, the Company can appeal for a hearing by the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within 5 days receipt of written notice of the decision. If the tribunal rejects the application for exemption or deferral, the Company will be required to release the Reservist for mobilisation.

7. Treatment of Terms and Conditions during mobilisation

The Company will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits. [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]

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 Company, 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.

Where mobilisation occurs the employee will be given special unpaid leave of absence.

The Company is not required to pay the Reservist's salary during the period of mobilisation.



Benefits

Contractual benefits that are suspended by the Company during mobilisation can be claimed by the Reservist as part of their Reservist Award. Example benefits include:

- Health insurance
- Life insurance
- Company car

The Line Manager and Reservist should discuss benefit arrangements during the pre-mobilisation meeting. This should cover those benefits which will be suspended and for any continuing benefits, arrangements should be made as to how these are paid.

Pension

If the Reservist is a member of the Company pension scheme and the employer suspends the employer contribution, and the Reservist chooses to remain within it, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions.

Annual Leave

Reservists should be encouraged to take any accrued annual leave before mobilisation. The Company is not obliged 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. When they demobilise, Reservists are entitled to a period of post-operational leave (POL). During this period they will continue to be paid by the MoD.

[\[Insert any policy on carrying over annual leave here\]](#)

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 s.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.

Sick Pay

[During the period of mobilisation the Reservist will continue to accrue any rights to service-related Company sick pay.](#) Should a Reservist become sick or injured during mobilisation they will be covered by Defence Medical Services and any



financial assistance will continue to be received (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.

After this time The Reservist will be covered by the Company sickness arrangements (in line with local policy).

If the Reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered by the Company Sickness arrangements (in line with local policy).

8. Return to work

Both the Reservist and their employer have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process

Reservist:

The Reservist must write to their employer by the third Monday after their last day of military service making their request to return to work and suggesting a date which should fall within 6 weeks of their last day of full-time service. This letter formally starts the return to work process.

They are also encouraged to informally contact the employer to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call. The formal application must be made in writing for it to be valid under the Act.

If a Reservist is not happy with the offer of alternative employment they must write to the employer stating why there is reasonable cause for them not to accept it. If a Reservist believes that an employer's response to their application denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.

Employer:

The Employer has an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist, where possible to their former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation.

The Reservist should be reinstated within 6 weeks of the last day of their full-time service. They must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation.



Sometimes Reservists may need 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 is required as a direct result of their mobilisation, although applications cannot be made for training courses that would have taken place anyway. 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.

9. Aftercare

A Reservist returning to work will benefit from a smooth re-integration into the workplace/team. The following should be considered as part of this process:

- The need to update on changes and developments in the Company.
- 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 with new aspects of the job.
- Whether the reservist can meet up with colleagues informally or socially 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.

Performance Review

Line managers who carry out Performance Review meetings with a Reservist should be aware that 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.

10. Financial Assistance

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. These cover additional costs above the normal earnings of the called-up Reservist associated with replacing that employee. There are 3 types of award available:

One-off costs

- Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or Advertising costs
- No financial cap on claims, but any claim must be supported by relevant documentation



Recurring costs

- Overtime costs, if other employees work overtime to cover the work of the Reservist [by the amount that such costs exceed earnings of the Reservist]
- Costs of temporary replacement [by the amount that such costs exceed earnings of the Reservist]

The maximum claim available is £110 per day (£40,000 per annum). Claims can be made for every normal working day that the Reservist is away on service. An application for one-off costs and recurring costs must be made within 4 weeks of the end of full time Reservist service.

Training award

If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the Company can make an application for the financial assistance.

11. Further information

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

- Defence Relationship Management
<https://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 website www.royalnavy.mod.uk/the-fleet/maritime-reserves
- Army website: www.army.mod.uk/join/20233.aspx
- Royal Air Force website www.raf.mod.uk/rafreserves