

Flexible Working and You

A guide for Service personnel



Foreword

A tailored work-life balance is critical to our success. When we get it right, it enables a happier and healthier lifestyle, improves productivity and provides our colleagues with greater resilience and energy in our demanding work environment.

Creating and maintaining this balance is more important than ever. Society and the world are changing, and we face unprecedented events. Greater flexibility helps us keep pace and adapt. It provides an offer that will help us attract and retain talent so we can build the sustainable, diverse and skilled workforce we need.

We have a solid foundation and tradition of flexibility. We often work long days for sustained periods during operations and exercises, and we will sometimes work extra hours to finish an urgent task – it's what we do, and we are proud of our commitment.

In return, Defence offers us a range of flexibilities that cater for one-off events – short and long-term variations to when, where or how we deliver Defence's outcomes, and even breaks from Service.

Defence has been developing the central policies that govern these flexibilities for over a decade. In that time, flexible working has provided clear benefits for Service personnel while enabling Defence to meet its outcomes. And this has never been more apparent than in 2020, when our flexible working policies helped support Service personnel to deliver Defence's rapid, effective response to coronavirus (COVID-19).



Not every job can accommodate a flexible working pattern but it's important for commanders and line managers to work with Service personnel to balance needs where possible.

While we don't know all the challenges the future holds, we do know that we need to be ready to change, and to change often. Used properly, flexible working opportunities can help us adapt to this change so we can be prepared for the present and fit for the future.

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Lieutenant General James Swift Chief of Defence People

Using this booklet

Defence offers a package of flexible working options to Service personnel (SP), ranging from delivering full output in a different place (such as Remote Working), through managed reduction in commitment levels under Flexible Service (FS), to periods of leave of absence.

Use the flowchart overleaf to find the flexibilities on offer based on your need. Once you think you have a match, use the booklet to aid discussions with your line manager and Chain of Command (CoC).

You should always read the relevant Joint Service Publication (JSP) to find up-to-date detail on the policies before applying for any of the opportunities. Please note that many of the links to documents, such as JSPs, will work in Defence's internal systems only.

Flexible working and you contains a summary of all the options for SP only. Visit the <u>Civilian HR People Portal on defnet</u> for information about Defence's flexible working policies for civilians.

Key reference documents:

JSP 750 - Chapters 1 and 2 for flexible working and FS

JSP 760 - Chapters 4 to 8 for Leave arrangements

Operational capability comes first

It may not always be possible to accommodate all requests due to the ways in which different arms and branches of the Services operate.

Any flexible working arrangement is dependent on the ability of the SP's unit to maintain operational capability. For some types of flexible working, this may also extend to the impact on the operational demands on the SP's trade or specialisation more widely. Where an application to work flexibly cannot be supported, the reasons must be explained to the SP.

It is not compulsory to give detailed reasons for seeking to work flexibly, nor does there have to be a specific family-related reason; however, conversation is encouraged. Knowing why a SP is seeking flexible working is valuable in helping the CoC to understand the urgency of the application and to consider potential alternative ways in which the demands of work and family or private life could be balanced.









I want to...

Balance when or where I work

Maintain full output and commitment without affecting my pay and conditions

See:

Chapter 1 page 6
Alternative Working
Arrangement

Remote Working



 Variable Start and Finish Times



Compressed Working



Reduce output and/or commitment with more certainty, along with a fair reduction to pay, terms and conditions

See: Chapter 2 page 12
Flexible Service

Part-Time Working



Restricted Separation



Take a temporary break

Use flexible leave opportunities to take a paid break

Take an unpaid break

See:

Chapter 3 page 18
Flexible paid leave
provisions

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Career Intermissions and Special Unpaid Leave

Call Forward of Leave



Transfer of Leave



Enhanced Leave

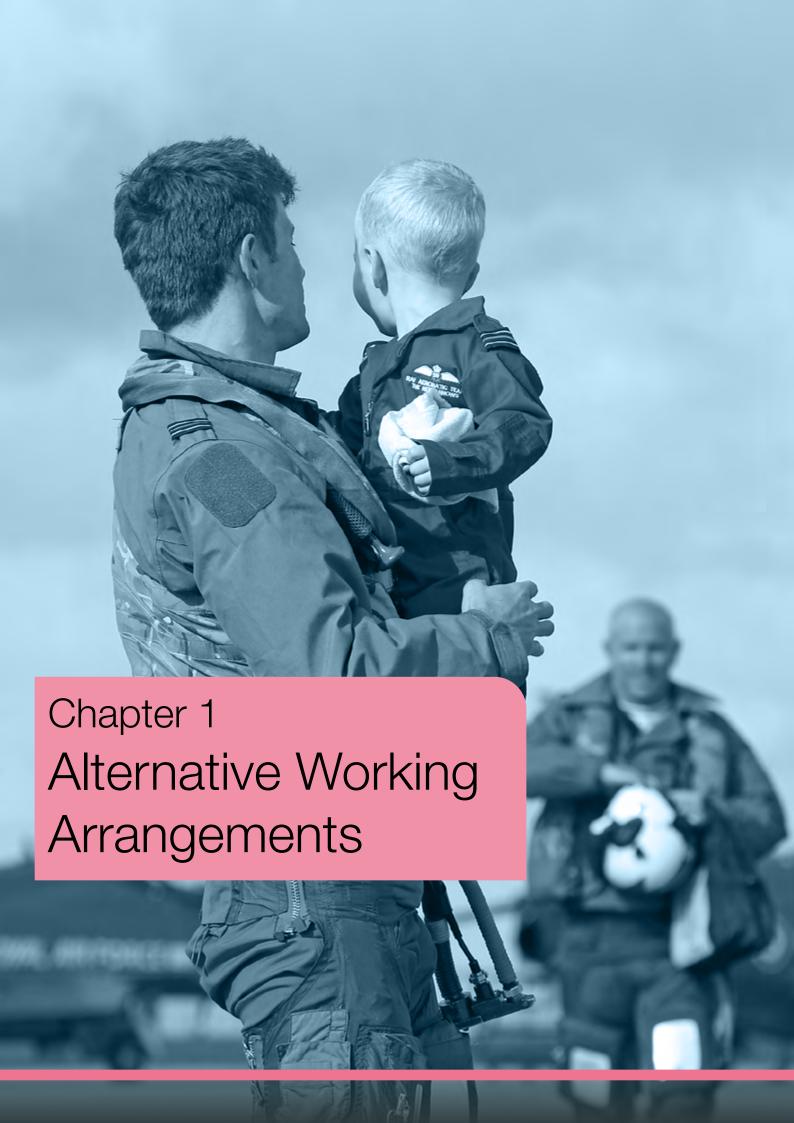


• Career Intermissions



Special Unpaid Leave





Alternative Working Arrangements



Alternative Working Arrangements (AWA) allow SP a degree of freedom when attempting to balance their work and personal life.

Features:

- There are three types of AWA:
 - Remote working
 - Variable Start and Finish Times
 - Compressed Working
- AWAs do not reduce your work commitments or pay. You deliver the same output you would normally deliver.
- AWAs may have an impact on allowances, such as Home to Duty and Get you Home (Travel).
- AWAs are available to Regular personnel and Reserve personnel who are on Full Time Reserve Service (FTRS) or Additional Duties Commitment (ADC).
- AWAs are usually only available after Phase 1 training and after a minimum of 26 weeks in Service.
- Most types of AWA require you to apply through Joint Personnel Administration (JPA).

- Applications for AWAs are considered by your Commanding Officer (CO) or line manager who must formally respond.
- During an AWA, you remain liable to be deployed, attend courses, exercises and to perform unit duties.
 Deployment will result in your AWA being withdrawn.

Protection for Alternative Working Arrangements

AWAs are not legally protected, but the Service should try to maintain your AWA. A SP on an AWA may be required to work at their usual place of duty or elsewhere on any day, or to attend for duty at a unit's normal times.

The MOD seeks to give up to 28 days' notice of its intention to terminate an AWA, but this cannot be guaranteed.

If certainty and protection of absence from work is required, then Part-Time Working under FS is a better option as FS non-duty days do have legal protection and a SP's output is proportionally reduced.

Balancing where I work (paid)

Remote Working



Remote Working, previously known as 'working from home', allows you to carry out your work from:

- your home
- a MOD location closer to home
- an alternative location such as a hotel or train (with the correct security arrangements in place) when you are required to travel for work

This allows greater flexibility in meeting domestic/personal needs where the nature of work allows.

Remote Working is usually either ad-hoc or routine.

- Ad-hoc Remote Working: An informal arrangement to occasionally work at home (at CO/line manager discretion) to complete a task or project.
- Routine Remote Working: A more formal arrangement with working time shared between home and the workplace.

Practical considerations

Equipment and technology: MOD laptops can make a big difference, but consider alternatives, such as working from another MOD location or using MODBOX.

Security arrangements: Material must not be compromised. Visit the Security and Resilience Portal on defnet for JSP 440 (the Defence Manual of Security, Resilience and Business Continuity).

Health and safety: The MOD has a duty to make sure that you are working safely, even when it is from your own home.

Allowances: An AWA could affect your eligibility to claim some allowances such as Home to Duty and Get you Home (travel). You have a responsibility to notify Unit HR if your AWA could impact your eligibility.

Balancing when I work (paid)

Variable Start and Finish Times



Variable Start and Finish Times allow you to start and finish your working day at different times from those considered to be the 'norm' within your unit, section or HQ. Your total time in work will not be less than that considered to be normal for the role.

Practical considerations

This pattern can help accommodate travelling outside of rush hour or with dropping children at school. Good leadership, management and teamwork are key to making it work.

It is not suitable for every role. However, flexibility amongst the team should always be considered. For example, if a workplace needs to be staffed between certain times, maybe those who need to start late or finish early on a Monday or Friday could cover for those who need to get away early during the week.

Compressed Working



Formerly known as Compressed Hours, this allows you to undertake the normal work output for your role, but over a different timeframe, to allow flexibility for travel or other domestic demands during the week.

Arrangements can be made if you work shifts.

Practical considerations

This pattern can help you extend the amount of time you work mid-week so you can start late on a Monday and/ or finish early on a Friday to facilitate travel – all while delivering the same output.

Longer working days must be safe and must not put you at risk if working alone. This may limit how far a SP can compress their working.

Compressed Working does not impact your annual leave allowance. It is not possible to work a compressed pattern when on leave. Annual leave must be taken for each working day leave is required, in line with the working pattern of your unit.*

^{*} For example, if you serve in a unit that usually works Monday to Friday but you work longer days on Monday to Thursday and do not usually work on Friday, 5 days leave, not 4, will need to be used to take leave from Monday to Friday.

Getting an Alternative Working Arrangement

Advice for SP:

Discuss proposals informally with your CO/line manager to manage expectations and find a mutually agreeable working routine prior to applying. Contact Unit HR to check whether there are any implications for your allowances, such as Home to Duty and Get you Home (travel).

Applications for AWAs that reoccur over a period of 31 days or longer must be submitted on JPA. See <u>JPA</u>
<u>Self Service User Guides > IN517003</u>
<u>Absences (Flexible Working)</u> for detailed guidance about how to apply on JPA.

You don't need to apply via JPA for a one-off or ad hoc arrangement.

Advice for line managers:

Give fair consideration on a case-bycase basis about the benefit, fairness, Service need and consistency. When you receive an application on JPA, you will need to respond formally to agree a new work pattern or provide clarity on why the application cannot be approved, based on eligibility, business needs or operational capability.

Find out more:

JSP 750 Chapter 1

Remote Working due to COVID-19

Remote Working due to COVID-19

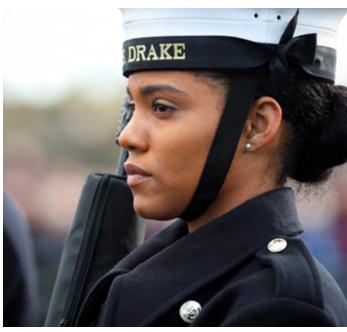
If you need to work remotely to comply with Defence direction, to self-isolate or to support care of family members, you should record it on JPA, using one of the COVID-19 values as the reason.

In addition, you must also record your COVID-19 status using the protocol directed by your Service.

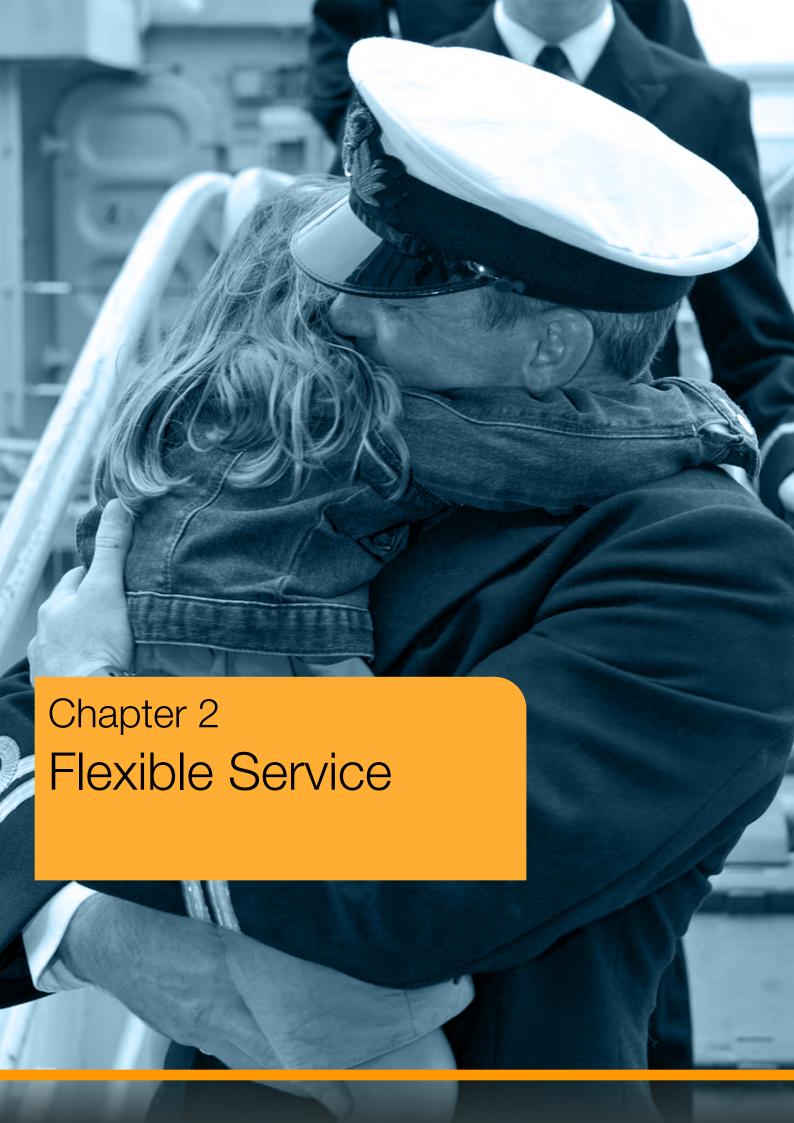
See the <u>Coronavirus Military HR guidance</u> defnet page for details about recording COVID-19 related Remote Working on JPA and more.











Flexible Service



FS allows Regular personnel to temporarily work part-time and/or restrict their separation from home base, subject to operational need.

Features:

- There are two types of FS:
 - Part-Time Working
 - Restricted Separation
- FS reduces your pay along with your work commitment. Part-Time Working will reduce the output you are expected to deliver.
- FS is available to Regular personnel.
 Reserve personnel cannot apply for
 FS. Reservists' terms and conditions
 of service offer a range of commitment
 types that cover Part-Time Working
 and full-time working with limits on
 separation from your base.
- FS is usually only available after Phase 1 and Phase 2 training. Each Service has its own eligibility criteria. See single Service policy:
 - RN BRd3(1) Chap 36
 - Army AGAI 44
 - RAF IBN 05/20

- FS arrangements last between three months and three years, and do not exceed the length of the current assignment.
- Apply for FS through JPA.
- Applications for FS are decided by an independent approvals authority within each Service that makes the final decision, with advice from your CoC, unit HR, and Career Manager.
- The ability to maintain operational capability will be the primary consideration for approval of FS applications.
- SP can appeal FS decisions for reconsideration. Appeals are made via JPA.
- FS arrangements are legally protected and cannot usually be changed without at least 90 days' notice, except in the most urgent of circumstances, such as a national emergency.

Balancing when and where I work (reduced pay)

FS allows Regular SP to request protected, temporary changes to when they work, or how long they are away from their usual workplace, subject to operational capability.

Regulars can request:



Part Time Working: Reduce your work routine by 20% or 40% equating to one or two days in a five-day working week. This includes a proportionate reduction in weekend/stand-down duty liability, equivalent to one or two weekends in five. Your expected output is also reduced by the same amount, compared to full-time output. Part-Time Working can be applied to shift patterns.



 Restricted Separation: You cannot be separated from your home base for more than 35 days a year. This is intended to protect you from lengthy periods away.

Restricted Separation can be combined with Part-Time Working.

Protection for Flexible Service

FS offers a higher degree of certainty than AWAs through rights and protections.

You have a right to apply for FS if eligible, but no automatic right to be given it.

While arrangements can be varied, suspended or terminated by either the Service or the SP, protections mean this will usually be at 90-days' notice, but can be immediate in the most urgent of circumstances.

Find more detail about protections for FS in the <u>Armed Forces (Terms of Service) (Amendments Relating to Flexible Working) Regulations 2018</u> – along with further details of the legal framework.

New, modern flexibilities

Designed for you and for Defence, FS provides more opportunity for you to adapt to changing circumstances and commitments, both in the Service and in your personal life.

By allowing you to adapt your working and personal life in the short-term, Defence seeks to retain your valuable knowledge, skills and experience, and so preserve operational capability and reduce Defence costs.

FS is not for everyone, but it offers more choice to a broad cross-section of the Armed Forces. It provides new opportunities to balance busy committed careers with personal responsibilities and changing circumstances.

Effect on benefits

During a FS arrangement, you will have:

- a pro-rata reduction to pay (and leave) for Part-Time Working
- a reduction in X-Factor for Restricted Separation

See <u>JSP 750 Chapter 2</u> for details of reductions to pay and X-Factor and use <u>Discover My Benefits</u> to see what this means for your pay. These reductions mean a consequent adjustment to your pension. Use the <u>Armed Forces Pension</u> Calculator for an estimate.

Your accommodation and allowance entitlements will not change if you meet existing eligibility rules. The Service will continue to provide medical and dental care to ensure your operational fitness.

Flexible Service is temporary

Most of your career will continue to be at full commitment. FS cannot be taken for longer than three years at once (with a three-month minimum) and no longer than four years in a 12-year rolling period.

Operational capability comes first

Operational capability is the main factor in determining whether to grant FS. You will not normally be granted FS if you have been warned or are under notice for operations, on sea service or placed at high readiness. The Services retain the right to assign or return their people to full commitment to maintain operational capability. This will usually be at 90 days' notice but can be immediate in the most urgent of circumstances.

Practical considerations

Part-Time Working routines will normally form routine periods and patterns of one or two days where you are not liable for duty each week. Part-Time Working absence can only be taken in whole days.

FS is not intended for very long periods of block absence.

From a career management perspective, there should be no penalty or handicap to promotion prospects directly resulting from a period of FS.

If you do not need the protection offered by FS, or do not want the impact on your pay, AWAs may be more appropriate for you.

Getting Flexible Service

Advice for SP:

Discuss FS with your line manager and use <u>Discover My Benefits</u> to see how FS affects your pay and benefits. Use the <u>Armed Forces Pension Calculator</u> for an estimate on the effect of FS on your pension. If you are applying for Part-Time Working, you will need to establish a potential routine working pattern with your line manager, usually in advance of applying.

Apply via JPA once you have agreed your new FS arrangement in principle with your line manager. Specify the durations and amounts of Part-Time Working and/or Restricted Separation. You do not need to give your reason for applying.

See <u>JPA Self Service User Guides > IN521001 Flexible Service</u> for detailed guidance about how to apply on JPA.

An approved application will state the quantity of part-time non-duty days and/or maximum separation available during the arrangement. If granted Part-Time Working, you will need to formally confirm your new working pattern with your line manager, which you should have established in principle before applying.

You can appeal FS decisions, whether they are on the outcome of your original application, or a subsequent variation, suspension or termination. Appeals are made via JPA.

Advice for line managers:

You should discuss the FS request with the applicant, including other flexible working options such as AWAs. Explore the most appropriate types of flexible work that achieve the desired effect for the SP, while being operationally tolerable for the Service. Consider options to backfill, either from your existing workforce or alternatively from other workforce types such as Reservists*.

Once the SP has applied, you will contribute to a unit recommendation, along with Unit HR and the CO. A separate approval authority within your Service will make the decision.

Once a SP is approved for Part-Time Working, work with them to establish a suitable working pattern and consider revisions to the SP's objectives and ensure this is formally recorded. Those on Part-Time Working are not expected to maintain their full-time levels of output.

* When it is possible to fill a gap with a Reservist, advertise with Defence's Service for Experienced, Rejoiner and Volunteer Engagements (SERVE): https://www.findforcesjobs.mod.gov.uk/

Find out more:

JSP 750 Chapter 2













Flexible paid leave provisions



In 2015, Defence introduced three new leave options that provide the flexibility to create a short or mid-term break, using annual leave.

Features:

- There are three types of flexible paid leave provisions:
 - Call Forward of Leave
 - Transfer of Leave
 - Enhanced Leave
- During leave, you receive full pay and use your annual leave allowance.
- These provisions are available to Regular personnel and Reserve personnel who are on FTRS or ADC.

- Eligibility criteria differ for each type of leave. For example, you cannot transfer leave without a spouse or civil partner and, for enhanced leave, you need 15 years' Regular Service.
- Leave can be used to create a shortterm or mid-term break.
- Apply through JPA.
- Applications are decided by your CoC.



Take a temporary break (paid)



Call Forward of Leave

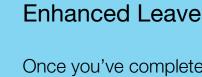
Call Forward of Leave enables you to call forward up to 10 days of your annual leave allowance from the upcoming leave year into your current leave year.

You will not normally be permitted to call leave forward more than once in a rolling two-leave year period, although exceptional circumstances may be considered.



Transfer of Leave

Transfer of Leave enables you to apply to transfer up to 10 days' leave, from your annual leave allowance, to your spouse or registered civil partner if they are also a Service person. This limit is extended to 15 days if you are assigned to an Operational Tour of six months or longer. This limit is extended to 15 days if you are assigned to an Operational Tour of at least six months; or if you have accrued, or expect to accrue, an aggregated total of at least 180 days separated service during a leave year.





Once you've completed 15 years' Regular service, you can apply for Enhanced Leave, an extended block of 50 days' leave in one continuous period in lieu of your 30 days' annual leave Allowance (eight days' annual leave must be retained for public holidays).

Enhanced Leave is granted at the absolute discretion of the Service; it is not a right and will only be permitted where workforce margins allow and where it does not compromise operational capability.

This means that inevitably some applications may be refused.

Practical considerations

There must be an expectation that the leave called forward can be taken.

You must ensure you retain a minimum of 28 days' leave in the upcoming leave year as required under the Working Time Regulations.

See JSP 760 Chapter 6 for full details.

Practical considerations

For leave to be transferred, you'll need the approval of both the donor's and recipient's CoC.

The donor must still be able to take a minimum of 28 days' leave, including public holidays, in their current leave year as mandated under the Working Time Regulations.

Leave transfer can only be made once in a rolling two-year period.

See JSP 760 Chapter 8 for full details.

Practical considerations

Enhanced Leave is meant to provide long-serving personnel an opportunity to do something that they would not be able to achieve under normal annual leave arrangements. It might be the holiday of a lifetime, a long civilian expedition or external course, or an extended period with family.

Taking 50 days (effectively 10 weeks' leave) in one go will need considerable advance planning. You should consult your CoC and Career Manager well in advance before you apply.

Any leave carried over from the previous year remains available for you to use, as does any leave received from a serving spouse/civil partner or called forward from your next leave year.

See <u>JSP 760 Chapter 7</u> for full details.

Getting flexible paid leave

Advice for SP:

Discuss your intention with your line manager in the first instance. If you have 15 years' Regular service and are considering applying for Enhanced Leave, you should consult your CoC and Career Manager well in advance of applying.

If you are transferring leave to your serving spouse or civil partner, you, as the donor, should apply to your CoC for approval. If approved, the application should arrive with the recipient's CoC for their consideration. If you are the recipient, your serving spouse or civil partner will need to apply.

In all cases, submit your application through JPA. See <u>JPA Self Service</u> <u>User Guides > IN517003 Absences</u> (<u>Flexible Working</u>) for detailed guidance about how to apply on JPA.

Advice for line managers:

Check the eligibility criteria for your Service. There must always be an expectation that the applicant will be able to take the leave.

Applications for more than one leave provision (Transfer of Leave in conjunction with Call Forward of Leave or Enhanced Leave) at any one time will require justification. It is for you and the CoC to decide whether to approve.

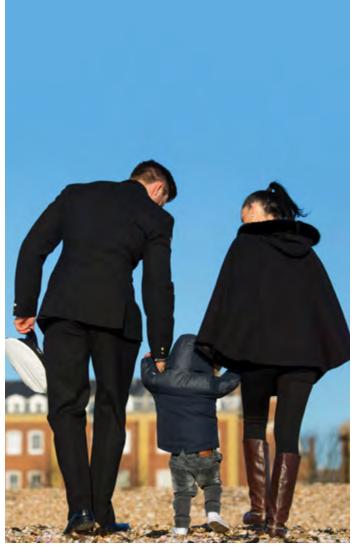
Find out more:

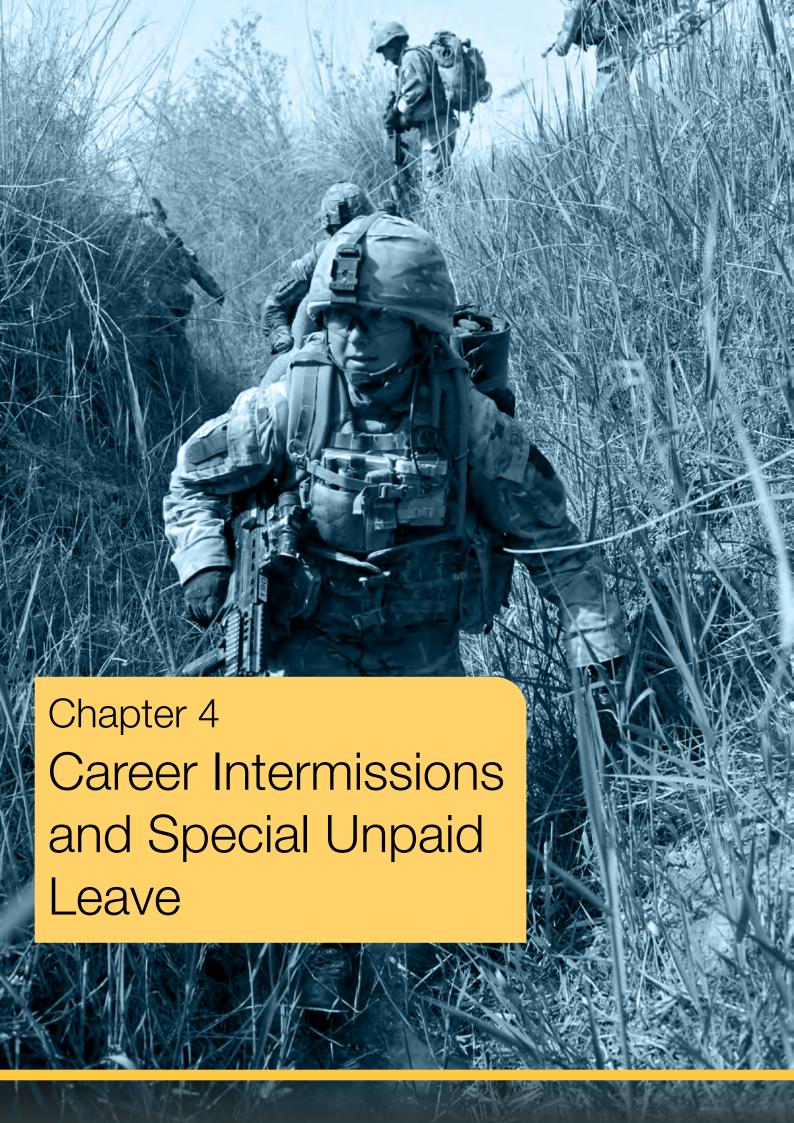
JSP 760 Chapters 7 to 8











Career Intermissions and Special Unpaid Leave



Career Intermissions can provide a long-term unpaid break and Special Unpaid Leave can provide a short-term break.

Features:

- There are two types of unpaid break:
 - Career Intermission
 - Special Unpaid Leave
- Receive no pay.
- Career Intermissions are available to Regular personnel only; Special Unpaid Leave is available to Regular personnel and Reserve personnel who are on FTRS or ADC.
- Eligibility criteria differ for each type of leave. For example, Career Intermissions cannot usually be taken during any period up to and including three years after the completion of Phase 2 training. Other conditions are set out in JSP 760.

- Career Intermissions are for breaks between three months and three years.
- Special Unpaid Leave can be used for up to three months.
- Apply for:
 - Career Intermissions through your line manager who will send your application to the Service Workforce Authority with their recommendation
 - Special Unpaid Leave through JPA
- Applications are decided by your line manager/CoC.

Take a temporary break (unpaid)

Career Intermissions



A Career Intermission enables Regular SP to take a specified period of unpaid time out of their Service career and provides a mechanism for their return to the Service. This could be for several reasons which, for example, could be personal, or for professional development.

It involves full-time unpaid absence for a period of between either:

- 3 to 6 months
- 6 to 12 months
- 1 to 3 years

The impact on your terms and conditions of service is different for each of these categories. See <u>JSP 760 Chapter 5</u> for details.

Special Unpaid Leave



Special Unpaid Leave is a period of absence of up to 93 days at any one time, which cannot be given as special paid or compassionate leave. Authority to grant Special Unpaid Leave rests with COs.

If repeated periods of Special Unpaid Leave are required, you should consider alternative measures to meet your need.

Periods of Special Unpaid Leave can have a negative impact on reckonable service calculations for the purpose of promotion, increments of pay, retired pay, pension or gratuity or for reckoning the eligibility for other types of leave except where permitted by current regulations.

Practical considerations

SP workforce authorities may cap the duration at less than three years to minimise gapping and maintain operational capability.

While you may neither want to, nor be able to, work during a Career Intermission, it is not prevented by the policy. Often, those who have taken a break to accompany a spouse on an overseas posting have found work during their stay. However, you are still in the Armed Forces, so not all types of work will be appropriate, and any civilian employment must be approved before taking it up. Queen's Regulations give the detail.

When returning to the Service full time after a Career Intermission of six months or longer, it may not be possible to return to the same assignment or geographical region.

See JSP 760 Chapter 5 for full details.

Practical considerations

It is possible to take Special Unpaid Leave for as short as one day, but it cannot be used to create a routine pattern of absence (which can be done with FS).

There may be a more suitable solution available that does not impact on your family finances in the same way.

See JSP 760 Chapter 4 for full details.

Getting Career Intermissions and Special Unpaid Leave

Advice for SP:

Career Intermissions: The impact on terms and conditions of service varies with the length of the Career Intermission – you must check these first before applying. See <u>JSP 760</u> Chapter 5. You should also consult your Service's workforce authority to establish the specific effects it might have on your career. Applications should be made to your line manager with the form in Annex C to Chapter 5 of JSP 760.

Special Unpaid Leave: Discuss your need for leave with your line manager who will confirm whether Special Unpaid Leave is the right type of absence. If you need to take Special Unpaid Leave because of a welfare issue, you should consult the relevant welfare agencies before applying on JPA. See JPA Self
Service User Guides > IN517003

Absences (Flexible Working) for detailed guidance about how to apply for Special Unpaid Leave on JPA. Your CO makes the decision on whether to grant it.

Advice for line managers:

Career Intermissions: Eligible SP may apply for a Career Intermission for any reason and you will need to consider each application on its own merits. Once you have received the formal application, add your recommendation and forward it to the CO, who will forward it, along with their own recommendation, to the appropriate Unit HR staff for processing.

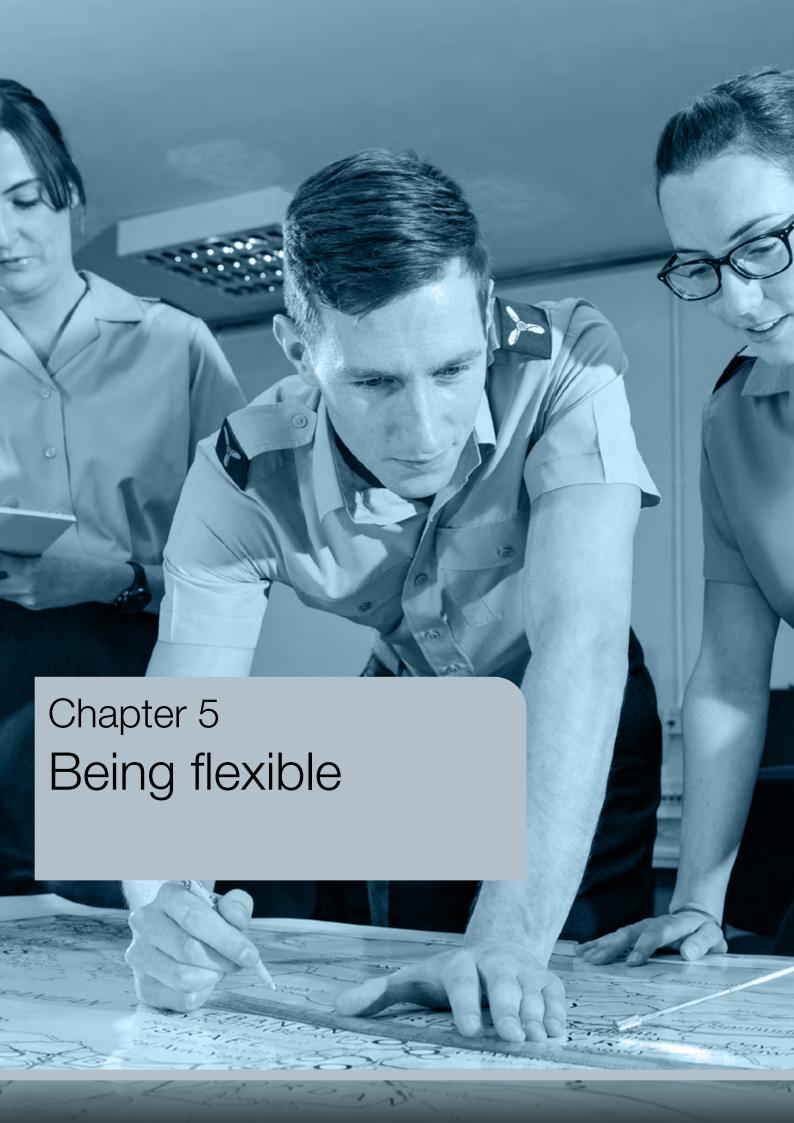
Special Unpaid Leave: Make sure the applicant isn't eligible for any type of special paid leave and that they are not applying for a recurring pattern. Also make sure you are familiar with the restrictions on granting Special Unpaid Leave, the authority for which rests with COs.





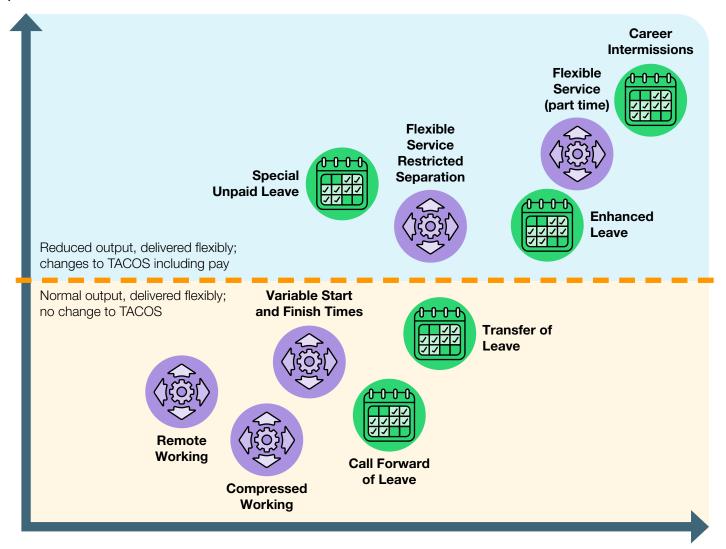






Representation of each flexible working option vs its impact on Terms and Conditions of Service (TACOS)

Impact on the job and TACOS



Flexibility for the individual





Flexible working JSP 750*

Leave policy JSP 760*

^{*} These policies are not mutually exclusive and can be combined

Being flexible

Flexible working is about changing either the 'where', 'when', or 'how much' aspect of a job. Sometimes one of those factors can't be changed, so think about what else might be adjusted to reach a better work-life balance.

Usually, the job will need to be redesigned with a clear and transparent agreement on how work will be allocated as a result, without creating friction amongst the team. What may work well in the short term to deal with an urgent or unexpected situation may not be sustainable in the longer term without an impact on operational capability or disadvantage to colleagues.

Not everyone is going to be able to take the same kind of flexible working at the same time, but people's needs are different, and one person's flexible working may fit neatly with another's.

Flexible working only works where the needs of the organisation and the needs of the SP can both be met. This will require an open and honest discussion between the SP and their CoC before an application is started on JPA.

Flexible working can only properly work where the CoC is supportive. Good management and leadership are critical, but the reward may be keeping the valuable, highly trained and experienced SP that we might otherwise lose.

Contact us

Queries about how these policies apply to you: Contact your unit HR Office. For the Army, this is your Regimental Administration Officer.

Queries about AWA and FS policy:

Email: People-MTOSTeam@mod.gov.uk

Queries about Leave policy:

Email: People-AFPSp-Welfare SP 2

List of abbreviations

ADC - Additional Duties Commitment

AWA - Alternative Working Arrangements

CO - Commanding Officer

CoC - Chain of Command

FS - Flexible Service

FTRS - Full Time Reserve Service

JPA – The Joint Personnel Administration system for tri-Service pay and personnel administration

JSP - Joint Service Publication

SERVE – Service for Experienced, Rejoiner and Volunteer Engagements

SP - Service personnel/Service person

TACOS - Terms and Conditions of Service