



Ministry of Defence

**Service Personnel & Veterans Agency
(Joint Personnel Administration Centre)
Mobilisation Cell**

«JPAC_ADDRESS_LINE_1»
«JPAC_ADDRESS_LINE_2»
«JPAC_ADDRESS_LINE_3»
«JPAC_TOWN_OR_CITY»
«JPAC_COUNTY»
«JPAC_POST_CODE»



**Service Personnel
& Veterans Agency**

Telephone: «JPAC_EXT_TELEPHONE»
Facsimile: «JPAC_EXT_FAX»
Email: «jpac_email»
Mil Net: «JPAC_INT_TELEPHONE»
Facsimile: «JPAC_INT_FAX»

«PREV_EMPLOYER_NAME»
«PREV_EMPLOYER_ADDRESS_LINE1»
«PREV_EMPLOYER_ADDRESS_LINE2»
«PREV_EMPLOYER_ADDRESS_LINE3»
«PREV_EMPLOYER_ADDRESS_LINE4»
«PREV_EMPLOYER_ADDRESS_LINE5»
«PREV_EMPLOYER_ADDRESS_LINE6»
«PREV_EMPLOYER_ADDRESS_LINE7»

Reference:
SPVA/JPA/Mobilisation/5

Date: «SYSTEM_DATE»

**«EMPLOYEE NUMBER» «EMPLOYEE RANK NAME» «EMPLOYEE INITIALS»
«EMPLOYEE LAST NAME» - CALL OUT OF A MEMBER OF THE RESERVE FORCES**

1. Your employee, named above, is a member of the Reserve Forces and has recently been given a formal Notice of Call Out. The Call Out, which is compulsory, means that «GENDER» may be taken into full time service with the Armed Forces in support of operations in «TOUR_LOCATION» under «OPERATION_NAME». «GENDER2» reporting date is «MC_REPORTING_DATE» and «GENDER» can expect to be mobilised for «PERMANENT_SERVICE_LENGTH» months. I have enclosed with this letter an employer's acknowledgement form (Enclosure 1); I would be grateful if you could complete and return it to me at the address given at the bottom of the form.

2. Employers and Reservists have statutory rights and obligations. In outline these are:

- a. The Employer. You are entitled to apply for deferral, revocation or exemption from the Call Out. You may also apply for financial assistance as set out in The Reserve Forces (Call Out and Recall) (Financial Assistance) Regulations 2005.
- b. The Reservist. The Reserve Forces (Safeguard of Employment) Act 1985 gives the Reservist the right, in law, to be reinstated in «gender2» former employment by you at the end of «gender2» military duty.

3. It is my duty to inform you that, should you wish to apply for a deferral, revocation, or exemption from the Call Out, or to apply for financial assistance, then you should write to the Adjudication Officer of the Service to which your employee belongs. The addresses for each Adjudication Officer are given in the enclosed Guide for Employers.

4. Reservists who are called out for service have a right to seek reinstatement to their civilian employment under the terms of the Reserve Forces (Safeguard of Employment) Act 1985. The Act obliges an employer to reinstate a former employee who has completed «gender2» period of called out service and who applies for reinstatement in accordance with the provisions of the Act.

APPLICATIONS FOR DEFERRAL, REVOCATION OR EXEMPTION FROM CALL OUT

5. You have the right to apply for deferral, revocation or exemption from Call Out if you believe that the loss of your employee would have an exceptionally severe impact on your business. In order for the Adjudication Officer to amend or rescind the Notice of Call Out, you will, of course, need to provide suitable evidence. You should make your application on company headed notepaper, over-stamped, if possible, with a company stamp. Please note that, even if you make such an application, your employee is required to report for military duty on the specified date, unless a “determination” has been made in your favour before that date. In the event that your application is successful, your employee will be sent new instructions or will be demobilised and released from military duty if he or she has already reported. (A short guide to the Application Process is enclosed (Enclosure 2) to assist you.)

APPLICATIONS FOR FINANCIAL ASSISTANCE

6. You are not obliged to ask for financial assistance. If you do not wish to make an application, simply complete the relevant section on the enclosed form. This letter, however, offers you the formal opportunity to make an application for financial assistance and further details are given below.

MAKING AN APPLICATION

7. The detailed requirements for information and evidence are attached at Annex A. Should you wish to make an application, it should identify the net additional costs you have incurred (or will incur) within the overall limits. Your application does not have to be in any special format but should be comprehensive and should identify the costs being applied for and provide appropriate documentary evidence to support your application. The Employers Award comprises:

- a. Up to £110 a day (approx £40K per year – subject to annual review) for extra salary costs incurred in replacing the reservist, subject to satisfactory proof of costs incurred. (This amount is in excess of the salary amount previously paid to the Reservist).
- b. Certain non-recurring costs of replacing a reservist. These costs are agency fees or advertising costs, and are not subject to a limit, but you must demonstrate the fees incurred and that they have been paid.
- c. A training award for re-training that a reservist requires for his/her job and is required as a result of absence on mobilised service. This is not subject to limit, but invoices will be required..

TIME LIMITS

8. If you do not provide the information and evidence within the time limits given below, without reasonable excuse, this may result in the rejection of your application. If it seems likely that a delay will occur, please notify the Adjudication Officer in writing that you intend to apply but that your application has been delayed. Applications for all awards, other than the training award, can be made at any time up to 4 weeks after the Reservist's release from permanent service. The training award must be claimed within 8 weeks of the Reservist completing the relevant training, and the training must ordinarily be completed within 6 months of the Reservist's release from permanent service. If the training is not available at that time, then the employer must notify the Adjudication Officer within the initial 6 months, and may then apply for such training provided it is carried out within 12 months of the Reservist's release from permanent service.

CONSIDERATION AND DETERMINATION

9. Each application is considered as soon as possible. If sufficient evidence is provided the Adjudication Officer will make a "determination". If the evidence provided is insufficient the Adjudication Officer may make a preliminary determination and request further details. Once a determination has been made the Adjudication Officer will post to you, the employer, within 2 days, a written statement showing:

- a. The reasons why the specific determination was made.
- b. How any award was calculated and the factors taken into account – and when the payment of the award might be expected (usually sent with the determination).
- c. The address to which an appeal must be submitted if you are dissatisfied with the Adjudication Officer's determination.

10. You are required to notify the Adjudication Officer if you become aware of any inaccuracies in the information you have provided or any changes to it. This must be done within 7 days of the change coming to your attention.

FURTHER QUERIES AND REPLIES

11. If you have any difficulties or concerns, please do not hesitate to contact the Adjudication Officer, or a member of the Adjudication Officer's staff, by telephoning:

- a. Royal Navy & Royal Marines - 02392 727350/727354
- b. Army - 0800 389 6585
- c. Royal Air Force - 01452 712612 ext 7888

12. Please complete the enclosed 'Employer's Acknowledgement of the Call Out of an Employee' form within 7 days of receipt of this letter. Additionally, you should make an application for financial assistance, using the guidance at Enclosure 3 as soon as you are able. To assist us, I would be most grateful if you could ensure that your employee's Military Service Number, Rank, Name and Initials are included on any letter or documents that you send.

13. I realise that this is an unusual and perhaps unexpected event, but it is one that arises after much careful thought by the Secretary of State. I am most grateful for your co-operation in this matter.

«SERVICE_SIGNATURE_NAME»
«SERVICE_SIGNATURE_RANK»
«SERVICE_SIGNATURE_APPOINTMENT»

Enclosures:

1. Employer's Acknowledgement of the Call Out of an Employee.
2. Deferral, Revocation or Exemption of Call Out or Recall - Guide for Employers.
3. Employers' Financial Assistance Guidance for the Provision of Information and Evidence.

EMPLOYERS' ACKNOWLEDGEMENT OF THE CALL OUT OF AN EMPLOYEE

Name	«EMPLOYEE_LAST _NAME»	Rank	«EMPLOYEE_RANK_NAME»	Service Number	«EMPLOYEE_NUMBER»
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1. I have read the attached letter and guide. I note the Ministry of Defence has Called Out the above named reservist in support of operations, with an anticipated duration of «PERMANENT_SERVICE_LENGTH» months. I understand that the Reserve Forces (Safeguard of Employment) Act 1985 applies to this situation.

2. * I do not intend to make an application against the Call Out.
or
 * I intend to request that the Call Out to be deferred/ revoked until:
or
 * I intend to request that my employee be granted exemption from this Call Out.

I understand that applications for deferral, revocation or exemption have to be made in accordance with the notes for “Deferral, Revocation of Call Out”, enclosed with this letter.

3. If my employee is taken into ‘Permanent Service’, I would wish/would not wish* to make an application for financial assistance towards the additional costs incurred by my business. My initial estimate of these costs is:

4. I acknowledge that my responses at paragraphs 2-3 is an initial indication and that I will have to provide a formal submission.

Signed:		Date:	
Position:		Company:	
Address:		Telephone Number:	
Post Code			

After completion of this form, please return it without delay to: JPAC Mobilisation Cell
 «JPAC_ADDRESS_LINE_1»
 «JPAC_ADDRESS_LINE_2»
 «JPAC_ADDRESS_LINE_3»
 «JPAC_TOWN_OR_CITY»
 «JPAC_COUNTY»
 «JPAC_POST_CODE»

Please endorse with your Company Stamp

Signed:
 Name:

PLEASE ALSO FAX A COPY OF THIS RETURN WITHIN 2 DAYS TO THE JPAC «JPAC_FAX_NUMBER»

Enclosure 1 – Part B (Amdt 30 Jan 08)

EMPLOYEE’S PENSION PAYEE DETAILS

Name	«EMPLOYEE_LAST_NAME»	Rank	«EMPLOYEE_RANK_NAME»	Service Number	«EMPLOYEE_NUMBER»
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NB. Please clear the release of this information with your employee. You need only complete paragraphs 2 - 8 if the answer to paragraph 1 is “YES”

1. Do you contribute to your employee’s (the reservist’s) pension scheme? |

2. Current monthly payment of employer contributions is	£	Or	If payments are made in 13 instalments for each year state the total annual contribution	£
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3. Name of Pension Payee (Employer or Pension Provider as appropriate) |

4. Address of Pension Payee |

Post Code

5. Pension Payee Contact Name |

6. Pension Payee Telephone Number |

7. Bank Details of Pension Payee (Employer or Pension Provider as appropriate)	Sort Code:
	Account Number:

8. Employer Pension Scheme Reference Number |

**Delete as appropriate*

Please endorse with your Company Stamp

Signed:
Name:

PLEASE FAX A COPY OF THIS RETURN (WITHIN TWO DAYS) TO THE APPROPRIATE SERVICE ADJUDICATION OFFICER – DETAILS ARE IN PARAGRAPH 16 OF ENCLOSURE 2

Your Employee’s Service is	«EMPLOYEE_SERVICE»
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DEFERRAL¹, REVOCATION² OR EXEMPTION³ OF CALL OUT OR RECALL GUIDE FOR EMPLOYERS

INTRODUCTION

1. This guide is intended for employers. It provides a summary of the scheme under which you can ask for a Reservist you employ to be exempted from Call Out or Recall, to have their Call Out or Recall deferred or to be released from service. The scheme was introduced by the Reserve Forces Act 1996 and the regulations made under it. Copies of the Reserve Forces Act and the relevant Statutory Instruments can be purchased from The Stationery Office, or downloaded from the HMSO website.

2. You should bear in mind that this is intended to be a guide. It is not an authoritative statement of law. To make the guide easier to follow, the matters of exemption, deferral and release from service are referred to here simply as 'exemption'. Reservists can apply for exemption on their own account if their personal circumstances would suffer as a direct result of Call Out or Recall. There is a separate guide describing the scheme for reservists.

WHO CAN APPLY

3. The regulations permit you to seek the exemption for reservists you employ if the reservist's absence would cause serious harm to your business or undertaking or to a partner, proprietor or employee of that business or undertaking. Any business or undertaking employing a Reservist can apply for the employee to be exempted. If the Reservist is a partner in a business then the business is regarded as his employer; and if the Reservist is a director of a company (other than a non-executive director) that company is regarded as his employer. The self-employed can apply as an employer or as a Reservist, or both. A Reservist, who has been offered and has accepted a job, but has not yet started working for you, is regarded as an employee of your business or undertaking.

WHEN YOU CAN APPLY

4. Although, in order to cover various different situations, the regulations provide a number of different starting dates for making an application, in simple terms applications must be made within 7 days of the Reservist being served with his or her Notice of Call Out or Recall. If the application is not made in that 7 days, the permission of the Adjudication Officer to make a late application must be obtained.

¹ Deferral: The postponement of the Reservist's Call Out/Recall date.

² Revocation: The cancellation of the Reservist's Call Out/Recall Notice.

³ Exemption: The cancellation of the Reservist's Call Out/Recall Notice plus the suspension of the Reservist's Call Out/Recall liability for up to a year.



5. Normally late applications can only be considered if you did not know of any grounds for the application and could not reasonably have discovered them until later; or did not learn until afterwards that the Reservist had been called out, accepted into service or had his entitlement to release postponed. Even then, once you become aware of the relevant facts, you must make your application promptly.

GROUND FOR EXEMPTION

6. To obtain exemption you have to show that the absence of the Reservist would cause serious harm to the business or undertaking in which the Reservist is employed or to a partner, proprietor or employee of that business or undertaking. What constitutes serious harm will vary from case to case. However, the regulations define such harm as including:

- The serious loss of sales, markets, reputation, goodwill or other financial harm;
- The serious impairment of the ability to produce goods or provide services; or
- Demonstrable harm to research and development of new products, services or processes;

provided that the harm could not be prevented by giving you financial assistance under the Reserve Forces (Call Out and Recall) (Financial Assistance) Regulations 2005.

INFORMATION YOU SHOULD PROVIDE

7. You will need to provide as much information as possible about the Reservist who is being called out or recalled (i.e. at least surname, first name, address, payroll number and National Insurance number). It is important that you also provide as much information as you can about the business in which the Reservist is employed, the role that is performed, and the impact that the Reservist's absence will have if called out.

8. If there are any mistakes in the information in your application, or something happens which changes the information you have provided, you must tell the Adjudication Officer within seven days of your becoming aware of it. It could be an offence if you fail to give information that you are required to provide, or if you provide information that is deliberately misleading.

MAKING AN APPLICATION

9. An application should be made in writing but can be sent by post, fax or e-mail. If the Reservist's Notice of Call Out or Recall specified a person to whom the application can be given, then it can be sent to that person. Otherwise it can be given to any Adjudication Officer at the place to which the Reservist went to be accepted into service. Finally it can be sent to one of the Adjudication Officers whose addresses are set out below. Obviously you can seek independent legal advice on any matter regarding exemption, though you should keep in mind that this will be at your own expense.



DETERMINATION OF APPLICATIONS

10. An Adjudication Officer appointed for the purpose will determine your application. The Adjudication Officer is usually a Service officer or Ministry of Defence official. The Adjudication Officer will try to determine your application quickly, but there might be a need to get further information, make enquiries or interview you. The Adjudication Officer's decision will be made as soon as possible and it will be confirmed in writing within two days of the decision being made. If a decision has not been made by the time the Reservist is due to report to the Mobilisation Centre, he should report there as instructed. If he is then accepted into service, your application will be treated as an application for release from permanent service.

FACTORS THAT WILL BE TAKEN INTO ACCOUNT

11. In determining your application for exemption the Adjudication Officer will seek to balance your need as an employer to retain the Reservist against the Services' need for the Reservist to support the operation for which he or she has been called out. Therefore if the Services' requirement is for unskilled manpower, an application to retain a Reservist who had specialist skills might readily succeed. It might be different if the Services' need specifically requires people with the skills possessed by your Reservist. However, even then, if you can show that retaining the Reservist at that time is essential, your application may still be successful.

12. If your application is granted, the Reservist will not be accepted or will be released even if he or she wishes to enter or continue in Permanent Service. If you have an application granted, the exemption can still be waived if you give written agreement to such a waiver. An exemption granted to you will lapse if the Reservist leaves your employment. You must inform the Adjudication Officer if a Reservist who is exempted leaves your employment.

TIMING OF EXEMPTION

13. The Adjudication Officer can decide that exemption should take effect immediately as either deferment (if the Reservist is not yet in service) or early release (if the Reservist is in service). The Adjudication Officer can also specify that an exemption will lapse upon the happening of some future event (for example, the exemption may have been granted because the Reservist was needed to fulfil a certain contract. The Adjudication Officer can decide that, once that contract is completed, the exemption will lapse). In general terms exemptions only last for 12 months from the date when they take effect.

APPEALS

14. If you are not satisfied with the decision that the Adjudication Officer makes, you can appeal to the Reserve Forces Appeal Tribunal. The members of this Tribunal are entirely independent of the Ministry of Defence - most are Employment Tribunal chairman or members. How the tribunal regulates itself is not within the scope of this guide. Any appeal must be made no later than five days after the date on which you were told of the



decision. Advice on how to do this is given in another guide which can be obtained from the SaBRE at the address below.

FINALLY

15. If you require general advice about exemption or any other matter relating to the Reserve Forces Act 1996 you should contact:

SaBRE Support Team (Supporting Britain's Reservists & Employers)
Holderness House,
51-61, Clifton St.
LONDON EC2A 4EY
(Telephone Helpline 0800 389 5459 or visit the SaBRE website at
www.sabre.mod.uk)

WHERE TO APPLY

16. Your application should be made to the Adjudication Officer appointed for the Service in which the Reservist serves.

The RN and RM Adjudication Officer Fleet Headquarters (MP 3-1) Leach Building Whale Island PORTSMOUTH PO2 8BY Tel: 02392 625520 Fax: 02392 625993 Email: npsrnmadjudicationofficer@mod.uk	Army Adjudication Officer Army Personnel Centre PO BOX 26703 Glasgow G2 8YN Tel: 0800 389 6585 Fax: 0141 224 8953 email: tares-emplapps-dcmc@apc.army.mod.uk	RAF Adjudication Service Room G107, Bldg 255 Royal Air Force Innsworth Gloucester GL3 IEZ Tel: 01452 712612 x 7888 Fax: 01452 510949 email: gcrestores@gtinet.gov.uk
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INVESTOR IN PEOPLE

An Executive Agency of the Ministry of Defence

**EMPLOYERS' FINANCIAL ASSISTANCE GUIDANCE FOR THE PROVISION OF
INFORMATION AND EVIDENCE**

To support your application it is requested that you provide the Adjudication Officer with the following information or documents:

1. Earnings. Documentary evidence of your employee's current earnings and written evidence of the earnings you have contracted to pay your employee for the 52 weeks immediately following the call out date.

2. Replacement Salary Costs. Documentary evidence of any replacement salary costs incurred eg agency invoices or copies of payslips for temporary replacement, and/or documentary evidence of any overtime or increases in salary to existing staff.

3. Non-Recurring Costs. Documentary evidence of any agency fees or advertising costs incurred in replacing the Reservist.

4. Training Award. If you wish to make an application for a Training Award you must provide:

a. A statement of the training that the Reservist is required to undertake for the performance of his/her job.

b. A statement that the application makes the maximum use of opportunities to re-acquire the necessary standard at no additional cost through such free training as may be available, or workplace experience.

c. Invoices for the relevant training.

