

Since our last update, the Government has announced further sweeping changes to the way we work and live. Schools and offices have been closed, construction sites have shut down and many organisations have temporarily closed their doors. Providers of essential services and key workers continue to provide support to the country and they face many challenges during this uncertain period.

Absence and Travel Plans

Many people who were away on leave have returned and/or are in the process of trying to return home. Employers who are still operating are concerned about the spread of the virus and many have been seeking advice on whether employees recently returned from overseas can be asked to stay away from work to self-isolate. The position remains the same in that employees who come into contact with another person who has contracted the virus or suspects that they have the virus will need to self-isolate for seven or fourteen days quarantine period.

Any employee who has recently been in a country identified by the Foreign & Commonwealth Office as a high risk, should not attend work and may be required to self-isolate. Employers can warn employees that travel to these high risk areas will result in being required to self-isolate for the required seven or fourteen day period which would be unpaid. If the employee is not unwell and it is possible for them to work from home, then that is acceptable. They may also wish to use annual leave during this time to avoid having to take unpaid leave.

The Government has also implemented the changes to the statutory sick pay scheme which allows employers to pay statutory sick pay from day one to employees who are self-isolating because they have the virus or they have been in contact with someone with the virus, and even if they are well but self-isolating to prevent spread, then employers can claim SSP from day one for those who have 250 or less employees on their payroll as at 28 February 2020.

Since our last update, the Government has also written to many people who have underlying health conditions and who have been asked to stay at home to protect themselves. Employees who are shielding are eligible to be put onto the Government's Corona virus job retention scheme and be placed on furlough for the foreseeable future.

Employers in the public sector or employers using public finances to pay salaries should be aware that HMRC's guidance is that public finances currently being used to pay salaries to employees should continue to be used to pay salaries of employees who are either self-isolating or who are shielding in line with Government advice.

School Closures

School closures have now been implemented for the foreseeable future and some commentators suggest that the school closure could extend until the start of the next academic year. The likely impact is that the restrictions may be eased before schools are permitted to return so employers will need to be mindful of employees with childcare commitments who may struggle to return to work on their normal working pattern if this happens, and employers should be mindful of trying to accommodate requests for flexible working where possible.

Contingency Plans, Workforce Planning

The medical sector is providing essential services to the country and the Government have stated in their guidance about the job retention scheme that they do not envisage many public sector employers or employers using public finances to pay salaries, to be applying for financial assistance under the job retention scheme. The Government has also recently requested GP surgeries to work on bank holidays for these periods of lockdown. Many GP employers may have a contractual right to ask their employees to work on a bank holiday so employers should check out what their contractual arrangements are in relation to requesting employees to work on a bank holiday. If there is no contractual right to ask for employees to work on a bank holiday, then employers should seek volunteers in the first instance from employees and CCG's are making additional funding available to pay staff for these additional hours worked.

If you have queries about employee absences and consulting with the business about possible disruption, contact our Employment Department who are happy to assist on 01689 887812.