



Policy Reference No: PM01

Armed Forces, Reservist and Veterans Employment Policy St Helens Borough Council

Effective from: 01/01/2026



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Policy Information

Policy Reference Number	PM01
Document Status	Final
Reason for Review	Policy Consolidation Review
Approved Date	01/06/2022
Effective from	01/06/2022
Policy Author	Jane Carter and Vicky Yates-McCowan
Responsible Directorate	People Management – Corporate Services
Date of Next Review	01/01/2028

Version Control

Date	Author	Version	Reason for Change
01/06/2022	Jane Carter and Vicky Yates-McCowan	1	Policy Consolidation Review
01/01/2026	Phil Ingham	2	Review

Our Vision and Values

The Council has co-designed a clear vision for workplace culture and worked together with employees to identify values and behaviours for everyone. These will be at the core of how we work together to deliver our services. Employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment.

Our vision, values and behaviours are underpinned by our Bonds for Working Together at St Helens which outline what employees can expect from working at the Council and what is expected of them.

Our Culture, vision, values, behaviours and Bonds for Working Together at St Helens



Armed Forces Community Covenant

St Helens Council signed the Armed Forces Community Covenant in 2012 and is committed to ensuring equality of opportunity in employment for armed forces service leavers, reservists, veterans.

The Council supports the Career Transition Partnership (CTP), Army Headquarters NW and the Merseyside Garrison engaging with Service Leavers at Regional and Local Employment Engagement events. Through these events the Council supports Services Leavers and their families.

Reservist Employees

There are two main types of reservists:

- Volunteer reservists – civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force
- Regular Reservists – ex-regular services personnel who may retain a liability to be mobilised depending on how long they have served in the armed forces

The Reserve Forces Act 1996 also provides for other categories, such as:

- Full time Reserve Service – Reservists who wish to serve full time with regulars for a pre-determined period in a specific posting
- Additional duties Commitment – part time service for a specified period in a particular post
- Sponsored reserves – employed by a contractor to provide service to the Ministry of defence
- High Readiness reserves – available at short notice, with written agreement from their employer. These individuals usually have a relevant skill set.

Guaranteed Interview Scheme

St. Helens Council collect information on the Armed Forces status of job applicants and employees to ensure that it can demonstrate members of the British Armed Forces Community are not disadvantaged in applying for employment with the Council.

St. Helens Council offer a guaranteed interview for all ex-forces and reservists who meet the essential criteria of job posts.

Training Commitments and Time Off

St Helens Council has policies and procedures in relation to flexible and Hybrid/Agile working, which eligible employees, including reservists, adult volunteers associated with the Cadets, and military spouses, may apply for in line with the requirements of their role, service needs, and the Council's Hybrid and Agile Working Policy.

Reservist or adult volunteers involved with the cadets must give their line managers as much notice as possible of these training commitments to allow appropriate planning for absences. Permission, once given, will not be rescinded unless there are exceptional circumstances.

2-week Annual Training Course (Annual Camp) Arrangements

St. Helens Council has pledged its support for reservist employees, employees that volunteer with cadet forces, and staff wishing to join the Reserve Forces or volunteer with cadet forces.

The Council acknowledges that the training undertaken by reservist employees and employees that volunteer with cadet forces enables them to develop skills and abilities that are beneficial to both the individual and the Council.

St. Helens Council offers reservist employees and employees that volunteer with cadet forces an additional 10 days paid leave per annum, specifically to allow them to attend their 2-week Annual Training Course (sometimes referred to as 'annual camp').

To qualify for the 10 days additional paid leave, the Council require employees to provide written evidence from their commanding officer / appropriate rank which confirm they completed their 2-week Annual Training Course. It is the employee's responsibility to ensure this evidence is provided.

NB Where the evidence is not forthcoming, or does not cover the full period of absence, the employee's absence must be covered either by holiday leave from their normal annual allocation, and a mixture of lieu time and flexi leave; where the conditions of the flexible working policy allow, or additional unpaid leave.

Additional Training

St. Helens Council agree to release reservist employees and employees that volunteer with cadet forces for attendance at additional training events that take place on their normal working days. Annual leave from the employee's normal annual allocation, lieu time and flexi leave can be included to cover these; else additional unpaid leave will be granted for these 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 during off-duty time, will be subject to the same arrangements.

Reservist Mobilisation

St. Helens Council offers Reservist Staff unlimited unpaid leave for any period of mobilisation.

A period of mobilisation comprises three distinct phases:

1. Pre-Mobilisation
2. During Mobilisation
3. Post mobilisation

1. Pre-mobilisation

When a member of staff is mobilised, it is the Line Manager's responsibility carry out the following actions:

- Meet with Reservist to ensure all mobilisation paperwork completed
- Discuss any handover of work and return of equipment
- Arrangements for keeping in touch

Exemption, deferral or revocation

The Council will not refuse to permit an employee who has been called out on military service. However, the Council acknowledges is rights to apply for exemption, deferral or revocation.

Financial Assistance – Employers Award

The Council acknowledges the right for employers to apply for an employer's award in respect of costs incurred in replacing the employee.

2. During mobilisation

Taking into consideration the mobilisation, the manager will endeavour to keep in touch with Reservist as arranged.

Treatment of Terms and Conditions during mobilisation

St Helens Council will continue to treat the contracts of employment of mobilised employees as operable throughout the period of such service. The period of mobilisation will count towards continuous service for the purposes of sick pay entitlement, occupational maternity pay, adoption pay, redundancy pay etc.

The continuity of employment is not broken by a period of compulsory or voluntary mobilisation if the mobilised employee returns to employment within six months of mobilisation.

However, in line with s.217 of the Employment Rights Act 1996, when calculating the employees' total period of continuous employment, the Council must discount the period of mobilisation until the day before he/she resumed work.

Pay

The Ministry of Defence will assume responsibility for the Reservist's salary for the duration of their mobilisation. They will pay a basic salary according to the Reservist's military rank. If this basic salary is less than the salary the Reservist receives from the Council, then it is the Reservist's responsibility to apply to the Ministry of Defence for a 'Reservist Award' to make up the difference.

The Council will assist by providing any proof of employment and salary required by the Ministry of Defence to support the Reservist's application.

Pension

Where the Reservist employee is a member of the Local Government Pension Scheme and wishes to remain in the pension scheme for the period of mobilisation, then the Reservist employee is responsible for making their own payment arrangements with the pension scheme during the period of mobilisation.

The Reservist employee must also make arrangements with the Ministry of Defence to pay the employer contributions for the period of mobilisation. The Ministry of Defence will make the

employer contributions if the Reservist continues to make their personal contributions. The Council will provide any reasonable assistance to the Reservist employee to support the changes in Pension Scheme payment arrangements during the period of mobilisation.

NB the Council employer pension contribution will be suspended for the period of mobilisation and will commence when the Reservist returns to work after mobilisation.

Annual Leave

Reservists should be encouraged to take any accrued annual leave before mobilisation. St. Helens 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 they are in full time service. When they demobilise, Reservists are entitled to a period of post-operational leave. During this period, they will continue to be paid by the Ministry of Defence.

Dismissal/Redundancy

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.

Reservist employees may be included in the redundancy pool during the period of mobility. However, all employees will be treated consistently, and St. Helens Council redundancy criteria will not discriminate against a Reservist on the grounds of their Reserve service or call-up liability.

Sick Pay

During the period of mobilisation, the Reservist will continue to accrue any rights to service-related Council sick pay.

Should a Reservist become sick or injured during mobilisation they will be covered by Defence Medical Services and any financial assistance will continue to be received (including pay) until demobilised.

If the sickness or injury continues or results in early demobilisation, the Reservist will remain covered by the Defence until the last day of paid military leave.

3. Post-mobilisation

Return to work

The Council has an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist, where possible to their former role, or on terms and conditions no less favourable than those that would have prevailed but for their mobilisation.

The Reservist must write to their employer by the third Monday after their last day of military service making their request to return to work and suggesting a date which should fall within the following 13 weeks of their last day of full-time service. This letter formally starts the return-to-work process.

The initial 13-week period may be renewed for a further 13 weeks if circumstances such as illness

or injury prevent the employee from returning in the initial 13-week period.

Reservists forfeit their right to return to work with their former employer if they fail to do so within 26 weeks of demobilisation. However, the Council will consider its position on this matter on an individual basis.

Aftercare

A Reservist employee returning to work from mobilisation will benefit from a smooth reintegration into the workplace/team. The following should be considered as part of this process:

- The need to update on changes and developments in the Council.
- The need to offer specific refresher training where it is sought or 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.
- Reasonable time off to seek therapeutic treatment if required.

Spouses/ Partners/ Parents/ Children

All employees employed by the Council other than those excluded below have a statutory right to access flexible working as outlined in the St. Helens Council flexible working guide.

Employees who have spouses, partners, parents or children who are affected by unforeseen circumstances linked to their family members service should contact their Line Manager or Human Resources for guidance should they require assistance with time off from work.

Equality, Diversity and Inclusion

The Public Sector Equality Duty of the Equality Act 2010 applies to both employment at the Council and in the delivery of Council Services. The Council's Comprehensive Equality Policy sets out the duties and requirements of the Equality Act 2010, and other relevant legislation.

The Equality Act 2010 protects all people from discrimination, harassment and victimisation. The Council is committed to promoting equal opportunities in employment and all employees will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility.

The Council has a zero tolerance towards discrimination, harassment and victimisation. All employees must show due regard to acknowledge and value people's differences, and, as far as possible, where permissible in Council policy and practice, meet an individual's needs in accordance with their choices and preferences.

The minimum standard of behaviour and attitude expected of council staff is to ensure all people who employees come into contact with are given equal opportunities and treated fairly and respectfully.