



# Coronavirus Emerging News and Changes 8 July 2020



HM Government

**CORONAVIRUS**  
**STAY ALERT**  
**TO STAY SAFE**

NHS

- ✓ Keep a safe distance from others
- ✓ Stay home as much as possible
- ✓ Keep washing your hands regularly

**STAY ALERT ▶ CONTROL THE VIRUS ▶ SAVE LIVES**



# Today's Webinar Panel

- **Lorna Young**, Principal Consultant HR
- **Darren Newman**, Employment Lawyer

Supported by Carrie Smith – Business & Corporate Services Manager

# Today's discussion – FAQ Topics

1. Shielding – Changes and Impact
2. Testing – New “Mildly Positive” result
3. Quarantine FAQs
4. Contractual Changes – Base/Flexi-time
5. Over to you – open questions session

Please type your questions and we will get through as many as possible during the webinar

If you don't get chance to ask your question, we can respond by email in a follow up

# Shielding – Changes & Impact

## Shielding – Extremely Clinically Vulnerable Persons

### Current position

- Those who received a letter stating they were identified as clinically extremely vulnerable
- Were advised to stay at home completely for 12 weeks
- Entitled to support re: food & medication delivery
- Where possible could work from home

### Proposed Changes

- From 6 July can meet up to 5 other people outside (SD maintained)
- Can form a support bubble with another household
- Shielding support to remain in place until 31 July
- **Can return to work from 1 August\***

## Shielding – Proposed Changes – Workplace Impact

- No immediate changes
- NJC circulars 17 & 23 still applicable
- Currently all should be working from home where they can (paid in full if this is not possible)

### Going Forward – from 1 August

- Advice remains **ALL** staff should work from home work where they can
- Apply 5 principles of Covid-19 secure workplaces
  - 1. Work from home, if you can
  - 2. Carry out a COVID-19 risk assessment, in consultation with workers or trade unions
  - 3. Maintain 2 metres social distancing, wherever possible
  - 4. Where people cannot be 2 metres apart, manage transmission risk
  - 5. Reinforcing cleaning processes

# Shielding – Proposed Changes – Workplace Impact

## What are LAs doing?

- Alternative work/role at home/temporary redeployment – as a first option
- Safest available role in the workplace
- General workplace risk assessment
- Specific individual risk assessment – **OH involvement – individual support plans**
- Employee engagement to address concerns
- Union involvement
- Consideration of reasonable adjustments – Equalities Act

## What if they still refuse to work?

- Concerns that s44 ERA claims are likely – reasonable belief that serious and imminent danger to health
- WME advise against action i.e. reduction in pay or disciplinary action at this stage – position which cannot continue indefinitely but currently no appetite to change – be a test case
- If employees had been furloughed for at least 3 weeks prior to 30 June this is still an option (very limited numbers this may apply to in LAs)

# Testing – New Mildly Positive

**Reports that some test results being returned as “mildly positive”**

**When? Has been in cases of asymptomatic patients who have been tested or those not presenting severe symptoms**

**Mixed advice regarding these results:**

**PHE have advised that these employees can return to work at point of result**  
**Regional guidance including WME position is that they SHOULD NOT**  
**return. Consider symptoms and advice not to return until a retest after 14**  
**days**

# Quarantine - FAQs

NJC Circular 5 June how to treat periods of quarantine  
Consider working from home options and combinations of leave –  
sympathetic approach

Changing position with countries coming in and out of quarantine  
requirements

Annual leave approval process to build in discussions at point of request and prior  
to leave including destination and clarity on policy around how quarantine will be  
treated.

School staff – blanket instruction not to travel after mid-August? LGA,  
NAHT, ASCL Joint National Guidance which is in line with NJC Circular.  
Consider all possibilities homeworking, other leave. How this can be  
applied in schools is not discussed and in many cases impractical

Clear policy on how it is to be treated – communicate and documented  
discussions

# Contractual Changes

Base – should this be changed to home?

HMRC for purposes of claiming mileage - Ordinary commuting is travel between your home and a permanent workplace (the costs of which are not allowed for tax purposes) and Ordinary commuting also includes travelling to other places that are not significantly different to ordinary commuting. A temporary workplace is one for a limited period of time and is not considered temporary for a period of continuous work lasting more than 24 months

Administrative bases is contractual base – providing a temporary framework for home working

Many LAs reviewing agile working/flexitime arrangements

Uncertainty about return to office – not being considered this year – no rush to have to change this – may be getting pressure from employees or unions

May have seen some HMRC guidance which stipulated that a test paid for by the employer would be considered a taxable benefit – this has been scrapped

Job Retention Bonus and Apprenticeship Bonus – more to come

Open employment questions – it's over to you.....

# Next Steps

WME will:

- Phasing out webinar in this format – Last one in August date TBC
- Specific support/guidance/webinars around schools re-opening
- Continue to review FAQs in line with changing guidance (including separate school guidance and FAQs)
- Weekly virtual meetings for Heads of HR
- Canvassing views and surveying on information relevant to your decision making
- Develop templates and guidance documents
- Working groups around Education, wellbeing, L&D will continue – planning for the next phases and return to new BAU

# West Midlands Employers



A reminder of how to contact us:

Please call or email us for any advice or support needs:

[L.young@wmemployers.org.uk](mailto:L.young@wmemployers.org.uk)

Or

[Info@wmemployers.org.uk](mailto:Info@wmemployers.org.uk)

**Use our website:** [www.wmemployers.org.uk/coronavirus](http://www.wmemployers.org.uk/coronavirus) - realtime updated FAQs



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