

## **Employing Reservists Policy**

Cliff College, Cliff Lane, Calver, Hope Valley, S32 3XG

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### **1 Introduction**

- 1.1 This policy sets out how our organisation supports staff who are reservists. The reserve forces include the Army Reserve, Royal Naval Reserve, Royal Marines Reserve and Royal Auxiliary Air Force.
- 1.2 We recognise that many of the skills that reservists gain during their training are transferable to the workplace. We will assist reservists as far as possible, for example by considering unusual leave requirements or the need to amend working patterns.
- 1.3 The policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

### **2 Scope**

- 2.1 This policy applies to employees. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

### **3 Informing us that you are a reservist**

- 3.1 So that we can support reservists, it is a contractual requirement that employees inform us as soon as possible that they are, or intend to become, reservists.
- 3.2 This requirement is put in place purely to allow us to deal with the practical implications and so that reservists who do this will not be disadvantaged in any way.

### **4 Time off for activities in the reserve forces**

- 4.1 Employees who need time off for activities as reservists are expected to use days out of their normal holiday entitlement.
- 4.2 While we will do our best to accommodate any request for leave for activities in the reserve forces, we cannot guarantee that reservists' holiday requests will be given priority.
- 4.3 To avoid reservists being unable to take time off when needed, they should apply for holiday as soon as possible after they are informed that they need to take time off.
- 4.4 Each leave year, reservists will be able to request a number of extra days' unpaid leave to help them to meet their commitments to the reserve forces.
- 4.5 The reservist should make the request to their Line Manager in the same way as normal annual leave is requested, tagged as 'Military reserve leave'.
- 4.6 While we will do our best to accommodate any requests to use this extra leave, we cannot guarantee that reservists' extra leave requests will be given priority.
- 4.7 To avoid reservists being unable to take time off when needed, they should apply for this extra leave as soon as possible after they are informed that they need to take time off.
- 4.8 This offer is available to employees who provide evidence that they need to take the time off as a reservist at the time when they are booking holiday for the purpose of doing the reservist activities.

4.9 The offer cannot be used for days when the reservist is not undertaking reservist activities. For example, it cannot be used for recovery from the physical demands of a weekend away with the reserve forces.

4.10 All holiday and leave dates must be approved in advance by their Line Manager and it is important that reservists follow the usual procedure for requesting holiday.

4.11 We will endeavour to agree to such requests, but we reserve the right to turn down requests.

## **5 "Buying" holiday**

5.1 Reservists seeking to balance their permitted leave with their commitments to the reserve forces should be aware that they also have the option of "buying" extra holiday entitlement.

5.2 Reservists should refer to our separate policy on Buying/Selling Holiday and contact their Line Manager for more information.

## **6 Flexible working**

6.1 We operate a flexible working policy that allows for employees to make a request for a change to their working hours or pattern of working.

6.2 The change may be made for a temporary period or on a permanent basis.

6.3 Reservists should refer to our separate Flexible Working Requests Policy and contact their Line Manager for more information.

## **7 Unauthorised absence**

7.1 We will treat any instances of unauthorised leave as a serious disciplinary matter that could result in disciplinary action, up to and including dismissal.

7.2 Employees should be aware that, if they take a period of leave that has not been approved, they will be subject to disciplinary action on their return to work.

## **8 Reservists' callouts**

8.1 Reservists may be called out for military operations, with notice typically given 28-days before mobilisation, which can last up to 12-months.

8.2 On being called out, the reservist should present their mobilisation papers, together with a letter from the Ministry of Defence to us, outlining the date, and possible duration, of mobilisation. *The Ministry of Defence may also contact us independently.*

8.3 We recognise that, under the Reserve Forces (Safeguard of Employment) Act 1985, we believe that the employee's absence on military service is likely to do 'serious harm' to it, we may apply for an exemption, deferral or revocation of mobilisation.

8.4 We recognise that the criteria for exemption, deferral or revocation are strict, and we will seek an exemption, deferral or revocation only in exceptional circumstances.

8.5 If we decide to seek an exemption the application must be submitted to the relevant adjudication officer within the 7-days immediately following the date of the employee's receipt of the mobilisation notice.

8.6 There is financial assistance available to our organisation from the Ministry of Defence when a reservist is called up.

## **9 Reservists' rights during mobilisation**

- 9.1 There is no requirement for us to pay the reservist during their absence on military operations.
- 9.1 During this period the reservist receives service pay from the Ministry of Defence, along with a standard award to make up any difference, up to the statutory limit, between their service pay and normal average weekly earnings.
- 9.2 The Ministry of Defence also pays our contributions to the reservist's occupational pension scheme, as long as the reservist gives an undertaking to continue paying their own contributions to the scheme, and premiums paid by us in relation to medical, health or life insurance.

## **10 Reservists' demobilisation**

- 10.1 Regardless of the length of the military action, the mobilised reservist has the right to be reinstated in their former job within 6-months of demobilisation, on terms and conditions that are no less favourable than those that would have been in place but for the enforced absence.
- 10.2 If it is not reasonably practicable to reinstate the reservist to their former job, we must re-engage them in the most favourable occupation and on the most favourable terms and conditions that are reasonable and practicable in the circumstances.
- 10.3 To exercise the right to be reinstated, the reservist must write to us no later than the third Monday after demobilisation confirming their intention to return to work within the following 13-weeks. The initial 13-week period may be renewed for a further 13-weeks if circumstances such as illness or injury prevent the reservist's return during the initial period. However, the reservist forfeits their right to return to work with us if they fail to do so within 26-weeks of demobilisation.
- 10.4 Once reinstated, we will continue to employ them in that same occupation for:
- 10.4.1 the following 26-weeks;
  - 10.4.2 52-weeks if the reservist had been employed for a consecutive period of at least 52-weeks at the time they were called up for military operations; or
  - 10.4.3 a minimum of 13-weeks if the employee was employed for fewer than 13 weeks immediately prior to mobilisation.

## **11 Continuity of employment**

- 11.1 The continuity of the reservist's period of employment is not broken by a period of mobilisation, if they are reinstated to their former employment within 6-months of demobilisation.
- 11.2 However, when calculating the employee's total period of continuous employment, we will discount the number of days falling in the period between the date on which the reservist is called up for military operations and the day immediately preceding the day on which they return to work.

## **12 Review**

- 12.1 This policy may be reviewed at any time at the request of any member of staff, but it will be automatically reviewed two years after initial approval and thereafter on a biennial basis unless organisational changes, legislations, guidance, or non-compliance prompt an earlier review.

## **13 Definitions**

- 13.1 Cliff College ("we", "us", "our")
- 13.2 The Employee ("you", "your")

**Document control box**

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