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FROM: Michael Cooke

DATE: 2nd March 2020

TO: Jill Minne

Coronavirus – decisions required from NICS Board

Issue: How the NICS will manage absence relating to coronavirus.

Timing: Urgent.

Recommendation: To bring the decision matters raised in this paper to the attention of the NICS Board and seek agreement to the approach outlined in this paper.

Background and context

1. The Public Health Authority (PHA) has published guidance for Employers and Businesses on coronavirus. The guidance is very useful but NICS HR is receiving specific questions from Departments as to how absence relating to coronavirus will be accounted for on the HR system and how will contractual sick pay matters be applied in these early stages.
2. To address these questions there are three key areas for consideration and decision (additional decisions are required under Points 5 and 6).
 - a. When employees are diagnosed as ill due to the coronavirus.
 - b. When employees are not ill but have been asked by the PHA, NHS 111 helpline service on coronavirus, or a GP to self-isolate themselves, for example due to their travel overseas to a quarantined area or contact with someone who has been diagnosed as ill due to the coronavirus.

- c. When employees need time off to cope with a crisis or care for someone and the situation links to the coronavirus.
3. In preparing this paper consideration has been given to the DWP Coronavirus HR Policy Guidance document, and the Scottish Government Coronavirus (COVID-19) Guidance.
4. **Key decisions required:**

a. When employees are diagnosed as ill due to the coronavirus.

Required decision:

- To apply normal sickness absence pay entitlements however any coronavirus absences will be excluded from any calculation of contractual sick pay. There will therefore be no impact on absence trigger points or contractual sick pay.
- Medical evidence would be required to confirm an employee is suffering / has suffered from coronavirus. Where an absence is created based on coronavirus symptoms however the test is negative then the absence will revert to normal handling procedures, and not discounted.

Note: the above is reflective of the DWP and Scottish Government approaches:

DWP - 'Coronavirus absences will be excluded from any calculation of contractual sick pay. In effect this means that employees will not tip into the half- and nil-pay categories specifically as a result of flu-related sickness absence caused by coronavirus'

Scottish Government – 'Absences will be recorded ... under normal sick absence procedures. If medical advice had confirmed that your symptoms are consistent with coronavirus your sick absence should be recorded as COVI-19. This will not impact on absence trigger points or contractual sick pay – the absence will be discounted.'

b. When employees are not ill but have been asked by the PHA, NHS 111 helpline on coronavirus or GP to self-isolate themselves, e.g. due to their travel overseas to a quarantined area or contact with someone who has been diagnosed as ill due to the coronavirus

It is envisaged employees who are not ill will stay at home (as a precaution) under self-isolation (for the two week virus incubation period) only if specifically advised to do so by the PHA, NHS 111 helpline on coronavirus or GP.

There may be an occasion for an employee to self-isolate having been in contact with someone who is waiting for test results to determine if they have been infected. Such self-quarantining would be expected to be exceptional.

Required decision:

- Where the absence has been advised it will be treated as paid special leave. Confirmation of the advice to self-isolate will be required however there may need to be some flexibility as to what confirmation can be expected.
- Where the absence is of a self-determining nature then managers can give consideration to special leave.
- The key to these decisions is management discretion based on the information provided by an employee.
- Applications of this nature will be retrospective.

Note: the above is reflective of the DWP and Scottish Government approaches:

DWP - 'Exceptionally some employees may be asked by their 111 or GP to self-isolate as a precaution and this would be ordinary special leave.'

Scottish Government – 'If you are advised by a member of staff that the NHS guidance advises that they should self-isolate to reduce the risk of coronavirus spreading, they should remain at home after their return to work/last exposure for a period of 14 days.'

c. When an employee needs time off to cope with a crisis or care for someone and the situation links to the coronavirus

An employee is not sick but is unable to attend for work due to (for example) caring responsibilities linked to the coronavirus.

Required decision:

- Each case should be treated sensitively and on its merits on a case by case basis. The majority of special leave applications (for up to five days which may be extended in exceptional circumstances) from employees who are not sick are likely to be made under the categories of Compassionate Leave, Domestic Emergency Leave or Bereavement Leave.

- In the exceptional event of a school closure home working arrangements where possible should be considered. If this is not possible then up to five days special leave may be applied for to allow for alternative arrangements to be put in place.

Applications can be either in advance or in retrospective.

Note: the above is reflective of the DWP and Scottish Government approaches:

DWP - 'Each case should be treated sensitively and on its merits. The majority of special leave applications from employees who are not sick are likely to be made under the categories of Compassionate Leave, Domestic Emergency Leave or Bereavement Leave.'

Scottish Government – 'However managers are expected to exercise reasonable discretion when dealing with requests for special leave relating to coronavirus based on their knowledge of an individual's circumstances.'

Other points for consideration

5. Homeworking

There is currently no home working policy for the NICS however there is a practice of occasional homeworking. Managers could approve home working where this is possible and appropriate if this enables an employee who is not ill to continue working. This would be particularly relevant if sick relatives are being cared for at home. Homeworking may not be feasible for all employees,

Required decision:

- Employees to be allowed to work from home as appropriate and authorised by the manager.

6. Annual leave and flexi:

Approving of annual leave and flexi requests may be conditional subject to the impact of the coronavirus.

Required decision:

- To give managers the authority to grant flexi or annual leave to support such an absence.

7. Unauthorised absence

There may be occasion an employee does not attend for work or make contact by appropriate means. Normal unauthorised absence processes should be followed.

Next steps – NICS HR will:

8. Advise TUS of the approach to handling absence relating to coronavirus.
9. Issue guidance to managers and staff on how the absences relating to coronavirus will be handled.

Recommendation

10. The NICS Board members consider the required decisions and agree with the proposed approach.

A handwritten signature in black ink, appearing to read 'Michael Cooke', is centered within a light gray rectangular box.

Michael Cooke