

Recovery of Redundancy Payments Policy

The purpose of this guidance is to ensure that there is a fair and consistent approach to recovery of an enhanced redundancy payment where employees are then directly re-employed by Durham County Council.

1 Legislation

The Small Business, Enterprise and Employment Bill 2015, details that public sector employees and office holders must repay exit payments (including redundancy payments) in certain circumstances, including if they return to work in the same part of the public sector within a prescribed period of time. There is no definition of a 'prescribed period' included in the bill.

2 Recovery of enhanced redundancy payments

An employee will be required to repay the net enhanced redundancy payment they received if they meet the criteria set out below:

- Received a voluntary enhanced redundancy payment;
- is directly re-employed by the council within the same school within 12 months;
- at the equivalent to grade 14, SCP 39 or above.

If they meet the criteria, the following principles will apply:

- The returning employee will not be required to repay the statutory redundancy element of the payment made to them, unless returning within a 4 week period in accordance with the Redundancy Modification Order;
- The amount repayable will be based on a pro rata calculation in accordance with when within the 12 month period the employee is re-employed (signified by the actual start date in the new contract). The pro rata calculation will be based on whole months passed. For example, if the employee returns 6 months after leaving then 50% (6/12th) of the enhanced redundancy payment will be required to be repaid prior to taking up the new post;
- Where an employee receives a written offer of employment at the same school at the equivalent of grade 14, scp 39 above within the specified 12 month period, this offer of employment will be conditional upon them agreeing to repay the enhanced redundancy payment (pro rata) back to the council prior to taking up the post. Employees will be issued with an invoice for payment and requested to settle the amount prior to starting in the new post. The council reserves the right to withdraw any offer of employment where the candidate refuses to comply with this policy;
- An offer of employment will be deemed as any written contract offered regardless of contract type, nature of role or contracted hours;
- For employees who have a request for voluntary redundancy approved such payments will be conditional upon the employee agreeing to repay the enhanced redundancy payment back should they return to work for the council in the same school within 12 months;

The rules detailed in the Redundancy Modification Order will continue to apply and are outside the scope of this policy.



HR Advice and Support

This policy has been developed by the HR Advice and Support team, based on current legislation and best practice. If you would like any advice on the application of this policy, please do not hesitate to contact the team:

Telephone	03000 266688
Email	hradvice@durham.gov.uk

Further support can be accessed by contacting (subject to SLA buy in):

Payroll and Employee Services	pesschools@durham.gov.uk
Occupational Health	occhealthadmin@durham.gov.uk
Health and Safety	hsteam@durham.gov.uk
Employee Assistance Programme	www.healthassuredeap.com Username: durham Password: council 0800 716017

Author	Version	Last review	Next review
LK	v 2.3	April 2021	April 2022

The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.