

Policy on the Re-Engagement of Former Employees

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Purpose

This policy sets out the circumstances in which an employee who has left the Council's employment for one of the following reasons may, or may not, be re-engaged by the Council:

- Voluntary redundancy¹ (with or without release of pension benefits);
- Compulsory redundancy where an additional payment is made through a settlement agreement or additional pension benefits are given;
- Settlement agreement.

The re-engagement of such individuals can, in certain circumstances, provide practical solutions to specific workload or staffing needs. However, where the employee has only recently left the organisation and was in receipt of a severance payment and/or pension benefits, the Council needs to ensure that there is transparency regarding the decision to re-engage in order to ensure the appropriate use of public funds.

Scope

This policy applies to the re-engagement of former employees in any capacity including, but not limited to, the following:

- On a contract of employment (either fixed-term or permanent);
- On an apprenticeship contract;
- As a casual worker;
- As an agency worker through the Council's approved provider or another agency;
- On a self-employed basis or as a consultant.

It does not apply to appointments or terminations made by schools and colleges with delegated budgets.

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¹ Please note that the term voluntary redundancy does not apply to those employees who have volunteered to be made compulsorily redundant.

Circumstances in which re-engagement may be considered

Where an individual left the Council's employment for one of the reasons specified above within the last 12 months, re-engagement should only be considered in exceptional circumstances where there is a business critical reason. For example:

- It has not been possible to fill the post internally;
- There is a need for a discrete, short-term piece of work to be completed and the skills and experience required are not available within the Council;
- It is more cost effective to employ the former employee.

Where exceptional circumstances exist, managers must follow the procedure set out below to obtain approval for the individual to be re-engaged.

The above restriction does not apply where an employee was dismissed on the grounds of voluntary redundancy but without an entitlement to both a redundancy payment and pension benefits unless a settlement agreement with a severance payment was entered into.

Where it is agreed that the former employee should be offered re-employment with the Council during the 12 month non re-engagement period, the individual will be required to repay either all or a proportion of any sums received from the Council. The amount to be recovered will depend on the time that has elapsed since they received the payment, the breakdown of the payments made and the individual circumstances, but usually will equate to 1/12 per month of time remaining of the 12-month non re-engagement period. Individuals who have received additional pension benefits above what they would ordinarily have been entitled to under the circumstances of their departure may be asked to make an appropriate payment to the Council. The individual must be advised of the amount they would be expected to repay and the reasoning for the calculation when they are provisionally offered the post and it must be repaid before any new contract commences.

Any compulsory redundancy payment that has been made will not be included in the calculation for recovery of severance monies paid.

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Managers' responsibilities

Managers are responsible for checking whether the individual they are wishing to engage has previously worked for the Council, the date they left its employment, and their reason for leaving.

Where a manager is required to undertake a procurement process, they should ensure that applicants are clear, at the outset, of the re-engagement restrictions set out in this policy.

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Approval procedure

Where a manager believes that there is a business critical reason for re-engaging an individual within the 12 month non re-engagement period, they must produce a business case and submit this to their Director for initial agreement. If this is granted, the form must be emailed to Strategic HR (HRPolicy@leics.gov.uk) for final approval.

Strategic HR will retain a copy of all re-engagement requests for audit purposes. For directly employed individuals, the manager must ensure that a copy of the approved request is uploaded onto the recruitment portal along with the other appointment paperwork. If final approval is not given, the manager will be advised accordingly.

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Document Control:

Version Number	Agreed At	Date Agreed	Review Date
2018-3	CNCC	18/9/2018	18/9/2019

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