

# NHS Dorset Corporate Policy

## Armed Forces Community Policy



## Preface

The purpose of this policy is to ensure that there is a consistent, fair and transparent approach in its application across NHS Dorset Integrated Care Board. This NHS Dorset ICB policy will promote, maintain and strengthen the organisation's strategies and values.

All staff are responsible for ensuring that they are viewing and working to the current version of this policy. If this document is printed in hard copy or saved to another location, it must be checked that the version number in use matches with that of the live policy on the NHS Dorset ICB intranet.

A	Summary Points
	<ul style="list-style-type: none"> <li>NHS Dorset recognises the Armed Forces Community as per the Armed Forces Covenant definition, legislated by the Armed Forces Act 2021</li> <li>NHS Dorset provides up to 10 paid days additional leave for Reservists</li> <li>NHS Dorset provides up to 5 days paid leave for Cadet Forces Adult Volunteers</li> </ul>

B	Associated Documents
	<ul style="list-style-type: none"> <li>Other NHS Dorset HR policies, specifically the Leave Policy</li> </ul>

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<b>F Supporting Documents/ Evidenced Based References</b>		
Evidence	Hyperlink	Date

<b>G Distribution List</b>			
NHS Dorset Internal Intranet	NHS Dorset Internet Website	Communications Bulletin	External Stakeholders
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# Armed Forces Community Policy

## 1.0 INTRODUCTION

- 1.1 NHS Dorset Integrated Care Board (ICB) is committed to the Armed Forces Covenant and through its pledges seeks to support the Armed Forces Community (AFC) as far as possible and to ensure that members of the AFC do not suffer disadvantage.
- 1.2 The ICB is fully committed to, and supportive of, the Armed Forces Covenant pledges and have delegated day to day work in this area to the ICB Armed Forces Community Lead: Rob Munro ([rob.munro@nhsdorset.nhs.uk](mailto:rob.munro@nhsdorset.nhs.uk)). The ICB Armed Forces Community Lead can be contacted with any queries relating to employing or supporting members of the AFC as defined within this policy.
- 1.3 The Armed Forces Covenant is a promise by the nation ensuring that those who serve or who have served in the Armed Forces, and their families, are treated fairly.
- 1.4 The Armed Forces Covenant defines the AFC as comprising of the following groups:
  - **Regular Personnel** – Individuals currently serving as members of the Naval Service (including the Royal Navy and Royal Marines), Army or Royal Air Force.
  - **Reservists** – Volunteer Reservists, who form the Royal Naval Reserve, Royal Marine Reserve, Territorial Army and the Royal Auxiliary Air Force, and Regular Reservists, who comprise the Royal Fleet Reserve, Army Reserve and Royal Air Force Reserve.
  - **Veterans** – Those who have served for at least a day in HM Armed Forces, whether as a Regular or as a Reservist.
  - **Families** of Regular Personnel, Reservists and Veterans – The immediate family of those in the categories listed above. This is defined as spouses, civil partners, and children for whom they are responsible, but can where appropriate extend to parents, unmarried partners and other family members.
  - **Bereaved** – The immediate family of Service Personnel and veterans who have died, whether or not that death has any connection with Service.

## 2. RECORDING ARMED FORCES COMMUNITY STATUS

- 2.1 In order for the ICB to support employees who are who are members of the AFC, individuals identifying as Reservists, Cadet Force Adult Volunteers, Military Spouses or Partners, or Military Veterans are encouraged to record this information on the Electronic Staff Record as a supplementary role. New starters will also be encouraged to share this information as part of the induction process. The process for recording this information can be found in appendix 1.

## 3. RESERVISTS

- 3.1 It is the policy of the ICB to support the operations of the UK Armed Forces and to enable employees who are, or who wish to become, Reservists to support their

respective Armed Forces Unit without prejudice to their employment. This section of the AFC policy intends to define our obligations towards all employees who are members of the Reserve Forces. This Ministry of Defence (MoD) document: [Reservist employer toolkit](#) is the source of the following information, which has been laid out here to help manage and support these employees.

### 3.2 There are two main types of Reservist:

- **Volunteer Reservists** - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
- **Regular Reservists** - ex-regular service personnel who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

### 3.3 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 (MoD).
- High Readiness Reserves – These are Reserves, usually with a particular skill set, that are available at short notice (with written agreement from their employer).

3.4 Reservists are required to inform their employer that they are a member of the Reserve Forces and the specific force that they belong to. This is so that the employer 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 ICB also recognises the additional skills and experiences that being a Reservist can bring to the organisation and therefore it is useful for the ICB to have an understanding of where these particular skills and experiences exist. The ICB will not intentionally disadvantage employees who are Reservists, nor will Reservists who are made known to the ICB directly by the MoD be intentionally disadvantaged.

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

3.6 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.

3.7 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.

- 3.8 The ICB 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 ICB.
- 3.9 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** - a 2 week annual training course sometimes referred to as '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 normally takes place within the UK, although each year some Reservists train overseas.
- 3.10 Whilst not legally obliged, the ICB is committed to granting 10 days of paid leave per year to Reservists specifically to enable them to attend their annual camp. Additional unpaid leave or annual leave from the employee's normal annual allocation of up to 5 days may be granted for short periods of training provided adequate notice is given and where such training cannot be undertaken in off-duty time. These additional leave requests will be considered but are subject to operational considerations. Attendance at weekend training which cannot be undertaken during off-duty will be subject to the same arrangements.
- 3.11 The ICB will endeavour, where operationally feasible, to release Reservists for attendance at Reserve Forces training events where these take place on their normal working days. Reservist employees should give as much notice as possible, but normally no less than four weeks, to allow appropriate planning. All requests must be made in writing to their Line Managers who will support individuals to allow attendance at annual camp and other training commitments (e.g. weekly or weekend training sessions) unless there are exceptional circumstances.
- 3.12 Reservist employees should give as much notice as possible of training commitments to allow appropriate planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances.
- 3.13 If a Reservist employee is Mobilised for operational service, the ICB will continue to treat the contract of employment as operable during the period of mobilised service so that there will be no loss of continuous service within the ICB. Entitlement to annual leave will not however accrue during this period as the Reservist employee will be both paid and be entitled to annual leave from the MoD.
- 3.14 Following a period of mobilised absence the ICB will comply with current legislation (Safeguard of Employment Act 1985) regarding the employee's return to work. The Reservist however must initiate the request to return to work in accordance with the requirements of the Act.
- 3.15 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.

3.16 The Call-out papers for mobilisation are sent by post to the ICB 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, the MoD 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.

3.17 A period of mobilisation comprises three distinct phases:

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

3.18 Line Managers should refer to the example document linked here: [Reservist employer toolkit](#), which accompanies this policy for further information on the following actions:

#### Pre-mobilisation

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

#### 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.

3.19 In all cases of mobilisation, the ICB 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.

3.20 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).

- 3.21 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 ICB 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.
- 3.22 If an unsatisfactory decision is received following the application for a deferral, the ICB 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 ICB will be required to release the Reservist for mobilisation.
- 3.22 The ICB will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service-related benefits. Under The Reserve Forces Act (Safeguarding of Employment) Act 1985, an employee's service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, he or she can return to employment upon which their continuity of service will be restored.
- 3.23 Where mobilisation occurs the employee will be given special unpaid leave of absence. 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 ICB, 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. The ICB is not required to pay the Reservist's salary during the period of mobilisation.
- 3.24 Contractual benefits that are suspended by the ICB during mobilisation can be claimed by the Reservist as part of their Reservist Award.
- 3.25 The Line Manager and Reservist should discuss benefit arrangements during the pre-mobilisation meeting. This should cover those benefits which will be suspended and for any continuing benefits, arrangements should be made as to how these are paid.
- 3.26 If the Reservist is a member of the ICB pension scheme and the employer suspends the employer contribution, and the Reservist chooses to remain within it, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions.
- 3.27 Reservists should be encouraged to take any accrued annual leave before mobilisation. The ICB 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 tour leave (POTL). During this period they will continue to be paid by the MoD.

- 3.28 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.
- 3.29 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.
- 3.30 During the period of mobilisation the Reservist will continue to accrue any rights to service-related 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. After this time the Reservist will be covered by the ICB sickness arrangements, in line with the ICB Leave Policy. If the Reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered by the ICB sickness arrangements, in line with the ICB Leave Policy.
- 3.31 Both the Reservist and their employer have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process.
- 3.32 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.

#### Reservist

- 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.

#### Employer

- The Employer 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.
- 3.33 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.

- 3.34 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.
- 3.35 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 ICB;
  - 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.
- 3.36 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.
- 3.37 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].

- 3.38 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.

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

3.40 Further sources of guidance and information can be obtained from the following:

- Defence Relationship Management website: [Defence Relationship Management - GOV.UK \(www.gov.uk\)](http://www.gov.uk);
- Defence Relationship Management helpline: 0800 389 5459. This is a free telephone helpline open during office hours where advice and guidance can be obtained on training, mobilisation and employment issues;
- Royal Navy website: [Royal Naval Reserves | Royal Navy \(mod.uk\)](http://www.mod.uk);
- Army website: [The Army Reserve | The British Army \(mod.uk\)](http://www.mod.uk)
- Royal Air Force website: [RAF Recruitment | Reserves | Royal Air Force \(mod.uk\)](http://www.mod.uk).

#### **4. SPOUSES AND PARTNERS**

4.1 The ICB recognises that spouses and partners of regular Armed Forces personnel often subordinate some of their “freedoms” to support their husband, wife, or partner. As a direct result of being married to, or in a civil partnership with, a member of the regular Armed Forces, some spouses and partners often move house regularly, are dislocated from families and friends and can find gaining employment difficult due to their mobility and inappropriate bias from some employers.

4.2 The ICB also recognises that military spouses and partners are often “underemployed” whereby they are often qualified or experienced to carry out roles at a higher level than roles they find themselves in. Engagement with the Armed Forces Families federations has explained some of the reasons behind this to an extent, which originate from circumstances determined by their links to military service. These reasons can include limitations around childcare due to their support network being hundreds of miles away as well as the fact that their partners’ jobs are very unpredictable including deployment for weeks or months at a time, at short notice.

4.3 The ICB seeks to be an inclusive and supportive employer of military spouses and partners, recognising the transferable skills often held including problem solving, resilience, determination and an ability to focus on a task with appropriate flexibility when needed.

4.4 Consequently, the ICB is committed to supporting military spouses and partners as follows:

- Where an employee is a military spouse or partner of regular Armed Forces personnel, requests for leave or flexible working to enable the military spouse or partner to handle family issues whilst the regular service person is deployed away on operations on exercises will be considered favourably;
- Leave requests to allow service spouses / partners to spend time with a regular Armed Forces personnel once they return from an operational

deployment, including periods of rest and recuperation (RnR) will be considered favourably;

- Short notice changes of leave plans to accommodate changes in deployments dates for the regular service person will be considered favourably;
- Where a military spouse or partner is an employee of the ICB and, as a result of a requirement to relocate due to links to military service, the ICB will support them in seeking employment in the new location where they are suitable to undertake a role; this may include offering protected time to apply for a role and unpaid leave to attend interviews etc.

4.5 In recognition of the challenge that some military spouses and partners encounter in gaining employment, the ICB will engage proactively with agencies and charities that aim to provide a focus for military spouses or partners seeking employment – for example, the Armed Forces Families Federation, including Army, Royal Air Force and Royal Navy, and specific organisations to support military spouses and partners such as Recruit for Spouses and Forces Families Jobs etc.

4.6 The ICB recognises that some military spouses and partners are disinclined to declare that they are married to, or in a partnership with, a regular Armed Forces person as they believe this can often lead to an early rejection of an application. To help counter this, as above, the ICB will commit to engaging directly with those organisations cited in section 4.5 as it actively seeks to recruit military spouses and partners of Armed Forces personnel.

4.7 Staff who are military spouses and partners of Armed Forces Personnel should be encouraged to inform their line manager to ensure that any adjustments to working arrangements can be made as required.

## **5. CADET FORCE ADULT VOLUNTEERS**

5.1 The ICB is committed to supporting the Cadet Forces via its Covenant pledges. The ICB recognises the value that the Cadet Forces bring to society through the training that cadets receive which allows them to contribute to their communities both during their cadet experience and beyond. The ICB also recognises the critical role that Cadet Force Adult Volunteers (CFAVs) play in ensuring these youth movements are effective.

5.2 In support of CFAVs, the ICB will seek to support these volunteers, as far as possible, in meeting their commitments. In doing so, it is noted that most cadet activities take place in the evenings and weekends albeit some activities can take place during the working day. It is also recognised that some CFAVs are required, for cadet supervisory reasons, to attend annual camps (normally on one week's duration).

5.3 Specifically, the ICB will:

- Consider flexible working arrangements to permit CFAVs to meet their commitments;
- Provide CFAVs with five days additional paid leave to permit them to attend an annual camp or taken as individual days during the year to allow working day cadet activities to be supported;

- Consider requests for additional time off for training for these employees. In this case the support will be up to 5 days per annum of Special Unpaid Leave;
- Not provide any additional pay, travel or subsistence or training to enable CFAVs to meet their commitments.

## **6. MILITARY VETERANS**

- 6.1 The ICB recognises the skills and experience that Military Veterans have and that these can be of significant benefit to the effectiveness of the organisation and its teams. The ICB actively seeks to employ Military Veterans and appreciates their military service. Their transferrable skills are recognised to include problem solving, leadership, teamwork, integrity, ability to learn quickly, communicating and an ability to perform under pressure.
- 6.2 Consequently, the ICB is committed to supporting Military Veterans as follows:
- Provide (where possible), short duration work placements to help gain experience and complete elements of practical assessment for qualifications being undertaken during resettlement.
  - Encourage Military Veterans to discuss their experiences of military service with staff to ensure that people with no experience of the Armed Forces gain an insight.
- 6.3 The ICB recognises that some Military Veterans are disinclined to declare that they have served in the Armed Forces as they believe this can often lead to an early rejection of an application. To help counter this, the ICB will commit to continuing to engage with recognised organisations such as Step into Health, which seeks to support recruitment from the Armed Forces into the NHS.
- 6.4 ICB employees who are Military Veterans should be encouraged to inform their line manager of their Military Veteran status to ensure that any support or understanding required can be accessed and directed to.