

EMPLOYMENT PANEL

TUESDAY, 13TH FEBRUARY, 2018

At 6.30 pm

in the

ASCOT AND BRAY - TOWN HALL,

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
5.	<u>MOD EMPLOYER RECOGNITION SCHEME - SILVER AWARD</u> To consider the above report	3 - 14

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Agenda Item 5

Subject:	MOD Employer Recognition Scheme (Silver Award)
Reason for briefing note:	Briefing note detailing the requirements for achieving the Defence Employer Recognition Scheme Silver and proposed Reserve Forces Policy.
Responsible officer(s):	Vanessa Faulkner, Human Resource Manager Harjit Hunjan, Community Partnerships Manager
Senior leader sponsor:	Terry Baldwin, Head of Human Resources David Scott, Head of Communities, Enforcement and Partnerships
Date:	02 February 2018

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SUMMARY

The council has pledged its support for the armed forces community by committing to the principles of Armed Forces Covenant (AFC) and as an employer to achieving the Defence Employer Recognition Scheme (ERS) Silver and then move on to Gold award, the highest level.

Having met the requirements of the Bronze ERS award, this briefing note outlines what is required by the council to successfully achieve the Silver ERS award and the progress made to date in doing so.

To proactively demonstrate its positive forces-friendly policies and recognise the valuable contribution made by reservists to the UK Armed Forces, a Reserve Forces policy has been developed which defines the council's obligations towards all employees who are members of the Reserve Forces. (Attached at appendix A).

1 BACKGROUND

- 1.1 The Armed Forces Covenant (AFC) is a promise by the nation that those who serve or who have served in the armed forces, and their families, are treated fairly. It is a pledge that together we acknowledge and understand that they should be treated with fairness and respect in the communities, economy and society they serve with their lives.
- 1.2 At a local level, Community Covenants complement the AFC by encouraging statutory providers and the charitable and voluntary sector to offer support to the local armed forces community and make it easier for service personnel, families and veterans to access the help and support available. The Royal Borough's Community Covenant was collectively signed by the council, supporting partners and the armed forces on 22 May 2013.
- 1.3 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.
- 1.4 The ERS encompasses bronze, silver and gold awards that acknowledging the level of support organisations pledge, demonstrate or advocate support that align their values with the Armed Forces Covenant.
- 1.5 The council was awarded the Bronze ERS award at a jointly hosted Armed Forces Business Breakfast event held at Combermere Barracks on 29 September 2017, attended

by over 40 local businesses. At this event, the Leader of the council confirmed the continuing commitment to supporting the armed forces community and to achieving the Silver and Gold ERS Awards, and encouraged other local employers to do so.

- 1.6 A meeting was held 18 January 2018 with the South East Regional Employer Engagement Director (MOD), Lead member for Culture and Communities, Head of Human Resources and Community partnership Manager to confirm the specific requirements for the council to achieve the Silver Award standard. These are detailed at point 3.

2 KEY IMPLICATIONS

- 2.1 The attached Reserve Forces policy document (Annex A) has been produced to ensure that the council is able to proactively demonstrate its forces-friendly credentials and to ensure the workforce is aware of these positive policies.

3 DETAILS

- 3.1 To be considered for the Silver ERS Award Employers are required to be nominated for demonstrating their support for the armed forces community and that the workforce is aware of its positive employee policies. The Assessment criteria required to achieve the Silver ERS award and progress made by the council to date is detailed in table 1:

Table 1 Assessment measures and progress made.

Assessments Measure	Progress
1. Has signed the Armed Forces Covenant	Met
2. Has stated an intent to be supportive by using the ERS website to register at the Bronze level	Met
3. Proactively demonstrates that service personnel/armed forces community are not unfairly disadvantaged as part of their recruiting and selection processes	Met
4. Employs at least one individual from the armed forces community category that the nomination emphasizes. For example, an employer nominated for support to the Reserves must employ at least one Reservist	Met
5. Actively ensures that their workforce is aware of their positive policies towards defence people issues.	Requires internal publicity around support for AFC and positive HR policy on Reserves
6. Within the context of Reserves demonstrates support to mobilisations or have a framework in place.	Reservist policy drafted
7. Demonstrate support to training by providing at least 5 days' additional unpaid/paid leave (wherever possible not to Reservist employees' financial disadvantage)	Reservist policy drafted
8. Must not have been the subject of any negative PR or media activity	Met

- 3.2 Nominations can be made by employees who are reservists, armed forces veterans, spouses or cadet volunteers, by completing an online nomination form and awards made reviewed every 3 years. Nominations for the 2018 Silver Award Scheme must be received

by the 15 March 2013. Examples of supporting evidence that can be submitted are detailed below:

- A copy of the nominated organisation’s HR supports policy for reservists, veterans, etc.
- Screenshots of marketing collateral promoting a Defence engagement event hosted/sponsored by the organisation
- An article in the media about the organisation’s support for Defence
- A letter to the CEO of another organisation encouraging support for Defence
- Screenshots of social media posts of campaigns conducted by this organisation (e.g. for Armed Forces Day, Reserves Day)
- Captioned photographs of events showing the organisation’s commitment to Defence

4 RISKS

- 4.1 The council’s workforce are not aware of its commitment to the supporting the aspirations of AFC and positive HR policies.

5 NEXT STEPS

1	Briefing note to be reviewed and signed off by SLT	7 February 2018
2	Briefing note agreed with Cllr Targowska chair of Employment Panel	8 February 2018
3	Briefing note to be with Democratic Services	9 February 2018
4	Briefing note reviewed by Employment panel	13 February 2018
5	Nomination for silver award submitted	By 15 March 2018

Appendix A

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

RESERVE FORCES POLICY

Covers:

- Purpose and scope
- Types of reservist
- Status notification
- Training commitments and time off
- Mobilisation
- Exemption/Deferral/Revocation
- Terms and conditions during mobilisation
- Return to work
- Aftercare
- Financial assistance
- Further information.

1. INTRODUCTION

- 1.1 The council recognises the valuable contribution that reservists make to the UK Armed Forces, their communities and the civilian workplace. The council has pledged its support for the armed forces community by registering for the Defence Employer Recognition Scheme and aspires to achieve the highest award (Gold) available under the scheme.

2. PURPOSE AND SCOPE

- 2.1 The 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 the council's obligations towards all employees who are members of the Reserve Forces.
- 2.2 The council will not disadvantage employees who are reservists. Subject to section five, the council agrees to release reservists for Reserve Forces training events that take place on normal working days. Subject to section six, the council agrees to release employees mobilised for reservist duties.

3. TYPES OF RESERVIST

- 3.1 There are two main types of reservist:
- Volunteer reservists – civilians recruited into the Royal Navy Reserves, Royal Marine Reserves, Army Reserves and the 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.
- 3.2 The Reserve Forces Act 1996 also provides for other categories, such as:
- Full time Reserve Services – 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 – personnel employed by a contractor to provide a service to the Ministry of Defence.
 - High readiness reserves – reservists with a particular skill set that are available at short notice (with written agreement of their employer)

4. RESERVE STATUS NOTIFICATION

- 4.1 Reservists are required to inform the council that they are a member of the Reserve Forces and the specific force that they belong to. This will enable the council to provide the appropriate level of support to the employee. It also assists with resource planning during periods of leave e.g. training and/or mobilisation. The council 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 those skills and experiences exist.
- 4.2 Reservist employees are required to grant permission to the Ministry of Defence to write directly to the council. This is known as 'Employer Notification' and ensures that the

council is made aware that the employee is a reservist and the benefits, rights and obligations that apply.

- 4.3 The Ministry of Defence will issue written confirmation to the employer informing them that the employee is a member of the Reserve Forces. The letter will provide detail of the mobilisation obligations and rights of the 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 Ministry of Defence will also send a follow up letter annually to confirm that the information held is still accurate.
- 4.4 It is the reservist's responsibility to ensure their personal details are kept up to date e.g. if they change employer or leave their Reserve Force.
- 4.5 In any circumstance, the reservist will not be disadvantaged as a result of notifying the council of their reserve status.

5. TRAINING COMMITMENTS AND TIME OFF

- 5.1 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.
- 5.2 Reservists are typically committed to 24-40 days training per year. Training tends to take place one evening a week, over various weekends throughout the year and one two-week training period also known as 'annual camp'. Training commitments vary but in most cases include:

Table 1 Reservist training requirements

	Requirement	How requirement is met
1	Weekly training	Most reservists train at their local centre for around two and a half hours, one evening a week.
2	Weekend training	All reservists are expected to attend a number of training weekends, throughout the year.
3	Annual training	This is a two-week annual training course. This may take place at a training establishment as an attachment to a regular unit, a training exercise or a combination of these. Training normally takes place within the UK, although each year some reservists train overseas.

- 5.3 The council is committed to granting additional paid leave of two weeks per year for reservists, specifically to enable them to attend their annual camp.
- 5.4 Additional unpaid leave will 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 training which cannot be undertaken in off-duty time will be subject to the same arrangements.
- 5.5 Line managers will facilitate work rosters to allow attendance at annual camp and other training commitments unless there are exceptional circumstances.

- 5.6 Reservist employees should give as much notice as possible of training commitments to allow for the planning of absences. Permission once given will not be withdrawn unless there are exceptional circumstances.

6. MOBILISATION

- 6.1 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 upon the scale and nature of the operation and is typically no longer than 12 months.
- 6.2 The call-out papers are sent by post to the council or sometimes delivered by the reservist in person to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible the Ministry of Defence aims to give at least 28 days' notice of the date a reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.
- 6.3 A period of mobilisation comprises three distinct phases:
- Medical and pre-deployment training
 - Operational tour
 - Post-operational tour leave.
- 6.4 The council and line managers will support during reservists who are mobilised:

Pre-mobilisation

- Meet with the reservist to ensure all mobilisation paperwork is completed (including pay, benefits and pension arrangements).
- Make a claim for financial assistance as appropriate (see section 11).
- Discuss any handover work and return of equipment,
- Arrangements for keeping in touch.

During mobilisation

- Keep in touch with the reservist as arranged.

Post-mobilisation

- Ensure both employer and reservist fulfil their return to work obligations.
- Aftercare and support requirements.

7. APPLYING FOR EXEMPTION/DEFERRAL/REVOCATION

- 7.1 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.
- 7.2 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.
- 7.3 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).

7.4 Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer within seven 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 an exemption or deferral if the call-out papers arrive at a difficult time.

7.5 If an unsatisfactory decision is received following the application for deferral, the council can appeal for a hearing of the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within five days of receipt of written notice of decision. If the tribunal rejects the application for exemption or deferral, the council will be required to release the reservist for mobilisation.

8. TREATMENT OF TERMS AND CONDITIONS

8.1 The council will continue to treat the contract of employment of employees mobilised for reserve service as operable throughout the period of service and there will be no loss of continuous service or service related benefits.

Pay

8.2 The Ministry of Defence will assume responsibility for the reservist's salary for the duration of the 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 Ministry of Defence for the difference to ensure that they suffer no loss of earnings. This is known as a Reservist Award.

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

Benefits

8.4 Contractual benefits that are suspended by the council during the mobilisation can be claimed by the reservist as part of their Reservist Award.

8.5 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.

Pension

8.6 If the reservist is a member of the pension scheme, the council will suspend its employer's contributions. If the reservist chooses to remain within the pension scheme, then the Ministry of Defence will make the employers contributions for the period of mobilisation, as long as the reservist makes their personal contributions.

Annual leave

8.7 Reservists should where possible take any accrued leave before mobilisation. If this is not possible, leave can be banked for use on return to work. The council is not obliged to accrue annual leave for a reservist employee during the period of mobilisation. Reservists accrue annual leave with the Ministry of Defence whilst 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 Ministry of Defence.

Dismissal/Redundancy

- 8.8 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.
- 8.9 Reservists can be included in a redundancy pool if this is necessary due to a downturn in business or closure of a service. However, all employees will be treated consistently, and redundancy criteria will not discriminate against reservists on the grounds of their reserve service or call-up liability.

Sick pay

- 8.10 During the period of mobilisation the reservist will continue to accrue any rights to service related occupational sick pay. Should a reservist become sick or injured during mobilisation they will be covered by the 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 the Ministry of Defence until the last day of paid military leave. After this time, the reservist will be covered by the council's sick pay arrangements.
- 8.11 If the reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered by the council's sick pay arrangements.

9. RETURN TO WORK

- 9.1 Both the reservist and the council as their employer have obligations under the Reserve Forces (Safeguarding of Employment) Act 1985 regarding return to work.

Reservist

- 9.2 The reservist must write to the council by the third Monday after their last day of military service making their request to return to work and suggesting a date that falls within six weeks of their last day of full-time service. This letter formally starts the return to work process.
- 9.3 Reservists are encouraged to informally contact the council to discuss their return to work at the earliest opportunity. The formal application must be made in writing for it to be valid under the Act.
- 9.4 If a reservist is unhappy with an offer of alternative employment they must write to the council stating why there is reasonable cause for them not to accept it. If a reservist believes that the council's response to their application denies their rights under the Act, an application for reinstatement can be made to the Reinstatement Committee for assessment. This committee will consider the reservist's application and can make an order for reinstatement and/or compensation.
- 9.5 The council will grant five day's additional paid leave to the reservist during the leave year following their return for mobilisation.

Employer

- 9.6 The council has an obligation under the 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.
- 9.7 The reservist should be reinstated within six weeks of the last day of their full-time service. They will be reinstated for at least the minimum number of weeks as determined by their length of service prior to mobilisation, as specified in the Act.
- 9.8 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.

10 AFTERCARE

- 10.1 A reservist returning to work will benefit from a smooth re-integration into the workplace/team. The following will be considered as part of the 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.
 - Whether the reservist can meet up with colleagues informally or socially before or after return to work to prevent any feeling of dislocation.
 - Reasonable time off to seek therapeutic treatment if required.

11 FINANCIAL ASSISTANCE

- 11.1 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 the employee. There are two types of costs applicable:

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 the earnings of the reservist).
- Costs of a temporary replacement (by the amount that such costs exceed the earnings of the reservist).

12 FURTHER INFORMATION

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

- Defence relationship management <https://www.gov.uk/government/groups/defence-relationship-management>
Help line: 0800 389 5459. A free helpline 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
- Army website www.army.mod.uk/join/20233.aspx
- Royal Air Force website www.raf.mod.uk/rareserves