Defence Bill
House of Commons, Second Reading
16 July 2013

The British Medical Association (BMA) is a voluntary, professional association that represents doctors from all branches of medicine all over the UK. It has a total membership of over 152,000.

The Armed Forces Committee was established by the BMA ‘To consider matters relating to the medical branches of the armed forces and the medical branches of the reserve armed forces and so far as possible to ensure that medical officers serving in the medical branches of the armed forces are not disadvantaged in relation to their civilian counterparts.’ There are approximately 1100 accredited doctors in the Defence Medical Services and 340 reservists.

Introduction
The BMA welcomes the publication of the Defence Bill which makes amendments to the regulations governing the Reserve Forces. The BMA will take a close interest in the effect of the legislation on Medical Officers serving in the Reserve Forces.

This briefing outlines the BMA’s response to proposals in the Bill on to call out of Reserve Forces, payment to employers and unfair dismissal of Reserve Forces.

Call out of Reserve Forces
The BMA recognises that in order for the Reserve Forces to be used as proposed in the Green Paper Future Reserves 2020: delivering the nation’s future together1 and the White Paper Reserves in the Future Forces 2020: valued and valuable2, it is necessary to extend the duties for which the Reserve Forces may be called out. This ensures that the Armed Forces are able to respond to the tasks required of it. It is essential, however, that these additional responsibilities do not become burdensome for reservists and that the extended call out period does not proportionately impact their civilian life to the extent that it makes continuing a reserve career untenable.

This is particularly acute for the medical reserves which are significantly understaffed. Medical reservists will make up 38 per cent of the Defence Medical Services (DMS) staffing provision3, with some specialties, such as neurology and urology being provided entirely by the Reserve Forces. The White Paper outlines proposals to use medical reserves in various new capacities, including Human Relief Response; Health Sector Reform; UK Resilience Response; Hazardous Area Response Teams; Public and Environmental Health; and Medical Command and Control. It is essential that the medical reserves are adequately recruited before additional operational requirements are made of them. While we recognise that the Bill does not alter the rights of

1 Future Reserves 2020: delivering the nation’s future together, November 2012

2 Reserves in the Future Forces 2020: valued and valuable, July 2013

3 Reserves in the Future Forces 2020: valued and valuable, July 2013
reservists or their employers to seek to defer or be exempted from mobilised service, this exemption must remain meaningful and robust to ensure retention of highly skilled officers in the medical reserve.

Payment to employers
The Bill amends the Reserve Forces Act 1996 to allow the Secretary of State to make additional payments to employers or business partners of reservists when reservists are called out, undertaking certain training or performing certain other duties relating to their reserve service.

This is particularly important for reserve GPs, who will either be employed by a NHS GP practice or a partner in a practice. The average GP locum daily rate, required to cover an absent GP, is approximately £400-£500 a day. As a consequence, it is commonplace for GPs to take time out of their annual leave entitlement, or rely on the good will of their practice partners to cover this shortfall in order to meet training requirements. This makes a career in the Reserve Forces an unattractive prospect for both individuals and their practices. This provision will ensure that GPs’ employers or business partners are compensated in such a way that they are not disadvantaged by their colleague’s commitment to the reserve service.

Unfair dismissal of Reserve Forces: no qualifying period of employment
The BMA supports the provision in the Bill to amend the Employment Rights Act 1996 to exempt reservists from the statutory two-year qualifying period for unfair dismissal claims at an Employment Tribunal. We are disappointed, however, that the Bill does not provide greater protection to reservists who are disadvantaged by their reserve commitment.

The White Paper states that the decision about whether additional legislation is required to protect reservists’ employment rights will be postponed until the next Armed Forces Bill in 2016. This presents a significant risk to recruitment and retention to the Reserve Forces and the Future Reserve 2020 proposals as a whole. The intention to gather additional information about the extent that reservists are disadvantaged by their civilian employer is not a robust approach and goes against the principles of the military covenant. Existing and potential reservists are unlikely to report information about their civilian employers for fear of repercussions. It is also not clear what the criterion is to assess whether legislation will be required or not.

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