

## **Armed Forces Community Employment Policy**

### **1. Introduction**

- 1.1 Lancaster City Council recognises the valuable contribution that the Armed Forces Community make to the district and the civilian workplace. We are committed to embedding the principles of the Armed Forces Covenant into our organisation and ensuring inclusion and fairness in their operation.

### **2. Purpose and Scope**

- 2.1 The Council understands the difficulties that can be faced by the Armed Forces Community in finding civilian employment and is committed to providing equality of access to employment opportunities and attracting Armed Forces Community talent to our organisation. This policy seeks to outline the initiatives in place to support this.
- 2.2 The Council values the Cadet Force Adult Volunteers and other armed forces community members that we employ and wishes to support them with their selfless commitment to the Armed Forces Community. This policy formalises our approach to this.
- 2.3 The Council has also pledged its support for members of, or those wishing to join 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 Council. This policy intends to define our support towards all employees who are members of the Reserve Forces.

### **3. Key Principles**

- 3.1 The Council will operate a guaranteed interview scheme for veterans' subject to the provisions set out in this policy and will provide equality of access to employment in our organisation for the armed forces community.
- 3.2 The Council shall, subject to the provisions set out in this policy, agree to release adult cadet volunteers under forces special leave provisions for their annual camp.
- 3.2 Lancaster City Council will not disadvantage those Reservists who notify the Council of their Reserve status or those Reservists who are made known to the Council directly by the Ministry of Defence (MoD).
- 3.3 The Council shall, subject to the provisions set out in this policy, agree to release Reservists for attendance at Reserve Forces Training events where these take place on their normal working days.
- 3.4 The Council shall, subject to the provisions set out in this policy agree to the release of all employees mobilised for Reservist duties.

**3.5** There will be no loss of continuous service or service-related benefits for reservists during any period of mobilisation.

#### **4. Attracting Armed Forces Community Talent**

##### **4.1 Advertising**

The Council recognises the world class training that those who have been employed in the forces obtain and will seek to harness these skills in the workplace and attract Armed Forces Community talent into the organisation.

Vacancies will be advertised on our website as well as on the Career Transition Partnership website and Forces Families Jobs.

All adverts will state our commitment as a forces friendly organisation and highlight that there is a framework in place regarding the employment of reserves.

##### **4.2 Guaranteed Interview Scheme**

The Council will operate a guaranteed interview scheme for all veterans. Applicants who fall into this category will be identified from their declaration on the application form.

The council is a disability confident committed employer and we welcome applications from the wounded sick and injured leaving the forces.

If a veteran applicant meets all of the essential criteria for a role they will be guaranteed to be invited to interview. Line managers will seek advice from Human Resources on equivalent qualifications where required, as it is recognised that forces qualifications often differ to the regular education system.

Where possible interview panels with a declared veteran, will include a member of the Council's Armed Forces Network who will act as a further source of knowledge for the panel on the experience that the applicant will describe at interview.

All interviewed applicants will be provided with feedback following their interview should they not be successful in being offered the role.

All veteran applicants will be required to provide evidence at interview of their military status. The Council reserves the right to withdraw any offer of employment made to an applicant who is found to have falsely claimed to be a veteran.

#### **5. Cadet Force Adult Volunteers**

##### **5.1 Special Leave for Annual Camp**

The Council recognises the contribution that Cadet Force Adult Volunteers make to the armed forces community. We are proud to employ Cadet Force Adult Volunteers.

Cadet Force Adult Volunteers should make their line manager aware upon joining the Council of their commitment.

We understand that volunteers also need time to spend with their families, and to have a break from work, in addition to their volunteering duties.

The Council will therefore grant all adult cadet volunteers two additional weeks (10 working days, pro rata for part time employees) forces special paid leave to attend their annual camp.

Cadet Force Adult Volunteers should notify their line manager in writing of their intention to take forces special leave for annual camp no later than 20 working days before the date the leave is required.

Line Managers should enter the details of the requested leave onto Myview and arrange rota's and work accordingly to allow the staff member to attend, leave will always be granted, unless there are exceptional circumstances.

## **6. Reservist Employees**

### **6.1 Reserve Status Notification**

Reservists are required to inform their employer upon appointment that they are a member of the Reserve Forces and the specific force that they belong to. This is so that the Council can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave e.g. training and/or mobilisation. The Council also recognises the additional skills and experiences that being a Reservist can bring to the Council and therefore it is useful for the Council to have an understanding of where these particular skills and experiences exist.

Reservist employees are also required to grant permission for the Ministry of Defence (MoD) to write directly to their employer. This is known as 'Employer Notification' and ensures the Council is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.

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 rights as an employee; rights as an employer; and details of 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.

It is the responsibility of the Reservist to ensure their personal details are kept up to date e.g. if they change employer or leave their respective Reserve Force.

In any circumstance, the Reservist will not be disadvantaged as a result of notifying the Council of their Reserve status.

### **6.2. Training commitments and Time off**

The Council recognises the importance of the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to their respective Reserve Force, the individual and the Council.

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'.

The Council is committed to granting additional paid leave of two weeks per year (10 working days pro rata) to Reservists specifically to enable them to attend their annual camp. In line with the reporting procedure noted under section 5.1 above.

Additional unpaid leave or annual leave from the employee's normal annual leave entitlement will be granted for short periods of training provided adequate notice is given and where such training cannot be undertaken outside of contractual working hours. Attendance at weekend training which cannot be undertaken during non-working hours will be subject to the same arrangements.

Line Managers will facilitate work rotas where required to allow attendance at annual camp and other training commitments (e.g. weekly or weekend training sessions) unless there are exceptional circumstances.

Reservist employees should give as much notice as possible of training commitments to allow appropriate planning for absences.

### **6.3 Mobilisation**

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.

The Call-out papers for mobilisation are sent by post to the Company 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, Defence 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.

A period of mobilisation comprises three distinct phases:

- Medical and pre-deployment training;
- Operational tour;
- Post-operational tour leave

#### Pre-mobilisation

- Meet with Reservist to ensure all mobilisation paperwork completed (including pay, benefits & pension arrangements)
- Make a claim for financial assistance as appropriate (see s.6.12)
- Discuss any handover of work and return of equipment
- Arrangements for keeping in touch

#### During mobilisation

- Keep in touch with Reservist as arranged

#### Post-mobilisation

- Ensure both employer and reservist fulfil their return to work obligations (including reference to template letters)

- After care and support requirements

#### **6.4 Applying for Exemption/Deferral/Revocation**

In all cases of mobilisation, the Council will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist.

In such circumstances line managers have the right to seek exemption, deferral or revocation if the Reservist's absence is considered to cause serious harm to service delivery.

Definitions 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 the research and development of new products, 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).

Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer within 7 days of the Council receiving a call-out notice. If this timescale is not met, permission to make a late application will need to be obtained from the Adjudication Officer. The Reservist also has the right to apply for exemption or deferral if the call-out papers arrive at a difficult time.

If an unsatisfactory decision is received following the application for a deferral, the Council can appeal for a hearing by the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within 5 days receipt of written notice of the decision. If the tribunal rejects the application for exemption or deferral, the Council will be required to release the Reservist for mobilisation.

#### **6.5 Pay and Continuous Service**

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 the Company, 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.

Where mobilisation occurs, the employee will be given special unpaid leave of absence. The Council is not required to pay the Reservist's salary during the period of mobilisation.

There will be no loss of continuous service for reservists during any period of mobilisation.

#### **6.6 Pension**

Where the reservist employee is a member of the Local Government Pension Scheme and wishes to remain in the scheme for a period of mobilisation, the employee is responsible for making their own arrangements with Your Pension Services for the period of mobilisation.

The employee should also make arrangements with the MOD, who will make payments for

the employer contribution during the period of mobilisation. The reservist must also pay their personal contribution in order for the MOD to make the employer contribution.

The Council will cease payment into the scheme with regards to the employer contribution throughout the period of mobilisation.

## **6.7 Annual Leave**

Reservists are required where possible to take any accrued annual leave before mobilisation. The Council is not obliged to accrue annual leave for a Reservist employee during the period of mobilisation.

Reservists accrue annual leave with the MoD whilst they are in full time service. When they demobilise, Reservists are entitled to a period of post-operational leave (POL). During this period, they will continue to be paid by the MoD.

## **6.8 Dismissal/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.

Reservists can be included in the redundancy pool if this is necessary due to a downturn in business or closure of a department. 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.

## **6.9 Sick Pay**

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

## **6.10. Return to work**

Both the Reservist and their employer have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process.

### **Reservist:**

The Reservist 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.

They are also encouraged to informally contact the employer to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call. The formal application must be made in writing for it to be valid under the Act.

If a 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.

### **The Council:**

The Council 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.

The Reservist should be reinstated within 6 weeks of the last day of their full-time service. They must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation, as follows;

<b>Length of Service</b>	<b>Minimum Period Required to Reinstale</b>
Less than 13 weeks continuous employment	13 weeks
More than 13 weeks, less than 52 weeks	26 weeks
Not less than 52 weeks	52 weeks

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.

### **6.11 Aftercare**

A Reservist returning to work will benefit from a smooth re-integration into the workplace/team. The following should be considered as part of this process:

- The need to update on changes and developments in the Council.
- 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 with new aspects of the job.
- Whether the reservist can meet up with colleagues informally or socially 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.

### **6.12. Financial Assistance**

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. These cover additional costs above the normal earnings of the called-up Reservist associated with replacing that employee. There are 3 types of award available:

#### **One-off costs**

- Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or Advertising costs
- No financial cap on claims, but any claim must be supported by relevant documentation

### **Recurring costs**

- Overtime costs, if other employees work overtime to cover the work of the Reservist [by the amount that such costs exceed earnings of the Reservist]
- 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.

### **6.13 Training award**

If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the Council can make an application for the financial assistance.

## **7. Other Armed Forces Community Employees**

The Council recognises the strain that having a spouse or parent mobilised or serving away from home can place on forces families.

The Council would like to encourage those who are spouses, partners or children of serving forces personnel to make their line managers aware, and to discuss with them what options might be relevant for support when required.

The Council has a wide variety of wellbeing and flexible working strategies in place as well as the Armed Forces Network, which can provide support from likeminded individuals where required.

Line managers should be flexible and understanding, and where necessary take additional advice from Human Resources on any issues which arise. The Council is committed to providing the best possible employment experience for the Armed Forces Community Employee.

### **Document Control:**

<b>Version no.</b>	<b>Effective Date</b>	<b>Reason</b>	<b>Review due</b>
1.0		New policy	