

# Employing Staff in the Reserve and Cadet Forces Policy

(Reference No. HR38 11/2020)

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Name and designation of Policy Author:	People and OD Lead, Susan King
Name of Responsible Committee for approving & date of approval :	Joint Negotiation Committee
Name of Executive Director/ responsible individual:	Associate Director of People
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Next review date:	3 years from date issued or earlier at discretion of the Executive Director or Policy Author
Target audience:	All Hertfordshire Community Trust (HCT) Staff



### Why do we need this policy?

Hertfordshire Community NHS Trust pledges support towards members of, or those wishing to join the Reserve Forces or Cadet Forces and acknowledges the training undertaken by reservists that enables them to develop the skills that benefit both the individual and employer.

## Policy on a Page

### Employing Staff in the Reserve and Cadet Forces Policy



Hertfordshire Community  
NHS Trust



### What do I need to do?

The NHS employs a number of staff who are in the Reserve Forces and who may be subject to call up and mobilisation. These staff members also require regular time off for training to maintain their skills and readiness for deployment. Staff and managers should familiarise themselves with the content of this policy, which explains the Trust's approach to employing staff in the Armed Forces.



### Where can I find more information?

[DRM \(Defence Relationship Management\)](#) provides support for employers of reservists, veterans, cadet force adult volunteers and military spouses and families.  
Helpline: 0800 389 5459

Email:  
[employerrelations@rfca.mod.uk](mailto:employerrelations@rfca.mod.uk)



### Who does it affect?

All HCT staff



### Who can I contact?

For queries on this policy, please contact your Senior People Advisor.

Useful links:

[Royal Navy Reserves](#)  
[Army Reserves](#)  
[Royal Air Force Reserves](#)  
[The Cadet Forces GOV.UK](#)  
[Sea Cadets](#)

## Contents

1. Introduction .....	4
2. Aim and Purpose.....	4
3. Scope.....	5
4. Explanation of Terms and Definitions .....	5
5. Ownership, Roles and Responsibilities .....	5
6. Legal Framework .....	6
7. Support for Training .....	6
8. Mobilisation .....	7
9. Financial Assistance for Employers.....	8
10. NHS Pension Whilst on Active Service.....	9
11. Annual Leave Whilst Mobilised.....	9
12. Pay Progression & Appraisals .....	9
13. Support on Return to Work (Demobilisation) .....	9
14. Useful Sources to Help.....	10
15. Monitoring Compliance and Effectiveness of Policy .....	10
16. Review, Revision and Governance.....	10
17. Equality Analysis (EA).....	11
18. References.....	11
19. Appendices .....	11
Appendix 1: Monitoring Compliance for Policy .....	13
Appendix 2: Version Control Table.....	14
Appendix 3: Equality Analysis (EA) Form.....	15

## 1. Introduction

1.1 Hertfordshire Community NHS Trust (HCT) is committed to:

- promoting a culture that assures the safety of patients, staff and visitors.
- ensuring that serious incidents are reported in a timely manner, investigated thoroughly and that any lessons learned.
- promoting behaviours that support openness, transparency and demonstrate candour.
- ensuring that lessons are learned and acted upon so that reoccurrence of similar incidents is minimised.
- complying with statutory and regulatory requirements relevant to the business of the organisation.

1.2 This policy should be read in conjunction with the following HCT policies, guidelines and documents/ forms available via [HCT intranet](#):

- Personal and Family Leave Policy
- Annual Leave Policy

1.3 This version supersedes any previous versions of this document.

## 2. Aim and Purpose

2.1 The NHS employs a number of staff who are in the Reserve Forces and who may be subject to call up and mobilisation. These staff members also require regular time off for training to maintain their skills and readiness for deployment.

2.2 The [mandate from the government to Health Education England: April 2014 to March 2015](#) states that there are clear advantages to the NHS, its staff and the Armed Forces for healthcare professionals and other staff contributing to the armed services as reservists.

2.3 The Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), Army Reserve and the Reserve Air Forces (RAFR and RAuxAF).

2.4 The Cadet Forces consist of adult volunteer instructors that provide training to Cadets within Sea Cadets, the Army Cadet Force, the Air Cadets and Combined Cadet Force.

2.5 The training undertaken by reservists or CFAV 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.

2.6 Hertfordshire Community NHS Trust pledges support towards members of, or those wishing to join the Reserve Forces or Cadet Forces and acknowledges the training undertaken by reservists that enables them to develop the skills that benefit both the individual and employer.

2.7 This policy defines the obligations towards members of the Reserve or Cadet Forces and states that the organisation will not disadvantage any reservist or Cadet Force Adult Volunteer who has notified of their status or who are made aware directly by the Ministry of Defence (MoD) through reserve status notification.

### **3. Scope**

3.1 This policy is applicable to all staff working for, or on behalf of, the Trust (HCT).

### **4. Explanation of Terms and Definitions**

#### **4.1 The Army Reserve:**

Is the largest of the Reserve Forces. The Army Reserve provides support to the Regular Army at home and overseas.

#### **4.2 Regular Reservists:**

Are soldiers who have left the Regular army but are recalled in times of need to come back and join operations alongside Regular soldiers.

#### **4.3 Mobilisation:**

Is the process of calling reservists into full-time service – see section 9

#### **4.4 A Cadet Force Adult Volunteer:**

Is someone who helps instruct and advise Sea, Army or Air Cadets at their weekly training sessions. There will also be some weekend activities and an Annual Camp in the summer.

### **5. Ownership, Roles and Responsibilities**

The generic statement of roles and responsibilities are in line with the HCT (Trust) [GR1 V.5](#). Roles and responsibilities specific to this particular policy are defined below.

#### **5.1 Responsible Approval Committee**

5.1.1 'Joint Negotiation Committee' is the Responsible Committee for approving this policy.

#### **5.2 Executive Director**

5.2.1 The 'Associate Director of People' is the identified Executive Director for this policy.

#### **5.3 Policy author(s)**

5.3.1 The identified Policy author(s) for this policy is the 'People and OD Lead'.

#### **5.4 Line/ Locality Managers/ Heads of Service**

5.4.1 Understand and comply with this policy.

Follow any timescales outlined in this policy.

Give fair consideration to requests for time away from work.

Incorporate discussions regarding an employee's transferrable skills into the appraisal process

Support staff on their return to work

#### **5.5 All Staff**

- 5.5.1
- Understand and comply with this policy
  - Follow any timescales outlined in this policy
  - Engage in support available on return to work

## 6. Legal Framework

- 6.1 An employer's relationship with a reservist member of staff should be like that of any other employee. However, there are areas where a reservist's status may affect the operations of the organisation. Legislation exists to define the rights and liabilities that apply to both parties.
- 6.2 There are two main pieces of legislation relating to employers and the Volunteer Reserve Forces:
- [The Reserve Forces Act 1996](#) (RFA 96) which provides the powers under which reservists can be mobilised for full-time service
  - [The Reserve Forces \(Safeguard of Employment\) Act 1985](#) (SOE 85) which provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilised service.
- 6.3 Reservists are required to inform their employer that they are a member of the Reserve Forces, allowing the organisation to provide the relevant support. The organisation also recognises the additional skills that being a reservist brings to the civilian workplace and therefore useful to understand where these particular skill sets are within the workforce.
- 6.4 The Ministry of Defence (MoD) provides an employer notification each year in the form of a written confirmation that the employee is a reservist. The letter will also provide detail of mobilisation obligations, rights as an employer and employee, details of financial assistance available upon mobilisation and where possible, details of any annual training commitments. A follow up letter will be sent each year confirming these details, it is the reservist's responsibility to ensure that the Trust details are correct.

## 7. Support for Training

- 7.1 Training commitments for reservists vary but are usually between 9 and 27 days a year, and typically include:
- Weekly training – around two and half hours for one evening a week at a local reserve centre.
  - Weekend training – expected to attend a couple of training weekends spread throughout the year.
  - Annual training – two-week continuous training camp that takes place each year, either in the UK or abroad.
- 7.2 Hertfordshire Community NHS Trust is committed to granting additional paid leave of two weeks per annum to enable reservists to attend their annual camp training commitments.
- 7.3 Hertfordshire Community NHS Trust is committed to granting additional paid leave of two weeks per annum to enable CFAV to attend their annual camp or cadet training.
- 7.4 Additional unpaid leave or annual leave from the employee's normal annual 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 camps, which cannot be undertaken during off-duty, will be subject to the same arrangements. Approval is subject to the discretion of the line manager or service lead.

- 7.5 Line managers will as far as possible facilitate work rosters to allow attendance for annual camp and other training commitments, e.g. weekly or weekend training sessions where the member of staff is undertaking this (in their own time). Service requirements will need to be taken into account and approval is at the discretion of the line manager or service lead.
- 7.6 Reservist and CFAV employees are required to give as much notice as possible to allow appropriate planning for absences. This should include detail of all planned military training that will require absence from the workplace at the beginning of each year. Permission will be granted where possible in line with service needs. Once given, permission will not be rescinded except in exceptional and extreme circumstances.
- 7.7 Any disputes should be referred to the People Team in the first instance. Employees who remain dissatisfied may thereafter use the grievance procedure.

## **8. Mobilisation**

- 8.1 Mobilisation is the process of calling reservists into full-time service. This can be with the Regular Forces on military operations or to fulfil their part of the UK's defence strategy or humanitarian operations. The Reserve Forces Act 1996 provides the legal basis for mobilisation. In the past this has usually been done on a voluntary basis with the prior agreement of employers but can involve compulsory mobilisation of selected personnel.
- 8.2 Mobilisation will normally be for between 3 and 12 months, depending on their role and specialism. For operational reasons the Ministry of Defence is unable to give the Trust a precise return date. Subject to the severity of the crisis there would normally be a minimum of 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 prior to mobilisation.
- 8.3 An employee who wishes to volunteer for mobilisation must seek prior agreement of their employer via the designated contact and line manager. Any such request will be considered within five working days.

Where there are multiple requests in a single department/unit these will be referred to the appropriate senior manager.

- 8.4 A period of mobilisation comprises three distinct phases:
  - medical and pre-deployment training
  - operational tour
  - post-operational tour leave.
- 8.5 When a reservist is called up for mobilisation you will receive:
  - a copy of the call-out notice
  - notification of the expected return date and likely duration of mobilisation

- details of employers' and reservists' statutory rights and obligations
- information about financial assistance
- information about exemption and deferral.

Where there is compulsory mobilisation of any employee, the Trust is entitled to apply for deferral, revocation or exemption from the call out. Suitable and timely evidence will need to be provided to support an application to defer, revoke or seek exemption from the call out. Additional information regarding exemption and deferral from mobilisation is contained in the call-out pack.

The Trust can also apply for financial assistance, if they believe that the loss of their employee would have an exceptionally severe impact on their ability to provide services.

## 9. Financial Assistance for Employers

9.1 While a reservist is mobilised, the civilian employer is not obliged to pay their earnings as whilst staff are mobilised they will receive their full salary paid by the MoD. However, employers are entitled to pay the reservist's salary from the time of call-up until the first full monthly salary has been paid during mobilisation. The designated contact should ensure that the pay department is notified that the employee is being mobilised and the date when their pay should stop. Where mobilisation occurs, the employee will be given special unpaid leave of absence within the organisation.

9.2 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. Where an employee's mobilisation results in additional costs, the Trust may seek compensation from the MoD, for example:

**One-off costs** (no cap on claims but must be supported by relevant documentation)

- Any costs of hiring a temporary replacement that exceeds the reservist's earnings.
- Advertising for replacement or agency costs.

### Recurring costs

- Overtime costs if another employee is used to cover the work of the reservist.
- Costs of temporary replacement.
- Training costs for any training the employee needs as a result of having been mobilised when they return to work (the MoD will not pay for training that would have been carried out anyway).

The maximum claim available is £110 per day (£40,000 per annum) which can be made for every normal working day that the reservist is away on service. In order to claim financial assistance, the Trust will provide the MoD with appropriate supporting documentary evidence.

The latest date for submitting claims for financial assistance, other than for training, is within four weeks of the date the reservist is demobilised.

## **10. NHS Pension Whilst on Active Service**

- 10.1 A reservist who is called-up is entitled to remain a member of the NHS Pension Scheme. The MoD will pay the Trust's pension contributions whilst the individual is mobilised provided they continue to pay their individual contributions.

The employee's pension contributions would be calculated and held over until the employee returns, these would then be recovered monthly from salary and over the same period as the employee was absent. The Trust will continue, on request of the employee, to pay employer's contributions to the NHS Pension Scheme for the period of mobilisation and invoice the MoD to recover this amount.

## **11. Annual Leave Whilst Mobilised**

- 11.1 Reservists have no entitlement to accrue annual leave or unpaid leave whilst mobilised and should be encouraged to take any accrued leave before mobilisation. Reservists will have a period of 'post tour' leave which they accrue at the rate of 2.5 days per month of service from the MoD. This leave will be taken before the individual is demobilised.
- 11.2 All annual leave untaken up to the date of mobilisation may be carried over into the following leave year.

## **12. Pay Progression & Appraisals**

- 12.1 The organisation will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service, which will be considered continuous and an employee will not be penalised if it coincides with their pay band gateway. This would be completed on the employees return and backdated to the employee's normal incremental date.
- 12.2 Line managers who carry out appraisal meetings with a reservist should be made aware that the 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.

It is therefore good practice that the organisation and managers recognises these skills and abilities in an individual's appraisal meeting and acknowledge that the activities can be regarded as evidence of achievement or in some circumstances contribute towards an individual being in a position to evidence application of knowledge and skills.

## **13. Support on Return to Work (Demobilisation)**

- 13.1 Demobilisation with a reservist returning to work after a period in deployment requires a smooth reintegration into the workplace/team, including the following considerations:
- The need to update them on changes and developments in the organisation.
  - 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 them with new aspects of the job.
- Whether the reservist can meet up with colleagues informally or socially (if appropriate) 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.

13.2 When an employer is advised by a reservist that they want to return to work, the employer is obliged under The Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the reservist with their former role. Where this is not possible, they must be offered an equivalent position with the same terms and conditions of service. The right to return to work lasts for six months after demobilisation. The reservist should be reinstated with six weeks of the last day of their full-time service as part of mobilisation.

13.3 To enable the Trust to plan for their return to work after their military service has ended, reservists must advise the designated contact in writing, copied to their line manager, the date they will be available to start work. This communication should be made no later than the third Monday after the completion of military service.

## 14. Useful Sources to Help

14.1 [DRM \(Defence Relationship Management\)](#) provides support for employers of reservists, veterans, cadet force adult volunteers and military spouses and families. Helpline: 0800 389 5459 Email: [employerrelations@rfca.mod.uk](mailto:employerrelations@rfca.mod.uk)

- [Royal Navy Reserves](#)
- [Army Reserves](#)
- [Royal Air Force Reserves](#)
- [The Cadet Forces GOV.UK](#)
- [Sea Cadets](#)
- [Army Cadet Force](#)
- [Air Training Corps](#)
- [Combined Cadet Force](#)

## 15. Monitoring Compliance and Effectiveness of Policy

15.1 The compliance and effectiveness of this policy has to be tested primarily through audit of key performance indicators (KPIs) as shown in attached [Appendix 1](#). This will be undertaken by the Policy author in accordance with the timescales identified.

## 16. Review, Revision and Governance

16.1 The review, updating and archiving process for this policy shall be carried out in accordance with the Trust (HCT) [GR1 Policy for Development & Management of Procedural Documents, V.5](#) by the identified Policy author.

- 16.2 Minor revisions and details of amendments are recorded as per [Appendix 2](#)
- 16.3 The version control table (Appendix 3) enables appropriate control of the policy with listed personnel responsible for its implementation as well as the date assigned/ approved/ circulated.

## **17. Equality Analysis (EA)**

- 17.1 It is the mandatory responsibility of the Policy author to complete the EA form (Appendix 4) before submitting the policy for approval.

## **18. References**

<https://www.nhsemployers.org/retention-and-staff-experience/supporting-the-armed-forces-in-the-nhs/what-can-i-do-to-be-a-supportive-employer/create-an-armed-forces-policy>

## **19. Appendices**

The following appendices are attached to support this policy:

**Appendix 1** – Monitoring Compliance for Policy

**Appendix 3** – Version Control Table

**Appendix 4** – Equality Impact Analyses

# APPENDICES

## Appendix 1: Monitoring Compliance for Policy

This document will be used to ensure effective monitoring and to seek compliance assurance for the policy.

Policy name	Employing Staff in the Reserve and Cadet Forces Policy	Policy version	1		
Policy author	People and OD Lead	Date of approval	17 November 2020	Date of next review	November 2023

Requirement to be monitored (WHAT)	Lead (WHO)	Tool (HOW)	Frequency of Monitoring (WHEN)	Reporting Arrangements (WHERE)	Development of Action Plan (WHAT and WHO)	Monitoring of Action Plan and Implementation (HOW and WHEN)
Review of Policy	Policy Author	Scheduled 3 year review with People Team and JNC	3 yearly	Joint Negotiating Committee	Policy Author	As per policy review schedule or earlier at discretion of the Lead Director. JNC minutes note review of policy and/or approve new edition. Policy disseminated.
Review of uptake of time off for summer camps	Policy Author	Information captured on HR systems.	Annually	Within People Team	Policy Author	This will inform discussions at the 3 year review.

## Appendix 2: Version Control Table

<b>Version No.</b>	<b>Status</b> <i>(Preliminary draft/ Consultation draft/ Approved)</i>	<b>Date of circulation</b> <i>(mm/ yyyy)</i>	<b>Circulation list consulted for review process</b> <i>(with their Designation)</i>	<b>Response received</b> <i>(Yes/ No)</i>	<b>Response included in the final version</b> <i>(Yes/ No*)</i>	<b>Key Comments</b> <i>(If *No, explain in brief)</i>
Version 1	Approved	17/11/2020	JNC			

### Historical Editions:

<b>Edition/ Version and Date</b>	<b>Reason for archiving</b>	<b>Date for archiving and location</b>
	Superseded by	<i>N:HCT/Shared Secure/Archived Policies</i>

## Appendix 3: Equality Analysis (EA) Form

Evidence that the Trust has carried out an equality analysis is required by law. The [Equality Act 2010](#) places a specific duty on public authorities including NHS Trusts to publish sufficient information to demonstrate compliance with the general equality duty to have due regard in the exercise of their functions to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic & those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

For an easy read guide to the [Equality Act 2010](#) see:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85039/easy-read.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85039/easy-read.pdf)

<b>1. Details of the policy</b>				
Title of Policy/ Service/ Function/Proposal: Employing Staff in the Reserve and Cadet Forces Policy		New		Date of completion: 2/10/2020
<b>Name &amp; Role of all staff involved in completing the EA:</b>				
<b>2. About the Policy.</b> Who is likely to be affected by this policy? Staff				
<b>3. Assessing the impact</b> (see section 13.3 of guidance notes)				
Protected Characteristic under the <a href="#">Equality Act 2010</a> (unless marked with a *)	<b>Probable impact on group - Please give reasons for your selection</b>			
	<p><b>The key question to ask – is there potential positive or negative impacts in relation to the different protected characteristics?</b></p> <ul style="list-style-type: none"> <li>▪ Is there any evidence that some groups are affected differently?</li> <li>▪ If so, are any exceptions valid, legal or justified?</li> <li>▪ Are there any risks in providing a fair and equitable service?</li> <li>▪ Are there any barriers to access?</li> <li>▪ Is the policy likely to affect the promotion of equality in the areas of age, disability, gender, gender re-assignment, race, religion or belief, sexual orientation, pregnancy and maternity or human rights?</li> <li>▪ Is the impact of the policy likely to be negative on any groups?</li> <li>▪ Can any identified negative impacts be minimized or avoided?</li> <li>▪ Does the evidence show any potential to discriminate?</li> <li>▪ Does the policy address the needs of any of the protected groups in a positive way?</li> </ul> <p>How will you reduce any negative impacts?</p>			
	<b>Positive</b> (A policy or practice where the impact on a particular protected group is more positive than for other groups)	<b>Negative</b> (The outcome of a policy that creates disadvantage to or unequal treatment of a person with a protected characteristic)	<b>Neutral</b> (The evidence identifies that the policy has neither a positive nor a negative impact on any group, compared to others)	
<b>Age</b> (e.g. older or younger people)			x	
<b>Disability</b> (physical/ sensory/ learning/ mental health/other)			x	
<b>Gender reassignment</b> (process of transitioning from one gender to another)			x	
<b>Marriage or civil partnership</b> (legally married, or in a civil partnership)			x	
<b>Pregnancy or maternity</b> (women who are pregnant, whilst maternity)			x	

<i>covers a period of 26 weeks after birth)</i>				
<b>Race</b> <i>(incl. issues relating to ethnicity &amp; culture)</i>			X	
<b>Religion / belief</b> <i>(people who hold religious and non-religious beliefs)</i>			X	
<b>Sex (gender)</b> <i>Men / Women</i>			X	
<b>Sexual orientation</b> <i>(lesbian, gay or bisexual, heterosexual etc.)</i>			X	
<b>*Human rights</b>			X	
<b>Can the identified potential negative impacts be avoided or minimised by taking different action? Is there potential to further promote equal opportunities?</b> <i>(see section 13.4 of guidance notes)</i>	No negative impacts			
<b>What information or data, if any has been used to complete this EA?</b>	NHS Employers Guidance/model policy			
<b>Do you require further information or data to complete the analysis/actions?</b>	No			
<b>Involvement and Engagement:</b> Consider external diverse views from people with the protected characteristics	Policy to be approved by JNC			
<b>Do you plan any further involvement /engagement?</b>	No <input type="checkbox"/> <input type="checkbox"/>			