

Report to: Governance Committee

Date of meeting: 18 September 2018

By: Chief Operating Officer

Title: Reservist and Armed Forces Community Policy

Purpose: To propose the adoption of the “Supporting the Armed Forces Community” policy.

RECOMMENDATION

The Governance Committee is recommended to approve the adoption of the “Supporting the Armed Forces Community” policy.

1 Background

1.1 As the Governance Committee will be aware, the Council recently applied for reaccreditation under the Defence Employer’s Recognition Scheme. A number of actions were taken in support of this, including creating a community of trained Armed Forces Champions across the organisation, and offering a guaranteed job interview to ex-forces applicants who meet the essential criteria for a given role. As a result, the organisation has now been awarded Silver accreditation under the scheme, compared to our previous Bronze status.

1.2 In addition to the actions already taken, there are various recommended actions an employer can take in order to improve its award level under the recognition scheme. One recommendation is that participating organisations develop a dedicated policy on supporting reservists and the wider Armed Forces Community

1.3 A Supporting the Armed Forces Community policy has therefore been developed, and is attached as Appendix 1. The majority of the information included in the document has no direct impact on terms of employment, and simply conveys best practice guidance to help managers support members of the Armed Forces Community such as ex-forces personnel and military spouses.

2 Reservist mobilisation

2.1 The Ministry of Defence provides a model policy for employers of reservists, which has been used as the basis of the ESCC policy. By law, reservists’ contracts of employment are suspended during periods of mobilisation, and the period is not recognised for the purposes of accruing entitlement to annual leave, sick pay or other benefits.

2.2 However, organisations do have the option to keep reservists’ contracts fully operable during the mobilisation period, allowing them to accrue entitlements while mobilised. The Ministry of Defence (MoD) provides optional wording to this effect in the model template.

2.3 If the Council chooses to keep reservists’ contracts fully operable during mobilisation, the entitlements below would be affected:

- **Sick pay service related entitlement:** The period of mobilisation would be counted as reckonable service for the purposes of determining occupational sick pay entitlements for the employee. The amount of occupational sick pay available typically increases by one month of full pay for every year of service completed.
- **Annual leave service related entitlement:** The period of mobilisation would also be counted as reckonable for determining service related leave entitlements – for example, the additional days’ leave granted to staff after five years’ service.
- **Redundancy** – The period of mobilisation would be reckonable when calculating the employee’s service length for the purposes of a redundancy payment.
- **Automatic pay increments** – While the reservist would not be paid by the council during mobilisation, their salary would continue to increase in line with any automatic incremental

progression due, regardless of absence due to a period of mobilisation. Note that this approach would be more favourable than the Council's career break scheme, under which employees do not automatically receive increments while absent from work.

2.4 Periods of mobilisation vary in length, and consequently the impact of suspending or continuing entitlements will be greater if the mobilisation lasts longer. The MoD does not define the average length of a mobilisation period, but describe it as 'typically no longer than 12 months'.

2.5 Should the County Council wish to apply for reaccreditation under the Defence Employers Recognition Scheme in future, it is likely that a decision to keep reservist contracts fully operable during mobilisation would be looked upon favourably, particularly if we wish to apply for Gold status, in line with other local public sector organisations.

2.6 Preserving contract operability is likely to be viewed as a significant benefit by reservists, and may go some way towards enhancing the council's reputation as an employer of choice. Conversely, ceasing entitlements during mobilisation may be viewed as harsh or punitive, given that the reservists are arguably undertaking a service to the community, possibly at risk to their own safety and wellbeing.

2.7 The council employs a very low number of reservists, with a recent staff survey suggesting that only 2 are currently working at ESCC. There is no reason to believe the number of reservists working in the organisation is likely to increase significantly, and there is no guarantee that a reservist will be mobilised for any significant amount of time. It is proposed that Reservists contractual benefits should not be suspended during periods of mobilisation.

3 Additional leave for Cadet Force Adult Volunteers

3.1 For information, another recommendation of the employer's recognition scheme is that employees who volunteer as instructors in the Army Cadet Force be granted up to 5 days' additional paid leave, and up to 10 days' unpaid per year, to undertake this voluntary activity.

3.2 The Council has in place a policy on the provision for paid and unpaid leave, which incorporates the national provisions for 'special paid leave'. The activities for which special paid leave may be granted include: membership of public bodies, the Magistrates Service, Military Reserve service and Trade Union duties. At present, Army Cadet Force Volunteers are not included. We are currently undertaking a review of the special paid leave provisions and this review will include consideration of the position for Army Cadet Force Volunteers.

4 Conclusion and reasons for recommendations

4.1 The Governance Committee is recommended to approve the Supporting the Armed Forces Community Policy including the proposal to keep reservists' contracts operable during mobilisation..

4.2 Adopting this policy is likely to support future applications under the Defence Employers Recognition Scheme, while having minimal impact on service delivery.

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