

Re-engagement of Former Council Employees



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1. Introduction

1. This Policy sets out the Council's approach to the re-engagement of Council employees who have resigned their post or whose employment is otherwise terminated, including the following:
 - Redundancy, including early retirement/voluntary severance
 - Retirement on efficiency grounds
 - Ill-health retirement
 - Dismissal for misconduct/gross misconduct
 - Dismissal on capability grounds including ill-health and performance
 - Termination by mutual and/or by settlement agreement
2. The Council needs to ensure that there is transparency around the circumstances for re-engaging employees and managers must obtain the specific written approval of the relevant Corporate Director, on the advice of the Head of Human Resources. This applies to re-engagement in any capacity including:
 - i) Appointment on a contract of employment to a permanent or temporary post
 - ii) As an agency worker or via a recruitment agency
 - iii) On a self-employed basis or as a consultant or trainer
 - iv) Through a service contract or partnership
 - v) On a voluntary basis, including volunteer and/or work experience
3. These arrangements explain the circumstances where the re-engagement of employees may be considered, the criteria to be taken into account when considering individual applications, the process for applying for approval, and any conditions or restrictions that will apply.
4. It is important that employees are made aware of the arrangements for applying to re-join or work for the Council and a summary will be included when writing to employees to acknowledge resignations or issuing notice to terminate employment. This will also be included on the Council's recruitment web-page "i-Grasp".
5. This Policy applies to employees directly employed by the Council only and is recommended to schools with delegated authority for staffing matters, as "Best Practice".

2. Re-engagement of employees

Manager's responsibility

1. Managers are responsible for checking whether job applicants, agency workers or consultants have previously worked for the Council as well as their reasons for leaving, and for obtaining approval to re-engage former employees.

2. Managers considering engaging an agency worker or consultant, instead of offering employment on a contractual basis, must ensure that the policy on re-engaging former employees is made clear to applicants at the outset of the procurement process.

Circumstances where re-engagement may be considered

3. Re-engagement of employees may be considered where posts cannot be filled internally and/or there is a need to carry out a discrete, short-term piece of work when:
 - it is not possible for the work to be carried out by a re-deployee or on a secondment basis
 - it is more cost effective to employ a former employee
 - the former employee has skills or experience that are not available elsewhere within the Council
4. The employee may be engaged on a contract of employment or on an agency basis through the Council's approved agency (Adecco); former employees must not be engaged on a contract of services or as a consultant, without the prior written approval of the Corporate Director and the Head of Human Resources.
5. Approval for re-engagement will be considered where the employee's employment was terminated on the grounds of:
 - i) Resignation or the expiry of their adoption/maternity absence, except those who resigned whilst being investigated under the Council's procedures. See 6vii below;
 - ii) The expiry of a fixed-term contract, except those who received a redundancy payment based on their continuous service, See 6ii below;
 - iii) Compulsory redundancy, subject to there being a minimum break of employment, See 6i below;
 - iv) Completion of the period/work they were engaged for if employed on a casual or supply basis;
 - v) A TUPE transfer to another employer.
6. Approval for re-engagement will not be considered for employees whose employment was terminated:
 - i) Due to redundancy for a minimum of two years after leaving, (unless prior written approval is given by the Divisional Director and Head of Human Resources);
 - ii) Prematurely on grounds of ill-health where the conditions for ill health retirement benefits being released still exist;
 - iii) On efficiency grounds where these still affect their ability to carry out the work in question;
 - iv) Due to dismissal on the grounds of misconduct/gross misconduct;
 - v) Due to dismissal on capability grounds including ill-health and performance;
 - vi) By mutual/settlement agreement;
 - vii) Due to resignation where they were being investigated under the Council's formal procedures and there was evidence to convene a hearing to consider dismissal;
 - viii) Where there have been substantiated allegations or findings of harassment and bullying or known safeguarding concerns.

Approval for Re-engagement

7. Where re-engagement is being considered, the manager must obtain the Corporate Directors prior written approval using the pro-forma provided at Appendix 1; the manager must ensure that:
 - i) The employee is aware of the Council's Policy and formal written approval must be obtained before an offer of re-engagement in any capacity can be made;
 - ii) Where appropriate i.e. the employee received a redundancy payment or is in receipt of a pension;
 - the proposed arrangements comply with the Council's regulations on the procurement and use of consultants and Inland Revenue provisions on employment status
 - the employee has been made aware of the need to seek advice on the potential impact of their re-engagement on their LGPS benefits
 - iii) The decision to offer re-engagement is able to withstand scrutiny, and the work to be undertaken, duration and payment arrangements, are clearly stated in writing.
 - iv) Appropriate records relating to the engagement and work undertaken are retained and entered on the List of Agency workers, consultants and temporary staff.
 - v) Trade Unions are kept informed of any appointments e.g. at departmental level.

3. Appeals

1. Appeals against decisions not to re-engage a former employee will be considered by the Chief Executive whose decision is final.

4. Monitoring

1. Applications to re-engage Council employees will be monitored and reviewed annually to ensure that the arrangements are applied fairly and consistently across the Council.

5. Advice

1. Any queries or disputes as to the interpretation of these arrangements procedures should be referred to the Head of Human Resources for consideration.

Human Resources will automatically update the arrangements to comply with any changes to legislation and / or ACAS guidance and notify employees of the amendments.

Appendix 1.

Request to Re-engage a Council Employee

The Council needs to ensure that there is transparency around the circumstances in which a former member of staff returns to work for the Council in any capacity.

For this reason, employees who resign from their post or whose employment was otherwise terminated will only be re-engaged by the Council if specific written approval is given by the relevant Chief Officer (Corporate Director) on the advice of the Divisional Director of Human Resources. This includes returning in the role of consultant or contractor or agency worker.

Part A: To be completed by applicant

1. Name:

2. Details of post applying for:

Job title: Department:

Grade: Permanent/temporary/agency: Full/part time:

3. Details of last post with the Council:

Job title: Grade:

Department: Full /part time:

Payroll number:

Date left:

Reason for leaving: Please tick appropriate box

☐

Resignation

☐

End of fixed-term contract

☐

Redundancy

☐

Voluntary severance / early retirement

☐

Retirement (other)

☐

Dismissal (disciplinary/capability/sickness)

☐

Other, please detail

4. **Any other information:** (This is your opportunity to provide any other relevant information in support of your request for re-engagement by the Council).

5. Declaration

I confirm that the information I have given on this form is true and correct. I understand that if I do not provide complete and accurate information, you may withdraw any offer of employment or engagement or if already employed, dismiss me immediately. I also agree to the details provided in this form being used for monitoring and management purposes.

Signed: Date:

Please return the signed and dated Form to:

- *Enter Recruiting Manager's contact details* -

Part B: To be completed by recruiting manager

Please explain the reason(s) for applying to re-engage a former member of staff and what alternatives have been considered i.e. matching for redeployment or re-allocating work:

Signed: Designation:

Print name: Date:

Please forward the completed Form to your Corporate Director and send a copy to the Divisional Director of Human Resources

Part C: To be completed by Corporate Director

I agree/ do not agree (delete as appropriate) to the proposed re-engagement for the following reason(s):

Signed: Date:

Corporate Director

Please return the completed Form to the Divisional Director of Human Resources who will notify the recruiting manager of the decision and retain this for monitoring purposes.

London Borough of Barking and Dagenham
Call direct on 020 8215 3000

Out of hours emergencies only
Phone: 020 8594 8356
Fax: 020 8227 3470
[Email: 3000direct@lbbd.gov.uk](mailto:3000direct@lbbd.gov.uk)
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