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## BEHAVIOURAL STANDARDS FRAMEWORK

To help create a great place to work and a great place to be cared for, it is essential that our Trust policies, procedures and processes support our values and behaviours. This document, when used effectively, can help promote a workplace culture that values the contribution of everyone, shows support for staff as well as patients, recognises and celebrates the diversity of our staff, shows respect for everyone and ensures all our actions contribute to safe care and a safe working environment - all of which are principles of our Behavioural Standards Framework.

### Behavioural Standards Framework – Expectations ‘at a glance’

Introduce yourself with #hello my name is... 	Value the contribution of everyone	Share learning with others
Be friendly and welcoming	Team working across all areas	Recognise diversity and celebrate this
Respect shown to everyone	Seek out and act on feedback	Ensure all our actions contribute to safe care and a safe working environment
Put patients at the centre of all we do	Be open and honest	For those who supervise / manage teams: ensure consistency and fairness in your approach
Show support to both staff and patients	Communicate effectively: listen to others and seek clarity when needed	Be proud of the role you do and how this contributes to patient care

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## 1. SUMMARY

- 1.1 The NHS employs a number of staff who are in the Reserve Forces and who may be subject to call up and mobilisation in areas of conflict. These staff also require regular time off for training to maintain their skills and readiness for deployment.
- 1.2 The Mandate from the Government to Health Education England: April 2015 to March 2016 states that there are clear advantages to the NHS, its staff and the Armed Forces of healthcare professionals and other staff contributing to the armed services as reservists. There are benefits which accrue to the NHS, its staff and the hosts and recipients of volunteering at home and overseas. The Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Territorial Army (TA) and the Reserve Air Forces (RAFR and RAuxAF).
- 1.3 The training undertaken by reservists enables them to develop skills and abilities that can be of benefit to them as employees, and to the employer in terms of service delivery.

## 2. PURPOSE

This policy provides a framework to help managers manage and support employees who are in the Reserve Forces. This includes support for training, during mobilisation and demobilisation

## 3. SCOPE

This policy applies to all staff groups employed by the Trust, including medical and dental.

## 4. PROCEDURE

### 4.1 Legal Framework

In most instances an employer's relationship with a reservist member of staff should be like that of any other employee. However, there are areas where a reservist's status may affect the operations of the organisation. Legislation exists to define the rights and liabilities that apply to both parties.

There are two main pieces of legislation relating to employers and the Volunteer Reserve Forces.

The Reserve Forces Act 1996 (RFA 96) which provides the powers under which reservists can be mobilised for full-time service. . The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) which provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilised service.

### 4.2 Support For Training

**4.2.1** Two weeks paid leave will be made available to reservists to attend annual camp or equivalent continuous training. Additional unpaid leave or annual leave from the employee's normal annual allocation may be granted for short periods of training, provided adequate notice is given and where such training cannot be undertaken in off-duty time. Attendance at weekend camps, which cannot be undertaken during off-duty, will be

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subject to the same arrangements.

**4.2.2** Line managers will as far as possible facilitate work rosters to allow attendance for annual camp and other training commitments, e.g. weekly or weekend training sessions.

**4.2.3** Reservist employees are required to give as much notice as possible to allow appropriate planning for absences. This should include detail of all planned military training that will require absence from the workplace at the beginning of each year. Permission will be granted where possible in line with service needs. Once given, permission will not be rescinded except in exceptional and extreme circumstances.

**4.2.4** Any disputes should be referred to the designated contact (Trust to nominate) in the first instance. Employees who remain dissatisfied may thereafter use the grievance procedure.

### **4.3 Mobilisation**

**4.3.1** Mobilisation is the process of calling reservists into full-time service. This can be with the Regular Forces on the military operations or to fulfil their part of the UK's defence strategy. 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. Subject to the severity of the crisis there would normally be a minimum of 28 days' notice. Mobilisation will normally be for between 3 and 12 months. For operational reasons the Ministry of Defence (MoD) is unable to give the employer a precise return date. An example of the notification to employer letter is included in Appendix 2.

**4.3.2** An employee who wishes to volunteer for mobilisation must seek prior agreement of their employer via the designated contact and line manager. Any such request will be considered within 48 hours.

**4.3.3** Where there are multiple requests in a single department/unit these will be referred to the appropriate senior manager.

**4.3.4** Where there is compulsory mobilisation of any employee, the employer 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. The employer can also apply for financial assistance, if they believe that the loss of their employee would have an exceptionally severe impact on their ability to provide services. Additional information regarding exemption and deferral from mobilisation is contained in Appendix 1. Examples of the application forms for deferral, revocation or exemption from the call out, or to apply for financial assistance are in Appendix 2.

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## 4.4 Financial Assistance For Employers

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

- Overtime costs if another employee is used to cover the work of the reservist.
- Any costs of hiring a temporary replacement that exceeds the reservist's earnings.
- Advertising for replacement or agency costs.
- Training costs for any training the employee needs as a result of having been mobilised (the MoD will not pay for training that would have been carried out anyway) when they return to work to carry out their duties properly.

**4.4.2** While the reservist is mobilised, the employer is not obliged to pay them earnings. However, staff who are mobilised will receive their full salary from the employer from the time of the call-up until the first full monthly salary has been paid by the MoD. This is to ensure that the individual is provided with sufficient time to put their financial affairs in order and provide the MoD with sufficient time to process the respective salary entitlement.

Any excess salary paid after the date of mobilisation will be recoverable when the individual returns to work. The designated contact should ensure that the pay department is notified that the employee is being mobilised and the date when their pay should stop.

In order to claim financial assistance, the employer will provide the MoD with appropriate supporting documentary evidence for example, invoices. (See Appendix 5 for more details).

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

## 4.5 NHS Pension Whilst On Active Service

**4.5.1** A reservist who is called-up is entitled to remain a member of the NHS Pension Scheme. The MoD will pay the employer's pension contributions whilst the individual is mobilised provided they continue to pay their individual contributions. Where mobilisation occurs, the employee will be given special unpaid leave of absence. 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 to the NHS Pension Scheme for the period of mobilisation and invoice the MoD to recover this amount.

## 4.6 Annual Leave Whilst Mobilised

**4.6.1** Reservists have no entitlement to accrue annual leave whilst mobilised and on unpaid leave.

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

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demobilised.

**4.6.2** All annual leave untaken up to the date of mobilisation may be carried over into the following leave year. The “up to a maximum of 5 days” rule associated with untaken annual leave being carried forward is waived in the case of a reservist.

#### **4.7 KSF Gateway Review & Appraisals**

**4.7.1** Where an employee is absent from work following mobilisation, the service will be considered continuous and an employee will not be penalised if it coincides with their pay band gateway. This would be completed on the employees return and backdated to the employee’s normal incremental date.

**4.7.2** Line managers who carry out appraisal meetings with a reservist should be made aware that the Volunteer Reserve Forces activities undertaken by an individual (either through training or mobilisation) bring essential skills into the workplace such as leadership, communication, team working and organisational ability, which ultimately lead to improved performance in the workplace. It is therefore good practice that we recognise these skills and abilities in an individual’s appraisal meeting and acknowledge that the activities can be regarded as evidence of achievement or in some circumstances contribute towards an individual being in a position to evidence application of knowledge and skills.

#### **4.8 Support On Return To Work (Demobilisation)**

**4.8.1** Demobilisation may be a difficult time, with a Volunteer Reservist returning to work after a challenging period in deployment. Helping to ensure a smooth re-integration into the workplace/team will require consideration:

- The need to update them on changes and developments in the organisation.
- The need to offer specific refresher training where it is sought/considered necessary.
- 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.
- Whether the reservist can meet up with colleagues informally or socially (if appropriate) before or after return to work to prevent any feeling of dislocation, if this is sought.
- Reasonable time off to seek therapeutic treatment.

**4.8.2** When an employer is advised by a reservist that they want to return to work, the employer is obliged to employ them in their old job as stated in The Reserve Forces (Safeguard of Employment) Act 1985. Where this is not possible, they must be offered an equivalent position with the same terms and conditions of service. The right to return to work lasts for six months after demobilisation.

**4.8.3** To enable the employer to plan for their return to work after their military service has ended, reservists must advise the designated contact in writing, copied to their line manager, the date they will be available to start work. This communication should be made no later than the third Monday after the completion of military service. The employer must be advised as soon as possible, if, due to illness or some other reasonable cause, the employee is unable to start work on the agreed date. An example of the MOD notification letter to Employers is in Appendix 3.

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## 4.9 Useful Sources Of Help

DRM (Defence Relationship Management) helpline for reservists and employers

Tel: 0800 389 5459

<https://www.gov.uk/government/groups/defence-relationship-management>

5. ATTACHMENTS	
Number	Title
1	Exemption and Deferral from Mobilisation
2	Example Letter from Service and Personnel Veterans Agency (SPVA) to Employers
3	Example Letter Reserve Demobilisation. From SPVA
4	Designated Contacts
5	Financial Assistance Flowchart
6	Equality & Diversity Impact Assessment Tool

6. OTHER RELEVANT / ASSOCIATED DOCUMENTS	
Unique Identifier	Title and web links from the document library
Corp/Pol/123	Grievance and Resolution <a href="http://uhmb/cs/tpdl/Documents/CORP-POL-123.docx">http://uhmb/cs/tpdl/Documents/CORP-POL-123.docx</a>

7. SUPPORTING REFERENCES / EVIDENCE BASED DOCUMENTS	
References in full	
Number	References
1	The Reserve Forces Act 1996 (RFA 96) <a href="http://www.legislation.gov.uk/ukpga/1996/14/contents">http://www.legislation.gov.uk/ukpga/1996/14/contents</a> (accessed 21/04/2017)
2	The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) <a href="http://www.legislation.gov.uk/ukpga/1985/17">http://www.legislation.gov.uk/ukpga/1985/17</a> (accessed 21/04/2017)
3	

8. DEFINITIONS / GLOSSARY OF TERMS	
Abbreviation or Term	Definition

9. CONSULTATION WITH STAFF AND PATIENTS		
Enter the names and job titles of staff and stakeholders that have contributed to the document		
Name	Job Title	Date Consulted
Joint working Group		

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<b>10. DISTRIBUTION PLAN</b>	
Dissemination lead:	Joint Working Group
Previous document already being used?	No (Please delete as appropriate)
If yes, in what format and where?	
Proposed action to retrieve out-of-date copies of the document:	
<b>To be disseminated to:</b>	
Document Library	
Proposed actions to communicate the document contents to staff:	Include in the Friday Round Up email – New documents uploaded to the Document Library

<b>11. TRAINING</b>		
Is training required to be given due to the introduction of this policy? No * Please delete as required		
Action by	Action required	Implementation Date

<b>12. AMENDMENT HISTORY</b>				
Version No.	Date of Issue	Page/Selection Changed	Description of Change	Review Date
1.1	26/10/2017	Page 3	BSF page added	01/03/2020
1.2	03/01/2018	Section 4.2.1	Change to payment arrangements in support of reservist training	01/03/2020

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## Appendix 1: Exemption and Deferral from Mobilisation

The employer has the right to ask for exemption from, or deferral of, mobilisation if it is considered that the organisation will suffer serious harm because of their absence.

The definition of 'serious harm' varies from case to case, but the broad guidelines laid out in The Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 2005 (Statutory Instrument 859) (CORFA 05) specifically mention:

- Serious loss of sales, markets, reputation, goodwill or other financial harm
- Serious impairment of the ability to produce goods or provide services
- Demonstrable harm to research and development of new products, services or processes, provided that the harm could not be prevented by the employer receiving financial assistance under CORFA 05.

To be considered for exemption or deferral, the Reservist, or the employer, must make an application, within seven days of the Reservist being served with a mobilisation notice, to the Service Adjudication Officer (SAO) for the Service in which the Reservist will serve. Late applications can only be made with the permission of the SAO appointed by the MoD. A serving officer or MoD official normally holds this post.

### Addresses:

Royal Naval and Royal Marines Adjudication Officer, West Battery (MPG-2)

Whale Island, Portsmouth, PO2 8BX

Tel: 02392 623527 Fax: 02392 628660

E-mail: navylegal-reservesadjs02@mod.uk

Army Adjudication Officer, Army Personnel Centre, PO Box 26703, Glasgow, G2 8YN

Tel. 0800 3896585 Fax: 0141 224 2689

E-mail: apc-cmops-mob-so2@mod.uk

Royal Air Force Adjudication Service, c/o Imjin Barracks, Innsworth, Gloucester, GL3 1HW

Tel. 01242 682545 Fax: 01242 682510

E-mail: aira1-woadj@mod.uk

The following information must be provided when applying for exemption or deferral:

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- Personal details including full name, address, payroll and National Insurance number
- Details of the job or role they perform within the Board
- The effect that their absence would have on the Board and/or departmental business and/or service delivery

Justification for exemption in terms of the serious harm to the Board and department.

Once received, the application will be examined by the SAO who will decide if the case for exemption or deferral is acceptable. In making this decision, the SAO will seek to balance the needs of the board and employing department against the operational needs of the Armed Forces for which the Reservist has been mobilised.

An appeal can be made to the Reserve Forces Appeal Tribunal if the Board is unhappy with the decision of the SAO. The SAO will provide information on making an appeal.

Reserve Forces Appeal Tribunals are independent of the MoD, with appointments made by the Secretary of State for Constitutional Affairs and Lord Chancellor. Each tribunal consists of a legally qualified chairperson and two lay-members drawn from a list held by the Employment Tribunals Service.

Appeals must be lodged with the office of the Secretary to the Tribunal no more than five working days after the SAO's decision is received. Appeals can be faxed or posted first-class to: Address

Secretary of Tribunals

Reserve Forces Appeal Tribunals

Employment Tribunals

Regional Office  
 Alexandra House  
 14-22 The Parsonage  
 Manchester  
 M3 2JA

Email: manchesteret@hmtcs.gsi.gov.uk  
 Fax: 0870 739 4433

The employer will be advised of the date, time and place of the hearing of the appeal. Where considered necessary, employers may be asked to provide the Tribunal with additional information in support of their case. Appeals are normally heard within 28 days of receipt of the appeal, during which time the Reservist will not be deployed outside the United Kingdom.

Appeals are normally held at the office of the Employment Tribunal Service nearest to the Board.

More information can be found through the Defence Relationship Management website:

<https://www.gov.uk/appeal-call-up-reserve-forces>

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## Appendix 2: Example letter from Service and Personnel Veterans Agency (SPVA) to Employers

«EMPLOYEE\_NUMBER» «EMPLOYEE\_RANK\_NAME» «EMPLOYEE\_INITIALS»  
«EMPLOYEE\_LAST\_NAME» - CALL OUT OF A MEMBER OF THE RESERVE FORCES

1. Your employee, named above, is a member of the Reserve Forces and has recently been given a formal Notice of Call Out. The Call Out, which is compulsory, means that «GENDER» may be taken into full time service with the Armed Forces in support of operations in «TOUR\_LOCATION» under «OPERATION\_NAME». «GENDER2» reporting date is «MC\_REPORTING\_DATE» and «GENDER» can expect to be mobilised for «PERMANENT\_SERVICE\_LENGTH» months. I have enclosed with this letter an employer's acknowledgement form (Enclosure 1); I would be grateful if you could complete and return it to me at the address given at the bottom of the form.

2. Employers and Reservists have statutory rights and obligations. In outline these are:

a. The Employer. You are entitled to apply for deferral, revocation or exemption from the Call Out. You may also apply for financial assistance as set out in The Reserve Forces (Call Out and Recall) (Financial Assistance) Regulations 2005.

b. The Reservist. The Reserve Forces (Safeguard of Employment) Act 1985 gives the Reservist the right, in law, to be reinstated in «gender2» former employment by you at the end of «gender2» military duty.

3. It is my duty to inform you that, should you wish to apply for a deferral, revocation, or exemption from the Call Out, or to apply for financial assistance, then you should write to the Adjudication Officer of the Service to which your employee belongs. The addresses for each Adjudication Officer are given in the enclosed Guide for Employers.

4. Reservists who are called out for service have a right to seek reinstatement to their civilian employment under the terms of the Reserve Forces (Safeguard of Employment) Act 1985. The Act obliges an employer to reinstate a former employee who has completed «gender2» period of called out service and who applies for reinstatement in accordance with the provisions of the Act.

### APPLICATIONS FOR DEFERRAL, REVOCATION OR EXEMPTION FROM CALL OUT

5. You have the right to apply for deferral, revocation or exemption from Call Out if you believe that the loss of your employee would have an exceptionally severe impact on your business. In order for the Adjudication Officer to amend or rescind the Notice of Call Out, you will, of course, need to provide suitable evidence. You should make your application on company headed notepaper, over-stamped, if possible, with a company stamp. Please note that, even if you make such an application, your employee is required to report for military duty on the specified date, unless a "determination" has been made in your favour before that date. In the event that your application is successful, your employee will be sent new instructions or will be demobilised and released from military duty if he or she has already reported. (A short guide to the Application Process is enclosed (Enclosure 2) to assist you.)

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## APPLICATIONS FOR FINANCIAL ASSISTANCE

6. You are not obliged to ask for financial assistance. If you do not wish to make an application, simply complete the relevant section on the enclosed form. This letter, however, offers you the formal opportunity to make an application for financial assistance and further details are given below.

## MAKING AN APPLICATION

7. The detailed requirements for information and evidence are attached at Annex A. Should you wish to make an application, it should identify the net additional costs you have incurred (or will incur) within the overall limits. Your application does not have to be in any special format but should be comprehensive and should identify the costs being applied for and provide appropriate documentary evidence to support your application. The Employers Award comprises:

- a. Up to £110 a day (approx £40K per year – subject to annual review) for extra salary costs incurred in replacing the reservist, subject to satisfactory proof of costs incurred. (This amount is in excess of the salary amount previously paid to the Reservist).
- b. Certain non-recurring costs of replacing a Reservist. These costs are agency fees or advertising costs, and are not subject to a limit, but you must demonstrate the fees incurred and that they have been paid.
- c. A training award for re-training that a Reservist requires for his/her job and is required as a result of absence on mobilised service. This is not subject to limit, but invoices will be required.

## TIME LIMITS

8. If you do not provide the information and evidence within the time limits given below, without reasonable excuse, this may result in the rejection of your application. If it seems likely that a delay will occur, please notify the Adjudication Officer in writing that you intend to apply but that your application has been delayed. Applications for all awards, other than the training award, can be made at any time up to 4 weeks after the Reservist's release from permanent service. The training award must be claimed within 8 weeks of the Reservist completing the relevant training, and the training must ordinarily be completed within 6 months of the Reservist's release from permanent service. If the training is not available at that time, then the employer must notify the Adjudication Officer within the initial 6 months, and may then apply for such training provided it is carried out within 12 months of the Reservist's release from permanent service.

## CONSIDERATION AND DETERMINATION

9. Each application is considered as soon as possible. If sufficient evidence is provided the Adjudication Officer will make a "determination". If the evidence provided is insufficient the Adjudication Officer may make a preliminary determination and request further details. Once a determination has been made the Adjudication Officer will post to you, the employer, within 2 days, a written statement showing:

- a. The reasons why the specific determination was made.

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b. How any award was calculated and the factors taken into account – and when the payment of the award might be expected (usually sent with the determination).

c. The address to which an appeal must be submitted if you are dissatisfied with the Adjudication Officer's determination.

10. You are required to notify the Adjudication Officer if you become aware of any inaccuracies in the information you have provided or any changes to it. This must be done within 7 days of the change coming to your attention.

#### FURTHER QUERIES AND REPLIES

11. If you have any difficulties or concerns, please do not hesitate to contact the Adjudication Officer, or a member of the Adjudication Officer's staff, by telephoning:

a. Royal Navy & Royal Marines - 02392 628660

b. Army - 0800 389 6585

c. Royal Air Force - 01242 682545

12. Please complete the enclosed 'Employer's Acknowledgement of the Call Out of an Employee' form within 7 days of receipt of this letter. Additionally, you should make an application for financial assistance, using the guidance at Enclosure 3 as soon as you are able. To assist us, I would be most grateful if you could ensure that your employee's Military Service Number, Rank, Name and Initials are included on any letter or documents that you send.

13. I realise that this is an unusual and perhaps unexpected event, but it is one that arises after much careful thought by the Secretary of State. I am most grateful for your co-operation in this matter.

#### Enclosures:

1. Employer's Acknowledgement of the Call Out of an Employee.
2. Deferral, Revocation or Exemption of Call Out or Recall - Guide for Employers.
3. Employers' Financial Assistance Guidance for the Provision of Information and Evidence.

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EMPLOYERS' ACKNOWLEDGEMENT OF THE CALL OUT OF AN EMPLOYEE

Name

«EMPLOYEE\_LAST\_NAME»

Rank

«EMPLOYEE\_RANK\_NAME»

Service

Number

«EMPLOYEE\_NUMBER»

1. I have read the attached letter and guide. I note the Ministry of Defence has Called Out the above named reservist in support of operations, with an anticipated duration of «PERMANENT\_SERVICE\_LENGTH» months. I understand that the Reserve Forces (Safeguard of Employment) Act 1985 applies to this situation.

2. \* I do not intend to make an application against the Call Out.

or

\* I intend to request that the Call Out to be deferred/ revoked until:

or

\* I intend to request that my employee be granted exemption from this Call Out.

I understand that applications for deferral, revocation or exemption have to be made in accordance with the notes for "Deferral, Revocation of Call Out", enclosed with this letter.

3. If my employee is taken into 'Permanent Service', I would wish/would not wish\* to make an application for financial assistance towards the replacement costs incurred by my business. My initial estimate of these costs is:

4. I acknowledge that my responses at paragraphs 2-3 is an initial indication and that I will have to provide a formal submission.

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Signed:

Date:

Position:

Company:

Address:

Post code

Telephone

Number:

After completion of this form, please return it without delay to: JPAC Mobilisation Cell

«JPAC\_ADDRESS\_LINE\_1»

«JPAC\_ADDRESS\_LINE\_2»

«JPAC\_ADDRESS\_LINE\_3»

«JPAC\_TOWN\_OR\_CITY»

«JPAC\_COUNTY»

«JPAC\_POST\_CODE»

Please endorse with your Company Stamp

Signed: .....

Name: .....

PLEASE ALSO FAX A COPY OF THIS RETURN WITHIN 2 DAYS

TO THE JPAC «JPAC\_EXT\_FAX»

Enclosure 1 Part B (Amdt 30 Apr 09)

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## EMPLOYEE'S PENSION PAYEE DETAILS

Name

«EMPLOYEE\_LAST\_NAME»

Rank

«EMPLOYEE\_RANK\_NAME»

Service

Number

«EMPLOYEE\_NUMBER»

NB. Please clear the release of this information with your employee. You need only complete paragraphs 2 - 8 if the answer to paragraph 1 is "YES"

1. Do you contribute to your employee's (the reservist's) pension scheme?

2. Current monthly payment of employer contributions is

£

Or

If payments are made in 13 instalments for each year state the total annual contribution

£

3. Name of Pension Payee

(Employer or Pension Provider as appropriate)

4. Address of Pension Payee

Post Code

5. Pension Payee Contact Name

6. Pension Payee Telephone Number

7. Bank Details of Pension Payee (Employer or Pension Provider as appropriate)

Sort Code:

Account Number:

8. Employer Pension Scheme Reference Number

\*Delete as appropriate

Please endorse with your Company

Stamp

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Signed: .....

Name: .....

PLEASE FAX A COPY OF THIS RETURN (WITHIN TWO DAYS) TO THE APPROPRIATE SERVICE  
ADJUDICATION OFFICER – DETAILS ARE IN PARAGRAPH 16 OF ENCLOSURE 2

Your Employee's Service is

«SERVICE\_SHORT\_NAME»

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## Enclosure 2

### DEFERRAL<sup>1</sup>, REVOCATION<sup>2</sup> OR EXEMPTION<sup>3</sup> OF CALL OUT OR RECALL GUIDE FOR EMPLOYERS

1 Deferral: The postponement of the Reservist's Call Out/Recall date.

2 Revocation: The cancellation of the Reservist's Call Out/Recall Notice.

3 Exemption: The cancellation of the Reservist's Call Out/Recall Notice plus the suspension of the Reservist's Call Out/Recall liability for up to a year.

#### INTRODUCTION

1. This guide is intended for employers. It provides a summary of the scheme under which you can ask for a Reservist you employ to be exempted from Call Out or Recall, to have their Call Out or Recall deferred or to be released from service. The scheme was introduced by the Reserve Forces Act 1996 and the regulations made under it. Copies of the Reserve Forces Act and the relevant Statutory Instruments can be purchased from The Stationery Office, or downloaded from the HMSO website.

2. You should bear in mind that this is intended to be a guide. It is not an authoritative statement of law. To make the guide easier to follow, the matters of exemption, deferral and release from service are referred to here simply as 'exemption'. Reservists can apply for exemption on their own account if their personal circumstances would suffer as a direct result of Call Out or Recall. There is a separate guide describing the scheme for reservists.

#### WHO CAN APPLY

3. The regulations permit you to seek the exemption for reservists you employ if the reservist's absence would cause serious harm to your business or undertaking or to a partner, proprietor or employee of that business or undertaking. Any business or undertaking employing a Reservist can apply for the employee to be exempted. If the Reservist is a partner in a business then the business is regarded as his employer; and if the Reservist is a director of a company (other than a non-executive director) that company is regarded as his employer. The self-employed can apply as an employer or as a Reservist, or both. A Reservist, who has been offered and has accepted a job, but has not yet started working for you, is regarded as an employee of your business or undertaking.

#### WHEN YOU CAN APPLY

4. Although, in order to cover various different situations, the regulations provide a number of different starting dates for making an application, in simple terms applications must be made within 7 days of the Reservist being served with his or her Notice of Call Out or Recall. If the application is not made in that 7 days, the permission of the Adjudication Officer to make a late application must be obtained.

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5. Normally late applications can only be considered if you did not know of any grounds for the application and could not reasonably have discovered them until later; or did not learn until afterwards that the employee had been called out, accepted into service or had his entitlement to release postponed. Even then, once you become aware of the relevant facts, you must make your application promptly.

## GROUNDINGS FOR EXEMPTION

6. To obtain exemption you have to show that the absence of the Reservist would cause serious harm to the business or undertaking in which the Reservist is employed or to a partner, proprietor or employee of that business or undertaking. What constitutes serious harm will vary from case to case. However, the regulations define such harm as including:

- The serious loss of sales, markets, reputation, goodwill or other financial harm;
- The serious impairment of the ability to produce goods or provide services; or
- Demonstrable harm to research and development of new products, services or processes;

provided that the harm could not be prevented by giving you financial assistance under the Reserve Forces (Call Out and Recall) (Financial Assistance) Regulations 2005.

## INFORMATION YOU SHOULD PROVIDE

7. You will need to provide as much information as possible about the Reservist who is being called out or recalled (i.e. at least surname, first name, address, payroll number and National Insurance number). It is important that you also provide as much information as you can about the business in which the Reservist is employed, the role that is performed, and the impact that the Reservist's absence will have if called out.

8. If there are any mistakes in the information in your application, or something happens which changes the information you have provided, you must tell the Adjudication Officer within seven days of your becoming aware of it. It could be an offence if you fail to give information that you are required to provide, or if you provide information that is deliberately misleading.

## MAKING AN APPLICATION

9. An application should be made in writing but can be sent by post, fax or e-mail. If the Reservist's Notice of Call Out or Recall specified a person to whom the application can be given, then it can be sent to that person. Otherwise it can be given to any Adjudication Officer at the place to which the Reservist went to be accepted into service. Finally it can be sent to one of the Adjudication Officers whose addresses are set out below. Obviously you can seek independent legal advice on any matter regarding exemption, though you should keep in mind that this will be at your own expense.

## DETERMINATION OF APPLICATIONS

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10. An Adjudication Officer appointed for the purpose will determine your application. The Adjudication Officer is usually a Service officer or Ministry of Defence official. The Adjudication Officer will try to determine your application quickly, but there might be a need to get further information, make enquiries or interview you. The Adjudication Officer's decision will be made as soon as possible and it will be confirmed in writing within two days of the decision being made. If a decision has not been made by the time the Reservist is due to report to the Mobilisation Centre, he should report there as instructed. If he is then accepted into service, your application will be treated as an application for release from permanent service.

## FACTORS THAT WILL BE TAKEN INTO ACCOUNT

11. In determining your application for exemption the Adjudication Officer will seek to balance your need as an employer to retain the Reservist against the Services' need for the Reservist to support the operation for which he or she has been called out. Therefore if the Services' requirement is for unskilled manpower, an application to retain a Reservist who had specialist skills might readily succeed. It might be different if the Services' need specifically requires people with the skills possessed by your Reservist. However, even then, if you can show that retaining the Reservist at that time is essential, your application may still be successful.

12. If your application is granted, the Reservist will not be accepted or will be released even if he or she wishes to enter or continue in Permanent Service. If you have an application granted, the exemption can still be waived if you give written agreement to such a waiver. An exemption granted to you will lapse if the Reservist leaves your employment. You must inform the Adjudication Officer if a Reservist who is exempted leaves your employment.

## TIMING OF EXEMPTION

13. The Adjudication Officer can decide that exemption should take effect immediately as either deferment (if the Reservist is not yet in service) or early release (if the Reservist is in service). The Adjudication Officer can also specify that an exemption will lapse upon the happening of some future event (for example, the exemption may have been granted because the Reservist was needed to fulfil a certain contract. The Adjudication Officer can decide that, once that contract is completed, the exemption will lapse). In general terms exemptions only last for 12 months from the date when they take effect.

## APPEALS

14. If you are not satisfied with the decision that the Adjudication Officer makes, you can appeal to the Reserve Forces Appeal Tribunal. The members of this Tribunal are entirely independent of the Ministry of Defence - most are Employment Tribunal chairman or members. How the tribunal regulates itself is not within the scope of this guide. Any appeal must be made no later than five days after the date on which you were told of the decision. Advice on how to do this is given in another guide which can be obtained from DRM at the address below.

## FINALLY

15. If you require general advice about exemption or any other matter relating to the Reserve Forces Act 1996 you should contact:  
 Defence Relationship Management (DRM)  
 First Floor, Room 109

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Holderness House  
Clifton Street  
London  
EC2A 4EY

(Telephone 0800 389 5459, fax 0207 426 8362, or visit the DRM website  
<https://www.gov.uk/government/groups/defence-relationship-management>)

## WHERE TO APPLY

16. Your application should be made to the Adjudication Officer appointed for the Service in which the Reservist serves.

Royal Naval and Royal Marines  
Adjudication Officer,  
West Battery (MPG-2)  
Whale Island,  
Portsmouth, PO2 8BX

Tel: 02392 623527  
Fax: 02392 628660

E-mail: [navylegal-reservesadjso2@mod.uk](mailto:navylegal-reservesadjso2@mod.uk)

Army Adjudication Officer,  
Army Personnel Centre,  
PO Box 26703,  
Glasgow, G2 8YN

Tel. 0800 3896585  
Fax: 0141 224 2689

E-mail: [apc-cmops-mob-so2@mod.uk](mailto:apc-cmops-mob-so2@mod.uk)

Royal Air Force Adjudication  
Service,  
c/o Imjin Barracks,  
Innsworth,  
Gloucester, GL3 1HW

Tel. 01242 682545  
Fax: 01242 682510

E-mail: [aira1-woadj@mod.uk](mailto:aira1-woadj@mod.uk)  
Enclosure 3

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## EMPLOYERS' FINANCIAL ASSISTANCE GUIDANCE FOR THE PROVISION OF INFORMATION AND EVIDENCE

To support your application it is requested that you provide the Adjudication Officer with the following information or documents:

1. Earnings. Documentary evidence of your employee's current earnings and written evidence of the earnings you have contracted to pay your employee for the 52 weeks immediately following the Call Out date.
2. Replacement Salary Costs. Documentary evidence of any replacement salary costs incurred e.g. agency invoices or copies of payslips for temporary replacement, and/or documentary evidence of any overtime or increases in salary to existing staff.
3. Non-Recurring Costs. Documentary evidence of any agency fees or advertising costs incurred in replacing the Reservist.
4. Training Award. If you wish to make an application for a Training Award you must provide:
  - a. A statement of the training that the Reservist is required to undertake for the performance of his/her job.
  - b. A statement that the application makes the maximum use of opportunities to re-acquire the necessary standard at no additional cost through such free training as may be available, or workplace experience.
  - c. Invoices for the relevant training.

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### Appendix 3: Example Letter Reserve Demobilisation. From SPVA

«EMPLOYEE\_NUMBER» «EMPLOYEE\_RANK\_NAME» «EMPLOYEE\_INITIALS»  
«EMPLOYEE\_LAST\_NAME». - EMPLOYER NOTIFICATION OF DEMOBILISATION

1. The above named reservist is being demobilised and «gender2» last day of service will be «PERMANENT\_SERVICE\_END\_DATE». «Gender» should write to you no later than the third Monday after «gender2» last day of service, to inform you of «gender2» intended return to work date.

2. I would also like to remind you that financial assistance is available should your employee require training on «gender2» return from mobilised service. You must satisfy the Adjudication Officer that your employee needs to undertake such training for the performance of «gender2» employment and that this need has arisen as a result of «gender2» mobilised service. (The Ministry of Defence will not pay for training that you would have carried out anyway). If you wish to make an application for a Training Award you must provide:

- A statement of the training required by your employee.
- A statement that the application makes the maximum use of opportunities to re-acquire the necessary standard at no additional cost through free training as may be available, or workplace experience.
- Invoices for the relevant training.

3. A claim for a training award must be made within eight weeks of your employee completing the training, and this should ordinarily be within 6 months of «gender2» return to work. If the training is not available at that time, then you must notify the Adjudication officer within the initial 6 months, and may then apply for such training provided it is carried out within twelve months of your employees release from permanent service.

4. If you would like to discuss this further, you can telephone the Adjudication Officer for the «SERVICE\_RESERVES\_NAME» at the numbers below or address any correspondence accordingly.

Royal Navy and Royal Marines Adjudication Officer  
Navy Command Headquarters  
West Battery (MP G-2)  
Whale Island  
Portsmouth  
PO2 8DX

Tel: 02392 623527  
Fax: 02392 628660

E-mail: navylegal-reservesadjs02@mod.uk

Army Adjudication Officer

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Army Personnel Centre  
PO Box 26703  
Glasgow  
G2 8YN

Tel: 0800 389 6585  
Fax: 0141 224 2689

E-mail: [apc-cmops-mob-so2@mod.uk](mailto:apc-cmops-mob-so2@mod.uk)

Royal Air Force Adjudication Officer  
Royal Air Force Adjudication Service  
c/o Innsworth Station  
Gloucester  
GL3 1HW

Tel: 01242 682545  
Fax: 01242 682510

E-mail: [aira1-woadj@mod.uk](mailto:aira1-woadj@mod.uk)

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## Appendix 4: Designated Contacts

It will be the role of the Designated Contact to ensure that they are fully aware of the provisions of this policy and are therefore able to advise employees of the support available to them. Contacts should also maintain an up to date database of all Reservists working in their area. They should be available to work with both their employee and the employee's line manager to ensure the provisions of the policy are available.

While an employee is mobilised Designated Contacts should also aim to maintain contact with the employee to ensure they are kept informed about their area. This may be through the provision of a staff newsletter, update e-mails, briefing notes etc.

Each Trust has a responsibility to identify their Designated Contact, however, for the purposes of this policy the responsibility will be that of each Trust's Director of Human Resources.

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## Appendix 5: Financial Assistance Flowchart

Notification of mobilisation received

Consider temporary replacement options, i.e. over time for current staff, agency or a temporary post

Day 1

Submit claim for assistance from the MoD to cover essential training costs

Book essential training

When Reservist is due to return to work consider what re-training will be essential for them to carry out their duties at work

Submit a claim for financial assistance from the MoD ensuring written evidence is submitted to show the costs incurred

Reservist is Mobilised

Total all cost, ensuring you have written evidence of costs incurred as a result of Reservist being mobilised

Advertise post / hours to cover if necessary and confirm cover / appointment

Within 4 weeks of Day 1

Within 8 weeks of training

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### Equality Impact Assessment Form

Department/Function	Workforce			
Lead Assessor	Gillian Day			
What is being assessed?	Reservist Policy			
Date of assessment				
What groups have you consulted with? Include details of involvement in the Equality Impact Assessment process.	Equality of Access to Health Group	<input type="checkbox"/>	Staff Side Colleagues	<input checked="" type="checkbox"/>
	Service Users	<input type="checkbox"/>	Staff Inclusion Network/s	<input type="checkbox"/>
	Personal Fair Diverse Champions	<input type="checkbox"/>	Other (Inc. external orgs)	<input type="checkbox"/>
	Please give details:			

1) What is the impact on the following equality groups?		
Positive:	Negative:	Neutral:
<ul style="list-style-type: none"> <li>➤ Advance Equality of opportunity</li> <li>➤ Foster good relations between different groups</li> <li>➤ Address explicit needs of Equality target groups</li> </ul>	<ul style="list-style-type: none"> <li>➤ Unlawful discrimination, harassment and victimisation</li> <li>➤ Failure to address explicit needs of Equality target groups</li> </ul>	<ul style="list-style-type: none"> <li>➤ It is quite acceptable for the assessment to come out as Neutral Impact.</li> <li>➤ Be sure you can justify this decision with clear reasons and evidence if you are challenged</li> </ul>
Equality Groups	Impact (Positive / Negative / Neutral)	Comments <ul style="list-style-type: none"> <li>➤ Provide brief description of the positive / negative impact identified benefits to the equality group.</li> <li>➤ Is any impact identified intended or legal?</li> </ul>
<b>Race</b> (All ethnic groups)	Neutral	
<b>Disability</b> (Including physical and mental impairments)	Negative	Members of staff who have difficulties in reading and understanding the content of the policy may need additional support
<b>Sex</b>	Neutral	
<b>Gender reassignment</b>	Neutral	
<b>Religion or Belief</b>	Neutral	
<b>Sexual orientation</b>	Neutral	
<b>Age</b>	Neutral	
<b>Marriage and Civil Partnership</b>	Neutral	
<b>Pregnancy and maternity</b>	Neutral	
<b>Other</b> (e.g. caring, human rights)	Neutral	

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2) In what ways does any impact identified contribute to or hinder promoting equality and diversity across the organisation?	None
--	------

3) If your assessment identifies a negative impact on Equality Groups you must develop an action plan <b>to avoid discrimination and ensure opportunities for promoting equality diversity and inclusion are maximised.</b>
➤ This should include where it has been identified that further work will be undertaken to further explore the impact on equality groups
➤ This should be reviewed annually.

Action Plan Summary
---------------------

Action	Lead	Timescale
Any member of staff having difficulties reading and understanding the content of this policy will be offered support to explain the processes outlined in this policy by appropriate Personnel and alternative format can be made available.	Gillian Day	As required

*This form will be automatically submitted for review for Policies and Procedures once approved by Policy Group. For all other assessments, please return an electronic copy to [EIA.forms@mbht.nhs.uk](mailto:EIA.forms@mbht.nhs.uk) once completed.*

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