



ARMED FORCES AND RESERVIST EMPLOYMENT POLICY

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1. Introduction

1.1 Faversham Town Council recognises the valuable contribution that Reservists, Veterans and Cadet Force Adult Volunteers (CFAVs) make to the UK Armed Forces, their communities and the civilian workplace.

Provisions

There are four main ways in which the Council can offer support: -

- To allow special paid leave, up to 5 days, for annual reservists' training
- To ensure that reservists are not disadvantaged by their role as reservists
- To be supportive to employees who are mobilised by the Ministry of Defence
- To allow flexible working for Cadet Force Adult Volunteers, to attend training

2. Purpose and Scope

2.1 The Town Council has pledged its support for members of, or those wishing to join the Reserve Forces and acknowledges the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to both the individual and their employer. This policy intends to define its obligations towards all employees who are members of the Reserve Forces, Cadet Force Adult Volunteers and support for Veterans and family members of serving or past Armed Forces personnel.

2.2 The Town Council will not disadvantage those Reservists who notify the Town Council of their Reserve status or those Reservists who are made known to the Town Council directly by the Ministry of Defence (MoD).

2.3 The Town Council shall, subject to the provisions set out in Section 4, agree to release Reservists and CFAVs for attendance at Forces Training events where these take place on their normal working days.

2.4 The Town Council shall, subject to the provisions set out in Section 5, agree to the release of all employees mobilised for Reservist duties.

2.5 The Town 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.

3. Reserve Status Notification

3.1 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 Town 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 Town Council also recognises the additional skills and experiences that being a Reservist can

bring to the Town Council and therefore it is useful for the Town Council to have an understanding of where these particular skills and experiences exist.

3.2 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 Town Council is made aware that the employee is a Reservist and the benefits, rights and obligations that apply. It is the responsibility of reservists to notify the MoD of any changes in circumstances (e.g. change of employer or leaving the Reserve force).

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

4. Training commitments and Time off

4.1 The Town Council recognises the importance of the training undertaken by Reservists and CFAVs that enables them to develop skills and abilities that are of benefit to their respective Reserve Force, the individual and the Town Council.

4.2 Reservists are required to attend annual training - a two-week annual training course sometimes referred to as 'annual camp'.

4.3 The Town Council is committed to granting additional paid leave of 10 days per year to Reservists specifically to enable them to attend their annual camp. Where the full period of absence is not covered, the employee's absence must be covered by holiday leave from their normal annual allocation.

4.4 The Town Council will do its best to grant requests from the Reservist or CFAVs for paid annual leave (from their annual leave entitlement) or unpaid leave for short periods of training provided adequate notice is given and where such training cannot be undertaken in off-duty time.

4.5 Line Managers will facilitate work rosters to allow attendance at annual camp and other training commitments unless there are exceptional circumstances.

4.6 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.

5. Treatment of Terms and Conditions during Mobilisation

5.1 From time to time, Reservists and Strategic Reserves (those with an Ex-Regular and Callout liability) may be mobilised to support the regular forces. The Town 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.

5.2 The Council would normally release the reservist to report for duty unless there were exceptional circumstances. In such a circumstance, a manager must seek the approval of the Chief Executive to apply for an exemption, deferral, or revocation if the Reservist's absence would cause serious harm to service delivery. It is anticipated that this would only occur in exceptional circumstances.

6 Pay

6.1 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 Company, 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.

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

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

7 Benefits

7.1 Contractual benefits that are suspended by the Town Council during mobilisation can be claimed by the Reservist as part of their Reservist Award.

7.2 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.

8. Pension

8.1 If the Reservist is a member of the Town 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.

9. Annual Leave

9.1 Reservists should be encouraged to take any accrued annual leave before mobilisation. The Town 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.

9.2 Where possible, annual leave will be used in the current leave year. The Town Council will allow the Reservist to carry forward any untaken annual leave across leave years that have been unable to be used as a result of being mobilised in the current leave year. If the leave has not been taken by the end of the next leave year (being the year it was carried forward in to), this will be sacrificed.

10. Dismissal/Redundancy

10.1 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.

10.2 Reservists can be included in the redundancy pool if this is necessary due to a downturn in business. 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.

11. Sick Pay

11.1 During the period of mobilisation the Reservist will continue to accrue any rights to service-related Town 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.

12. Return to work

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

13. Reservist

13.1 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 six weeks of their last day of full-time service. This letter formally starts the return-to-work process.

13.2 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.

13.3 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 the Council.

14. Employer

14.1 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.

14.2 The Reservist should be reinstated within six weeks of the last day of their fulltime service. They must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation.

15. Aftercare

15.1 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 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.

16. Employment

16.1 Guaranteed Interview Scheme for Veterans: The Town Council offers a guaranteed interview for veterans and service leavers (within 3 years of leaving the Service) if they meet the essential criteria for the post in our recruitment and selection process.

16.2 The Town Council will work alongside the Career Transition Partnership when advertising job vacancies. 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 <https://www.royalnavy.mod.uk/careers/royal-navy-reserves>
- Army website: www.army.mod.uk/army-careers/the-army-reserve
- Royal Air Force website www.recruitment.raf.mod.uk/reserves