



West Yorkshire
Fire & Rescue Service

Reservist Policy (Grey & Green Book) HRPOL023

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Reviewers

Name	Version Approved	Position	Organisation	Date
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1 Introduction

The Volunteer Reserve Forces (VRF) consists of the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve and the Reserve Air Forces.

The training commitment for reservists is usually one evening per week and approximately 30 full days each year although this can vary slightly between forces and units. The full days are made up of a number of weekends plus an annual training period of 15 days' continuous duty.

The Reserve Forces Act 1996 allows the compulsory mobilisation of reservists for military operations. Reservists may also be asked to volunteer for operations where there is no compulsory mobilisation, but this requires the agreement of the employer.

In addition to the basic forms of Reserve Service there are a number of other opportunities available to volunteers, these include Full Time Reserve Service (FTRS) and Additional Duties Commitment (ADC).

2 Full Time Reserve Service

FTRS gives reservists the opportunity to serve full time, for varying periods, alongside their regular colleagues. Because of the valuable experience this provides, many employers grant sabbatical leave for such duties. However, employers are under no legal obligation to reinstate an employee who resigns to carry out FTRS commitments.

2.1 Additional Duties Commitment

ADC's are opportunities to undertake part time work with the services, either with regular or reserve units or, more usually, within Headquarters establishments. They may also form an element of a job sharing arrangement. The minimum commitment is 13 weeks (i.e. at least 1 day a week for a continuous period of at least 13 weeks). Employers are under no obligation to grant additional time off to undertake ADC work. However, as with FTRS appointments, many employers choose to do so because of the valuable experience such opportunities provide.

- **High Readiness Reserves (HRR)** have specific skills which the Armed Forces must 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 HRR has a regular job and works more than 2 days per week, the employer's written consent will be required to hold HRR status. This consent takes the form of an agreement that is renewed annually. If mobilised, an HRR can be asked to serve up to 9 months.
- **The Sponsored Reserves** are individuals whose employers are contractually committed to provide specific operational capability to the Services.

Staff members of the West Yorkshire Fire and Rescue Service (WYFRS) wishing to apply to serve in the VRF must do so in writing via their relevant line managers. All applications be considered on the merits of each individual request.

All staff members serving with the VRF will be regarded as engaging in secondary employment and must complete the appropriate application as per the Secondary Employment Policy.

3 Training Commitment

The training commitment varies between the different elements of the VRF, however, for most it is made up of three forms of training.

- **Weekly Training.** Most reservists attend a weekly training period at a local training centre. This will normally take place in the evening and last 2 to 3 hours.
- **Occasional Training Days.** All Reservists are expected to attend a number of training weekends. These are normally spread throughout the year.
- **Continuous Training Period.** Once a year, there is a 15 day continuous training period, often referred to as the '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.

The continuous training period of the 'annual camp' is important as it enables reservists to consolidate their skills and undertake activities not appropriate for weekend training. In some cases, it is the only time during the year when the whole unit can train together, and a reservist is unable to attend this training may not get another opportunity during the year to qualify for promotion. The dates are determined as early as possible, to help reservists arrange time off.

In some cases a reservist may be required to attend a training course specific to their trade or to gain additional skills; this may be undertaken in lieu of 'annual camp'.

Transferable skills developed through VRF training include teamwork, leadership, communication, organisational skills, problem solving ability and personal presentation. Transferable attributes include reliability, self-confidence, initiative and flexibility. WYFRS recognises these transferable skills, therefore will, subject to the exigencies of the service, support staff members' attendance at the 'annual camp' by moving rostered leave, approving non-rostered leave or approving Special Leave with pay (maximum 10 days).

Applications to move rostered leave, approve non-rostered leave or request Special Leave with pay must be made to Central Staffing Team as per the Leave Policy.

Applications for leave must be made to the Central Staffing Team for consideration and approval.

4 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 (RFA 96) provides 3 main powers under which mobilisation can take place:

- If it appears that national danger is imminent or a greater emergency has arisen or in the event of an actual or apprehended attack on the UK (Sections 52 (call out) and 68 (recall)).
- If it appears that warlike operations are in preparation or progress (Section 54) e.g. Bosnia 1995-96.
- If it appears necessary or desirable to use Armed Forces on operations outside the UK 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, (Section 56), e.g. The Balkans. The Ebola outbreak in Sierra Leone 2014

The staff member must notify WYFRS of any voluntary mobilisation, as consent is required.

The staff member must also notify WYFRS of any compulsory mobilisation; however, any such mobilisation will be accompanied by the reservists' mobilisation papers. These papers will include a letter which will set out the date and possible duration of the mobilisation and the employer's rights and obligations (including the entitlement to apply for an exemption from mobilisation under certain circumstances).

The Reserve Forces Act gives no statutory requirement for a warning period prior to mobilisation. However, subject to the severity of the crisis, it is the intention to notify both reservist and employer by giving at least 14 days' notice of the date required to report for mobilisation. HRR should normally be available to report for service at a minimum of 7 days' notice.

The maximum period of mobilisation depends on the power used under Reserve Forces Act and on the scale and nature of operation. A period of mobilisation contains three distinct phases:

- Pre-deployment training dependant on the nature of the conflict
- The operational tour
- Post tour leave

4.1 Mobilisation Exemptions

The Reserve Forces Act entitles the employer of a reservist who is to be mobilised, to seek exemption from, or deferral of, mobilisation if it is thought that the loss of a staff member will cause serious harm to the business, as per The Reserve Forces (Call-out and recall) (Exemptions etc.) regulations 1997. In the case of WYFRS 'the serious impairment of the ability to produce goods or provide services' may be an appropriate reason.

Applications for exemption must be made within 7 days of the reservists 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. Employers will need to provide as much information as possible about the reservist being mobilised. As well as personal details such as name, address, payroll number and National Insurance number, it is important to provide as much additional information 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

An application for exemption should be made in writing by post, fax or email to the person specified on the notice of mobilisation or an adjudication officer at the place where the reservist was accepted into the service. An Adjudication Officer will consider applications for exemption and make a decision accordingly.

4.2 Mobilisation Exemptions Appeals

Appeals can be made within 5 days of receiving written notice of the decision. Information or questions on appealing are available from the Reserve Forces Appeal Tribunals:

rfat@tribunals.gsi.gov.uk

Telephone: 0161 833 6100

The appeal must be made in writing in a letter called a 'notice of appeal' to the Secretary of Tribunals and sent by either email, fax, post or deliver your notice of appeal in person to:

Secretary of Tribunals
Reserve Forces Appeal Tribunals
Employment Tribunals
Regional Office, Alexandra House
14-22 The Parsonage
Manchester, M3 2JA

Further details can be made via the following link:

<https://www.gov.uk/appeal-call-up-reserve-forces/appeal-to-the-tribunal>

The tribunal will try to complete the appeal process usually within 28 days of receipt of the appeal. Hearings will normally be held at Employment Tribunal Services centres, with similar informal procedures.

4.3 Financial Awards

Reserve Forces Regulations provide a financial award that employers can claim.

- the cost of a temporary replacement if it's more than the reservist's salary (up to £110 a day)
- advertising costs and agency fees for finding a replacement
- a period of handover and takeover (5 days before and after mobilisation)
- 75% of the cost of specialist clothing for the replacement (up to £300)
- training costs for the replacement (up to £2,000)
- overtime, if other employees cover the work
- any training the reservist needs when they return

4.4 Pension Provision

A reservist who is called up has two pensions' options:

1. to remain a member of their occupational pension scheme. In such cases, the Ministry of Defence (MOD) will pay the employers pension contribution, provided the staff member continues to pay the employee's element. (Regulation 16 of SI 309/1997 provides that the pension scheme administrator cannot refuse to accept MOD payments).
2. To ask for the days you're mobilised to count towards the Armed Forces Pension Scheme

Death or injury attributable to reservist service will be covered by the Armed Forces Pension Scheme and would apply to whole time and RDS staff members.

4.5 Insurance Provision

It is essential that staff members check all their own insurance policies to ensure that satisfactory cover is in place.

4.6 Death or Disability

Apart from the reservists 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 2 sources: the MOD and War Pensions Agency.

4.7 The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85)

This act provides protection for a reservist by making it unlawful for an employer to terminate a staff member's employment without their consent solely or mainly because they have a liability to be mobilised.

The Act gives a mobilised reservist the right to be re-employed by their former employer after demobilisation. This is subject to the reservist making an application for reinstatement in due time, and the continued unchanged existence of their previous employing organisation. There are time limits so employers may wish to take legal advice.