



Ministry
of Defence

JSP 753
Regulations for the Mobilisation of UK Reserve
Forces

Part 2: Guidance

Foreword

This Part 2 JSP provides guidance in accordance with the policy set out in Part 1 of this JSP; the guidance is sponsored by the Chief of Defence People. It provides policy-compliant business practices which should be considered best practice in the absence of any contradicting instruction.

Preface

How to use this JSP

1. JSP 753 is designed to be used by staff responsible for the mobilisation of UK Reserve Forces. This JSP contains the policy, direction and guidance on the processes involved and details of best practice. This JSP will be reviewed as required but annually as a minimum.
2. The JSP is structured in two parts:
 - a. Part 1 - Directive, which provides the direction that must be followed in accordance with statute or policy mandated by Defence or on Defence by Central Government.
 - b. Part 2 - Guidance, which provides the guidance and best practice that will assist the user to comply with the Directive detailed in Part 1.

Coherence with other Policy and Guidance

3. Where applicable, this document contains links to other relevant JSPs, some of which may be published by different Functions. Where particular dependencies exist, these other Functions have been consulted in the formulation of the policy and guidance detailed in this publication.

Related JSP	Title
JSP 516	The Reserve Forces Act 1996
JSP 532	Reservists and Civilian Employment
JSP 752	Tri-Service Regulations for Expenses and Allowances
JSP 754	Tri-Service Regulations for Pay
JSP 764	The Armed Forces Pension Scheme 2005 (AFPS 05)
JSP 766	The Defence Directive on Employer Support (ES) and Employer Notification (EN)
JSP 854	Armed Forces Pension Scheme 1975
JSP 905	Armed Forces Pension Scheme 2015 and Early Departure Payments Scheme 2015

Further Advice and Feedback - Contacts

4. The owner of this JSP is Capability and Commitments Branch, Reserve Forces and Cadets Directorate, MOD. For further information on any aspect of this guide, or to ask questions not answered within the subsequent sections, or to provide feedback on the content, contact:

Role	Project focus	Email
People-RFC-Cap Cts1	Mobilisation Policy	People-RFC-CapCts1@mod.gov.uk
People-RFC-Res PolStrat4	Reserves Policy	People-RFC-ResPolStrat4@mod.gov.uk

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1 Financial Assistance on Call-Out or Recall

Introduction

1. When reservists are mobilised they may find that their Service pay is less than their civilian earnings and that they and their employer may incur additional expenditure. This is recognised by [Statutory Instrument \(SI\) 2005/859 \(The Reserve Forces \(Call-Out and Recall\) \(Financial Assistance\) Regulations 2005\)](#), which came into effect on 14 Apr 05. This SI was subsequently amended by [SI2005/460](#), which came into effect on 27 Mar 15, and provides further assistance for employers of reservists and self-employed reservists. [SI/2014/2410 \(The Reserve Forces \(Payment to Employers and Partners\) Regulations 2014\)](#) provides further relevant guidance on such payments to employers and business partners effective from 1 Oct 14.

2. When committing to public expenditure the principles of regularity and propriety must be applied. To ensure compliance with these principles, and the guidance provided by [HMT publication: 'Managing Public Money'](#), staff at mobilisation centres and Adjudication Officers (AOs) will require evidence to support all claims. When submitting a claim reservists and employers are required to provide such information and documentation as required by the administrative staff or AO in order that the claim can be handled efficiently and should be mindful that any claim may be subject to internal or external audit.

Key Provisions - Reservists

3. Under the 'reservist's award':

a. payments will be made to reservists whose military salary when called out for operations is less than their civilian earnings.

b. reservists can also claim for replacing certain benefits in kind suspended or withdrawn by their employers while the former are mobilised. The benefits covered include, but are not limited to:

- (1) health or medical insurance.
- (2) life insurance.
- (3) accommodation.
- (4) educational fees for dependent children.
- (5) loss of a company car used by the reservist's dependants.

c. critically, the resulting payment for all these elements of the 'reservist's award' taken together is subject to an upper limit or cap (less service pay) of £400 per day. This rises to a limit of £822 per day for accredited medical consultants, mobilised for service as a Medical Consultant by the Defence Medical Services.

4. **Additional Allowable Expenses.** It is considered reasonable and in line with the [HMT](#)

[publication: 'Managing Public Money'](#) that a reservist should be able to reclaim additional expenditure incurred due to their mobilisation. There is no financial limit stipulated against additional 'Allowable Expenses', however, there is a requirement for claims to be supported by documented evidence, such as birth certificates and increased insurance premiums, of reasonable additional expenditure. These claims for Additional Allowable Expenses are limited to:

- a. additional payments for the care of a dependent child.
- b. additional payments for the care of a dependent relative who is ordinarily resident with the reservist.
- c. additional expenses for the care of an animal for which the reservist is responsible for.
- d. additional home insurance premiums for leaving main residence unoccupied.
- e. payments for essential maintenance of the reservist's main residence and garden.

5. **Supporting Evidence.** Recognising that each situation will differ significantly, it is essential that a reservist's expectations are not raised prior to attending the mobilisation centre given each case will be judged on its merits by the AO. The award of Allowable Expenses will be under scrutiny and that simply requesting a specific area will not automatically lead to instant authorisation of payment. [SI 2005/859](#) clearly identifies the five areas that an AO can grant Allowable Expenses. The AO is to follow the principles set out at Annex A to this chapter and the flowchart / guidance notes provided at Appendix 1.

Key Provisions - Employers

6. Reservist employers are key partners in the mobilisation process and may also incur costs that would entitle them to claim an award. Employers are required to produce evidence to support claims for replacement personnel, which may include contracts of employment and copies of pay statements. Employers are reminded that [UKSI/2014/2410](#) and [UKSI/2015/460](#) provide further assistance for the employers of reservists and those self-employed reservists.

7. In connection with the costs of replacing a reservist, an employer may be entitled to an 'employer's award' under which they can receive:

- a. up to £110 per day (approximately £40,000 per year) to cover additional salary costs of the replacement. This refers to the amount by which the replacement costs incurred by the employer exceed the relevant earnings of the reservist. This might include overtime costs if other employees cover the work.
- b. agency fees and non-recurring advertising costs (VAT exclusive amount only where the employer's business is registered for VAT purposes). Such claims may be made in respect of recruitment action for the provision of a replacement employee but must not include the provision of salary or wages. There is no cap on these claims but they must be supported by documentary evidence.
- c. a handover award for no more than five days before the reservist reports for

service and for no more than five days after they return to work. The amount payable for a handover is the daily rate of pay to the replacement multiplied by the number of days. The award is capped at the daily rate of pay of the reservist during the handover plus £110 per day.

d. the cost (subject to a cap) of providing specialist clothing to the replacement for the performance of their employment as the reservist's replacement. The cap is the lesser of £300 or 75% of the costs incurred by the employer in providing the clothing.

8. If certain conditions are met an employer may reclaim the cost (subject to a cap of £2,000) of training the replacement for the reservist during mobilised service. The employer may also reclaim any re-training costs on the reservist's return to work, for which there is no financial cap, and where an AO is satisfied that the training is needed for the reservist's re-employment. Re-training costs must be claimed within eight weeks of the reservist returning to work and commence within six months of their return to work.

9. In addition, small and medium sized enterprises are also eligible for Employer Incentive Payments (EIP) of up to £500 per month for each mobilised reservist and can be paid monthly. It will be paid pro-rata for those that are part-time, have more than one employer or are called out or demobilised part way through the month. Charities and business partnerships that meet the criteria will also be eligible. This is in addition to claims submitted for specific costs incurred while replacing a reservist, as per paragraph 8 and [UKSI/2014/2410](#), which details eligibility of the EIP. This provides a £500 monthly payment for employers with an annual turnover not exceeding £25.9 million in the 12 months preceding the date of the employee's mobilisation. It requires that the employer and any business partners do not have more than 250 employees and that the company is registered through Companies House or is a registered charity (this therefore excludes Public Funded Authorities). Payment of the full EIP is based on a full-time employee working at least 35 hours per week. A pro-rata payment is made where an employee works less than 35 hours per week.

Key Provisions - Self-Employed, Director or Business Partner Reservists

10. Depending on their personal circumstances, a self-employed reservist may claim under [SI 2005/859](#) as a reservist, an employer, or both. However, such a reservist cannot make a claim for an award to recover the same cost as a part of a reservist's or employer's award. Self-employed reservists must be prepared to produce sufficient evidence to support any claim. Such evidence may include copies of P60 certificates, tax returns and trading accounts for the two years prior to mobilisation and this may include up to date documentation such as trading updates in view of the time lag between the filing of company accounts and the period covered by such accounts. In accordance with the terms of [UKSI/2015/460](#), self-employed reservists will also be able to claim for some of the expenses they incur in order to affect the temporary cessation of their business as a result of mobilisation. Such claims are subject to a cap of £2,000 and must be specific to:

- a. cost of insuring the business or equipment.
- b. cost of renting business premises.
- c. business rates.
- d. professional or trade membership fees.

- e. cost of line rental for telephone or internet.
- f. cost of leasing vehicles or equipment.

11. **Tax Efficiencies.** Some reservists will be making use of tax efficiencies whereby they elect to pay a minimum salary equating to the tax thresholds for no payment of tax and draw the remainder of salary by way of company dividends or as drawings to cover standard living costs (food, accommodation, car etc) which might normally be paid from a wage. In a case where a reservist fulfils the role of employee, employer and shareholder, the AO must consider the ability for the company to continue in operation during the period of mobilised service and therefore be able to declare dividends. If the business activities are to be suspended or reduced, then any award must be measured accordingly. In simple terms, a reservist will not be able to request a reservist award for lost income if the civilian income could have been paid but for the decision taken by the reservist (in any of the positions they undertake, namely employee, employer or shareholder). Should there be a doubt or concern then consideration must be given to the overall cost of the mobilisation of the reservist measured against value added. If the cost is disproportionate, then the reservist should be released.

Awards

12. **Awards.** Financial assistance can only be claimed in respect of the period of permanent service, from the date that the reservist is accepted into service up to the last day of permanent service (or any day before the reservist returns to employment, whichever is earlier), less re-training and handover awards. Awards are made by AOs. Appropriate forms are sent to reservists and employers on mobilisation and are also available electronically. Claims must be accompanied by appropriate evidence, i.e. invoices for advertising, agency placement fees or training courses and / or copies of weekly agency invoices or documentary evidence of additional salary costs. In addition, documentary evidence of the reservist's civilian earnings should be included with the first application for increased salary costs and then monthly throughout the full period of permanent service. Replacement costs are then updated and any payment made. An AO may review a determination at any time until the beginning of a hearing by a Reserve Forces Appeal Tribunal (RFAT) of an appeal against that determination or the expiry of six years (whichever is earlier) and following a review, set aside the determination and substitute a new determination. If an AO proposes to exercise their power, they shall provide written notice to the claimant as soon as reasonably practicable.

Timeframe for Claims

13. Claims for all awards, less handover and training awards, shall not be made more than four weeks after the reservist's release from permanent service unless the AO agrees to an extension. A claim for the training award must be made within eight weeks of the reservist completing the relevant training, and the training must ordinarily be completed within six months of the reservist's return to employment following permanent service. If this training is not available at that time, then the employer must notify the AO within the initial six months and may then claim for such training provided it is carried out within twelve months of the reservist's release from permanent service.

Appeals

14. If the reservist or employer is not satisfied with the AO's decision on a claim for financial

assistance, they can appeal to an independent RFAT¹. Any appeal must be made no later than five days after the date when the reservist was notified of the AO's decision. Advice on how to appeal is available from the AO, Reserve Unit or Mobilisation Centre. The RFAT can provide the reservist with further advice, as required.

Annex

A. Additional Allowable Expenses Claim - Guide for Reservists.

¹ See Chapter 3.

ADDITIONAL ALLOWABLE EXPENSES CLAIM - GUIDE FOR RESERVISTS

The table below provides guidance for reservists on the level of scrutiny to be expected of claims for Allowable Expenses under [SI2005/859](#).

Allowable Expenses Claim			
<p>1. A reservist performing relevant service shall, subject to fulfilment to an AO's satisfaction of the requirement to furnish information or documentation under paragraph (2) of regulation 11, be entitled to make a claim in respect of certain allowable expenses.</p> <p>2. For the purposes of this regulation allowable expenses means those expenses specified below which are incurred by the reservist as a result of their mobilised service and which will cease at the end of the period of mobilisation. Those allowable expenses are:</p>			
Allowable Expense	Responsibility of the Reservist	Responsibility of the AO	Evidence required supporting the payment at Public Expense
<p>Child Care. Additional payments by the reservist in respect of the care of a dependent child.</p> <p>(Note: No childcare will be granted for the children of a reservist whose child(ren) care is provided by the spouse of cohabitating partner)</p>	<p>The reservist must demonstrate that the additional expenditure is as a direct result of their mobilisation and that no childcare was in effect prior to mobilisation that is now being claimed for.</p> <p>If they are the child(ren) of the reservist their details need to be entered onto JPA.</p> <p>If child(ren) of partner then proof of residency will be required. Whose property is the reservist living in.</p>	<p>Due care must be taken when deciding to accept members of reservists' families to act as childcare providers as this care may already be provided for no charge.</p> <p>The AO will establish that the additional expenditure is as a direct result only of mobilisation.</p>	<p>1. When claiming that the spouse/partner works for which as a result, the need for additional childcare is required at public expense the reservist must provide full details of the spouse/partners work/shift patterns along with full contact details of the employer.</p> <p>2. The reservist must provide full details of the care previously provided by them which will now not be possible because of the mobilised service.</p> <p>3. Check that the child(ren) are on JPA. Birth certificates may be requested and the type of education for each child declared to determine childcare requirements.</p>

<p>Dependant Relative Care. Additional payments made by the reservist in respect of the care of any dependent relative who is ordinarily resident with the reservist or vice-versa.</p>	<p>The reservist must provide proof that pre-existing cohabitation is in place and has been prior to deployment.</p> <p>Details of additional help required supported by medical/welfare statement.</p>	<p>The AO will determine that the payments are additional and that proof is provided that the dependant relative/s ordinarily are resident with the reservist and/or provides care.</p>	<ol style="list-style-type: none"> 1. Welfare letter stating what support is needed – consideration should be made as to the suitability of the reservist to deploy. 2. Evidence from the Council that the individual is registered on the local register for voting at the reservist's notified address. 3. Proof that the relative is in receipt of benefits (old age/social care benefits) which is shown as the same address as the reservist or the relative.
<p>Care of Animals. Additional payments by the reservist in respect of the care of an animal for which the reservist is responsible, but does not include:</p> <p>Any veterinary bills that would have been incurred in any event had the reservist not been performing relevant service.</p> <p>The care of animals that are the subject of a commercial activity of the reservist which forms the basis of their livelihood</p>	<p>Evidence must be provided to show that the animals are owned by the reservist and that they reside normally at the reservist's address.</p> <p>Three quotes are required prior to mobilisation giving details of the care needed while the reservist is mobilised e.g. kennelling/dog walking.</p>	<p>The AO will satisfy themselves by whatever evidence they need to judge appropriately (i.e. properly invoiced payments and receipts):</p> <ol style="list-style-type: none"> 1. The AO will confirm that the reservist is responsible for the care of the animal. 2. That the animal care is 'additional' and necessary due to mobilised service. 3. The AO should confirm that there is no other member of the household who can care for/walk the animal. <p>Additionally, the AO may request additional information to make a decision.</p>	<p>It is the reservist's responsibility to provide proof of responsibility for the care. Examples of evidence could include one or more of the following to aid the AO in making a decision:</p> <ol style="list-style-type: none"> 1. Is the animal insured? 2. Proof that the animal is registered with a local vet – a receipt that shows the details of ownership, including address of the reservist. Has the animal(s) received annual vaccinations? 3. Proof of microchipping and that the animal is registered on the system to the reservist. <p>There is now no requirement to supply a pet passport, this was replaced with an Animal Health Certificate on 1 Jan 21.</p>

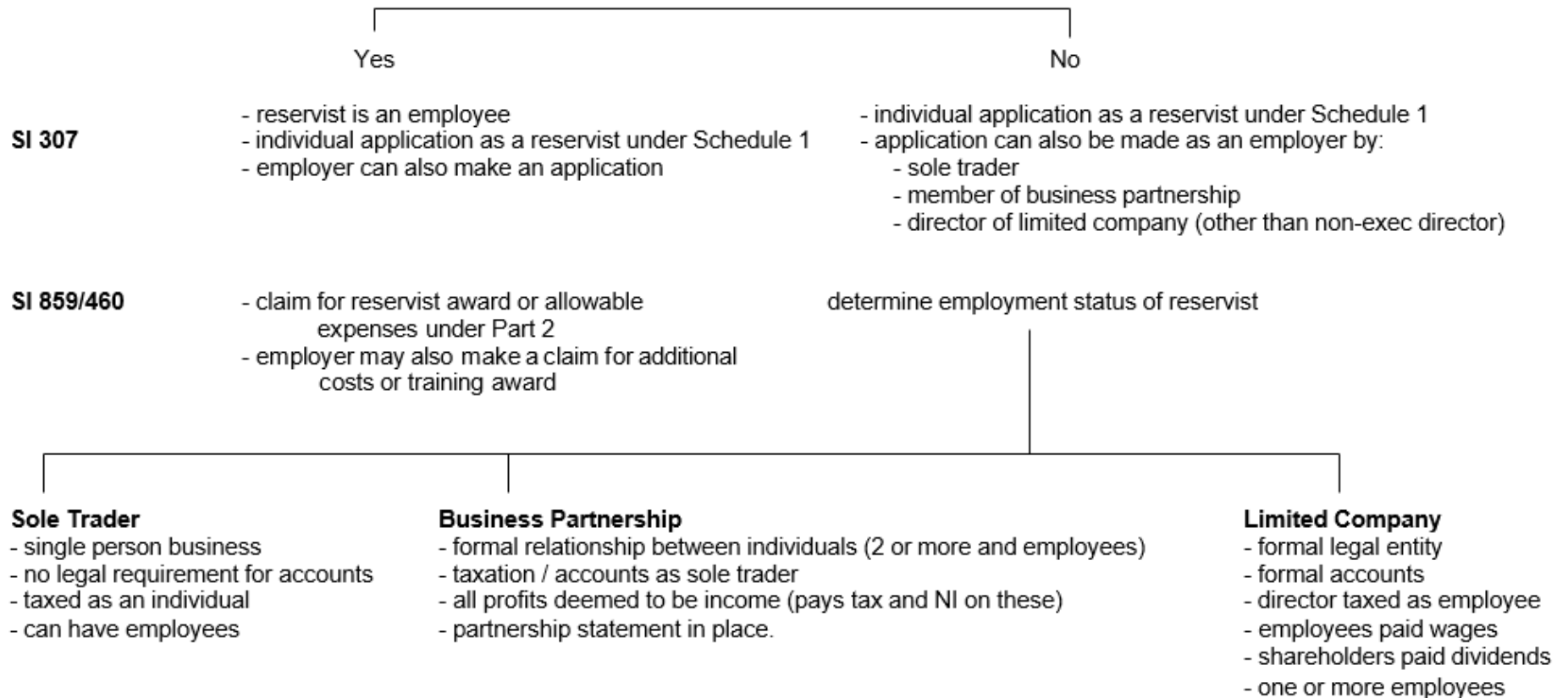
<p>Insurance. Additional payments made by the reservist in respect of insurance for leaving their main residence unoccupied for an extended period;</p>	<p>Only payable if the property is to be left unoccupied. reservist will be required to show that they have contacted their respective insurer and declared the property unoccupied for the duration of the mobilised period.</p>	<p>The AO must be satisfied that this is the reservist's main residence.</p>	<p>Note: claims for essential maintenance of the house should be very rare as most will be covered by insurance.</p>
<p>Essential Maintenance. Allowable expenses incurred by the reservist solely as a result of their mobilised service and include payments made by the reservist in respect of the essential maintenance of their main residence and garden.</p>	<p>The reservist will need to provide evidence requested by the AO to support a claim for essential maintenance to their main residence and garden.</p> <p>Three quotes detailing the essential maintenance are required.</p>	<p>The AO will ensure that only essential maintenance to the main residence and garden is provided.</p> <p>The AO should keep in mind that 'essential' refers to the need to ensure that the property continues to look lived in for security reasons.</p> <p>The AO will make a judgement on the essential nature of the maintenance, the amount of work required and the regularity of the work undertaken. As each case will be different the decision will depend on the documentary evidence provided by the reservists. The AO may agree that lawn-cutting during the periods from 1 May to 31 Oct is essential maintenance.</p> <p>Regarding essential maintenance of the main residence – this should only be agreed to if it is essential to keep the property safe and maintenance that the reservist may have the general skills to undertake. Only labour will be agreed to, costs of parts will be the sole responsibility of the reservist. Essential maintenance that requires a professional to undertake should not be authorised as the reservist would have a reasonable expectation of paying for it.</p>	<p>Note: claims for essential maintenance of the house should be very rare as most will be covered by insurance.</p>

Supporting Documentation Notes

1. Three quotes will need to be presented prior to the AO deciding the level of award to be given.
2. In respect of an Allowable Expenses Claim, such evidence in the form of cost estimates, receipts for payment, Council Tax Bills, Proof of Ownership, responsibility or information which might reasonably assist their claim.
3. The reserivist will therefore need to provide auditable receipts from providers to support any Public Expenditure. As a minimum there must be an ability for the AO to contact the provider so the following information will be required:
 - a. name, address, telephone number, email, website of service provider.
 - b. details of what service has been provided – original paperwork.
 - c. cost of providing the service (labour & parts).
4. Homemade invoices will only be accepted if they include the contact details of the service provider and AOs may choose to investigate further and /or refuse to accept documentary evidence that does not appear to be genuine.
5. [SI2005/859](#) gives the AO additional powers to review a financial award and replace it with a new financial award.

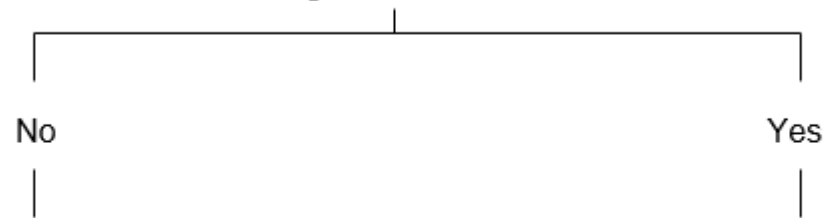
FLOW CHART FOR DETERMINING ACTION UNDER SI 307 AND SI 859/SI 460 REGARDING EMPLOYMENT STATUS

Does reservist have contract of employment with a company which they are not a director of, a contract of apprenticeship or a contract of employment in the service of the Crown?



Sole Trader / Business Partnership

Determine if business will generate income in the absence of reservist



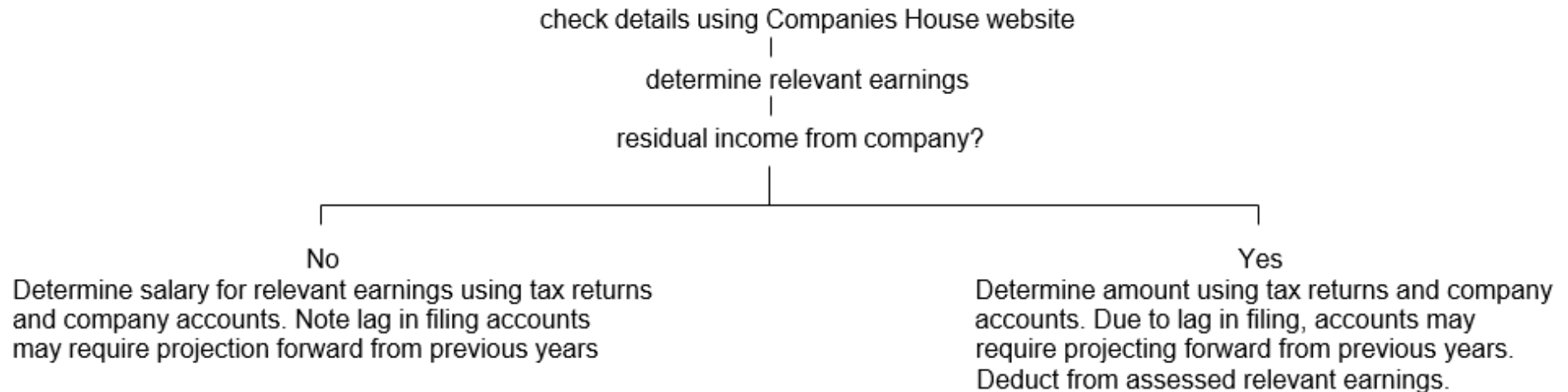
Determine relevant earnings: turnover minus allowable business expenses (i.e. relevant earnings are lost net profits). Use tax returns as guide. For new businesses seek professional advice (e.g. accountant) on likely profit in relevant period. Remember the accountant works for their client not you, use caution when considering their response.

Residual income may be generated by staff/business partners or from rental income, fees, deferred payments from previous years etc. Costs may be reduced when the reservist is absent. Determine relevant earning and deduct residual income (we are paying lost net profits) If they are also claiming EA, RA is interim, depending on anticipated profits once replacement employed.

NOTE

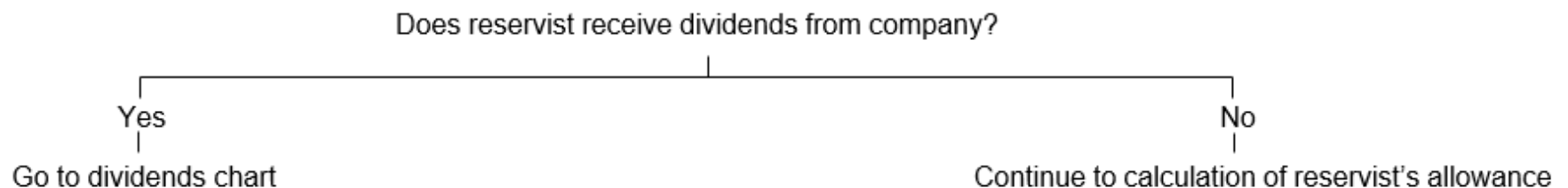
Any income allowed as relevant earnings should normally have been capable of being generated during the period of call-up. Check accounts before accepting. Is trading healthy?

Limited Company

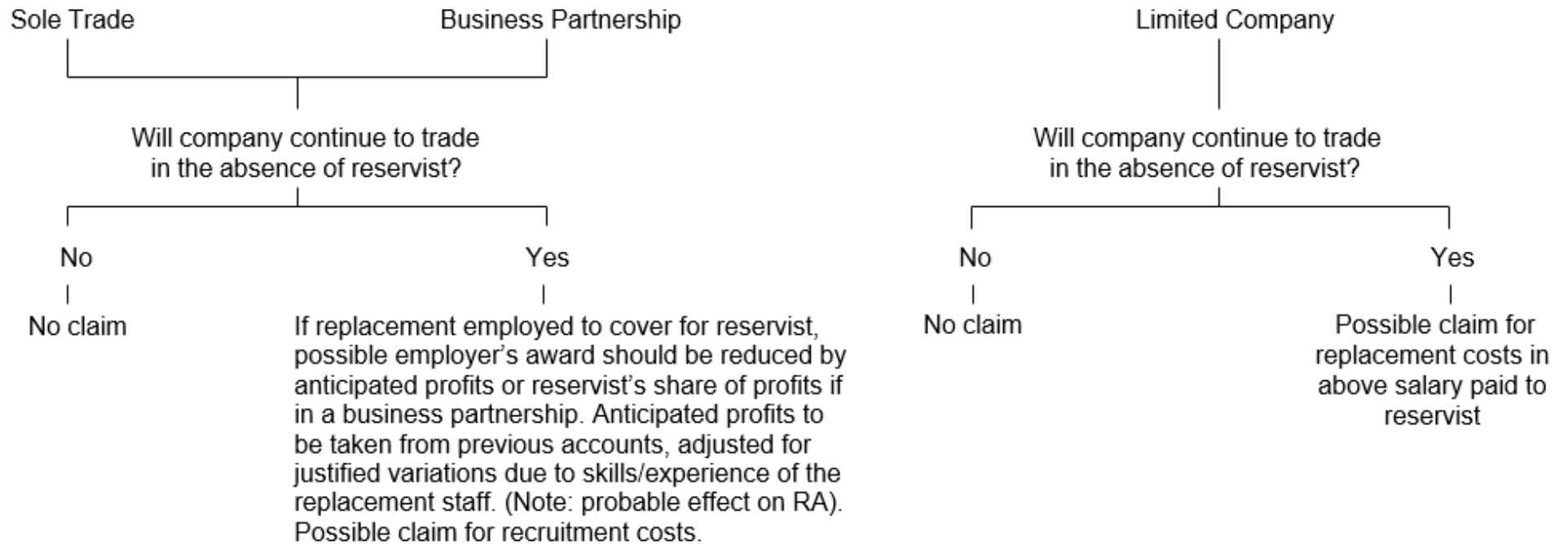


NOTE

Any income allowed as relevant earnings should normally have been capable of being generated during the period of call-up. Check accounts before accepting. Is trading healthy? Drawings or dividends from capital retained within the business are only allowable if sustainable, i.e. if the drawings or dividends are to be treated as earnings, they should not exceed the reservist's anticipated share of profits for the period of call-out. Need adequate cash holdings or profits to allow such drawings.



Employer's Awards



Accompanying Notes for Reservists and Adjudication Officers

1. What constitutes earnings?

- a. **Sole Trader.** Net taxable profits for the year, allowing for any loss brought forward from the previous year.
- b. **Business Partnerships.** Business partners' share of all of net taxable profits for the year, allowing for any loss brought forward from the previous year.
- c. **Limited Company.** Wages/salaries and dividends.

2. **Records.** For all 3 types of business the AO will need to establish the profits (or losses). For both the Sole Trader and the business partnership, the profits are the earnings and for the Limited Company there is a need to establish if the wages and dividends paid are, or were, sustained by the business and not paid out of reserved funds. To help establish profits the following can be used:

- a. **Sole Traders and Business Partnerships.** HMRC states that 'a record of all sales and takings and a record of all purchases and expenses' is to be made. Note that a profit and loss account may be available but is not a requirement.
- b. **Limited Company.** The following should be available: a separate bank account and accounts including a profit and loss account; a balance sheet (signed by a director); a director's report; and notes on the accounts. Note that most small companies are exempt from audit.

3. Establishing profits.

- a. **Sole Traders.** Tax return, including main return and all supplementary sheets (use figure in 'TOTAL TAXABLE PROFIT' box).
- b. **Business Partnership.** Tax returns; business partnership return by a designated business partner; business partner's private tax return, including business partner supplement (short and full); business partnership statement, which shows % of profits payable to each partner.
- c. **Limited Companies.** The following can be used if required to justify the Reservist Award:

(1) **Accounts.** All companies must have these and should be submitted to Companies House 9 months after year end. Accounts have to be kept, even if not trading, as long as the company exists.

- (2) payslips and P60 (expect low pay - NI thresholds).
- (3) PAYE payment records (P11 - Employee PAYE payment record, P32 Employer payment record. From Apr 13 PAYE paid when salary paid).
- (4) dividend voucher & board minutes.
- (5) cash book(s) (this proves when payments are made - includes salary and dividend).
- (6) bank statements.

2 Exemption from and Deferral of Call-Out or Recall

Exemption from and Deferral of Call-Out or Recall

1. The Reserve Forces Act 1996 (RFA 96) and the associated Statutory Instrument (SI) 307 of 1997 ([SI 1997/307](#)) allows reservists and/or their employers to make an application for a reservist's exemption from, or deferral of call-out or recall into permanent service. The Act also allows reservists to make an application to be released from permanent service, if they are already in service.
2. While in principle the application is for exemption or deferral, in practice a successful application for exemption is likely to result in revocation of the call-out or recall notice. This allows the flexibility to call-out or recall the individual again should circumstances change; a revocation does not provide for an exemption or deferment.
3. This chapter provides a summary of the schemes under which applications may be made. The guide for reservists is at Annex A and the guide for employers is at Annex B.
4. This chapter does not cover applications based on medical issues for the individual reservist who has been called out, which are considered separately by Defence Primary Healthcare (DPHC).

Annexes

- A. Exemption from and Deferral of Call-Out or Recall - Guide for Reservists.
- B. Exemption from and Deferral of Call-Out or Recall - Guide for Employers.

EXEMPTION FROM AND DEFERRAL OF CALL-OUT OR RECALL - GUIDE FOR RESERVISTS

Introduction

1. This guide provides a summary of the scheme under which you, as a reservist, may ask for deferral, revocation or exemption from call-out or recall into permanent service. In addition, the scheme permits you to make an application to be released from service, if you have been accepted into service already. This scheme, and the regulations that implement it, [UKSI/1997/307](#), was introduced by [RFA 96](#).

Advice

2. Copies of RFA 96 and [SI 1997/307](#) may be downloaded free of charge from the [RFA 96 website](#). Further advice can also be found in Joint Service Publications (JSPs), which are available at reserve units, and on the [Defence Relationship Management website](#).

3. You should bear in mind that this information is intended as a guide only. It is not an authoritative statement of law. To make it easier to follow, the matters of exemption, deferral and release from service are referred to throughout this guide as simply 'exemption'.

4. Employers can apply for a reservist's exemption if their business would suffer serious harm as a direct result of a reservist being called out or recalled. An employers' guide to the scheme is provided at Annex B.

Grounds for exemption

5. Appendix 1 to this guide explains the reasons or grounds on which you may apply for exemption.

Information you must provide

6. Appendix 2 to this guide sets out the information you must provide in support of your application for exemption.

7. If there are any mistakes in the information in your application, or something happens which changes the information you have provided, you must make these known within seven days of you becoming aware of them. It could be an offence if you fail to give information which you are required to provide or if you provide information which is deliberately misleading.

Making an application

8. Appendix 3 to this guide gives details of the address to which you may apply for an exemption.

9. Applications should be in writing but can be sent by post, or e-mail, or can be submitted in person. You are encouraged in the first instance to register your intent to make an

application by telephone but this must be followed up with the relevant supporting documents and information and in writing within seven days of receipt of your call-out or recall notice. If you are in permanent service already, in the first instance you should submit the application to your commanding officer. You are free to seek independent legal advice on any matter regarding your exemption, though you should keep in mind that this will be at your own expense. You may, if you wish, authorise another person to act on your behalf when making an application.

When to apply

10. You may apply for exemption if you are called out or recalled for permanent service, or if an existing deferral expires. You may also apply if you are in permanent service already, if your service is extended or when new grounds for an application arise.

Time limits for applications

11. You may apply for exemption within seven days of the date of receipt of a call-out or recall notice. If you are applying to renew a deferral, you must apply within seven days of the existing one expiring. If your service has been compulsorily extended, you must apply within seven days of the date on which you would have been released from permanent service.

12. You will need permission to apply at any other time. This permission would not normally be given unless either:

- a. you did not know of the grounds and could not reasonably be expected to have found out about them before the time limit expired; or
- b. the grounds for the application arose after that date and you then applied promptly.

13. You may be asked informally whether you would apply for exemption if you were to be called out or recalled. If you are then called out or recalled, you will still have to apply formally. If, however, you have provided the relevant information already, there is no need to provide it again to support your application, as long as it is still correct.

Determination of applications

14. An AO, who is appointed for the purpose, will determine your application. The AO is either a serving officer or a MOD civil servant. It might be possible to determine your application quickly, but there may be a need to obtain further information, make enquiries or interview you. A decision will be made as soon as possible and it will be confirmed in writing within two days of the AO making it. If a decision has not been made by the time you are due to report to the mobilisation centre, you should report there as instructed. If you are then accepted into service, your application will be treated as an application for release from permanent service.

Factors that will be taken into account

15. Your application will be judged against the Service need for you to support, or deploy to, the operation for which you have been called out or recalled. If you have relevant specialist skills or training, you are more likely to be required than a reservist who does not.

An application in respect of call-out for humanitarian operations has a better chance of success than one relating to warlike operations. Your application for exemption is even less likely to succeed if there is a call-out or recall in the event of national danger or great emergency.

16. You might find it harder to get an exemption if you are a High Readiness Reservist or a Sponsored Reservist. As a High Readiness Reservist, you have already voluntarily accepted a greater liability for call-out, and with the agreement of your employer. As a Sponsored Reservist, you will have agreed to continue to do your normal work in an operational environment, if that is required.

Timing of exemption

17. The AO may decide that your exemption should take effect immediately or at some other time. The AO may also specify when an exemption will lapse or that it will lapse at a particular time, such as at the end of an educational term or training course. An exemption does not have to take effect immediately and may not remain in force for more than twelve months from the day on which it takes effect. If you have had an application granted, the exemption may be waived, if you request that in writing.

If your employer obtains your exemption

18. An exemption granted to an employer will lapse if you leave that job. Your employer will have to tell the AO if your exemption has been obtained and you then leave. Your exemption will be waived if your employer, having had an application granted, requests that in writing.

19. If an application from your employer for your exemption is granted, you will be exempt even if you wish to enter or continue in service while you remain in their employment.

Appeals

20. If you are not satisfied with the decision that the AO makes, you can appeal to a RFAT, whose independent members will re-determine your application for exemption at a hearing. Where possible the hearing will take place before you are deployed. Any appeal must be filed no later than five days after the date on which you receive notice of the AO's decision. Detail on how to appeal is provided in Chapter 3 of this JSP.

Appendices

1. Exemption - Grounds on which to apply.
2. Exemption - Information you must provide.
3. Exemption - Where to apply.

EXEMPTION - GROUNDS ON WHICH TO APPLY

1. The grounds on which you may apply for an exemption from call-out or recall are:
 - a. that you have primary responsibility for the care of a person with a severe physical or mental disability who requires frequent attention or supervision, and adequate arrangements for care by a person other than you during your expected period of permanent service cannot be made; and/or
 - b. that you alone have parental responsibility (within the meaning of the relevant legislation) for a child, and adequate arrangements for the care of that child during your expected period of permanent service cannot be made; and/or
 - c. that you are engaged in education or training which is intended to prepare or qualify you for a vocation or job and which would be seriously disrupted by your expected period of permanent service; and/or
 - d. that you are working in a family-owned business which would suffer serious harm as a result of your expected period of permanent service; and/or
 - e. that you have entered a contract of employment but have not yet started work under that contract and your prospective employer does not agree to postpone until after your expected period of permanent service the date on which you are to start work under that contract; and/or
 - f. any other grounds which the AO ought, for compassionate reasons, to consider.

EXEMPTION - INFORMATION YOU MUST PROVIDE

1. In all cases, you must provide the following details: your surname; forename(s); date of birth; place of birth; service number; rank or rate; service; unit; address for correspondence, including e-mail and telephone number; and the reason(s) or ground(s) on which you are making your application. You should provide all the relevant information you can to support your application.

2. Depending on the reason for the application, you are also required to provide the following information:

a. the name and address of each person with a severe physical or mental disability for whose care you have primary responsibility; and the name and address of a social services officer, doctor or other party of similar standing able to verify details of your application.

b. the full name and date of birth of each of your dependent children; and the name and address of a schoolteacher, doctor or other party of similar standing able to verify details of your application.

c. for each examination for which you are studying, the date of the examination; the date on which you started the course of study; the name and address of the school, college or other body with which you are studying, and the details of any person or educational body able to verify particulars of your application.

d. the nature of the family-owned business; the name of the business; the address of the business and its registered office (if different); your position in the business; the length of time for which you have held that position in the business; the date on which the business started up (if within the last 12 months); the number of family members engaged in the conduct of, or working for, the business (full- or part-time); the number of employees (full- or part-time); and the name and address of an accountant, bank, building society or other person or body of similar standing able to verify the grounds of your application.

EXEMPTION - WHERE TO APPLY

1. If you have been accepted into permanent service, you should apply in writing to the commanding officer of the unit in which you are serving at the time of your application.
2. If you have not been accepted into permanent service, you should apply in writing to:
 - a. the person specified in your call-out or recall notice for the purpose of receiving applications; or
 - b. any AO at the place at which you present yourself for acceptance into permanent service; or
 - c. at the relevant address below, the AO appointed for the service or Reserve Force in which you will be undertaking permanent service:

Royal Navy and Royal Marines Adjudication Officer
Directorate of Personnel and Training
Leach Building
Whale Island
Portsmouth, PO2 8BY
Tel: 0300 164 3014
Email: NAVYPEOPLE-SCLReservesAdjSO2@mod.gov.uk

Army Adjudication Officer
Army Personnel Centre Mail Point 588
65 Brown Street
Glasgow G2 8EX
Tel: 0300 163 1088
Email: apc-cmops-mob-so2@mod.uk

Royal Air Force Adjudication Officer
Royal Air Force Reserves
Adjudication Service/Officer
Innsworth House
c/o Imjin Barracks
Innsworth
Gloucester GL3 1HW
Tel: 0300 153 9031 / 0300 152 0012
Email: AirA1-AdjMIbx@mod.gov.uk

EXEMPTION FROM AND DEFERRAL OF CALL-OUT OR RECALL - GUIDE FOR EMPLOYERS

Introduction

1. This guide provides a summary of the scheme under which you, as an employer, can ask for a reservist you employ to be exempted from call-out or recall into permanent service, to have their call-out or recall deferred or for them to be released from service, if they have been accepted into permanent service already. This scheme, and the regulations that implement it, [SI 1997/307](#), was introduced by RFA 96.

Advice

2. Copies of RFA 96 and [SI 1997/307](#) may be downloaded free of charge from the [RFA 96 website](#). Further advice can also be found in Joint Service Publications (JSPs), which are available at reserve units, and from the [Defence Relationship Management website](#).

3. You should bear in mind that this information is intended as a guide only. 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 throughout this guide as simply 'exemption'.

4. Reservists can apply (in their own right) for an exemption if their personal circumstances would suffer as a direct result of their call-out or recall. A reservists' guide to the scheme is provided in a separate letter sent to them with their call-out or recall notice.

Grounds for exemption

5. Appendix 1 to this guide explains the grounds on which you may apply for exemption.

Information you must provide

6. Appendix 2 to this guide sets out the information you must provide in support of your application for exemption.

7. If there are any mistakes in the information in your application, or something happens which changes the information you have provided, you must make these known within seven days of you becoming aware of them. It could be an offence if you fail to give information which you are required to provide or if you provide information which is deliberately misleading.

Making an application

8. Appendix 3 to this guide gives details of the address to which you may apply for an exemption.

9. Applications should be made in writing but can be sent by post or email. You are encouraged in the first instance to apply by telephone provided that you follow this up with the relevant supporting information in writing within seven days of receipt of the letter

informing you that your employee is subject to call-out or recall. You are free to seek independent legal advice on any matter regarding your application for exemption, though you should keep in mind that this will be at your own expense. You may, if you wish, authorise another person to act on your behalf when making an application.

Time limits for applications

10. Although, in order to cover various circumstances, [SI 1997/307](#) provides a number of different starting dates for making an application, in simple terms applications must be made within seven days of the reservist being served with their notice of call-out or recall.

11. You will need permission to apply at any other time. This permission would not normally be given unless either:

- a. you did not know of the grounds and could not reasonably be expected to have found out about them before the time limit expired; or
- b. the grounds for the application arose after that date and you then applied promptly.

Determination of applications

12. An Adjudication Officer (AO), who is appointed for the purpose, will determine your application. The AO is either a serving officer or a MOD civil servant. It might be possible to determine your application quickly, but there may be a need to obtain further information, make enquiries or interview you. A decision will be made as soon as possible and it will be confirmed in writing within two days of the AO making it. If a decision has not been made by the time the reservist is due to report to the mobilisation centre, they should report there as instructed. If they are then accepted into service, their application will be treated as an application for their release from permanent service.

Factors that will be taken into account

13. In determining your application for exemption, the AO will seek to assess your need as an employer to retain the reservist against the Service's need for the reservist to support the operation for which it have been called out. Therefore, if the Service's requirement is for unskilled workforce, an application to retain a reservist who had specialist skills might readily succeed. However, if the Service's need specifically requires people with the skills possessed by your reservist, the situation may be very different; but, even then, if you can show that retaining the reservist at that time is essential, then your application may still be successful.

Timing of exemption

14. The AO 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 already). The AO 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, when the AO can decide that, once that contract is completed, the exemption will lapse). In general terms, exemptions last for twelve months from the date when they take effect.

If your application succeeds

15. If your application is granted, the reservist will not be accepted into permanent service or will be released even if they wish 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 AO if a reservist who is exempted leaves your employment.

Appeals

16. If you are not satisfied with the decision that the AO makes, you can appeal to a RFAT, whose independent members will re-determine your application for exemption at a hearing. Where possible the hearing will take place prior to the reservist being deployed on operations. Any appeal must be made no later than five days after the date on which you receive notice of the AO's decision in accordance with Chapter 3.

Appendices

1. Exemption - Grounds on which to apply.
2. Exemption - Information you must provide.
3. Exemption - Where to apply.

EXEMPTION - GROUNDS ON WHICH TO APPLY

1. To obtain an exemption, you have to show that the absence of the reservist (including one who has been offered and has accepted a job but has not yet started working for you) would cause 'serious harm' to your business or other undertaking in which the reservist is employed, or to a business partner, proprietor or employee of that business or other undertaking such as a company.
2. What constitutes serious harm will vary from case to case. However, [SI 1997/307](#) defines such harm as including:
 - a. loss of sales, markets, reputation, goodwill or other financial harm.
 - b. Impairment of ability to produce goods or provide services.
 - c. harm to research into and development of new products, services or processes, which could not be prevented by the granting of financial assistance under [SI 2005/859](#) (The Reserve Forces (Call-Out and Recall) (Financial Assistance) Regulations 2005).
3. Such harm is admissible if it could not be prevented by the granting of financial assistance under [SI 2005/859](#).

EXEMPTION - INFORMATION YOU MUST PROVIDE

1. In all cases, you should attempt to provide the following details:
 - a. the reservist's personal details, namely their service, surname, forenames, service number, rank, unit, date of birth, and place of birth.
 - b. details of the reservist's employment, namely, your name and the name of your business, your address for correspondence, including your email and telephone number, and the nature of your business; and:
 - (1) the reservist's occupation, job title (if any), staff number or identifier.
 - (2) the ground(s) for making your application, including any special qualifications (academic, professional or experiential) of the reservist for their present business task.
 - (3) a statement of how your business has been harmed or will be harmed as a direct consequence of the reservist's absence.
 - (4) confirmation that staff similar to the reservist in qualifications, training, experience or the like are not available to cover the reservist's absence and have not, except for misconduct or inefficiency, been given notice of dismissal or redundancy or allowed early retirement since you became aware that the reservist has been or is to be called out or recalled for permanent service.
 - (5) a statement of reasons why the absence of the reservist cannot be accommodated, or the harm avoided or mitigated by making new arrangements with customers, suppliers, bankers or other persons or bodies having dealings with the business.
 - (6) details of any safeguards against accident, illness or other absence of the reservist.

EXEMPTION - WHERE TO APPLY

Whether or not your employee has yet been accepted into permanent service, you should apply in writing to the AO appointed for the service or Reserve Force in which your employee will be undertaking permanent service as shown below:

Royal Navy and Royal Marines Adjudication Officer
Directorate of Personnel and Training
Leach Building
Whale Island
Portsmouth, PO2 8BY
Tel: 0300 164 3014
Email: NAVYPEOPLE-SCLReservesAdjSO2@mod.gov.uk

Army Adjudication Officer
Army Personnel Centre Mail Point 588
65 Brown Street
Glasgow G2 8EX
Tel: 0300 163 1088
Email: apc-cmops-mob-so2@mod.uk

Royal Air Force Adjudication Officer
Royal Air Force Adjudication Service
Innsworth House
c/o Imjin Barracks
Innsworth
Gloucester GL3 1HW
Tel: 0300 153 9031 / 0300 152 0012
Email: AirA1-AdjMlbx@mod.gov.uk

3 Appeals

Introduction

1. This chapter provides a guide on the appeals process and is issued to each reservist as part of their call-out pack.
2. Reserve Forces Appeal Tribunals (RFATs) are set-up to re-examine claims by reservists or their employers who are dissatisfied with the decision of the AO who first determined their application for deferral / exemption from call-out / recall and / or their claim for financial assistance. This guide is designed to help you make an appeal to a RFAT. It tells you how to appeal, to whom, and in what circumstances. It also tells you where to go for further advice. This guide is not, however, a statement of law. For that, reference should be made to the [Reserve Forces Act 1996 \(RFA 96\)](#) and the secondary legislation made under it, [SI 1997/798](#) 'The RFAT Rules 1997'. The Secretary to the Tribunals can provide the necessary references.

Reserve Forces Appeal Tribunals (RFATs)

3. RFATs are established in law by [RFA 96](#). They are completely independent. Each tribunal has a chairperson and two lay members. The chairperson will be a suitably qualified lawyer whose experience will ensure that they are able to take the necessary procedural decisions and is familiar with the legal processes. Wherever possible, lay members will be from the local area and will be encouraged to draw on their own experiences. All these appointments are for a fixed term.
4. Tribunals will sit when they are needed. They will be able to hear appeals throughout the UK. A tribunal may consider an appeal either by oral hearing (when it will consider oral and written evidence) or by looking at written evidence only. Hearings will be held in public unless the tribunal is satisfied that an appeal involves information that is commercially sensitive, confidentiality concerning personal data or national security.
5. Tribunals are designed to be informal and flexible. The tribunal rules have been constructed to avoid the need for legal assistance in preparing and conducting an appeal, though you may decide some legal assistance is necessary. There is no need for you to have a legal representative, but if you nominate one you should inform the Secretary. You must meet the cost of your own legal assistance.
6. Making an appeal does not prevent you from negotiating with the MOD. If a settlement is agreed, the tribunal will automatically endorse it.

What the tribunals do

7. A tribunal will hear an appeal from you if you are a reservist or an employer of a reservist where you have made an application in respect of the safeguards under [RFA 96](#) and you are not satisfied with the MOD's decision on that application. The safeguards allow for exemption from call-out (or for call-out to be deferred) or for financial assistance where a reservist or employer suffers financial disadvantage as a result of call-out. The tribunal will look again at the original application rather than review the AO's determination. You must tell the tribunal what you think the decision should have been and explain why this is your view.

Making an application

8. If you wish to make an appeal, your application (which is known as the Notice of Appeal) must reach the Secretary no later than five days after you received written notification of the determination against which you wish to appeal. If this five-day time limit is not observed, you may lose your right to appeal. If there are exceptional circumstances, however, you can apply for an extension of time. In any case, if the time limit would expire on a Saturday, Sunday or public holiday it is automatically extended to the next working day.

9. You must submit your appeal in writing, saying that your letter is a Notice of Appeal (see Annex A). You must provide your name and address and (if you have one) your telephone number. You must also provide the following information:

- a. the grounds of your appeal.
- b. the decision that you are seeking.
- c. whether or not you will attend or be represented at any hearing.
- d. whether or not the Secretary should write to you or to your representative (and the name, address and telephone number of your representative, if the Secretary is to write to them).
- e. the names and addresses of any witnesses that you wish to call on your behalf appear.

10. You or your representative must sign the Notice of Appeal, which, where appropriate, must include the information identified in Annex A, and you must enclose with this letter a copy of the notification of the determination that you are disputing. In addition, you must attach any papers that you submitted to the Services to help them consider your original application, and any other papers which you wish to be drawn to the attention of the tribunal, together with a statement saying why they were not submitted to the Services in the first instance.

Contacting the tribunals

11. Appeals can be delivered by hand or sent by post to the following address:

Secretary of Tribunals
Reserve Forces Appeal Tribunals
Tribunals Service
Alexandra House
14-22 The Parsonage
Manchester
M3 2JA

12. Appeals must be addressed to the Secretary of Tribunals, who can be contacted by telephone: 0161 833 6100 or email: rfat@justice.gov.uk.

What happens next

13. After your appeal has been made, the Secretary will inform everyone involved of the name and case number of the appeal, and of the address to which further correspondence should be sent. Further questions about your appeal should be put to the Secretary. You should always quote the case number. A copy of your appeal will be sent to the Service Authority that decided your original application. They will be asked for a formal reply stating whether they intend to oppose your appeal and the grounds for doing so. A copy of that reply will be sent to you. If there is to be a hearing, the Secretary will fix the time and place, and arrange for the selection of the tribunal chairperson and lay members.

14. If neither party tells the Secretary that they wish to be present or to be represented at the hearing, the tribunal may decide the appeal from reading the documents sent to it by the parties.

Notification of the hearing

15. The Secretary will let you know where and when the hearing will be held. You will be told at least five days in advance. If you need advice on the appeal procedures, you should ask the Secretary.

Attendance

16. It is recommended that you attend a hearing, particularly if you have said you will attend. The tribunal has the power to adjourn the appeal or to decide it in your absence. If you have been notified of a hearing and fail to attend, you will not be able to make a fresh appeal against the same disputed determination without the permission of the tribunal.

Procedure

17. The procedures to be adopted at the hearing will be explained at the beginning by the chairperson. If you are present or represented, you will be able to give evidence; call witnesses; question any witness; and address the tribunal. The tribunal may require that you or any witnesses give evidence on oath or affirmation.

Changing your appeal

18. You or your representative can deliver a supplementary statement of grounds of appeal before you are notified of the hearing date. Once you have been told of the date, you may, with the permission of the tribunal, at any time (including at the hearing) amend the Notice of Appeal or supplementary statement. A copy of every amendment and supplement must be sent to the Secretary.

Withdrawing your appeal

19. You can decide to withdraw your appeal before you are notified of the hearing date. After that time, you may do so only with the permission of the tribunal. If you do decide to withdraw your appeal, you should notify the Secretary in writing as soon as possible.

Costs

20. Normally, you will pay your costs and MOD will pay its own. The tribunal has the authority to order one party to pay the costs of the other though it will only do so if it feels that one of the parties acted unreasonably or where it feels an award of costs is appropriate following a request to postpone or adjourn a hearing. A tribunal will not make an order awarding costs against you without first giving you the chance to make representations against it. A tribunal may make an award of costs against:

- a. any party, including one who has withdrawn their appeal or reply, whose behaviour in pursuing or resisting an appeal was wholly unreasonable.
- b. the Service Authority, where the tribunal considers that the determination against which the appeal was brought was wholly unreasonable.
- c. any party for the costs incurred as a result of a request for a postponement or adjournment of a hearing.
- d. any party who fails to attend or be represented at a hearing.

Evidence and witnesses

21. It is for you to ensure that the necessary witnesses attend any hearing to give evidence. You should also ensure that they bring any additional documentary evidence which might help the tribunal, and that they are prepared to give oral evidence about matters mentioned in those documents. You should try to ensure that there are sufficient copies of any documents that you wish the tribunal and other parties to refer to. Where an individual is reluctant to appear, you can ask the tribunal to issue a summons to ensure that they attend to give oral evidence or produce documents. The Tribunals Service, a part of the Ministry of Justice, will pay the expenses of witnesses who are summonsed.

The tribunal's decision

22. A tribunal may make its decision (referred to as a 'determination' in the regulations) at the end of a hearing or it may 'reserve' it. If a decision is made at the end of a hearing, it may be announced. If the decision is reserved, you will be told of it as soon as possible after the hearing. The decision and a statement of the reasons for it will be recorded in a document by the Secretary, a copy will be sent to you and the Service Authority as soon as possible.

Review of the tribunal's decision

23. You can submit an application for a review of the tribunal's decision. Before agreeing to this, however, the tribunal must be satisfied that:

- a. the decision was wrongly made as a result of an error on the part of the Secretary;
or
- b. a party who was entitled to be heard but failed to appear or be represented and had a good reason for not coming; or

- c. new evidence which could not have been known or foreseen has become available since the hearing; or
- d. the interests of justice require a review.

24. You can apply for a review immediately following the decision of the tribunal, but no later than five days after you receive notification of the decision. The review will normally be carried out by the tribunal which made the original decision. Where this is not possible, the review will be considered by another tribunal.

The Public Register

25. Details of appeals to RFATs and the decisions they make are kept in a register. The Public Register gives details of the parties involved and the case number of the appeal. The Register is available for inspection during normal working hours at the address in paragraph 11.

26. Where an appeal involves information that is commercially sensitive, confidential, concerns personal data or has a bearing on national security, appropriate details will be omitted from the Register.

Data Protection Act

27. Information given to the Tribunals in connection with any appeal may be entered onto a computer as part of the Public Register to assist with the necessary work that has to be done in connection with an appeal. If you would like a copy of the information about you that is held on computer, you should write to the Secretary at the address given in paragraph 11.

Annex

A. Framework Letter for Notice of Appeal Against the Decision of an Adjudication Officer.

FRAMEWORK LETTER FOR NOTICE OF APPEAL AGAINST THE DECISION OF AN ADJUDICATION OFFICER

To:

Secretary of Tribunals
Reserve Forces Appeal Tribunals Tribunal Service
Alexandra House
14-22 The Parsonage
Manchester
M3 2JA

NOTICE OF APPEAL AGAINST THE DECISION OF AN ADJUDICATION OFFICER

1. This Notice of Appeal relates to:

[number, name and rank of the reservist]

2. This notice is given by:

[insert name of either the reservist or the reservist's employer or both the reservist and their employer²]

3. All replies and notices relating to this tribunal hearing should be sent to:

- a. the reservist at [insert address and telephone number].
- b. the employer at [insert address and telephone number].
- c. the representative at the address set out in paragraph 10³.

4. I/We wish to appeal against the determination of the AO dated [insert date]. Notification of that determination was received on [insert date].

5. **Notice of Appeal Timeline.**

[insert: 'My Notice of Appeal should be received in time' or 'My Notice of Appeal will be received late and I attach my written reasons why I should be granted an extension of time'.]

The determination of the AO was that:

[insert: 'I am not entitled to any financial assistance' or 'I am not entitled to be exempted from call-out'.]

² A self-employed reservist can apply both as a reservist and as an employer.

³ Only one address can be given.

6. I ask the RFAT to determine that:

[set out briefly what you want the tribunal to decide, e.g. 'I am entitled to financial assistance of £500 per month' or 'my call-out should be deferred for six months'.]

7. The reasons why I ask the RFAT to make the determination set out in paragraph 7 above are:

[set out your reasons in full and continue on a separate sheet if necessary]

8. I intend / do not intend⁴ to be present at the hearing.

9. I do not intend to be represented at the hearing / I intend to be represented at the hearing by:

[insert name, address, telephone number and reference of the individual who will represent you]

10. I propose to call the following witnesses to give evidence at the hearing:

[insert name, address and position⁵ of each individual]

11. I send with this Notice of Appeal:

- a. a copy of the written notification of the decision of the AO; and
- b. all the documents which were sent to the AO.

12. I also send with this Notice of Appeal the following documents which have not been previously sent to the AO⁶.

[list each document with a date as appropriate and the reason why the documents were not sent before to the AO]

The reason why these documents were not sent to the AO is:

[insert reason]

Although they may be disclosed to the tribunal chairperson, I do not want the documents enclosed in the envelope marked 'Confidential Documents' disclosed on the grounds that⁷:

[insert reason]

I accordingly seek the tribunal's directions as to the disclosure of these documents.

⁴ Delete as applicable.

⁵ For example, Personnel Director, Accountant.

⁶ Any additional unseen documents are to be clearly marked as such.

⁷ Rule 12(2) of the Tribunal Rules refers to a document that relates to 'intimate personal or financial circumstances, is commercially sensitive, consists of information communicated or obtained in confidence, or involves considerations of personal or national security'.

13. I would ask that, if possible, this appeal is not heard on the following dates, which are inconvenient for me (or my witnesses):

[insert details⁸]

Signed:

Date:

⁸ Set out any dates in the next two months that would be inconvenient for you or your witnesses. Although the tribunal will try to arrange a date and a location that is not inconvenient, this cannot be guaranteed.

4 Miscellaneous Matters Relating to the Mobilisation of Reserve Forces

Introduction

1. This chapter outlines additional tri-Service matters relating to the call-out and recall of Reserve Forces.

Reception Arrangements on Reporting for Call-Out

2. The specific reception arrangements required will depend upon the numbers of reservists subject to call-out and the location to which they are reporting. More information is available in the sS regulations, in addition to any locally issued instructions.

Pre-Deployment and TACOS Briefings

3. Pre-deployment and Terms and Conditions of Service (TACOS) briefings are to be held for all mobilised reservists as soon as practicable after arrival at their place of mobilisation. These briefings are to cover, as a minimum, current Service regulations for:

a. **Safeguard of Employment.** sS are to ensure that all reservists called out for permanent service are given a pre and post-call-out briefing on the provisions of the [Reserve Forces \(Safeguard of Employment Act\) 1985](#) and the procedures that a reservist is to follow to be assured of the protection by the Act. Those Regular Reserve personnel called out must be issued with the required information in a timely manner. This briefing is to be repeated prior to demobilisation.

b. **The Reserve and Auxiliary Forces (Protection of Civil Interest) Act 1951.** Reservists are to be made aware of the provisions of this Act (summarised at paragraph 16 below).

c. **Political Activities.** Mobilised Reserve Personnel are not to take part in the affairs of any political organisation, party or movement; specific details are laid down in King's Regulations⁹.

d. **Disclosure of Official Information.** Mobilised Reserve personnel may not speak with representatives of the media without authority from their Commanding Officer or the Chain of Command.

e. **Leave and Travel Allowances.** Reservists are to be informed of their (and if appropriate, their family's) leave travel entitlement.

f. **Discipline.** On arrival at the mobilisation centre or other place stated in the call-out order, a member of a Reserve Force is bound by Section 95 of RFA 96. On acceptance into service, mobilised reservists are subject to the appropriate Service Law and the [Armed Forces Act 2006](#) (AFA 06). In both cases, reservists are obliged to observe the standards of behaviour required for good order and naval or military

⁹ King's Regulations also cover rules regarding Members of Parliament who are called out for permanent service.

discipline. Breaches of service law may result in disciplinary proceedings being taken, either by way of summary dealing or by court-martial.

- g. **Compulsory Drug Testing (CDT).** All mobilised reservists are liable for CDT.
- h. **Stress Management.** All reservists are to be briefed fully on stress and the support available to them, which is to include the Reserves Mental Health Programme, based at the Department of Community Mental Health (DCMH) Colchester. This briefing is to be repeated prior to demobilisation. Operational Stress Management (OSM) guidance is in [JSP 661 - Health and Wellbeing](#).
- i. **RFA 96 and AFA 06.** sS are to ensure reservists are familiar with the provisions of [RFA 96](#) with regards to the maximum length of mobilised service, procedures for voluntary extensions in service, as well as applications for exemption, revocation and deferral of call-out.
- j. **Pension.** All reservists are to be briefed on the procedures for making a pension choice and mobilisation centres are to ensure this choice is captured and processed.
- k. **Financial Assistance.** All reservists are to be provided with appropriate briefings on how to claim Financial Assistance.
- l. **Appraisals.** All reservists are to be reminded of the procedure for appraisals in line with the guidance in [JSP 757 - Tri-Service Appraisal Reporting Instructions](#).
- m. **Personal Accident and Life Insurance.** MOD provides cover for death and injury attributable to service under the Armed Forces Compensation Scheme (AFCS). However, Service personnel may wish to purchase personal accident or life insurance to supplement the benefits already paid through the AFCS. Extra consideration of the level of cover required should be taken prior to mobilisation. If SP require financial advice on the suitability of any product for themselves or their family, then they may choose to contact an independent financial adviser¹⁰.

Volunteer Reserve Bounty

- 4. **Continuous Training.** Where an individual completes 16 days of permanent service as a result of being mobilised, this may count for the 'continuous training' period in the same training year. Additionally, 16 days of permanent service between 1 Jan and 31 Mar may count for the continuous training period in the following year if the individual has already either attended for continuous training or has achieved another 16 days permanent service to count for the current year. There will be occasions when individuals with a specialist role or skills will be mobilised to provide support to operations for short periods of only a few days.
 - a. Where such periods of mobilised service during a training year aggregate to eight or more, but less than 16 days, this service may count in lieu of a reduced camp. The individual is to make good the outstanding balance of in-camp training by attending extra out-of-camp training days.

¹⁰ Services Insurance and Investment Advisory Panel (www.siiap.org) members can provide specialist insurance and financial advice to members of the Armed Forces.

b. Where such periods of aggregated mobilised service during a training year amount to less than eight days, they may be aggregated with a short course or courses and/or modular training amounting to a total of 16 days to count in lieu of camp / annual continuous training period.

c. Alternatively, where such periods of aggregated mobilised service during the training year amount to less than eight days, they may be counted in lieu of out-of-camp training.

5. **Non-Continuous Training.** As defined in [JSP 754](#) (Tri-Service Regulations for Pay), the proportion of the training year spent on permanent service may count for the same proportion of the non-continuous training requirement in that same year, so that, for example, one calendar month of mobilised service may count as one day towards any additional training requirement for bounty purposes where the non-continuous training requirement is for twelve days.

6. **Additional Training Requirements.** The training qualification requirement remains unaffected by any period of permanent service, but training completed during mobilisation and deployed duty can count towards the bounty training requirements in the year in which it is completed, if recorded properly. Service discretion to vary the training requirement is allowed in consideration of individual cases.

7. **Minimum Qualifying Requirement.** Where an individual has achieved the full 'Continuous' and 'Non-continuous' requirements through permanent service, they will still be required to attend a minimum of one full day's training with his parent unit on return to qualify for the annual training bounty. This minimum requirement will also provide an opportunity to undertake appropriate post operational deployment aftercare.

Demobilisation

8. Demobilisation is carried out under [RFA 96](#), supplemented by sS regulations. Successful demobilisation of a reservist is crucial to their morale, continued well-being and support for Defence. Demobilisation is the cessation of permanent service, rather than a reservist's return from theatre, after any relevant period of decompression and normalisation. Service procedures give demobilisation the same weight in terms of effort and consistency as the mobilisation process. In particular, welfare, pay and health issues must be dealt with in a timely manner.

9. **Demobilisation Instruction.** All personnel will receive detailed instructions on demobilisation before they leave the operational theatre. It should be noted that personnel may not necessarily be demobilised at the same mobilisation centre as the one at which they were mobilised.

10. **Required Activity.** On demobilisation, the following activities are to take place:

- a. recovery of personal weapon and ammunition.
- b. calculation of entitlement to any outstanding pay and allowances.
- c. confirmation of leave entitlement that was calculated and authorised prior to the mobilisation period.

- d. provision of an appropriate medical examination, prior to cessation of permanent service, in accordance with [Reserve Forces \(Safeguard of Employment\) Act 1985](#) and Service guidelines.
- e. review any welfare issues still outstanding and ensure appropriate follow-up action is in place. Reservists should also be reminded of the provisions of the Reserves Mental Health Programme (see paragraph 14).
- f. provide rail warrants and/or transport from the unit to the railhead/airhead, as required.
- g. completion of demobilisation certificate, a copy of which is to be handed to the reservist.

Medical (Including CASEVAC)

11. Mobilised reservists are to be treated in the same manner as their regular counterparts. Mobilised reservists are to be identified on NOTICAS in line with the instructions in [JSP 751](#) (Joint Casualty and Compassionate Policy and Procedures) Chapter 2.

Welfare

12. **Family Support.** The provision of welfare support for the families of reservists is fundamental to ensuring that the reservist element of any deployed force is effective. The families of reservists do not expect support over and above that afforded their Regular counterparts but their needs and the methods of meeting these needs do differ. Commanders at all levels need to be aware of and understand these differences.

13. **Regular Reserve.** The needs of the Regular Reserve differ further from those of the Volunteer Reserve in that regular reservists are likely to come from different parts of the United Kingdom and abroad and thus lack the focus of a unit structure before, during and after permanent service. Again, commanders must be aware of each individual's circumstances.

14. **Mental Health.** All reservists are to be briefed fully on stress, the Trauma Risk Management (TRiM) system and the support available to them both during the mobilisation process and again during demobilisation. Further information can be found in [JSP 950](#) Leaflet 2-7-1 (Mental Health and Wellbeing Briefing, Before During and After Deployment). The Reserves Mental Health Programme provides assessment and treatment for reservists who have been deployed overseas since 1 Jan 03 as a reservist and believe their deployment may have affected their mental health. Further information can be found in [JSP 950](#) Leaflet 2-7-2 (Defence Mental Health Services).

Post Deployment Reports for Employers - Guidance

15. All mobilised reservists are to receive a post deployment letter aimed at their employers from their Unit Employer Support Officers (UESOs), detailing what they have achieved during their deployment and what qualifications and / or skills they have learned / developed. This formalises best practice by briefing employers, in readily understandable terminology, on the activities of their reservist employee during a period of mobilised service and is in addition to a Serviceperson's Joint Appraisal Report. For further information on post

deployment letters refer to [JSP 766](#) (The Defence Directive on Employer Support and Employer Notification).

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (POCI 51)

16. [POCI 51](#) is designed to protect a reservist with dependants from being evicted from their home. The main effects of this Act are to:

- a. restrict the exercise of remedies for default in payment of money when the failure to pay is due to a reservist's service.
- b. protect a reservist with dependants from being evicted from their home.
- c. protect the reservist who is a 'working proprietor' of a business or of a professional practice against eviction from their business premises.
- d. safeguard the civilian pension rights of reservists in respect of their period of service.
- e. enable local and certain public authorities to make up the balance of civil pay of their employees who are serving as reservists for more than 15 days of service or training.
- f. protect the holders (whether or not reservists) of Industrial Life Assurance or Friendly Society policies against forfeiture of the policy when the holder is unable to pay the premium as a result of a reservist's service.