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# Reservist Mobilisation Guidance for Managers

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# Reservist Mobilisation Guidance for Managers

## Mobilisation

Mobilisation is the process of calling Reservists into full time service with the Regular Forces, 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 Mole Valley District Council or sometimes delivered in person by the Reservist to their line manager. It's important that your manager is aware if you are a Reservist. 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 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:

1. Medical and pre-deployment training
2. Operational tour
3. Post-operational tour leave

### **Pre-Mobilisation**

If you are mobilised as a Reservist, please ensure that your line manager and the HR team have received the necessary documentation and information to proceed. Once notified, your line manager with support from the HR Team will:

- meet with you to ensure all mobilisation paperwork completed (including pay, benefits & pension arrangements)
- make a claim for financial assistance as appropriate, discuss any handover of work and return of equipment
- confirm likely timeframe and make arrangements for keeping in touch

### **During mobilisation**

Whilst you are mobilised we will keep in touch with you as agreed.

You will, as far as practicable, keep your line manager informed of known changes to arrangements, including likely timeframes for deployment and return to your substantive post.

### **Post-mobilisation**

After mobilisation we will discuss with you how return to work will be undertaken and any support that may be required.

## Applying for Exemption/Deferral/Revocation

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

Exceptional circumstances could be when a line manager considers that an exemption, deferral, or revocation of the Reservist's absence is required because their absence is likely to cause serious harm to service delivery that cannot reasonably be mitigated.

The potential harm to service delivery will vary from case to case, but may include:

- loss of reputation, goodwill, or other financial harm
- impairment of the ability to provide services where there is no realistic prospect of mitigation

The application for exemption, deferral or revocation must reach the military Adjudication Officer within 7 days of Mole Valley District Council receiving a call-out notice. If this timescale is not met, Mole Valley District Council may seek permission to make a late application 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 and Mole Valley District Council will consider supporting the Reservist if requested and appropriate.

If an exemption, deferral or revocation of mobilisation is not agreed by the Adjudication Officer, Mole Valley District Council 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 Council will be required to release the Reservist for mobilisation.

At all times Mole Valley District Council will keep the Reservist informed.

## Treatment of Terms and Conditions during Mobilisation

Mole Valley District Council 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 at which time their continuity of service will be restored.

Continuation of service during mobilisation of reservists operates in exception of MVDCs Extended Leave Policy and in circumstances where the employee follows the correct notification procedure under the Act the leave limits set within the Extended Leave Policy will be superseded by those set out under the Act.

## **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 Mole Valley District Council, 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.

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

## **Benefits**

Contractual benefits that are suspended by Mole Valley District Council during mobilisation can be claimed by the Reservist as part of their Reservist Award.

The Line Manager, HR 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 Local Government pension scheme Mole Valley District Council will suspend the employer contribution, and if the Reservist chooses to remain within it, then the MoD will make Mole Valley District Council's contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions, which would need to be claimed as part of their Reservist Award.

## **Annual Leave**

Reservists should be encouraged to take any accrued annual leave before mobilisation. Mole Valley District Council 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.

## **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 restructure or other redundancy process. However, all employees should be treated consistently, and redundancy criteria will 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 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 Mole Valley District Council's 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 Mole Valley District Council's Sickness Absence Policy.

## Return to Work

Both the Reservist and Mole Valley District Council have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return-to-work process

### **Reservist:**

You must write to Mole Valley District Council by the third Monday after your last day of military service making your request to return to work and suggesting a date which should fall within 6 weeks of your last day of full-time service. This letter formally starts the return-to-work process. It must be sent formally in writing to the person designated at the pre-mobilisation meeting and/or to their line manager and the HR team.

You are also encouraged to informally contact your line manager to discuss your return to work at the earliest opportunity, whether via a email, a meeting, or a telephone call. The formal application must be made in writing for it to be valid under the Act.

The Council will seek, as per its obligations, to restore your previous employment or to offer a reasonable alternative role where applicable under the MVDC Policy to Manage Staff Change. If you are not happy with the offer of alternative employment you may appeal the proposal under the Councils Policy. As a Reservist, if you believe the Council denies your rights under the Safeguard of Employment Act 1985, an application can be made to a military Reinstatement Committee for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.

### **Employer:**

Mole Valley District Council 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 reasonable alternative 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.

## Aftercare

When you return to work post deployment we want you to integrate smoothly back into council work. The following can be provided as part of this process:

- update on changes and developments.
- specific refresher training where it is sought/considered necessary.

- where the job duties and/or technologies/systems 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.

## Financial Assistance

Financial assistance for Mole Valley District Council 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)

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 Mole Valley District Council can make an application for the financial assistance.

## 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](http://www.royalnavy.mod.uk/the-fleet/maritime-reserves)
- Army website: [www.army.mod.uk/join/20233.aspx](http://www.army.mod.uk/join/20233.aspx)
- Royal Air Force website [www.raf.mod.uk/rafreserves](http://www.raf.mod.uk/rafreserves)



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## Document history

<b>Version date</b>	<b>Key changes made</b>	<b>Consultees</b>	<b>Approved by</b>
24/4/2023	New document to confirm arrangements for reservists recruited to the Council.	SLT/BMT	SLT 9/5/23
10/5/2023	Final Document for Molly	Uploaded 10/5/23	

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