**Armed Forces Community Employment Support Policy**

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10. **Introduction**
    1. Salisbury NHS Foundation Trust employ staff who are members of the Armed Forces community. This includes reservists, veterans, Cadet Force Adult Volunteers (CFAV) and spouses or civil partners of current service personnel.
    2. The Trust recognises the valuable contribution that members of the Armed Forces Community make to the UK Armed Forces, their communities, and the civilian workplace.
    3. The Trust is strategically positioned in a large military community which offers the unique opportunity to attract service leavers who want to pursue a career in the NHS.
    4. To benefit from the talent within the Armed Forces Community, the Trust is committed to removing any barrier against individuals who are and/or wish to pursue a successful career in the NHS.
11. **Purpose and Scope**
    1. The Trust has pledged its support for the Armed Forces Community and takes an active role is seeking to harness talent from the community. The Trust acknowledges the training undertaken by Reservists and veterans enables them to develop skills and capabilities that are of benefit to both the individual and their employer.
    2. This policy defines the obligations towards members of the Armed Forces Community and states that the Trust will not disadvantage any employee by virtue of their status as members of the community.
    3. The policy also seeks to set a uniform approach to support members of the Armed Forces community who are working or aspire to work for the Trust.
    4. The policy applies to all occupational staffing groups working in the Trust who are part of the Armed Forces Community.
    5. The accompanying document ‘Line Manager Guidance’ is a practical guide to help manage and support members of the community.
12. **Definitions**
    1. **Armed Forces Community** – Armed Forces Community encompasses reservists, veterans and individuals affiliated with the Armed Forces, including spouses or civil partners of current service personnel.
    2. **Reservists** – consists of volunteers and regular reservists serving in the Royal Navy Reserve, Royal Marines Reserve, Army Reserve and the Reserve Air Forces.
    3. **Volunteer Reservists** - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Air Force.
    4. **Regular Reservists** - ex-regular servicemen & women who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.
    5. **Mobilisation** – the process of calling reservists into full time service with the regular forces, in order to make them available for military operations.
    6. **Demobilisation** – the process of releasing a member of the Armed Forces from military operations and readjust into civilian life.
    7. **Veterans** – individuals who have left the Armed Forces after serving at least one day.
    8. **Cadet Force Adult Volunteers (CFAV)** – adult volunteer instructors who provide training to Sea, Army, Air Cadets, and Combined Cadet Force.
13. **Roles and Responsibilities**
    1. **Role of the Chief People Officer**
       1. The Chief People Officer is responsible for the implementation of the policy.
    2. **Role of Line Managers**
       1. Line manager is responsible for authorising leave requests related to mobilisation and training commitments.
       2. Responsible for processing return to work of the reservist employee after demobilisation.
    3. **Armed Forces Network Chair**
       1. The Armed Forces Network Chair is responsible for providing support and guidance for the Armed Forces Community in the Trust.
       2. Provide space for the Armed Forces Community to share their experiences and act as a peer support network.
       3. Act as the designated contact person for reservist employees on mobilisation.
    4. **Role of Individual Employees**
       1. Ensure that they declare their membership of the Armed Force community at the time of employment.
       2. Ensure that their line manager receive advanced notice of their mobilisation and/or annual training commitments.
       3. Seek their line manager’s agreement and authorisation for each period of absence to mobilise and/or attend training commitments.
       4. Where necessary, provide written evidence from the Ministry of Defence (MoD) to confirm their mobilisation, and/or attendance at training commitments.
14. **Reservists**
    1. **Legal Framework**
       1. The relationship with reservist members of staff should be like any other member of staff. However, there are areas where the status of reservist employees may have an impact on the operations of the Trust.
       2. There are two main pieces of legislation that define the rights and liabilities of both employers and reservist employees.

* [Reserve Forces (Safeguard of Employment) Act 1985 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/1985/17) (SOE 85) provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilisation.
* [Reserve Forces Act 1996 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/1996/14/contents) (RFA 96) provides the powers under which reservists can be mobilised for full time service.
  1. **Training Commitments & Time off**
     1. Reservists are typically committed to 24-40 days training per year. 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 two-week mandatory 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.
  + 1. CFAV are also required to attend the two-week mandatory annual training camp.
    2. The Trust is committed to grant reservist and CFAV employees ten days (two weeks) paid leave in addition to their normal annual leave entitlement to attend their two-week mandatory annual camp, provided that the Trust is given prior notification of their reservists and/or CFAV status.
    3. Notification of reservist and/or CFAV status should include detail of all planned military training that will require absence from the Trust. This must be given at the beginning of each year to ensure appropriate planning is put in place.
    4. Additional unpaid leave or annual leave from the employee’s normal annual leave allocation may be granted for short periods of training, provided adequate notice is given, and where such training cannot be undertaken in off-duty time. Attendance at weekend camps, which cannot be undertaken during off-duty, will be subject to the same arrangements.
    5. Line managers will as far as possible, facilitate work rosters to allow attendance for annual camp and other training commitments e.g., weekly or weekend training sessions.
  1. **Mobilisation**
     1. Mobilisation is the process of calling up reservists into full time service. This can be with Regular Forces on military operations, or to fulfil their part of the United Kingdom’s defence strategy or for humanitarian operations.
     2. The Reserve Forces Act 1996 mentioned in section 5.1 above provides the legal basis for mobilisation. In the past this has usually be done on a voluntary basis with the prior agreement of employers but can involve compulsory mobilisation of selected reservists.
     3. 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 may be sent by post to the Trust or delivered in person by the reservist to their line manager. The document will include the call-out date and the anticipated timeline.
     4. Whenever possible, the MoD might aim to give at least 28 days’ notice of the date that a reservist employee will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.
     5. A period of mobilisation comprises three distinct phases:
* Medical and pre-deployment training
* Operational tour
* Post-operational tour leave
  + 1. Line Managers with authorisation from the Divisional Management Team (DMT) will grant permission where necessary in line with service needs. Once permission is granted, it cannot be rescinded, but in exceptional circumstances.
    2. Any disputes should be referred to the Armed Forces Network Chair as the designated contact in the first instance for an informal resolution. If a reservist employee remains dissatisfied, they may follow the Trust’s grievance procedure.
  1. **Terms and Conditions of Service during Mobilisation**
     1. **Pay**
* The Trust will continue to treat the contract of employment of reservist employees mobilised for Reserve Service as operable throughout the period of such service and will be considered continuous service. But the Trust will not continue to pay salary during mobilisation.
* The MoD will assume responsibility for the salary of reservist employee for the duration of the mobilisation. This will be paid at basic rate according to your military rank. If your basic element of pay is less than what you receive from the Trust, it is your responsibility to apply for the ‘Reservist Award’ from the MoD to ensure that you do not suffer any loss of earnings.
  + 1. **Pension**
* A reservist employee is called up is entitled to remain a member of the NHS Pension Scheme. However, the employer contribution will be suspended by the Trust during the period of unpaid leave.
* Instead, the employer contribution will be paid by the MoD during mobilisation provided the reservist employee continue to pay their individual employee contributions.
* Reservist employees on the call out notice who wish to preserve their NHS pension should contact the Pensions Department in the Trust for further guidance and information.
  + 1. **Annual Leave**
* Reservist employees have no entitlement to accrue annual leave or unpaid leave whilst mobilised and should take any accrued annual leave before mobilisation.
* Annual leave not taken up to the date of mobilisation may be carried over into the following leave year but only when the reservist employee justify that service demands prevented them from taking annual leave before mobilisation.
* It is not anticipated that such events would equate to annual leave carry over of more than five days, however, line manager should consider cases on an individual basis. Line managers should cross reference this with the ‘Annual Leave Policy’.
* Reservist employees will have a period of ‘post tour’ leave which they accrue at the rate of 2.5 days per month of service from the MoD. The leave should be taken before the individual return to the Trust.
  + 1. **Dismissal**

The Trust shall not terminate employment of a reservist employee 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.

* + 1. **Redundancy**
* A reservist employee can be included in the redundancy pool if this is necessary due to organisational change. However, all employees will be treated consistently, and redundancy criteria should not discriminate against reservist employees on the grounds of their reserve service or call-up liability.
* All redundancy cases should be managed in accordance with ‘Managing Implications of Organisational Change Policy’.
  + 1. **Sick Pay**
* A reservist employee on mobilisation will continue to accrue rights related to occupational sick pay (OSP). If a reservist employee becomes sick or injured during mobilisation, they will be covered under the Defence Medical Services (DMS) and any financial assistance will continue to be paid (including pay) until the time of demobilisation.
* If sickness or injury leads to early demobilisation, the reservist employee will remain covered by DMS until the last day of paid military leave. Thereafter, the reservist employee will be covered under the NHS sick pay as outlined in the Agenda for Change Terms & Conditions of Service’.
  1. **Demobilisation (Return to Work)**
     1. Demobilisation with a reservist employee returning to work after a period of mobilisation requires a smooth reintegration into the workplace. Line managers should take the following into consideration:
* The need to update reservist employees on changes and development in the team and the wider Trust
* The need to offer specific refresher training where necessary
* Where specific changes occur in their job roles during mobilisation, a period of skills training may be required to assist them with the new aspects of the job.
* Reasonable time off to seek therapeutic treatment if required. Line manager may seek support from Occupational Health with consent from the reservist employee.
  + 1. When the Trust is advised by a reservist employee of their return to work, the Trust is obliged under ‘The Reserve Forces (Safeguarding of employment) Act 1985’ to reinstate the reservist employee in their substantive role.
    2. Where this is not possible, the reservist employee must be offered an equivalent position with the same terms and conditions of service prior to mobilisation. The reservist employee must be reinstated within six weeks of their last day of full-time service.
    3. To formally commence the return-to-work process, the reservist employee must write to the Armed Forces Network Chair in the Trust and copy their line manager, the date they will be available to start work. The communication should be made no later than the third Monday after the completion of their military service.
    4. **Performance Review**
* The Trust is aware that activities undertaken by an individual (either through training or mobilisation) can bring essential skills into the workplace such as leadership, communication, team working and organisational skills, which ultimately lead to improved performance in the workplace.
* Therefore, as a matter of good practice, the Trust may recognise these skills and abilities during an individual’s appraisal meeting and acknowledge that the activities can be regarded as evidence of achievement or in some circumstances contribute towards an individual being in a position to evidence application of the knowledge and skills.
  1. **Exemption/Deferral/Revocation**
     1. The Trust will in all cases of mobilisation release a reservist employee to report for duties. However, in exceptional circumstances such as when absence is considered to cause serious harm to patient care, the Trust is entitled to apply for exemption, deferral or revocation from the call-out.
     2. Details of how to the Trust will apply for an exemption, deferral or revocation will be included in the call-out pack. The application must reach the Adjudication Officer within 7 days of the Trust receiving a call-out notice.
     3. If this timescale is not met, the Trust should obtain permission from the Adjudication Officer to make a late application. The reservist employee also has the right to apply for exemption or deferral if the call-out papers arrive at a difficult time.
     4. If an unsatisfactory decision is received following the application for an exemption, deferral or revocation, the Trust can appeal for a hearing by the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within 5 days of receiving the written notice of the decision. If the tribunal rejects the application for exemption, deferral or revocation, the Trust will be required to release the reservist employee for mobilisation.
     5. The Trust can apply for financial assistance if the temporary loss of the reservist employee will have exceptionally severe impact on its ability to provide services. This scheme is governed under ‘The Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 2005’.

1. **Spouses/Civil Partners**
   1. The Trust recognises the impact that military deployment can have on the employment of their spouses or civil partners. Sometimes this means spouses or civil partners take the difficult decision to resign from their jobs due to childcare responsibilities.
   2. The Trust is committed in line with its retention strategy to ensure that staff affected are given full support through flexible working arrangements. If there are no alternative childcare arrangements, spouses or civil partners may take up to six days of special leave allocated in the **‘Special Leave Policy’**. Should they require more than six days of special leave, then they may consider any of the following:

* Short-term unpaid leave, or
* Employment break if the service person is expected to be away for no less than three months.
  1. Line managers should refer to the **‘Employment Break Policy’** for further guidance on employment breaks for staff.
  2. The Trust will ensure that spouses or civil partners affected are not discriminated against in terms of career opportunities and other terms and conditions of service.

1. **Guaranteed Interview Scheme**
   1. The Trust recognises that it has a role to play in helping people leaving the Armed Forces to fulfil their potential in civilian life. To support them, the Trust introduced a Guaranteed Interview Scheme for service leavers and reservists which also includes spouses or civil partners of current service personnel.
   2. The scheme will operate for all external recruitment, and it has no bearing on redeployment, redundancy selection or organisational change.
   3. The Trust recognises the transferrable skills and cultural values that members of the Armed Forces Community develop and how these skills can be nurtured and utilised in NHS roles. These includes:

* Communication
* Organisational skills and commitment
* Problem solving and adaptability
* Leadership and management skills
* Team working
  1. The Trust commits to guarantee an interview for any service leaver, spouse or civil partner of current service personnel who meet the essential criteria set out in the job description and person specification for all externally advertised roles.
  2. The Trust does not commit to guaranteeing a job for anyone considered under the scheme. Our recruitment and selection process will ensure that the most suitable candidates are appointed in each position.
  3. **Eligibility**

The following applicants will be eligible to be considered under the Guaranteed Interview Scheme:

* They meet the essential criteria set out in the job description and person specification.
* If a veteran, the Armed Forces were their last place of substantive employment.
* The applicant is a member of the Reserve Forces as defined in section 3.2 of this policy.
* The applicant is the spouse or civil partner of a current service person in the Armed Forces.
  1. The applicant can state on the online application whether they are members of the Armed Forces Community.
  2. The recruiting manager and those involved in shortlisting must check the application to see if the applicant declared their membership of the Armed Forces Community. Any applicant who meets the eligibility criteria outlined in paragraph 7.1 above, must be offered an interview alongside other applicants.
  3. Recruiting managers should contact Recruitment team if they require further support on this.

1. **Breaches of the Policy**
   1. Any breach of this policy that may be considered fraudulent will be reported to the Local Counter Fraud Specialist for investigation and may result in criminal and/or disciplinary proceedings being commenced.  Any allegation of fraud that is upheld in relation to this policy may result in dismissal with or without notice.
2. **References**

* Reserve Forces (Safeguarding of Employment) Act 1985
* Reserve Forces Act 1996
* The Reserve Forces (Call-out and Recall) (Financial Assistance) Regulation 2005

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| **Post Holder /Author Responsible for Policy:** |  |
| **Date Written:** |  |
| **Approved By:** | JCC |
| **Ratified by:** | OD&P Management Board |
| **Next Due for Review:** |  |
| **Date Policy Effective From** |  |