

Guidance on Employing Reservists

1. Introduction

The Open University recognises the valuable contribution reservists make to the Armed Forces, their local communities, as well as the University. Many of the skills gained by reservists during their training are transferable to the workplace.

The UK Reserve Forces consist of the Maritime Reserve (made up of the Royal Naval Reserve and the Royal Marines Reserve), the Army Reserve and the Royal Air Force Reserves.

Volunteer reservists are called out to supplement the Regular Forces whenever operational demands require it.

This guidance document gives practical information, for both managers and employees, on how the University supports staff who volunteer as reservists and how best to manage work arrangements before, during and after a period of mobilisation.

This guidance does not form part of any employee's Contract of Employment and the University may amend it at any time.

This guidance applies to all UK-based all staff, including Associate Lecturers (ALs). For staff based in the Republic of Ireland who are or intend to become a member of the Reserve Defence Forces, this guidance applies except that the University will review Irish Department of Defence guidelines before making arrangements for any period of mobilisation.

2. Process to inform the University/circumstances requiring additional approval

The University requires new recruits who are already reservists or existing staff who become reservists to inform their line manager, that they are or intend to become a reservist as soon as possible. This is so that the University can adequately manage the practical implications.

Additional approval may be required where any of the following apply:

- If paid work coincides with normal University duties or may otherwise affect the University's interests.
- If the commitment is significant or unusual.
- If, other outside activities could adversely affect the proper execution of the staff member's University duties.

Where an employee fails to notify the University that they are or have become a reservist in good time, the University may decide to exercise its discretion not to grant the paid time off for training under section 3.

3. Time off for Reserve Forces training

The University recognises the importance and value of the training undertaken by reservists and how their commitment enables them to develop skills and abilities that are of benefit to both the individual and the University. Therefore, whilst there is no legal obligation for employers to grant additional leave (either paid or unpaid) for reservist training, the University will support time off in line with the University's Public Commitments Policy and Guidance as follows:

- Reservist employees will normally be granted 10 working days (pro rata for part-time staff) paid leave for training in any 12-month period, which is the usual amount required for attendance at annual training camp.
- Each specific request for time off for training will be considered by the University in accordance with section 4 below.
- In exceptional cases and at the University's absolute discretion, where a request is made for more than 10 days, approval may be given up to the overall maximum of 18 days, where the circumstances warrant this.

As reservists receive military pay for attending training, the University will make a corresponding deduction from the individual's salary.

Where further time off is needed, members of staff are expected to use their annual leave or apply for unpaid leave, subject to normal terms and conditions. A period of agile working is another option to be considered (e.g. where there will be a change to working hours or pattern of working, for example, which would enable the member of staff to undertake their training) and this may be requested in the normal way.

Any absence for reservist duties must be authorised. Any unauthorised absence will be treated as a disciplinary matter.

4. Process for requesting time off for training

The reservist should request leave via their line manager with as much notice as possible, and provide such evidence as requested by the University showing why they are requesting the time off (e.g. a copy of the letter from their commanding officer).

Each request for time off will be considered on its merits, taking account of all the circumstances, including how much time is reasonably required for the activity, how much time the reservist has already taken, and how their absence will affect the University.

The staff member should enter their request for time off on the system and will receive a system notification, where possible, within fourteen days of the request for time off being made, to confirm whether the request is approved. The People Hub will inform the Staff Payments Office of the dates agreed to ensure an appropriate deduction is made from the individual's salary.

5. Reservist call-outs ('mobilisation')

This section and those that follow apply to UK-based employees as they are derived from Ministry of Defence (MoD) guidance. The University would expect arrangements for reservist employees based in the Republic of Ireland to be the same, but will seek advice from the Irish Department of Defence as necessary.

Reservists may be called out for military operations, with at least 28 days' notice being given for short notice operations and at least 90 days for pre-planned operations. Mobilisation (including training, deployment and recuperation after service) can last for up to 12 months.

On being called out, the reservist should present their mobilisation papers, typically together with a letter from the MoD, as soon as possible to their line manager outlining the date and possible duration of mobilisation. The University should also receive notification from the MoD.

Subject to appropriate notification of mobilisation and unless there are exceptional circumstances, the University will release employees mobilised for reservist duties from their normal University duties.

The University recognises that it is legally entitled to apply for an exemption, deferral or revocation of mobilisation if it believes that the reservist's absence on military service is likely to do 'serious harm'¹ to it.

If the University considers applying for an exemption, deferral, or revocation, it will in the first instance and if reasonably practicable, discuss this with the reservist to seek their views.

An application must be submitted within 7 days of the reservist's receipt of the mobilisation notice. It is therefore extremely important that managers take immediate advice from the People Hub should they wish to consider applying for an exemption, deferral or revocation of mobilisation on any grounds. The University will only seek to do this in exceptional circumstances.

6. Reservists' rights during mobilisation

The University will provide written confirmation of the contractual position during their absence to a reservist employee who has been called up to serve. The following provides an indication of the main considerations:

Continuous employment

During the period of military service the contract is 'suspended'. Provided the employee is re-employed within six months of the end of military service, the two periods of employment before mobilisation and after reinstatement will be treated as continuous. Furthermore, the University will allow the period of absence whilst on military service to count towards the employee's length of service with the University.

Pay

There is no requirement for the University to pay a reservist during their absence on military operations (the reservist will receive military pay) and therefore any period of mobilisation will be treated by the University as unpaid.

Annual Leave

Annual leave will not accrue during the period of mobilisation.

A reservist's entitlement to annual leave will accrue up to the date that their employment is suspended to commence military service. Wherever possible, this accrued leave should be taken by the member of staff before their period of military service starts. Their leave entitlement will begin to accrue again upon their return to work for the University from military service.

In the event that a reservist does not take all of their accrued holiday for that holiday year before or after returning from military service, this will be lost save for any entitlement to carry over in accordance with Terms and Conditions of Service.

Pension

A mobilised reservist is entitled to remain a member of their occupational pension scheme and, provided that they agree to continue to pay their own contributions, the MoD will remit the cost of employer contributions to the Open University for onward transmission to USS. Members of staff should contact the Pensions team at FBS-Pensions@open.ac.uk for advice.

¹ 'serious harm' includes serious loss of sales, markets, reputation or goodwill or other financial harm; damage to the employer's ability to produce goods or provide services; or demonstrable harm to research projects or the development of new products, services or processes.

Dismissal/redundancy

In line with legislation, the University will not terminate a reservist's employment on account of their military duties or their liability to be mobilised.

Reservist employees may be included in a redundancy pool if this is necessary due to organisational change. The University will ensure that any redundancy criteria used does not discriminate against reservist employees on the grounds of their reserve service or call-up liability.

7. Returning to work

After a period of military service, both employers and reservists have certain legal obligations.

The reservist needs to write to the University requesting reinstatement in their role. The request should be made by the third Monday following the end of military service, and should notify the University of the requested return to work date.

The University is legally obliged to re-employ any employee who was last employed by them in the four week period prior to being called out. Re-employment should be to the same role and on terms and conditions no less favourable than those that would have applied if they had not been called out. If reinstatement is not possible (for example where there has been a reorganisation or where the Associate Lecturer's module has ended) then the employee should be offered suitable alternative work on the most favourable terms and conditions, which are both reasonable and practicable to the University in the circumstances.

8. Support during and following mobilisation

It helps both parties to stay in regular contact while a member of staff is deployed. It allows people at work to know what their reservist colleague is doing and the reservist can be kept up to date with developments at work which helps with re-integration.

The manager should schedule a return to work meeting to provide an update on changes and developments in the Organisation. Refresher training may be required and reintegration with colleagues encouraged and supported. Consideration should be given to the staff member's annual leave entitlement following the period of mobilisation, and it may be appropriate to discuss and provide support for any health concerns.

9. Financial assistance for employers

While the University cannot claim for the reservist's salary directly, there may be some financial assistance available which will allow some of the costs to be recovered (e.g. additional salary costs incurred for a replacement or overtime, one off advertising and recruitment costs for a replacement, essential retraining costs for returning reservists). Managers, in conjunction with the People Hub, should seek further information about this at an early opportunity, to allow an application to be made in a timely way.

10. Other types of work for which reservists may request employer support

Reservists may request support from the University for undertaking other specific types of Reserve Forces work. Such requests will be considered by the University as and when they arise, on a case-by-case basis. The table below gives brief details and an indication of possible options for supporting staff, subject to operational needs and University approval.

Type of work	Description	Indication of possible University support
Full-time Reserves	Standard Volunteer Reservists may be given the opportunity to apply for a full-time post for a fixed period (this is different from mobilisation).	Because of the experience this provides, some employers choose to grant sabbatical leave. However, an employer is under no legal obligation to reinstate an employee who resigns to carry out this commitment. Managers should contact the People Hub for advice and to discuss the implications.
Additional Duties Commitment	This gives reservists the opportunity to undertake part-time work with the Armed Forces. The minimum commitment is 13 weeks - at least one day a week throughout this period.	There is no obligation to grant time off for this, but the University would consider any request. Annual leave or unpaid leave may be requested, or a period of agile working could be appropriate if the Unit is able to support this. Managers should seek advice from the People Hub.
High Readiness Reserves	HRR's have specific skills which the Armed Forces may occasionally need but at short notice. If they are mobilised, an HRR can be asked to serve for up to nine months.	Staff who work more than two days a week will need to have the written consent of the University to be an HRR. If consent is given and the member of staff is mobilised, a period of unpaid leave may be appropriate. Managers should seek advice from the People Hub.
Sponsored Reserves	These reservists are employed by a contractor to provide a service to the Ministry of Defence. They can be trained and called out to undertake the contracted task as members of the Armed Forces.	Managers should seek early advice from the People Hub as the full implications of this would need to be explored should a request be made.

11. Useful references

Public Commitments Guidance