



**Employing Staff who are in the  
Reserve Forces**

**Guidance for Managers and  
Employees**

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## **1 Introduction**

The City Council entered the Armed Forces Community Covenant in 2012 and then reaffirmed its allegiance by signing a refreshed Community Covenant in 2018.

The Council is committed to employing members of the Armed Reserve Forces (Reservists) and to supporting them whilst in our employment. In recognition of this support, the Council was awarded the Silver Award of the Defence Employer Recognition Scheme (ERS) in 2017.

The Council recognises the vital role of the Reserve Forces and the valuable contribution Reservists make to national defence and to their communities. It also recognises the many skills that Reservists gain during their training and mobilisation that are transferable and valuable to the workplace and which will be brought to the Council; for example, leadership, team working and communication.

This guidance details how the Council supports and manages employees who are Reservists or who are considering becoming a Reservist.

## **2 Scope**

- 2.1 This guidance applies to all employees of the Council and sets out the management issues and statutory considerations in relation to Reservist employees (or employees who are considering becoming a member of the Reserve Forces).
- 2.2 Aberdeen City Council as an equal opportunities employer recognises and supports the work carried out by Reservists and the benefits that the employment of Reservists can bring to the Council.

## **3 Types of Reservists**

- 3.1 Volunteer Reservists are members of one of the following:
  - Army Reserves
  - The Royal Naval and Royal Marines Reserves
  - Royal Air Force Reserves
- 3.2 Volunteer Reservists, who may have full-time or part-time civilian jobs, are trained and developed in the same way as the Regular Forces to carry out the same roles and can be called upon as individuals or as part of a unit when required.

## **4 Responsibilities**

### **4.1 Employee Reservists**

To enable the Council to support Reservists, employees who become or wish to become Reservists or new employees who are already Reservists, should inform their Line Manager as soon as they are accepted into the Reserve Forces or at the time of appointment, whichever applies. This is to allow the Council to provide any reasonable support and deal with the practical implications.

4.1.2 Once the Reservist employee has been granted permission from their employer to be contacted, the Council will be notified directly by the Reserve Force itself, via the Employer Notification Process. The Line Manager must then notify the HR Service Centre and pass them a copy of the notification paperwork to be held in the employee's personal file with a record of the Reservist employee held on the HR/Payroll system.

4.1.3 Reservist employees have a responsibility to ensure that they are familiar with the contents of this guidance note.

### **4.2 Managers of Employee Reservists**

Managers who have employees in the Reserve Forces must ensure that they are familiar with the contents of this guidance note and are able to work within its provisions to support employees who are Reservists.

## **5 Reservist Employee's Training Commitments and Time Away from Work**

5.1 The Council recognises the importance of the training undertaken by Reservists that enables them to develop skills, knowledge and experience that are of benefits to their role within the Reserve Forces and are also valuable to the individual and to the Council.

5.2 Reservists typically have the following training plan:

- Weekly training night (2 hours) per week at local Reserve centre
- Weekend training events throughout the year
- Annual Deployment Exercise/Training event of up to 15 days

5.3 The Council's Special Leave provisions grant employees who are Reservists, up to 15 days' special leave, with full contractual pay, to attend the annual training camp for a period of one week or more. This will be subject to the deduction of service pay and allowances received in respect of the period of special leave.

- 5.4 Reservist employees who require time off for other Reservist activities are expected to use their normal annual leave entitlement (or use unpaid or flexi leave or to agree with their manager to make up any lost time at a later point). For example, if they are required to travel on a Friday for a weekend training camp, leave, as above, would need to be approved or an agreement reached for the lost time to be made up. Whilst the Council will try to accommodate any request for time off for such activities, it cannot guarantee that Reservist employees' requests will be granted as any decision must take account of operational service needs and team impact.
- 5.5 Reservist employees should give as much notice, as is reasonably possible, certainly no less than 10 working days of their training commitment, to allow appropriate planning for absences.

## **6 Procedure for Mobilisation**

- 6.1 This is the process of calling Reservists into full time service to serve alongside the Regular Forces on operations in the UK or abroad. All Reservists are committed to the possibility of being mobilised if necessary. A specific 'call-out' order is given under the Reserve Forces Act 1996.
- 6.2 The frequency of mobilisation will vary depending on the Force but generally, the maximum period of mobilisation is typically no longer than 12 months including up to 6 months of deployment, depending on the scale and nature of the operation. Although there is no statutory requirement for a warning period prior to mobilisation, the Ministry of Defence (MoD) aims to give at least 28 days' notice.
- 6.3 The Reservist will be issued a 'call-out' pack by the MoD that includes a call-out notice detailing the call-out date and how to claim any financial assistance. The MoD will also write to the Council providing an employer pack and a copy of the call-out notice.
- 6.4 The Line Manager must notify the HR Service Centre of the pending mobilisation of the Reservist employee and forward a copy of the call-out notice for the employee's personal file. The HR Service Centre will then issue a letter to the employee confirming arrangements in relation to their employment during mobilisation (see template letter at Appendix 1).
- 6.5 The HR Service Centre will advise the Talent Team within People and Organisational Development of the mobilisation of the Reservist employee so that appropriate support and communication can be put in place.

- 6.6 A pre-mobilisation meeting will take place between the Line Manager and the Reservist employee. The transition from employment to mobilisation should be done with as minimal impact upon service delivery and to the organisation as possible.

The purpose of the pre-mobilisation meeting is to:

- Ensure all required paperwork is completed.
- Ensure any claims for financial assistance have been made.
- Discuss handover of any work.
- Discuss and agree arrangements for keeping in touch whilst mobilised. Most Reservists are likely to have access to email, but the method and frequency of contact should be discussed and agreed with the Reservist employee.
- Arrange for the return of any ICT equipment such as a laptop, mobile phone, electronic devices etc. and ID badge and any other Council property or equipment for the period of mobilisation.

## **7 Exemption, Deferral and Revocation from Mobilisation**

- 7.1 The Council is supportive of Reservists' mobilisation and will normally release an employee for Reserve services, in all but exceptional circumstances. However, the employer has the right to seek an exemption, deferral or revocation if it is considered that the absence would cause significant harm to the team, service and/or organisation.

The definition of harm may include 'harm or inability to provide 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)'.

- 7.2 An application must be made by the employer to the Adjudication Officer within 7 days of receipt of the call-out notice. Full details of the procedure will be detailed in the call-out pack.

If an application for an exemption, deferral or revocation is being considered, the Reservist Employee's Chief Officer should contact AskHR as a matter of urgency for discussion and advice.

The Line Manager must inform the Reservist employee of any decision made to apply for an exemption, deferral or revocation of the mobilisation and explain the reason(s) for this.

If the application for exemption, deferral or revocation is rejected by the Adjudication Officer, the employer may lodge an appeal. If an appeal is being considered, the Reservist Employee's Chief Officer should contact AskHR for advice before deciding whether to proceed with an appeal.

- 7.3 The Reservist employee also has the right to apply for exemption, deferral or revocation if the call-out papers arrive at a difficult time for them personally. This should be discussed with their Line Manager. Details of this right will be included in the call-out pack.

## **8 Mobilisation and Financial Assistance**

- 8.1 Mobilising a Reservist employee will impact on the Council's resources and service delivery. The Council is entitled to claim financial assistance if filling the role on a temporary basis incurs additional costs. For further information on financial support for employers, please visit <https://www.gov.uk/employee-reservist/financial-support-for-employers>

## **9 Demobilisation**

- 9.1 After completing their tour of duty, Reservists will be demobilised. On being advised by the Reservist that they intend returning to their role giving at least 4 weeks' notice.
- 9.2 The Reservist Employee's Line Manager should write to the Reservist employee to confirm their return to work using the template letter attached at Appendix 2.
- 9.2 Demobilisation can often be a difficult and challenging time as Reservists face re-integration and adjustment back into family and social life and their work. The Council will ensure that the Reservist employee is given full support in terms of their employment and welfare.

## **10 Terms and Conditions of Employment During Mobilisation**

- 10.1 For contractual purposes, the period of mobilisation will be treated as a "temporary suspension of contract" during which normal contractual benefits will not apply (for example, pay and other allowances).

### **10.2 Continuity of Employment**

- 10.2.1 The continuity of the Reservist employee's period of employment is not broken by a period of mobilisation, if they are reinstated to their former employment within 6 months of demobilisation.
- 10.2.2 However, when calculating the employee's total period of continuous employment, the Council will discount the number of days falling in the period between the date on which the Reservist is called up for military operations and the day immediately preceding the day on which they return to work. The break itself will therefore not constitute a break in

continuity of service. Instead, continuity of service will resume once the employee returns to work.

### **10.3 Pay**

10.3.1 When mobilisation occurs, the Reservist employee will be given special unpaid leave of absence for the required period. The employee's pay and allowances are suspended during the period of mobilisation as is any incremental advancement.

10.3.2 The Reservist employee will not, in effect, suffer any loss of contractual earnings during the mobilisation period. The MoD will pay the Reservist a basic salary in accordance with their military rank. If this basic salary is less than the salary received in their civilian role they must apply to the MoD for the difference (referred to as the Reservist Award). This will be detailed in the call-out pack.

### **10.4 Pension**

10.4.1 The Reservist employee should contact the relevant pension scheme either the North East Scotland Pension Fund, for the Local Government Pension Scheme, (or the Scottish Public Pension Agency, for Teaching staff), well in advance of their mobilisation for details of options in relation to pension/payment of pension contributions during their mobilisation and the appropriate process to follow in relation to each option. (See section 13 for links to the pension scheme websites where contact details can be found)

### **10.5 Annual Leave**

10.5.1 Organisations are not obliged to provide for the accrual of annual leave for a Reservist during the period of mobilisation. A Council employee will not therefore accrue annual leave during that period. Hence, annual leave entitlement will be recalculated once the Reservist employee returns from the period of mobilisation on the basis of completed months of work in the particular leave year.

10.5.2 However, whilst on deployment and full-time service, Reservists are awarded annual leave by the MoD.

10.5.3 All Council accrued annual leave not taken up to the date of mobilisation may be taken on return to work and can be carried over into the following leave year, where necessary (to be taken within 3 months into the new leave year).

### **10.6 Sick Pay**

10.6.1 Should a Reservist become sick or injured during mobilisation, they will be covered by the MoD's healthcare arrangements (including pay) until demobilisation. If the sickness or injury continues and this results in

early demobilisation, they will remain covered by the MoD healthcare arrangements until the last day of paid military leave.

10.6.2 On the effective return to work date, the Reservist employee will be covered by the Council's sick pay arrangements and would be required to follow the normal sickness absence reporting and certification procedure.

## **10.7 Dismissal/Redundancy**

10.7.1 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.

10.7.2 Should Reservist employees be impacted by a service redesign or redundancy situation; the relevant policies and procedures will apply. 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.

## **11 Post Mobilisation – Re-introduction to the workplace**

11.1 When Reservists return from duty after mobilisation, they are given a period of post operational leave (paid by the MoD) in order to wind down and receive a medical and briefings before returning to work.

11.2 A Reservist employee has the right to return to their substantive role. If the substantive post no longer exists, the Council will endeavour to place the employee in a post with similar responsibilities and the same terms and conditions as they held before.

11.3 In order to provide a smooth transition back into the workplace, managers should ensure that the Reservist employee's return to work is planned in a structured and supportive manner. Please see Appendix 2 for information about returning to work after demobilisation.

## **12 Aftercare and Support for Reservist Employees**

12.1 The Line Manager should make the Reservist employee's reintegration to their role and team as smooth as possible. It is recommended that the Reservist employee and Line Manager meet during the initial period following return to work to discuss:

- updates on any organisational changes
- re-training/refresher training where considered necessary

- skills training if specific aspects of the role have changed or assist with any new aspects of the role
- any health concerns and allow reasonable time off for any therapeutic treatment if required
- any skills or qualifications gained during mobilisation
- any other relevant issues

## 12.2 Employee Armed Forces Network

An Armed Forces Network has been set up in the Council for reservists, veterans, military spouses / partners, and cadet forces adult volunteers. Reservists are welcome to join this network and more information can be found on People Anytime or by emailing [armedforces@aberdeencity.gov.uk](mailto:armedforces@aberdeencity.gov.uk)

## 13 Further Information and Support

- **People Anytime**
- **Dedicated Armed Forces email address:**  
Email: [armedforces@aberdeencity.gov.uk](mailto:armedforces@aberdeencity.gov.uk)
- **Defence Relationship Management:**  
<https://www.gov.uk/government/groups/defence-relationship-management>
- Ministry of Defence: [www.mod.uk/reserves](http://www.mod.uk/reserves)
- Royal Navy website: <http://www.royalnavy.mod.uk/navyreserves>
- Army website: <http://www.army.mod.uk/reserve>
- Royal Air Force website: <http://www.raf.mod.uk/rafreserves/>
- Local Government Pension Scheme - The North East Scotland Pension Fund: <http://www.nespf.org.uk>
- Scottish Public Pensions Agency (For Teaching staff):  
<http://www.sppa.gov.uk>

## **Appendix 1**

Your Ref.  
Our Ref.  
Contact  
Email [AskHR@aberdeencity.gov.uk](mailto:AskHR@aberdeencity.gov.uk)  
Direct Dial 01224 523939

## **PERSONAL**

### **Human Resources Service Centre**

Customer  
4<sup>th</sup> Floor  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

Tel 08456 08 09 10  
Minicom 01224 522381  
DX 529451, Aberdeen 9  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Dear

### **CONFIRMATION OF EMPLOYMENT ARRANGEMENTS DURING MOBILISATION**

Further to your call-out notice for your forthcoming mobilisation with the \_\_\_\_\_ Reserve Force, I write to confirm arrangements in relation to your Council employment during that period. Your period of mobilisation commences on \_\_\_\_\_ and the following will apply during the mobilisation period.

#### **Contractual Matters**

You will remain an employee of the Council, however, the contractual terms of your employment (e.g. pay and allowances) will be suspended for the duration of your mobilisation. The Ministry of Defence will pay you during the period of mobilisation. If you have any subscriptions deducted from your salary (e.g. Trade Union subscription), which you wish to continue paying you will need to make alternative arrangements for this to be done.

No further service with the Council will accrue during your mobilisation, however, the break itself will not constitute a break in continuity of service. Instead, continuity of service will resume once you return to work.

#### **Right of Return**

You will be entitled to return to your substantive post of \_\_\_\_\_. If this post no longer exists, the Council will endeavour to place you in a post with similar responsibilities and the same terms and conditions as your substantive post.

Please note that you will forfeit the right to return to work with the Council if you fail to do so within 26 weeks of demobilisation.

### **Annual Leave**

You will not accrue annual leave or public holidays during your mobilisation period. As a result, your annual leave entitlement will be recalculated on your return from mobilisation on the basis of completed months of work in the particular leave year and you will be notified of your revised annual leave entitlement on your return. Any accrued annual leave not taken up to the date of mobilisation may be taken on return to work and can be carried over into the following year leave, where appropriate (to be taken within 3 months into the new leave year).

### **Pension**

If you are a member of one of the Council's pension schemes, you should contact the relevant pension scheme, either the North East Scotland Pension Fund, for the Local Government Pension Scheme, (or the Scottish Public Pension Agency, for teaching staff), in advance of your mobilisation, for details of options in relation to pension/payment of pension contributions during your mobilisation and the appropriate process to follow in relation to each option.

### **Keeping in Touch**

Your Line Manager will discuss and agree with you the most appropriate method and frequency of keeping in touch during the mobilisation period.

### **Return to Work**

You must write to your Line Manager no later than the third Monday after demobilisation stating your intention to return to work in the following 13 weeks (required to do so under the Reserve Resources (Safeguarding of Employment) Act 1985)). The initial period of 13 weeks may be renewed for a further 13 weeks if circumstances such as illness or injury prevent you returning to work during the initial period.

To formally indicate your acceptance of the above arrangements in relation to your employment during mobilisation, please sign the declaration below and return this letter to me within 7 days of receiving it. The second copy is for you to retain.

Yours sincerely

cc HR Service Centre (for personal file, payroll and pension sections)

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**DECLARATION BY EMPLOYEE**

*"I acknowledge and accept the arrangements in relation to my employment during mobilisation detailed in this letter."*

*Signed* ..... *Date* .....

## **Appendix 2**

Your Ref.  
Our Ref.  
Contact  
Email [AskHR@aberdeencity.gov.uk](mailto:AskHR@aberdeencity.gov.uk)  
Direct Dial 01224 523939

## **PERSONAL**

### **Human Resources Service Centre**

Customer  
4<sup>th</sup> Floor  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

Tel 08456 08 09 10  
Minicom 01224 522381  
DX 529451, Aberdeen 9  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Dear

### **DEMOBILISATION – RETURN TO WORK**

I write to acknowledge your formal notification of your intention to return to work following your period of mobilisation with the \_\_\_\_\_ Reserves.

Your mobilisation period will end on \_\_\_\_\_ and you will return to work to your post of \_\_\_\_\_ with effect from \_\_\_\_\_, (or the first working day thereafter) and will be reinstated to the payroll from your effective date of return.

Your Line Manager will be in touch with you in due course to discuss arrangements to help ensure your smooth return to work.

We look forward to welcoming you back to your post

Yours sincerely

cc HR Service Centre (for personal file, payroll and pensions sections)