

# Police Service of Northern Ireland

HQ Ref: HR/PD/004

PD 13/07

## POLICY DIRECTIVE

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### RESERVE FORCES POLICY

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#### 1. POLICY IDENTIFICATION

**POLICY TITLE:** Reserve Forces Policy

**POLICY OWNERSHIP:**

<b>DEPARTMENT</b>	Human Resources
<b>BRANCH</b>	People Development

**POLICY APPROVED BY:**

<b>CCF REF/OTHER</b>	
<b>DATE OF APPROVAL</b>	16 July 2007

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# INDEX

## SECTIONS 1- 7

<b>Section</b>	<b>Subject</b>	<b>Page</b>
<b>1</b>	<b>Policy Identification Page</b>	<b>1</b>
<b>2</b>	<b>Policy Statements</b>	<b>3</b>
2(1)	Policy	3
2(2)	Definitions	3
<b>3</b>	<b>Introduction</b>	<b>4</b>
3(1)	Summary	4
3(2)	Legal Basis	4
3(3)	Upper Limit	5
<b>4</b>	<b>Application of the Policy</b>	<b>5</b>
<b>5</b>	<b>Implications of the Policy</b>	<b>6</b>
5(1)	Financial Implications/Best Value/Continuous Improvement/Efficiency	6
5(2)	Human Resources/Training	6
5(3)	Consultation	6
<b>6</b>	<b>Human Rights/Equality/Integrity/Freedom of Information</b>	<b>6</b>
<b>7</b>	<b>Review</b>	<b>6</b>
<b>Paragraph</b>	<b>Procedures and Guidance</b>	
1.	Application to join Reserve Forces	7
2.	Call Out Arrangements	7
3.	Returning from a Period of Call Out	7-8
4.	Reserve Forces Training	8

## 2. POLICY STATEMENTS

### (1) Policy

- (a) This PSNI Reserve Forces Policy details how Volunteer Reservists within the Police Service of Northern Ireland (PSNI) will be managed.
- (b) This Policy outlines the position on, engagement, mobilisation, pay, pension, special leave and annual leave provisions for police officers and police staff who are members of the Armed Reserve Forces.
- (c) It is also intended to reassure those officers and police staff serving in the Reserve Forces regarding their position in the PSNI in the event that they are called up for active service.
- (d) The Policy also provides guidance for police officers and staff who as a result of previous full-time employment within the armed forces may be liable for mobilisation.

### (2) Definitions

#### Reserve Forces

- (a) The role of the **Reserve Forces** is to provide regular forces with additional resources and skills at times of increased operational demand. Individuals who are members of the Reserve Forces have a liability for a call out to service as part of any of the following military organisations:
  - (i) Territorial Army;
  - (ii) Royal Navy Reserve;
  - (iii) Royal Marines Reserve;
  - (iv) Royal Airforce Volunteer Reserve.
- (b) Membership of the Reserve Forces is comprised as follows:

The **Volunteer Reserve Force (VRF)**. These are individuals who are recruited directly from the civilian community. Members of the VRF will normally have a full-time occupation and have a part-time commitment to one of the organisations listed (i) to (iv) above. In addition officers and adult instructors of Cadet Forces are also members of the VRF.
- (c) In addition to recruiting directly from the civilian community the Reserve Forces may also call upon individuals with previous military service. These individuals are classed as **Regular Reservists**. The length of time an individual will be classed as a Regular Reservist after leaving full-time military service will be dependent on the length of military service and any specialist skills they possess. Individuals are told upon leaving full-time service of the timescale that they will be held as a reservist. Regular Reservists are liable to be called out in times of national emergency but, additionally can be called upon for peacekeeping, humanitarian and disaster relief operations.
- (d) **High Readiness Reserve (HRR)**. The HRR comprises members of any of the Reserve Forces who have specialist skills and who accept an increased liability for call out. The HRR will meet the need for skills that are in short supply in the regular and Reserve Forces; examples are linguistics, intelligence staff and medical personnel. Reservists who volunteer to become HRRs will accept an enhanced liability for call out for permanent service anywhere in the world at a minimum of 7 days notice. An HRR agreement requires the consent of any employer for whom the reservist works for 14 hours a week or more. This consent represents a strong commitment by the employer to release the HRR without protest when/if called out.

### 3. INTRODUCTION

#### (1) Summary

- (a) It is recognised that being a member of the Reserve Forces is both admirable and commendable. The PSNI therefore wishes to ensure that whilst individuals involved in this activity are supported and encouraged that employees are treated equitably and consistently.
- (b) The organisation also needs to ensure that in encouraging and supporting individuals in their involvement in the Reserve Forces that there is no detriment to the core functions of the organisation in delivering policing to the public in Northern Ireland.
- (c) In addition the PSNI must be able to satisfy itself that in the event of a national emergency there are appropriate arrangements in place to deliver effective policing. The organisation therefore needs to be cognisant of the effect that the loss of large numbers of experienced police officers to reserve forces would have as well as ensuring that officers, required for police duties in the event of a national emergency, are free of reserve commitments.
- (d) This Policy will apply in all instances when police officers and police staff apply to join the Armed Reserve Forces, or are currently serving in the Reserve Forces, or are mobilised for active service by The Secretary of State, HM Government (Reserve Forces Act 1996).
- (e) The aim of this Policy is to bring together all procedures and information available to assist those members of staff who are interested in joining, or who already serve, in the Reserve Forces.

#### (2) Legal Basis

##### (a) Enlistment

Police officers and police staff who wish to join the VRFs must gain the written consent of the Chief Constable in accordance with the regulations for the Territorial Army and Volunteer Reserve 1978.

##### (b) Liability to be called up

- (i) The Reserve Forces Act of 1996 details the obligations of members of the VRFs who are liable for mobilisation. There is no provision within the Act for **any** exemption from call-up for members of the VRFs.
- (ii) The Reserve Forces Act 1996 is also the statutory instrument that details provisions for calling up of Regular Reservist, however unlike the VRF a regular reservist may in some instances be exempted from call-up

##### (c) Exemptions for Regular Reservists

- (i) With effect from 1 January 2001, no individual on the reserve list will be exempted from recall. Once a mobilisation has been effected, the person being called out or their employer may appeal the notice at the time it is served. The Adjudication Officer of the respective reserve force will consider appeals.
- (ii) Police officers with previous military service are not automatically exempt unless exemption was requested and granted prior to 1 January 2001. However where a Police Force asks for an exemption it will almost always be granted for the duration of the police officers or police staff's service.
- (iii) Requests for exemptions from further call out for those with outstanding military, naval or air force reserve obligations, prior to January 2001, can made to the appropriate Service Manning and Record Office.

(3) **Upper Limit**

In order to maintain operational effectiveness, and prevent a depletion of the PSNI strength in times of national emergency, it is appropriate to impose an upper limit on the number of police officers and police staff permitted to join the VRF. Home Office guidance indicates that up to 2% of a Forces strength is considered a reasonable limit, however it is up to the Chief Constable to decide what the limit should be in light of the circumstances of the individual force.

**4. APPLICATION OF THE POLICY**

**In the event of mobilisation, what happens:**

- (1) The Reserve Forces (Safeguard of Employment) Act 1985 requires employers to re-engage individuals in the occupation in which they were formerly employed and on terms and conditions no less favourable than those in which they would have been employed had they not undertaken a period of service.
- (2) Individuals must be re-engaged at the first reasonable and practicable opportunity, after they have indicated availability for work.
- (3) If six months elapses from this time and no opportunity for re-engagement has arisen, the obligation on the employer to take the individual back no longer applies.
- (4) ACPO have agreed that police officers who have been called out into military service should be treated as if they are on special unpaid leave.
- (5) Pay for active service, as a member of reserve forces is a matter for the Ministry of Defence (MOD). Individuals will be entitled to receive pay for their military service rank together with appropriate allowances.
- (6) Police officers and police staff whose civilian earnings are greater than their military salary when called out may claim financial assistance from the MOD. The claim falls into two parts:
  - (a) **Standard award**, which is paid up to set amounts according to military rank;
  - (b) **Hardship award**, a reservist may claim this if he can prove his family would suffer hardship because the standard awards were insufficient enough to cover essential family commitments.
- (7) The MOD offers reservists the following pension options on mobilisation:
  - (a) **Civilian Occupational Pension Schemes.** MOD will pay employers contributions provided the reservist pays any employees contributions;
  - (b) **Second State Pension** Reservists may opt to be contracted into the second state pension.
- (8) Irrespective of their choice of pension, a reservist who is killed or injured on military service may receive payments from the MOD under the Attributable Benefits for Reserve Service and also the War Pensions Scheme.
- (9) Police officers and police staff called up for service as reservists will have their period spent abroad reckonable as pensionable service provided they continue to pay their full pensions contributions. In addition where a police officer is permanently disabled as a result of an injury, sustained whilst mobilised as a member of the Reserve Forces, this will be eligible for consideration as an injury in the execution of duty in accordance with the PSNI Pension Regulations. In these instances the Northern Ireland Policing Board (NIPB) has the discretion to make an ill health award and to enhance the amount of the pension payable to the level, which the police officer would have received had the disablement occurred in the performance of police duty.

## **5. IMPLICATIONS OF THE POLICY**

### **(1) Financial Implications/Best value/Continuous Improvement/Efficiency**

This Policy will bring together all procedures and information available to assist police officers and support staff who are interested in joining, or who already serve, in the Reserve Forces.

### **(2) Human Resources (HR)/Training**

(a) Police and police staff are obliged to seek the permission of the Chief Constable if they wish to become a volunteer reservist. Authorisation will be recorded on the HR system to facilitate the monitoring of reservist numbers as a percentage of the Force.

(b) The HR computer system will be amended to allow the recording of volunteer reservist details against the employee's computerised personnel record.

### **(3) Consultation**

(a) Police Federation Northern Ireland;

(b) Superintendents' Association Northern Ireland;

(c) Northern Ireland Public Service Alliance;

(d) Amicus;

(e) PSNI Professional Standards;

(f) PSNI Human Rights Lawyer;

(g) PSNI Employment Lawyer;

(h) District/Departmental Heads.

## **6. HUMAN RIGHTS/EQUALITY/INTEGRITY/FREEDOM OF INFORMATION**

(1) This Policy is deemed to be Human Rights compliant.

(2) This Policy has been screened for Section 75 considerations and meets integrity standards.

(3) This Policy is suitable for Public Disclosure in accordance with the Freedom of Information Act 2000.

## **7. REVIEW**

This Policy will be reviewed on an annual basis by People Development within the HR Department.

# **SECTION 7**

## **PROCEDURES AND GUIDANCE**

### **RESERVE FORCES PROCEDURE**

#### **1. APPLICATION TO JOIN RESERVE FORCES**

- (1) Police officers and staff are obliged to seek the permission of the Chief Constable if they wish to become a volunteer reservist. The Chief Constable's permission will be granted by delegated authority through the Heads of HR. Applications for considerations should be made using Form RF1 - Request for Permission to Become a Member of the Reserve Forces (available on PoliceNet) which is included at Appendix 'A' of this Procedure.
- (2) Those who are already members of a reserve force are obligated to declare this information to their HR Manager.
- (3) Police officers and staff who are 'Regular Reservists' (ie who have previously been employed as a full-time member of the armed forces) must not transfer to a VRF without consent.
- (4) Permission must always be sought before extending an engagement, or entering into a fresh one, in the same way as engaging for the first time.
- (5) Authorisation will be recorded on the HR system to facilitate the monitoring of reservist numbers as a percentage of the force. If HR feel the number of staff involved in reserve forces could limit operational effectiveness, it will be brought to the Chief Constable's attention and it will be at his discretion to enforce a limit, so that operational needs are not compromised.
- (6) Police officers or police staff seeking permission to join the HRR will need to outline their specialised skills to the Chief Constable as part of their application.

#### **2. CALL OUT ARRANGEMENTS**

- (1) It is the responsibility of the reservists to notify their HR Manager immediately on receipt of 'call out' papers.
- (2) In the case of a Regular Reservist the Head of HR may, if it is considered appropriate, appeal the decision to call out to the Adjudicating Officer of the relevant service.
- (3) Police officers and staff must make a formal application for unpaid leave to facilitate their obligations in relation to the Reserve Forces. The application must be submitted to the appropriate Head of HR via line management.
- (4) Where the Head of HR, determines that there is no requirement for an appeal of the call out and, grants permission for the unpaid leave application this information must be recorded on the HR computer system. The HR Manager will ensure that the relevant pensions and payroll branches are advised of the commencement date for the unpaid leave.
- (5) Following approval of the unpaid leave the individual will be referred to Occupational Health and Welfare (OHW) to have a baseline health assessment carried out.

#### **3. RETURNING FROM A PERIOD OF CALL OUT**

- (1) On completion of military duty police officers and staff must notify their HR Manager with 21 days of demobilisation. The HR Manager will in turn notify the Area Command Team, HQ Pay and Pensions Branches, (and Staff Associations as appropriate) for employment, pay, pension and allowance purposes.
- (2) Those returning from a period of mobilisation with the Reserve Forces may request leave before returning to duty. Approval of such requests will be subject to usual considerations regarding annual leave.

- (3) To ensure the reservist is fit to resume their former role, following mobilisation, they will be required to undergo a medical assessment before they may return to duty. The relevant HR Manager will be responsible for arranging the medical assessment with OHW.
- (4) Upon receipt of the evaluation from OHW the HR Manager along with the Area Commander will action OHW's recommendation. In the event that OHW have declared the individual unfit for work the HR Manager will invite the member to a meeting to address return to work options.
- (5) Members who are fit to return to work will be advised of their detail and working pattern by Operational Planning/Designate.
- (6) A formal "return to work interview" will be held with the reservist's line manager and Head of HR to discuss any welfare, training and related issues. A copy of this interview will be passed to the HR Manager.

#### **4. RESERVE FORCES TRAINING**

- (1) Special leave with pay may be granted for all full-time police officers and staff who are members of the Reserve Forces for periods of training. Where the period of Reserve Forces training amounts to 15 or more days on an annual basis, special leave with pay will be granted up to a maximum of 8 working days. Where the annual training falls below 15 days the 8 working days allowance should be reduced proportionately.
- (2) Working days spent on training which exceed this limit should be treated as special leave without pay unless annual leave is taken.
- (3) Police staff who attend special courses/exercises, in addition to their usual annual Reserves Forces training may be allowed up to a further one week's special leave in any one leave year providing the sum of following does not exceed seven weeks:
  - (a) annual leave;
  - (b) special leave with pay granted under paragraph 4(1) [where this is modified under the arrangements for Royal Naval Reserve (RNR) and Royal Marine Reserve (RMR) in paragraph 4(4), the reservist should be regarded as carrying out 14 days' normal training in each year];
  - (c) special leave with pay granted under this paragraph; and
  - (d) special leave with pay allowed by the Department of Finance and Personnel on special occasions (eg royal visits) in which members of the Reserve Forces participate.
- (4) Members of the RNR and the RMR undertaking the maximum training required by regulations may be granted special leave with pay on the scale set out in paragraph 4(1). In the event that more than 14 calendar days' training is undertaken, the normal 8 day limit as outlined in 4(1) may be exceeded. In these instances the number of days spent in training, for which special leave is sought, should be averaged over the number of calendar years in which training occurred. When the total amount of special leave sought does not exceed what would normally have been allowed in any given year the additional leave may be accepted.
- (5) The normal 8 day limit may however be exceeded in any year in which more than 14 calendar days training is undertaken, provided that in any period of years used to govern the training, the overall total of special leave with pay does not exceed what would normally have been allowed if 14 days' training were to have taken place each year.
- (6) PSNI employees are obliged to provide sufficient notice of related training commitments. Failure to do so may result in authorisation being denied.