

Understanding re-employment rules and clawback

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Rules for returning to work

If you leave under the voluntary redundancy scheme, there are rules about returning to work in the NHS, a government department, or an arm's length body. For a full list of relevant employers, see [Annex 1 of the NHS Terms and Conditions](#).

- If you return to one of these organisations within one month, you must repay your voluntary redundancy payment in full.
- If you return within **6 or 12 months**, depending on the value of your payment and/or terms and conditions, you must **repay the unexpired portion** of your voluntary redundancy payment. This is referred to as *clawback*.

Clawback applies even if you return in a lower-banded or fixed-term role. The value of the repayment will be adjusted for reduced hours, lower salary, and will be based on net pay.

The clawback period is based on the amount of your voluntary redundancy payment and your terms and conditions. The table below shows how this is applied:

Terms and conditions of employment	Voluntary redundancy payment	Clawback period
Executive Senior Manager (ESM) and Very Senior Manager (VSM)	Any value	12 months
Any other terms and conditions (including Agenda for Change, Consultant Contract, Medical and Dental, etc.)	Less than £100,000	6 months
Any other terms and conditions (including Agenda for Change, Consultant Contract, Medical and Dental, etc.)	More than £100,000	12 months

Re-employment - clawback worked examples

Example 1: Band 5, £35,000 Voluntary Redundancy Payment

A colleague on Agenda for Change terms at Band 5 who receives a £35,000 voluntary redundancy payment would be subject to clawback over 6 months, as the payment is under £100,000.

Repayment would be on a sliding scale, with 1/6th repayable for each month not completed in the clawback period.

Return to NHS work following voluntary redundancy	Reducing scale 1/6ths - even sliding scale. Amount to be repaid
Within 1 month of leaving	£35,000
After 1 month	£29,166
After 2 months	£23,333
After 3 months	£17,500
After 4 months	£11,667
After 5 months	£5,833
After 6 months	£0

Example 2: Band 8a, £120,000 Voluntary Redundancy Payment

A colleague on Agenda for Change terms at Band 8a who receives a £120,000 voluntary redundancy payment would be subject to clawback over 12 months, as the payment is £100,000 or more.

Repayment would be on a sliding scale, with 1/12th repayable for each month not completed in the clawback period.

Return to NHS work following voluntary redundancy	Reducing scale 1/12ths - even sliding scale. Amount to be repaid
Within 1 month of leaving	£120,000
After 1 month	£110,000
After 2 months	£100,000
After 3 months	£90,000

Return to NHS work following voluntary redundancy	Reducing scale 1/12ths - even sliding scale. Amount to be repaid
After 4 months	£80,000
After 5 months	£70,000
After 6 months	£60,000
After 7 months	£50,000
After 8 months	£40,000
After 9 months	£30,000
After 10 months	£20,000
After 11 months	£10,000
After 12 months	£0

Example 3: ESM colleague, £60,000 Voluntary Redundancy Payment

A colleague on ESM terms and conditions of employment with a £60,000 voluntary redundancy payment would be subject to clawback over 12 months, as the payment is less than £100,000 the terms and conditions mean the clawback is over 12 months.

Repayment would be on a sliding scale, with 1/12th repayable for each month not completed in the clawback period.

Return to NHS work following voluntary redundancy	Reducing scale 1/12ths - even sliding scale. Amount to be repaid
Within 1 month of leaving	£60,000
After 1 month	£55,000
After 2 months	£50,000
After 3 months	£45,000
After 4 months	£40,000
After 5 months	£35,000
After 6 months	£30,000
After 7 months	£25,000

After 8 months	£20,000
After 9 months	£15,000
After 10 months	£10,000
After 11 months	£5,000
After 12 months	£0

Further considerations on re-employment

Types of employment

Clawback provisions apply not just to direct employment but to **any form of work** including through an agency, self-employment, consultancy or fixed-term contract with NHS employers, arm's length bodies and government department within the relevant timeframes, NHS Health Boards and Special Health Boards in Scotland.

For Agenda for Change staff, this applies to anybody listed in [Annex 1 of the Agenda for Change handbook](#), government departments and arm's length bodies. If you are on other terms and conditions, please email HRChangeCSUCollab@nhs.net to find out what applies to you.

Non-executive, unpaid and voluntary work

If you work for the NHS in a non-executive, voluntary or unpaid capacity after you take voluntary redundancy you will not be subject to the clawback rules.

Concurrent employment

If you already hold a concurrent role with another NHS organisation when taking voluntary redundancy from NHS England, clawback provisions won't apply to this role, providing there are no changes to your contractual arrangement.

However, if you increase your hours, days, grade/band or make any other contractual changes to this role during the clawback period, this would be considered new employment and trigger the clawback provisions as specified in your settlement agreement. The repayment would be calculated according to the sliding scale detailed in that agreement.

Counting previous service

Employees who leave on voluntary redundancy and are re-employed with an NHS employer, cannot count the service used to calculate the voluntary redundancy payment towards a future redundancy entitlement, should this arise.

It is your responsibility to inform any future employers listed in [Annex 1 of the Agenda for Change handbook](#) that you have received a voluntary redundancy payment.

Pension

Using your voluntary redundancy payment to enhance your pension does not exempt you from clawback provisions. If you return to NHS employment, an arm's length body or a government department during the clawback period, you will still be required to repay a proportion of your redundancy payment value, even if you've used some or all of it to capitalise your pension.