



Ministry of JUSTICE

National Offender Management Service

NOMS VOLUNTEER RESERVIST POLICY (REVISED VERSION)		
This instruction applies to	Reference	
<ul style="list-style-type: none"> NOMS Agency staff Prisons 	AI 13/2013 PSI 29/2013	
Issue Date	Effective Date	Expiry Date
Re-issue date 27 June 2014	1 October 2013	30 September 2017
Issued on the authority of	NOMS Agency Board	
For action by (Who is this Instruction for)	All staff responsible for the development and publication of policy and instructions <input checked="" type="checkbox"/> NOMS HQ <input checked="" type="checkbox"/> All public sector prisons <input checked="" type="checkbox"/> Governors <input checked="" type="checkbox"/> Heads of Groups	
Instruction type	HR function	
For information	All staff	
Provide a summary of the policy aim and the reason for its development / revision	This policy supports the Government’s ambition to be an exemplar employer of reservists by encouraging and promoting Volunteer Reserve Service whilst maintaining operational delivery. A Memorandum of Understanding (MOU) between the MOD and NOMS means operational NOMS staff are entitled to request approval to join the Volunteer Reserve Forces. Annex C has been updated to reflect this.	
Contact	Queries to Shared Services HR Contact Centre ☎ 0845 010 3504 (VPN 7190 3504)	
Associated documents	Outside Activities Policy PSI 28/2013 – AI 12/2013 Special Leave Policy PSI 19/2010 – AI 10/2010	
Replaces the following documents which are hereby cancelled : Replaces sections on volunteer reservists in the NOMS Outside Activities Policy PSI 27/2010 – AI 18/2010. The Outside Activities policy is now being republished as PSI 28/2013 – AI 12/2013.		
Audit and Monitoring: Directors, Deputy Directors of Custody, Governing Governors, and Heads of Group will ensure compliance with the mandatory actions set out in this instruction.		
Introduces amendments to the following documents: <i>‘NOMS VOLUNTEER RESERVIST POLICY’ - PSI 29/2013- AI 13/2013 issued on the 2 September 2013 has been amended, copies of the previous version must be destroyed and replaces by this revised version</i>		

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1. **Executive Summary**

Purpose and Context

- 1.1 The NOMS Volunteer Reservist policy provides guidance to managers and staff where NOMS employees volunteer to undertake reservist duties or join NOMS with an existing volunteer commitment.
- 1.2 This Instruction sets out the NOMS policy on volunteer Reserve Service for directly employed permanent and fixed-term staff, including those on probation, fixed term appointment or secondment. See My Services.

Desired outcomes

- 1.3 This Instruction and the complementary guidance available on My Services are intended to support and encourage the Volunteer Reserve Forces and provide staff and managers with clear information, whilst maintaining business delivery.

Application

- 1.4 All managers with line management responsibility are required to read and follow all sections of the Reservist Policy as required.
- 1.5 Independent case-specific advice is provided by HR professionals from Shared Services.

Mandatory actions

- 1.6 *All staff must follow the mandatory requirements in this Instruction. Governing Governors, Deputy Directors of Custody, Directors and other senior managers are responsible for the delivery of these requirements in their areas.*

Resource Impact

- 1.7 Releasing staff for Reservist duties inevitably has an impact on our staffing levels. In order to support the Volunteer Reserve Forces, whilst maintaining our core business, NOMS has agreed the parameters which will apply to applications from operational grades, as outlined in [Annex C](#).

Further information on Reservists

- 1.8 This instruction sets out NOMS's policy on Volunteer Reservists. For information on Regular Reservists see NOMS Outside Activities Policy PSI 28/2013 – AI 12/2013. For further information on special leave see the NOMS Special Leave Policy PSI 19/2010 – AI 10/2010

Advice and Guidance

- 1.9 Advice and Guidance on the application of this instruction is available from: Shared Services on 0845 010 3504.

(Approved for publication)

Carol Carpenter
Director of Human Resources, NOMS

2. Volunteer Reservist Policy Statement

Scope of policy

- 2.1 This policy applies to employees in the Ministry of Justice (MoJ) and its agencies, including the National Offender Management service (NOMS), and those on probation, fixed term appointments, loans or secondments.
- 2.2 In NOMS specific arrangements apply to Governors, Operational Managers, Senior Operational Managers and members of the Prison Officer grades. *Staff in these grades must read [Annex C](#).*

Policy principles

- 2.3 To support the Government's ambition to be an exemplar employer, this policy encourages and promotes Reserve Service by:
- providing a minimum of 10 days paid special leave for training per annum
 - dealing positively with requests for other types of leave to undertake additional Reservist activities
 - offering support to employees before, during and after mobilisation, in consideration of individual circumstances
 - recognising the transferable skills and benefits to both the Department and society
 - keeping an accurate record of employees who are Volunteer Reservists.

Policy summary

- 2.4 This policy provides a framework to:
- support employees who are Reservists
 - manage requests for time off for training
 - manage pre and post mobilisation
 - define special leave arrangements.

3. Annex A – Reservist Procedures

Introduction

3.1 These procedures are for managers and employees within the MoJ and its agencies including NOMS. (Please note that [Annex C](#) specific arrangements apply to Governors, Operational Managers, Senior Operational Managers and members of the Prison Officer grades). The procedures explain:

- what employees need to do if they are Reservists or if they want to become Reservists
- how to manage Reservists
- how to deal with requests for time off for training
- responsibilities when a Reservist is mobilised, demobilised and returns to work.

Further background detail and supporting information on Reservists is available on My Services.

Serving as a Reservist

3.2 *If an employee is a Reservist, is considering renewing their commitment, known as re-engaging as a Reservist, or is interested in joining the Reserve Forces, they must discuss this with their manager and obtain prior approval at the appropriate level:*

- *Staff In MoJ: Director level*
- *Staff in NOMS: Governing Governor for staff in public sector prisons, or Deputy Director Custody for governing governors. Head of Group (at least Band 9) for headquarters staff, or Director for headquarters staff at Band 9 or above.*

3.3 *Both the manager and the employee must familiarise themselves with the Reservist Policy and Procedure, and guidance on My Services.*

3.4 *Managers must maintain a record of the Reservist's details which should be updated to reflect training and mobilisation commitments. This information should be added to the relevant fields within the Phoenix system from August 2013.*

3.5 *Reservists must seek approval (see paragraphs 3.1 and 2 above) if they intend to volunteer for High Readiness Reservist (HRR) status making them liable to be deployed with minimal notice. Please note that specific arrangements apply to Governors, Operational Managers, Senior Operational Manager and members of the Prison Officer grades who are not permitted to volunteer for HRR status at any time.*

3.6 Further details of the procedures to be followed by managers and Reservists are explained in this document and summarised in the flowchart at [Annex B](#).

3.7 Template letters for mobilised staff, and checklists highlighting the key actions and responsibilities for managers and Reservists, are available on My Services.

3.8 *Governors, Operational Managers, Senior Operational Manager and members of the Prison Officer grades must read [Annex C](#).*

Training

- 3.9 As far as practicably possible, time off for training should be requested as early as possible and approved. To support this, Reservists should provide managers with details of their training commitments as soon as possible.
- 3.10 Reservists are allowed a minimum of 10 days paid special leave a year to participate in the continuous mandatory period of training. This usually lasts 15 consecutive days, often referred to as annual camp. There may be some variation between the Reserve Forces, particularly within specialist units, where this mandatory training element may be split over two or more shorter periods. In addition, staff with **less than** 30 days annual leave may be granted an additional 5 days for special exercises.
- 3.11 For any additional training, Reservists can request annual leave, flexi leave, time off in lieu, special unpaid leave or a combination. *This should be applied for using existing arrangements. Reservists should note however, that there is no automatic entitlement to special leave with or without pay and authorisation must be obtained from the manager. Further information is available on [My Services](#).*
- 3.12 Where paid special leave is granted for Reservists training, it will count towards the cumulative limit of 20% of their annual contracted hours for special leave. See **My Services** for further detail.
- 3.13 Paid special leave for training will not affect the employee's continuity of service and reckonable service.
- 3.14 If the Reservist is granted unpaid special leave for any period of training, they will not accrue annual leave during this period. However, although unpaid leave does not accrue benefits, those already accumulated are preserved and built upon when employees return to paid employment. Other terms and conditions continue to apply to employees on special leave (e.g. the conditions on outside employment and political activities).
- 3.15 Refer to the special leave policy for further information.
- 3.16 Unpaid periods of special leave for training will not count as reckonable service.
- 3.17 See the flowchart at [Annex B](#) for an overview of the process for requesting and approving time off for training.

Mobilisation

- 3.18 *To fulfil part of the UK's defence strategy Reservists are Mobilised or Called Out. Reservists will receive Call Out papers detailing mobilisation dates and must notify their manager of these dates. Managers will receive an Information Pack that contains a copy of the Reservist's Call Out Notice and a letter setting out the date and possible duration of mobilisation.*
- 3.19 Although there is a provision for employers to make a case for exemption or deferral from Call Out of a Reservist, it is not expected that this could be applied to any Reservist in a non-operational grade across the Ministry. (Specific arrangements apply to operational staff in NOMS. Please refer to Annex C for further details). Managers of non-operational staff are expected to release Reservists in all cases.
- 3.20 During the period of mobilisation, the Reservist is granted unpaid special leave from their Department.

- 3.21 Unpaid special leave granted for the Reservist's mobilisation does not affect the employee's continuity of service or reckonable service. It does not count towards the employee's cumulative limit for special leave. Refer to the special leave policy available on My Services for further information.
- 3.22 *A discussion must take place between the manager and Reservist prior to mobilisation. The discussion should cover mobilisation, the impact on terms and conditions, keeping in touch arrangements and the subsequent return to work.*
- 3.23 Following this discussion the manager should complete the Employee Mobilisation letter available on My Services and issue it to the Reservist. See My Services for further information.
- 3.24 See the flowchart at [Annex B](#) for an overview of the mobilisation process.

Keeping in touch

- 3.25 *The manager and Reservist must discuss how to keep in touch during mobilisation and agree the frequency of contact. Responsibility for this discussion rests with both parties. The Reservist must provide contact details including telephone numbers, email and postal addresses of where they can be reached. Next of kin details should also be updated. Refer to the Keeping in Touch Scheme guidance available on My Services for further information.*

Treatment of terms and conditions during mobilisation

- 3.26 When mobilised, the Reservist is on unpaid special leave and the Department will stop paying the Reservist's salary. The Reserve Force will assume responsibility for the Reservist's salary for the duration of their mobilisation and pay a basic salary according to their military rank. If this basic element is less than their normal salary, it is the Reservist's responsibility to apply to the Reserve Force for the difference to ensure no loss of earnings. The Reserve Force will also cover the cost of contractual benefits. Details are available in the Call Out papers.
- 3.27 Pension details are requested as part of the Call Out papers and the Reservist should confirm the pension scheme choice before the first day of mobilisation. The manager is also required to provide details of the Reservist's Civil Service pension payee details as per the Information Pack.
- 3.28 Annual leave is accrued with the Reserve Force during mobilisation and not with the Department. Before and after mobilisation, Departmental annual leave will need to be recalculated. Refer to the annual leave policy and My Services for further information.
- 3.29 There is no entitlement to any departmental annual leave, bank holidays or privilege days whilst an individual employee is on unpaid special leave during mobilisation. Reservists will accrue annual leave with the Reserve Force whilst mobilised. This leave and any relevant public holiday entitlement is taken during mobilisation and is not carried forward when they return to the Department.

Demobilisation

- 3.30 When the tour of duty is complete, documentation will be provided detailing the last day the Reservist will be paid by Reserve Force, also known as the last day of whole time service. This should be made available to the manager on or before return to work. Managers should note that demobilisation is not confirmation of a Reservist's fitness to return to work.
- 3.31 *During the demobilisation process the Reservist must make contact with the manager and attend a return to work meeting. If appropriate this may take place over the telephone. If,*

due to injury or illness, the Reservist is not able to contact the manager, the Reservist's next of kin should contact the manager on their behalf.

3.32 At the meeting, the following should be discussed:

- the Reservist's fitness to return to work and any support they may need on return
- any issues the Reservist wishes to raise
- an update from the manager about key events in the Reservist's absence
- the work the Reservist will be doing and any upskilling / retraining required
- confirmation of the date the Reservist will return to work.

3.33 Where the Reservist fails to make contact during demobilisation and does not return to work after the last day of whole time service, the Department should allow the Reservist to remain on unpaid special leave for a period of up to three weeks after the anticipated demobilisation date. *During this period, the manager must use the agreed keeping in touch arrangements to contact the Reservist. If after three weeks it has not been possible to make contact, the manager must follow the Managing Attendance procedure available on My Services.*

3.34 See [Annex B](#) for an overview of the demobilisation and return to work process.

Return to work

3.35 Return to work will normally be the day following the last day of whole time service with the Reserve Force. *Unpaid special leave will cease and managers must inform Shared Services promptly.*

3.36 If the Reservist has any outstanding departmental annual leave accrued prior to mobilisation, they may request to take it before physically returning to work. In this case, the first day of the leave period should be treated as their official date of return to the Department. Managers are asked to be sensitive to the need for annual leave following a period of mobilisation.

3.37 If the Reservist is not fit to return to work immediately, Managing Attendance procedures should be applied in the normal way and should take into account individual circumstances. This should include an assessment for ill health retirement, where necessary. Managers should refer to the Managing Attendance policy and guidance on My Services for further information.

3.38 Managers should provide Reservists with support to help their transition back into the workplace. This may include the provision of appropriate adjustments. The Reservist Guidance document on My Services sets out some of the departmental support services.

3.39 *Soon after the Reservist returns to work, the manager must have a further meeting with the Reservist to discuss:*

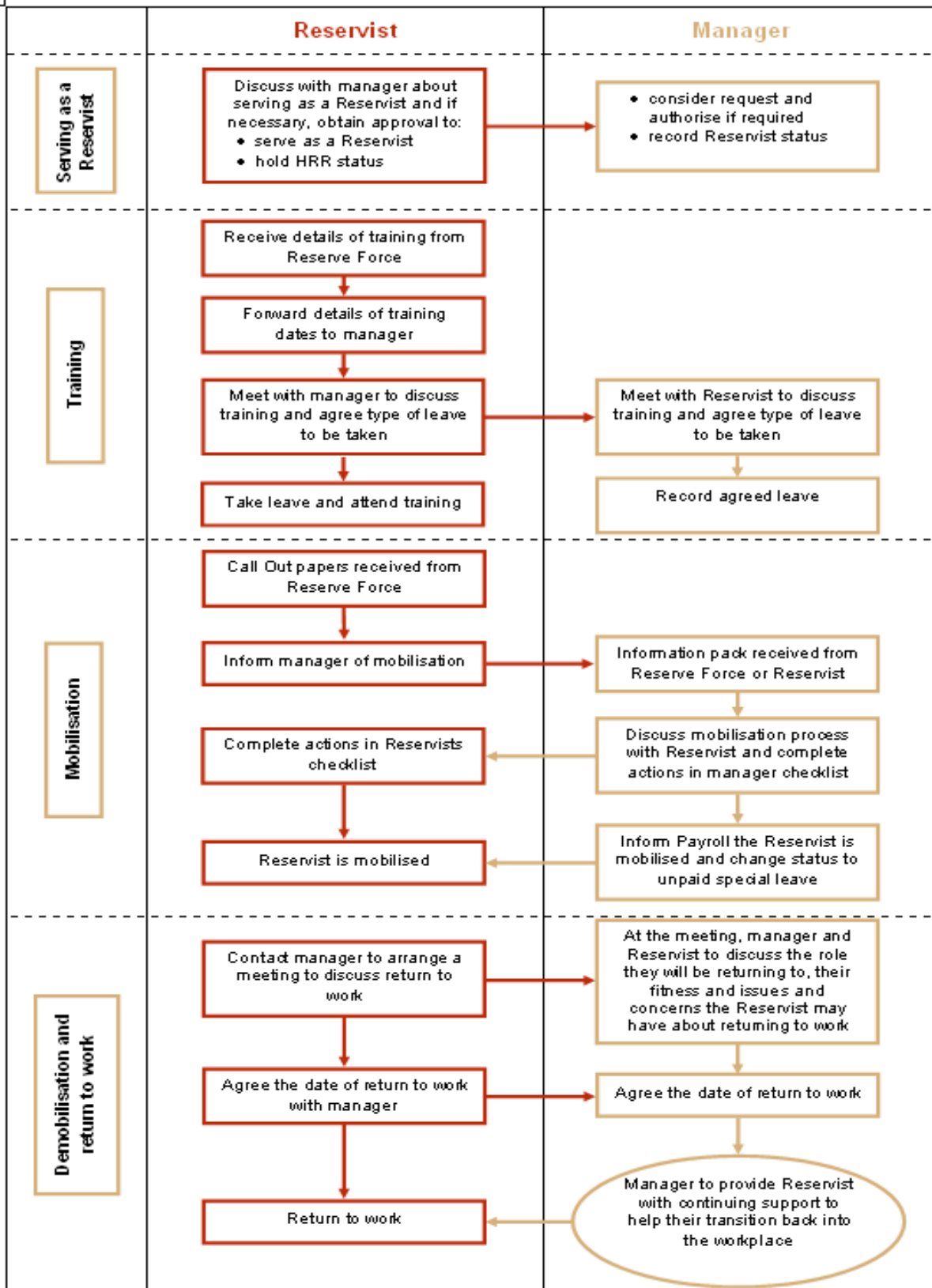
- *issues arising since the initial return to work meeting*
- *performance objective setting and exploration of how to make best and appropriate use of the Reservist's transferable skills in the workplace*
- *formal training completed during mobilisation*

- *introduction to any new team members.*

3.40 *Managers must agree a detailed induction plan, including post mobilisation support, following the return to work meeting.*

Annex B – Summary flowchart [including accessible text]

This applies to all staff in MoJ and NOMS. See Annex C for specific arrangements that apply to Governors, Operational Managers, Senior Operational Managers and members of the prison officer grades



Flowchart - Accessible text

Purpose

The Reservist flowchart outlines high level actions taken to establish the process for serving as a Reservist, training, mobilisation and demobilisation and return to work. Note that specific arrangements apply to Governors, Operational Managers, Senior Operational Manager and members of the prison officer grades – Annex C refers.

The list below shows the activities in the order they are undertaken and who has responsibility for that action. This will be either the:

- Manager
- Reservist

Serving as a Reservist

Reservist – discuss with manager about serving as a Reservist and if necessary, obtain approval to:

- serve as a Reservist
- hold HRR status

Manager:

- consider request and authorise if required
- record Reservist status

Training

Reservist:

- Receive details of training from Reserve Force
- Forward details of training to manager
- Meet with manager to discuss training and agree type of leave to be taken

Manager:

- Meet with Reservist to discuss and agree type of leave to be taken
- Record agreed leave

Reservist – take leave and attend training

Mobilisation

Reservist:

- Receive Call Out papers from Reserve Force
- Inform manager of mobilisation
- Agree method and frequency of Keeping in Touch

Manager:

- Receive Information Pack from Reserve Force or Reservist
- Discuss mobilisation process with Reservist and complete actions in manager checklist

Reservist – complete actions on Reservist’s checklist

Manager – inform Shared Services the Reservist is mobilised and change status to unpaid special leave

Reservist – Reservist is mobilised

Demobilisation and return to work

Reservist – contact manager to arrange a meeting to discuss return to work

Manager – at the meeting, manager and Reservist to discuss the role they will be returning to, their fitness and issues and concerns the Reservist may have about returning to work.

Manager and Reservist – agree the date of return to work

Reservist – return to work

Manager – provide Reservist with continuing support to help their transition back into the workplace

End of flowchart.

Annex C - Governors, Operational Managers, Senior Operational Managers and members of the Prison Officer grades in NOMS

5.1.1 The following paragraphs apply to Governors, Operational Managers, Senior Operational Managers and members of the Prison Officer grades only.

Volunteer Reserve Forces in NOMS

5.1.2 All operational staff in NOMS have the right to request approval to join the Volunteer Reserve Forces (VRF). Operational staff also have the right to request that they remain a member of the VRF when they move from one establishment/HQ group to another in NOMS.

5.1.3 Deputy Directors of Custody, Governors and Heads of Group are encouraged to look favourably upon requests from staff to join the VRF and are authorised to approve or decline applications, taking into account the need to maintain safe, decent and secure regimes. Deputy Directors of Custody, Governors and Heads of Group may defer consideration of applications from staff who are subject to sickness absence warnings, unsatisfactory attendance procedures or disciplinary awards, until the individual has returned to a satisfactory level of performance for at least six months.

5.1.4 Deputy Directors of Custody, Governors and Heads of Group should grant those operational members of staff who are approved members of the VRF ten days' special paid leave per annum to undertake Reserve service training. Other Reserve training requirements will be undertaken by staff in their off duty time. Applications for leave or TOIL will receive no preferential treatment over applications for other outside activities.

5.1.5 Operational staff already granted special paid leave for other public duties, as defined in the Special Leave Framework, will be required to choose whether to surrender their involvement in those other voluntary services in order to join the VRF.

5.1.6 NOMS will support requests from the Ministry of Defence to mobilise Reservists. Deputy Directors of Custody, Governors and Heads of Group are permitted to make a case for deferral or exemption where they can demonstrate that mobilised service would cause serious harm to the safe, decent and secure operation of their establishment's regime.

5.1.7 Deputy Directors of Custody, Governors and Heads of Group will support individual Reservists returning from mobilisation to reintegrate effectively and permit operational staff to remain members of the VRF when returning to their role.

5.1.8 *In all cases where a reservist is released for mobilisation Shared Services must be informed in accordance with the main body of the Reservist Policies and Procedures document and guidance on [My Services](#).*

Cadet Forces and Regular Reservists

5.1.9 For Cadet Forces or Regular Reservists (ex-regular servicemen or women who may retain a liability to be mobilised, depending on time served), please see the NOMS Outside Activities Policy.