

Reserve Forces

This document outlines the Scottish Prison Service Policy in relation to Reserve Forces

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Unlocking Potential - Transforming Lives.

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Directorate Owners:

Corporate Services

Policy Scope:

All SPS Employees

Links to Other Policies:

[Annual Leave Policy and Procedure](#)

[Special Leave Policy](#)

[Grievance Policy](#)

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Head of Human Resources

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1.0 Introduction

The Scottish Prison Service (SPS) Reserve Forces Policy details how time off for employees of the SPS who are reservists in the Volunteer Reserve Forces (VRF) will be managed.

This policy outlines the position on engagement, mobilisation, pay, pensions, special leave and annual leave for all SPS employees who are reservists in the VRF.

It also provides guidance and reassurance to SPS employees who are reservists with the VRF regarding their position in the SPS in the event that they are called up for active service.

2.0 Aim

The aim of this policy is to outline how SPS will support employees who are interested in joining, or who are already reservists in the VRF. It also outlines the procedure to be followed when requesting permission for time off as a reservist for the VRF.

3.0 Policy Statement

It is recognised that being a reservist for the VRF is both admirable and commendable. Reservists undergo rigorous training, gaining many new and highly valuable skills which can be transferred into the workplace. The SPS therefore wishes to ensure employees involved in this activity are supported and encouraged and that employees are treated equitably and consistently.

The SPS needs to ensure that in supporting employees in their involvement in the VRF that there is no detriment to the core functions of the organisation.

4.0 Scope

This policy has been developed by management and the Trade Union Side (TUS) working in partnership. This policy applies to SPS employees who are employed on a permanent or fixed term basis.

Serving in the VRF is considered by the SPS to constitute secondary employment.

The SPS must ensure that there are appropriate arrangements in place to respond to unforeseen demands within the service. In this respect, in order to maintain operational effectiveness, an upper limit of 3% of an establishment's employee complement will be permitted to join the VRF.

5.0 Definitions

For clarity, the following terms and definitions apply:

- **Volunteer Reserve Forces (VRF)** - The role of the Reserve Forces is to provide regular forces with additional resources and skills at times of increased operational demand. Employees who are reservists in the VRF have a liability to be called out to service as part of any of the following military organisations:
 - Royal Naval Reserve
 - Royal Marines Reserve
 - Army Reserve
 - Royal Auxiliary Air Force
- **Regular Reservists** - In addition to recruiting directly from the civilian community, the Reserve Forces may also call upon employees with previous military service. These employees are classed as Regular Reservists. The length of time an employee will be classed as a Regular Reservist after leaving full-time service will be dependent on the length of military service and any specialist skills they possess. Regular Reservists are liable to be called out in times of national emergency but, additionally, can be called upon for peacekeeping, humanitarian and disaster relief operations.
- **High Readiness Reserve (HRR)** - The HRR comprises members of any of the Reserve Forces who have specialist skills and who accept an increased liability for call out. The HRR will meet the need for skills that are in short supply in the Regular and Reserve Forces; examples are linguistics, intelligence staff and medical personnel. Reservists who volunteer to become HRR's will accept an enhanced liability for call out for permanent service anywhere in the world at a minimum of seven days' notice. If the reservist works for an employer for 14 hours a week or more, employers must give consent in the form of a HRR agreement. This consent represents a strong commitment by the employer to release the HRR without protest when/if called out.
- **Officers and Adult Instructors of Cadet Forces** - Officers and Adult Instructors of Cadet Forces are not classed as members of the Reserve

Forces and will not be liable for call out; however, the terms of this policy relating to leave to attend training will apply to employees carrying out these roles.

6.0 Joining the Reservists

Employees must apply to the SPS for permission to serve in the VRF and such permission should be sought by completing a SPS Reserve Forces Secondary Employment Application form.

In accordance with the Working Time Regulations, any other secondary employment held by the employee will be taken into account when considering VRF applications. Employees who are already reservists in the VRF who have not made any application to the SPS are required to complete a retrospective application to allow the 3% upper limit to be monitored.

7.0 Reservist Training

Practical Support for Training

Volunteer reservists are allowed a maximum 15 days paid special leave per year, to participate in the 'continuous mandatory period of training'. This usually lasts 15 consecutive days and is often referred to as 'annual camp'. If you work part-time, this allowance is pro rata.

Additional unpaid leave or annual leave may be granted for shorter periods of training where such training cannot be taken in off-duty time, subject to SPS operational requirements.

Employees on fixed term contracts may be granted leave at the discretion of SPS.

Regularly employed part-time employees may be allowed special leave with pay, but pay received during the period of training will not exceed the pay due for the equivalent period of part-time employment.

Reservists are required by the SPS to provide as much notice as possible of any periods of training.

Any disputes regarding leave to attend VRF training should be managed under the terms of the [SPS Grievance Policy](#).

8.0 Mobilisation

8.1 Mobilisation

Mobilisation is the process of calling reservists into full time service with the Regular Forces on military operations to fulfil their part of the UK's Defence Strategy. Subject to the severity of the crisis, a minimum of 30 days' notice would normally be provided. Mobilisation can be on a voluntary basis or can involve the compulsory mobilisation of selected personnel. Mobilisation will normally be for between 3 and 12 months. For operational reasons, the Ministry of Defence (MoD) is unable to give a precise return date.

A reservist who wishes to volunteer for mobilisation must seek agreement of the SPS via their line manager and HRBP using the Mobilisation Form. Any such request will be considered as soon as practicable.

Requests for voluntary mobilisation will be treated favourably, subject to the SPS' operational requirements at the time. However, requests to be mobilised from employees who are subject to any of the following are unlikely to be approved:

- Unsatisfactory performance;
- Live conduct warning or subject to an outstanding conduct investigation or disciplinary process;
- Employment on a casual basis;
- Within a period of probation;
- Subject to attendance management process;

In addition, where there are multiple requests within the same establishment or headquarters function, these will be referred to the Governor or Director as appropriate who will consider the cases, taking into account the impact on the operation of the SPS.

Where there is compulsory mobilisation of any SPS employee, in exceptional circumstances it may be possible for SPS to seek exemption or deferral. The grounds for exemption are strictly limited and would have to demonstrate serious harm to the SPS' ability to provide services. Only the Head of HR (or nominee) may seek exemption or deferral on behalf of the SPS.

8.2 Employment Status Whilst Mobilised

If an employee is a member of the Reserve Forces and is called out for active duty, the absence will be treated as unpaid special leave.

Periods of mobilised service will not break continuity of service within SPS.

9.0 Pay, Pension & Annual Leave

9.1 Pay Arrangements Whilst Mobilised

SPS employees who have been mobilised into military service will be placed on nil pay and treated as being on unpaid special leave.

Pay for active service as a member of Reserve Forces is a matter for the MoD.

9.2 Pension Arrangements Whilst Mobilised

Upon reporting to the mobilisation centre, the employee will be given the option of choosing whether their service should reckon under the Civil Service Pension arrangements or the Armed Forces Pension Scheme (AFPS). If the reservist is a member of the Civil Service Pension Scheme, they will continue to accrue reckonable service unless they opt to join the AFPS.

Whilst mobilised, should an employee wish to pay pension contributions, doing so will depend on the pension scheme arrangement:

- **Alpha, Classic and Nuvos Schemes** - option to pay pension in arrears either by additional periodical contributions, **or** from their lump sum on retirement.
- **Classic Plus and Premium Schemes** – will pay arrears of contributions by additional payment (e.g. by cheque) on return to the SPS.
- **Partnership Scheme** - the SPS will continue to pay age-related contributions based on the employee's pensionable earnings (assumed pay). If the employee has continued to make contributions, the SPS will also match the gross cash amount of the employee's contribution up to a maximum of 3% of pensionable earnings (assumed pay). All reservists will be covered by the provisions of the Armed Forces Pension Scheme for death or injury attributable to Reserve Forces service. This does not affect entitlement to death benefit under the Civil Service Pension Scheme.

Payments for added years and Additional Voluntary Contributions (AVCs) that were deductible from salary cannot continue during a period of Reserved Forces service. However, arrears of contributions may be made by additional payment on return to the SPS.

Further advice on the Civil Service Pension Schemes can be found on the [Civil Service Pensions website](#); or from Pay, Pensions and Relocation Services at SPS Headquarters. In all cases, employees should satisfy themselves of the best pension option to take, seeking whatever independent financial advice that they consider necessary. This is the responsibility of individual employees; the SPS will not be held liable for individual choices.

9.3 Annual Leave Whilst Mobilised

An employee who is called out for active duty is deemed to be absent on unpaid special leave. As such, annual leave will not accrue for the duration of the call-out. However, this period will reckon towards the qualification period for an increase in SPS annual leave allowance.

During the period of call-out, annual leave will be accrued under the relevant MoD terms and conditions. MoD will allow the employee to use this annual leave prior to the return from call-out. Any untaken annual leave from MoD will not transfer on return to the SPS.

Any SPS leave already accrued but not taken prior to mobilisation can be carried over to the next year, subject to a maximum of 10 days.

10.0 Return to Work Following Mobilisation

10.1 Reinstatement Following Mobilisation

The Reserve Forces (Safeguard of Employment) Act requires employers to re-engage employees in the occupation in which they were formerly employed and, where practicable and reasonable, on terms and conditions no less favourable than those in which they would have been employed had they not undertaken a period of military service.

Employees must be re-engaged at the first reasonable and practicable opportunity after they have indicated availability for work. They must formally write to the SPS to state they are returning to work. This must be no later than the third Monday after the last day of full-time military service.

If an employee is on loan or secondment to another organisation and the call out ends during the period of the loan or secondment, the employee will return to the organisation unless agreed otherwise with SPS

If the employee is on loan or secondment and the call out ends after the end of the loan, the employee will return to the SPS.

If the employee is on a fixed term contract, they will have a right of return for the outstanding period, up to the normal expiry of their fixed term contract.

If there are particular difficulties in placing the employee on a return from mobilisation, the Human Resources Business Partner (HRBP), in consultation with an appropriate senior manager and the Head of HR, may offer the employee a position in another location. In such cases, relocation expenses, excess journey allowance or travel and subsistence is **not** payable.

Upon returning from mobilisation, it may be necessary to carry out certain pre-employment checks normally used during the SPS' initial recruitment process. For example:

- A Disclosure Scotland check
- Control and Restraint competence check (if required for the role)
- An Occupational Health check, if deemed necessary

10.2 Point of Contact and Support on Return to Work

The establishment HR Team will be the point of contact for a reservist during periods of mobilisation.

Support to the reservist and his/her family will be available from the establishment HR team and/or the SPS [Employee Assistance Programme](#).

Demobilisation may be a difficult time for a reservist returning to work after a challenging period in deployment. A comprehensive return to work programme, including any mandatory training that is required for the role, will be developed involving the employee, his/her line manager and the HR Team, to ensure a smooth re-integration into the SPS.

Advice from the SPS' Occupational Health advisors will be available to assist if required.

Further Information:

The SPS recognises that from time to time employees may have questions or concerns relating to Reserve Forces. In certain situations employees' rights and obligations regarding Reserve Forces may change. In these circumstances the SPS will abide by any statutory obligations.

The SPS wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with the appropriate Line Manager in the first instance.

Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices.

In line with the SPS Sustainable Policy and to demonstrate compliance with the Scottish Government's commitment to improving environmental and sustainable development performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

Equality Statement

The SPS is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity and human rights and to ensuring our culture, working environment, policies, processes and practices are free from bias. This policy applies to all employees regardless of protected characteristics, and, subject to any eligibility criteria, length of service, grade, working pattern or operational status.

Inclusive Communications

It is our ambition to ensure that SPS documents are readable, accessible and engaging for staff.

In formatting this document, good practice principles around engagement and inclusive communications have been adhered to.

If you require this document in an alternative format please contact Human Resources.

Review and Monitoring

This policy will be reviewed every three years or sooner where applicable to reflect changing business and legislative requirements.

Human Resources Policy and Guidance in SPS

SPS policies take into account current legislation, rules, regulations and best practice guidance from a range of professional and public bodies, including the following:



UK Civil
Service
Management
Code



UK Legislation



EU
Legislation



ACAS



CIPD Best
Practice