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Reservists Policy

EXECUTIVE SUMMARY

This is a decision to approve a new Reservists Policy.

DECISION

To approve the Reservists Policy which is attached.

West Midlands Police and Crime Commissioner

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct for the Police and Crime Commissioner – West Midlands. Any interests are indicated below.

Signature.....

Date.....7.2.17

NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER

1. Under a previous decision (008-2017) the Commissioner became a signatory to the Armed Services Covenant, along with the Chief Constable and the Ministry of Defence.
2. The Armed Services Covenant sets out a commitment to:
 - Promote the fact that we are an armed forces-friendly organisation;
 - Seek to support the employment of veterans young and old and work with the Career Transition Partnership in order to establish a tailored pathway for service leavers;
 - Endeavour to offer a degree of flexibility in granting special leave for reservists to carry out their training by providing 10 days special leave;
 - Seek to support our employees who choose to be members of the Reserve forces, including by accommodating and training and deployment where possible;
 - Offer support to our local cadet units, either in our local community or in local schools where possible;
 - Aim to actively participate in Armed Forces Day.
3. In order to fulfil these commitments, a number of changes are required to the arrangements in place for the staff of the Commissioner. The most significant change is to allow up to ten days special leave for reservists to carry out their training.
4. The Reservists Policy has been introduced in order to put these changes into effect.

Public Access to Information

Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's website.



Reservists Policy

The Office of the Police and Crime Commissioner (OPCC) is committed to the principles of equality and diversity. No member of the public, member of staff, volunteer or job applicant shall be discriminated against on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

1. INTRODUCTION

1.1. West Midlands Police and Crime Commissioner (the Commissioner) knows the essential contribution that Reserve Forces make in delivering the nation's security and is committed to supporting staff members who are volunteer reservists or ex-regulars.

1.2. This policy sets out the Commissioner's position and explains guidance for line managers and staff members who are or want to become a volunteer reservist, managing time off for training commitments, pay and support for those that are mobilised, demobilised and return to work.

1.3. Line Managers should support these commitments where possible and work alongside staff members, ensuring that operational resilience is maintained at all times.

2. HOW TO BECOME A RESERVIST

2.1. Staff members who would like to join the Volunteer Reserve Forces (VRF) or renew their commitment must seek permission from their line manager in the first instance and receive approval before accepting their position.

2.2. Staff members can then give permission to the Ministry of Defence (MOD) to write to the Chief Executive confirming the regiment, rank etc. This procedure is known as Employer Notification (EN), it encourages an open and honest relationship between the Volunteer Reservist and the Commissioner.

2.3. Ex-Regular Reservists should also notify their line manager if they maintain a statutory liability. Details of their liability should be recorded on their personal file.

2.4. No staff members are permitted to register as a High Readiness Reservist (holds specific skills and can be deployed with 7 days' notice).

2.5. Any planned activities including training commitments with the unit must be communicated by the staff member to their line manager as soon as possible.

2.6. If you resign from your position as a Reservist, you must inform your line manager so that your records can be updated accordingly.

3. RECORDING RESERVIST DETAILS

3.1. The Commissioner sets an upper limit of 5% for staff who can register as a Volunteer Reservist.

3.2. This ensures that the Commissioner is able to continue to operate effectively and efficiently.

3.3. All staff members have a responsibility to notify their line manager if they have left or intend to leave the VRF. This ensures that the Force maintains accurate records about the individual.

4. MANAGING TRAINING COMMITMENTS

4.1. The Commissioner recognises the importance of training undertaken by Volunteer Reservists.

4.2. Volunteer Reservists are typically committed to an average of 24 – 40 days training per year depending upon the Service and specialism. Training tends to take place during evenings, weekends and in one or more continuous periods not exceeding 16 days combined.

4.3. Volunteer Reservists should notify their line manager of their annual training commitments at least 3 months before the start of the training year. If the training year takes place in the January then the line manager should be notified by 1st October.

4.4. Where training commitments cannot be undertaken in off-duty time the Commissioner will grant 10 days paid time off for annual camp and/or weekend training during a 12 month period and these arrangements are subject to exigencies of service.

4.5. Once Volunteer Reservist Training leave is granted by the line manager staff members will need to complete a Special Leave application. Should further time off be required staff members should use annual leave, TOIL, flexi, or unpaid leave.

4.6. Additional paid leave is at the discretion of the Chief Executive. Individuals will need to use their own time to cover the rest of their Reservist training.

4.7. Line Managers should not rescind their decision to permit training in duty time unless there are exceptional circumstances.

4.8. Reservists who attend training camp must ensure that they rest for more than 11 hours between the end of their training camp and returning to work.

5. MANAGING MOBILISATION

5.1. Mobilisation is the process of calling Volunteer Reservists into full time service alongside Regular Forces. Mobilisation across all the services can vary based on the respective requirements. The maximum period of the mobilisation depends on the scale of the operation and is typically no longer than 12 months. This 12 month period of mobilisation will include pre-deployment training, deployment and recuperation.

5.2. Call-out papers for mobilisation should be given to the line manager immediately. The MOD aims to give at least 28 days' notice for short notice contingent operations and between 3 and 9 months' notice (depending upon service), for enduring operations (although there is no statutory requirement for a warning period prior to mobilisation) where the Volunteer Reservist will be required to report for mobilisation.

5.3. The line manager will meet with the staff member and ensure that:

- All mobilisation paperwork is completed, including pay, benefits and pension arrangements (see above).

- Make a claim for financial assistance, should the department/LPU incur replacement costs etc. (see section 8.0)
- Discuss any handover and work and return all equipment belonging to the Commissioner.
- Staff members should return their identification card to Shared Services which will be retained for the period of mobilisation.
- Arrangements are made for Keeping in Touch with the individual throughout the whole mobilisation period and/or their designated family member should the Reservist request it.
- During mobilisation should there be any changes to the Reservists status this must be communicated. Consultation will need to take place once the Reservist has returned from mobilisation and in line with the Organisational Change policy.

6. PAY DURING MOBILISATION

6.1. Salary during mobilisation will be paid for by the MOD. Volunteer Reservists will receive basic pay and any entitled allowances in accordance with their military rank and specialism.

6.2. The Commissioner will cease all contractual pay, benefits and allowances during the period of mobilisation. The Reservist will take all their pay details to the Mobilisation centre. Any agreed continuation of pay will be through the MOD.

6.3. Staff members are required to complete a special leave application and submit this to Shared Services who will record this leave as Unpaid Special leave 'Mobilisation'.

6.4. Should the staff members pay be less than the salary they receive from the Commissioner, they will need to apply to the MOD for the difference to ensure they receive no loss of earnings, this is known as a Reservist Award. The Reservists may also claim certain benefits if the Commissioner ceases to pay for these.

7. PENSION DURING MOBILISATION

7.1 Should the staff member elect to remain a member of their occupational pension scheme and continue to pay their individual contributions during mobilisation they will need to notify Shared Services via the Special Leave application who will then inform Payroll. The Reservist's individual contributions can be deducted from pay and paid by the Armed Forces or the Reservist can make their own arrangements.

7.2 If we suspend the employer contributions, the MOD will make the employer contributions during the period of mobilisation as long as the staff member elects to remain a member of the Pension scheme and continues to make their personal contributions. The contribution will be paid by the MOD. The single Service Adjudication Officer will need to be provided with the details of the employer or pension provider, account numbers and the amount of the contribution.

8. SICKNESS DURING MOBILISATION

8.1 Should the Volunteer Reservist become sick or injured during the period of mobilisation then they will be covered by the Armed Forces healthcare arrangements until they are demobilised. If the sickness or injury continues and this results in early demobilisation, they will remain covered by the Armed Forces up until the last day of paid military leave.

8.2 Once this period of pay has ended the staff member will be covered by the Attendance Management policy.

9. ANNUAL LEAVE DURING MOBILISATION.

9.1 Staff members should be encouraged to take any outstanding annual leave before the period of mobilisation.

9.2 Please refer to the Annual Leave policy on carrying over annual leave.

CONTINUITY OF SERVICE DURING MOBILISATION

10. Reckonable Service

10.1 Staff members will be granted special leave of absence without pay, from the date they are required to report up to and including the date they return.

10.2 Service during periods of mobilisation will be continuous and will count towards reckonable service.

11. Annual Leave

11.1 Volunteer Reservists will not accrue annual leave with the Commissioner during the period of mobilisation as they will accrue this with the Armed Forces.

12. Sick Pay

12.1 Volunteer Reservists will receive full pay from the Armed Forces throughout the period of mobilised service even during periods of illness. Once mobilised service is complete, staff members will be covered by the Commissioner's attendance management policy.

13. Incremental Progression

13.1 Normal incremental progression will continue during the period of mobilisation, and therefore staff members will be paid at the correct rate upon their return so their pay will be at the same point as if they had remained on pay throughout the mobilisation service.

14. APPLYING FOR EXEMPTION/DEFERRAL FROM CALL-OUT

14.1. The Reserve Forces Act (1996) provides rights to apply for an exemption or deferral and this can be requested by either the Volunteer Reservist or the Commissioner.

14.2. The Commissioner can make an application if he considers that the absence of the reservist would cause 'serious harm'. Applications should be made in writing following receipt of the Call-out Notice and up to 7 days following the Reservist's reporting for duty date. If following the reporting date circumstances change the Commissioner can make an application.

14.3. If the application is not made within 7 days of the reporting date, permission to make a late application must be obtained from the single Service Adjudication Officer who is appointed by the MOD. Their contact details are contained within the Call-out Notice and can be provided by the Reservist.

14.4. Should the Commissioner not agree with the decision by the Adjudication Officer, the line manager can appeal for the application to be re-heard at an independent Reserve Forces Appeal Tribunal within 5 days of notification.

15. FINANCIAL ASSISTANCE

15.1. The Commissioner can claim an Employers Financial Assistance Award in accordance with the Reserve Forces (Call Out and Recall & Financial Assistance) Regulations 2005 if a Volunteer Reservist is being mobilised, to help cover costs of replacing them.

15.2. Line Managers are encouraged to make a claim, details of which can be found in the mobilisation pack provided to the staff member.

16. DEMOBILISATION

16.1. Following the demobilisation process but before the Reservist's last day in permanent service the Reservist is entitled to a period of Post-Operational Tour Leave (POTL) that they have accrued during mobilisation. During this period they will be continued to be paid by the MOD. Reservists are encouraged to take this leave but should they wish to return to work early they may do so only with the written permission of their Commanding Officer. The decision to return to work before the last day in permanent service will affect their pay from the MOD and may affect any financial assistance being paid to the employer and Reservist.

17. RETURN TO WORK

17.1. The Reservist must write to their Line Manager within 21 days within the period between the end of their permanent service and the third Monday after that date requesting reinstatement and confirm the date that they wish to return to work.

17.2. The Reservist must return to work no later than the 6th Monday after the last day of permanent service.

17.3. If the Reservist is off sick then they must write to their Line Manager as soon as reasonably possible after the 21st day.

17.4. The Reservist may be required to attend a medical with Occupational Health prior to their re-instatement with the Commissioner.

17.5. The Reservist will be required to declare any incidents of any changes to their circumstances for example i.e. dishonesty, criminal nature etc. If the individual does not declare any changes to their circumstances upon their return they may be subject to misconduct or disciplinary proceedings.

17.6. The Commissioner reserves the right to contact the MOD on an ad hoc basis to confirm an individual's status.

17.7 A staff member where possible will retain their previous grade and rate of pay, (updated with any national pay awards).

17.8. The Commissioner will endeavour to identify employment of a broadly suitable similar nature and level, but this cannot be guaranteed, as it will be in line with work requirements at the time of return.

