

**Working Time and Leave Framework**

**Reserve Forces Policy and Procedure**

**1** **Introduction**

This policy is part of the Working Time and Leave Framework, which is made up of a number of elements which together encompass all formal policy, procedure and statement documents, including associated forms, relating to working time and leave in Abertay University (the “University”). If you would like this document in a different format (e.g. large print, braille) or need any assistance to access or understand the policy please contact your School/Service designated HR Partner.

This procedure does not form part of any employee's contract of employment and it may be amended at any time. The University may also vary any parts of this procedure, including any time limits, as appropriate in any case.

**2 Purpose and Scope**

The University recognises the valuable contribution the Reserve Forces makes to the UK Armed Forces, their communities and their place of work. The University has signed up to The Armed Forces Covenant and is a member of Universities in Support of Wounded, Injured and Sick Service Personnel. This policy will provide appropriate provision to support employees who are members of the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve or the Territorial Army and the Reserve Air Forces. It will also apply to Regular Reservists, who are ex regulars who may retain a liability to be mobilised. This Policy reflects our understanding of the MoD Policy, for greater clarification please refer to [www.gov.uk/government/groups/defence-relationship-management](http://www.gov.uk/government/groups/defence-relationship-management)

The University will continue to treat the contract of employment of employees mobilised for Reserve Services as on going through out the period of their deployment.

This procedure applies to all employees regardless of their length of service at the University.

**3 Notification**

Reservists are required to inform the University that they are a member of the Reserve Forces and the specifics of the force they belong to at the point of recruitment. Reservists are required to grant permission of their Unit Commanding Officer to write directly to the University providing Employer Notification confirming that the employee is a Reservist so that the employee can benefit from rights, obligations and annual training that apply.

Should an employee wish to become a member of the Reserve Forces during employment they must inform the University.

The employee should also notify the University should they leave the Reserve Forces.

**4. Support for Training**

The University will support requests made in writing to undertake annual camp and training during working hours, providing proof of training is given, together with normally at least one months’ notice.

Paid leave of two weeks per year, in addition to annual leave entitlement, will be made available to Reservists to attend annual camp or equivalent training.

In addition unpaid leave or utilisation of the employees’ annual leave may be granted for short periods of training, where such training cannot be undertaken in non-working time. Normally the Reservist should provide one month’s notice.

The line manager will as far as is reasonably practical facilitate rosters to allow attendance at training commitments.

**5 Mobilisation**

Mobilisation is the process of calling Reservists into full time service and will normally be for a period of 3 to 12 months, but this will depend on the scale of the operation.

An employee who wishes to volunteer for mobilisation must seek prior agreement from their line manager and HR Partner. Any such request will be considered as soon as is practicable for the department.

5.1 Compulsory Mobilisation

Where there is a likelihood of compulsory mobilisation the employee must alert their line manager and HR Partner. In all cases of compulsory mobilisation the University will normally release the Reservist; however grounds for exemption or deferral may be sought from Reserve Forces concerned. The grounds for exception are strictly limited and would have to show serious harm to the employer’s ability to provide a service; exception would only be sought in exceptional circumstances. The definition of ‘harm’ will vary from case to case, but may include

* Loss of reputation, goodwill or other financial harm.
* Impairment of the ability to produce goods or provide services.
* Harm to research and development of new products, services or processes.

The Reservist also has the ability to apply for exemption or deferral if the call-out papers arrive at a difficult time. Details of how to do this should be contained within the call-out papers.

Should the University receive an unsatisfactory exemption or deferral, it can be appealed via the Reserve Forces Appeals Tribunal. Appeal must reach the Tribunal Secretary within 5 working days of the University receiving the decision letter. If the appeal is unsuccessful the University will be required to release the Reservist. For further details please refer to [www.gov.uk/appeal-call-up-reserve-forces/overview](http://www.gov.uk/appeal-call-up-reserve-forces/overview)

The Reservist should make efforts to keep in touch with the University during the course of their deployment; this should be discussed with their line manager before mobilisation.

**6. Reservists Terms and Conditions during Mobilisation**

The University will continue to treat the contract of employment for Reservists during mobilisation as ongoing throughout the period of deployment and there will be no loss of continuous service.

6.1 Remuneration

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, specialisation and any entitled allowance. If the military salary is less than the Reservist’s University salary, it is the Reservist’s responsibility to apply to the MoD for the difference to ensure no loss of earnings.

The University will pay the Reservist’s full salary from call-out until they receive their first full monthly salary from the MoD to prevent financial hardship. The excess salaries paid after the date of mobilisation will be recovered when the individual returns.

The employee will be given special leave (unpaid) during the period of their mobilisation as referred to within the Special Leave Policy.

6.2 Pension

A Reservist who is mobilised may elect to remain a member of the relevant University Pension Scheme.

The MoD will pay the employer’s pension contributions whilst the individual is mobilised provided the employee continue to pay their contributions.

The MoD will deduct the Reservists contribution at source from their military pay, along with the employer’s contribution and either send them directly to the administering authority or to the University (the University will then forward the payments to the pension provider).

The Local Government Pension Scheme (LGPS) and Teachers, Scottish Public Pensions Agency (SPPA), requests that contributions are sent directly to them, further information is available from [www.taysidepensionfund.org](http://www.taysidepensionfund.org) and [www.sppa.gov.uk](http://www.sppa.gov.uk).

The Universities Superannuation Scheme (USS), requests that contributions are sent to the University who then forward this on to the USS, further information is available from [www.uss.co.uk](http://www.uss.co.uk)

The University will no longer be responsible for paying the Reservists contributions and cease to pay the employer and employee pension contribution. The University will notify the Reservist and they will be responsible for informing the MoD of any pension contributions and /or any additional voluntary contributions.

6.3 Annual Leave

Reservists should be encouraged to take any annual leave they have accrued before mobilisation. However annual leave untaken may be carried over in line with current practice.

Reservists have no entitlement to accrue annual leave or unpaid leave whilst mobilised.

Reservists accrue annual leave with the MoD whilst they are in full service time. When they demobilise, Reservists are entitled to a period of post-operational leave during this time they continue to be paid by the MoD. Reservists are required to utilise all leave entitlement they have accrued with the MoD prior to returning to the University.

6.4 Sick Pay

Should a Reservist become sick or injured during mobilisation they will be covered by the Defence Medical Services and any financial assistance will continue to be received (including pay) until demobilisation.

6.5 Redundancy

A Reservist will not be made redundant on the grounds of their military duties or their potential mobilisation. Any redundancy criteria will not discriminate against a Reservist on the grounds of their reserve status, potential to be mobilised or absence due to mobilisation. Any period of mobilisation will be included when considering any service related to redundancy pay.

6.6 Scotland Childcare Voucher Schemes

The Reservist will be able to claim for full payments made in respect of the care of a dependent child. For more information please refer to [www.legislation.gov.uk/uksi/2005/859/introduction](http://www.legislation.gov.uk/uksi/2005/859/introduction) Membership of the child care voucher scheme will cease as the University will be unable to deduct payments from the Reservists salary.

6.7 Car Parking

On campus and council car parking permits are purchased on an annual basis in December each year via salary sacrifice and deductions are made from the employee’s salary on a monthly basis. Should a Reservist be mobilised they will be able to stop payments for their permit. When a Reservist returns to work they will be given the opportunity to apply for a new car parking permit in the normal way at the beginning of the new application year.

6.8 Cycle To Work

If a Reservist has taken advantage of the Cycle to Work Scheme and regular payments are due to be made during mobilisation, the Reservist can make arrangements to finalise the payments or this can be recovered when the individual returns to work.

6.9 Give As You Earn

Should a Reservist wish to continue with a Give As You Earn scheme when mobilised, they should organise this via the MoD.

**7. Financial Assistance for the Employers**

Where an employee’s mobilisation results in additional costs the University may seek compensation from the MoD e.g. overtime costs for another employee to cover the Reservists work, advertising for a replacement, costs of hiring a temporary replacement and training cost for the temporary replacement (the MoD will not pay for training that the University would have carried out anyway).

**8. Support on Return to Work**

In addition to the MoD notifying the University of the expected date of demobilisation, as far as is reasonably practical the Reservist should provide the University with as much notice as possible.

Demobilisation can be a difficult time for a Reservist returning to work following a challenging deployment. Helping to ensure a smooth reintegration into the University will require consideration of the following:

* a return to work meeting being arranged with the line manager to discuss the mobilisation experience and to consider the points below;
* the need to update them on the changes and developments in the University;
* the need to offer specific refresher training where it is sought/considered necessary;
* where the job duties have changed since the mobilisation, a period of skills training may be required to assist with the new aspects of the job;
* whether the Reservist can meet up with colleagues informally or socially before or after returning to work to prevent any feeling of dislocation, if that is sought;
* the possibility of returning to work on a phased return i.e. working reduced hours during the Reservist first couple of weeks back at work, utilising annual leave to facilitate the arrangement.
* reasonable time off to seek therapeutic treatment.

When an employer is advised by a Reservist that they wish to return to work, the University is obliged to employ them in their old job as stated in the Reserve Forces (Safeguard of Employment Act 1985). Where this is not possible they should be offered an equivalent position with the same terms and conditions of service. The right to return lasts for six months after demobilisation.

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