

OP RESCRIPT DEMOBILISATION – FREQUENTLY ASKED QUESTIONS

Q. How many reservists have been involved in the response to COVID-19?

A. Around 2000 reservists from all three services, have been mobilised in response to the virus. In addition, a number of other reservists have contributed in ways short of mobilisation (eg RSDs).

Q. What have they been doing?

A. They have been undertaking a range of tasks. For example, reservists have been involved in helping to transport vital PPE supplies to hospitals and care homes. They have been helping with logistics planning to ensure that equipment is moved efficiently from one location to another. They have helped to set up Nightingale Hospitals around the country and have helped to staff pop-up COVID Testing Facilities.

Q. Why did you need to call out my reservist employee when you had regulars available?

A. In many cases reservists possess particular skills and experience from their civilian jobs that are in short supply in the military. In addition, Defence operates a Whole Force policy which ensures that outputs are delivered by the most effective mix of regular, reserve, civilian and contractor staff. Reservists are a key component of the Whole Force and we expect them to be involved, to some degree, in most military operations, whether these are overseas or at home.

Q. What are my legal responsibilities in relation to my reservist employee who is being demobilised?

A. Employer responsibilities are set out on-line here: <https://www.gov.uk/employee-reservist> .

Q. I have decided to close down my business due to the economic impact of COVID-19. There is no longer a job for my reservist to return to. What should I do?

A. You should inform the reservist and make them aware of any support and any financial package your business will provide them. This will be a traumatic period for everyone.

- If you are making employees redundant, you must take into account the rights of reservists to reinstatement following mobilisation under the Reserve Forces (Safeguard of Employment) Act 1985 to be re-instated following mobilisation.
- If it is only a temporary closure, you could consider furloughing the reservist.
- If it is only a temporary closure, you must take into account the rights of reservists to reinstatement following mobilisation under the Reserve Forces (Safeguard of Employment) Act.
- Additional information regarding the employment of reservists is at:
 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/574135/Guide_to_Employing_Reservists_20161130.pdf
 - <https://www.gov.uk/employee-reservist/returning-to-work>

Q. My workforce has been furloughed. What should I do about a reservist employee returning from mobilised service?

A. If the reservist has completed up to 12 months' mobilised service they will still be on your company's employee register. If the reservist is demobilised during the furlough period, you should apply to furlough the reservist along with their colleagues.

Q. I am a self-employed reservist returning from mobilised service. What financial help can I expect from the Government?

A. As with all of the self-employed, you may be eligible to apply for the Self-Employment Income Support Scheme (SEISS). See HMRC guidance for qualifying criteria at:

<https://www.gov.uk/guidance/claim-a-grant-through-the-coronavirus-covid-19-self-employment-income-support-scheme>

Q. I understand that some reservists have been mobilised but not tasked. Why?

A. Reservists have made an important contribution to the COVID-19 Response. However, thanks to the magnificent way in which the public have responded to government advice to stay at home and practice social distancing, the spread of the virus has been restricted. As a result, demand for Defence support from across the country have not been as heavy as we had originally expected. This has meant that some regulars and mobilised reservists were held on stand-by but, thankfully, were not required to deploy.

Q. What happens to a mobilised reservist employee who was already furloughed by their employer before mobilisation?

A. When the reservist was mobilised, the civilian employer should have followed existing guidance and placed the reservist on unpaid leave for the duration of their mobilisation. This means that there is no requirement for the reservist to be furloughed by their employer under the Coronavirus Job Retention Scheme. On return from mobilised service, if appropriate, the reservist can be re-furloughed as per the job retention scheme.

Q. I expected my reservist employee to be mobilised for 6 months, and he/she is now being demobilised at 3 months. I have already secured a replacement. Having to reinstate the reservist will mean either having to make the replacement redundant or paying double for one role. What can I do?

A. Initially you should discuss the return to work with your reservist and their unit and determine if there is any flexibility in terms of when they will be demobilised. However, the legal position under the Reserve Forces (Safeguard of Employment) Act 1985 is that the reservist is entitled to be reinstated in their post (or a similar post) on demobilisation. If you are concerned you will be inadvertently financially penalised by an earlier than expected demobilisation, you should discuss the matter with the Service mobilisation authority as each case has unique features.

Q. Why was my reservist employee called out but not formally mobilised (ie the RSD question)?

A. Some reservists were asked by their units to contribute to the COVID19 response for short-term tasks that did not require mobilisation. This should only have occurred with the civilian employer's agreement and on the basis special paid/unpaid leave, or by using the reservists' annual leave allowance. Personnel who undertook these tasks will have been paid their normal reservist daily rates of pay (known as Reserve Service Days).

Q. What is the likelihood of my reservist being called out again in the near future?

A. The likelihood is extremely low for the near future.

- The Reserve Forces Act 1996 sets out the periodicity of mobilised service.
- In general terms, under the Section of the Act relevant to this specific COVID-19 response, if a Reservist is mobilised for 12 months, they can be mobilised under the same Section for another 12 months after a 36 month period where they are out of scope for mobilisation.
- If the period of mobilisation that has occurred now is less than 12 months, the 36 month period reduces by an equal amount. If the Reservist has been mobilised for 3 months now, they are out of scope for 33 months for the same Section of the Act.

Defence will, as normal, communicate the outline of the Reservist's training year (April to the following March) to employers in advance, to assist in planning. The individual Reservist also has a responsibility to ensure their employer is kept updated.

Q. Why has my reservist employee just been called out/extended when you announced that you were starting to demobilise reservists?

A. Demand for Defence support has reduced to the point where we are able to demobilise a significant number of reservists. However, as we have already explained, not all reservists are being released at this time and some of those currently mobilised may be extended to serve for up to six months or longer, to a maximum 12 months. You should be informed by your reservist and/or his/her unit if this applies to your employee. There will also be new call-outs to respond to other requirements, both for the COVID crisis and for other ongoing Defence activity. Employers (and reservists) have the right to appeal against call-out, as described in the call-out notification paperwork.