

Staff and Pensions Committee

8 June 2020

Armed Services Support and Foster Friendly Employer

Recommendations

That the Staff and Pensions Committee: -

1. Approves that the Council will treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of mobilisation so that there will be no adverse effect on entitlements calculated in accordance with length of service.
2. Approves the proposal for up to 5 days additional paid leave per annum (pro rata for part time staff) for employees who are approved foster carers in the years following approval as a foster carer for the purposes of undertaking learning, development or preparation for the placement of a child or young person.

1.0 Key Issues

Armed Services Support

- 1.1 At the 9 December 2019 meeting of the Staff and Pensions Committee the Committee approved various recommendations to improve the support for the Armed Services community within WCC. These included additional leave for employees serving in the Reserve Armed Forces or those volunteering their time as Adult Cadet Instructors for undertaking their annual camp or other training and introducing a Guaranteed Interview Scheme for external Armed Forces candidates. The agreed changes will enable the Council to deliver more effectively its role as lead agency for the Coventry, Solihull and Warwickshire Armed Forces Covenant and to apply for Gold standard under the MOD Defence Employer Recognition scheme.
- 1.2 Subsequent to receiving this approval HR&OD prepared a policy document - "Supporting Armed Forces in Employment". In doing so it highlighted that a decision needs to be taken about the continuity of service for reservist employees during a period of mobilisation.
- 1.3 Mobilisation is the process by which a Reservist is brought into full time service with the Regular Forces, in order to make them available for military operations. The maximum period of mobilisation depends on the scale and nature of the operation and is typically no longer than 12 months.

- 1.4 The statutory position under the Employment Rights Act 1996 is that mobilisation does not break continuity of employment provided that the employee follows stipulated notification procedures and returns to the Council within 6 months of the end of mobilisation. However, the period of mobilisation must be discounted when calculating the employee's total period of continuous employment. The impact of this for employees concerned is that any entitlements calculated in accordance with length of service such as annual leave, redundancy pay, and occupational sick leave and pay, would be adversely affected.
- 1.5 The MOD recommends that employers go beyond what is required under statute by treating the contract of employment as operable throughout the period of mobilisation with no loss of reckonable service, in order to support Reservists in employment.
- 1.6 Adopting the MOD's recommended approach would be in line with the Council's approach of supporting the armed forces community within WCC, and give parity between the treatment of mobilisation and other types of leave such as sick leave, maternity leave, paternity leave, shared parental leave and adoption leave, where the period of absence does count towards the employee's reckonable service.
- 1.7 Legal advice has confirmed that the Council is able to treat the contract of employment as operable throughout the period of mobilisation with no loss of reckonable service but that this requires Staff and Pensions Committee approval to this formal change in policy.
- 1.8 In April the MoD indicated that it was preparing to mobilise reservists to support the response to Covid 19. As an interim measure the Chief Executive's delegated powers were used to treat the contract of employment as operable during mobilisation with no loss of reckonable service of any military reservists mobilised as a result of Covid-19.
- 1.9 To formalise the arrangement, agreement is now sought from the Committee to continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service so that there will be no loss of continuous service.

Foster Friendly Employer

- 1.10 At the 9 December 2019 meeting of the Staff and Pensions Committee the Committee approved the various recommendations to support the Council in becoming a Foster Friendly employer and being recognised as such under the national award.
- 1.11 One recommendation to support this was that up to 5 days paid leave be available to employees in the first year of fostering and up to 3 days of paid leave each subsequent year. This leave is for the purposes of undertaking training to prepare for their assessment and ongoing learning and

development to support them as foster carers. Leave is pro rata'd for part time staff.

- 1.12 It has subsequently been determined that this leave provision does not meet the standards for the national award as the requirement is 5 days in the first year and 5 days in each subsequent year.
- 1.13 As a result, agreement is sought to increase the subsequent years leave allowance to 5 days per annum.
- 1.15 Leave will be at the discretion of the line manager subject to business need, with ultimate discretion by the Assistant Director to ensure that the needs of County Council's business are prioritised. Evidence of the fostering assessment process and approval will need to be provided by the employee to their manager on an annual basis.

2.0 Other considerations

- 2.1 The proposals in this report will support the Council's Our People strategy by:
 - enhancing our employer brand as an employer of choice
 - enabling us to attract and recruit from a broad talent pool, and by
 - furthering a diverse and highly engaged workforce that displays the organisation's values.

3.0 Financial Implications

- 3.1 The proposal in relation to reckonable service for Reservists will increase service-related entitlements for mobilised reservists. However, the impact is anticipated to be low. There are only 14 known employees who are either armed forces reservists or adult cadet force volunteers. In addition, mobilisation is typically no longer than 12 months, and as continuity of employment is only retained where the employee returns to the Council within six months of the end of mobilisation the maximum increase in reckonable service is likely to be no longer than 18 months.
- 3.3 In relation to additional leave for foster carers, the financial implication is also anticipated to be low. There are currently 3 WCC employees who are approved as foster carers. There will only be a direct cost to the additional leave provision where the nature of the role means that backfill cover needs to be arranged. It is expected that for most roles such cover will not be necessary, as the additional leave will effectively work in the same way as normal annual leave.
- 3.2 Any costs incurred are considered to be relatively modest compared with the benefits of the proposals outlined in this report. As noted above any leave is at the discretion of the manager and subject to business need, to ensure that the needs of the County Council's business are prioritised.

4.0 Environmental Implications

None

5.0 Timescales associated with the decision and next steps

5.1 Subject to approval by Staff and Pensions Committee next steps for both improving support for the Armed Forces community within WCC and/or becoming a Fostering Friendly Employer include: -

- Issuing the policy/guidance document for employees and managers.
- Apply for the national Foster Friendly employer award.
- Once achieved, promote the logo on the Council's job board in the recruitment process.

Background papers

The Supporting Armed Forces in Employment Policy is attached for information.

	Name	Contact Information
Report Author	Trish Kinsella	patriciakinsella@warwickshire.gov.uk
Assistant Director	Sarah Duxbury	sarahduxbury@warwickshire.gov.uk
Strategic Director	Rob Powell	robpowell@warwickshire.gov.uk
Portfolio Holder	Cllr Kam Kaur	kamkaur@warwickshire.gov.uk

The report was circulated to the following members prior to publication:

Other members: Councillor Kaur and Councillor Seccombe.