

# COVID-19

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**Absences (ill health, staying at home, caring responsibilities, vaccinations, foreign travel)**

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Scottish Information Commissioner



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## Glossary and abbreviations

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<b>Term used</b>	<b>Explanation</b>
<b>CoV</b>	Coronaviruses
<b>FAM</b>	Finance and Administration Manager
<b>HOCS</b>	Head of Corporate Services
<b>HOD</b>	Head of Department
<b>SMT</b>	Senior Management Team

## Background

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1. Coronaviruses (CoV) are a group of viruses that cause illness ranging from the common cold to more severe diseases such as Middle East Respiratory Syndrome and Severe Acute Respiratory Syndrome. The viruses are zoonotic, meaning they are transmitted between animals and people.
2. COVID-19 is a new strain that has not been previously identified in humans and has been declared a pandemic.
3. The office premises have been temporarily closed from 23 March 2020 due to the impact of the COVID-19 pandemic and are due to gradually re-open from 3 May 2022.

## Introduction

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4. This document has been approved by the Senior Management Team (SMT) and:
  - covers specific situations relating to COVID-19 and absence policies and working arrangements
  - supplements the policies and procedures set out in the Employee Handbook (VC153224)
  - replaces the COVID-19 Additional Temporary Guidance (VC131882) approved and issued in March 2020
  - may change and be updated as the COVID-19 situation progresses
5. Both employers and employees have general implied duties to look after all employees' health and safety. These duties include complying with the stay at home guidance and helping to mitigate the spread of COVID-19.
6. Staff are expected to follow advice from [NHS Inform](#) in relation to monitoring for symptoms of COVID-19 and the stay at home guidance .
7. The underlying principle is that staff will not face any detriment as a result of following Scottish Government guidance on dealing with COVID-19 nor any discouragement from following Scottish Government guidance.

## Absences

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8. We are committed to providing an appropriate level of support for staff in terms of their health and wellbeing.
9. The policies set out below have been put in place to deal with situations arising which may be linked to the COVID-19 virus and are additional to our current policies on Sick Pay, Time off for Dependents and Special Leave and may change and be updated as the situation progresses

### Ill-health absence

10. The symptoms of COVID – 19 are a new:
  - continuous cough
  - fever/high temperature – (37.8C or greater)
  - loss of, or change in, sense of smell or taste (anosmia)
11. Staff who are sick or unfit for work with symptoms of the COVID-19 virus should remain at home, rather than work in the office premises and should follow the guidance from [NHS Inform](#).
12. When reporting a COVID-19 absence, it is important that a manager is spoken to directly, rather than the staff member leaving a message. Managers should enquire specifically if the reason for any absence is related to COVID-19 and the manager must inform the HOCS/FAM of an absence due to COVID-19. The manager must complete the COVID-19 Ill Health and Self Isolation Form (VC133281) and forward this by email to the Finance and Administration Manager (FAM) marked “CONFIDENTIAL”.
13. All ill health absences will be recorded on our HR systems using the appropriate categories.
14. Members of staff should keep their line manager updated regarding their absence and their subsequent plans to return to working remotely or in the office premises.
15. Absences relating to COVID-19 will be excluded from any calculation of contractual sick pay and absence management triggers. In effect, this means that staff will not tip into the half and nil-pay categories specifically as a result of an ill health absence relating to COVID-19.
16. If a COVID -19 related absence becomes long-term and is categorised as such on a fit note, for example, post-covid syndrome or long covid, the ill health absence from that point in time will be managed in the same way as other long-term absences (that is, contractual sick pay and absence management triggers will apply with effect from the date of the fit note) to ensure parity with those staff absent with similar long-term health conditions. Some staff diagnosed with post-covid syndrome or long covid may meet the Equality Act 2010 definition of a disabled person if their physical or mental impairment has a substantial and long-term adverse effect on their ability to do normal day-to-day activities. Where this is the case, reasonable adjustments will be considered to support staff in such cases, taking into account medical/occupational health advice.
17. Where a member of staff is absent as a result of other absences which are shown to be related to the current medical emergency (e.g. as a result of ongoing medical conditions such as depression or anxiety which have been adversely impacted by the current COVID-19 pandemic and the provisions to deal with it) we will consider using existing discretions to

determine whether it is appropriate to extend sick pay taking account of all the circumstances. Where discretion is applied, the absence arrangements will be kept under regular review and will take into account medical/occupational health advice on how COVID-19 has impacted the absence. We will carefully consider individual circumstances and the requirements to make reasonable adjustments under the Equality Act 2010 when making such decisions.

### **Staying at home (previously self-isolation)**

18. If you have symptoms of a respiratory infection or have a fever and do not feel well enough to go to work or carry out normal activities, stay at home and avoid contact with others. This replaces the previous self-isolation guidance.
19. The relevant NHS guidance can be found here: [stay at home](#)
20. A member of staff who is staying at home because of the above should not work in the office premises and should only work remotely if they feel well enough to do so.

### **If you live with or care for someone who has an underlying health condition**

21. If you live with or care for someone who has an underlying health condition please contact the HOCS to discuss the arrangements that need to be put in place to support you in the light of the up to date guidance on this. If the HOCS is not in the office please contact the FAM who will let you know how contact with the HOCS will be made.
22. In these circumstances, a member of staff may be granted Special Leave (see below).

### **Caring responsibilities and special leave options**

23. Staff who are unable to attend work due to caring responsibilities arising from:
  - school/nursery closures
  - a child self-isolating or
  - caring for family members who have been diagnosed with COVID-19,can work remotely where this is possible.
24. Managers should take as broad a view as possible in determining the type of work which may be able to be undertaken remotely. Any work allocated should also take account of the specific circumstances, for example, where a member of staff is caring for young children, it may not be possible for them to undertake work to any significant extent. Staff in this situation who are only able to work part of their scheduled hours should nevertheless be credited with their normal daily hours
25. If nurseries, schools and care facilities close, staff with caring responsibilities should be supported to manage home schooling/caring for family members and offered flexibility, following discussion with their manager, to meet both their individual circumstances and critical work requirements. This would include being credited with their normal daily hours where they have been unable to work their scheduled hours, which could take the form of Special Leave. Staff (whether full or part-time) are not expected to make up hours on their non-working days unless they have specifically agreed to do so as part of a working agreement reached with their line manager to support balancing caring and work responsibilities.

26. There may be staff who are due to work in the office premises but may be reluctant to do so because they feel at particular risk, or because they have caring responsibilities for someone else who is. In these circumstances, a member of staff can work remotely.
27. Where it is not possible for a member of staff to work remotely then paid Special Leave may be available.
28. In all such cases, a manager should keep in touch with the member of staff and the member of staff should take all practicable steps to resume their normal working hours as soon as possible - taking account of advice and guidance from government sources.
29. If a member of staff wishes to apply for Special Leave for a reason connected with COVID-19, this will need to be approved by the HOD following advice from the HOCS. The leave granted will be considered what is reasonable in the circumstances. Any information supplied to managers in this context will be confidential. Any leave granted will be considered what is reasonable in the circumstances.
30. A member of staff may also choose to take this time off as paid annual leave instead in which case the normal annual leave processes (line manager agreement) and pay apply.
31. If a member of staff or a line manager is in doubt about how to deal with a particular case, they should contact the HOCS for advice (in the absence of the HOCS, contact the FAM).

## **Vaccinations**

32. Staff may receive a fixed appointment time or be able to attend a walk in clinic for a COVID-19 vaccinations.
33. For those receiving an appointment, it is recognised that appointments may be given at a fixed time, date and location and so unlike some other medical appointments, there may not be the flexibility to schedule these around business needs. We will accommodate COVID-19 vaccination appointment times wherever possible. Paid time off during the working day to attend the appointment, inclusive of travel time, will be provided up to the length of the member of staff's normal working day.
34. If a member of staff is unable to work on the day of receiving the vaccine due to any side effects of the vaccine, paid time off (flexi credit) will be provided up to the length of the member of staff's normal working day.
35. Absences due to vaccine side effects in the immediate days after a COVID-19 vaccine will be considered sympathetically and not be subject to formal action.
36. Employees who are carers may also need time off work to accompany the person they care for to their COVID-19 vaccine appointments and paid time off should be provided on the same terms as set out above in those circumstances.

## **Vaccination Status**

37. The Information Commissioner's Office has [issued guidance](#) regarding recording information on employees' Covid-19 vaccine status. A person's Covid status is health data and therefore has the protected status of "special category data" under data protection law. We do not record this data and no member of staff will be asked to provide evidence of their vaccination status or to confirm whether or not they have had a vaccine.

## **Foreign travel and quarantine**

38. All members of staff are expected to follow the Foreign, Commonwealth and Development Office (FCDO) advice and guidance on travelling abroad and the latest UK and Scottish government advice for the country or countries being visited. Members of staff should be aware that countries may move on to a red list at short notice. Further information is available at [Coronavirus \(COVID-19\): international travel and managed isolation - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/coronavirus-international-travel-and-managed-isolation/)
39. Where travel overseas is undertaken and that country moves to the red list whilst the member of staff is abroad you may be able to apply for Special Leave with pay for the duration of the quarantine period. If this situation applies, you should discuss this your manager and your manager should consult the HOCS.
40. If an employee is unable to work remotely during a quarantine period, they should use annual leave, flexi or unpaid special leave to cover this period.

#### Travelling for Compassionate Reasons

41. Where travel overseas is undertaken for compassionate reasons and that country moves to the red list whilst the member of staff is abroad you may be able to apply for Special Leave with pay for the duration of the quarantine period. If this situation applies, you should discuss this your manager and your manager should consult the HOCS.
42. Examples of reasons where we a Special Leave application may be considered might include:
  - attending a funeral of a close family member
  - receiving urgent and serious medical attention
  - accompanying a family member requiring urgent and serious medical attention
  - complying with urgent legal responsibilities overseas
  - supporting a relative overseas who needs urgent and immediate help.

#### **Special circumstances**

43. If a member of staff believes that there are special circumstances, such as a relevant disability, applying in their case that merit being treated outwith the scope of this guidance set out in this document then the member of staff should make their case to their manager. Such cases can be made retrospectively (and may be considered retrospectively) provided the member of staff has made a reasonable attempt to let their manager know of their particular circumstances at the time.

#### **Review of document**

44. The HOCS will keep this document under regular review to take account of experience, recommended practice and government guidance. All staff will be advised of any updates to this document.

#### **Further information**

45. If you have any questions or queries concerning the above or need any further information, please contact the HOCS.



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