



Supporting the Armed Forces Community

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Document summary

Guidance on supporting Reservists and other employees from the Armed Forces Community.

Enquiries

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Supporting the Armed Forces Community

Key points

- The Council is committed to supporting members of the Armed Forces Community, both within its own workforce and in the wider population.
- This document provides managers and colleagues with practical guidance on supporting colleagues from the Armed Forces Community, and includes our policy on mobilisation of reservists.
- A range of additional support is also available outside of ESCC – further details can be found on the Intranet/Webshop.
- This document applies to all employees of the County Council, including those in schools.

1. The Armed Forces Covenant

- 1.1. East Sussex County Council has signed the Armed Forces Covenant. The Covenant is a promise by the nation that those who serve or have served in the armed forces, and their families, will be treated fairly.
- 1.2. The Council is also a member of the Defence Employers Recognition Scheme. This commits the organisation to a number of actions, including:
 - Demonstrating support for service personnel issues
 - Employing members of the Armed Forces Community
 - Showing flexibility towards annual training commitments and mobilisation of Reservist employees

2. Who are the Armed Forces Community?

- 2.1. The Armed Forces Community includes the groups of people listed below.
 - Armed Forces Personnel: Those currently serving in the Armed Forces (Army, Navy, Air Force or Royal Marines) on a full-time, ongoing basis.
 - Reservists: Those who may be called to serve in Armed Forces as and when required, either on a voluntary basis or following a full-time career.
 - Veterans and Ex-forces: These two terms may be used interchangeably. Anyone who has completed at least one day of service in the Armed Forces is classified as a Veteran. Veterans can be any age, and have any length of service.
 - Military spouses, partners and family members: Relatives of someone who serves or has served in the Armed Forces.
 - Adult Cadet Volunteers: Those who volunteer as instructors in the Air Training Corps, Army Cadet Force, and Sea Cadet Corps.

Each section of this document provides specific guidance on supporting the different members of the Armed Forces Community in the workplace.

Reservists

3. Support for Reservists

- 3.1. The County Council has pledged its support of 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 the organisation. This policy intends to define our obligations towards all employees who are members of the Reserve Forces.
- 3.2. The Council will not disadvantage those Reservists who notify the organisation of their Reserve status, or those Reservists who are made known to the Council directly by the Ministry of Defence (MoD).
- 3.3. Subject to the considerations below, managers should normally agree to release Reservists when mobilised for Reservist duties, or for attendance at Reserve Forces Training events where these take place on their normal working days.
- 3.4. Under The Reserve Forces Act (Safeguarding of Employment) Act 1985, an employee's service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, he or she can return to employment upon which their continuity of service will be restored. The Council's policy is that it 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 or service related benefits.

4. Types of Reservist

- 4.1. 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.

However 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).

5. Reserve status notification

- 5.1. Reservists are required to inform their employer that they are a member of the Reserve Forces and the specific force that they belong to. This is so that the employer can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave for training and/or mobilization.

- 5.2. 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 employer is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.
- 5.3. The MoD will issue written confirmation to the employer informing them the employee is a Member of the Reserve Forces. The letter will provide detail of mobilisation obligations, and the rights of the employer and employee. It also explains 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.
- 5.4. It is the responsibility of the Reservist to ensure their personal details are kept up to date, for example if they change their respective Reserve Force.
- 5.5. In any circumstance, the Reservist will not be disadvantaged as a result of notifying the Council of their Reserve status.

6. Training commitments and time off

- 6.1. Reservists are typically committed to 24-40 days 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 a number of 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.
- 6.2. The Council's policy is that Reservists may be granted up to 18 days' special paid leave per year, to attend their annual training camp. This leave may also be used to undertake additional training associated with their duties, if it is not possible to arrange this on days when they would normally not be working.
- 6.3. As per the Council's Paid and Unpaid Leave Options document, special paid leave needs to be approved by a manager at grade LMG2 or above or, for schools employees, by a Headteacher.
- 6.4. 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.
- 6.5. Depending on the business needs of the service, it may also be appropriate to use flexible working to help meet a Reservist's training commitments. For more information, see the Flexible Working pages of the Intranet/Webshop.

7. Mobilisation

- 7.1. 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 maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months.
- 7.2. The Call-out papers for mobilisation are sent by post to the employer, 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 prior to mobilisation.
- 7.3. A period of mobilisation comprises three distinct phases:
- Medical and pre-deployment training
 - Operational tour
 - Post-operational tour leave.
- 7.4. A call-out notice can be appealed if the Reservist absence is considered to cause serious harm to the business. The Reservists can also appeal against call out. Details of how to apply for a deferral/exemption or revocation of a call-out notice, as well as deadlines for appeal, are included in the employer's call-out pack. As a matter of Council policy, managers would normally be expected to release Reservists for mobilisation unless exceptional circumstances apply.

8. Managers' responsibilities before and during mobilisation

- 8.1. There are a number of actions managers should take to help support the mobilisation process:
- Meet with the Reservist to ensure all mobilisation paperwork is completed, including the employers consent form.
 - Notify Employee Services of the intended first day of mobilisation, so the Reservist's HR record and pay can be adjusted as appropriate.
 - Discuss any handover of work and return of equipment.
 - Exchange contact details (e.g. email addresses) to enable both parties to do keep in touch. This will help with a smooth reintegration of the Reservist back into the workplace. Next of Kin details should also be confirmed and updated.

9. Treatment of terms and conditions during mobilisation

- 9.1. The County Council 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 or service related benefits
- 9.2. Pay and Benefits.
- 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 their employer, 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.

9.3. The MoD will pay the Reservist directly. The Council will therefore place the employee on unpaid leave during mobilisation.

9.4. Contractual benefits that are suspended by the employer during mobilisation can also be claimed by the Reservist as part of their Reservist Award.

9.5. Pension

If the Reservist is a member of an employer pension scheme and the employer suspends the employer contribution, and the Reservist chooses to remain within it, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions

9.6. Annual leave

Employees will not accrue annual leave with the County Council while mobilised. Reservists instead accrue annual leave with the MoD whilst they are in full time service, and will take a period of paid post-operational leave as part of the mobilisation period.

9.7. Sick pay

During the period of mobilisation the Reservist will continue to accrue any rights to service-related 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.

9.8. After this time the Reservist will be covered by the Council's sickness arrangements.

9.9. Dismissal and 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. The Defence Reform Act 2014 introduced legislation in the UK to provide Reservists with immediate right of access, without a qualifying period, to an Employment Tribunal for unfair dismissal if the dismissal relates to Reserve Service

9.10. Reservists can be included in the redundancy pool if this is necessary. 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

10. Return to work and aftercare

10.1. Both the Reservist and their employer have obligations regarding the return to work process.

10.2. Reservists 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. The formal application must be made in writing for it to be valid under the Reserve Forces (Safeguarding of Employment Act) 1985 Act. Reservists should also informally contact their line manager to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call.

- 10.3. 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 prior to mobilisation.
- 10.4. If the 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.
- 10.5. If managers have any concerns or questions about reinstating a reservist, or anticipate any difficulty in reinstating a reservist to their previous role, they should seek advice from HROD.
- 10.6. 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 workplace experience. The employer's mobilisation pack will explain how to claim for relevant training costs.
- 10.7. Managers should also consider the following support, to ensure a smooth return to work:
 - The need to update the Reservist on any changes or developments within the team, service, or the wider organisation
 - Whether the Reservists' job role has changed since mobilisation, and any new or 'refresher' training required
 - Whether the Reservist feels they would benefit from meeting up with colleagues informally or socially before or after return to work.
 - Signposting the Reservist to the Council's Counselling and Employee Assistance programme, or referring them to the Occupational Health Service if they have a health problem that is affecting their ability to work.
 - Whether the Reservist feels they might benefit from flexible working arrangements. Please see the Flexible Working pages of the Intranet/Webshop for further information.
 - Reasonable time off to seek therapeutic treatment if required. Employees should make up any working time lost. If the treatment relates to a disability, this may be considered a reasonable adjustment, and the manager should contact HROD to discuss.
 - Signposting the Reservist to the external sources of support available for the Armed Forces Community. Please see 'External support' below, for further information.

11. Financial Assistance for employers

11.1. In the event a Reservist employee is mobilised, employers are eligible to claim back additional costs associated with replacing the called up employee, where these are above the normal cost of the employee's wages. The following costs may be claimed back from the Ministry of Defence:

- Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or costs associated with advertising the vacancy. There is no cap on these claims, but costs must be supported by the relevant paperwork.
- Overtime costs, if other employees work overtime to cover the work of the Reservist, or costs of temporary replacement, by the amount that such costs exceed earnings of the Reservist. The maximum claim available is £110 per day (£40,000 per annum). 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.
- If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the Company can make an application for financial assistance.

Veterans and ex-Forces personnel

12. Supporting veterans, and ex-Forces personnel

- 12.1. Anyone who has completed at least one day of service in the Armed Forces is classified as a Veteran. Veterans can be any age, and have any length of service, but will have now left military service, and might also be referred to as ex-Forces personnel.
- 12.2. Veterans come from a diverse range of backgrounds, and each individual will have a different experience of military life. However, there are some general considerations that managers and colleagues should be aware of if an employee discloses that they are a veteran.
- 12.3. Remember however that not all employees will necessarily choose to disclose or talk about their military service, and it is not appropriate to enquire about it or discuss it without invitation.

13. Recent service leavers

- 13.1. Military service can begin at 16 years old. For those joining the military aged under 18, their service commitment is up to six years in total. For joiners over 18, the minimum service commitment is four years.
- 13.2. This means that someone can leave the Armed Forces in their 20's, having already spent a significant amount of time in service.
- 13.3. Military service provides individuals with a range of skills that are valuable to employees, and instils personal qualities such as discipline, self-reliance, a strong work ethic, and excellent time management. When someone reaches the end of their service, they will also be offered additional training to gain specific skills useful for transitioning to the civilian workforce, and more general training on life in the civilian workforce.
- 13.4. It is also worth remembering that as an employer, the military provides a level of support to employees which is not found in the civilian workforce – for example providing accommodation, meals, and a highly structured routine. Military life also provides a strong sense of camaraderie, and a ready-made support network of fellow service personnel. When someone transitions from the military to the civilian workforce, this can represent not just a change in jobs, but a significant change in lifestyle.
- 13.5. Veterans may therefore benefit from additional support at the beginning of their employment, such as identifying a 'buddy' in the team who can be on hand to answer questions and help with further orientation.
- 13.6. Recent service leavers may also find the Council's coaching scheme particularly useful. The organisation maintains a network of trained coaches, who can help individuals to identify goals, think through work-related problems, and build better relationships with their colleagues. More information about coaching is available on the intranet.
- 13.7. In addition, the Council also has a network of Armed Forces Champions. This is a group of staff trained to support the Armed Forces Community, and it includes some colleagues with a military background, who may also be able to act as a 'buddy'. For more information, see the 'Armed Forces Champions' page on the intranet.

- 13.8. There is also a range of things that managers and colleagues should be aware of, to help a recent service leaver transition into the civilian workforce:
- Carry out a thorough induction and probationary review process. This will help ensure the employee is aware of the processes, policies, and entitlements that apply to employees, some of which might be unfamiliar to a recent service leaver.
 - Be aware of timekeeping. Service leavers are likely to be highly punctual, and will expect the same of their colleagues. Try to ensure that meetings start at the stated time, or that colleagues communicate any delays or changes to schedules in advance.
 - Don't assume local knowledge – service leavers may have recently relocated.
 - Be mindful of working hours. Military life instils a strong work ethic and expectation of 'working until the job is done'. Recent service leavers might expect to work beyond normal office hours to complete a task, rather than coming back to it the next day. They will therefore particularly benefit from being given specific time parameters to complete a task within.

14. Veterans with disabilities or health problems

- 14.1. It is a misconception to believe that disabilities, injuries and poor mental health are widespread among veterans. However just like with the civilian population, some veterans may need additional support in the workplace due to a health problem.
- 14.2. As with all new starters, veterans will undergo a health assessment as part of their pre-employment checks. This will identify any workplace adjustments that the manager needs to put in place to support them in their role. For more information, see the Workplace Adjustments page on the Intranet, or consult the Occupational Health service.
- 14.3. Should a manager become concerned about the effect that an employee's health is having on their work, they can make a referral to the Council's occupational health service, with the employee's consent. For full details, please see the Occupational Health Referrals page on the Intranet/Webshop.
- 14.4. In addition, all employees can access our staff counselling and employee assistance service, details of which are available on the Intranet/Webshop. This is a fully confidential service that can help with a variety of personal problems.
- 14.5. As well as the services above, there are a number of independent charities and support groups that are accessible by the Armed Forces Community. While these are not recommended as a substitute for the workplace support available above, they may be able to provide assistance in a veteran's personal life – for example by funding reasonable adjustments in a disabled veteran's home. Please see the list of resources for the Armed Forces Community available on the Intranet.

Military spouses, partners and family members

15. Support for military spouses partners and family members

- 15.1. Like service personnel themselves, military family members are a diverse group of people, and each individual will have a different experience of military life.
- 15.2. However, there are some common issues that managers and colleagues should be aware of.
- 15.3. Being the spouse, partner or relative of someone in the Armed Forces means living with the reality that your loved one could be called away on operations at any time. They might be away from their family for an extended period of time, and they may be injured or even killed in service.
- 15.4. Military families may also need to relocate more frequently, as required by the needs of their loved ones' service. This can mean that military families can become isolated from support networks they have called upon in the past.
- 15.5. Some military family members may also be carers for a relative who has been injured or developed health problems during their military career.
- 15.6. All of these factors can of course be a significant source of stress and disruption for members of the family involved. While individual circumstances will vary from employee to employee, there are some practical ways in which managers can provide support, if the employee has indicated that this would be welcomed
 - Where an employee is experiencing disruption due to a family member being called away, it may be useful to consider any flexible working options that could be used to help them balance their work and personal commitments. For more information, please see the Flexible Working pages of the Intranet/Webshop.
 - In the event of serious personal emergencies or family problems, compassionate leave may also be granted, provided it is approved by a manager at grade LMG2 or above. More information about compassionate leave can be found in the Paid and Unpaid leave options document.
 - The Council also provides a managers toolkit for supporting staff with caring responsibilities
 - All employees can access our staff counselling and employee assistance service, details of which are available on the Intranet/Webshop. This is a fully confidential service that can help with a variety of personal problems.
 - A range of support groups and charities exist to support military families outside of the workplace. Please see the list of resources for the Armed Forces Community on the Intranet.
- 15.7. If an employee discloses that they are experiencing problems as a result of a family member's military service, managers might want to discuss what information they would like to be shared with their colleagues and the wider team. This is particularly useful during wartime or periods of armed conflict, where insensitive or thoughtless comments can have a particular impact on military family members. Any incidences of harassment or victimisation should be dealt with quickly, either following the Council's Dignity at Work guidance, or via the Disciplinary Policy.

Adult Cadet Volunteers

16. Support for Adult Cadet Volunteers

- 16.1. As the name suggests, Adult Cadet Volunteers: are adults who volunteer as instructors in the Air Training Corps, Army Cadet Force, and Sea Cadet Corps.
- 16.2. The range of activity a volunteer undertakes may vary, but might typically include attendance at a weekly meeting, as well as occasional trips away, such as for a cadet training camp.
- 16.3. Employees are expected to undertake volunteering activities outside of working hours, or by taking annual leave. However, the Council recognises the benefits of this activity, both to the individual and society in general. Managers are therefore encouraged to consider any appropriate support that can be put in place to help volunteers undertake their duties. For example, an employee might finish work early once a week in order to attend a Cadet Force meeting.
- 16.4. For further information, please see the Flexible Working pages on the Intranet/Webshop.