



SPECIAL LEAVE

Including Parliamentary Leave and Armed Forces Leave

Policy principles

This procedure has been agreed by the Joint Unions Consultative Committee in consultation with the University to allow employees to request special leave as outlined below.

Scope of policy

This policy will apply to all staff. It is the responsibility of the manager to ensure that the procedure is followed and that staff are aware of this procedure. All staff can access the policy on the Aston University intranet.

Contents

Parliamentary Candidates and Leave	3
Armed Forces Leave	4

Special Leave for Parliamentary Candidates

Special leave may be allowed by the University for Parliamentary Candidates and elected Members of Parliament. The arrangements for approval of such leave are detailed below.

If a member of staff of the University (academic or non-academic) is adopted as a parliamentary candidate and an election is arranged, they may request a limited amount of leave to conduct their campaign. If this happens, it is proposed that the following action is necessary within the University before the leave of absence with pay can be granted.

When adopted as a parliamentary candidate, a member of staff should notify the University and will be informed that they can apply in advance for leave of absence with pay to conduct their campaign. The maximum leave of absence anticipated would be in the order of one month.

The application must be subject to the normal procedures required for approval of leave of absence with pay. Namely, with the knowledge of the Head of School/Department.

The Executive Dean/Head of Department must notify the Director of HR who, after discussion with the relevant Executive Dean/Head of Department, as appropriate, will decide if the University can support the application.

Any action taken will be reported by the Director of HR to the Vice-Chancellor.

The procedures contained in 1 and 2 above imply that the School/Department will be allowed no additional staff allocation due to this leave of absence. This is assumed to be clearly understood by all members of the department concerned.

If the person is elected to Parliament, the University is prepared to reserve a vacancy, but not a particular position, for the life of that parliament provided that it does not exceed a maximum of five years. Arrangements can be made by the University to maintain superannuation arrangements at the member's expense so long as his/her contract with the University is not terminated.

If the member of staff is elected for a second period then the University can no longer reserve a vacancy and they he will be expected to resign from their position at the University.

Please note, for requests which relate to taking an elected position not covered by this policy, the member of staff should submit their request in writing to their Head of Department/Dean. The request will then be considered, along with the amount and timing of the leave and whether this will be on no pay or full pay.

Special Leave for Reservists and Cadets in the Armed Forces

Aston University recognises the valuable contribution that reservists and Cadet Force Adult Volunteers (CFAV) make to the Armed Forces and their civilian workplace. The University pledges support towards members of, or those wishing to join the Reserve Forces or Cadet Forces and acknowledges the training undertaken by reservists that enables them to develop the skills that benefit both the individual and employer.

The Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), Army Reserve and the Reserve Air Forces (RAFR and RAuxAF).

The Cadet Forces consist of adult volunteer instructors that provide training to Cadets within Sea Cadets, the Army Cadet Force, the Air Cadets and Combined Cadet Force.

The training undertaken by reservists or CFAV enables them to develop skills and abilities that can benefit them as employees and the employer in terms of service delivery.

The University will not disadvantage any reservist or CFAV who has notified of their status or who are made aware directly by the Ministry of Defence (MoD) through reserve status notification. This notification is provided yearly with written confirmation that the employee is a reservist. The letter will also provide detail of mobilisation obligations, rights as an employer and employee, details of financial assistance available upon mobilisation and, where possible, details of any annual training commitments. [This letter should be shared with the appropriate HR Partner and the employees direct line manager.](#)

A follow-up letter will be sent each year confirming these details, and it's the reservist's responsibility to ensure that the employer details are correct.

Reservists should inform the University that they are a member of the Reserve Forces so that relevant support can be provided.

What leave will be granted?

An employee serving as a member of the Reserve Forces, as defined in the Reserve Forces Act 1996, shall be granted up to 10 days of paid leave for Reserve service. This is to cover normal requirements to attend annual camp; further unpaid leave to cover additional special training may be considered subject to service requirements.

This covers time off work to enable employees who are members of the reserve forces as Volunteer Reservists or Regular Reservists (Royal Naval Reserve, Royal Marines Reserve, Army Reserve and Royal Auxiliary Air Force) to engage in military training, deployment or members of cadet forces to attend annual camp. There are under the Reserve Forces Act 1996 other more detailed categories.

Employees who request leave related to membership of the Reserve or Cadet Forces will receive one week's special leave with pay for attendance at Reserve training or Cadet annual camp. Subject to the manager's agreement, the second week and any additional training may be taken as unpaid leave or annual leave.

Volunteer Reserve or Cadet Forces leave will be granted entirely at the University's discretion and with such qualifications and conditions as the University deems necessary.

Guidance for requesting Leave for members of the Reserve Forces

Reservist and CFAV employees must give as much notice as possible to allow appropriate planning for absences. This should include detail of all planned military training that will require absence from the workplace at the beginning of each year. Permission will be granted where possible in line with service needs. Once given, consent will not be rescinded except in exceptional and extreme circumstances.

Line Managers should allow attendance at annual camp and other training commitments (e.g. weekly or weekend training sessions) unless there are exceptional circumstances.

Line Managers are responsible for ensuring that special leave is recorded on the staff portal.

Mobilisation

The Reserve Forces Act 1996 provides the legal basis for mobilisation, which is the process of calling Reservists into full-time service with the Regular Forces 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 between three and 12 months in duration.

A period of mobilisation comprises three distinct phases:

- medical and pre-deployment training
- operational tour
- post-operational tour leave.

When a reservist is called up for mobilisation, the University will receive the following:

- a copy of the call-out notice
- notification of the expected return date and likely duration of mobilisation
- details of employers' and reservists' statutory rights and obligations
- information about financial assistance
- information about exemption and deferral.

The Call-out papers for mobilisation are sent by post to the organisation or sometimes delivered in person by the Reservist to their line manager. The documentation will include the call-out date and the anticipated timeline. Whenever possible, Defence aims to give at least 28 days' notice of the date that a Reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period before mobilisation

An employee who wishes to volunteer for mobilisation must seek the prior agreement of their line manager.

Exemption, deferral or revocation from Mobilisation

In all cases of mobilisation, the employer will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist.

In such circumstances, line managers have the right to seek exemption, deferral or revocation if the Reservist's absence is considered to cause serious harm to service delivery.

Definitions of 'harm' will vary from case to case but may include;

- loss of reputation, goodwill or other financial harm
- impairment of the ability to produce goods or provide services
- harm to the research and development of new products, services or processes (which could not be prevented by the granting of financial assistance under sections 83 and 84 of The Reserve Forces Act 1996).

Details of how to apply for exemption are included in the call-out pack. The application must reach the Adjudication Officer within seven days of the University receiving a call-out notice. If this timescale is not met, permission to make a late application must be obtained from the Adjudication Officer. The Reservist also has the right to apply for exemption or deferral if the call-out papers arrive at a difficult time.

If an unsatisfactory decision is received following the application for a deferral, the University can appeal for a hearing by the Reserve Forces Appeals Tribunal.

Appeals must reach the Tribunals Secretary within five days of receipt of written notice of the decision. If the tribunal rejects the application for exemption or deferral, the University will be required to release the Reservist for mobilisation.

Pay and annual leave during mobilisation

The MoD will assume responsibility for the Reservist's salary for the duration of their mobilisation. They will pay a basic salary according to the Reservist's military rank. If this basic element is less than the Reservist receives from the University, 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. Where mobilisation occurs the employee will be given special unpaid leave of absence.

When an employer is advised by a reservist that they want to return to work, the employer is obliged under The Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the reservist with their former role. Where this is not possible, they must be offered an equivalent position with the same terms and conditions of service. The right to return to work lasts for six months after demobilisation.

The reservist should be reinstated within six weeks of the last day of their full-time service as part of mobilisation.

To enable the employer to plan for their return to work after their military service has ended, reservists must advise the designated contact in writing, copied to their line manager, the date they will be available to start work. This communication should be made no later than the third Monday after the completion of military service.

Reservists have no entitlement to accrue annual leave or unpaid leave whilst mobilised and should be encouraged to take any accrued leave before mobilisation.

All contractually accrued annual leave untaken up to the date of mobilisation may be carried over into the following leave year and will be exempt from ordinary carryover rules.

Returning to work

When an employer is advised by a Reservist that they want to return to work, the employer is obliged under The Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the reservist with their former role. Where this is not possible, they must be offered an equivalent position with the same terms and conditions of service.

The right to return to work lasts for six months after demobilisation. The reservist should be reinstated within six weeks of the last day of their full-time service as part of mobilisation.

To enable the University to plan for their return to work after their military service has ended, Reservists must advise their line manager in writing of the date they will be available to start work, copying in their HR Business Partner. This communication should be made no later than the third Monday after the completion of military service.

Further advice and support

A useful site which will aid all managers is:

<https://www.gov.uk/government/groups/defence-relationship-management>

Defence Relationship Management (DRM) offer advice and support on employing members of the armed forces community, and enable organisations to develop a mutually beneficial working relationship with the MOD. DRM builds on the successful SaBRE (Supporting Britain's Reservists and their Employers) information campaign and continues defence's work with reservists, their employers, and those organisations who want to partner with defence.

Defence Employer Support Helpline: 0800 389 5459 (Monday to Friday, 9am to 5pm)

Email: employerrelations@rfca.mod.uk

- [Royal Navy Reserves](#)
- [Army Reserves](#)
- [Royal Air Force Reserves](#)
- [The Cadet Forces GOV.UK](#)
- [Sea Cadets](#)
- [Army Cadet Force](#)
- [Air Training Corps](#)
- [Combined Cadet Force](#)

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2	14/11/2022	Adapted to include Armed Forces Leave

Human resources

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