

WORKFORCE POLICY DIRECTORATE



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Your Reference: **HSC (GEN) 1/2016**
Our Reference: DH1/16/48009

Date: 9 March 2016

Dear Colleagues

HEALTH & SOCIAL CARE RESERVE FORCES TRAINING AND MOBILISATION POLICY

1. This Circular applies to all HSC staff who are also members of the Reserve Forces and replaces Circular HSC (GEN) 1/2013.
2. The document at Appendix 1 to this Circular defines the policy for HSC organisations in relation to HSC employees who are members of the Reserve Forces and provides guidance to help manage and support these employees.

Action

3. HSC employers should ensure that this revised policy is applied to the relevant staff with immediate effect.

Enquiries

4. **Employees should direct personal enquiries about the content of this Circular to their Human Resources Department.**

¹ The Health and Social Care Board (HSCB), HSC Trusts, the Public Health Agency (PHA), the Business Services Organisation (BSO), the Northern Ireland Blood Transfusion Service Agency (NIBTS), the Northern Ireland Guardian ad Litem Agency (NIGALA), the Northern Ireland Practice & Education Council for Nursing, Midwifery & Health Visiting (NIPEC), the Northern Ireland Social Care Council (NISCC), the Patient & Client Council (PCC), the Northern Ireland Regulation and Quality Improvement Authority (RQIA) and the Northern Ireland Medical and Dental Training Agency (NIMDTA).

5. Enquires about the contents of this Circular from HR Departments should be directed to the Non-Medical Unit of the Workforce Policy Directorate, Room D1, Castle Buildings, Upper Newtownards Road, Belfast, BT4 3SJ, telephone 028 90522832, email; **p&e@dhsspsni.gov.uk**

Further Copies

6. Copies of this Circular can be obtained from the Department's website at:
<https://www.dhsspsni.gov.uk/publications/workforce-policy-guidance-2016>



HEATHER STEVENS
Director of Workforce Policy

Northern Ireland Health & Social Care (HSC) Reserve Forces Training & Mobilisation Policy

Introduction

1. Northern Ireland Health and Social Care (HSC) Bodies employ a number of healthcare professionals and non-clinical staff who are members of the Reserve Forces. The HSC recognises the vital role of the Reserve Forces and the valuable contribution that Reservists make to their communities, the workplace and to national defence.

Reservists may be called up and mobilised to support defence strategy in conflict operations and to assist in disaster relief across the globe.

The HSC supports employees who are members of, or wish to join the Reserve Forces, and acknowledges that the training undertaken by Reservists enables them to develop skills and abilities that are of benefit to the individual and to the HSC. The largest of the Reserve Forces is the Army Reserve. Reservist roles are varied and cover areas such as:

- Medical
- Disaster relief
- Defence
- Engineering
- Logistics and support
- HR and finance

- Intelligence
- Communications
- IT

This document defines the policy for HSC organisations in relation to HSC employees who are members of the Reserve Forces and provides guidance to help manage and support these employees.

Types of Reservist

2. There are two main types of Reservist:

- Reservists - civilians recruited into any of the three Reserve Forces. Army Reserve, Maritime Reserves [Royal Naval Reserves (RNR), Royal Marines Reserves (RMR) and Royal Auxiliary Air Force];
- Regular Reservists - ex-regular servicemen and women who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

3. 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 Ministry of Defence.

Notification

4. Reservists in Northern Ireland are required to inform their respective Reserve Unit of their employer details, however, they are not required to inform their employer

that they are a member of the Reserve Forces. MoD Defence Relationship Management (DRM) embedded with the Reserve Forces and Cadets Association in Northern Ireland (RFCA NI) encourage Reservists to inform their employer through an employer notification contact strategy delivered locally.

5. When a Reservist has granted permission for their employer to be contacted, DRM and the RFCA NI in conjunction with local Reserve units will write to their employer. This letter will provide detail of their obligations and their rights as an employee; your rights as an employer, and details of the financial assistance available if an employee is mobilised.
6. HSC Employer to provide DRM and the RFCA NI with the name of their designated contact. (DRM and RFCA NI contacts are available at paragraph 27)

Annual Professional Development and Training

7. Reservists are typically committed to 30 - 40 days training per year. Training tends to take place 1 evening per week, over various weekends throughout the year and a continuous 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** – which includes '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 can take place within the UK or overseas.

HSC Commitment

8. The HSC is committed to granting additional paid leave of three weeks per year to Reservists specifically for professional development and training which includes attendance at annual camp, normally 14 days and up to a further 7 days in year for professional development and training (pro-rata for part-time employees). This equates to an aggregate of 21 days or three weeks paid leave. If Annual camp requires more than 14 days for example to allow for travel, this will be taken from the aggregate of 21 days.

Short periods of training/weekend camps

9. Additional unpaid leave of up to 3 days will be granted for short periods of training provided adequate notice is given and where such training cannot be undertaken in off-duty time. Attendance at weekend camps which cannot be undertaken during off-duty will be subject to the same arrangements.
10. The designated contact in conjunction with line managers will as far as possible facilitate work rosters to allow attendance at annual camp and other training commitments e.g. weekly or weekend training sessions.
11. Reservist employees should give as much notice as possible (normally six weeks²) to allow appropriate planning for absences. Permission should normally be granted within the exigencies of the service. At the request of the applicant the decision can be reviewed by the Director of Human Resources. Permission once given will not be rescinded unless there are exceptional circumstances.

² Issues around short notice events relating to the CPD element e.g. place becoming available on a course from a reserve list of candidates following a cancellation should be resolved locally.

Mobilisation

12. 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 – can be up to a period of 12 months.
13. The Call-out papers for mobilisation are either sent by post to the Employer by the Reservist's unit, or delivered in person by the Reservist to their designated contact and line manager. The documentation will include the call-out date (first day of mobilisation) and the anticipated timeline. It will also include details of how you can start the process to apply for financial assistance. Whenever possible, the MoD aims to give at least 28 days notice of the date that the Reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.
14. A period of mobilisation comprises three distinct phases:
 - medical and pre-deployment training;
 - operational tour;
 - post-operational tour leave.

Applying for Exemption/Deferral/Revocation

15. In all cases of mobilisation, employers 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;

- 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).

16. 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 Reservist being served with 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 their call-out papers arrive at a difficult time.
17. If an unsatisfactory decision is received following the application for a deferral, the HSC can appeal for hearing at the Independent Reserve Forces 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 HSC will be required to release the Reservist for mobilisation.

Treatment of Terms and Conditions during mobilisation

Pay

18. An HSC employer is not obliged to pay the Reservist's salary or contractual benefits whilst they are mobilised. Where mobilisation occurs the employee will be given authorised leave of absence.
19. The MoD will:
 - Assume responsibility for the Reservists salary for the duration of their mobilisation;
 - Pay a basic salary according to the Reservist's military rank. If this basic element is less than the salary element they receive from HSC, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings. The Reservist is also responsible for claiming their contractual benefits where the employer has suspended these.

Pension

20. For members of the HSC Pension Service³, where they are called up for service, they will be regarded as being on authorised leave of absence. For the duration of their call-out, employer and employee contributions are due to be paid on the level of remuneration in payment immediately prior to the call-out. The MOD will take responsibility for employer contributions and have legislated for this procedure.
21. The MOD will communicate with the Reservists' civilian employer so that all the arrangements for making such payments can be put in place. It is also possible that the MOD will arrange for the employee's contribution to be deducted from their salary and paid as directed by the HSC Employer. MOD should **not** be asked to pay contributions direct to the HSC Pension Service. The HSC Employer should arrange with the MOD for payment to them of all the contributions due. These should then be paid to the Scheme as normal.

Annual Leave

22. Reservists should be encouraged to take any accrued annual leave before mobilisation. Annual leave during the period of mobilisation will not accrue.

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.

All annual leave not taken up to the date of mobilisation may be carried over into the following leave year.

Redundancy

23. A Reservist cannot be made redundant on the grounds of their military duties or their liability to be mobilised. Reservists can be included in the redundancy pool if

³ HSC Pensions Scheme Fact Sheet – Call up of Reservists

this is necessary due to a downturn in business or closure of a department. However, all HSC 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

Reinstatement

24. There is a legal requirement under Section 7 of the Reserve Forces (Safeguard of Employment) Act 1985, for a Reservist to be re-employed for a minimum of 13, 26 or 52 weeks, depending on their length of employment prior to mobilisation, as follows:

Length of service	Minimum period of time that the employer is obligated to reinstate after mobilisation
If the employee has been in continuous employment for a consecutive period of less than 13 weeks	Must reinstate the employee for a minimum of 13 weeks
If the employee has been in continuous employment for a consecutive period of more than 13 weeks and less than 52 weeks	Must reinstate the employee for a minimum of 26 weeks
If the employee has been in continuous employment for a consecutive period of not less than 52 weeks	Must reinstate the employee for a minimum of 52 weeks

25. Providing the Reservist applies in writing for reinstatement, the HSC has a legal obligation to reinstate the employee in the same type of job in which they were last employed, on terms and conditions no less favourable to them than previously. However if this is not reasonable and/or practicable, the Reservist should be re-employed in a mutually acceptable alternative role. The Reservist must be re-employed as soon as is reasonable to do so from the date stated by the Reservist in their letter for reinstatement. This letter must reach the designated Trust contact

within HSC (and copied to their line manager) no later than the 3rd Monday after the last day of military service.

KSF Gateway Review and Annual PDP Review

26. Line managers who carry out Performance Review meetings with a Reservist should be aware that Reserve Forces activities undertaken by an individual (either through training or mobilisation) bring essential skills into the workplace such as leadership, communication, team working and organisational ability, which ultimately lead to improved performance in the workplace. It is therefore good practice that HSC employers recognise these skills and abilities in an individual's performance review and acknowledge that the activities can be regarded as evidence of achievement or in some circumstances contribute towards an individual being in a position to evidence application of knowledge and skills at the next level of a KSF dimension. These principles will also apply to Reservists not employed on Agenda for Change terms and conditions.

Aftercare

27. Demobilisation may be a difficult time, with a Reservist returning to work after a challenging period in deployment. Helping to ensure a smooth re-integration into the workplace/team will require the following considerations:
- The need to update on changes and developments in the organisation;
 - 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.

Financial Assistance

28. During the period of mobilisation the MOD provides financial assistance to members of the Reserve Forces and their employers who suffer financial loss as a direct result of the call out of members of the Reserve Forces for service in the Armed Forces.

For the employer these include:

Recurring costs:

- Overtime costs, if other employees work overtime to cover the work of the Reservist
- Costs of temporary replacement by the amount that such costs exceed the relevant earnings of the Reservists

The maximum claim available is £110 per day (c £40,000 per annum). Claims can be made for every normal working day that the Reservist is away on permanent⁴ service.

Non-recurring (One-off) costs:

- Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or
- Advertising costs

There is no financial cap on the above claims, but any claim must be supported by relevant documentation

⁴ when the Reservist is mobilised

An application for non-recurring (one-off) costs and recurring costs must be made within 4 weeks of the end of mobilised service.

Handover award

The employer may claim this award for no more than 5 days before the Reservists reports for military service and for no more than 5 days after they return to work following mobilised service. The amount payable for a handover is subject to a cap and is the daily rate of pay to the replacement of the Reservists multiplied by the number of days of handover. The cap is the sum of the daily rate of pay of the Reservist during the handover and £100 per day.

Clothing award

An employer may reclaim the cost (subject to the cap) of providing specialist clothing to the person who replaces the Reservist during mobilised service for the performance of their employment as the Reservist's replacement. The cap is the lesser of £300 or 75% of the costs incurred by the employer in providing the clothing.

Training award - replacement

The employer may reclaim the cost (subject to the cap of £2,000) of training the person who replaces the Reservist during the period of mobilized service.

Training Award – return to work

If on the Reservists return to work a Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the employer can apply to re-claim these costs. This training must be claimed for within 8 weeks of the Reservist returning to work and the training must be commenced within 6 months of the return to work.

Support

29. Further sources of guidance and information can be obtained from:

www.gov.uk/mod/employer-relations

- Employer rights, exemptions and appeals
- Financial assistance, timing and appeals
- Welfare and support for mobilised Reservists
- A frequently asked questions page for employers

RFCA NI - 02890 665024

Defence Regional Employer Engagement Director – 02890 664902

Athene Gordon, Regional Employer Engagement Director, RFCA NI

- 02890 664902 or 07595024040
- DFTS: 9491- 45410
- Fax: 02890 662809
- Email: ni-empsp@rfca.mod.uk

Defence Employer Support Helpline – 0800 389 5459

(This is a free telephone helpline open during office hours where advice can be obtained on mobilisation and employment issues.)