

## Covid-19

## ----- Guidance for practices



**Updated: 22.12.2020**

**Please be aware that this is a rapidly evolving situation.**

### **Covid-19 human resources support**

#### **Supporting employees and employers**

Throughout this crisis and indeed afterwards, the effectiveness of practices depends to a great extent upon the goodwill and commitment of staff. Employers are encouraged to support their employees as much as possible during these difficult times.

Effective from 20 December 2020, London was designated as being in Covid risk Tier 4, with the Government issuing a stay at home order, everyone who can work from home must do so. In guidance for [guidance on shielding and protecting extremely vulnerable persons](#), the Government has stated that people in this group should not attend their workplace during this time.

General practice has demonstrated a huge transformational shift in how care is delivered with many interactions taking place remotely, but some services have to be delivered face to face or from practice premises. These unusual times necessitate different thinking and alternative solutions. Many practice staff will want to be at work, however there will be very good health reasons why some should not be. Employers must assess risks and where appropriate take note of additional risks to some individuals, particularly from the BAME community. It is recommended that reference is made to the Government [Mitigation of risks of COVID-19 in occupational settings](#) guidance.

Where there are increased risks employers should facilitate home working or make the work place Covid-19 safe offering reasonable adjustments to work to reduce risk. Reasonable adjustments could include providing equipment (laptop, phone etc) for home working, introducing protective measures, changing balance of duties or assigning different tasks within the individual's capability.

#### **Financial continuity**

The Government has made some provisions to support employers and businesses to ensure that they remain viable and that employees are still paid. General practice is funded by Government contracts, income should remain steady: regulations have been relaxed to ensure that practices receive income without bureaucracy (eg. relaxations of QOF arrangements) and measures have been put in place to reclaim additional costs incurred by the practice.

#### **Furloughing - Job retention scheme**

Furloughing is the process whereby employees are retained as an employee, receiving remuneration whilst not being required to work. Its intention is to ensure that, wherever possible, nobody is sent home with no pay or is made redundant whilst their employer is restricted from providing normal services.

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The Government support scheme has been extended until March 2021. In most circumstances general practice is not eligible for this scheme. This is because, albeit via contract, general practice is publicly funded. It is expected that as employers continue to receive funding, staff will continue to be paid. GP employers are therefore strongly encouraged not to send anyone home on nil pay.

### **Job support scheme**

The [Government had proposed the job support scheme](#) to support employers and employees where turnover and business activity have declined due to Covid-19 or restrictions they have imposed.

The introduction of this scheme has been postponed as the job retention/furlough scheme has been extended until March 2021.

### **Financial support for employers and employees**

Practices are simultaneously facing financial pressures and staff shortages due to illness, self-isolation and parental caring pressures. Practices often have employment terms that provide modest levels of Occupational Sick Pay (OSP) or Statutory Sick Pay (SSP) only.

The Government has set out some additional ways to support employers with the costs of staff absences during the crisis; however, the statutory levels proposed for many will be way below normal incomes or indeed levels required to cover normal living expenses. GP employers are encouraged to support their staff as much as possible.

Additional Government guidance on support for employers can be accessed [here](#).

### **Self-isolating and sick pay**

The government has agreed that Statutory Sick Pay (SSP) costs will be covered from day 1 for employees for 14 days due to Covid-19, including those who are self-isolating. [Further details can be found here](#).

A number of people who are in self-isolation may feel that they would normally be able to attend work but the SSP changes have been introduced to reduce transmission risks. Despite the government support, this will have a large consequence with employees who only receive SSP. The NHS has said that it will provide full pay to trust staff on Agenda for Change who are off work due to Covid-19, GP Employers are therefore strongly encouraged to provide either full pay or their normal OSP provisions if they are above the statutory minimum level. This and other absences and pay scenarios are set out in the table later in this document.

### **Parental leave**

Many practice staff will have had their normal childcare arrangements interrupted, reduced or curtailed. In the event that schools are closed again or access is restricted, most practice staff would qualify as key

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workers; however, the provisions provided by schools mostly apply during normal school hours and not the whole working day. It is only available where both parents are designated as key workers. Although schools have re-opened, some parents are likely to need greater flexibility and take significant time off. Even the most flexible and supportive employment terms offered in normal circumstances are unlikely to provide financial support for the amount of time off needed for this.

Considering the long-term impact of revised school opening, most will not be able to cover additional childcare needs with annual leave. Taking unpaid leave is an option; however this may prove to be financially ruinous for many colleagues. While employers are not required to pay for time off for caring responsibilities, they are encouraged to try to support staff as much as possible. Try to explore all possible flexible working options.

#### **Annual leave**

Because practices are extremely busy during the crisis, it is likely that many people will struggle to take their normal annual leave. All full-time employees have the right to 28 days annual leave (including bank holidays). The Government has relaxed regulations around taking statutory annual leave, allowing up to 4 weeks of annual leave to be carried across into the next 2 financial years. [Detailed guidance can be found on the Government website](#). Details about when and how an [employer may ask an employee to take change or cancel annual leave can be found here](#).

#### **Absence pay scenarios.**

A number of absence scenarios have been set out in the table below. In each case the statutory position has been shown together with a recommendation to support staff. This is all dependent on the contract of employment that you have with staff; if there are established provisions that go beyond the statutory minimum, then these must be honoured.

Provisions in employment law must still be observed when trying to manage the crisis. Employment rights cannot be broken, and contracts cannot be unilaterally varied. If practices have concerns they should seek further detailed HR advice.

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**Table: Absence pay scenarios**

Absence Situation	Pay	Recommendations and options
Covid-19 infection.	Statutory sick pay (SSP) from day one or normal occupational sick pay (OSP) if greater.	Employers are encouraged to offer leave with full pay or other OSP enhancement above the SSP level (£95.85 per week from 6 April 2020).
Self-isolation or quarantine under Government medical advice.	Normal pay if able to work from home.  If unable to work from home but following PHE guidelines on self-isolation, entitled to SSP.	Recommend full pay or OSP.
Required to self-isolate after being contacted as part of the test and trace programme.	Normal pay if able to work from home.  SSP or OSP if unable to work at home or if sick. <a href="#">Details of the Test and Trace Support Payment scheme for those on low incomes can be found here.</a>	Recommend full pay or OSP.
Absence from work due to employer request or to implement Government advised quarantine.	Normal pay if able to work from home.  Unable to work remotely but is following Public Health England Guidance regarding isolation (eg. 10 days if someone in the same household is showing symptoms), entitled to SSP.	Recommend full pay or OSP.
Required to self-isolate when returning from foreign holiday where quarantine measures have been imposed during the break.	Normal pay if able to work at home with the employer's agreement.  If not sick, no entitlement to pay if unable to work.  If sick, SSP or OSP	Could take additional annual leave or agree hours to be worked at a later date.
Time off for childcare.	Entitled to take time off work for emergency childcare. There is no set time limit to this; however the employer can denote this as unpaid leave.	Recommend flexibility- see earlier comments.

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Absence Situation	Pay	Recommendations and options
Temporary workplace closure at employer's request.	Entitled to usual pay unless contract of employment makes provisions for lay-offs.	Staff should not be asked to use annual leave or take unpaid leave.
Reduced working hours at employer's request.	Entitled to usual pay unless contract makes provision for short time working.	
Absent due to concern about infection.	Normal pay if able to work at home with the employer's agreement.  No entitlement to pay if the employee is well and they refuse to attend work when asked to by the employer.	Employers should note their health and safety duties to employees and <u>conduct a risk assessment</u> . They should be cognisant of additional risks to the BAME community, risks around certain roles and home or travel factors.
Shielded under tier 4 arrangements  Employer has assessed risks and considers that employee cannot return to work as risks cannot be mitigated.	Normal pay if able to work at home with the employer's agreement, agreeing reasonable adjustments.  If not able to work at home, need to consider options on a case by case basis. This is likely to be a long-term position and SSP/ OSP are not indefinite benefits.	If not able to work full time at home, explore amended hours or duties with HR advice.  Seek HR advice to explore options.
Trapped abroad (travel not work related).	Normal pay if able to work remotely. If sick, entitlements as stated above. If not sick and unable to work remotely, no entitlement to SSP, OSP or normal pay.	Consider using more annual leave or other flexibility options allowing missed time to be worked later.
Sickness- not Covid-19 related.	Normal sickness provisions apply as set out in the contract of employment.	