

TO:	Governance Sub-Committee
PREPARED BY:	Linda Sichi (Deputy CEO)
SUBJECT:	Army Reserve Forces Policy
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APPROVED BY:	Paul Martin (CEO)

ARMY RESERVE FORCES **POLICY**

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ARMY RESERVE FORCES POLICY

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1. MILNBANK HOUSING ASSOCIATION (MHA) STRATEGIC OBJECTIVES

MHA's mission is to provide excellent homes and services in a thriving community. We believe that people living in the MHA community should:

- Have warm, safe, and affordable homes, and receive excellent services from MHA.
- Live in neighbourhoods that are clean and well cared for, with real community pride.
- Have access to opportunities and services that promote a good quality of life.

2. MHA's VALUES

Working as 'One Milnbank' so that we offer the same quality of services, support and housing to all tenants and residents.

3. LEGAL & REGULATORY COMPLIANCE

The Management Committee leads and directs MHA to ensure good outcomes for its tenants and other service users. MHA adheres to the Scottish Housing Regulator's Regulatory Framework Financial & Regulatory and to all relevant legal employment requirements associated with this policy including The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85), Defence Reform Act (2014) and Reserve Forces Act (1996)

4. POLICY INTRODUCTION

This policy outlines MHA's commitment to supporting employees who are members of the Volunteer Reserve Forces (VRF) when they are mobilised for active service. It applies to all employees who are members of the reserve armed forces (reservists) and provides details of the following:

- The responsibilities of a Reservist who is an employee.
- MHA's responsibilities if employees are Reservists.
- The procedure if a Reservist is required to attend training.
- The procedure if a Reservist is required for mobilisation.
- Terms and conditions for the Reservist during mobilisation.
- Supporting Reservist's to return to work.

The VRF form an integral and essential part of the UK's. The role of the UK's Reserve Forces has changed over the last decade from a large and mainly unused force to one structured to support the UK's Armed Forces operations worldwide, and they have an ever-increasing role in operations at home and overseas. The Reserve Forces are used in sustained and large-scale operations, to support and reinforce specialist capabilities in areas such as medical, communications, and logistical support.

5. **PRINCIPLES OF THE ARMY RESERVE FORCES POLICY**

- MHA recognises and supports the work carried out by the VRF.
- MHA will not treat anyone less favourably due to being a member of the reserve forces.
- MHA will aim to release employees who are mobilised for reserved duties where possible while balancing the needs of the business.

6. **DEFINITIONS**

- **Volunteer Reservist:** civilians recruited into the Royal Navy Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
- **Regular Reservist:** ex-regular service people who may retain a liability to be mobilised depending on how they have served in the Armed Forces.
- The Reserve Forces Act 1996 also provides for other categories:
 - **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.
 - **High Readiness Reserves:** Reserves with a particular skill set, that are available at short notice and written agreement from their employer.
- **Mobilisation:** The process of calling Reservists into full-time service with the Regular Forces on military operations, this includes pre-deployment training, deployment of the operational period and any post-operational accrued leave.
- **Demobilisation:** The release of a Reservist from military service prior to any outstanding leave owing.
- **Civil Contingency Reaction:** Volunteer Reservists who receive special training and may be mobilised in the event of extreme national need.
- **Post Operational Tour Leave:** Time off earned while on full-time military service.
- **Serious Harm to the Business:** Serious loss of sales, markets, reputation, goodwill or other financial harm or serious impairment of the ability to produce goods or provide services.

7. RESPONSIBILITIES

Employees

- To inform their employer that they are a Reservist and the specific force they belong to.
- Grant permission for the Ministry of Defence (MOD) to write directly to their employer to notify them.
- Ensure their employer details are up to date with the MOD.
- Be familiar with the contents of this policy, and to ensure they work within the organisation's framework.
- To make their employer aware of their training commitments and to ask for leave as required.
- To give their employer as much notice as possible of any additional leave they may require.

Employers

- Will not treat employees less favourably due to being a member of the reserve forces.
- Will aim to release employees who are mobilised for reservist duties wherever possible.
- Managers who have employees in the reserve forces must ensure they are familiar with the contents of this policy, and work within its framework to support employees.
- Ensure that they have received written notification from the MOD informing them that their employee is a member of the reserve forces.
- Will comply with the MOD's requirements for mobilising and support the return of reservists to work.
- Will apply to the MOD for financial support they are eligible to receive.
- Will ensure that payroll is updated accordingly to reflect the status should a reservist be mobilised.

8. RESERVIST'S TRAINING COMMITMENTS

A Reservist will normally have three types of training commitments:

- Weekly training – this takes place in the evening during the week.
- Weekend training – this takes place on several weekends throughout the year.
- Continuous training period – a continuous period of training for 15 days each year.

As far as possible, line managers will plan shifts to allow attendance at regular training sessions. There is no statutory requirement for the employer to grant time off for the continuous training period. However, in line with MHA's commitment to supporting employees who are members of the Reserve Forces, time will be granted for the continuous training period if practical. Time off will be in the form of authorised unpaid leave, or annual leave dependent on how the employee wishes to take this.

The employee must provide their line manager with as much notice as possible and leave must be requested in line with the normal procedure for booking annual leave.

9. 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 but is typically no longer than 12 months. A period of mobilisation involves three distinct phases:

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

The callout papers for mobilisation will be sent to MHA. The documentation will include the call-out date and the anticipated timeline. Whenever possible, The MOD will give at least 28 days' notice of the date a Reservist will be required to report for mobilisation, although there is no statutory requirement for this.

10. APPLYING FOR EXEMPTION/DEFERRAL/REVOCATION

In all cases of mobilisation, MHA will release the Reservist to report for duty unless there are exceptional circumstances, in such circumstances this will be explained to the Reservist.

If MHA wishes to apply to delay or cancel mobilisation, they can do this if the absence of the employee would seriously harm the business. (e.g. if there would be financial harm or it would make it difficult to provide services). If MHA is going to apply for delay or cancellation of the mobilisation, they will inform the reservist of this and the reasons for the application.

11. APPEAL PROCESS

An appeal can be made to the Reserve Forces Appeal Tribunal if MHA is unhappy with the decision of the Adjudication Officer. The Adjudication Officer will provide information on making an appeal. Appeals must be lodged with the office of the Secretary to the Tribunal; no more than five working days after the Adjudication Officer's decision is received. Appeals are normally heard within 28 days of receipt of the appeal, throughout which time the Reservist will not be deployed outside the UK. If the tribunal rejects the application for exemption or deferral, MHA will be required to release the Reservist for mobilisation. The Reservist will suffer no detriment to their employment on such occasions.

12. TERMS and CONDITIONS DURING MOBILISATION

Employees who are mobilised will continue to accrue continuity of service throughout the time they have been mobilised. Specific terms relating to other parts of their employment are detailed below:

Pay

A reservist will not be paid their salary during the time they are mobilised. The MoD will pay the Reservist a basic salary in accordance with the military rank. If this is less than the Reservists normal salary, the reservist can apply to the MoD for the difference to ensure no loss of earnings. The Reservist will resume contractual pay with MHA when they return to work after mobilisation.

Holidays

Reservists should be encouraged to take any accrued annual leave before mobilisation. The Reservist will not accrue annual leave during the period of mobilisation. Reservists will accrue annual leave with the MoD while they are in full-time service. Reservists will be entitled to a period of post-operational leave, during this time the MoD will pay them. If a Reservist is mobilised for part of the annual leave year the Reservist's holiday entitlement will be pro-rated for the time in receipt of pay from the organisation.

Pension

A Reservist who is mobilised can choose to remain a member of their occupational pension scheme. The MoD will pay the employer contributions that MHA would have made provided that the Reservist continues to pay their contributions. The pension scheme administrator cannot refuse to accept MoD payments.

Dismissal/ Redundancy

It is automatically unfair to dismiss an employee who is a member of the reserved forces if the reason for the dismissal is in any way connected with them being a Reservist. This applies from the first day of employment; no qualifying period is required. If MHA must consider redundancies, then Reservists can be included in the redundancy pool. However, all employees will be treated consistently, and redundancy criteria will not discriminate against Reservists on the grounds of their reserve service or call-up liability.

Sick Pay

If a Reservist is unfit for work during mobilisation they will be covered by Defence Medical Services, and any financial assistance will continue to be received (including pay) until their demobilisation, the Reservist will remain covered by the MoD until the last day of military leave. If the employee remains unfit at the point of demobilisation they would be managed in line with MHA policies.

13. RETURN TO WORK

Both MHA and the Reservist have responsibilities and obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding return to work.

Employee Responsibilities

- The employee must write to MHA by the 3rd Monday after their last day of military service making their request to return to work and suggesting a date which falls within six weeks of their last day of full-time service. This letter formally starts the return-to-work process under legislation.
- The employee must informally contact their line manager to discuss their return to work as early as possible.
- The employee must accept offers of support, information and training as is appropriate and required to ensure they settle back into their role.

Employer Responsibilities

- MHA will reinstate the Reservist, where possible to their previous role, or if not possible to a role on no less favorable conditions.
- The Reservist should be reinstated within six weeks of their last day of full-time service.
- The employer will ensure adequate support and training is put in place to refresh the employees and assist them in integrating back into the workplace.
- The employer will recognise that adjusting back to work life may be challenging and will offer any appropriate support as required.

14. REINTRODUCTION TO EMPLOYMENT

MHA recognises that employees returning to work after completing military service have been out of the workplace for some time and will commit to ensuring the Reservist receives a re-induction into their role and the organisation. The aim of the re-induction programme is to support employees back into the workplace.

Re-induction programmes will be tailored to meet the needs of individual employees and be designed to ensure they receive appropriate updating of skills, knowledge and competence. The programme may cover the following areas:

- A detailed update covering any changes to MHAs objectives, team objectives, policies and H&S legislation.
- If appropriate an update on conditions of service and job description.
- Access to relevant training and development both as a refresher and as part of ongoing development.

15. EQUALITY & HUMAN RIGHTS

MHA's is committed to equal opportunities, and we will respond to the different needs and service requirements of individuals, and we will not discriminate against any individual for any reason outlined in Equality & Human Rights Legislation.

16. DATA COLLECTION

MHA will manage all personal data in accordance with our obligations under the GDPR regulations and the Association's Policy.

17. POLICY MONITORING & REVIEW

The Army Reserve Forces Policy will be reviewed by the Governance Sub-Committee every 3 years or in line with EVH updates, or as otherwise deemed necessary.