

Armed Forces Policy W46

Additionally refer to:

- Equality and Diversity policy
- Recruitment policy
- Annual Leave Policy (Ref: Special Leave Policy)

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1 Policy on a Page

- Shrewsbury & Telford NHS Trust (SaTH) pledges its support for employees who join the Trust having served in the Armed Forces and are now veterans as well as supporting those employees who are Reservists and Cadet Force Adult Volunteers (CFAV) both before being appointed or sign up to being a Reservist whilst in the Trust's employment.
- The Trust has converted that pledge into a number of strategic and operational priorities notably signing up to the Armed Forces covenant which requires commitment to a series of national principles and demonstrating the Trust is Veteran aware and an Armed Forces friendly employer.
- By signing the covenant, the Trust is one of many organisations that are listed on the national NHS Employers list committing SaTH particularly to:
 - Promoting the Armed Forces
 - Employment support to members of the Armed Forces community
 - Communications, engagement and outreach
- This policy is a reflection of the Trust's commitment to the principles set out in the Armed Forces Covenant and provides its support to:
 - Reservists: detailing the release of employees to mobilisation and training duties providing additional leave over and above the annual leave entitlement.
 - Cadet Force Adult Volunteers training duties providing additional annual leave over and above the annual leave entitlement.
 - Veterans, Reservists and Cadet Force Adult Volunteers: recruitment and selection, including positive action at the advert stage, guaranteed interviews, and in recognition of the skills, knowledge, experience and service that either ex- Armed Forces employees or current Reservists and Cadet Force Adult Volunteers bring to the Trust is reflected in the contractual relationship with the Trust. This is detailed in the policy.
- The Trust acknowledges the skills that Veterans, Reservists and Cadet Force Adult Volunteers bring into the working environment and supports the training that Reservists and Cadet Force Adult Volunteers receive during their employment with the Trust. This extends to supporting employees who are "called up" as Reservists on mobilisation duties.
- The context of the Trust's support is reflected in the [mandate from the government to Health Education England: April 2014 to March 2015](#) which states there are clear advantages to the NHS, its staff and the Armed Forces for healthcare professionals and other staff contributing to the armed services as Veterans, Reservists and Cadet Force Adult Volunteers.

2 Document Statement

- 2.1 The Trust pledges its support, having signed the Armed Forces Covenant, for current, new and future employees who are either Veterans of the Armed Forces or are membership of the Reserve and Cadet Force Adult Volunteers recognising the valuable contribution they make to the Trust.
- 2.2 The Trust's employment relationship with Veterans, Reservists and Cadet Force Adult Volunteers is like any other employee but given the Trust's commitment it pledges to provide specific employment support to Veterans, Reservists and Cadet Force Adult Volunteers in key areas:
- Recruitment and selection: adverts encouraging applications from Veterans, Reservists and Cadet Force Adult Volunteers and promotional events such as job fairs.
 - Guaranteed interviews recognising experience as equivalent on the person specification to qualifications, with a commitment that the necessary qualifications can be attained once appointed.
 - Starting salary/increment should recognise the previous experience and pay received in the Armed Forces
 - Annual leave allocation should reflect the service gained in the Armed Forces
- 2.3 The Trust will not disadvantage Reservists or Cadet Force Adult Volunteers who in the case of Reservists provide notification of their reserve status or those reservists who are made known to the Trust directly by the Ministry of Defence (MOD).
- 2.4 The Trust supports the regular training for Reservists and Cadet Force Adult Volunteers and the need when it arises for Reservists to be mobilised.
- 2.5 The Trust is committed to granting additional paid leave of up to 10 days per annum to enable Reservists to attend their annual minimum compulsory training as part of Special Leave. Other terms and conditions will not be impacted by Reservists attending the annual camp or when mobilised.
- 2.6 The Trust is committed to granting additional paid leave of up to 5 days per annum to enable Cadet Force Adult Volunteers to attend training and other requirements as part of Special Leave.

3 Scope

- 3.1 The policy applies to all current Trust employees including all new employees who join the Trust as Veterans, Reservists and Cadet Force Adult Volunteers.

4 Definitions

- 4.1 Veterans are ex Armed Forces personnel often with long service from the military.

4.2 The Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), Army Reserve and the Royal Air Force Reserves (RAFR), Royal Auxiliary Airforce (RAuxAF) and the Territorial Army (TA). There are two main types of Reservist:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air 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.

Cadet Force Adult Volunteers are the youth leaders who plan and deliver training in the capacity of an officer, SNCO or civilian instructor.

4.3 Mobilisation: Process of calling Reservists into full-time service.

4.4 Demobilisation: Process of standing down from combat status.

5 Responsibilities

5.1 Trust Board

- The Board has responsibility to oversee this policy and ensure that appropriate processes and actions are in place in order that employees are treated in a fair and consistent manner following the principles of good practice.

5.2 Executive Directors and Other Senior Managers

- Executive Directors/other Senior Managers will ensure that the policy is adhered to by line managers and employees.

5.3 Line Managers

- Line managers who carry out appraisal meetings should be made aware that Veterans, Reservists and Cadet Force Adult Volunteers bring essential skills into the workplace and to the Trust as a whole. Skills such as leadership, communication, team working, problem solving, project management and organisational ability can lead to improved performance and team cohesion.
- Recruiting managers need to follow the Trust's commitment to the recruitment and selection of Veterans, Reservists and Cadet Force Adult Volunteers by ensuring recruitment adverts actively encourage applications, guaranteed interviews and on appointment to recognise previous service and rank in terms of pay, annual leave and other terms and conditions.
- Line managers need to ensure they support attendance of Reservists and Cadet Force Adult Volunteers at training and annual training camps.
- Assess applications for voluntary mobilisation.
- Complete ESR form Reservist Declaration on the intranet and submit to the HR Information team when an employee is "called-up" and mobilised.
- Recording when Reservists commence and complete periods of mobilisation.
- Supporting employees returning from periods of mobilisation. This may include referral to Occupational Health for a health assessment as appropriate, re-induction and re-training.

5.4 Director of People & OD and the People & OD Directorate

- The Director of People & OD has overall responsibility for this policy.
- The People & OD Directorate team will provide support and guidance on the Policy.

5.5 Employees

- Have the choice whether or not they wish to inform their line manager of their status as a Veteran, Reservist or Cadet Force Adult Volunteer.
- Likewise, employees have the choice whether or not they wish to provide notice for leave to attend training activities; as they may decide to use their annual leave allocation to attend training.
- Reservists should seek the permission from the line manager to attend voluntary mobilisation.
- To inform the line manager of their call for mobilisation by the MOD including the likely duration and subsequently demobilisation and their date of return.

5.6 Trade Unions/Professional organisations

The role of the trade union/Professional organisation representative (TUPO) is to act as a representative and advocate to provide the employee with advice and support. Information about access to trade unions should be covered in the induction period for ex service personnel.

5.7 Ministry of Defence (MOD)

Provides an employer notification each year of those employees who are Reservists. The letter will also provide detail of mobilisation obligations, rights as an employer and employee, details of financial assistance available when mobilisation occurs and details of annual training commitments. It is the Reservist's responsibility to ensure that the employer details are correct.

6 Employment Support to Veterans, Reservists and Cadet Force Adult Volunteers

6.1 Recruitment and Selection

6.1.1 Line managers and the Recruitment team within HR are expected to assess all Vacant posts to advert in order to decide which posts should include the active promotion of ex-Armed Forces personnel i.e., Veterans as well as current Reservists and Cadet Force Adult Volunteers to apply.

6.1.2 Selection for interview: Recruiting managers, guided by HR, should take into consideration the experience, skills and prior knowledge of applications from the Armed Forces when long/short listing for interview. Experience is a legitimate criteria for an underrepresented part of the workforce in terms of equivalence to qualification requirements.

6.1.3 Prior to interview the recruitment team should provide guidance to Veterans, Reservists and Cadet Force Adult Volunteers in terms what to expect at interview, referring to the person spec and job Description, as these provide the basis for the interview questions. *The context: In general, Veterans, Reservists in particular will not be used to the conventional interview process having relied on the next in command to provide the Armed Forces selection panel with details of the individual for promotion.*

6.2 Pay and annual leave

- 6.2.1 Recruiting managers should seek guidance from HR when agreeing the starting salary within the band for the role. Prior service and salary are key incentive considerations. For exceptional candidates from the Armed Forces the starting salary should be near or at the top of the band for the role.
- 6.2.2 Recruiting managers should also seek guidance from HR when the offer letter to the preferred candidate is compiled and subsequently reflected in the contract of employment. Prior and continuous service in the Armed Forces plus the previous rank of the candidate are considerations when applying the annual leave allocation to new appointments. Annual leave calculations should be based on aggregated service counted into their overall leave entitlement. Similar to a member of staff who has worked for another NHS employer.

Reservists: Mobilisation and other Terms and Conditions

7 Mobilisation

- 7.1 Mobilisation is the process of “calling up” Reservists into full-time service. This can be with the Regular Forces on military operations or to fulfil their part of the UK’s defence strategy or humanitarian operations. The Reserve Forces Act 1996 provides the legal basis for mobilisation. In the past this has usually been done on a voluntary basis with the prior agreement of employers but can involve compulsory mobilisation of selected personnel.
- 7.2 Mobilisation will normally last between 3 and 12 months, depending on their role and specialism. For operational reasons, the Ministry of Defence is unable to give the employer a precise return date. Subject to the severity of the crisis there would normally be a minimum of 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.
- 7.3 Employee’s “called-up” on active service will be granted unpaid leave for the duration of their period of active service.
- 7.4 An employee who wishes to volunteer for mobilisation must seek prior agreement from their line manager before volunteering. Any such request will be considered within a maximum of 7 working days, dependent on the operational nature and period of notice to mobilise. Once mobilisation has been agreed, the line manager should write to their employee confirming acceptance of the mobilisation. Where there are multiple requests in a single department/unit these will be referred to the appropriate senior manager.
- 7.5 A period of mobilisation comprises three distinct phases:
- medical and pre-deployment training
 - operational tour
 - post-operational tour leave.

7.6 When a reservist is called up for mobilisation they will receive:

- a copy of the call-out notice
- notification of the expected return date and likely duration of mobilisation
- details of employers' and reservists' statutory rights and obligations
- information about financial assistance
- information about exemption and deferral.

7.7 Where there is compulsory mobilisation of an employee, SATH is entitled to apply for deferral revocation or exemption from the call out. Suitable and timely evidence will need to be provided to support an application to defer, revoke or seek exemption from the call out. (Additional information regarding exemption and deferral from mobilisation is contained in the call-out pack provided by the Ministry of Defence). However, the grounds for seeking exemption or deferral are extremely limited and the Trust would have to demonstrate serious harm in the provision of patient care. Therefore, such an application should only be made in exceptional circumstances. The Trust has identified a number of Reservist Champions for advice and guidance and a list of names and contacts can be found on the intranet or by emailingsath.armedforceschampion@nhs.net

8. Continuity of service when Mobilised

8.1 The employee's post will be held open for their return and only filled on a temporary basis or if there is a need for Organisational Change and if the post changes the employee will be guaranteed redeployment into another role on similar terms and conditions within the Trust. The period of mobilisation will count as reckonable service for the purposes of entitlements such as annual leave, occupational sick pay and redundancy.

8.2 An employee will not be penalised if their incremental progression coincides with their period of mobilisation. This would be completed on the employees return and backdated to the employee's normal incremental date.

8.3 Continuity of service is not broken by a period of mobilisation so long as the employee is reinstated within 6 months of the last day of their mobilised full-time military service. Under the Act, a Reservist will lose the right to reinstatement after 6 months if no application has been made for reinstatement.

9. Annual Leave

9.1 General

9.1.1 Employees who volunteer for service with the Reserve Forces, or when appointed declare their membership of a Reserve Force shall be granted the following leave:

9.1.2 Employees, who are Reservists, should be granted 10 days additional paid leave for annual training camp or equivalent continuous training in a 12 month period. This will be pro-rata for part time staff. This is capped to 75 hours total.

- 9.1.3 Employees, who are Cadet Force Adult Volunteers should be granted 5 days additional paid leave for training or other similar requirements in a 12 month period. This will be pro-rata for part time staff.
- 9.1.4 Whilst on paid leave, through annual camp, continuous training or as a Cadet Force Adult Volunteer, employees will accrue annual leave.
- 9.1.5 Additional unpaid leave or annual leave from the employee's normal annual allocation may be granted for short periods of training.
- 9.1.6 As soon as the Training dates are known, employees should speak to their Line Manager to seek authorisation. Line managers will need to facilitate work rosters to allow attendance for annual camp and other training commitments.

9.2 Annual leave whilst mobilised

- 9.2.1 Reservists have no entitlement to accrue annual leave whilst mobilised and should be encouraged to take any accrued leave before mobilisation. Reservists 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. This leave will be taken before the individual is demobilised.
- 9.2.2 Carry forward annual leave between financial years: If the period of mobilisation occurs between financial years, employees may carry forward untaken annual leave into the next financial year. Whilst the Trust policy is 5 days' maximum, in the case of Reservists this rule is waived, and a new maxim is applied of up to 20 days (this maxim is the same as that introduced by NHS Employers during Covid-19 to ensure continuity of service provision).

10 Sick pay

- 10.1 During the period of mobilisation the Reservists will continue to accrue any service related Occupational Sick Pay. Should the Reservist become sick or injured during mobilisation, they will be covered by the MOD's health care arrangements (including pay) until they are demobilised. If the sickness or injury continues and this results in early demobilisation, they will remain covered by the MOD until the last day of paid military leave. Following this period, the Reservist will revert to the cover provisions in accordance with the Trust's Attendance Management Policy.

11 Pay whilst mobilised and financial assistance for employers

11.1 Pay

- 11.1.1 While a reservist is mobilised, SATH is not obliged to pay their employee whilst they are on MOD duties. Employees will receive their full salary paid by the MoD. The MOD will pay a basic salary according to the Reservists rank. If this is less than the Reservist receives from the Trust, it is the Reservist's responsibility to apply to the MOD to meet the difference to ensure no loss of earnings. This is known as a Reservist award.
- 11.1.2 However, in exceptional circumstances (for example when there is a delay in the commencement of payment from the MOD, the Trust will continue salary payment after the date of mobilisation in order to provide sufficient time for staff to put their financial affairs in order. This ensures that employees are not disadvantaged by being mobilised. This means that the Reservist's salary from the time of call-up will be paid by SATH until the first full monthly salary has been paid by the MOD. Any excess salary paid after the date of mobilisation will be recoverable when the employee returns to

work. Any overpayments will be managed in accordance with the Overpayments and Underpayments policy.

11.1.3 The designated contact/line manager should ensure that payroll is notified that the employee is being mobilised and the date when their pay should stop and subsequently when it should re-start following demobilisation.

11.2 SATH can apply to the MOD for financial assistance, if they believe that the loss of their employee would have an exceptionally severe impact on their ability to provide services. The last date for submitting claims for financial assistance, other than for training, is within 4 weeks of the date the Reservist is demobilised (seek further guidance from the Trust's Reservist Champion). For context, 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.

11.3 Where an employee's mobilisation results in additional costs, SATH may seek compensation from the MoD, for example:

- One-off costs (no cap on claims but must be supported by relevant documentation). This can include the costs of advertising and hiring a temporary replacement.
- Recurring costs. This can include overtime costs if another employee is used to cover the work of the Reservist.
- Re-training costs for any training the employee needs as a result of having been demobilised when they return to work (the MoD will not pay for training that would have been carried out anyway).

11.4 The latest date for submitting claims for financial assistance, other than for training, is within four weeks of the date the reservist is demobilised.

12 Returning to work following demobilisation

12.1 Once demobilised, employees must contact their line manager in writing to advise of their intended date of return to work. This must be no later than the third Monday following their last day of military service. Provided employees return to work within 6 months of de-mobilisation, employees will return to the same job. Where this is not possible, due to Organisational Change the employee will be redeployed within the Trust on the same pay, terms and conditions. For context SATH is obliged under *The Reserve Forces (Safeguarding of Employment) Act 1985* to reinstate the reservist into their role.

12.2 Demobilisation of a reservist returning to work requires a smooth reintegration into the workplace/team, including the following considerations:

- Line managers will arrange for their staff to undertake refresher local induction to update on changes and developments in the organisation.
- The need to offer specific refresher training as appropriate.
- Where the job duties have changed since mobilisation, a period of skills training may be required to assist them with new aspects of the job.
- Self-referral as appropriate to Occupational Health for a health assessment to support their health and wellbeing. Also, utilising the Trust's counselling service and psychological services as required.

13 NHS pension whilst on active service

- 13.1 A reservist who is a member of the NHS Pension scheme and chooses to remain within it, the MoD will pay the employer's pension contributions whilst the individual is mobilised provided they continue to pay their individual contributions.
- 13.2 The employee's pension contributions would be calculated and held over until the employee returns, these would then be recovered monthly from salary and over the same period as the employee was absent. The employer will continue, on request of the employee, to pay employer's contributions into the NHS Pension Scheme for the period of mobilisation and invoice the MoD to recover this amount.
- 13.3 The line manager will be responsible for updating ESR accordingly.

14 National Insurance holiday for employing Veterans.

- 14.1 In April 2021, the government introduced a National Insurance holiday for employers that hire former members of the UK regular armed forces. This will enable employers to claim this NICs holiday for eligible veterans for a maximum of one year from the beginning of the veteran's first year of civilian employment.
- 14.2 The holiday will exempt employers from any NICs liability on the veteran's salary up to the Upper Secondary Threshold (UST). The employer will claim by applying a new Veterans National Insurance contribution category. The employer of the veteran will be eligible for the NICs relief at the rate of 0% on Class 1 Secondary NICs for up to 12 months from the point the veteran starts their first civilian job. The relief will be capped at the UST. The relief will be applicable across all the employments of the eligible veteran.
- 14.3 If the veteran has already had a civilian job, their new employer will verify the start date of the first civilian employment and claim the NICs holiday for the remainder of the eligibility period. Once the 12-month eligibility period comes to an end the employer will no longer be able to claim the NICs holiday.
- 14.4 The relief is available to all employers of veterans regardless of when the veteran left the regular armed forces, providing they have not previously been employed in a civilian capacity.

15 Review process

This policy will be reviewed every three years or before if there are legislation changes. The monitoring of this policy includes an annual audit and where non-compliance is identified an action plan will be drawn up and monitored at the Workforce Committee.

16 Equality Impact Assessment (EQIA)

The Trust will ensure it is compliant with the Equality Act 2010 and the employment practices within it, and will commit itself to eliminate all unfair discrimination, harassment, bullying and victimisation.

17 Process for monitoring compliance

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
The policy is fairly applied to staff in a transparent and consistent manner		People Advisory Team Manager	Yearly	Workforce committee JNCC

18 References

Legislation:

- The Reserve Forces Act 1996 provides the powers under which Reservists can be mobilised for full-time service from their civilian employment.
- The Reserve Forces (Safeguard of Employment Act 1985) provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilised service.
- Equality Act 2010, Employment Act 2002 and the Employment Act 2002 (Disputes Resolution) Regulations 2004, Trust Terms and Conditions of Employment, Part time workers regulations

19 Associated Documentation

- Employer notification: The Ministry of Defence (MOD) provides an employer notification each year in the form of a written confirmation that the employee is a Reservist. The letter will also provide detail of mobilisation obligations, rights as an employer.
- Reservist employer toolkit (Ministry of Defence).
- Reserve Forces Act 1996
- Reserve Forces (Safeguard of Employment) Act 1985
- Defence Relationship Management
- Entitled Service personnel can access a range of allowances and grants as part of the resettlement process. In each case, the Resettlement Advisor will have more details. Allowances and grants for Armed Forces covers: The Individual Resettlement Training Costs (IRTC), Standard Learning credits (SLC), Enhanced learning credits (ELC) and travel and subsistence allowances [Allowances & grants \(ctp.org.uk\)](#)