



University
of Exeter

Guidance on Reservist Forces and Mobilisation

Introduction

The University of Exeter employ staff who are members of the Reserve Forces and we recognise the valuable contribution that Reservists make to the UK Armed Forces, their communities and the civilian workplace.

Purpose and Scope

The University has pledged its support for staff who are members of the Reserve Forces, or those wishing to join the Reserve Forces and acknowledges the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to both the individual and their employer. This guidance intends to define our obligations towards all employees who are members of the Reserve Forces.

The University will ensure that employees who are Reservists, who notify the University of their Reserve status or those Reservists who are made known to the University directly by the Ministry of Defence (MoD), do not experience any disadvantage with regard to their employment.

Types of Reservist

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.

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 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).

Reserve Status Notification

Reservists are encouraged to inform the University that they are a member of the Reserve Forces and the specific force that they belong to. This is so that the University can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave e.g. training and/or mobilisation. The University also recognises the additional skills and experiences that being a Reservist can bring to the University and therefore it is useful for the University to have an understanding of where these particular skills and experiences exist.

Reservist employees are also required to grant permission for the MoD to write directly to their employer. This is known as 'Employer Notification' and ensures the University is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.

The MoD will issue written confirmation to the University informing us the employee is a Member of the Reserve Forces. The letter will provide details of mobilisation obligations and rights as an employee; rights as an employer; and details of the financial assistance available if an employee is mobilised. Where possible, it will also provide details of any annual training commitments. The MoD will also send a follow-up letter each year to confirm that the information held is still accurate.

Please note that Reservists must seek written approval from the University if they intend to volunteer for High Readiness Reservist status as this makes them liable to be redeployed with minimal notice.

It is the responsibility of the Reservist to ensure their personal details are kept up to date with both the MoD and the University e.g. if they change employer or leave their respective Reserve Force.

Training commitments and Time off

The University recognises the importance of the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to their respective Reserve Force, the individual and the University.

Reservists have typically 24-40 days of training per year. Training tends to take place 1 evening per week, over various weekends throughout the year and one 2 week training period also 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 several training weekends which take place throughout the year.
- **Annual training** - a 2 week annual training course sometimes referred to as '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.

The University is committed to granting an additional ten days (72 hrs) of paid leave per year (pro-rata for part time employees) to Reservists specifically to enable them to attend

their annual camp or equivalent continuous training exercises (this is in addition to the member of staff's normal leave entitlement) i.e. 100% of the time off for the two weeks annual training is met by the University.

Line Managers will allow attendance at annual camp or equivalent continuous training exercises unless there are exceptional circumstances.

Reservist employees should give as much notice as possible of training commitments to allow appropriate planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances.

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 the University or sometimes delivered in person by the Reservist to their line manager. 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 before mobilisation. The call-out papers should be passed to the relevant HR Business Partner/Advisor at the earliest opportunity.

A period of mobilisation comprises three distinct phases:

- Medical and pre-deployment training;
- Operational tour;
- Post-operational tour leave.

Pre-mobilisation

- The HR Business Partner/Advisor and the employee's line manager will meet with Reservist to ensure all mobilisation paperwork is completed (including pay, benefits & pension arrangements).
- Claim for financial assistance as appropriate.
- Discuss any handover of work and return of equipment.
- Arrangements for keeping in touch.

During mobilisation

- Keep in touch with Reservist as arranged.

Post-mobilisation

- Ensure both employer and Reservist fulfill their return to work obligations.
- After care and support requirements.

Applying for Exemption/Deferral/Revocation

In all cases of mobilisation, the University will release the Reservist to report for duty

unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist.

In such circumstances line managers have the right to seek exemption, deferral or revocation if the Reservist's absence is considered to cause serious harm to service delivery.

Definitions of 'harm' will vary from case to case, but may include;

- loss of reputation, goodwill or other financial harm,
- impairment of the ability to produce goods or 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).

A Faculty or Service which is considering applying for exemption or deferral or revocation of the mobilization should consult with their HR Partner/Advisor. Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer within 7 days of the University 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.

If an unsatisfactory decision is received following the application for a deferral, the University can appeal for a hearing by the Reserve Forces Appeals Tribunal. The HR Director must be consulted and should agree with the appeal being made, before the appeal is submitted. 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 University will be required to release the Reservist for mobilisation.

Treatment Terms and Conditions during mobilization

The University 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 as set out below.

Pay

The University will normally grant unpaid leave to staff who are Reservists who are mobilised, but reserves the right to apply for exemption or deferral or revocation in appropriate circumstances. If unpaid leave is approved, this will be confirmed in writing by HR. 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 the University, 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.

Pension

You must inform the University Pension and Reward Advisor before you are mobilised.

Under the rules of the **USS pension scheme:**

- Unpaid leave for military service (classified as “absence due to work of national importance”) of up to one year does not require the agreement of USS but if the period is to be longer than this then agreement from USS will need to be obtained by the Pension and Reward Advisor in Human Resources.
- While you are on unpaid leave for military service, no employer or employee contributions will be made. However, on your return from leave, you can choose to pay back employee contributions for the period you have been on leave so that this period counts as pensionable service. If you choose to pay the employee contributions, the University will pay the employer contributions.
- While you are on unpaid leave for military service, you will continue to be covered in full for the benefits under USS and any benefits that become payable whilst you are away will be based on the pensionable salary you were earning before you commenced your leave and will be based on the pensionable service completed before leave commenced.

Under the rules of the **ERSS pension scheme:**

- The University must approve you remaining an active member of the scheme during your unpaid leave for military service. ERSS members will be covered for life assurance benefits however, in the event that you are called for Service, your cover will continue but may be limited to 12 consecutive months whilst serving in the Armed Forces.
- While you are on unpaid leave for military service, no employer or employee contributions will be made to your ERSS account but you will remain an active member of the ERSS arrangement. Contributions will recommence to the ERSS when you return from military service.

Under the rules of the **NHS pension scheme:**

- If an employee is called up for active service, they will be regarded as being on authorised leave of absence and the period of absence will count as pensionable service.
- For the duration of their call-out, employer and employee contributions will be paid on the level of remuneration in payment immediately before call-out.
- The University will reclaim the employer contributions from the Ministry of Defence. It is also possible for the Ministry of Defence to arrange for the employee's contributions to be deducted from their salary and reimbursed to the University.
- For more information, refer to the [NHSPS leaflet for Reservists](#).

Annual Leave

Reservists should be encouraged to take any accrued annual leave before mobilisation. Reservists members of staff will not accrue annual leave 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.

While there is no entitlement to carry forward leave, the University recognises certain circumstances where it is not possible for employees to take all their leave entitlement. In such cases, they may - with the permission of their Pro Vice Chancellor/Director of Service or another senior manager - carry forward up to 5 days' leave to the following year. Any leave carried forward must be taken by 30 April in the following year or it will be lost.

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. However, all employees should be treated consistently, and redundancy criteria should 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 University 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 the University sickness policy.

If the Reservist becomes ill and is unable to return to work because of sickness from the date of their agreed date of return to work at the University then they will become eligible for University sick pay from that date, subject to the standard eligibility rules.

Return to work

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

Employer:

The Employer 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 before mobilisation. Line managers should consult with their HR Partner/Advisor if the Reservist is not returning to their former role.

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 before 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 work experience.

Reservist:

The Reservist must write to their employer by the third Monday after their last day of military service making their request to return to work and suggesting a date which should fall within 6

weeks of their last day of full-time service. This letter formally starts the return to work process. Line managers should ensure that the HR Partner/HR Advisor is notified when the letter is received and is included in ongoing communications/discussions about the Reservists return to work.

They are also encouraged to informally contact the employer to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call. The formal application must be made in writing for it to be valid under the Act.

If a Reservist is not happy with the offer of alternative employment they must write to the employer stating why there is reasonable cause for them not to accept it. If a Reservist believes that an employer's response to their application denies their rights under the Safeguard 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.

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:

- The need to update on changes and developments at the University.
- The need to offer specific refresher training where it is sought/considered necessary.
- Where the job duties 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 Development Review (PDR)

Line managers who carry out Performance Development 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. The PDR should consider how the employee's military training and experience can be transferred into the workplace.

Financial Assistance

Financial assistance for employers 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.

There is 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].

[Financial Support](#) is available to employers. 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 the University can make an application for financial assistance.

Further information available

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

- Defence Relationship Management: <https://www.gov.uk/government/groups/defence-relationship-management>
- Royal Navy website: www.royalnavy.mod.uk/the-fleet/maritime-reserves
- Army website: <https://www.army.mod.uk/who-we-are/the-army-reserve/>
- Royal Air Force website: <https://recruitment.raf.mod.uk/reserves>

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