



South Staffordshire College

Armed Forces Policy & Procedure (Volunteers with Cadets, Reserve Forces Training & Mobilisation, Veterans, Partners/Spouses)



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This Staff policy contains information that outlines our aims. However, there may be times when we cannot meet these obligations. We are committed to act in a fair and reasonable way. We will update policies each year and the Equality Assessment every three years.

Policy and Procedure

Policy/Procedure Statement

South Staffordshire College employ staff who are members of the Reserve Forces and recognise the valuable contribution that Reservists make to the UK Armed Forces, their communities and to the College. We also want to encourage our staff to support the cadet forces in terms of volunteering. We also recognise the skills and experiences of veterans and are fortunate to have staff who have previously served and are now in other careers. We also want to recognise in this statement the role that partners/spouses play juggling their own careers whilst often being the sole carer for family whilst their partner/spouse is on deployment.

Policy/Procedure Aims

The College has pledged its support for members of, or those wishing to join the Reserve Forces and acknowledges the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to both the individual and their employer. This policy intends to define our obligations towards all employees who are members of the Reserve Forces.

The College will not disadvantage those Reservists who notify us of their Reserve status or those Reservists who are made known to the College directly by the Ministry of Defence (MoD).

The College shall, subject to the provisions set out in Section 3, agree to release Reservists for attendance at Reserve Forces Training events where these take place on their normal working days.

The College shall, subject to the provisions set out in Section 4 agree to the release of all employees mobilised for Reservist duties.

The College will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits. Under The Reserve Forces Act (Safeguarding of Employment) Act 1985, an employee's service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, he or she can return to employment upon which their continuity of service will be restored.

This policy/procedure also outlines the College's commitment to staff volunteers who want to support the cadet forces.

In terms of the Data Protection Act 2018 (encompassing General Data Protection Regulation (EU) (2017/679) (GDPR)), reference should be made to the College's "General Data

Protection Regulation Policy” for clarification regarding how individuals’ personal data is collected, managed and stored as a result of following this policy/procedure.

Scope

This policy and its procedures applies to everyone we employ. The policy makes it easier for us to take a consistent approach across the college. It makes clear the roles of those involved and the responsibilities of colleagues.

Policy/Procedure Detail

1. Types of Reservist

There are two main types of Reservist:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
- Regular Reservists - ex-regular servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

The Reserve Forces Act 1996 also provides for other categories, such as:

- Full Time Reserve Service - Reservists who wish to serve full time with regulars for a predetermined period in a specific posting
- Additional Duties Commitment - part-time service for a specified period in a particular post
- Sponsored Reserves - These are personnel employed by a contractor to provide a service to the Ministry of Defence (MoD).
- High Readiness Reserves – These are Reserves, usually with a particular skill set, that are available at short notice (with written agreement from their employer)

2. Reserve Status Notification

Reservists are required to inform the College that they are a member of the Reserve Forces and the specific force that they belong to. This is so that we can provide the appropriate level of support to the Reservist. It also assists with resource planning during periods of leave e.g. training and/or mobilisation. We also recognise the additional skills and experiences that being a Reservist can bring to the College and therefore it is useful for us to have an understanding of where these particular skills and experiences exist.

Reservist employees are also required to grant permission for the Ministry of Defence (MoD) to write directly to their employer. This is known as ‘Employer Notification’ and ensures the College is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.

The MoD will issue written confirmation to us informing them the employee is a Member of the Reserve Forces. The letter will provide detail of mobilisation obligations and rights as an employee; rights as an employer; and details of the financial assistance available if an employee is mobilised. Where possible, it will also provide details of any annual training commitments. The MoD will also send a follow-up letter each year to confirm that the information held is still accurate.

It is the responsibility of the Reservist to ensure their personal details are kept up to date e.g. leave their respective Reserve Force. In any circumstance, the Reservist will not be disadvantaged as a result of notifying the College of their Reserve status.

3. Training commitments and Time off

VOLUNTEERING WITH THE CADET FORCES (CFAVs)

We are committed to supporting volunteering with the cadet forces from our workforce. Staff who want to volunteer need to provide evidence of their commitment to volunteering on a regular basis. In these cases, the College will provide an additional 5 days' paid holiday for people who volunteer for a 12 month period.

Where possible we will also consider flexibility to enable volunteering to take place – this will be in conjunction with the line manager with sign off by the relevant Executive Leadership Team member.

RESERVISTS

We recognise the importance of the training undertaken by Reservists that enables them to develop skills and abilities that are of benefit to their respective Reserve Force, the individual and the College

Reservists are typically committed to 24-40 days training per year. Training tends to take place 1 evening per week, over various weekends throughout the year and one 2 week training period also known as 'annual camp'. Training commitments vary but in most cases include:

- **Weekly training** - most Reservists train at their local centre for around two-and-a-half hours, one evening a week.
- **Weekend training** - all Reservists are expected to attend a number of training weekends which take place throughout the year.
- **Annual training** - a 2 week annual training course sometimes referred to as 'annual camp'. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some Reservists train overseas.

We are committed to granting additional paid leave of two weeks per year to Reservists specifically to enable them to attend their annual camp.

Additional unpaid leave or annual leave from the employee's normal annual allocation will be granted for short periods of training provided adequate notice is given and where such training cannot be undertaken in off-duty time.

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

Reservist employees should give as much notice as possible of training commitments to allow appropriate planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances.

4. Partners/Spouses

We encourage the employment of partners/spouses of serving Armed Forces personnel and recognise that at times we need to be as flexible as we can with these staff. Often whilst their partner/spouse is on deployment, they become the sole carer for family and often may have relocated away from family and friend support or be at different ends of the country to where their partner/spouse is based.

Deployments can be made with between 2 and 48 hours' notice so the role of our staff member becomes more difficult at this time. The College has an Emergency Leave policy which is restricted to 2 x 2-day paid absences in a year. For staff who are in this position, we will make additional periods of Emergency Leave available if required around deployment periods.

5. Mobilisation

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.

The Call-out papers for mobilisation are sent by post to the employer 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 prior to mobilisation.

A period of mobilisation comprises three distinct phases:

- Medical and pre-deployment training;
- Operational tour;
- Post-operational tour leave

Pre-mobilisation

- Meet with Reservist to ensure all mobilisation paperwork completed (including pay,

- benefits & pension arrangements)
- Make a claim for financial assistance as appropriate (see section 9 of this policy)
- Discuss any handover of work and return of equipment
- Arrangements for keeping in touch
- Refer to checklists in Appendix 1

During mobilisation

- Keep in touch with Reservist as arranged

Post-mobilisation

- Ensure both employer and reservist fulfil their return to work obligations (including reference to template letters – Appendix 2 and 3)
- After care and support requirements

6. Applying for Exemption/Deferral/Revocation

In all cases of mobilisation, we 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 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 7 days of the College 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 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 College can appeal for a hearing by the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within 5 days receipt of written notice of the decision. If the tribunal rejects the application for exemption or deferral, the College will be required to release the Reservist for mobilisation.

7. Treatment of Terms and Conditions during mobilisation

The College will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits.

Pay

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 College, 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.

The College is not required to pay the Reservist's salary during the period of mobilisation.

Benefits

The Line Manager and Reservist should discuss benefit arrangements during the pre-mobilisation meeting. This should cover those benefits which will be suspended and for any continuing benefits, arrangements should be made as to how these are paid.

Pension

If the Reservist is a member of the Teachers' Pension Scheme or Local Government Pension Scheme we will suspend employer contributions for the period of mobilisation where the period is over 1 month duration. If the Reservist chooses to remain within the Pension Scheme, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions.

Annual Leave

Reservists should be encouraged to take any accrued annual leave before mobilisation. Where it is not practical to take the leave for business purposes, the line manager will work with the Reservist to agree a way forward which may be to take part leave/part pay or to roll over up to 5 days of leave to the next leave year (as per the Contract of Employment) until the Reservist returns from mobilisation. The College is not obliged to accrue annual leave for a Reservist employee during the period of mobilisation. Reservists accrue annual leave with the MoD whilst they are in full time service. When they demobilise, Reservists are entitled to a period of post-operational leave (POL). During this period they will continue to be paid by the MoD.

Dismissal/Redundancy

A Reservist's employment will not be terminated on the grounds of their military duties or

their liability to be mobilised.

Reservists can be included in the redundancy pool if this is necessary due to a downturn in business or closure of a department. However, all employees will be treated consistently, and redundancy criteria will not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

Sick Pay

During the period of mobilisation the Reservist will continue to accrue any rights to service-related occupational sick pay. Should a Reservist become sick or injured during mobilisation they will be covered by Defence Medical Services and any financial assistance will continue to be received (including pay) until demobilised. If the sickness or injury continues and this results in early demobilisation, the Reservist will remain covered by Defence until the last day of paid military leave.

After this time the Reservist will be covered by our contractual sickness arrangements.

If the Reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered by their contractual sickness arrangements.

7. Return to work

Both the Reservist and their employer have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process

Reservist:

The Reservist must write to their employer by the third Monday after their last day of military service making their request to return to work and suggesting a date which should fall within 6 weeks of their last day of full-time service. This letter formally starts the return to work process.

They are also encouraged to informally contact the employer to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call. The formal application must be made in writing for it to be valid under the Act.

If a Reservist is not happy with the offer of alternative employment they must write to the employer stating why there is reasonable cause for them not to accept it. If a Reservist believes that an employer's response to their application denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.

Employer:

The Employer has an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist, where possible to their former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation.

The Reservist should be reinstated within 6 weeks of the last day of their full-time service. They must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation.

Sometimes Reservists may need refresher training when they return to work, or be given time to familiarise themselves with processes and procedures in the workplace. Financial assistance may be available for retraining if it is required as a direct result of their mobilisation, although applications cannot be made for training courses that would have taken place anyway. Evidence of costs will be required in addition to evidence that the Reservist could not reach the required standard by any other means, such as workplace experience.

8. Aftercare

A Reservist returning to work will benefit from a smooth re-integration into the workplace/team. The following should be considered as part of this process:

- The need to update on changes and developments in the College.
- The need to offer specific refresher training where it is sought/considered necessary.
- Where the job duties have changed since mobilisation a period of skills training may be required to assist with new aspects of the job.
- Whether the reservist can meet up with colleagues informally or socially before or after return to work to prevent any feeling of dislocation, if this is sought.
- Reasonable time off to seek therapeutic treatment if required.

9. Performance Reviews

When Line managers carry out Performance Review meetings with a Reservist they should be aware that Reserve Forces activities undertaken by an individual (either through training or mobilisation) bring essential skills into the workplace such as leadership, communication, team working and organisational ability. Any skills learnt and demonstrated should be acknowledged in the review.

10. Financial Assistance

Financial assistance for employers in the event of an employee who is a Reservist being mobilised is governed by the Reserve Forces (Call out and recall) (Financial Assistance) Regulations 2005. These cover additional costs above the normal earnings of the called-up Reservist associated with replacing that employee. There are 3 types of award available:

One-off costs

- Agency fees, if a recruitment agency or employment agency is used to find a

- temporary replacement; or Advertising costs
- No financial cap on claims, but any claim must be supported by relevant documentation

Recurring costs

- Overtime costs, if other employees work overtime to cover the work of the Reservist [by the amount that such costs exceed earnings of the Reservist]
- Costs of temporary replacement [by the amount that such costs exceed earnings of the Reservist]

The maximum claim available is £110 per day (£40,000 per annum). Claims can be made for every normal working day that the Reservist is away on service. An application for one-off costs and recurring costs must be made within 4 weeks of the end of full time Reservist service.

Training award

If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the College can make an application for the financial assistance.

11. Further information

Further sources of guidance and information can be obtained from the following:

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

Helpline: – 0800 389 5459. This is a free telephone helpline open during office hours where advice and guidance can be obtained on training, mobilisation and employment issues.

- Royal Navy website www.royalnavy.mod.uk/the-fleet/maritime-reserves
- Army website: www.army.mod.uk/join/20233.aspx
- Royal Air Force website www.raf.mod.uk/rafreserves

Support

You are also reminded that information, support and counselling can be obtained by contacting our employee assistance provider BUPA on 0800 269 616.

Monitoring, Review and Responsibility

- This policy/procedure will be reviewed by ELT every three years.

- The internal monitoring of the implementation of this policy will be the responsibility of the Assistant Principal – Human Resources

Appendix 1 – Manager’s Checklist

Annex 1 – Manager’s checklist

Employee’s Name:		
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<i>Actions</i>	<i>Completed</i>	<i>Notes</i>
<i>Recording Reservist Details</i>		
Acknowledge and respond positively to enquiries from employees who are interested in becoming Reservists or renewing their commitment		
Familiarise yourself with the Reservist HR Policy, and this guidance document which details your responsibilities.		
Maintain accurate records of employees who are Reservists and details of Reserve Unit, Reservist activities, such as training, mobilisation etc.		
<i>Managing Training Commitments</i>		
Respond positively to all requests for training and apply college policy on extra leave for Reservists		
Discuss any transferable skills acquired through training and how they can be used in the workplace.		
<i>Managing Mobilisation</i>		
Ensure Reservist’s next of kin details are up to date.		

<i>Actions</i>	<i>Completed</i>	<i>Notes</i>
Note and agree anticipated dates of Reservist's mobilisation, demobilisation and return to work.		
Calculate Reservist's annual leave entitlement prior to mobilisation and agree leave with the Reservist.		
Arrange method and frequency for keeping in touch.		
Note contact details, email and postal addresses.		
Arrange a handover of work.		
Arrange suitable cover to ensure work is completed.		
Complete and issue mobilisation letter (Appendix 2).		
Terms and Conditions during mobilisation		
Ensure the Reservist understands what happens to their pay, benefits, pension, etc. during mobilisation		

<i>Actions</i>	<i>Completed</i>	<i>Notes</i>
Ensure the Reservist has completed the pension scheme choice declaration detailed in their Call Out papers. Continue or suspend the employer contribution if the Reservists opts to remain in their civilian employment pension scheme. If the Reservist opts to remain in their civilian pension scheme the Reservists must continue to pay their employee contributions for the MOD to pay the employers contribution.		
Confirm pension payee details as per the employer's call-out pack.		
Make an application for Financial Assistance and/or Employer Incentivisation Payments as appropriate (details in employer's call-out pack)		
Ensure all equipment e.g. Laptop/mobile are returned as appropriate		
Inform payroll that the Reservist is mobilised and change status to unpaid special leave.		
<i>During mobilisation</i>		
Provide support during periods of active service, through mutually agreed keeping in touch arrangements, and upon their return to work.		

<i>Actions</i>	<i>Completed</i>	<i>Notes</i>
<i>Demobilisation</i>		
Respond to informal/formal contact from Reservist (or next of kin) regarding returning to work (Letter Appendix 3)		
Set up meeting and agree Reservists return to work date.		
Take forward any actions arising from the meeting including any necessary reasonable adjustments.		
If the Reservist does not make contact within 3 weeks, notify HR who should make contact with the Reservist.		
<i>Return to Work</i>		
Reservist's return to work: Liaise with HR and Payroll to reconfirm dates		
Identify any transferable skills acquired whilst mobilised and how they can be used back in the workplace.		
Provide on-going support during the transition period.		

Appendix 2 – Mobilisation Letter (Produce on Letterheaded paper and ensure HR/Payroll have a fully signed copy)

Dear

Employment arrangements during mobilisation

Following the notification of your forthcoming mobilisation with the Reserve Forces, I am writing to set out employment related arrangements which will apply prior to, during, and immediately after your period of mobilisation.

Special Leave

During mobilisation you will be on unpaid special leave from the College, which will count as a period of continuous service. Your period of special leave will commence on [Enter date]. Your approximate date of return to work is [Enter date].

Pay Arrangements

Your salary and benefits in kind will be suspended whilst you are mobilised. Your Reserve Force will assume responsibility for your salary for the duration of your mobilisation.

Benefits

As you will not be in receipt of any salary from the College during mobilisation you will need to decide which benefits you wish to continue, suspend or amend during the mobilisation period.

For those benefits that you wish to stop, suspend or amend during mobilisation, it is your responsibility to notify any providers (internal and third party) of the intention to stop, suspend or amend any arrangements. Such notifications must be completed prior to mobilisation.

You should be aware that failure to notify any providers (internal and third party) of any alterations to contributions/payments will result in the monthly payments continuing to be made as normal by the College through payroll and you will be required to reimburse the College the full amount within 1 month of returning to work.

The College recommends that you make any repayments of any contributions/ payments that the College makes on your behalf on a monthly basis as there may be tax adjustments if repayments are made as a lump sum at the end of mobilisation.

Where you suspended/cancelled any benefits prior to mobilisation, it is your responsibility to contact the provider to make any arrangements to re-start once you return to work.

Annual Leave

Prior to mobilisation you will accrue annual leave under normal arrangements and you are encouraged to take this leave where possible prior to mobilisation.

During the period of mobilisation any annual leave will cease to accrue and you will accrue annual leave with Defence. Defence annual leave arrangements will apply and there is no requirement to advise the College of any annual leave taken during the period of mobilisation.

Upon return to work you will start to accrue College annual leave. Any untaken accrued College annual leave should be taken prior to the end of the holiday year in which your return from mobilisation.

Pension

You are entitled to remain a member of the College Pension Scheme either Local Government Pension Scheme or Teachers' Pension Scheme. Your Reserve Force will pay the employer contributions for the period of mobilisation provided that you continue to pay your employee contributions and complete the necessary forms that are contained within your Call Out papers.

You can contact HR to discuss your pension, contributions and benefits. If you have opted to join the Reserve Forces Pension Scheme, you will not accrue reckonable service for your College Pension Scheme during your period of mobilisation.

Keeping in Touch

During our meeting we agreed the most appropriate way of keeping in touch whilst you are away. This will be by [Insert method, for example, next of kin, email, post and telephone]. We have also agreed that we will aim to keep in touch [Insert frequency]. You have confirmed that your next of kin is [Insert name] and their telephone number is [Insert number].

Sick Pay

During the period of mobilisation you will continue to accrue any service related College sick pay. However, should you become sick or injured during mobilisation you will be covered by Defence's healthcare arrangements (including pay) until you are demobilised. If the sickness or injury continues and this results early demobilisation, you will remain covered by Defence until the last day of paid military leave.

After this time you will be covered by the College sickness arrangements (in line with the Managing Attendance Policy).

If you become ill post mobilisation, and a notional return to work date has been agreed, you will be covered by the College Sickness arrangements (in line with the Managing Attendance Policy)

Return to work

You should provide the College with as much notice as is practicable of your return to work date. This can take place at any time once you know the expected date of demobilisation and the amount of Post-Operational Tour leave plus any other leave

to be taken. Such notification should be to your line manager and HR. You should maintain contact with the College should this expected return to work date change. HR will advise Payroll and the relevant Pension Scheme of this return to work date.

Formal Notification Requirements

Once a Reservist reaches their last day of paid military service, under the Reserve Forces (Safeguarding of Employment Act 1985), they have an obligation to formally write to the College to request a return to work. The College has an obligation under this act to reinstate the Reservist.

Under this legislation you must write to the College no later than the third Monday after your last day of paid military service to inform the College that you are available to return to work. The College will acknowledge receipt of this letter.

DBS

It is important that you join the update service for DBS and maintain this throughout your Mobilisation period – the College will refund the cost of the update providing that we have been able to verify the update.

The Role the Reservist is returning to

Upon return to work you will be entitled to the same job or a reasonable and suitable alternative. In the event that your previous role and reasonable and suitable alternatives no longer exist as a result of changes to the business, the College will employ its best endeavours to identify another reasonable and suitable job.

Return to Work Meeting

A Return to Work meeting will be scheduled upon your return to work with your line manager and HR. The purpose of this meeting is to discuss the mobilisation experience; the role you are returning to and any associated handover arrangements; pay and benefits and other relevant administration activities and to identify any support that the College can offer to ensure a smooth reintegration back into work, including any assistance from Occupational Health. This is also an opportunity to discuss whether you would consider sharing your mobilisation experiences via communications to raise awareness of activities of Reservists within the College.

If you would like to discuss this letter, please do not hesitate to contact me.

Yours sincerely

[Name of SLT member and position]

Declaration

I understand and accept the arrangements set out above including those variations to my terms and conditions of employment during my period of Reservist Mobilisation.

Signed.....Date.....

Name.....

Signed on behalf of the College [SLT Member] :.....

Name:..... Date.....

[Copies should be retained by Line Manager/HR & Reservist]

Appendix 3 – Return to Work Acknowledgement Letter (Produce on Letterheaded paper and ensure HR/Payroll have a copy)

Dear

Acknowledgment of Return to Work

I am writing to acknowledge your formal notification of intention to return to work following your Reservist Mobilisation.

It is agreed that you will return to work on [insert date] and in support of this, a return to work meeting has been scheduled for [Time] on [Date] and will be held [Location]. The meeting will be attended by [Line manager] and [HR]. The purpose of this meeting is to welcome you back to work and to discuss a number of practical matters to support a smooth reintegration back into the workplace.

In the meantime if you have any queries, please do not hesitate to contact either [line manager] or [HR].

Yours sincerely

[Insert line manager name and position]