

HR49

Leave for Official Duties Policy

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Attachments

[Attachment 1 – Leave for Reserve Forces Training and Mobilisation Procedure](#)

[Attachment 2 – Leave for Jury Service Procedure](#)

[Attachment 3 – Leave for Attendance at Court and Appeal Hearings Procedure](#)

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Policy on a Page

This policy aims to support and provide a framework for those staff who wish to contribute to the 'wider society' by undertaking official duties.

A brief overview of the various entitlements is included below however more detail (including eligibility) is included within each of the relevant attachments.

<p>1 – Leave for Reserve Forces Training and Mobilisation</p>	<p>The Trust is committed to granting paid leave of 16 calendar days per year to Reservists, this is specifically to enable them to attend their annual training camp. Either annual or unpaid leave, where appropriate, will be granted for short periods of training provided that reasonable notice is given.</p> <p>Mobilisation is the process of taking Reservists into full time service with the Regular Forces, in order to make them available for military operations. It is activated by a call-out notice issued by the MOD. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months.</p>
<p>2 – Leave for Jury Service</p>	<p>Paid leave will be granted for employees called for jury service. The staff member is however required to claim loss of earnings from the court and 'repay' this to the Trust upon receipt,</p> <p>If the employee is released from court/jury service then they must report for duty.</p>
<p>3 – Leave for Attendance at Court and Hearings</p>	<p>Employees required to attend court or a hearing in relation to their role at the Trust, or at the request of the Trust, will be granted paid leave.</p> <p>Employees required to attend court or a hearing unrelated to their employment at the Trust will be granted unpaid leave.</p>
<p>4 – Leave for Civic and Public duties</p>	<p>Up to a maximum of 16 calendar days per year (pro rata) may be granted for essential civic and public duties. Reasonable notice of duties must be given and will be considered by the Group Manager or Head of Service within 10 working days of receiving the request.</p>

Leave For Official Duties Policy

1.0 Policy Statement

- 1.1 The Royal Wolverhampton NHS Trust recognises that employees may wish to contribute to the 'wider society' in many different ways in addition to their employment with the Trust. This policy aims to support those staff in fulfilling that aim and by doing so enables the Trust to indirectly contribute to the demands of the 'wider society'.
- 1.2 Associated policies and procedures are detailed within the attachments to this policy. Application form and templates will be available on the [HR Advisory Toolkit](#).

2.0 Definitions

Reserve Forces	Reservists are called up to supplement the regular armed forces when required. If they are called up they will carry out the same roles as the regular army.
Sabre Representative	Member of HR Directorate nominated as point of contact for Reservists.

3.0 Accountabilities

- 3.1 The **Director Sponsor** will be accountable for the revision of this policy which will be necessary from time to time as a result of changes in legislation or in the light of experience when applying the policy and its associated procedures. Any revisions will be agreed through the Trust's Joint Negotiating Committee.
- 3.2 The **Chief Operating Officer, Directors, Deputy Chief Operating Officers, Deputy Directors, Divisional Managers, Group Managers, Department Managers, Heads of Service and Directorate Managers** will be responsible for ensuring that this policy is fairly and consistently applied within their area of responsibility in the Trust.
- 3.3 **Managers** will be responsible for ensuring that they apply this policy fairly and consistently.
- 3.4 **Employees** will be responsible for complying with this policy and its associated documents.
- 3.5 The **HR Advisory Department** will be responsible for supporting the implementation of these processes, including providing advice to staff, and advice, guidance and relevant support for managers.

Employee Services are responsible for making appropriate payments in line with the policy and appropriate statutory regulations.

4.0 Policy Detail

- 4.1 This is a specialist HR policy and includes the HR procedures for managing planned leave for the fulfilment of official duties.
- 4.2 This policy applies to all Trust employees on permanent and fixed term contracts, but does not apply to contractors, agency or bank staff.

4.3 This policy and the attached procedures cover the following areas of leave for official duties:

- Attachment 1** [Leave for Reserve Forces Training and Mobilisation Procedure](#)
- Attachment 2** [Leave for Jury Service Procedure](#)
- Attachment 3** [Leave for Attendance at Court and Hearings Procedure](#)
- Attachment 4** [Leave for Civic and Public duties Procedure](#)

4.4 The Trust is committed to maintaining an honest, open and well-intentioned culture within the Trust. It is therefore committed to the elimination of any fraud within the Trust. If fraud is suspected in relation to the Leave for Official Duties Policy, please report to the Trust's Local Counter Fraud Specialist or Chief Finance Officer or call the National Fraud and Corruption reporting line on 0800 028 40 60. For more information/ guidance on reporting concerns please refer to the [Trust's Anti-Fraud and Bribery Policy](#).

5.0 Financial Risk Assessment

1	Does the implementation of this policy require any additional Capital resources	No
2	Does the implementation of this policy require additional revenue resources	No
3	Does the implementation of this policy require additional staffing	No
4	Does the implementation of this policy release any staffing costs through a change in practice	No
5	Are there additional staff training costs associated with implementing this policy which cannot be delivered through current training programmes or allocated training times for staff.	No
	Other comments	

6.0 Equality Impact Assessment

An equality analysis has been carried out and it indicates that:

Tick	Options
✓	A. There is no impact in relation to Personal Protected Characteristics as defined by the Equality Act 2010.
	B. There is some likely impact as identified in the equality analysis. Examples of issues identified, and the proposed actions include:

7.0 Maintenance

This policy will be reviewed every three years or earlier if warranted by a change in standards or if changes are deemed necessary from internal sources.

8.0 Communication and Training

8.1 The HR Department will provide advice on the policy to staff, and advice and support to managers in the fair and equitable application of this policy as appropriate.

8.2 A [HR Advisory Toolkit](#) is available to provide further guidance and support.

8.3 All Group Managers, Matrons, Departmental/Directorate Managers are responsible for the communication of this policy to their staff.

9.0 Audit Process

All leave schemes will be monitored annually in partnership with staff side representatives and through appropriate sub groups.

Criterion	Lead	Monitoring method	Frequency	Committee
Fair and consistent application of this policy	Divisional HR Manager/ Divisional Management Team	Feedback from staff-side and managers	3-yearly on policy review	POD Committee

10.0 References

Reserve Forces (Safeguard of Employment Act) 1985

DRM (Defence Relationship Management) helpline for reservists and employers

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

<http://www.sabre.mod.uk/Employers>

Jury Service: <https://www.gov.uk/giving-staff-time-off-jury-service>

Public duties: <https://www.gov.uk/time-off-work-public-duties>

Part A - Document Control

Policy number and Policy version: HR49 v3.0	Policy Title: Leave for Official Duties Policy		Status: Final	Author: HR Manager – Advisory Director Sponsor: Group Chief People Officer
Version / Amendment History	Version	Date	Author	Reason
	1	September 2018	Deputy HR Manager	Policy review date and separated from previous HR01 Leave Policy
	2	August 2020	HR Manager - Advisory	Process update related to jury service. Minor amendments and consideration of policies from BCPS transferred staff has taken place
	2.1	June 2023	HR Manager - Advisory	Extension
	3	October 2023	HR Manager - Advisory	Policy review
Intended Recipients: All staff and managers				
Consultation Group / Role Titles and Date: Staff side – July 2023				
Name and date of Trust level group where reviewed	Joint Negotiating Committee – September 2023 Trust Policy Group – September 2023			
Name and date of final approval committee	Trust Management Committee – October 2023			
Date of Policy issue	November 2023			
Review Date and Frequency (standard review frequency is 3 yearly unless otherwise indicated – see section 3.8.1 of Attachment 1)	September 2026 (then every 3 years)			
Training and Dissemination: Information sharing and engagement at manager’s meetings and Divisional Management forums. Advice available from HR Advisory department as and when required by managers and staff.				
To be read in conjunction with: N/A				
Initial Equality Impact Assessment (all policies): Yes Full Equality Impact assessment (as required): N/A If you require this document in an alternative format e.g., larger print please contact Policy Administrator 8904				
Monitoring arrangements and Committee	People and Organisational Development Committee (POD)			
Document summary/key issues covered:				

This policy covers requested leave for official, public, civic and extracurricular duties. The policy gives managers and staff details of the procedural requirements to request leave for official duties.

<p>Key words for intranet searching purposes</p>	<p>Armed forces Army Cadets Civic duties Court Juror Jury service Official duties Public duties Reserve forces</p>
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Leave for Reserve Forces Training and Mobilisation Procedure

1.0 Procedure Statement

- 1.1 The Trust has pledged its support for members of or those wishing to join the Reserve Forces and acknowledges the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to both the individual and their employer.
- 1.2 The aim of this procedure is to ensure that the Trust meets its obligations to employees who are members of the Reserve Forces and that such employees are aware of their obligations to the Trust.
- 1.3 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).
- 1.4 The Trust commits to not disadvantage employees who are Reservists.
- 1.5 The Trust will, subject to the provisions set out in section 3.5. agree to release Reservists for attendance at Reserve Forces Training events where these take place on their normal working days. The training provisions outlined within this procedure also apply to Volunteer Leaders in Cadet Organisations.
- 1.6 The Trust will, subject to the provisions set out in section 3.5. agree to the release from duty of all employees who are mobilised for Reservist Duties.

2.0 Accountabilities

- 2.1 Divisions are responsible for:
 - Ensuring that managers and employees have full support, especially at times of mobilisation;
 - Releasing the employee for mobilisation where the Reservist volunteer is called up, unless there are exceptional circumstances which must be explained to the Reservist.
- 2.2 Individual employees are responsible for:
 - Informing the Group Manager, in writing, of their status as a Reservist;
 - Providing as much notice as is reasonably practicable of their requirement for leave to attend training activities as a Reservist (e.g. annual camp) to allow their line manager to appropriately plan for their absence by completing the [Official Duties Leave Request Form](#) on the HR Advisory toolkit;
 - Seeking permission from their Group Manager/ Head of Service prior to applying for voluntary mobilisation;
 - Informing the Trust, as soon as practicably possible, after receiving a call out order, providing details of the date and potential duration of their mobilisation;
 - Liaising with the Employee Services or NHS Pensions in order to make arrangements for their pension as soon as practicably possible after receiving a call out order;

- Liaising with internal and external suppliers with regards to any relevant staff benefits, i.e. salary sacrifice or lease car schemes, as soon as practicably possible, after receiving a call out order;
- Contacting their manager post-mobilisation to arrange a date to return to work. This will be no later than three weeks after the last day of the mobilisation;
- Maintaining professional registration as required by their substantive post whilst mobilised.

2.3 Managers are responsible for:

- Familiarising themselves with and implementing this procedure;
- Facilitating and supporting attendance at training sessions and annual camps for any members of their teams who are Reservists;
- Assessing applications for voluntary mobilisation and allowing them where possible;
- Supporting any members of their team returning from training with appropriate training and re-induction as required;
- Raising awareness of any in-house services that may be of use to the Reservists after mobilisation.

2.4 Human Resources is responsible for:

- Advising both managers and employees on the application of this procedure;
- Monitoring this policy to ensure that the information is up to date and relevant.

3.0 Procedure Detail / Actions

3.1 The following definitions are applicable to this procedure:

Mobilisation	The process of calling Reservists into full time service with the Regular Forces in order to make them available for military operations.
Reservists	These are former members of the Regular Forces who retain a liability to be called up.
Voluntary Mobilisation	The process by which Reservists may volunteer for full time service with the Regular Forces in order to make them available for military operations.
Volunteer Reservists	Civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.

3.2 **Reserve Status Notification**

3.2.1 Reservists are required to inform their employer that they are a member of the Reserve Forces and the specific force that they belong to.

3.2.2 Reservist employees are required to grant permission for their Unit Commanding Officer to write directly to their employer subject to any security considerations, known as 'Employer Notification'.

3.2.3 The Ministry of Defence (MOD) will issue written confirmation to the employer informing them the employee is a Member of the Reserve Forces. The letter will provide detail of mobilisation obligations and rights as an employee, rights as an employer and details of the financial assistance available if an employee is mobilised.

3.2.4 It is the responsibility of the Reservist to ensure they update their line manager with any change in personal details e.g. if they leave their respective Reserve Force.

3.2.5 In any circumstance, the Reservist will not be disadvantaged as a result of notifying the Trust of their Reserve status.

3.3 **Training Commitments and Time off**

3.3.1 Reservists are typically committed to 24-40 days training per year, depending on which service they belong to and any specialist skills. Training tends to take place during evenings, weekends and in one or more continuous periods not exceeding 16 days in total.

3.3.2 The Trust is committed to granting paid leave of 16 calendar days per year to Reservists; this is specifically to enable them to attend their annual training camp.

3.3.3 Either annual or unpaid leave, where appropriate, will be granted for short periods of training provided that the employee gives notice of this to their line manager as soon as possible after they find out and if such training cannot be undertaken in off-duty time. Attendance at weekend camps which cannot be undertaken during off-duty will be subject to the same arrangements.

3.3.4 Line managers will facilitate work rosters to allow attendance at annual continuous training (camp) and other training commitments (e.g. weekly or weekend training sessions) unless there are exceptional circumstances.

3.3.5 Reservist employees must give as much notice as possible of training commitments to allow appropriate planning for absences. Permission, once given, will not be rescinded unless there are exceptional circumstances.

3.3.6 The training provisions outlined within this procedure also apply to Volunteer Leaders in Cadet Organisations.

3.4 **Mobilisation**

3.4.1 Mobilisation is the process of taking Reservists into full time service with the Regular Forces in order to make them available for military operations. It is activated by a call-out notice issued by the MOD. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months.

3.4.2 The call-out papers for mobilisation will be sent to the Trust. The documentation will include the date the Reservist has to report for duty and the anticipated timeline. Whenever possible, the MOD aims to give at least 28 days notice for short contingent operations and at least between 3 and 9 months notice depending on the Service for enduring operations (although there is no statutory requirement for a warning period prior to mobilisation) for a Reservist to report for mobilisation.

3.4.3 A period of mobilisation comprises three distinct phases:

- Administration including a medical and pre-deployment training;
- Operational tour;
- De-mobilisation and post-operational leave.

3.4.4 Line managers can refer to the following website for further information www.sabre.mod.uk/Employers/Employing-a-Reservist which includes further information on the following actions.

3.4.5 *Before the Reservist is mobilised (pre-mobilisation):*

- The line manager must meet with the Reservist to ensure all mobilisation and relevant Trust documentation has been completed (including pay, benefits and pension arrangements);
- Discuss any handover of work and return of equipment;
- Discuss arrangements for keeping in touch.

3.4.6 *During Mobilisation*

When employees are mobilised for the Reserve Service, their contract shall be considered as paused for the duration of their mobilisation. There will be no loss of continuous service or service related benefits during the period of mobilisation. However, neither will the mobilised employee accrue these benefits during the period of mobilisation. Once demobilised the employee will continue to accrue service and benefits as normal.

Both the Reservist and the line manager must take equal responsibility to keep in touch as agreed e.g. by email, telephone, frequency etc.

3.4.7 *Post-Mobilisation*

The line manager must meet with the Reservist prior to their return to work in order to discuss arrangements for the employee's return to work to their existing or an equivalent post on return from service e.g. after care and support requirements.

3.5 ***Applying for Exemption/Deferral or Revocation***

3.5.1 In all cases of mobilisation, the Trust will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist.

3.5.2 In such circumstances, the Trust has the right to seek exemption, deferral or revocation if the Reservist's absence is considered to cause serious harm to the organisation.

3.5.3 Definitions of 'harm' will vary from case to case, but may include:

- Loss of reputation, goodwill or other financial harm;
- Impairment of the ability to produce goods or provide services, delivery of accepted standards of patient care, harm to the research and development of new products, services or processes (which could not be prevented by the granting of financial assistance under sections 83 and 84 of the Reserve Forces Act 1996).

3.5.4 Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer within seven days of the Trust receiving a call-out notice. If this timescale is not met, permission to make a late application will need to be obtained from the Adjudication Officer. The Reservist also has the right to apply for exemption or deferral if the call-out papers arrive at a difficult time.

3.5.5 If an unsatisfactory decision is received following the application for a deferral, the Trust can appeal for a hearing by the Reserve Forces Appeals Tribunal. Appeals

must reach the Tribunal Secretary within five days receipt of written notice of the decision. If the Tribunal rejects the application for exemption or deferral, the Trust will be required to release the Reservist for mobilisation.

3.6 **Treatment of Terms and Conditions during Mobilisation**

3.6.1 The Trust will continue to treat the contract of employment of employees mobilised for Reserve Service as ongoing throughout the period of such service and there will be no loss of continuous service or service related benefits. The employee will not accrue benefits or continuous service while mobilised.

3.7 **Pay**

3.7.1 The MOD 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, specialisation and any entitled allowances. If the military salary is less than the Reservist receives from the Trust, it is the Reservist's responsibility to apply to the MOD for the difference to ensure that they suffer no loss of earnings. This is known as a Reservist Award. The Reservist may also claim certain benefits if the Trust ceases to pay for these.

3.7.2 Where mobilisation occurs, the employee will be given special unpaid leave of absence and a P45 must not be issued. See Payroll guidelines on Reservists: <https://www.gov.uk/employee-reservist>

3.8 **Benefits**

3.8.1 Certain contractual benefits that are suspended by the Trust during mobilisation can be claimed by the Reservist as part of their Reservist Award.

3.8.2 Staff participating in salary sacrifice schemes must contact Payroll services, to agree how payments will be met during their period of mobilisation.

3.8.3 The line manager and Reservist must discuss benefit arrangements during the pre-mobilisation meeting. This will cover those benefits which will be suspended and, for any continuing benefits, arrangements must be made as to how these are paid.

3.8.4 For those deductions that the Reservist wishes to stop, suspend or amend during mobilisation, it is the responsibility of the Reservist to notify any providers (internal and third party) of the intention to stop, suspend or amend any arrangements. Such notifications must be completed prior to mobilisation.

3.8.5 There are certain benefits which employees will not be able to claim for as part of the Reservist Award. As such, if the employee wishes to continue with these benefits, they would be required to fund the employer contribution for the period of mobilisation. These deductions will need to be paid on a monthly basis and will be arranged in conjunction with the Payroll Department. Examples of such benefits include lease cars and salary sacrifice arrangements.

3.9 **Pension**

3.9.1 If the Reservist is a member of the NHS Pension Scheme and they choose to remain within it then, under the Reserve Forces (Call out and recall) (Financial Assistance) Regulations 2005 (SI 859), the MOD will refund the employer contributions for the period of mobilisation once the employee has been demobilised, providing the Reservist continues to make their personal contributions.

- 3.9.2 In order to continue making personal contributions while mobilised, the Reservist must contact the Employee Services Department as soon as possible and make arrangements. These contributions will then be passed on to the NHS Pensions Agency as normal.
- 3.9.3 The Trust will continue to pay the employer contributions as usual and will claim this back from the MOD at the end of the employee's deployment.
- 3.9.4 Further information is available from the Trust's Employee Services Team.

3.10 **Annual Leave**

- 3.10.1 Reservists will be encouraged to take any accrued annual leave before mobilisation.
- 3.10.2 Up to one working week of Trust annual leave, not taken prior to the date of mobilisation, may be carried over into the next leave year. This will require the completion of the [Carry Over of Annual Leave form](#).
- 3.10.3 Employees will not accrue annual leave during a period of mobilisation as they are not paid by the Trust.
- 3.10.4 Reservists accrue annual leave with the MOD whilst they are in full time service. When they demobilise, Reservists are entitled to a period of post-operational leave (POL) that is included within the period of mobilised service. During the period of POL they are still in permanent service and continue to be paid by the MOD.

3.11 **Management of Organisational Change**

- 3.11.1 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 section 17 of the Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85).
- 3.11.2 Reservists can be included in the redundancy pool if this is necessary. However, all employees will be treated consistently and redundancy criteria must not discriminate against Reservists on the grounds of their Reserve service or call-up liability.
- 3.11.3 If difficulties are encountered regarding communicating with a mobilised employee in these circumstances, it may also be possible to seek assistance from the Trust's Sabre representative.

3.12 **Sick Pay**

- 3.12.1 Where the Reservist is injured or sick during mobilisation they remain mobilised until they reach a certain level of fitness as assessed by the military medical teams. If they have continuing healthcare needs, they will be taken through a transition from military to NHS Healthcare. They will then be demobilised in the normal way. During this period, the Reserve Force will continue to pay the Reservist until they are demobilised.
- 3.12.2 The extent of the injury will determine when the Reservist is demobilised. This may be earlier or later than the anticipated demobilisation date.

- 3.12.3 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 and this results in early demobilisation, the Reservist will remain covered by Defence until the last day of paid military leave and may be able to claim compensation from the Armed Forces Compensation Scheme.
- 3.12.4 Once demobilised, the Reservist will be covered by the Trust's Supporting and Managing Staff Attendance Policy ([HR13](#)).
- 3.12.5 If the Reservist becomes ill post demobilisation, and a notional return to work date has been agreed, they will be covered by the Trust's Supporting and Managing Staff Attendance at Work Policy ([HR13](#)).

3.13 ***Return to Work***

- 3.13.1 Both the Reservist and their employer have obligations under the Reserve Forces (Safeguard of Employment Act) 1985 regarding the return to work process.

Reservist Responsibilities

- 3.13.2 The Reservist must write to their Group Manager or Head of Service by the third Monday after their last day of military service making their request to return to work and suggesting a date which will fall within six weeks of their last day of full-time service. This letter formally starts the return to work process.
- 3.13.3 They are also encouraged to informally contact the employer to discuss their return to work at the earliest opportunity, whether by letter, meeting or telephone call. The formal application must be made in writing for it to be valid under the Act.
- 3.13.4 The Reservist will normally return to their former role. However, where this is not possible, they will return to a mutually acceptable role on the same terms and conditions of service prior to mobilisation. If a Reservist is not happy with the offer of alternative employment they must write to the employer stating why there is reasonable cause for them not to accept it. If a Reservist believes that an employer's response to their application denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation. An appeal to an Umpire against a decision or an order of the Reinstatement Committee can also be made.

Employer Responsibilities

- 3.13.5 The Employer has an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist, where possible to their former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation. If the Reservist made an application to a Reinstatement Committee and the employer does not agree with the decision or an order of the Reinstatement committee they can appeal to an Umpire.
- 3.13.6 As long as the Reservist's application for reinstatement is in force, the employer must reinstate the Reservist within six weeks of the last day of their full-time service.

3.13.7 Sometimes Reservists may need refresher training when they return to work, or be given time to familiarise themselves with processes and procedures in the workplace.

3.13.8 Financial assistance may be available for the employer to reclaim the cost of re-training if it is required as a direct result of their mobilisation, although applications cannot be made for training courses that would have taken place anyway. Evidence of costs will be required in addition to evidence that the Reservist could not reach the required standard by any other means, such as workplace experience.

3.14 **Aftercare**

3.14.1 A Reservist returning to work will benefit from a smooth re-integration into the workplace/team. The following must be considered as part of this process:

- The need to update on changes and developments across the Trust;
- 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;
- Whether the reservist can meet up with colleagues, informally or socially, before or after return to work to prevent any feeling of dislocation, if this is sought;
- Reasonable time off to seek therapeutic treatment if required;
- A period of supernumerary working.

3.15 **Performance Review**

3.15.1 Line managers who carry out Appraisal meetings with a Reservist must be aware that 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.

3.16 **Pay Progression**

3.16.1 When a member of staff is mobilised the period of time during which they are mobilised will be treated in the same way as a career break and the incremental date will be reset on their return to the Trust.

3.17 **Financial Assistance**

3.17.1 Financial assistance for employers in the event of their Reservist being mobilised is governed by the Reserve Forces (Call out and recall) (Financial Assistance) Regulations 2005 (SI 859). This covers additional costs above the normal earnings of the called-up Reservist associated with replacing that employee.

3.17.2 Claims can be made for every normal working day that the Reservist is away on service. An application for one-off costs and recurring costs must be made within four weeks of the end of full time Reservist service.

3.17.3 Managers shall contact the Adjudication Officer for details of financial assistance.

4.0 **Equipment Required**

As detailed in the main policy document HR49.

5.0 **Training**

As detailed in the main policy document HR49.

6.0 References

As detailed in the main policy document HR49.

Leave for Jury Service Procedure

1.0 Procedure Statement

- 1.1 The Trust will grant paid leave for employees who are called for jury service. Jury service is a public duty; jurors usually try more serious criminal cases such as murder, assault, burglary or fraud.
- 1.2 Unless someone is disqualified, has the right to be excused or has a valid reason for discretionary excusal then they must serve.
- 1.3 The law gives employees the right to time off and not to be dismissed or treated detrimentally because they serve on a jury. They also have the right not to be selected for redundancy where the reason is connected to their jury service.

2.0 Accountabilities

- 2.1 As detailed in the policy HR49.

3.0 Procedure Detail

- 3.1 An employee called to jury service is responsible for notifying their line manager at the earliest opportunity that they have been summoned to jury service. The employee must complete the [Official Duties Leave Request Form](#) specifying the dates that they have been called for, attaching a copy of the letter from court.
- 3.2 The employee's line manager must ensure that the employee's absence from work is recorded appropriately and ensure that Employee Services are notified of the reason for absence.
- 3.3 The employee will be paid normally by the Trust during the period of court attendance. The staff member is however required to claim loss of earnings from the court and 'repay' this to the Trust upon receipt, as detailed in section 3.7 below. Where an employee receives regular paid supplements, their pay during jury service will be based on a reference period of the previous three months at work.
- 3.4 If the employee is released from the court for a whole or half day when they would normally have been required to be at work, then they must report for duty.
- 3.5 If the employee is released from jury service completely at any time during the period, then they must return to work and the leave will be cancelled.
- 3.6 Employees are responsible for claiming travel costs and subsistence during jury service through the Court.
- 3.7 **Jury Service and Loss of Earnings Payment**
 - 3.7.1 As detailed above, the employee will be paid as normal during the period of their attendance at court as a juror. This payment is a 'loan' to ensure that staff are not put at any financial detriment whilst fulfilling their public duty and is paid on the basis that they recover their loss of earnings direct from HM Court Services which will then be reclaimed by the Trust*.

3.7.2 The process for this is as follows.

- i.) The court will provide employees with a 'Certificate for loss of earnings/benefits' either via post prior to attendance or on the first day of attendance at court.
- ii.) When this form is received, the employee must send this to the Trust's Employee Services department who will complete the form and return it to the employee's home address.
- iii.) The employee must then submit the completed form to the court.
- iv.) Whilst the loss of earnings claim is being processed by the court, RWT will 'loan' the employee their loss of earnings*.
- v.) By accepting the 'loan' the employee is agreeing for this to then be recovered from their salary when they receive their loss of earnings money from the court. The loss of earnings is usually reimbursed in the form of a cheque or direct into the employee's bank account.
- vi.) Once processed by the court, along with the payment, the employee will receive a letter detailing how much they have been paid by the court (which includes loss of earnings and, if applicable, any other expenses claimed such as for travel, food and drink). Once this letter is received it must be submitted to Employee Services who will assess it and arrange for only the loss of earnings to be deducted from salary*. Any other payments received from the court will not be deducted (e.g. expenses).

** The payment made by the courts is usually a 'contribution' towards loss of earnings and there is a limit as to how much can be claimed for each day (details on this can be found on <https://www.gov.uk/jury-service/what-you-can-claim>). Staff will be paid as normal and therefore where there results in a difference between normal pay and the loss of earnings amount, **only the loss of earnings amount will be reclaimed by the Trust**. The Trust has chosen not to claim any remaining 'top up' payment so to ensure that staff are not placed at any financial detriment by fulfilling their public duty as a juror.*

4.0 Equipment Required

As detailed in the main policy document HR49.

5.0 Training

As detailed in the main policy document HR49.

6.0 References

As detailed in the main policy document HR49.

Leave for Attendance at Court or Hearings Procedure

1.0 Procedure Statement

1.1 The Trust recognises that employees are occasionally required to attend court hearings, non-Trust led appeal hearings or other external body hearings (e.g. professional body or employment tribunal hearings) which are outside of their control. This document provides a process for their release from work.

2.0 Accountabilities

2.1 As detailed in the policy HR49.

3.0 Procedure Detail / Actions

3.1 Employees are responsible for notifying their line manager of the requirement to attend court or a hearing at the earliest opportunity so that appropriate cover arrangements can be made.

3.2 The employee must complete the [Official Duties Leave Request Form](#) and attach a copy of the letter from the court or other external body and submit it to their line manager.

3.3 Employees who are required to attend court or a hearing in relation to their role within the Trust or at the request of the Trust will be granted paid leave in these circumstances. During the period that the employee attends court or a hearing, they will be paid as normal by the Trust.

3.4 Employees who are required to attend court or a hearing when this is not in relation to their employment with the Trust, will be granted unpaid leave to attend. Employees who attend court as a witness can claim loss of earnings and expenses from the courts.

3.5 Line managers are responsible for recording an employee's absence appropriately and notifying Employee Services.

4.0 Equipment Required

As detailed in the main policy document HR49.

5.0 Training

As detailed in the main policy document HR49.

6.0 References

As detailed in the main policy document HR49.

Leave for Civic and Public Duties Procedure

1.0 Procedure Statement

- 1.1 The Trust wishes to support employees who take on a civic or public role within the wider society for developmental and charitable reasons, therefore special leave with pay will be granted in accordance with the demands of the service and at the discretion of the Group Manager or Head of Service for the following essential civic and public duties:

Serving as a Justice of the Peace	Membership of a local authority committee
Membership of a statutory tribunal	Membership of a board of prison visitors
Member of Special Constabulary (Police Authority) committee	Membership of an NHS Trust or Health Authority
Membership of a managing or governing body of an educational establishment (e.g. School, college)	Membership of an Environment Agency committee
Membership of a police authority	

- 1.2 'Duties' are defined as attendance at meetings, committees or subcommittees and any other duty for the purpose of which is the discharge of the functions of the body in question.

2.0 Accountabilities

- 2.1 As detailed in policy HR49.

3.0 Procedure Detail

- 3.1 The employee must complete the [Official Duties Leave Request Form](#) and submit to their Group Manager or Head of Service before committing to undertake the 'civic' or 'public' duty, giving reasonable notice of the commencement of such duties.
- 3.2 The employee's Group Manager or Head of Service will discuss the request with the employee's line manager and employee within 10 working days of receiving the request prior to agreeing to or declining the request.
- 3.3 The Group Manager/ Head of Service will consider requests in light of:
- The amount of paid time off requested;
 - The impact on the employee's role;
 - The needs of the service;
 - How much leave the employee has already been permitted for other external duties.
- 3.4 The Group Manager/ Head of Service will provide reasons for declining the request in writing to the employee within 10 working days of meeting with the employee.
- 3.5 Up to a maximum of 16 calendar days per year (pro-rata for part-time staff) may be granted.

4.0 Equipment Required

As detailed in the main policy document HR49.

5.0 Training

As detailed in the main policy document HR49.

6.0 References

As detailed in the main policy document HR49.