

RESERVIST POLICY

1. Introduction

- 1.1 The University of Nottingham recognises the vital role of Britain's Reserve Forces and the valuable contribution that Reservists make to our Defence, their communities and the civilian workplace.

2. Scope

- 2.1 This policy will apply to all University of Nottingham staff with a contract of employment with terms and conditions in excess of the statutory requirements and who are members of The Volunteer Reserve Forces (VRF). (See Appendix 1 for details).

3. Principles

- 3.1 The University supports membership of the Reserve Forces by its employees.
- 3.2 The University agrees, wherever possible, to be flexible in granting time off to enable employees to undertake Reserve Service training. Reservists will normally be permitted to take paid leave up to a maximum of two weeks per year. This is in addition to annual leave entitlement.
- 3.3 The University will support employees who are compulsorily mobilised for service in the Armed Forces.
- 3.4 The University would encourage all Reservists to inform their Line Manager that they are a member of the Volunteer Reserve Forces.
- 3.5 During the period of Compulsory or Voluntary Mobilisation, the contract of employment will be continuous but there will be no entitlement to pay or pay benefits.
- 3.6 The University will comply with the provisions of the Reserve Forces Act 1996 and the Reserve Forces (Safeguard of Employment) Act 1985.

4. Procedure

Compulsory mobilisation

- 4.1 In the event of compulsory mobilisation, Reservists must notify their Head of School/Department immediately. (Reservists receive a mobilisation pack, which should include a letter addressed to their employer (see Appendix 1 6.2)). This letter should be given to the Head of School/Department, which will set out the date, possible duration of the mobilisation and statutory rights.
- 4.2 The Head of School/Department on receiving such notification should contact their Human Resources Business Partner (HRBP), to discuss whether an application for an exemption or deferral should be made. If this is agreed the HRBP should apply for an exemption or deferral of the mobilisation (see Appendix 1 (7)). An application must be made within 7 days of the Reservist being served with a mobilisation notice.
- 4.3 The HRBP will ensure that Payroll and Pensions Department have been advised of the Reservist's absence from work and again on their return to work.
- 4.4 The University will re-employ the Volunteer Reservist after the end of their tour of duty, or will provide comparable work. This is on the provision that the Volunteer Reservist applies for reinstatement (see Appendix 1 (9.1)) and on the continued existence of the University of Nottingham.

Voluntary Mobilisation

- 4.5 In the event that a Volunteer Reservist wishes to take voluntary mobilisation, the written consent of the Head of School/Department must be obtained first. The University will provide the required consent in all but exceptional circumstances.

Thereafter, the same procedural requirements (4.1-4.3) apply to Reservists who have applied for voluntary mobilisation as for Reservists who have received compulsory mobilisation papers.

RESERVISTS - Further Guidance**1.0 DEFINITION**

Within the context of the University of Nottingham a Reservist is taken to mean an employee who has a reserve commitment to the British Armed Forces by being a member of the Volunteer Reserve Forces.

2.0 THE VOLUNTEER RESERVE FORCES (VRF)

The Volunteer Reserve Forces consist of the Royal Naval Reserve, the Royal Marines Reserve, the Territorial Army and the Reserve Air Forces. Their role is to provide individuals and/or ready-formed units to augment the Regular Forces with extra resources at times of increased operational demands.

Statutory liability extends to the age of 60, although it is not the intention of the MoD to recall service personnel over the age of 55.

3.0 CATEGORIES OF RESERVE SERVICE

In addition to the basic forms of Reserve Service above there are a number of other opportunities available to Volunteer Reservists.

3.1 Full Time Reserve Service (FTRS)

This gives Reservists the opportunity to serve full-time, for varying periods alongside their Regular colleagues. An employer could grant extended leave of absence for such duties but are under no legal obligation to reinstate an employee who resigns to carry out FTRS commitments.

3.2 Additional Duties Commitment (ADC)

These are opportunities to undertake part-time work with the Services, either with Regular or Reserve Units or, more usually, within the Headquarters establishments. The minimum commitment is at least one day a week for a continuous period of at least 13 weeks. An employer is under no legal obligation to grant additional time off to undertake ADC work.

3.3 High Readiness Reserves (HRR)

These Reserves have specific skills, which the Armed Forces have access to but which are only required occasionally. They volunteer for High Readiness status and can be deployed with 7 days notice or less. If a High Readiness Reserve has a regular job and works more than 2 days per week they will require the written consent of their employer to hold HRR status. This status takes the form of an agreement that is renewed annually. HRR can be asked to serve for up to 9 months.

3.4 Civil Contingency Reaction Forces (CCRF)

The CCRF is a military rapid reaction force formed of Volunteer Reservists from all three services. The CCRF is intended for use in the aftermath of a major terrorist attack or catastrophic natural disaster in the UK. It will provide trained manpower to support the civil emergency services and local regular military forces, if they are unable to cope with the situation on their own. It can be called up at very short notice, this may be as little as 24 hours, but it would only be mobilised for a relatively short period of time, probably no more than a couple of weeks.

Existing members of the Volunteer Reserves can apply to be included in their regional CCRF and, once accepted, will have a small additional training commitment in addition to their normal Reservist activities. Members of the CCRF are expected to inform their employers in advance of this liability for call out. The CCRF would only be used in times of national emergency and directly support the welfare of the community.

3.5 The Sponsored Reserves

Sponsored Reserves are individuals whose employers are contractually committed to provide specific operational capability to the Services.

4.0 RESERVISTS RESPONSIBILITIES

4.1 Notification

Reservists are strongly encouraged to inform the University that they are a member of the Volunteer Reserve Forces (VRF). This includes mentioning their Reservist role at job interviews or their intention to join the VRF if they are already an employee. However, since 1 April 2004, anyone who joins the VRF, or seeks to re-engage, must give permission for the MOD to write to their employer directly. This new system called 'Employer Notification' is designed to ensure that the employer is aware a) that they have an employee in the VRF and b) the benefits, rights and obligations that apply.

4.2 Employer Policies

Reservists are responsible for finding out about the policies the University of Nottingham may have regarding the VRF, in case they affect availability for training and other commitments.

4.3 Providing Accurate Information

Volunteer Reservists are responsible for providing correct information to their employers about their training commitments and any other issues that may affect their civilian work.

5.0 RESERVISTS TRAINING COMMITMENTS

Although an individual's training liability may vary between the different Reserve Forces, for most Reservists the liability is made up of three forms of training:

5.1 Weekly Training

To attend a weekly training period at a local training centre. This will normally take place in the evening and last about 2½ hours.

5.2 Occasional Training Days

All Reservists are expected to attend a number of training weekends, which are spread throughout the year.

5.3 Continuous Training Period

Once a year, there is a 15-day continuous training period, often referred to as "annual camp". This may take the form of a course at a training establishment, an attachment to a regular unit, a training exercise or a combination of elements.

The training usually takes place within the UK, although each year some Reservists have the opportunity to undertake training overseas. In order that Reservists can arrange time off to attend training the dates of annual camp are determined as early as possible.

5.4 Training Leave

Individual Reservists are responsible for ensuring that they have advised their Head of School/Department of their basic training commitments and the dates of the "annual camp". They are responsible for giving as much notice as possible of their training leave and for representing this accurately.

5.5 Training Courses and Other Duties

In addition to their normal training liability, Reservists can volunteer for training courses and other duties that will equip them for a particular appointment or operational role.

6.0 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 Reserve Forces Act 1996 provides for three main powers under which mobilisation can take place:

1. If it appears that national danger is imminent or a great emergency has arisen or in the event of an actual or apprehended attack on the United Kingdom.
2. If it appears that warlike operations are in preparation or progress e.g. Bosnia, 1995-96.

3. If it appears necessary or desirable to use Armed Forces on operations outside the United Kingdom for the protection of life or property; or on operations anywhere in the world for the alleviation of distress or the preservation of life or property in time of disaster or apprehended disaster, e.g. The Balkans.

There are two main types of mobilisation: voluntary and compulsory.

6.1 Voluntary mobilisation

Volunteer Reservists who have been voluntarily mobilised supplement the Regular Forces on almost all their operations. Since 1996, these have included voluntary deployments in Bosnia, Kosovo, Sierra Leone, Afghanistan, Macedonia and Iraq.

An individual may volunteer for mobilisation if he or she wants an opportunity to put their training to practical use, and to experience the challenges of deployment.

The consent of the Volunteer Reservist's employer is necessary before voluntary mobilisation can take place. The University is not obliged to give consent if it would inconvenience the operation of the University.

6.2 Compulsory mobilisation

Compulsory mobilisation takes place only in circumstances where individuals or units with the required skills are not available in the Regular Forces.

Examples of compulsory mobilisation include operations in Iraq and the wider Gulf region in 2003 and in Afghanistan in 2001. Although several thousand Reservists were compulsorily mobilised for operations in Iraq, this was exceptional and compulsory mobilisation rarely happens.

Compulsory mobilisation will also be notified by the employee, but will be accompanied by a letter for the University, included in the Reservist's mobilisation papers. This letter will set out the date and possible duration of mobilisation, the University's statutory rights and obligations - including the entitlement to apply for an exemption from mobilisation under certain circumstances where applicable.

6.3 How much warning is given?

The Reserve Forces Act gives no statutory requirement for a warning period prior to mobilisation. However, it is unlikely that mobilisation would occur before the public was generally aware of a situation that might demand it.

The Services recognise that employers and Reservists need time to put their affairs in order prior to mobilisation. Subject to the severity and immediacy of the crisis, it is the intention that both the University and the Reservist should have at least 3 weeks' warning of the date that the Reservist is required to report for mobilisation.

The situation is different for High Readiness Reserves (HRR) and the Civil Contingency Reaction Forces (CCRF) (see 3.3 & 3.4 above).

6.4 Length of Mobilisation

The maximum period of mobilisation depends on the power used under the Reserve Forces Act and on the scale and nature of the operation. A period of mobilisation contains three distinct phases: pre-deployment training dependent on the nature of the conflict, the operational tour itself and post-tour leave. The Services are moving towards a more flexible use of Reservists and operational tours currently range from short tours of 3 months or less, up to a maximum of 12 months in total.

7.0 EXEMPTIONS

To obtain exemption, you must be able to show that the absence of the Reservist would cause serious harm to the business of the University. The definition of serious harm will vary from case to case, the Regulations specifically mention:

- The serious loss of sales, markets, reputation, goodwill or other financial harm.
- The serious impairment of the ability to produce goods or provide services.
- Demonstrable harm to research and development of new products, services or processes, provided that the harm could not be prevented by the employer being given financial assistance under the Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 1997.

7.1 Making an application

Applications must be made within 7 days of the Reservist being served with a mobilisation notice. If the application is not made within those 7 days, permission to make a late application must be obtained from the Adjudication Officer who is appointed by the Ministry of Defence.

The University must provide as much information as possible about the Reservist who is being mobilised. As well as personal details such as name, address, payroll number and National Insurance number, it is important to provide as much information as possible about:

- the business in which they are employed;
- the role that they perform;
- the effect that their absence will have should they be called out;
- the grounds for exemption in terms of serious harm to the business.

Details of how to make such an application will be included in the Reservist's mobilisation papers.

7.2 Appeals

It is possible to appeal against the decision made by the Adjudication Officer. An Independent Reserve Forces Appeal Tribunal hears the appeal.

7.3 Time Limits

An appeal must reach the Tribunals Secretary within 5 days of the written notice of the decision being received.

8.0 FINANCIAL ASSISTANCE AND SUPPORT

An employee's mobilisation may result in additional costs to the University. Reserve Forces Regulations provide for three types of financial award, which can be applied for irrespective of whether the Reservist has been compulsorily or voluntarily mobilised. In order to claim, appropriate supporting documentary evidence must be provided.

8.1 Employers Standard Award

This award is made up of three elements:

A. Initial Replacement

This award is for actual net additional costs, within distinct limits, and covers the initial one-off costs such as advertising for, and interviewing, replacement staff. The upper limit is 6% of the employee's annual salary, or £2,400 (whichever is the least).

B. Ongoing Administration

This is for actual net additional recurring costs such as agency fees and overtime during the employee's military duty. The upper limit is set at 4% of the weekly rate of salary or £31 per week; whichever is the least, multiplied by the number of weeks of military duty.

C. Re-training Award

This award is intended to cover any re-training costs, incurred when the employee returns from mobilised military duty and is required to regain or renew any standards of competence or qualifications. The award will be based on actual expenditure incurred, up to a maximum of £2,000.

8.2 Hardship Award

If the Standard Award is insufficient to meet the actual costs incurred, then a hardship award can be applied for. As a guide, costs amounting to at least one and a half times the total of the Initial Replacement costs (i.e. at least £3,600) and/or the Ongoing Administration costs (i.e. at least £46.50 per week) admissible under the Standard Award need to be shown before a Hardship Award can be considered.

8.3 Pension Provision

A Reservist who is called out is entitled to remain a member of the pension scheme. In such cases, the MOD will pay the employer's pension contribution, provided the Reservist continues to pay their own contributions (i.e. the employee's). Full details will be included in the Reservists mobilisation papers.

8.4 Applying for Financial Assistance

The letter received from the mobilised employee will provide application details and indicate the required supporting documentation. It will also include contact details if further advice is needed. The application will be determined by an Adjudication Officer appointed by the Services. If dissatisfied with his decision, the University can appeal to the independent Reserve Forces Appeal Tribunal via its Secretary.

8.5 Insurance Provision

Mobilisation may affect the Reservist's Life Insurance and Personal Effects insurance policies, and may be invalidated if the Reservist does not inform the insurer of the mobilisation. It is essential that the employee checks that all policies will continue to give the same or satisfactory cover.

8.6 Death or Disability

Apart from the Reservist's own provision through Personal Life Insurance policies, the Government recognises the need to safeguard Reservists and their dependants while participating in service activities. Financial provisions where ill health or death is shown to be attributable to service come from two sources: the Ministry of Defence (MOD) and the War Pensions Agency. Serious injury or death falls within the terms of a War Disablement Pension or War Widow's/Widower's Pension under the War Pensions Scheme.

8.7 Welfare

The need for additional insurance is an important consideration for the protection of Reservist and their families, particularly where their normal earnings exceed their basic military salary (on which any Service benefits are calculated). In case of difficulty further details of the support available to Reservists and their families can be obtained from the Reservist's Unit.

9.0 PROTECTION OF EMPLOYMENT

The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) provides protection for a Reservist by making it unlawful for their contract of employment to be terminated without their consent solely or mainly because they have a liability to be mobilised. A Court can order the employer to pay compensation, as well as levying a fine.

The Act also gives a mobilised Reservist the right to be re-employed by his former employer after demobilisation. This is subject to the Reservist making an application for reinstatement in due time, and the continued unchanged existence of the University of Nottingham.

9.1 Reinstatement

A Reservist must apply to be reinstated. Once a Reservist makes an application to their Head of School/Department for reinstatement of employment, the University has a duty to reinstate the Reservist to their former job on terms no less favourable terms, or to offer the most favourable alternative employment.

A Reservist must apply in writing asking for reinstatement to their former job by the third Monday after their demobilisation date. If, owing to sickness or other reasonable cause, the Reservist is prevented from making the application by the third Monday, he/she must write as

soon as reasonably possible after that third Monday. However this application must be within 6 months after the demobilisation date.

The Reservist must also write at the same time, or within 21 days of the third Monday after demobilisation, to give the date on which they will be available to come back to work. Note: that date must be no later than the 21st day after the third Monday after demobilisation. (If, owing to sickness or other reasonable cause, the Reservist is not available for work until after the expiry of the 21st day, they must write to the University, notifying an alternative prospective start date as close as reasonably possible after the 21st day.

If other work is offered, and the Reservist is dissatisfied with the alternative offer, the Reservist must confirm in writing, stating the reason(s) why there is reasonable cause not to accept the alternative offer made.

If the Reservist believes that the response by the University to their submission denies his/her rights, an application can be made to a Reinstatement Committee for assessment. If accepted the Committee will make order for reinstatement and/or compensation.

There is an appeal procedure against the decision of the Reinstatement Committee.

An application lapses at the end of 13 weeks from the day it was made. To keep his/her rights, a new application must be made, in writing, before the end of the 13 weeks. That new application remains in force for another 13 weeks. Each further renewal must be made in writing within 13 weeks from the date it was last renewed.

10. FURTHER DETAILS

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

1. SaBRE Website: www.sabre.mod.uk

Includes information on:

- Employers rights, exemptions and appeals
- Financial Assistance
- Welfare and support for mobilised Reservists.

2. SaBRE Helpline: 0800 389 5459

This is a free phone helpline open during office hours where advice can be obtained on mobilisation and employment issues.

3. Employer Support Executive – East Midlands

Contact: John S Wilson

Tel: 0115 947 6508 ext: 115

Email: ese@eastmidrfca.demon.co.uk

4. Welfare

If the University becomes aware of a problem involving the family of a mobilised employee: -

For RN & RM personnel	023 9272 3875
For Army personnel	01980 615791
For RAF personnel	01452 510895