

To: **Employment Committee**  
**7 February 2024**

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**Armed Forces Covenant and Employers Recognition Scheme**  
**Assistant Directors: Chief Executive's Office & HR, OD, and Payroll**

**1 Purpose of Report**

- 1.1 To seek Employment Committee agreement for the council to reaffirm its pledge to the Armed Forces community by signing the Armed Forces Covenant Pledge and to commit to attaining the Defence Employer Recognition Scheme (ERS) Silver Award in 2024.

**2 Recommendations**

- 2.1 That the council signs the Armed Forces Covenant Pledge.
- 2.2 Having achieved the requirements of the bronze ERS award, the council commits to attaining the silver ERS scheme award applying by March 2024.
- 2.3 To note and endorse the Reservist policy and procedure in Annex C
- 2.4 That the council recognises the valuable contribution made by reservists by asking the Employment Committee to approve awarding an additional five days paid leave for reservists.

**3 Reasons for Recommendations**

- 3.1 Through signing the Armed Forces Covenant Pledge the Council will publicly demonstrate its continuing commitment to supporting the Armed Forces Community and sustain our positive collaborative relationships with the MoD, and locally the Royal Military Academy Sandhurst, supporting partner organisations and local employers.
- 3.2 It is recommended that the council progress to attaining silver level status, to provide greater support and commitment to Reservists who are employed by the council. The ERS acknowledges the contribution made by individual employers who have committed to and provide exceptional support to the armed forces community by going above and beyond their covenant pledges and inspire others to do so.
- 3.3 In order to attain silver status the council is required to award an additional 5 days annual leave to Reservists in its employment. Whilst it is not a requirement that these additional days are paid, it is recommended that these are paid days leave to recognise the valuable contribution that Reservists make to the UK armed forces and also recognises that these days are spent undertaken activities required by the MoD as Reservist.

**4. Alternative Options Considered**

- 4.1 That the council does not create a Reservists policy and commit to attaining the Defence Employer Recognition Scheme (ERS) Silver Award in 2024. This option was discounted for the reasons outlined in 3.0 recommendations above.
- 4.2 The council could choose to grant 5 additional unpaid days of leave to reservists but for the reasons in 3.3 above this has not been recommended.

## **5 Supporting Information**

### Armed Forces Covenant

- 5.1 The Covenant is a promise that acknowledges and understands that those who serve or have served in the Armed Forces, and their families, should be treated with fairness and respect in the communities, economy and society they serve with their lives. Its two principles are that, recognising the unique obligations of, and sacrifices made by, the Armed Forces:
- Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services.
  - Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

### Armed Forces Covenant Pledge

- 5.2 In demonstrating support for the local armed forces community the council signed the Community Covenant Pledge in December 2011 collectively with supporting partners and the Royal Military Academy Sandhurst. The Community Covenant Pledge has since been replaced and amended and is now referred to as the Armed Forces Covenant Pledge, an example of the pledge is attached at Annex A.
- 5.3 Employers are encouraged to resign the updated Pledge and demonstrate how they plan to uphold the principles of the Armed Forces Covenant by committing to a list of suggested thematic areas (listed below) or create their own. These can be deleted or changed at any time to reflect changing circumstances. The thematic areas suggested are:
- Promoting the Armed Forces
  - Employment support to members of the Armed Forces Community
  - Communications, engagement, and outreach
  - Commercial
  - Health
  - Housing
  - Education
  - Civic responsibilities
  - Any additional commitment the organisation wishes to make.

- 5.4 Officers have engaged with the Royal Military Academy Sandhurst who have offered to host a signing event. The Armed Forces Champion Cllr Georgia Pickering is very supportive of the council re-signing the pledge. Cllr Helen Purnell has also been briefed as Executive Member for Community Cohesion.

### The Employer Recognition Scheme (ERS)

- 5.5 The ERS encompasses bronze, silver and gold awards which acknowledge the level of support organisations pledge, demonstrate or advocate that align their values with the Armed Forces Covenant. The council was awarded the Bronze ERS award in 2015.
- 5.6 The detailed criteria for each award level are attached at Annex B, in summary:
- a) Bronze award holders pledge to support the armed forces, being armed forces-friendly and are open to employing reservists, armed forces veterans, cadet instructors and military spouses/partners.
  - b) Silver award holders must ensure that their workforce is aware of their positive policies towards defence people issues including providing at least 5 days additional unpaid/paid leave.
  - c) Gold award holders must proactively demonstrate forces-friendly credentials as part of their recruiting and selection processes and have policies in place providing at least 10 days' additional leave fully paid to Reservist employees.
- 5.7 Nominations for the Silver Award must be made by March annually for consideration by a selection board at regional level chaired by a senior military officer against the award criteria. Organisations applying are notified of the outcome around July/August. It is expected that award holders will actively reflect their status as a silver award winner for 3 years from the date of the award, although the award itself will continue to be listed on the Armed Forces Covenant website and be a matter of public record.

Additional leave and reservist policy

- 5.8 The National Agreement on Pay and Conditions of service states that leave of absence should be granted for employees undertaking public duties. The definition of public duties is for local determination for which Bracknell Forest has a policy.
- 5.9 Reservists are typically committed to 24-40 days training taking place over weekends, evenings and one two-week training period "annual camp". As outlined in 5.4, the requirement at silver award level is to increase annual leave entitlement for reservists by five days – it is for the employer to decide whether it is paid or unpaid.
- 5.10 In order to support the commitment to Armed forces, it is recommended to increase paid annual leave by five days for Reservists to attend annual training. Whilst at silver level, additional time off can be unpaid, there are already additional paid entitlements in the Time off for Public Duties policy which exceed five days and therefore it is reasonable for this to be paid.
- 5.11 Should the Council progress to Gold Award, there is a requirement to award ten paid days annual leave. To endorse the five days paid annual leave at silver level, is a step towards those ten days.
- 5.12 Currently reservist status is not recorded by HR. Consequently, it is challenging to provide potential costs of awarding five days paid leave. It is not however, anticipated to have a large financial burden as there have been no previous enquiries from employees or managers on this matter. In addition, the last request for time off

for redeployment is recorded April 2014 to April 2015 for an employee who has since left the Council.

- 5.13 The advice received from the Regional Employer Engagement Director advised production of a Policy in relation to Army reservists and provided a template policy from the Ministry of Defence. The policy has largely been adopted with minimal changes. It is included in Annex C and outlines the process for notifying employers, training or call up. The policy includes the additional annual leave outlined above.

## **6 Consultation and Other Considerations**

### Legal Advice

- 6.1 The Armed Forces Act 2021 introduced a new requirement for local authorities to pay due regard to the principles of the Armed Forces Covenant when carrying out specific public functions in the areas of housing, healthcare, and education. The core principles of the Covenant are that all organisations (as defined in s.343AA (3) of the Armed Forces Act 2006 as amended) should have regard to:

- a) The unique obligations of, and sacrifices made by, the armed forces;
- b) The principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the armed forces, and
- c) The principle that special provision for service people may be justified by the effects on such people of membership, or former membership, of the armed forces.

### Financial Advice

- 6.2 There are no financial implications arising from signature of the Covenant; the arrangements in terms of agreed leave for staff linked to the Covenant are already in place. There has previously only been one request for paid leave and any future requests would be expected to be met from existing budgets.

### Other Consultation Responses

- 6.3 Equalities Group, 19 December 2023  
Term and Conditions Group, 14 December 2023

### Equalities Impact Assessment

- 6.4 Compliance with the Armed Forces Covenant Pledge will ensure that the council consciously considers the needs of the Armed Forces community in decisions about the development and delivery of certain services and is able to remove any disadvantages faced and providing opportunities for employees who are Reservist to meet their commitments. The council's Initial Equalities Screening Record Form requires an assessment of the impact on Armed Forces Communities in the development of new or changes to existing policies and/or services, budget proposals and any decisions.

### Strategic Risk Management Issues

- 6.5 The Armed Forces Act 2021 enacted in November 2023 introduced a new requirement for some public bodies in 2023, including local authorities and the NHS, to pay due regard to the principles of the Covenant when carrying out specific functions in the areas of housing, healthcare and education.

### Climate Change and Ecological Impacts

6.6 The recommendations in Section 2 above are expected to:

Have no impact on emissions of CO<sub>2</sub>. The reasons the Council believes that this will have no impact on emissions is that the Armed Forces Covenant and Duty seek to reduce inequalities and advance equality of opportunity for members of the Armed Forces Community.

#### Health & Wellbeing Considerations

6.7 The recommendations made at section 2 aim to raise awareness by the specified bodies of those using their healthcare services who are members of the Armed Forces Community. This will help to raise awareness of and improve the way in which their needs are met, improve local population health outcomes, address health inequalities and any challenges experienced in accessing healthcare services.

#### **Background Papers**

Annex A - Armed Forces Covenant Pledge Example

Annex B - ERS Award Criteria

Annex C - Reservist policy and procedure

#### Contact for further information

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## Annex A



## Organisation Name

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**We commit to uphold the Armed Forces Covenant and support the Armed Forces Community. We recognise the contribution that Service personnel, both regular and reservist, veterans and military families make to our organisation, our community and to the country.**

Signed on behalf of:

**Organisation Name**

Signed:

Name:

Position:

Date:

**Add logo**

## **The Armed Forces Covenant**

An Enduring Covenant Between

The People of the United Kingdom  
His Majesty's Government

– and –

All those who serve or have served in the Armed Forces of the Crown

And their Families

The first duty of Government is the defence of the realm. Our Armed Forces fulfil that responsibility on behalf of the Government, sacrificing some civilian freedoms, facing danger and, sometimes, suffering serious injury or death as a result of their duty. Families also play a vital role in supporting the operational effectiveness of our Armed Forces. In return, the whole nation has a moral obligation to the members of the Naval Service, the Army and the Royal Air Force, together with their families. They deserve our respect and support, and fair treatment.

Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most, such as the injured and the bereaved.

This obligation involves the whole of society: it includes voluntary and charitable bodies, private organisations, and the actions of individuals in supporting the Armed Forces. Recognising those who have performed military duty unites the country and demonstrates

the value of their contribution. This has no greater expression than in upholding this Covenant.

### Section 1: Principles of The Armed Forces Covenant

1.1 We, **Organisation Name**, will endeavour to uphold the key principles of the Armed Forces Covenant:

- *Members of the Armed Forces Community should not face disadvantages arising from their service in the provision of public and commercial services.*
- *In some circumstances special provision may be justified, especially for those who have given the most, such as the injured or bereaved.*

### Section 2: Demonstrating our Commitment

**The following thematic areas may be covered by your pledges. Please pick from the suggested list of pledges or create your own. Delete, add or change any of the pledges to show how you can support the Armed Forces Community in ways best suited to you. Pledges may be changed at any time in the future to reflect your changing circumstances.**

2.1 We recognise the contribution that Service personnel, reservists, veterans, the cadet movement and military families make to our organisation, our community and to the country. We will seek to uphold the principles of the Armed Forces Covenant by:

- **Promoting the Armed Forces:**
- **Employment support to members of the Armed Forces Community:**
- **Communications, engagement and outreach:**
- **Commercial:**
- **Health**
- **Housing:**
- **Education:**
- **Civic responsibilities:**
- **Any additional commitment the organisation wishes to make.**

2.2 We will publicise these commitments through our literature and/or on our website, setting out how we will seek to honour them and inviting feedback from the Armed Forces Community and our customers on how we are doing. **[Amend as appropriate]**



**Annex B:**

**ERS 2024 – Summary of Award Criteria dated 31 Oct 23  
Common to all levels of ERS:**

1. Organisations must have signed the Armed Forces Covenant (AFC).
2. The employer must not have been the subject of any negative PR or media activity that is inconsistent with the values of the AFC or Defence (Separate policy guidance available via RF&C EE).
3. Armed Forces community defined as: Reservist (i.e. Part Time Volunteer Reserves), Regular Service leavers, Service families (Regular and Reserve), Cadet Force Adult Volunteers (CFAV) & Cadet movement, Veterans.
4. Where appropriate, criteria required for lower awards must be maintained as the organisation progresses up each tier.
5. Although an award is possible for support of a single Defence People issue/segment of the Armed Forces community a nomination will be strengthened if their support extends across the community as whole.

**ERS Bronze:** Assessed and Managed by DRM

6. **Essential Criteria** – The minimum required to be considered for award, policies to be in place and communicated to/with the workforce:
  - a. The employer must have declared their intent to support the AFC (signed the Covenant) and have registered their interest in consideration as a Bronze award holder via ERS website.
  - b. Employer has confirmed their understanding of the AFC and ERS what it means to be a supporter of the Armed Forces community with the appointed NAM/REED. (See Appx 1)
  - c. Employer informs their workforce of their positive support for the Armed Forces community.
7. **Desirable Criteria** – Factors which add value to any application, note that the description of these allows for an assessment of evidence in the context of the scale, business model and market sector of the employer:
  - a. Employer is willing to consider how to develop a suitable HR framework to enable Reserve mobilisation for members of their work force.
  - b. Employer is willing to consider providing additional paid leave for Reservists (i.e. Part Time Volunteer Reserves) to conduct training.
  - c. The employer is willing to consider how they would promote volunteering with the Cadet Forces.
  - d. Employer is willing to consider how they ensure that Service personnel/Armed Forces community are not unfairly disadvantaged as part of their recruiting and selection processes.

**ERS Silver (in addition to Bronze Criteria): Coordinated by DRM: Assessed by Regional Silver Boards**

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8. **Essential Criteria** – The minimum required to be considered for award, policies to be in place and communicated to/with the workforce:

- a. The employer must already be accredited as a holder of ERS Bronze Award and held it with sufficient time to develop suitable plans and policies and evidence to support the ERS Silver application. For example, it would be unusual for an organisation to attempt achieve AFC/Bronze and Silver within the same year (<12 months).
- b. The employer must proactively demonstrate that Service personnel/Armed Forces community are not unfairly disadvantaged as part of their recruiting and selection processes.
- c. The employer must actively ensure that their workforce is aware of their positive policies towards the Armed Forces community. For example, an employer should have an internally publicised and positive HR policy on Reserves in their workforce. In the case where no HR policy exists this should be demonstrated by specific references in job descriptions/organisation's website.
- d. Within the context of Reserves the employer must have demonstrated support for mobilisation or have a framework to support mobilisations in place in place or have made a commitment through their NAM/REED that they understand the mobilisation process and would support a mobilisation if practicable. For example, employers of reservists should be aware of the role of Unit Employment Support Officers (UESO) and how they support the Reservists in their work forces [See JSP 766].
- e. The employer demonstrates support to training by providing at least 5 days additional annual leave (ideally paid) for Reserve training.
- f. Demonstrably have an existing and sustained relationship with their NAM/REED, for example having an up to date point of contact within the organisation which is known to DRM.
- g. The employer should demonstrate support to the Cadet movement as a whole by providing proactive support to individual cadets and/or to local cadet units. This could, for example, be through mentoring cadets in core skills such as CV writing and interview techniques, or by direct investment in equipment or infrastructure for a local cadet unit.

9. **Desirable Criteria** – Factors which add value to any application, note that the description of these allows for an assessment of evidence in the context of the scale, business model and market sector of the employer:

- a. The employer promotes volunteering with the cadet forces from their workforce by allowing flexibility for employees who are Cadet Force Adult Volunteers (CFAVs) to fit their working hours in with their volunteering.
- b. The employer promotes volunteering with the cadet forces from their workforce by providing additional leave for employees who are Cadet Force Adult Volunteers (CFAVs).
- c. Employers should employ at least one individual from the Armed Forces community the nomination emphasises. For example, an employer nominated for support to the Reserves must employ at least one Reservist. If this is not be feasible given scale/business models, this should be made clear in the application.
- d. If scale and business models permit, Employer is willing to consider hosting a Reserve recruiting event on their premises in partnership with a local Reserve Unit or single Service (sS) Recruiting Teams.

**Gold (in addition to Silver Criteria):** Coordinated by DRM: Assessed by MOD Gold Decision Board.

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10. **Essential Criteria**– The minimum required to be considered for award, policies to be in place and communicated to/with the workforce:

- a. The employer must already be accredited as a holder of ERS Silver Award and held it with sufficient time to develop suitable plans and policies and evidence to support the ERS Gold application. For example, it would be unusual for an organisation to attempt achieve Silver and Gold within the same year (<12 months).
- b. The employer must be an exemplar within their market sector/ local area, advocating for the Covenant and the Armed Forces community to partner organisations, suppliers and customers with tangible positive results. E.g. demonstrate proactive steps/activity and clear success in encouraging partner organisations and their supply chain to engage with and sign the AFC, or mentor others in progressing through the ERS.
- c. The employer must actively encourage a positive environment for Reservists (i.e. Part Time Volunteer Reserves) by ensuring that positive policies in support of Reservists within the workforce are communicated to line managers.
- d. The employer demonstrates support to training by providing at least 10 days additional annual paid leave for Reserve training.
- e. The employer should be an exemplar in demonstrating support to the Cadet movement. This could, for example, be through mentoring cadets in key employment skills, by providing guaranteed interviews for cadets, by direct investment in equipment and infrastructure for a local cadet unit, or by funding and sponsoring competitions, events, and specific activities for cadets such as overseas expeditions.
- f. The employer promotes volunteering with the cadet forces from their workforce, by providing additional leave for employees who are Cadet Force Adult Volunteers (CFAVs) *[The addition of support to CFAV as essential criteria for ERS Gold will apply for new applications in 2024 and all revalidations falling due in 2025].*
- g. If feasible, based on the scale and business model of the employer, they should be engaged with CTP to support their recruitment of Service leavers and have registered with the Forces Families Jobs website.

11. **Desirable Criteria** – Factors which add value to any application, note that the description of these allows for an assessment of evidence in the context of the scale, business model and market sector of the employer:

- a. The employer promotes their support to Reserve service and the wider Armed Forces Community through their full range of internal and external communications e.g amplifying DRM social media messaging around Armed Forces Week, Reserves Day, ERS Gold /Silver announcements etc.
- b. Where scale and business model permit, they should be aware of the numbers of reservists employed and have a declared target for the number of Reservists within their workforce. Ideally, they would have relationship with the relevant Unit Employment Support Officers (UESO) for reserve units in their local area (See JSP 766).
- c. If there are Reservists within the workforce, they have positively engaged in the process of mobilisation for any of those Reservists.
- d. The employer should promote volunteering with the cadet forces and allow flexibility for employees who are Cadet Force Adult Volunteers (CFAV) to fit their working hours in with their volunteering.

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e. Where scale and business models permit, the employer should actively encourage and support an internal Armed Forces community (ideally Reservist) network within their organisation.

f. If scale and business models permit, they will have hosted a Reserve recruiting event on their premises in partnership with a Reserve Unit or single Service Recruiting Team.

Appendices:

1. Explanation of an Organisation's Responsibilities when they pledge support for AFC.

**Appendix 1 to  
Annex C to  
RF&C/EE/ERS  
dated 31 Oct 23**

**Explanation of an Organisation’s Responsibilities when they pledge support for AFC**  
*Drafted for inclusion in appropriate communications and briefings by AFP Sp, DRM to AFC signatories and ERS award applicants and holders.*

*Text used has been drawn from current Armed Forces Covenant and related gov.uk webpages*



**What does it mean when organisations pledge support for the Armed Forces Covenant?**

**Why do we have the Covenant?** The Armed Forces Covenant (The Covenant) is a promise by the nation that those who serve or have served in the Armed Forces, and their families, should be treated fairly and should not face disadvantages when seeking to access public or private goods and services in the UK. The Covenant focusses on helping members of the Armed Forces Community<sup>1</sup> have the same access to government and commercial services and products as any other UK citizen. Full details on the background to, and means of supporting, the Covenant can be found at <https://www.armedforcescovenant.gov.uk>

**What is the Covenant?** The Covenant is a voluntary pledge by members of UK society of their support for the Armed Forces Community. Organisations<sup>2</sup> may choose to “sign up” in order to demonstrate their support for the principles of the Covenant and as clear indication of their support for the Armed Forces Community.

**What the Covenant is not?** The Covenant is not an endorsement of the values, views, services, or products of organisations who pledge their support. Neither signing the AFC nor achieving an ERS award should be taken to imply MOD endorsement of any individual or organisation.

**What does it mean when an organisation pledges support for the Covenant?**

Organisations who pledge to support the Armed Forces Covenant acknowledge that they will endeavour uphold the principles of the Covenant outlined below and that they:

- Acknowledge that the **first duty of Government is the defence of the realm** and the Armed Forces play a vital in fulfilling that responsibility on behalf of the Government.
- Accept the **moral obligation to respect and support the fair treatment** of the members of the Naval Service, the Army and the Royal Air Force, together with their families.
- Agree that those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, their families, and those bereaved due to service **should face no disadvantage compared to other citizens** in the provision of public and commercial services.
- Accept that in some circumstances **special provision may be justified**, especially for those who have given the most, such as the injured or bereaved.

<sup>1</sup> Armed Forces Community is taken to include Regular service personnel, Reservists (Part Time Volunteer Reserves), Regular Service leavers, Service families (Regular and Reserve), Cadets, Veterans and when relevant the families of those bereaved due to Service.

<sup>2</sup> Organisation is taken to mean any individual, company, public body, commercial entity, civic or governmental body or other group that indicates a willingness to pledge their support for the Armed Forces Covenant.

- Acknowledges that **their organisation's values are consistent with the principles AFC** and also should that change. their inclusion in the AFC Register<sup>3</sup>, membership of the ERS and eligibility to use the Covenant or ERS branding may be withdrawn.

**When to demonstrating their support for the Armed Forces Community the employer will:**

- **Recognise the contribution** that service personnel, reservists, veterans, the cadet movement and military families make to our organisation, our community and to the country in a manner appropriate to their organisation.
- **Publicise their support for the Covenant** and any specific commitment their organisation has made to honour the Covenant through their own communications, literature, social media/website.
- Respect and support the **politically neutral** nature of the Covenant and recognise that is a promise by the nation which all parts of UK society can support.
- Ensure that any communications from or by their organisation in support of the Armed Forces Community **conform to the MOD brand guidelines**<sup>4</sup> for the Armed Forces Covenant.

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<sup>3</sup> <https://www.gov.uk/government/publications/search-for-businesses-who-have-signed-the-armed-forces-covenant>

<sup>4</sup> <https://www.armedforcescovenant.gov.uk/wp-content/uploads/2019/08/AFC-Guidelines-1.pdf>



# Reserve Forces Training & Mobilisation Policy

**Document Control**

<b>Current Version:</b>	1	<b>Date Modified:</b>	December 2023
<b>Revision due</b>	The service aims to review policies and procedures every two years to ensure documents are up to date		
<b>Owning Service</b>	Human Resources		

***Approvals (if required)***

<b>Date Employment Committee gave authorisation for changes (where necessary)</b>
February 2024

***Change History***

Version	Date	Description	Changes made by
1.1	Feb 2024	New policy based on MOD template	Melissa Berry

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## **BRACKNELL FOREST COUNCIL'S RESERVE FORCES TRAINING AND MOBILISATION POLICY**

### **INTRODUCTION**

The Council welcomes staff who are members of the Reserve Forces and they recognise the valuable contribution that Reservists make to the UK Armed Forces, their communities and the civilian workplace.

The Armed Forces Act 2021 introduced a requirement for Local Authorities to pay due regard to the principles of the Armed Forces Covenant when carrying out specific functions in housing, healthcare and education. However there are additional responsibilities in relation to current employees who may be Reservists, and also Veterans who may be looking for employment.

### **EQUALITY**

At Bracknell Forest Council we are committed to ensuring equity, diversity, and inclusion among our workforce, and eliminating unlawful discrimination. We want everyone that works for us to feel that their individuality is respected, and their unique contributions are valued.

The aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.

The Council - in providing goods and/or services and/or facilities - is also committed to equity, celebrating diversity, inclusion and against unlawful discrimination of customers or the public.

### **PURPOSE**

The Armed Forces Covenant, launched in 2012, is a promise that those who are serving in the Armed Forces, or who have served, and their families, are treated fairly and do not suffer disadvantage because of their service. The Council has signed the Covenant.

This policy outlines the responsibilities of the Council in respect of Armed Forces Reservists and Veterans.

### **PRINCIPLES**

- We pledge not to disadvantage Reservists who notify the Council of their Reserve status
- We agree to release Reservists for attendance at Reserve Forces Training Events where these take place on normal working days
- We agree to release employees mobilised for Reservist duties

## **SCOPE**

This procedure applies to all employees of Bracknell Forest Council, with the exception of:

- School based staff (see separate School policy)
- Employees serving a probationary period
- For individuals undertaking casual work

## **ARMED FORCES RESERVISTS**

### **Types of Reservists**

There are two main types of Reservist:

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

### **Reserve Status Notification**

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 Council 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 Council also recognises the additional skills and experiences that being a Reservist can bring to the Council and therefore it is useful for the Council to have an understanding of where these particular skills and experiences exist.

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

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.

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.

In any circumstance, the Reservist will not be disadvantaged as a result of notifying the Council of their Reserve status.

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### Training commitments and Time Off

The Council 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 Council.

Reservists are typically committed to 24-40 days training per year. Training tends to take place 1 evening per week, over various weekends throughout the year and one 2 week 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** - 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.

The Council is committed to granting additional paid leave of five days per year (Prorata for part time) to Reservists.

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.

### Mobilisation

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.

The Call-out papers for mobilisation are sent by post to the Employer 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, Defence 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

A period of mobilisation comprises three distinct phases:

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

Line Managers should refer to the example [Reservist employer handbook](#)

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### Pre-mobilisation

- Meet with Reservist to ensure all mobilisation paperwork completed (including pay, benefits & pension arrangements)
- Make a claim for financial assistance as appropriate (see s.10 of policy)
- Discuss any handover of work and return of equipment
- Arrangements for keeping in touch
- Refer to checklists in [Reservist employer handbook](#) document

### During mobilisation

- Keep in touch with Reservist as arranged

### Post-mobilisation

- Ensure both employer and reservist fulfill their return to work obligations
- After care and support requirements.

### **Applying for exemption/Deferral/Revocation**

In all cases of mobilisation, the Council 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.

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).

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 Council 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.

If an unsatisfactory decision is received following the application for a deferral, the Council 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 Council will be required to release the Reservist for mobilisation.

## **Treatment of Terms and Conditions during mobilisation**

The Council 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. The time off will be treated as sabbatical leave.

### **Pay**

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 Council, 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.

Where mobilisation occurs the employee will be given special unpaid leave of absence.

The Council is not required to pay the Reservist's salary during the period of mobilisation.

### **Pension**

If the Reservist is a member of the Council 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.

[Reserve Forces Service Leave | Berkshire Pension Fund \(berkshirepensions.org.uk\)](https://www.berkshirepensions.org.uk)

### **Annual Leave**

Reservists should be encouraged to take any accrued annual leave before mobilisation. The Council 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 leave (POL). During this period they will continue to be paid by the MoD.

Normal rules on carry over of annual leave applies and can be found on the intranet.

### **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.

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### **Sick Pay**

During the period of mobilisation the Reservist will continue to accrue any rights to service-related Council 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 Council sickness arrangements (in line with local policy).

If the Reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered by the Council Sickness arrangements.

### **Return to work**

Both the Reservist and their employer have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process

#### **Reservist:**

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.

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.

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.

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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.

### **Aftercare**

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:

- Return to work conversation with the manager outlining support through Employee Assistance Programme, Mental Health First Aiders
- The need to update on changes and developments in the Council.
- 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**

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]

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.

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### Training award

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

### Further information

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

- Defence Relationship Management  
<https://www.gov.uk/government/groups/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 [www.royalnavy.mod.uk/the-fleet/maritime-reserves](http://www.royalnavy.mod.uk/the-fleet/maritime-reserves)
- Army website: [www.army.mod.uk/join/20233.aspx](http://www.army.mod.uk/join/20233.aspx)
- Royal Air Force website [www.raf.mod.uk/rafreserves](http://www.raf.mod.uk/rafreserves)