

# Reserve Forces Training & Mobilisation Policy and Procedure

This policy describes the Trusts' commitment to staff who are members of the Reserve Forces and provides managers with appropriate guidance on implementing the policy.

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## Version Control and Summary of Changes

Version number	Date	Comments (description change and amendments)
1		Introduction of Reservist Policy

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Please be advised that the Trust discourages the retention of hard copies of policies and can only guarantee that the policy on the Trust website is the most up-to-date version.

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## **Equality Statement**

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

## **Due Regard**

LPT will ensure that Due regard for equality is taken and as such will undertake an analysis of equality (assessment of impact) on existing and new policies in line with the Equality Act 2010. This process will help to ensure that:

- Strategies, policies and services are free from discrimination;
- LPT complies with current equality legislation;
- Due regard is given to equality in decision making and subsequent processes;
- Opportunities for promoting equality are identified.

Please refer to due regard assessment (Appendix F) of this policy.

## Definitions that apply to this Policy

<b>Reservists</b>	Volunteer Reservists (civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Territorial Army and Royal Auxiliary Air Force) or Regular Reservists (ex-regular servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces).
<b>Mobilisation</b>	Mobilisation is the process of calling reservists into full time service with the Regular Forces, in order to make them available for military operations.
<b>Demobilisation</b>	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.
<b>Armed Forces Covenant</b>	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.

### 1.0. Purpose of the Policy

LPT has pledged its support for members of or those wishing to join the Reserve Forces and recognises the valuable contribution reservists make to the UK Armed Forces, their communities and the Workplace.

The purpose of this policy is to provide practical guidance for managers to enable them to help manage and support those employees who are members of the Reserve Forces or wishing to join the Reserve Forces.

This Policy should be read in conjunction with the Special Leave Policy.

### 2.0. Summary and Key Points

- 2.1 The Reserve Forces Training & Mobilisation Policy is available to those staff who are members of or those wishing to join the Reserve Forces and defines LPT's obligation and commitment
- 2.2 The policy defines LPT's obligation and commitment to reservists who are required to train regularly and a liability to be mobilised for a period of full time military service.
- 2.3 The policy applies to all staff employed by the Trust and provides an easy to follow guide for managers and staff.
- 2.4 LPT shall subject to provisions set out in section 7 below, agree to release reservists for attendance at Reserve Forces Training event where these take place on their normal working days.

### 3.0. Introduction

- 3.1 The NHS employs a number of staff who are in the Reserve Forces and who may be subject to call up and mobilisation in areas of conflict. These staff also require regular time off for training to maintain their skills and readiness for deployment.
- 3.2 The Mandate from the Government to Health Education England states that NHS organisations should support reservists to have time off for training and possible deployment. The Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Territorial Army (TA) and the Reserve Air Forces (RAFR and RAuxAF).
- 3.3 The training undertaken by reservists enables them to develop skills and abilities that can be of benefit to them as employees, and to the Trust in terms of service delivery.
- 3.4 There are two main pieces of legislation that has been taken into account within this policy:
- The Reserve Forces Act 1996 (RFA 96) which provides the powers under which reservists can be mobilised for full-time service.
  - The Reserve Forces (Safeguarding of Employment) Act 1985 (SOE 85) which provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilised service.
- 3.5 LPT will not disadvantage reservists who provide notification of their reserve status or those reservists who are made known to the Trust directly by the Ministry of Defence (MoD).
- 3.6 LPT shall, subject to the provisions set out in Section 7, agree to the release of all employees mobilised for reservist duties.
- 3.7 LPT shall, subject to the provisions set out in Section 7, agree to release reservists for attendance at Reserve Forces Training events where these take place on their normal working days.

### 4.0. Duties within the Organisation

- 4.1 The **Chief Executive and the Trust Board** has a legal responsibility for Trust policies and for ensuring that they are carried out effectively.
- 4.2 Trust **Strategic Workforce Group** has the responsibility for adopting this policy.
- 4.3 **Directors and Heads of Service** are responsible for:
- Ensuring that comprehensive arrangements are in place regarding adherence to this policy and how this policy is applied within their own area of responsibility.

- Ensuring that team managers and other management staff are given clear instruction about the policy arrangements so that they in turn can instruct staff under their direction.

#### 4.4 **Managers and Team leaders** are responsible for:

- Implementing this policy and the procedures outlined within it, seeking advice from the HR department (Advisory and or Employee Services team) at the earliest possible stage.
- Ensure that all their employees are aware of the existence of this policy.

#### 4.5 **All Trust Employees** for responsibility for complying with this policy. Employees also have a responsibility to:

- Support the Trust to achieve its Vision
- To act at all times in accordance with the Trust's Values
- To adhere to, at all times, any Professional and NHS Code of Conducts both during any periods of leave as per detailed in this policy as well as outside of those periods.

### 5.0 **Types of Reservist**

#### 5.1 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.

#### 5.2 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)

### 6.0 **Reserve Status Notification**

#### 6.1 The Trust requires all new recruits who are already reservists to inform their line manager of their status as soon as possible and specifically identify the force they belong to. They will be expected to identify this on the new employee starter form they complete.

#### 6.2 Existing employees who are interested in joining the Reserve Forces or

Cadets or those who are already a reservist and are considering renewing their commitment are required to discuss this with their line manager prior to any action being taken. Following notification of reservist status the line manager must notify the Employee Services who will record the role 'Member of the Reserved Armed Forces' as a supplementary role within the employee's ESR record.

6.3 Notification of reservist status is required to ensure the Trust can provide the appropriate level of support. Notification also assists with resource planning during periods of leave e.g. training and/or mobilisation. In addition, the Trust recognises the additional skills and experiences that being a reservist can bring to and it is useful to have an understanding of where these particular skills and experiences exist.

6.4 All reservists employed by the Trust are required to grant permission for the Ministry of Defence (MoD) to write directly to the Trust. The MoD should be advised to write to the employee's immediate line manager as appropriate. All documentation received will be retained on the employee's personal file and copied to the HR Advisory Team. This is known as 'Employer Notification' and ensures the Trust is made aware:

- That the employee is a reservist, and
- The benefits, rights and obligations that apply

6.5 The MoD will issue written confirmation to the Trust stating the employee is a Member of the Reserve Forces. The letter will provide details of:

- mobilisation obligations
- Rights as an employee
- Rights of the Trust
- Details of financial assistance available if the employee is mobilised

6.6 In any circumstance, the reservist will not be disadvantaged as a result of notifying the Trust of their Reserve status.

## 7.0 Training Commitments and Time Off

7.1 The Trust recognises the importance of the training undertaken by reservists enabling the development of skills and abilities that are of mutual benefit to their respective Reserve Force, the individual and the Trust.

7.2 Reservists are typically committed to up to 24-40 days training per year. Training tends to take place one evening per week, over various weekends throughout the year and one 2-week training period 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 training course ('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.
- 7.3 The Trust is committed to granting additional paid leave of ten days (pro-rata) per year to reservists specifically to enable them to attend their annual camp. Reservists, when requesting leave under this policy are expected to complete the 'Application for Special Leave –Section B: Appendix 2 form from the Trust's Special Leave Policy and submit it to their Line Manager. (Refer to Special Leave Policy)
- 7.4 Additional unpaid leave or annual leave from the reservist's normal annual leave allocation may 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.
- 7.5 Line Managers will aim to facilitate work rosters to allow attendance at annual camp and other training commitments subject to the exigencies of the service.
- 7.6 Reservists/Cadet Instructors should give as much notice as possible to allow appropriate absence planning and must provide evidence of training requirements; the additional leave referred to in 7.4 above is contingent upon this. Once given, permission will not be rescinded unless there are exceptional circumstances.
- 7.7 The Trust will treat any instances of unauthorised leave as a serious disciplinary matter that may result in disciplinary action, up to and including dismissal. Employees should be aware that, if they take a period of leave that has not been approved, they will be subject to disciplinary action on their return to work.

## **8.0 Mobilisation**

- 8.1 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, but is typically no longer than 12 months.
- 8.2 The call-out papers for mobilisation may be sent by post to the Trust or delivered in person by the reservist to their line manager. The line manager must inform the Employee Services as soon as notification is provided and provide copies of all documentation to be retained on the employee's personal file. The documentation will include the call-out date and the anticipated end date.
- 8.3 There is no statutory requirement for a warning period prior to mobilisation. Whenever possible, the MoD aims to give at least 28 days' notice of the date that the reservist will be required to report for mobilisation.

- 8.4 A period of mobilisation comprises three distinct phases:
- Medical and pre-deployment training
  - Operational tour
  - Post-operational tour leave
- 8.5 The Trust supports mobilisation in all but exceptional circumstances and will seek to release the employee for Reserve service.
- 8.6 A call-out notice will be appealed if the absence would be considered to cause serious harm to service needs (Section 9 'Applying for an Exemption / Deferral / Revocation')
- 8.7 **Pre-mobilisation – line manger responsibilities:**
- Liaise with Human Resources as soon as notification is received to ensure Human Resources:
    - have a copy of all documentation;
    - are aware of the date of mobilisation and the anticipated return date suspend the employee's salary during the period of mobilisation; and
    - amend the employees status on ESR/HealthRoster as appropriate
  - Meet with the reservist to ensure all appropriate mobilisation paperwork has been completed (including the pension scheme choice declaration as contained in the call out papers).
  - Arrange with Employee Services to send out the mobilisation letter (Appendix A) which confirms the reservist's employment related arrangements.
  - Calculate the employee's annual leave entitlement prior to mobilisation and agree the arrangement of leave as per the Trust's Annual Leave and General Public Holidays Policy.
  - Ensure reasonable steps are taken to enable them to give consideration to an employee's pay progression on the relevant date. This may include a review of:
    - Previous records
    - Progress towards meeting their appraisal (Please refer to the Trust's Appraisal Policy)
    - Notes of any relevant meetings between the manager and the employee.
    - Performance and development before planned absence starts
    - If planned absence falls during period of probation, refer to the Trust's Probation Policy as the probation may need to be extended

- Discuss any handover of work and return of equipment during period of mobilisation.
- Discuss arrangements for keeping in touch including revised contact details during the mobilisation period.
- Ensure the employee's next of kin details are recorded and up to date
- Consider requirements for cover during the period and the potential to claim for financial assistance to cover any additional employer costs associated with mobilisation (section 14 – Financial Assistance)
- Agree with employee arrangement regarding keep in touch during mobilisation.

## **8.8 During Mobilisation**

- Line Manager's and employee's responsibility:
  - Keep in touch with as arranged.
  - The reservist to immediately notify their line manager of any changes to their personal circumstances whilst on mobilisation and or inaccuracies noted in the revised terms and conditions as per this policy to avoid any accrual of benefits under this policy being affected.

## **8.9 Post-mobilisation – line manager's responsibilities:**

- Liaise with Human Resources to ensure:
  - HR are notified of employee's date of return
  - Salary is reinstated as appropriate and in accordance with their agreed return to work date
  - Arrange for model letter (Appendix B) below to be sent following formal written notification of a return to work date.
- Arrange a meeting prior to employee's return to work to ensure
  - the Trust and reservist fulfil their return to work obligations
  - discuss after care and any support requirements including any reasonable adjustments
  - whether the employee will need to attend Trust Induction and if any further or refresher training is required on returning to the role.
- Consider the potential to claim for financial assistance to cover additional employer costs associated with mobilisation (section 14 – Financial Assistance)
- The employee's status is on updated ESR/HealthRoster as appropriate.

## **9.0 Applying for Exemption/Deferral/Revocation**

- 9.1 In the majority of cases of mobilisation, the Trust will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist.
- 9.2 In such circumstances, the line manager will have the right to seek exemption, deferral or revocation if the Reservist's absence would be considered to cause serious harm to service delivery.
- 9.3 Definitions of 'harm' will vary, but may include;
- Loss of reputation, goodwill or other financial harm
  - Impairment of the ability to 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).
- 9.4 Details of how to apply for exemption will be included in the call-out pack. The application must reach the Adjudication Officer within 7 days of the reservist 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. In all circumstances all correspondence must be copied to the Human Resources Department.
- 9.5 If an unsatisfactory decision is received following the application for a deferral, the Trust can appeal to 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 Trust will be required to release the reservist for mobilisation.

## **10.0 Treatment of Terms and Conditions during mobilisation**

### **10.1 Continuity of Employment**

- Continuity of Service is not broken by a period of mobilisation, if the employee is reinstated within six months of the last day of their full time military service. Under the Reserve Forces Act (Safeguarding of Employment) Act 1985, a reservist will lose the right to reinstatement after six months of their last day of paid military service if no application has been made for reinstatement.
- The period of mobilisation will count as reckonable service for the purposes of entitlements to certain terms and conditions, such as annual leave, occupational sick pay, grade steps and redundancy. (See s.217 Employment Rights Act 1996).

## 10.2 Pay

- The MoD will assume responsibility for the reservist's salary for the duration of their mobilisation. The MoD will pay a basic salary according to the reservist's military rank. If this basic element is less than the reservist receives from the Trust, 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'.
- All contractual benefits suspended by the Trust during mobilisation can be claimed by the reservist as part of the Reservist Award.
- Where mobilisation occurs the reservist will be given special unpaid leave of absence during mobilisation and continuity of employment remains.
- Where the reservist is in receipt of pay protection (short term or long term) or excess mileage in line with the Trust's Management of Organisational Change Policy, the period for pay protection and or excess mileage will be incorporated into the reservists' periods of mobilisation.

## 10.3 Benefits

- Where an employee benefit is suspended by the Trust during mobilisation, the reservist may be able to claim the benefits as part of their Reservist award.
- Where a reservist is participating in a salary sacrifice scheme or staff benefit scheme, then he/she together with their line manager should seek advice from the Employee Services in the first instance regarding available options during the period of mobilisation.

To note:

- Examples of salary sacrifice schemes – Child care vouchers, lease cars, home electronics, phones, bikes, gym membership, etc.
- Examples of other staff benefits – Neyber, staff Lottery, Pennies from Heaven, union membership contributions, etc.
- Where a reservist has a contract lease car, advice should be sought from the Employee Services in the first instance regarding available options during the period of mobilisation.
- The Employee Services will in turn seek advice from the MoD as it may be possible to transfer scheme(s) during the period of mobilisation. However this will depend on the type of scheme the reservist is participating in.
- It is imperative that these discussions are held between the line manager and the reservist during the pre-mobilisation meeting.

## 10.4 Pension

- If the reservist is a member of the NHS pension scheme, and 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.

- It is important that the Payroll and Pensions teams are made aware of these arrangements. It is therefore important that the reservist together with their line manager seek necessary advice and guidance from the Employee Services team to ensure appropriate arrangements are put in place in a timely manner.

## 10.5 Annual Leave

- Reservists are required to take any accrued annual leave *before* mobilisation, where this is possible. If it is not possible to do so, employees should discuss this with their line manager. Discussions should include how the reservist will be taking his/her annual leave within the annual leave year as it is expected that all leave will be taken during the relevant leave year.
- Reservists do not have an automatic right to carry annual leave over from one leave year to the next. Where, exceptionally, he/she has been explicitly prevented from taking his/ her leave due to service demands before or after mobilisation, both the line manager and reservist will be expected to refer to and follow the Trust's Annual Leave Policy.
- Annual leave will not accrue during the period of mobilisation. Reservists accrue annual leave with the MoD whilst they are in full time service. When a reservist demobilises, reservists are entitled to a period of post-operational leave (POL). During this period they will continue to be paid by the MoD.

## 10.6 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. In such circumstances any reservists being affected by any management of change would be treated consistently in accordance with the Trust's Management of Organisational Change Policy, would not be discriminated on the grounds of their reserve service or call-up liability.

## 10.7 Sick Pay

- During the period of mobilisation the reservist will continue to accrue any service related Occupational Sick Pay. Should the reservist become sick or injured during mobilisation they will be covered by MoD's healthcare arrangements (including pay) until they are demobilised. If the sickness or injury continues and this results in early demobilisation, they will remain

covered by the MoD until the last day of paid military leave. Following this period the reservist will be covered by the Trust's sickness provisions in accordance with the Trust's Management of Ill Health Policy and Procedure and will be expected to comply with the requirements therein.

- If the reservist becomes ill post mobilisation, and does not return on the expected return to work date, he/she will be expected to comply with the requirements of the Trust's Management of Ill Health Policy and Procedure from that date.

## 10.8 Professional Registration

- The reservist if a qualified member of staff, is responsible for ensuring that he/she maintain their competence and professional registration (where applicable) at all times during a period of mobilisation in line with the Trust's Professional Registration Policy.
- The reservist is responsible for ensuring their professional registration is in date upon their return from any leave granted to them under this policy.

## 11.0 Return to Work

11.1 Members of the reserve forces who have been compulsorily mobilised (or who have volunteered and been accepted for mobilisation) have the right to be reinstated in their former job on terms and conditions no less favourable to them than those that would have prevailed but for their enforced absence from their civilian occupation. That right exists regardless of the period of time mobilisation has lasted. Under the Act, a reservist will lose the right to reinstatement after 6 months of their last day of paid military service if no application has been made for reinstatement.

11.2 Both the Trust and the reservist have obligations under the Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process as follows:

### **Reservist responsibilities:**

- The reservist must write to the Trust by the third Monday after their last day of military service making a request to return to work and suggesting a date. This date should fall within 6 weeks of their last day of full-time military service. This letter formally starts the return to work process.
- The reservist should informally contact their line manager to discuss their return to work at the earliest opportunity, whether via a letter or email, a meeting or a telephone call. The formal application in writing to the line manager must be made for it to be valid under the Act.
- If the reservist is not happy with an offer of alternative employment they must write to the Trust stating why the offer of alternative employment is not reasonable. If a reservist believes that the Trust's response to their

application denies their rights under the Safeguarding 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.

**Line Manager's responsibilities:**

- The Line manager is responsible for liaising with the reservists who is returning back to work as soon as the reservist has notified them of their return date.
- The line manager will send the 'Acknowledgement of return to work' (Appendix B) letter to the reservist confirming their return to work date.
- The line manager is responsible for notifying the Employee Services the date the reservist is returning back to work. This will be done by email together with a copy of the formal letter of application received from the reservist and a copy of the acknowledgement of return to work letter (Appendix B) sent to the Employee Services at [Hrinputting@leicspart.nhs.uk](mailto:Hrinputting@leicspart.nhs.uk) mailbox.

**Trust's responsibilities:**

- The Trust 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 military service. Once reinstated in his/her former role or a suitable alternative role, after a period of military service, the Trust must continue to employ him/her for;
  - at least 13 weeks employment if less than 13 week service prior to mobilisation
  - at least 26 weeks employment if more than 13 weeks but less than 52 weeks service prior to mobilisation
  - at least 52 weeks employment if more than 52 weeks service

(note: continuity of service is not broken by a period of mobilisation, if the reservists is reinstated within six months of the last day of their full time military service).
- 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's required as a direct result of mobilisation, (claims 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.

## **12.0 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:

- Provide returning reservist with an update on changes and developments in the team/service/organisation as relevant
- Offer specific refresher/re training where sought/considered necessary particularly if role has evolved/changed
- Encourage informal get together with colleagues before or soon after the return to work to prevent feeling of dislocation
- Discuss any health concerns. If there is concern that a Reservist may be experiencing issues (i.e. physical / mental health) as a result of their deployment then Reservist should be encouraged to seek advice/help and consult their GP as well as a referral to Occupational Health should be considered in line with the Trust's Management of Ill Health Policy and Procedure.

## **13.0 Appraisals/Performance Reviews**

- 13.1 Line managers should recognise the experience gained by the reservist through routine training (and mobilisation) brings essential skills into the organisation, such as leadership, communication, team working and organisational ability. These skills and abilities lead to improved performance in the workplace and should be recognised and taken into consideration as evidence of achievement during appraisal/performance review meetings. This may be in line with either the Trust's Probation Policy or Appraisal Policy dependant on when the reservist mobilised during the course of his/her employment with the Trust.

## **14.0 Financial Assistance**

- 14.1 Financial assistance for Trust 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 the employee, including but not limited to 3 types of award available:

### **One-off costs**

- agency fees, if a recruitment agency or employment agency is used to find a temporary replacement
- non-recurring advertising costs

- essential retraining costs for the reservist returning to work following mobilisation
- up to £2000 towards the costs of training the person who fills in for the reservist during mobilisation
- handover costs (up to 5 days) before and after an employee is mobilised 75 per cent (up to £300) of specialist clothing costs for a person replacing a deployed reservist
- There is no financial cap on one-off cost claims, but any claim must be supported by relevant documentation.

### **Recurring costs**

- Overtime costs, if other employees are required to 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]

14.2 The maximum claim for recurring costs available is in the region of £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 to the MoD within 4 weeks after the end of full time reservist's service.

### **Training costs**

- If a reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the Trust can make a claim for the cost from the MoD. These training costs must be claimed for within 8 weeks of the reservist returning to work and the training must be commenced within 6 months of the return to work.

## **15.0 Further Information and support**

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

- Defence Relationship Management [www.gov.uk/mod/employer-relations](http://www.gov.uk/mod/employer-relations)
- 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/territorial](http://www.army.mod.uk/territorial)
- Royal Air Force website [www.raf.mod.uk/rafreserves](http://www.raf.mod.uk/rafreserves)

### Exemptions, Financial Assistance and Appeals – Where to Apply

- Single Service Adjudication Officers: Guidance and applications for exemption or deferral and Financial Assistance should be made to either:
  - The person specified in the Call out notice; or
  - The Adjudication Officer at the Mobilisation Centre; or
  - The Adjudication Officer appointed for the Service in which the reservist will serve when mobilised below:

<b>Army</b> Adjudication Officer Army Personnel Centre PO Box 2673 Glasgow Tel: 0141 224 5123 Fax: 0141 224 2689 Helpline: 0800 3896585 E-mail: <a href="mailto:apc-cmops-mob-so2@mod.uk">apc-cmops-mob-so2@mod.uk</a>	<b>Royal Navy and Royal Marines</b> Adjudication Officer Directorate of Naval Personnel MPG-2, West Battery Whale Island Portsmouth PO2 8BX Tel: 02392 623527 Fax: 02392 628660 E-mail: <a href="mailto:NavyLegal-ReservesADJSO2@mod.uk">NavyLegal-ReservesADJSO2@mod.uk</a>	<b>Royal Air Force</b> Adjudication Officer Royal Air Force Adjudication Service c/o Imjin Barracks Gloucester GL3 1HW Tel: 01242 682545 Fax: 01242 682510 E-mail: <a href="mailto:air1-woadj@mod.uk">air1-woadj@mod.uk</a>
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### Appeals

- If appeal you wish to against the decision of the Adjudication Officer, an appeal can be directed to:

The Secretary  
 Reserve Forces Appeals Tribunal  
 Alexandra House  
 14-22 The Parsonage  
 Manchester, M3 2JA  
 Tel: 0161 833 6100  
 Fax: 0161 832 0249  
 E-mail: [rfat@tribunals.gsi.gov.uk](mailto:rfat@tribunals.gsi.gov.uk)

### 16.0 Implementation and Training

This policy is applicable with immediate effect within the Trust, from the date that it is published on the intranet. The HR Business Partners/Advisors will support managers when using the policy. Human Resources will make Trust

staff aware of this version of the policy through the Trust e-newsletter. New starters who have identified themselves as reservists will be made aware of it through their recruitment correspondence and both them and the line managers will be supported appropriately.

There is a need for other training needs identified within this policy.

## 17.0 Monitoring Compliance and Effectiveness

Ref	Minimum Requirements	Evidence for Self-assessment	Process for Monitoring	Responsible Individual / Group	Frequency of monitoring
	Number of reservists employed by the Trust	ESR reporting	Annually	SWG	Bi-annually
	Number mobilised	ESR reporting	Annually	SWG	Bi-annually
	Amount of special leave taken	ESR reporting	Annually	SWG	Bi-annually

## 18.0 Standards/Performance Indicators

TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Care Quality Commission registration standards (outcome 14) <i>Supporting Workers</i> (21) of the Health & Social Care Act (2008) (Regulated Activities) Regulations 2010 <a href="#">CQC essential standards</a>	That the trust maintains compliance with CQC registration standards, this policy supports outcome standards 14

## 19.0 References and Bibliography

The policy was drafted with reference to the following:

- The Reserve Forces Act 1996
- The Reserve Forces (Safeguarding of Employment Act 1985
- Employment Rights Act 1996
- ACAS Guide for Volunteer Reserve Forces
- NHS Employers Guidelines on employing Volunteer Reserve Forces
- Ministry of Defence Reserve Forces Training & Mobilisation Policy – Example
- Ministry of Defence – Employer’s Handbook: HR Guidance/ Reserve Policies
- LPT Annual Leave Policy
- LPT Appraisal Policy
- LPT Management of Ill Health Policy and Procedures
- LPT Management of Organisational Change Policy

- LPT Probation Policy
- LPT Professional Registration Policy
- LPT Recruitment and Selection Policy
- LPT Special Leave Policy

**Letter of Mobilisation - [THIS LETTER IS FOR HR USE ONLY](#)**

Dear [Insert name]

**Re: Employment arrangements during mobilisation**

Following the notification of your forthcoming mobilisation with the Reserve Forces, I am writing to set out employment related arrangements which will apply prior to, during, and immediately after your period of mobilisation, as agreed at our meeting of **[Insert date]**.

**Special Leave**

During mobilisation you will be on unpaid special leave from the Trust, which will count as a period of continuous service. The period of mobilisation will count as reckonable service for the purposes of entitlements to certain terms and conditions, such as annual leave, occupational sick pay, incremental credit and redundancy. Your period of special leave will commence on **[Enter date]**. Your approximate date of return to work is **[Enter date]**.

**Pay Arrangements**

Your salary will be suspended whilst you are mobilised. Your Reserve Force will assume responsibility for your salary for the duration of your mobilisation.

**Annual Leave**

Prior to mobilisation you will accrue annual leave under normal arrangements as per the Trust's Annual Leave Policy (Trust leave) and you are required to take this leave where possible prior to mobilisation. If it is not possible to do so, you should discuss this with your line manager.

During the period of mobilisation accrual of Trust annual leave will cease and you will accrue annual leave with the Ministry of Defence (MoD). MoD annual leave arrangements will apply during mobilisation. There is no requirement to advise the Trust of any annual leave taken during the period of mobilisation.

Upon return to work you will start to accrue annual leave as per the Trust's Annual Leave Policy. Any untaken accrued Trust annual leave should be taken prior to the end of the annual leave year in which your return from mobilisation.

**Pension**

You are entitled to remain a member of the NHS Pension Scheme. Your Reserve Force will pay the employer contributions for the period of mobilisation provided that you continue to pay your employee contributions and complete the necessary forms that are contained within your Call Out papers.

If you have indicated that you wish to remain in the NHS Pension Scheme during the period of mobilisation, you and your manager must the Employee Services team to seek advice and guidance to allow appropriate arrangements are put in place. If you have opted to join the Reserve Forces Pension Scheme, you will not accrue reckonable service for your NHS Pension Scheme during your period of mobilisation.

## **Keeping in Touch**

To confirm, as agreed during your pre-mobilisation meeting with your manager, you undertake to keep in touch with your manager whilst you are away. You have confirmed that your next of kin is **[Insert name]** and their telephone number is **[Insert number]**.

## **Sick Pay**

During the period of mobilisation you will continue to accrue any service related Trust sick pay. However, should you become sick or injured during mobilisation you will be covered by MoD's healthcare arrangements (including pay) until you are demobilised. If the sickness or injury continues and this results in early demobilisation, you will remain covered by MoD until the last day of paid military leave.

After this time you will be covered by the Trust's sickness provisions (in accordance with the Trust's Management of ill Health Policy and Procedure).

If you become ill post mobilisation on the expected date of return to work, you will be covered by the Trust's sickness provisions (in accordance with the Trust's Management of ill Health Policy and Procedure).

## **Return to work**

You should provide the Trust with as much notice as is practicable of your return to work date. This can take place at any time once you know the expected date of demobilisation and the amount of Post-Operational Tour leave plus any other leave to be taken. Such notification should be made in writing to your line manager and copied to Employee Services Team. You should maintain contact with the Trust and provide notification should the expected return to work date change. The Employee Services will advise Payroll and the Pensions team of your return to work date. Upon return to work you will be entitled to return to the same job or a reasonable and suitable alternative. Following demobilisation the Trust may require you to be passed fit by Occupational Health.

## **Formal Notification Requirements**

Under the Reserve Forces (Safeguarding of Employment Act 1985), you are obliged to formally write to the Trust to request a return to work once you have reached your last day of paid military.

You must write to your line manager no later than the third Monday after your last day of paid military service to inform them that you are available to return to work.

## **Return to Work Meeting**

A Return to Work meeting will be scheduled upon your return to work. The purpose of this meeting is to discuss the mobilisation experience; the role you are returning to and any associated handover arrangements; confirm relevant administrative activities relating to pay and identify any support that the Trust can offer to ensure a

smooth reintegration back into work, including any assistance from Occupational Health.

If you would like to the contents of this letter, please do not hesitate to contact your line manager **[insert line manager name]** and **[Insert line manager Job Title]** in the first instance.

Yours sincerely

Name of HR Officer  
**Employee Services**

cc. Reservist's line manager

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**Declaration**

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

**I understand I am also responsible for notifying the Trust of any inaccuracies noted in the revised terms and conditions above and or any changes to my personal circumstances whilst on mobilisation to avoid any accrual of benefits under this policy being affected.**

Signed: ..... Date: .....

Name: .....

**[Copy should be retained in Reservist personnel file]**

## LETTER TEMPLATE FOR USE BY THE MANAGER

Dear [Insert Name],

### **Re: Acknowledgment of Return to Work**

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

It has been agreed that you will return to work on **[insert date]**. In support of this, I have arranged a return to work meeting for **[Time]** on **[Date]** and will be held **[Location]**.

The purpose of this meeting is to welcome you back to work and for us to discuss a number of practical matters to support a smooth reintegration back into the workplace.

In the meantime if you have any queries, please do not hesitate to contact me on **[insert telephone number]**.

Yours sincerely

**[Insert name]**  
**[Job Title]**

## Training Needs Analysis

<b>Training topic:</b>	Policy Rollout
<b>Type of training:</b> (see study leave policy)	Support and Guidance to Managers and Staff as appropriate
<b>Division(s) to which the training is applicable:</b>	All of the following <ul style="list-style-type: none"> <li>• Adult Mental Health &amp; Learning Disability Services</li> <li>• Community Health Services</li> <li>• Enabling Services</li> <li>• Families Young People Children</li> <li>• Hosted Services</li> </ul>
<b>Staff groups who require the training:</b>	Service Leads, Managers, Team Leads and Staff
<b>Regularity of Update requirement:</b>	One off training
<b>Who is responsible for delivery of this training?</b>	Human Resources
<b>Have resources been identified?</b>	Yes
<b>Has a training plan been agreed?</b>	Yes
<b>Where will completion of this training be recorded?</b>	<input type="checkbox"/> Other (please specify)
<b>How is this training going to be monitored?</b>	Through Human Resources

## The NHS Constitution Checklist

The NHS will provide a universal service for all based on clinical need, not ability to pay. The NHS will provide a comprehensive range of services

<b>Shape its services around the needs and preferences of individual patients, their families and their carers</b>	<input type="checkbox"/>
<b>Respond to different needs of different sectors of the population</b>	<input type="checkbox"/>
<b>Work continuously to improve quality services and to minimise errors</b>	<input checked="" type="checkbox"/>
<b>Support and value its staff</b>	<input checked="" type="checkbox"/>
<b>Work together with others to ensure a seamless service for patients</b>	<input checked="" type="checkbox"/>
<b>Help keep people healthy and work to reduce health inequalities</b>	<input checked="" type="checkbox"/>
<b>Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance</b>	<input type="checkbox"/>

## Stakeholders and Consultation

### Key individuals involved in developing the document

Name	Designation
Jyoti Chauhan	Senior HR Advisor
Rob Melling	Head of Community Development
Lisa Laws	HR Manager Employee Services

### Circulated to the following individuals for comment

Name
Directors / Heads of Service and Direct Reports
Operational HR Team
Equalities Team
Staffside
Workforce & Wellbeing Group

## Due Regard Screening Template

Section 1	
<b>Name of activity/proposal</b>	Reserve Forces Training & Mobilisation Policy and Procedure
<b>Date Screening commenced</b>	27 November 2018
<b>Directorate / Service carrying out the assessment</b>	Workforce and Organisational Development/Human Resources
<b>Name and role of person undertaking this Due Regard (Equality Analysis)</b>	Jyoti Chauhan, Senior HR Advisor
<b><u>Give an overview of the aims, objectives and purpose of the proposal</u></b>	
<p><b>AIMS:</b>  The Mandate from the Government to Health Education England states that NHS organisations should support reservists to have time off for training and possible deployment. The Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Territorial Army (TA) and the Reserve Air Forces (RAFR and RAuxAF).</p> <p>The Policy defines LPT's pledge of its support for members of or those wishing to join the Reserve Forces and recognises the valuable contribution reservists make to the UK Armed Forces, their communities and the Workplace.</p> <p>The Trust values the contribution made by its employees to the provision of a high quality service. This policy is designed to ensure that the Trust's recruitment and retention strategies are sufficiently flexible to enable the employment and retention of staff of all grades and disciplines.</p> <p>The Policy provides support for members of or those wishes to join the Reserve Forces and recognise the valuable contribution reservists make to the UK Armed Forces, their communities and the Workplace.</p>	
<p><b>OBJECTIVES:</b>  The policy defines LPT's obligation and commitment to reservists who are required to attend training regularly and liable to be mobilised for a period of full time military service.</p> <p>The purpose of this policy is to provide practical guidance for managers to enable them to help manage and support those employees who are members of the Reserve Forces or wishing to join the Reserve Forces.</p> <p>LPT shall subject to provisions set out in section 7 of the policy, agree to release reservists for attendance at Reserve Forces Training event where these take place on their normal working days.</p>	
Section 2	
Protected Characteristic	If the proposal/s have a positive or negative impact please give brief details
Age	Positive Impact – clear guidance for all staff irrespective of their protected characteristic.
Disability	As above
Gender reassignment	As above

Marriage & Civil Partnership	As above
Pregnancy & Maternity	As above
Race	As above
Religion and Belief	As above
Sex	As above
Sexual Orientation	As above
Other equality groups?	As above

### Section 3

**Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please tick appropriate box below.**

Yes		No	
High risk: Complete a full EIA starting click <a href="#">here</a> to proceed to Part B		Low risk: Go to Section 4.	✓

### Section 4

**If this proposal is low risk please give evidence or justification for how you reached this decision:**

Aspects of the Employment Rights Act 1996 are embedded throughout the policy ensuring those employees who are reservists or wishing to join the Reserve Forces will not be disadvantaged.

The Trust is also happy to associate itself with the Mandate from the Government to Health Education England states that NHS organisations should support reservists to have time off for training and possible deployment.

The policy recognises the valuable contribution reservists make to the UK Armed forces, their community and the workplace and will support mobilisation in all but exceptional circumstances dependant on service needs.

Equality monitoring has been incorporated in the overall policy compliance process which aims to provide assurance that any potential adverse impact on any protected group during the implementation of the policy and associated procedures are identified and removed at the earliest opportunity.

<b>Signed by reviewer/assessor</b>	Jyoti Chauhan	<b>Date</b>	27 November 2018
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*Sign off that this proposal is low risk and does not require a full Equality Analysis*

<b>Head of Service Signed</b>		<b>Date</b>	4 January 2019
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## DATA PRIVACY IMPACT ASSESSMENT SCREENING

<p><b>Data Privacy impact assessment (DPIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet Individual's expectations of privacy.</b></p> <p><b>The following screening questions will help the Trust determine if there are any privacy issues associated with the implementation of the Policy. Answering 'yes' to any of these questions is an indication that a DPIA may be a useful exercise. An explanation for the answers will assist with the determination as to whether a full DPIA is required which will require senior management support, at this stage the Head of Data Privacy must be involved.</b></p>		
<b>Name of Document:</b>	Reserve Forces Training & Mobilisation Policy	
<b>Completed by:</b>	Jyoti Chauhan	
<b>Job title</b>	Senior HR Advisor	<b>Date</b> 2 <sup>nd</sup> January 2019
<b>Screening Questions</b>	<b>Yes / No</b>	<b>Explanatory Note</b>
1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.	No	
2. Will the process described in the document compel individuals to provide information about them? This is information in excess of what is required to carry out the process described within the document.	No	
3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?	No	
4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	No	
5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.	No	
6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?	No	
7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.	No	
8. Will the process require you to contact individuals in ways which they may find intrusive?	No	
<p><b>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via <a href="mailto:Lpt-dataprivacy@leicspart.secure.nhs.uk">Lpt-dataprivacy@leicspart.secure.nhs.uk</a></b></p> <p><b>In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</b></p>		
<b>Data Privacy approval name:</b>		
<b>Date of approval</b>	2nd January 2019	

Acknowledgement: This is based on the work of Princess Alexandra Hospital NHS Trust