

PEOPLE POLICY

RESERVE FORCES POLICY & PROCEDURE

South Central Ambulance Service NHS Foundation Trust
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INTRODUCTION AND PURPOSE

- South Central Ambulance NHS ('The Trust') has signed the Armed Forces covenant which pledges to support the Armed Forces Community (AFC) as far as possible and to ensure they do not suffer disadvantage.
- The Armed Forces Covenant is a promise by the nation ensuring that those who serve or who have served in the Armed Forces, and their families, are treated fairly.
- The Trust is committed to supporting employees who are in the Reserve Forces (Maritime Reserve, Army Reserve and RAF Reserve) and who may be subject to call up and mobilisation. We recognise the valuable contribution these individuals make in their role as a reservist, while equally acknowledging the huge wealth of experience and transferrable skills that they then bring back to their roles in the NHS.
- The Trust is committed to support colleagues who are currently in or wishing to join the Reserve Forces and acknowledges the training undertaken by Reservists enables them to develop skills and abilities that are of benefit to both the individual and their employer.
- This policy intends to define the Trust's obligations towards all employees who are members of the Reserve Forces.

SCOPE AND LEGAL FRAMEWORK

- The policy applies equally to all employees within the Trust and aims to support the operation of the UK Armed Forces and enable employees who are, or who wish to become, Reservists to support their respective Armed Forces Unit without prejudice to their employment
- It defines the obligations towards members of the Reserve forces and states that the organisation will not disadvantage any Reservist who has notified the Trust of their status or where the Trust have been made aware by the Ministry of Defence (MoD) through reserve notification.
- There are two main pieces of legislation that relate to Reserve forces
 - **The Reserve Forces Act 1996** (RFA) which provides the powers under which reservists can be mobilised for full-time service
 - **The Reserve Forces (Safeguard of Employment) Act 1985** (SOE 85) which provides protection of employment for those liable to be mobilised and reinstatement from mobilised service.

EQUALITY STATEMENT

The Trust is committed to promoting positive measures that eliminate all form of unlawful or unfair discrimination on the grounds of age, marriage and civil partnership, disability,

race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity or any other basis not justified by law or relevant to the requirements of the post. The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees, encouraging people from protected groups to participate particularly where their participation is disproportionately low.

PROCEDURE AND GUIDANCE

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 the Trust can provide the appropriate level of support to the Reservist and to assist with resource planning during periods of leave e.g. training and/or mobilisation.
- Reservist employees are required to grant permission for the MoD to write directly to their employer. This is known as 'Employer Notification' and ensures the Trust is aware of the employee is a Reservist and the benefits, rights and obligations that apply.
- The MoD will issue written confirmation to the Trust that the employee is a member of the Reserve Forces. This letter will provide detail including mobilisation obligations, rights as an employer and employee and details of annual training commitments where possible and the financial assistance available. The MoD will send a follow-up letter each year to confirm the information held is still accurate.
- It is the responsibility of the Reservist to ensure their personal details are kept up to date.

TRAINING COMMITMENTS AND TIME OFF

- The Trust recognises the importance of the training undertaken by Reservists that enables them to develop skills and abilities that not only of benefit their respective Reserve Force but are incredibly beneficial to the Trust.
- The training commitments of reservists vary and may include weekly training, weekend training and annual training.
- The Trust is committed to providing reasonable support to allow Reservists to attend training. Up to **2 weeks paid leave** (pro rata - per annual leave year) will be made available to reservists to attend annual camp or equivalent continuous training.
- Additional annual leave from the employee's normal annual allocation may be granted for short periods of training, provided adequate notice is given (at least 35 working days) and where such training cannot be undertaken in off-duty time. Attendance at weekend camps, which cannot be undertaken during off-duty, will be subject to the same arrangements.
- Reservists are encouraged to submit a request to the appropriate manager in writing as soon as possible to allow appropriate planning for absences.

- Line managers will as far as possible facilitate work rosters to allow attendance at annual camp or other training commitments, e.g. weekly or weekend training sessions.
- Permission will be granted where possible, but Reservists should be aware that leave is not a right and may be declined due to operational pressures.
- In the request employees should include the detail of all planned military training that will require their absence from the workplace at the beginning of the year. Once permission is given it will not be rescinded except in exceptional circumstances e.g. operational pressure.

MOBILISATION

- Mobilisation is the process of calling reservists into full-time service. This can be with the Regular Forces on the military operations or to fulfil their part of the UK's defence strategy or humanitarian operations. The Reserve Forces Act 1996 provides the legal basis for mobilisation. In the past this has usually been done on a voluntary basis with the prior agreement of employers but can involve compulsory mobilisation of selected personnel.
- Mobilisation will normally be for between 3 and 12 months dependent on the severity of the crisis and there would normally be a minimum of 28 days' notice given. For operational reasons the Ministry of Defence (MoD) is unable to give the employer a precise return date.
- An employee who wishes to volunteer for mobilisation must seek prior agreement of their employer via the designated contact and line manager. Any such request should be submitted in writing and will be considered within 10 working days. Any decisions made will be confirmed in writing.
- Where there is compulsory mobilisation of any employee, The Trust is entitled to apply for deferral, revocation or exemption from the call out. Suitable and timely evidence will need to be provided to support an application to defer, revoke or seek exemption from the call out.
- When mobilised, the Reservist is on unpaid special leave, the Trust will stop paying the employee's salary. The Reserve Force will then assume the salary responsibility for the duration of the Reservists mobilisation and pay a basic salary according to their military rank. If this basic element is less than their normal salary, it is the Reservist's responsibility to apply to the Reserve Force for the difference to ensure no loss of earnings.
- *Pre-mobilisation:* Meetings with the Reservist must take place to ensure all mobilisation paperwork is completed (including pay, benefits & pension arrangements) and to discuss any handover of work and agreements for keeping in touch.

- *During mobilisation:* The Employee should keep in touch with The Trust as agreed and is obliged to inform The Trust should their circumstances change i.e. length of mobilisation or any health concerns.
- *Post-mobilisation:* The Trust and the Employee should endeavour to fulfil their return to work obligations, and any necessary after care or support requirements should be discussed with the employee.
- When an employer is advised by a reservist that they want to return to work, the employer is obliged to reengage them as per their contract of employment as stated in The Reserve Forces (Safeguard of Employment) Act 1985. Where this is not possible, they must be offered an equivalent position with the same terms and conditions of service. The right to return to work lasts for six months after demobilisation.
- To enable the Trust to plan for the employees return to work after military service has ended, reservists should advise their line manager (or designated contact) in writing, the date they will be available to start work. This communication should be made no later than 5 weeks after the completion of military service. The employer must be advised as soon as possible, if, due to illness or some other reasonable cause, the employee is unable to start work on the agreed date.
- If the Reservist is not fit to return to work immediately, sickness absence procedures should be applied in the normal way, but care should be taken to consider individual circumstances.
- Reservists returning to work would benefit from a smooth re-integration into the workplace/team. This might include considering informing them of changes, providing training, informal meet-up with colleagues and reasonable time off to seek therapeutic treatment if required.

NHS PENSION WHILST ON ACTIVE SERVICE

- A reservist who is called-up is entitled to remain a member of the NHS Pension Scheme. The MoD will pay the employer's pension contributions whilst the individual is mobilised provided, they continue to pay their individual contributions.
- Where mobilisation occurs, the employee will be given special unpaid leave of absence. The employee's pension contributions would be calculated and held over until the employee returns. These would then be recovered monthly from salary and over the same period as the employee was absent. The employer will continue, on request of the employee, to pay employer's contributions to the NHS Pension Scheme for the period of mobilisation and invoice the MoD to recover this amount.
- If the employee decides to opt out of their NHS Pension scheme to enter the relevant/most applicable MOD Pension scheme they must advise their local HR Adviser.

- If the employee opts out of their NHS Pension scheme, the Trust has a legal responsibility to automatically enrol the employee back into the scheme every 3 years (it then becomes the responsibility of the employee to opt out again).
- If at any point after opting out you decide you would like to opt back in to the NHS Pension scheme again, please contact your local HR Adviser.

Further information regarding pensions refer to NHS Pensions Agency:

<http://www.nhsbsa.nhs.uk/Pensions/4189.aspx>

ANNUAL LEAVE WHILST MOBILISED

- Reservists have no entitlement to accrue annual leave whilst mobilised and on unpaid leave.
- Reservists will have a period of 'post tour' leave which they accrue at the rate of 2.5 days per month of service from the MoD. This leave will be taken before the individual is demobilised.
- Any annual leave untaken in line with the *Annual Leave Policy* up to the date of mobilisation may be carried over into the following leave year. The maximum of 37.5 hours rule associated with untaken annual leave being carried forward is waived in the case of a reservist if they are unable to take leave due to being on duty.

EXEMPTION AND DEFERRAL FROM MOBILISATION

- The employer has the right to ask for exemption from, or deferral of, mobilisation if it is considered that the organisation will suffer serious harm because of their absence. Serious harm can be defined as demonstrable harm to the provision of services or any financial harm.
- To be considered for exemption or deferral, the Reservist, or the employer, must make an application, within seven days of the Reservist being served with a mobilisation notice, to the Service Adjudication Officer (SAO) for the Service in which the Reservist will serve. Late applications can only be made with the permission of the SAO appointed by the MoD.

MONITORING & REVIEW

- This policy will be reviewed as indicated on the front sheet – or sooner subject to legislative change.

USEFUL CONTACTS & FURTHER INFORMATION

Name: Laura Farrow – Armed Forces Champion

Tel: 07795 347789

Email: laura.farrow@scas.nhs.uk

Name: Defence Relationship Management

Website: Defence Relationship Management - GOV.UK (www.gov.uk)

Name: Unison

Website: www.unison.org.uk

Tel: 0870 770 1112

Email: unison-southern@unison.co.uk

Name: Unite the Union

Website: www.unitetheunion.org

Tel: 01753 313820/0800 709 007

Email: Membership.southeast@unitetheunion.org

Name: GMB

Website: https://www.gmb-southern.org.uk

Tel: 0208 397 8881 (Regional Office)

Email: info@gmb.org.uk

Name: Advisory Conciliation and Arbitration Service (ACAS)

Website: www.acas.org.uk/

Name: Department for Business, Innovation & Skills

Website: www.bis.gov.uk

ARMED FORCES RESERVIST DECLARATION

The declaration can be found on the staff intranet or by following the below hyperlink

https://southcentralambulance.sharepoint.com/:w:/r/sites/EmploymentDocumentation/_layouts/15/Doc.aspx?sourcedoc=%7BB2E04FB8-5FEB-4868-8463-85D688E184B8%7D&file=Armed%20Forces%20Reservist%20Declaration%20-%20appendix%202.docx&action=default&mobileredirect=true&DefaultItemOpen=1