



## **POLICY**

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### **EMPLOYING MEMBERS OF THE RESERVED FORCES**

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**REVIEWED POLICY MARCH 2023**

# **Wellhouse - The Place to Be**

Policy Created:	September 2016
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**Trust   Honesty   Integrity   Excellence   Accountability   Sustainability**

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## **1. Vision and values**

### **Wellhouse – the Place to Be.**

This simple statement is our vision of Wellhouse as an attractive place where people feel happy and safe, benefit from having a good home and an attractive environment and feel proud to be part of a vibrant community.

We believe that our values of **Trust, Honesty and Integrity, Excellence, Accountability and Sustainability** supported by a comprehensive policy framework will help make our vision a reality.

## **2. Governance**

Wellhouse HA is a community controlled registered social landlord and is managed by a group of local people who are elected onto the Management Committee. Their role is to make sure that the Association is well run, meets the needs of the local area and is responsive to what is important to local people.

The Management Committee appoints senior staff, agrees all the Association's policies and takes all the key decisions. The Director and the senior team support the Committee in these responsibilities.

## **3. Policy Aims**

This policy aims to outline Wellhouse Housing Associations commitment to supporting employees who are members of the Volunteer Reserve Forces when they are to be mobilised for active service.

## **4. Equal Opportunities, Diversity & Human Rights Statement**

We aim to ensure that all services, including the delivery of this policy, provide equality of opportunity.

We will respond to the different needs and service requirements of individuals. We will not discriminate against any individual for any reason, including age, disability, gender re-assignment, marriage, civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, or other status.

## **5. Introduction**

The policy provides details of the following:

- The responsibilities for the employee and the employer
- The procedure should a reserve be required to attend training
- Mobilisation
- T&C's during mobilisation
- Reservist's return to work

This policy is for all employees of Wellhouse Housing Association who are members of any branch of the Volunteer Reserve Forces (VRF), Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Territorial Army (TA) and the Royal Auxiliary

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Air Force (RAAF). The policy also extends to new employees of Wellhouse Housing Association who are members of the Volunteer Reserve Forces (VRF), and to employees who join any branch of the VRF while employed with Wellhouse Housing Association.

## 6. The Policy

### Background

The Volunteer Reserve Forces form an integral and important part of the United Kingdom's Armed Forces. The role of the UK's Reserve Forces has changed over the last decade from a large and mainly unused force, to one structured to support the UK's Armed Forces operations worldwide, and as such, they have an ever-increasing role in operations at home and overseas. Future demands on the Reserve Forces is likely to increase as they continue to be used in sustained and large scale operations, to support and reinforce specialist capabilities in areas such as communications, medical and logistical support.

### Legislation

There are two main pieces of legislation covering the call-up, mobilisation, and employment of Reservists.

- **The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85)**

Describes the employment rights of Reservists, granting them the right to return to their existing jobs after call-up, and protecting them from dismissal for the reason of being mobilised.

- **Defence Reform Act (2014)**

Outlines the employment protection arrangements for those who are a member of the Reserve Forces, and in civilian employment; the powers of the Secretary of State to call out Reservists, and; to make payments to employers of Reservists who are called out for service.

- **Reserve Forces Act (1996)**

Sets out the call-out powers under which Reservists can be mobilised for full-time service

### Definitions

For the purpose of this policy, the terms Reserve Forces, Volunteer Reserve Forces, Reserves and Volunteer Reservist refer to individuals directly recruited from the civilian community who are in full-time or regular employment and are members of the Territorial Army (TA), Royal Naval Reserve (RNR), Royal Marines Reserve (RMR), or the Royal Auxiliary Air Force (RAAF).

- **VRF** - Volunteer Reserve Forces
- **TA** - Territorial Army
- **RFA 96** - Reserve Forces Act 1996

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- **Mobilisation:** The process of calling Reservists into full-time service with the Regular Forces on military operations, this includes, pre deployment training, deployment of operational period and any post operational accrued leave). All members of the Volunteer Reserve Forces are committed to the possibility of mobilisation as detailed in The Reserve Forces Act (1996).
- **Demobilisation:** The administrative release of a reservist from military service prior to any outstanding leave owing.
- **Civil Contingency Reaction:** Volunteer Reservists who receive special training and may be mobilised in the event of extreme national need
- **Post Operational Tour Leave :** Time off earned while on full time military service
- **Serious Harm to the business -** Serious loss of sales, markets, reputation, goodwill or other financial harm or Serious impairment of the ability to produce goods or provide services

### Policy Principles

- Wellhouse Housing Association recognises and supports the work carried out by the VRF.
- No employee will be treated less favourably due to being a member of the reserved forces
- Wellhouse Housing Association will aim to release employees who are mobilised for reserved duties where possible while considering the needs of the business.

### Responsibilities

#### Employees:

- To inform their employer that they are a member of the reserve forces and the specific force they belong to
- Grant permission for the Ministry of Defence to write directly to their employer for Employer Notification.
- Ensure their personal details are up to date with the MoD
- Employees who are members of the VRF have a responsibility to ensure they are familiar with the contents of the policy, and to ensure they work with Wellhouse Housing Association within its framework.
- It is up to individual Reservists to make Wellhouse Housing Association aware of their basic training commitments and Annual Camp, and to ask for training leave when it arises. The employee is responsible for giving Wellhouse Housing Association as much notice as possible of any additional leave they will need and for representing this accurately.

#### Employers:

- Will not treat any employee any less favourably due to being a member of the reserved forces
- Will aim to release employees, who are mobilised for reserved duties where possible.

- Managers who have employees in the VRF must ensure they are familiar with the contents of this policy, and are able to work within its framework to support employees.
- That they have received written notification from the MoD informing them that their employee is a member of the Reserve Forces.
- Will comply with their requirements for mobilising and the return of employees

### **Reservist's Training Commitments**

A reservist will normally have three types of training commitments that they are required to attend:

- 1) Weekly training, this normally takes place on an evening during the week for around 2½ hours
- 2) Weekend Training, this normally will take place one weekend a month.  
*(As far as possible, line managers will plan any work rosters to allow attendance at regular training sessions)*
- 3) Continuous Training Period or (annual camp). Where Reservists are required to attend a continuous period of training for around 15 days.

Wellhouse Housing Association is under no legal obligation to grant time off for the continuous training period. However, in line with the Wellhouse Housing Association commitment to supporting its employees who are members of the Reserve Forces where possible, time will be granted for the continuous training period. Time off will be in the form of authorised unpaid leave therefore allowing to attend without the need for them to use their annual leave entitlement.

In order to receive authorised unpaid leave the employee must provide their line manager with as much notice as possible. This must be no less than 10 working days to allow for appropriate planning to take place to cover work priorities during the reservists absence.

### **Mobilisation**

Mobilisation is the process of calling Reservists into full time service with the Regular Forces, order to make them available for military operations. This includes 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 hand delivered by the Reservists to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, MoD aims to give at least 28 days notice of the date 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 involves three distinct phases:

- Medical and pre deployment training
- Operation Tour
- Post operational tour

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

In all cases of mobilisation, the company 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.

E.g

- Loss of reputation, goodwill or other financial harm
- Impairment of the ability to produce goods or provide services

## **Appeal Process**

An appeal can be made to the Reserve Forces Appeal Tribunal if [Any Organisation] is unhappy with the decision of the Adjudication Officer. The Adjudication Officer will provide information on making an appeal. Appeals must be lodged with the office of the Secretary to the Tribunal; no more than five working days after the Adjudication Officer's decision is received. Appeals are normally heard within 28 days of receipt of the appeal, throughout which time the Reservist will not be deployed outside the United Kingdom.

If the tribunal rejects the application for exemption or deferral, the Company will be required to release the Reservist for mobilisation. The Reservist will suffer no detriment to their employment on such occasions

## **Terms and conditions during Mobilised**

Employees who are mobilised will continue to accrue continuity of service throughout the time they have been mobilised. Specific terms relating to other parts of their employment are detailed below.

### **• Pay**

Wellhouse Housing Association will not pay a reservist during the time they are mobilised. The MOD will pay the reservist a basic salary in accordance with the Reservists military rank. If this is less than the Reservists normal salary, the reservist can apply to the MoD for the difference to ensure no loss of earnings. The reservist will resume contractual pay with Wellhouse Housing Association when they return to work after mobilisation.

### **• Holidays**

Reservists should be encouraged to take any accrued annual leave before mobilisation. The Reservist will not accrue annual leave during the period of mobilisation. Reservists will accrue annual leave with the MoD whilst they are in full time service at a rate of 2.5 days per month paid for by the MoD and taken at the end of mobilisation; this period is called post-operational leave. Therefore, if a reservist within Wellhouse Housing Association is mobilised for part of the annual leave year

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the employee's holiday entitlement will be pro-rated for the time in receipt of monthly salary from Wellhouse Housing Association.

- **Pension**

A reservist who is mobilised is entitled to remain a member of their occupational pension scheme. The MoD will pay the employer contributions that Wellhouse Housing Association would have made provided that the reservist continues to pay their contributions to the scheme. The pension scheme administrator cannot refuse to accept MoD payments.

- **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.

### **Return to Work**

Both Wellhouse Housing Association and the Reservist have responsibilities and obligations under the Reserve Forces (Safeguarding of Employment Act) 1985 regarding return to work.

#### **Employee**

- Must write to their employer by the 3<sup>rd</sup> Monday after their last day of military service making their request to return to work and suggesting a date, which falls within 6 weeks of their last day of full time service. This letter formally starts the return to work process under the 1985 Act stated above.
- Informally contact their line manager to discuss their return to work as early as possible
- Will ensure they accept offers of support and training as is appropriate and required.

#### **Employer**

- To reinstate the Reservist, where possible to their previous role, or if not possible to a role on no less favorable conditions.
- The Reservist should be reinstated within 6 weeks of their last day of full time service.
- To ensure adequate support and training is put in place to refresh the employee and assist them in integrating back into the workplace.
- Will recognize that adjusting back to work life may be challenging and will offer any appropriate support as required.



## **Reintroduction to Employment**

Wellhouse Housing Association recognises that employees returning to work after completing military service as a member of the Reserve Forces may feel anxious and apprehensive about starting their job.

Wellhouse Housing Association will commit to ensuring the Reservist receives a re-induction into their role.

The aim of the re-induction programme is to support employees as they re-establish themselves back into the workplace. The programme must ensure that the employees get a good start back into employment, as failure to do so may result in unfavourable situations for both the employer and the employee.

Re-induction programmes should meet the needs of individual employees, and be designed to ensure they receive appropriate updating of skills, knowledge and competence. The programme may cover the following areas:

- Detailed update covering any changes to Wellhouse Housing Association objectives, team objectives, changes to Wellhouse Housing Association policies and changes to health and safety legislation
- If appropriate update on conditions of service, PDP and job profile
- Access to relevant training and development both as a refresher and as part of ongoing development
- Support within the re-integration programme which include if appropriate non line manager support e.g. Local initiatives, government/ MOD programmes or the NHS

## **Monitoring and Review**

This policy requires the full co-operation of all employees who are members of the VRF, and their line managers.

This Policy will be reviewed on an annual basis, to ensure it meets legislative and organisational needs.

## **Further Information**

### **Royal Navy**

[www.royalnavy.mod.uk/the-fleet/maritime-reserves](http://www.royalnavy.mod.uk/the-fleet/maritime-reserves)

### **Army**

[www.army.mod.uk/join/20233.aspx](http://www.army.mod.uk/join/20233.aspx)

### **Royal Air Force**

[www.raf.mod.uk/rafreserves](http://www.raf.mod.uk/rafreserves)

### **Government information**

<https://www.gov.uk/defence-and-armed-forces>

<https://www.gov.uk/government/groups/defence-relationship-management>

**Data Protection**

The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own GDPR Policy. Information regarding how your data will be used and the basis for processing your data is provided in Wellhouse HA's employee privacy notice.

**Freedom of Information**

As at November 2019, the Association is subject to FOI and all enquiries with respect to Notifiable Events will be handled strictly in line with FOI and confidentiality policies.

**Monitoring the Policy**

The policy will be reviewed 3 yearly with the amendments being made as appropriate and communicated to all staff and relevant stakeholders.