

# Outside employment in the reserve forces

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 Owner: **Assistant Director, People Services**  
 Responsible work team: **Culture and Organisational Development**

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# 1 Introduction

- 1.1 This policy applies to all employment groups of the Brigade.
- 1.2 The London Fire Brigade recognises the important role Reserve Armed Forces fulfil, their importance to the nation, and the benefit that can be derived from staff involvement in them. To this end the Brigade signed up to the London Armed Forces Community Covenant in June 2012.
- 1.3 The Brigade needs to have a sufficient complement of staff available at all times in order to fulfil its statutory duties. On this basis the number of staff able to serve in the Reserve Armed Forces at any one time needs to be restricted and the Brigade will therefore maintain a Reservist list as detailed herein.
- 1.4 The Brigade reserves the right to make representation to the MOD that a member of staff be exempted from active service. However given that all joining and training in the Reserve Forces is geared towards military mobilisation, it is the Brigade's intention, whenever possible, to agree to requests that staff on the Brigade's Reservist list be mobilised, and not appeal against this unless essential to enable the Brigade to fulfil its statutory duties.
- 1.5 A Memorandum of Understanding (MoU) has been signed by the Brigade and the Ministry of Defence (MoD) in relation to LFB Reservists and this is attached at Appendix A.

## 2 Types of Reservists

There are two main types of Reservist:

- 2.1 **Volunteer Reservists** - Members of the Volunteer Reserve Forces are recruited directly from the civilian community and are normally in full time civilian employment. They will serve with the Royal Naval Reserve, Royal Marines Reserve, Army Reserve or the Royal Auxiliary Air Force (the RAF Reserve). In general terms, those who enlist into the Volunteer Reserve have a liability for call out for any purpose for which regular personnel could be tasked including war fighting as well as to meet a national emergency. Further detail on the mobilisation of Reserves is outlined in section 7 below.
- 2.2 **Regular Reservists** – Regular Reservists are those individuals who have previously served full-time with HM Armed Forces who retain a liability to be recalled for military service depending on how long they have served in the Armed Forces. Officers and other ranks who have served in the Regular Armed Forces become, on terminating their service, members of the Regular Reserve. For an Officer this can mean a liability to be called out for all operations for any purpose up to the age of 55. For other ranks completing regular service this will normally mean serving in the Regular Reserve for a period of up to 6 years.
- 2.3 After the expiry of their service in the Regular Reserve, former Service Personnel are transferred to the Recall Reserve for a maximum of 18 years or to age 55 whichever occurs first. Recall Reserves will only be mobilised for times of National Emergency.
- 2.4 On terminating their Regular service the Reserve liability is listed on the 'certificate of service' of former Service Personnel and there is an implied responsibility for them to inform any future employer of this liability. During their time as a member of the Regular Reserve and Recall Reserve both Officers and other ranks will receive an annual reporting letter in which they are instructed to report their contact details and any change in circumstances to their respective Service and People Services/Human Resources departments.

- 2.5 Adult instructors of the Cadet Forces are not Reservists and they have no mobilisation liability. Additional leave requests are covered under Policy number 512a - special leave and public duties leave – frs and control staff and Policy number 512b - special leave and public duties leave – uniformed.

### **3 Reserve Forces membership eligibility**

- 3.1 **Regular Reserves** – Existing and new employees of the London Fire Brigade will normally be allowed to complete any obligations to serve with the HM Armed Forces that arise from previous regular service and which existed at the time of the commencement of their employment with the Brigade. Regular Reservists must notify Operations Directorate Support Services (ODSS) (Central Operations) of their Regular Reservist status<sup>1</sup>.
- 3.2 **Volunteer Reserves** – Existing and new employees of the Brigade who wish to volunteer for service with the Volunteer Reserves must seek the consent of the Brigade, by way of an application for outside employment in line with Policy number 551 – Outside employment, before commencing Reserve service<sup>1</sup>.

### **4 London Fire Brigade Reservist list**

- 4.1 In order to limit the impact on operational effectiveness, the Brigade has imposed an upper limit of 85 members of the Reserves at any one time representing approximately 1.5% of all staff. In order to maintain this limit, ODSS (Central Operations) maintain a Reservist list. The Reservist list will consist solely of Volunteer Reservists; Regular Reservists will be in addition to the 85 spaces on the Reservists list. The Volunteer Reservist list operates on a first come, first served basis, subject to there being space on the list when the application for outside employment is considered.
- 4.2 New operational employees beginning their working lives with London Fire Brigade can apply for Outside Employment as a Volunteer Reservist, and once approval has been granted, they can continue to serve as members of the Reserve Armed Forces, though at a reduced training commitment, as the priority is for them to become fully competent Firefighters.
- Whilst at training school as a trainee Firefighter, employees are not permitted to undertake reservist training.
  - On posting to a fire station as Firefighter (Development) and until the employee is qualified they will be permitted to attend a maximum 8 day annual training period (reduced from the normal 15 days) and four weekends over any twelve month period to receive their Certificate of Efficiency and hence receive their annual training bounty. This would amount to a total 16 days training plus an additional drill night evening that a Reservist could attend outside of their normal Firefighter rota. Normal Special Leave provisions will apply.
  - If a Firefighter on development who has a reservist commitment is experiencing difficulties balancing the two demands they should discuss this first with their line manager and further with their Commanding Officer with a view to temporarily reducing their reservist commitment.
- 4.3 Permission under Policy number 551 – Outside employment may be withdrawn at the discretion of the Brigade.

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<sup>1</sup> Staff who are currently members of the Reserve Forces but have not already notified the Brigade are required to do so by two months from the launch of this policy. Failure to do so may result in management action being taken and withdrawal of all outside employment permission.

- 4.4 The figures in paragraph 4.1 above may be reviewed in line with any future changes to the establishment of the Brigade and any changes to the calculations and figures used for operational resilience.

## **5 Applying to join the Reserve Armed Forces**

- 5.1 Once permission has been granted by ODSS to apply by virtue of space being available on the Reservist list, an individual may then commence Reserve service.
- 5.2 While waiting for clearance to become a member of the Reserve Armed Forces individuals' circumstances may change. In light of this, it is important that ODSS, who originally approved the Outside Employment application, be consulted by the applicant to confirm the application is still allowable.
- 5.3 If a member of staff should fail to obtain entry to, or resign from the Reserve Armed Forces they are to inform ODSS immediately so that their place on the Reservist list can be offered to another member of staff.

## **6 Training commitments and leave**

- 6.1 Volunteer Reservists are typically required to undertake 30 days training per year. This is made up of weekly evening training at their local centre, a number of training weekends throughout the year and an annual 15 days training at "annual camp".
- 6.2 For all staff this can be taken as a combination of annual leave and paid special leave within the limits of Policy number 512a - special leave and public duties leave – frs and control staff and Policy number 512b - special leave and public duties leave – uniformed \*respectively.
- 6.3 An employee who takes paid special leave for reservist training must send a copy of their MOD payslip/remittance details to HR Operations within 1 month of completing their training. An amount equal to the pay received for the granted paid special leave will be deducted from the individual's net pay in the month following the employee's return to work from training. Payments made by the MOD under their bounty scheme shall not be subject to deduction from Brigade salary. For the purpose of calculating 'average pensionable pay' under the Firefighter's Pension Scheme or the New Firefighter's Pension Scheme (2006 & 2015), it will be assumed that such a deduction did not take place.

## **7 Mobilisation**

- 7.1 Mobilisation is the process of calling Reservists into full time service with the Regular Forces, in order to make them available for military operations. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months. Staff who are called out for military service will be detached from their normal StARS rotabook into the "leave without pay" rotabook for the duration of their mobilisation.
- 7.2 The Armed Forces use a process known as 'Intelligent Selection' to identify the most appropriate people for call out for full time service. This allows Reservists to be selected according to their individual skills and specialisations. It also allows military units to take into account a Reservist's personal and employment circumstances. As a result, a Reservist may be made aware of their impending mobilisation in advance of the formal paperwork being received. If so, they should inform their line manager that the informal process has begun - and the likely mobilisation date if known. If a military requirement arises at short notice and there is insufficient time to consult, the Ministry of Defence may mobilise a Reservist without going through 'intelligent selection'.

- 7.3 The Call-out papers for mobilisation are sent by post to the Brigade (usually to the line manager) or sometimes delivered in person by the Reservist to their line manager. The documentation will include the call-out date (when the Reservist must report for duty) and the possible duration of the mobilisation. It will also provide guidance about applying for a deferral or exemption. Whenever possible, the MoD aims to give at least 28 days' notice of the date that a Reservist will be required to report for duty, although there is no statutory requirement for a warning period prior to mobilisation.
- 7.4 The Reservist or the line manager must contact the HR Helpdesk and the Reservist's Head of Service immediately, notifying them of the Reservist's name, pay number and the effective date on which they are being mobilised.
- 7.5 The original paperwork must be forwarded immediately to HR marked for the attention of HR Services Manager, 2<sup>nd</sup> Floor, Union Street or delivered by hand if this is a short notice mobilisation. The HR Services Manager will liaise with the Reservist's Head of Service and ODSS to establish whether an exemption or deferral is to be sought (see paragraph 9.2 for further detail). Where an exemption/deferral is to be sought, HR will pass the paperwork to ODSS.
- 7.6 Upon returning from a period of mobilisation an appointment will be made with the Brigade's occupational health providers for an assessment of fitness to return to full duties.

## 8 Volunteering for operations other than compulsory mobilisation

- 8.1 There are other types of Reserve activity: Reservists may be asked (or seek) to volunteer to perform one of the deployments outlined below. This requires the agreement of the employer. The Brigade would not wish staff to volunteer for such liability and therefore, generally, will not consent. However, a request for unpaid Special Leave or a career break in order to perform Full Time Reserve Service (FTRS) or a request to work part-time in order to perform Additional Duties Commitment (ADC) can be considered by the Reservist's Head of Service in consultation with the Assistant Director, People Services.
- 8.2 Full-Time Reserve Service (FTRS) gives Reservists the opportunity to apply for a full-time post for a fixed period (this is different from mobilisation). The Brigade is under no legal obligation to reinstate or re-employ a Reservist who decides to resign in order to carry out FTRS commitments.
- 8.3 Brigade employees will not be permitted to register as a High Readiness Reservists. High Readiness Reservists have specific skills, to which the Armed Forces may require access *at very short notice*. Reservists have to volunteer for High Readiness status, and also need to have written consent of their employer in the form of an agreement that is renewed annually. Ultimately this may mean that the individual could be deployed (for up to 12 months) with minimal notice (7 days or less) and this arrangement would not be sustainable by the Brigade.

## 9 Applying for exemptions and deferrals, and appeals

- 9.1 **Whilst the importance of supporting the release of staff for mobilised service with the Reserve Forces is understood, the Brigade reserves the right to seek exemptions or deferrals of mobilisations of specific staff where their mobilisation would have an unacceptable impact on the Brigade's ability to fulfil its statutory duties.**
- 9.2 Heads of Service have the right to seek an exemption or deferral of a call out notice if the Reservist's absence may be considered to cause "serious harm" to service delivery. All applications for exemptions or deferrals will be made by ODSS with the prior approval of the Reservist's Director. The decision and reasoning should be explained to the Reservist and recorded on the Service Request.

- 9.3 Details of how to apply for an exemption or deferral from the MoD are included in the call-out pack. The application must reach the MoD Adjudication Officer within 7 days of the Brigade/local line manager receiving a call-out notice. If this timescale is not met, permission to make a late application will need to be obtained from the Adjudication Officer. The Reservist also has the right to apply for an exemption or deferral for personal reasons.
- 9.4 If an unsatisfactory decision is received following the application, the Brigade can appeal for a hearing by the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within 5 days of the receipt of written notice of the decision. All appeals will be made by ODSS with the prior approval of the Reservist's Director.
- 9.5 MoD guidance stresses the importance of providing as much information as possible about the Reservist if appealing. This should include:
- Name, address, payroll number, national insurance number.
  - Details of the business/service in which the individual is employed.
  - The role that he/she performs; the effect that the absence will have and the grounds for exemption in terms of serious harm to the business/service.
  - Relevant welfare considerations (if applicable).
- 9.6 Information regarding the appeals process is also included in the call-out pack. The Reserve Forces Appeals Tribunal will decide whether an appeal for exemption, deferral or revocation of the call-out notice will be accepted. They will do their best to develop a thorough understanding of the implications for the business and to give an answer as quickly as possible. Their decision will be based on a careful balance of Brigade needs against those of the operation the Reservist has been called out for. For example, an appeal is more likely to succeed if the Reservist has skills that are widely available within the Armed Forces but are very specialised within the Brigade.
- 9.7 If the tribunal rejects the appeal for exemption or deferral, the Brigade will be required to release the Reservist for mobilisation. HR Services will then complete any paperwork included in the call out pack. Where an appeal is to be made, it is possible that a decision will not be made until after the individual has reported for duty.
- 9.8 Exemptions will be considered on an individual basis only. Much will depend on specific circumstances and the individual's skills base. Providing evidence of the degree of "serious harm" that may be done to the business by the absence is important.

## **10 Death or injury**

- 10.1 In the event of death, the next of kin, or the MoD on their behalf, will normally notify the Brigade.
- 10.2 In the event of injury, the Brigade will only be notified if the Reservist concerned gives their permission, unless the period of mobilisation has been extended, in which case the MoD will write to the Brigade. In cases of serious injury, permission to notify the employer may be sought by the MoD from the next of kin. The MoD is responsible for the reporting of such matters under the Reporting of Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

## **11 Pension**

- 11.1 Reservists during mobilisation are entitled to remain a member of their occupational pension scheme. Once a Reservist has received call-out papers, and if they wish to remain in the occupational pension scheme, it is essential that the individual contact the payroll to ensure that there is no break in pensionable service. The Brigade will contact the MOD to pay the equivalent of an employer's pension contribution, provided the Reservist pays the employee's element on their return from mobilisation (over an agreed period). There are other pension options, such as

joining the Armed Force's Pension Scheme (AFPS) for the period of mobilisation. Further details can be found in the call out papers.

## **12 Insurance**

- 12.1 Mobilisation can affect the Reservist's life insurance and personal effects insurance policies. These may be invalidated if the Reservist does not inform their insurer of the call out. The Reservist is advised to check that the policies will continue to operate.

## **13 Pay**

- 13.1 Pay during mobilisation is a matter for the MoD. Reservists will be entitled to receive a basic pay for their military service according to their military rank together with appropriate allowances. If this basic element is less than the Reservist receives from the Brigade, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings. This is known as a Reservist Award. The Brigade will not pay the Reservist's salary during mobilisation.
- 13.2 Reservists who have been called out for military service, will be entered into the leave without pay StARS rotabook. However, service during mobilisation will count as reckonable service for pay purposes so that the Reservist's salary on return to the Brigade will be at the same level as if the individual had remained on pay throughout the military service.

## **14 Completion of service with the Reserve Armed Forces**

- 14.1 On completion or resignation from the Reserve Forces, it is important that the individual concerned contact ODSS to notify of their change of status, in line with the outside employment policy. A failure to do so will prevent other staff from advancing their applications.
- 14.2 When individuals are approaching the end of their current obligation to the Regular Reserve Armed Forces, if they intend to continue with membership of the Volunteer Reserves, they must apply for permission to undertake outside employment as a Volunteer Reservist in line with this policy and Policy number 551 – Outside employment. A failure to do so may result in their being asked to resign from the Volunteer Reserves on account of the outside employment policy being breached.

## **15 Related policies**

- 15.1 To be read in conjunction with:
- Policy number 512a - special leave and public duties leave – frs and control staff.
  - Policy number 512b - special leave and public duties leave – uniformed.

# Appendix 1 - Memorandum of Understanding (MoU) in relation to LFB Reservists

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## MEMORANDUM OF UNDERSTANDING BETWEEN THE MINISTRY OF DEFENCE AND LONDON FIRE COMMISSIONER

### **Intent**

1. This Memorandum of Understanding (MOU) sets out the relationship between the Ministry of Defence (MOD) and the London Fire Brigade (LFB).
2. It provides a framework in order to support LFB Reservists in their service in the Volunteer Reserve Forces (VRF) whilst at the same time allowing the LFB to manage the operational risk to fire and rescue service associated with Reserve service.
3. It sets out our determination to ensure that the relationship between the MOD and the LFB is enduring and mutually beneficial.
4. The VRF consists of the Army Reserve (formerly known as the Territorial Army); the Royal Auxiliary Air Force; the Royal Marines Reserve; and the Royal Naval Reserve.

### **Operationalising the arrangements**

5. Operation of the arrangements set out in this MOU will be monitored by the MOD and by the LFB, and the MOU's effectiveness will be assessed during an annual review process. The Head of Reserve Forces and Cadets in the MOD and the Assistant Director People Services or their nominated officer in the LFB will act as the key points of contact to discuss and resolve policy matters and maintain regular dialogue.
6. The MOD will:
  - a. Emphasise the importance to LFB Reservists that they should maintain an open relationship with the LFB as their primary employer.
  - b. Provide the LFB with as early notice as possible of the likely mobilisation of LFB Reservists. When Defence is committed to an enduring operation, the MOD will provide at least nine months' notice of mobilisation of Army Reservists and three months notice of mobilisation of Maritime and Royal Air Force Reservists. For short-notice contingent operations, we will seek to give at least 28 days' notice. For operational reasons we may occasionally not be able to meet these notice periods.
  - c. Provide 12 months' notice where a Reservist enters a period of 'high readiness' and therefore become liable for mobilisation at short notice in the event of an operational requirement. During the period of high readiness, normally 12 months, the Reservist will continue in their LFB employment and will only be mobilised if an urgent need arises.



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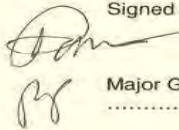
## 7. The LFB will:

- a. Allow members of staff to request approval from the LFB to join the VRF up to a maximum of 1.5% of all staff and will permit staff to remain a member of the VRF when they move from one area of the LFB to another, where operational requirements allow.
- b. Look favourably upon requests from personnel to join the VRF, taking into account the need to maintain operational effectiveness, and therefore retaining the right to refuse to provide reservists to the MOD. Senior Managers may defer consideration of applications from personnel who are subject to sickness absence monitoring/the Capability Process, or disciplinary sanctions, until the individual has returned to a satisfactory level of attendance, conduct and/or performance for at least twelve months.
- c. Grant those individuals who are approved members of the VRF a maximum of ten days' special paid leave per annum to undertake Reserve service training or duties. Approval is subject to exigencies of service. Other Reserve training requirements will be undertaken by staff in their off duty time.
- d. Support MOD requests to mobilise Reservists up to a maximum of 42 at any one time. LFB will utilise existing appeal procedures outlined in the Reserve Forces Act 1996 to request deferral or exemption where the LFB can demonstrate that the mobilisation of a particular individual would cause serious harm to LFB operational effectiveness.
- e. Support individual Reservists returning from mobilisation to ensure their swift return to effective LFB service. LFB personnel returning from mobilisation will be permitted to remain members of the VRF.
- f. Ensure LFB policies, procedures and handbooks relating to LFB Reservists are updated and communicated to personnel.

**Timing and Review**

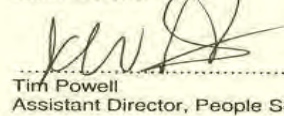
8. This MOU becomes effective on 1 July 2019. Any changes to this MOU can only be made with the prior agreement of both the MOD and the LFB.
9. The first review of this MOU will be held 6 months after the above effective date and annually thereafter.
10. Termination of this MOU can take effect with 3 months written notice by either party.

Signed on behalf of the Ministry of Defence



Major General Simon Brooks-Ward

Signed on behalf of the London Fire Commissioner



Tim Powell  
Assistant Director, People Services

Date 12 September 2019

Date 18 September 2019

## Document history

### Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

|     |            |      |            |       |            |    |  |
|-----|------------|------|------------|-------|------------|----|--|
| EIA | 26/06/2019 | SDIA | 04/05/2023 | HSWIA | 17/05/2023 | RA |  |
|-----|------------|------|------------|-------|------------|----|--|

### Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

| Page/para nos. | Brief description of change                                    | Date       |
|----------------|--|------------|
| Page 2 and 8   | Reference to appendix A added, plus appendix A.                | 20/09/2019 |
| Page 10        | SDIA and HSWIA updated.  | 02/06/2023 |
| Throughout     | This policy has been reviewed as current with no changes made. | 07/06/2023 |
|                |  |            |
|                |  |            |
|                |  |            |

### Subject list

You can find this policy under the following subjects.

|            |            |
|------------|------------|
| Reservists | Employment |
|            |            |
|            |            |
|            |            |

### Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

| Considered by:<br>(responsible work team) | FOIA exemption | Security marking<br>classification |
|---|----------------|------------------------------------|
|   |                |                                    |
|   |                |                                    |
|   |                |                                    |