# **Coronavirus (COVID-19) - HR Policy Guidance FAQs - V20**

## **Introduction**

These are Coronavirus (COVID-19) - HR Policy Guidance FAQs. The FAQs should be read in conjunction with Coronavirus (COVID-19) HR Policy Guidance and alongside departmental guidance on Smarter Working, as this sets out ways of working during the COVID-19 pandemic.

This is version 20.

## **Updates**

**References to Step 4 of the Roadmap have also been removed.**

**Q.1.7. Updated to reflect the latest government advice on face coverings.**

**Section 2 has been updated to reflect the changes to shielding advice and guidance and the terminology clinically extremely vulnerable.**

**Q.6.17. Updated to reflect the changes to shielding advice and the terminology of clinically extremely vulnerable children.**

**Q.6.21 and Q.6.22 have been added. These have been previously within the Coronavirus (COVID-19) - holiday, special leave & other time off - HR guidance and FAQs).**

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## **1.Working safely**

**Q. 1.1. How can we encourage good hygiene to minimise the risk of contracting COVID-19 and protect employees when they attend the workplace?**

MoJ encourages employees to adopt good practices within the workplace, read the Returning to the Workplace guidance on the [intranet](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/returning-to-the-office/) and regularly remind employees of their responsibilities relating to their own health and safety in relation to COVID-19.

Employees should also be reminded that they have a responsibility for the safety of colleagues and customers and should comply with the measures implemented at work to minimise the risk of infection. Where breaches occur, they should be dealt with in accordance with standards of behaviours and conduct policies.

For general advice refer to the [Government guidance for Employers and businesses.](https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/guidance-for-employers-and-businesses-on-coronavirus-covid-19)

[Resources](https://campaignresources.phe.gov.uk/resources/campaigns/101-coronavirus-/resources) are available from PHE in the form of posters to display in buildings to support good practice.

**Q. 1.2. Can an employee be instructed not to attend work if they could be a risk to others e.g. they may have symptoms of COVID-19?**

All employees have a shared responsibility to manage their health and safety and fitness for work in relation to COVID-19. This means following [government guidance on self-isolation and testing](https://www.gov.uk/government/publications/covid-19-response-summer-2021-roadmap/coronavirus-how-to-stay-safe-and-help-prevent-the-spread) if they report or show COVID-19 symptoms. Employees should be sent home if they have [symptoms](https://www.gov.uk/coronavirus) and follow the [government guidance for households with possible coronavirus infection](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance).

**Note:** The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (SI 2020/1045) make it a legal requirement to self-isolate in certain situations. Employees should refer to the government [guidance for households with possible or confirmed coronavirus (COVID-19) infection](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection) for information on self-isolation periods.

Employees could be fined if they do not stay at home and self-isolate. Employers also risk fines where they knowingly allow the self-isolating employee to come to the workplace without reasonable excuse. **Note:** Departments and employees should note that fines may vary across the Devolved Nations. Employees can work at home where they are fit and able to.

**Q. 1.3. I am concerned about returning to the workplace - has it been risk assessed and is it safe to return?**

MoJ, along with all Departments must, by law, protect workers and others from risks to their health and safety. This includes risks from COVID-19.

MoJ will manage this in the same way as other workplace risks. This includes:

* completing a suitable and sufficient assessment of the risks of COVID-19 in the workplace; and
* identifying control measures to manage that risk.

MoJ will take into account BEIS workplace guidance: [Working safely during coronavirus (COVID-19): guidance from Step 4](https://www.gov.uk/guidance/working-safely-during-covid-19) and any HSE workplace guidance. MoJ will also follow the GPA property and facilities guidance, as necessary[.](https://www.gov.uk/government/collections/local-restrictions-areas-with-an-outbreak-of-coronavirus-covid-19)

**Q.1.4. What happens if an employee will not come to the office/workplace as they are concerned about contracting COVID-19?**

Managers should explore all options with employees for carrying out their role including considering smarter working and hybrid working policies and practices. Using the individual personal risk assessments can also support managers and employees to explore individual circumstances and concerns.

If an employee still feels concerned about attending the workplace, they may be able to arrange to take some time off as annual leave or unpaid special leave. Managers have discretion on whether to agree this.

If an employee refuses to attend work without a valid reason, it could in some cases lead to disciplinary action. However, the department will make every effort to resolve cases in a way which shows compassion and empathy for an individual’s concerns, which reflects the latest medical and health advice. Legal advice should also be sought before moving to disciplinary action.

**Q. 1.5. Should employees who are in the workplace be provided with PPE?**

MoJ will follow the BEIS workplace guidance: [Working safely during coronavirus (COVID-19): guidance from Step 4](https://www.gov.uk/guidance/working-safely-during-covid-19).

Unless you are in a situation where the risk of COVID-19 transmission is very high, your workplace risk assessment should reflect the fact that the role of PPE in providing additional protection is extremely limited. However, if your risk assessment does show that PPE is required, then you must provide this PPE free of charge to workers who need it. Any PPE provided must fit properly.

**Q. 1.6. If I am required to wear PPE at work, do I need to remove any facial hair?**

PPE equipment, such as masks, are provided for your protection and the protection of others. You should consider if you need to remove facial hair in order for the face mask to be effective in forming a seal to the face.

There may be different reasons for not removing facial hair, such as your faith. The NHS have provided advice on [Facial Hair and PPE](https://www.nhsemployers.org/covid19/health-safety-and-wellbeing/infection-control#Advice%20on%20requiring%20staff%20to%20shave%20off%20facial%20hair%20and%20fitting%20PPE) which should be followed as best practice. This is based on guidance put in place and recommended by HSE.

**Q. 1.7. Should employees wear face coverings\* in the workplace?**

Whilst face coverings are no longer required by law, the Government expects and recommends that people should wear face coverings in crowded and enclosed areas where they come into contact with people they don’t usually meet. Departments should consider face coverings and their use within the workplace as part of their workplace risk assessment and in line with the BEIS workplace guidance [Working safely during coronavirus (COVID-19).](https://www.gov.uk/guidance/working-safely-during-covid-19) They should consider encouraging the use of face coverings by workers, particularly in indoor areas where they may come into contact with people they do not normally meet.

If employees choose to wear a face covering, you should support them in [using face coverings safely.](https://www.gov.uk/guidance/working-safely-during-covid-19/offices-factories-and-labs#offices-7-2%20your%20workers%20choose%20to%20wear%20a%20face%20covering,%20you%20should%20support%20them%20in%20using%20face%20coverings%20safely)

There are barriers to wearing face coverings for some disabled people, including the potential for challenge and stigma from members of the public. Some people who rely on lip reading, facial expressions and clear sound may ask, either verbally or in writing, that a face covering is removed to help with communication.

HMPPS staff should refer to the [HMPPS Face Mask (FRSM) Strategy](https://hmppsintranet.org.uk/ersd-guidance/2020/10/12/face-masks/) for further guidance.

**Note:** \*There may be some differences between the rules in the four nations on where face coverings are required. Further information can be found here:

* England on [GOV.UK](https://www.gov.uk/coronavirus)
* Scotland on the [Scottish Government website](https://www.gov.scot/coronavirus-covid-19/)
* Wales on the [Welsh Government website](https://gov.wales/coronavirus)
* Northern Ireland on the [nidirect website](https://www.nidirect.gov.uk/campaigns/coronavirus-covid-19)

**Note:** This is not referring to face coverings worn due to religious beliefs.

**Q. 1.8. I am worried that my workplace adjustments I have in place for working at home will not be supported when I return to an office environment. What do I need to do?**

You and your manager should discuss any new or existing workplace adjustments as part of your return to the workplace discussion. Individual risk assessments can support managers and employees to explore individual circumstances and concerns.

You and your manager should revisit your workplace adjustment passport to ensure any new or existing workplace adjustments are fully captured, understood and managed appropriately.

Any procurement and transportation of workplace adjustments from your home back into the office will be done at the department’s expense.

**Further advice on workplace adjustments and workstation assessments should be sought from the** [Covid-19 Workplace Adjustment pages](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/workplace-adjustments/).

**Q. 1.9. Can I access support through Access to Work to return to the workplace?**

Yes, new employees can apply for Access to Work (ATW) online on the GOV.UK website or by phone. The latest guidance and details of changes to the AtW scheme due to Covid-19 can be found at<https://www.gov.uk/government/publications/access-to-work-factsheet>.

*For further information contact the* MoJ Workplace Adjustment Service (MoJWAS)*.*

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**Q.1.10. I have been in the workplace throughout the COVID-19 pandemic because of the nature of my role. Colleagues doing different types of work are now returning but may only need to do a couple of days a week. How is this fair?**

Across the Civil Service and within the MoJ we are committed to supporting as many people as possible to take up hybrid working as part of smarter working arrangements where this suits the role they do, the business/team need and personal circumstances. You should discuss your options with your manager.

**Q. 1.11. Can I be disciplined for failing to follow internal workplace safety guidance?**

Employees have a statutory duty to:

* take reasonable care for their health and safety and that of anyone who may be affected by their acts or omissions while at work
* co-operate with their employer so far as is necessary to enable compliance with any statutory duty or requirement relating to health and safety.

(Refer to [Section 7(a)-(b)](https://uk.practicallaw.thomsonreuters.com/6-512-9288?originationContext=document&transitionType=PLDocumentLink&contextData=(sc.Default)), Health and Safety at Work Act 1974).

Failure to take care and putting others at risk could be considered to be misconduct. This applies in relation to COVID-19 related regulations and requirements and is relevant to both during working hours and when “off duty” where evidence of breaches may be observed by an employer's contacts and customers (i.e. the general public in the case of a civil servant).

**Q.1.12. I am required to visit customers in their workplace. How can I be sure that their workplaces are safe?**

You should discuss concerns with your manager, using individual risk assessments as necessary, along with supporting guidance to talk through your personal circumstances.

All businesses and organisations must, by law, protect workers and others from risks to their health and safety. This includes risks from COVID-19 which must be managed in the same way as other workplace risks. This includes:

* completing a suitable and sufficient assessment of the risks of COVID-19 in the workplace; and
* identifying control measures to manage that risk.

You can ask to see the business/organisations risk assessment.

**Q.1.13. I am a carer and I am concerned about returning to the workplace as I am unable to access adequate support services at this stage due to COVID-19.**

Employees should talk about their caring responsibilities with their manager as part of an individual risk assessment. Individual risk assessments can help the employee and manager assess their individual factors and how they affect their return to the workplace.

Managers should be sympathetic and supportive and recognise that employees with caring responsibilities may continue to need additional support when considering smarter/ hybrid working and returning to the workplace. Every caring scenario is different and the COVID-19 pandemic will have impacted individuals differently. Managers will need to discuss what the transition back to the workplace means with each carer on an individual basis to enable carers to make appropriate provision.

## **2. Vulnerable people and those at high risk**

**Q. 2.1. Under government guidance I was previously defined as clinically extremely vulnerable and advised to shield. As I am no longer required to shield, do I have to return to the workplace?**

During the pandemic, the UK government defined some people as [clinically extremely vulnerable](https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19) and advised them to shield and/or take extra precautions relating to COVID-19.  Following expert clinical advice and further understanding about what makes people more or less vulnerable, plus the successful rollout of vaccinations, the shielding programme has now [ended in England](https://www.gov.uk/government/news/shielding-programme-ends-for-most-vulnerable). This means that people who were defined as clinically extremely vulnerable will not be advised to shield again.

As a minimum, those previously defined as clinically extremely vulnerable are advised to follow general government guidance titled: [Coronavirus: how to stay safe and help prevent the spread](https://www.gov.uk/guidance/covid-19-coronavirus-restrictions-what-you-can-and-cannot-do). You should also consider advice from your health professionals on whether additional precautions are right for you.

Your department should continue to give consideration to employees at [higher risk](https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/who-is-at-high-risk-from-coronavirus/) from COVID-19, conducting appropriate workplace risk assessments and ensuring employees are aware of these and the provisions in place to support employees in the workplace.

In addition, you and your manager should consider any individual risk factors that may impact on your attendance in the workplace, including any risks in relation to the [closure of the ‘shielding’ programme](https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19) and current self-isolation requirements. The COVID-19 Individual Risk Indicator (CIRI) is helpful in assisting you and your manager to work together to identify any risks and find ways to reduce those risks to support attendance in the workplace. You and your manager should look to mitigate any risks, where possible. Continuing to work from home is a measure that can be considered where risks have been identified and cannot be mitigated.

If risks cannot be adequately mitigated and you are not able to work at home in your current role, it may be appropriate for you to take up an alternative role or adjust your working pattern temporarily. Your manager may also consider other options, including paid special leave, where other options are not appropriate and you cannot attend the workplace safely due to risks as identified through your personal risk assessment.

Note: There is different guidance available for people living in [Scotland](https://www.gov.scot/publications/covid-highest-risk/), [Wales](https://gov.wales/shielding-extremely-vulnerable-people) and [Northern Ireland](https://www.nidirect.gov.uk/articles/coronavirus-covid-19-guidance-clinically-extremely-vulnerable-and-vulnerable-people).

**Q.2.2. A colleague has been notified that they are a close contact of someone who has tested positive for COVID-19 and as they are fully vaccinated, they don’t have to self-isolate and are attending work. Due to a health condition,** **I am worried about the risk of catching COVID-19 from them and would prefer to work from home.**

You should discuss any concerns with your manager – your individual risk assessment should help you both to assess your risks and identify any measures that could be put in place to reduce those risks. Part of this risk assessment will be to consider the appropriate work activities for you both during what would have been the self-isolation period. There may be an option for you or your colleague to work from home during this time, depending on your role and the business need. If this is not possible and the risks cannot be mitigated through any other measures, a period of paid special leave might be appropriate, based on your individual circumstances. Where applicable, your healthcare specialist and/or occupational health will also be able to advise.

**Q. 2.3. I live with someone who has been identified by a medical/healthcare professional as being at** [**higher risk**](https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/who-is-at-high-risk-from-coronavirus/) **from coronavirus (COVID-19), do I have to return to a workplace?**

If you live with or care for someone who is at a [higher risk](https://www.hse.gov.uk/coronavirus/working-safely/protect-people.htm) from COVID-19 you should discuss this with your manager. Managers should be supportive of employees living with/caring for someone who is [high risk](https://www.hse.gov.uk/coronavirus/working-safely/protect-people.htm) and should use the COVID-19 individual risk assessment to identify the key risks. Employees are likely to be able to attend the workplace in accordance with their departmental guidance and smarter working arrangements but this will depend on their individual circumstances.

## **3. Self-isolation, household isolation & sickness**

For FAQs on sickness absence in relation to COVID-19 and other impacted conditions refer to the *COVID-19 - Supporting Attendance Guidance*. This is available on the intranet.

For FAQs relating to self-isolation, please refer to COVID-19 HR Policy Guidance, Annex A. This is also available on the intranet.

## **4. If someone has COVID-19 symptoms at work**

You must not come into the office if you feel unwell, are awaiting the results of a COVID test or have been told to self-isolate. In the event that a member of staff has recently attended the office and has COVID-like symptoms, please inform the MoJ Property Directorate FM office immediately.

Further information can be found on the [COVID-19 testing for MoJ staff](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/covid-19-testing-for-moj-staff/) page.

## **5. Holidays, special leave and other time off**

### Special Leave

**Q.5.1 What if I take paid special leave for other reasons not relating to coronavirus?**

Where you take special leave for reasons other than coronavirus, you should record this under the current special leave category and not as coronavirus-related special leave.

### Annual & Flexi Leave

**Q.5.2. A member of my team does not want to take annual leave while they are receiving special leave with pay. Can I encourage them to take leave?**

Staff on paid special leave should be encouraged to take annual leave to ensure that everyone is able to have the benefit of a period of rest and relaxation. Special Leave is a temporary arrangement, and it is therefore possible that you could be assigned work at any time. Staff should therefore consider using some annual leave to ensure a break from work.

Staff can also be reminded that there is an expectation of all employees that they will continue to use annual leave responsibly to play a part in easing work pressures on colleagues.

Annual leave should not be used instead of, or before agreeing to, special leave with pay.

**Q.5.3. Should I be taking annual leave at this time?**

It’s important to take annual leave at this time where it is possible to do so, as it is the main way that you can step away from work, relax, recharge and help ensure your continued wellbeing.

Line managers are encouraged to allow requests for annual leave if possible, and act flexibly to resource remaining work.

**Q.5.4. What is the Annual leave carry-over position in the light of COVID 19 legislation?**

Staff should apply for leave in the normal way but if their manager is unable to approve this due to the coronavirus pandemic, they will be allowed under the Working Time (Coronavirus) (Amendment) Regulations 2020 to carry forward into their next leave year and if necessary their leave year after that (i.e. their leave year containing 31 March 2022), part or all of the 4 weeks statutory annual leave to which they are entitled but were not reasonably able to take as a consequence of the pandemic.

It remains the responsibility of employees to seek to take their annual leave entitlement during this period and employees should continue to be encouraged to do so to help make sure they take appropriate rest from work (in line with the Working Time Directive, ACAS guidance and the MoJ Annual Leave Policy - links below), and the department has a duty of care to support the physical and mental wellbeing of staff in this way.

Business areas may however on a case by case basis, allow employees to cancel pre-booked annual leave where it is not reasonably practicable to take this, further to discussion with their line manager and taking account of the individual’s personal circumstances and wellbeing, to be used later in the year or carried forward if necessary.

It will be for staff and line managers to agree where the impact of the COVID-19 pandemic has been the reason for leave not being taken or pre-booked leave being cancelled and how that can be addressed during the remaining portion of their annual leave year or carried over, up to the maximum 4 weeks allowed under the terms of the Working Time Directive’s temporary provision.

The usual factors for considering future annual leave requests continue to apply e.g. business needs, requests from others etc, and where staff leave has not been impacted by the pandemic the normal MoJ Annual Leave policy carry over arrangements continue. Staff on paid special leave should continue to take annual leave during this period.

* [Government Guidance](https://www.gov.uk/guidance/holiday-entitlement-and-pay-during-coronavirus-covid-19?utm_source=458b84c0-5181-43ea-9d13-fd803529f23d&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate)
* [ACAS Guidance](https://www.acas.org.uk/coronavirus/using-holiday)
* [Annual Leave Intranet Page](https://intranet.justice.gov.uk/guidance/hr/leave/annual-leave/)

**Q.5.5. My employee has a flexi credit that is growing. Can they carry forward more than the normal limits?**

The level of flexi credits and carry overs allowed is local to your department and business area.

Employees should be encouraged to take flexi leave as they would annual leave, as it’s important to take time to recharge, particularly after a busy period.

Where credits unavoidably exceed the usual carry over limits as a result of working during the Coronavirus period, you should consider if a variation to the local limits is appropriate and agree a timeframe with your team member within which the flexi credit will be brought back within normal limits.

[The Working Time (Coronavirus) (Amendment) Regulations 2020](http://www.legislation.gov.uk/uksi/2020/365/made) which came into effect on 27 March 2020 allows workers to carry over annual leave into the next two leave years, where it is not reasonably practicable for them to take some, or all, of the holiday they are entitled to due to coronavirus.

**Q.5.6. My employee has a flexi debit that is growing due to the working pattern they are having to adopt to work from home. How do I manage this?**

You should talk supportively to your employee to see if changes to the way of working are possible to prevent this. The Coronavirus (COVID-19) [guidance on working patterns](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/absence-leave/) may contain helpful advice to consider.

If you have agreed that paid special leave is appropriate for your team member, any time they were able to work during the day should be rounded up to their full working hours. This prevents the debit increasing.

If, occasionally, it is only possible to work shorter days and the flexi debit increases above normal permitted limits, you should view this sympathetically and agree a reasonable time beyond the Coronavirus period to bring the debit down to permitted levels

Pre-existing flexi debits should be treated in accordance with local flexi rules, with some flexibility and sensitivity to recognise the constraints on working that may apply during the Coronavirus period.

Managers and employees should continue to be as flexible as possible and work together to identify ways of balancing work and childcare requirements effectively.  Managers and their employees should be prepared to be creative and consider all options, including varying work patterns; being flexible with attendance times, enabling some home working where possible, allowing unusual working patterns and working more flexibly where possible. This would need to be an ongoing and iterative process, to support this managers and employees should be patient and as flexible as possible and keep talking to each other. If employees are unable to source appropriate childcare and are required to vary their start/finish time to accommodate a staggered start time, their manager may consider the use of special leave with pay.

**Q.5.7. A member of my team has requested annual leave, can I refuse as my team is fully stretched?**

Requests for annual leave will continue to follow the usual procedures outlined in the departmental [annual leave policy](https://intranet.justice.gov.uk/documents/2015/04/annual-leave-policy-statement.pdf).

Managers have a responsibility for their team’s wellbeing. Annual leave protects wellbeing, builds resilience in the team, reduces the risk of burnout and stress, and keeps employees performing at a high level.

Managers are encouraged to include an allowance for annual leave into rotas and resourcing requirements where possible.

**Q.5.8. Do I have to take annual leave if I feel that it increases the burden on my colleagues?**

For many employees these feelings are understandable. However, we have personal responsibility to look after our own wellbeing so that we can be strong and resilient for others. Annual leave is a key part of this. Making sure that you and your colleagues can perform at their best is the best way to support and ease the burden on everyone over the next few months.

**Q.5.9. My employee has annual leave agreed but they are not able to go on their planned holiday due to COVID-19. Can they cancel their annual leave?**

Employees should be encouraged to take their annual leave to help make sure they take appropriate rest from work during the year.

Departments and agencies may allow employees to cancel pre-booked annual leave further to discussion with their line manager, taking account of the individual’s personal circumstances and in line with the department’s Annual Leave policy.

Employees should be reminded that future annual leave requests will be handled in line with department's policies, e.g. business needs, requests from others, etc. (see [MoJ Annual leave policy](https://intranet.justice.gov.uk/guidance/hr/leave/annual-leave/)).

Special leave arrangements should not replace annual leave.

**Q.5.10. Will I be able to carry forward annual leave, if I am unable to take it because of the coronavirus and the need to work?**

Yes. You should apply for leave in the normal way but if your manager is unable to approve it they will note, where appropriate, that the reason is related to coronavirus. This will allow you to carry forward the leave as part of the flexibilities for carrying forward annual leave.

When using the new flexibilities on carrying forward leave managers should work together with employees to achieve a balance between supporting annual leave to meet employee plans and continuing to deliver the business over the next two years.

For example, your leave year ends on 30th June 2020 and you were planning to take annual leave for 10 days in May to bring you down to your department’s normal carry forward limits. You apply for this leave as usual, but it is not approved by your line manager because of work pressures related to the coronavirus. The new flexibility allows you to carry forward the untaken leave into your leave year commencing 1st July 2020. If necessary, you can also carry this forward into your leave year commencing 1st July 2021.

**Q.5.11. How long will coronavirus affect my ability to take annual leave?**

Coronavirus will have a long-term effect on ability to take annual leave. The effect will not only be felt during the period that Government’s measures for social isolation and distancing are in place, but in the months afterwards where a department or team recovers to a position of business as usual.

It will be for teams and departments to judge when this position is reached, and to communicate this clearly to employees.

**Q.5.12. What if I am entitled to another form of statutory leave?**

Where you are entitled to a form of statutory leave such as parental bereavement leave or shared parental leave, you should take this before asking for special leave or taking annual leave. However, you can discuss with your manager whether your statutory leave needs to be supplemented by paid special leave if this relates to coronavirus.

**Q.5.13. What is the Working Time (Coronavirus) (Amendment) Regulation 2020 and does it apply to me?**

The [Working Time (Coronavirus) (Amendment) Regulations 2020](http://www.legislation.gov.uk/uksi/2020/365/made) which came into effect on 27 March 2020 allows workers to carry over annual leave into the next two leave years, where it is not reasonably practicable for them to take some, or all, of the holiday they are entitled to due to coronavirus.

**Q.5.14. I am working as normal, or working from home – should I take my annual leave?**

Consider taking your annual leave as planned. From a wellbeing perspective, it’s important to take regular breaks from work and have time to yourself, especially during this busy period. If you have a valid reason for wanting to alter this annual leave, speak to your line manager to see if it can be changed. Your line manager should base this decision on business need and continuity, and relevant PHE/NHS guidance at the time.

**Q.5.15. I am absent/not working due to illness with symptoms of COVID-19 while I’m supposed to be on annual leave – what should I do?**

In line with the MoJ Annual Leave policy, employees who are sick during a period of annual leave will be allowed to record that time as sickness absence rather than annual leave (and so re-claim the annual leave) provided that they inform their manager as soon as practicable. See: [annual leave policy](https://intranet.justice.gov.uk/documents/2015/04/annual-leave-policy-statement.pdf). The absence should be recorded under the COVID-19 sickness absence category.

### Parental Leave

**Q.5.16. What if an employee is about to go on parental leave or is on parental leave at the moment?**

Normal arrangements for taking parental leave, including maternity, adoption and shared parental leave will continue. If it is not possible, due to the impact of coronavirus (COVID-19), to obtain a certificate of expected confinement, an application for maternity leave stating the expected date of confinement should be accepted. Pregnant employees should refer to the vulnerable groups information.

**Q.5.17. What if my employee is due to return from parental leave?**

Managers should apply the normal procedures. Paid special leave should be considered where working from home is not possible or issues arise in relation to caring responsibilities.

### Other leave

**Q.5.18. Can employees carry out volunteering to help their communities and vulnerable members of society?**

Employees in the Reserve Forces, Special Constabulary and those who volunteer for health or community work can help maintain public services and protect vulnerable members of society. Departments and agencies should support employees who can balance their jobs with offering wider support to their community and provision of law enforcement and medical care.

Any volunteering during work time would have to be agreed with line management and employees would remain on call for departmental work. Employees undertaking voluntary work should follow the government health and safety guidance on social distancing and containing the virus.

**Q.5.19. What is happening in relation to Civil Service Reservists?**

With the exception of the mobilisation of a few specialists, MOD will be seeking information from reservists and their managers on who would be willing to volunteer, what skills they have and whether their department will release them if needed. MOD advise that it has no intention of mobilising reservists employed in key worker roles, or those key to a role that is not included in the definition of key worker, and where the role is key to the nation’s response. More on reservists can be found [here](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/reservists/).

**Q.5.20. Due to the coronavirus situation, my usual childcare arrangements, during the school holidays, are not possible - what should I do?**

Managers should discuss all options with employees, taking into account individual circumstances and previous arrangements for covering childcare during the summer period. These will include alternative care arrangements, working from home, taking proportionate annual leave as in previous years and flexible working. It will be important for the manager to agree with the employee what is the most appropriate approach for them, which may also include the consideration of extra annual/flexi leave and/or special leave with pay.

Employees should be doing what they can to put arrangements in place to support childcare responsibilities. This may include a, second parent, co-carer, partner, spouse or older child in the same household, or where employees may have created a ["support bubble"](https://www.gov.uk/guidance/meeting-people-from-outside-your-household#meeting-outdoors-with-people-you-do-not-live-with-or-are-not-in-your-support-bubble-from-13-june).

Where employees have contractual arrangements, such as term-time working, already in place these should continue.

Where employees have agreed annual leave, they should continue to take this. If employees would normally take annual leave to cover school holidays, but have not pre booked any, they should discuss this with their manager.

**Q.5.21. What are the options for parents with children with a disability, special educational needs or in the clinically extremely vulnerable category?**

An employee who is a parent of a child with a disability or special educational needs may not be able to access the usual support for their child during the coronavirus pandemic, or feel it is unsafe to send their child to their childcare provision because of their vulnerability.

Managers should be sympathetic to these circumstances and both the manager and employee should be as creative as possible to enable the employee to meet their caring responsibilities and for business to be delivered. This includes sharing their caring with others in their family or with trusted friends who can do it. If this is not feasible due to the exceptional circumstances, the employee should be encouraged to take a proportionate amount of annual leave and flexi leave during the summer holiday and remain on special leave with pay when this is not possible.

Any changed arrangements could be reflected in a revised carer’s passport (see [MoJ Carer’s Passport](https://intranet.justice.gov.uk/news/launch-of-mojs-carers-charter-and-carers-passport/)). If an employee becomes a carer for the first time as a result of the current situation, they may also wish to complete a carer’s passport in discussion with their line manager.

## **6. Health and Wellbeing**

**Q. 6.1. Should I arrange a flu vaccination?**

If you are on the [NHS higher risk list](https://www.nhs.uk/conditions/vaccinations/flu-influenza-vaccine/) it is advised that you should arrange an appointment to get your free flu vaccination. The NHS states that flu vaccination is important because:

* if you're at higher risk from COVID-19, you're also more at risk of problems from flu
* if you get flu and COVID-19 at the same time, you may be more seriously ill
* it'll help to reduce pressure on the NHS and social care staff who may be dealing with COVID-19.

MoJ encourages all employees to consider a flu vaccination, as part of the Winter flu jab campaign to be launched in the autumn. Staff will be able to claim back the cost of a flu jab (up to £14) through i-expenses. Where entitled to a free flu jab staff are encouraged to take up this offer. Although the link between flu and COVID-19 is still not clear, we can say that the flu vaccination will help to ease the pressure on busy GP surgeries and the NHS during the pandemic.

The NHS in all four devolved administrations offer free vaccinations to those most at risk of contracting flu. The Government and some of the devolved administrations have recently announced extensions to this service. Arrangement for the area where you live can be accessed through the links below or via your local GP.

* [Scotland](https://www.nhsinform.scot/healthy-living/immunisation/vaccines/flu-vaccine#:~:text=The%20following%20groups%20are%20eligible,Anyone%20aged%2055%20and%20over)
* [Wales](https://phw.nhs.wales/services-and-teams/beat-flu/adults/)
* [Northern Ireland](https://www.nidirect.gov.uk/articles/flu-vaccine-adults)

**Q.6.2. What can I do to protect my own mental health and that of others?**

Both line managers and employees should consider how to manage their mental health and the impact that COVID-19 may have on their families (see the [MoJ Wellbeing Toolkit](https://intranet.justice.gov.uk/news/new-toolkit-for-wellbeing-conversations/) and [Support and Wellbeing](https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/) information).

If you are living with somebody who is from an extremely vulnerable group where shielding applies you will need to manage their mental health wellbeing. There are some tips on how to do this in the [PHE guidance.](https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19)

People who are affected by COVID-19 have not done anything wrong, and they deserve our support, compassion and kindness. Both line managers and employees should consider how to manage their mental health and the impact that COVID-19 may have on their families. The WHO Mental Health and Psychosocial Considerations During COVID-19 Outbreak guidance sets out some useful information on how to protect yourself and be supportive of others, including caring for children and older adults.

The ‘BBC Guidance on Coronavirus: How to protect your mental health’ also gives some useful tips on protecting our mental health including having breaks from social media and being careful that what we read is from a trusted source such as government and NHS websites. Staying connected with people and having regular check in times is key as is striking a balance between having a routine and making sure each day has some variety.

Anxiety UK has also developed advice and support online via their website blogs: health and other forms of anxiety and COVID-19 and anxiety They give helpful tips on what to do when self-isolating to protect your mental wellbeing and how to deal with mental health issues such as anxiety disorders. The Anxiety UK youtube channel has a series of dedicated support webinars helping anyone with concerns or anxiety regarding COVID-19.

**Q.6.3. As a line manager, what can I do to support the wellbeing of employees affected by the coronavirus and work pressures?**

Both line managers and employees should consider how to manage their mental health and the impact that COVID-19 may have on their families (see the [MoJ Wellbeing Toolkit](https://intranet.justice.gov.uk/news/new-toolkit-for-wellbeing-conversations/) and [Support and Wellbeing](https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/) information).

Employees should also see the [COVID-19 wellbeing guidance](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/keeping-well/managing-anxiety-and-worries/) on the intranet.

Managers should also familiarise themselves and their teams with alternative sources of support, including the MoJ [Employee Assistance Programme (EAP).](https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/employee-assistance-programme/) Resources on [wellbeing](https://learn.civilservice.gov.uk/courses/QvNs_k__QK-r-6PCwanczw) and [resilience](https://learn.civilservice.gov.uk/courses/biy4FMHIScmnQOys3fZq5Q) are available on Learning Platform for Government to help build and maintain wellbeing and resilience in teams.

**Q.6.4. What can I do to support everyone in my team while we are working remotely?**

Regular virtual team meetings can help to make everyone feel included and provide a way to check in on wellbeing and ask colleagues to share tips and coping strategies.  Managers should support inclusive virtual meetings in which all participants have the opportunity to feed in diverse views. They should recognise that online meetings can pose accessibility challenges for some people, such as those with hearing loss or those who may be less inclined to speak up.  Managers should support all their colleagues to access the equipment they need to work safely from home and recognise that everyone’s home working space will be different. Not everyone has a quiet workspace, or even space for a desk. They should ensure that everyone is included in any team online groups such as Whatsapp and distribution lists.

**Q.6.5. To promote diversity and inclusion, what can I do to support specific individuals in my team?**

Managers should listen to the specific needs of the individual to understand what sort of tailored support they can provide.  Examples of the some situations managers may find include:

* There may be anxiety and particular challenges for colleagues with a disability or health condition who are at greater risk of contracting the virus.
* Pre-existing mental health conditions might be exacerbated as a result of fear and anxiety about contracting Covid-19, economic and financial pressures, social isolation, family pressures or a fear of domestic abuse.
* For some LGB&TI civil servants it is easier to be their authentic self at work than it is at home, and some may be in lockdown with people who either don't know their true identity, or are hostile towards them.
* Staff from different ethnic and cultural backgrounds can have different familial and household set-ups and responsibilities, which can make working from home, self-isolation, and getting a good work/life balance more challenging.
* Carers and parents may have anxiety and challenges related to the impact of additional caring responsibilities and/or remote working on performance and career management. Some may be caring for elderly family members and children while continuing to work.

### 7. Performance management

**Q.7.1. Should I agree goals and/or objectives with my team/employee when the way we work is changing?**

Performance management will continue to be an important part of assuring business delivery and support for individuals during the continued coronavirus (COVID-19) pandemic and as part of smarter/hybrid working. Managers and employees should follow the existing performance management policy and procedures and have regular check-ins with employees. Employees should be clear what is expected of them and how they will be supported.

**Q.7.2. How do I make sure objectives are consistent across my team when different employees have had to deal with very different circumstances and may have been/continue to be unable to work to full capacity as a result of the coronavirus (COVID-19) situation?**

It is important to make sure objectives and goals are tailored to an individual employee and clearly reflect their capacity and ability to work during this time. Managers and employees should follow the existing performance management policy and procedures.

If an employee has limited capacity because they have been impacted by COVID-19, objectives and goals can be adjusted accordingly and kept under regular review. If an employee is unable to work for an extended period of time departments should consider applying the same rules for future assessments/ratings as they would for employees who have been absent due to maternity leave.

### 8. Probation

**Q.8.1. My employee is currently on probation - does this continue whilst they are working at home?**

Probation should continue as normal where an employee continues working in their current role.

**Q.8.2. My employee is unable to work due to the COVID-19 situation but is currently on probation, what should I do?**

Short periods of self-isolation and/or sickness due to COVID-19 would not be considered to be an interruption of probation. Where this is more prolonged, for example, are ill for longer, or not able to work from home and/or are receiving special leave with pay, and the employee is not able to receive the training or demonstrate that they have been able to carry out the core duties of their role during probation then you should consider suspending the probation period until the employee can fulfil their core duties.

To transact a suspension to a probation period with SSCL, you will need to follow the existing process for [extending probation periods](https://moj.myhub.sscl.com/i-need-to-manage/hr-and-pay/how-staff-work/probation-period). For example, if you need to suspend a probation period for three months, you will need to extend for three months. During Covid-19 and until further notice, probation periods can be extended up to a maximum of 18 months, as a temporary policy relaxation.

### 9. Death in Service

**Q.9.1. Where can I find information on Death in Service?**

An employee’s death in service is traumatic for family, friends and colleagues. Showing compassion by reaching out to those affected is the first source of support. Managers should follow their [death in service guidance](https://intranet.justice.gov.uk/guidance/hr/end-change-of-employment/death-in-service/) if an employee dies due to COVID-19.

Managers must consider how to support their teams through this difficult period and signpost employee support services. At this difficult time managers should stay in touch with their employees and refer to the [flexible working](https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/flexible-working/) and [special leave](https://intranet.justice.gov.uk/documents/2018/11/special-leave-framework.pdf) policies for information. Managers can find guidance on dealing with traumatic situations in the [Civil Service Guide to Managing Work-Related Trauma](https://learn.civilservice.gov.uk/courses/0Vc9R74gSmC2sqvG75BRlQ).

If employees or managers need support they can also contact their departmental [Employee Assistance Programme (EAP)](https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/employee-assistance-programme/) or [Mental Health Allies](https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/mental-wellbeing/mental-health-allies/). The [Charity for Civil Servants website](https://www.foryoubyyou.org.uk/info-resources/bereavement) also has a range of resources to provide advice and support.

### 10. Travel

**Q.10.1. I am travelling overseas for work, what should I do before I go and when I return to the UK?**

Employees should refer to the *COVID-19 intranet page – Absence & Leave pages: Travelling Overseas guidance* and *gov.uk* for information on quarantine when returning to the UK.

**Q.10.2. I am concerned about travelling for meetings and events, what should I do?**

You should discuss concerns with your manager and use individual risk assessments and other supporting guidance to talk through your personal circumstances.

Where you are required to travel for work you should follow any relevant government [travel advice](https://www.gov.uk/guidance/coronavirus-covid-19-safer-travel-guidance-for-passengers) in place at the time.

If you are travelling on to Wales, Scotland or Northern Ireland, follow the relevant devolved administration guidance:

* [Welsh Government guidance](https://gov.wales/staying-home-and-away-others-guidance) and see [transport advice](https://gov.wales/travel-and-transport-advice)
* [Scottish Government guidance](https://www.gov.scot/coronavirus-covid-19/) and [Traveline Scotland advice](https://www.travelinescotland.com/repatriation)
* [Northern Ireland Executive guidance](https://www.nidirect.gov.uk/articles/coronavirus-covid-19-staying-home-and-self-isolation) and [Translink advice](https://www.translink.co.uk/)

**Q.10.3. An employee has developed COVID-19 symptoms whilst working away from home, what should they do?**

Before an employee starts to work away from home, managers should discuss with them what would happen if they develop symptoms of COVID-19.

In line with [UK Hospitality guidance](https://www.ukhospitality.org.uk/page/UKHospitalityGuidanceforHospitality), if an employee begins to experience the main symptoms of COVID-19, they should inform their manager and the accommodation provider (e.g. hotel) immediately. They should stay where they are and self-isolate and are encouraged to get a test straight away.

If the test is positive, they should return home if they reasonably can. They should use private transport - either by driving themselves home if they can safely do so or arranging for someone in their household to collect them. Once the employee has returned home, they should continue to follow the government guidance on self-isolation, household isolation and social distancing.

If the employee cannot return home either because they are not well enough to drive themselves or cannot arrange a lift home, they should inform the accommodation provider (e.g. hotel), who will discuss with the appropriate health care professional and, if necessary, the local authority.

The employee should discuss options for providing food and drink with the accommodation provider (e.g. hotel) and raise any concerns with their manager.

If the employee shows acute symptoms, has breathing difficulties or their life is at potential risk, they, or the hotel should seek medical help immediately.

**Q.10.4. I am concerned about travelling to my workplace on public transport. What should I do?**

You should discuss concerns with your manager and use individual risk assessments and other supporting guidance to talk through your personal circumstances.  You should also follow the government [travel advice](https://www.gov.uk/guidance/coronavirus-covid-19-safer-travel-guidance-for-passengers).

### 11. Expenses

**Q.11.1. Can I submit expense claims to cover the costs of having to work from home, such as heating, electricity, broadband and other work-related expenses**?

Employees will not be entitled to reimbursement of expenses incurred for additional heating, lighting or other utilities when working from home under these temporary arrangements.

If there are exceptional additional costs associated with working from home and genuine hardship, employees should discuss this with their line manager and follow department policy ([MoJ](https://intranet.justice.gov.uk/documents/2015/04/travel-and-subsistence-policy.pdf) / [NPS](https://intranet.noms.gsi.gov.uk/policies-and-subjects/probation/probation-instructions/probation-instructions-2015/pi-2015-17)/ [PSP](https://intranet.noms.gsi.gov.uk/policies-and-subjects/hr/pay-pensions-and-expenses/expenses/psi-2012-15)) on additional expenses. Any expenses claims would need to be reasonable and have been incurred wholly, exclusively and necessarily while carrying out official duties at home.

Staff may be able to claim the tax relief on up to £26 of earnings per month and can find out if they are [eligible for tax relief](https://www.gov.uk/tax-relief-for-employees/working-at-home).

**Q.11.2. I am working from home. Will I be able to claim costs for telephone calls?**

Employees will not be entitled to reimbursement of telephone calls made when working from home under these temporary arrangements.

Staff should use video conferencing and other digital channels in accordance with departmental IT approvals wherever possible to hold meetings, carry out interviews and maintain communication with teams and stakeholders.

See the [Working Remotely](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/working-remotely/working-remotely-overseas/) intranet page for more information on Expenses.

**Q.11.3. I am working from home. Will I be able to claim costs for additional equipment?**

As we adapt to working in different ways, people may be considering the need for equipment for the first time.  Staff should refer to the [Ordering Equipment](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/equipment-ordering/) intranet page for further information.  We encourage staff and managers to consult the accompanying guidance on [workplace adjustments](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/workplace-adjustments/) for sources of advice about wellbeing and managing adjustments.

While the MoJ supports the wellbeing of our employees, please make sure you only order the equipment you need. The [principles of managing public resources](https://www.gov.uk/government/publications/managing-public-money) remain applicable even in these very difficult times.

**Q.11.4. I am travelling to a Covid-19 testing site, will I be able to claim travel expenses for this journey?**

Where there is operational requirement for you to be tested in order to enable your return to work, this journey may be claimed under the Travel and Subsistence policy ([MoJ](https://intranet.justice.gov.uk/documents/2015/04/travel-and-subsistence-policy.pdf) / [NPS](https://intranet.noms.gsi.gov.uk/policies-and-subjects/probation/probation-instructions/probation-instructions-2015/pi-2015-17)/ [PSP](https://intranet.noms.gsi.gov.uk/policies-and-subjects/hr/pay-pensions-and-expenses/expenses/psi-2012-15)) . If there is no need for you to be tested for work purposes, you may still be tested but may not claim the additional travel expenses.

Where it is necessary for you to drive to a test centre, you will be able to claim this expense at standard rate mileage without requiring your line manager’s pre-approval.  When submitting your claim on iExpenses, you will need to add a note that this is being claimed in relation to ‘testing for Covid-19.’’

If you are using your own vehicle for this trip and do not have business insurance, you must check with your insurer as to whether this trip is covered under your existing insurance policy, and if necessary, arrange for business insurance to be added on an exceptional basis to cover this trip. It is likely that insurance companies will take different views on whether this trip is deemed business travel, and whether business insurance is a requirement for the journey.

Where the above options are not viable (i.e. administration fees to make insurance policy changes), and you are required to drive to the test site, you should arrange to use a hire car in the normal way.

**Q.11.5. I am required to travel over 100 miles to a Covid-19 testing site, will I be able to claim mileage for this journey instead of using a hire car?**

Where you are unable to use public transport to reach the testing sites, you will be able to claim this expense at standard rate mileage rather than arranging to use a hire car as per normal policy.  When submitting your claim on iExpenses, you will need to add a note that this is being claimed in relation to ‘testing for Covid-19.’

**Q.11.6. Can I get a loan to purchase a bike to enable me to exercise?**

The policy for allowing employees beneficial loans to purchase bicycles is specifically for employees to travel to the railway station or office rather than for general use/pleasure.

**Q.11.7. Can a member of my team work from another colleague's home?**

You will need to assess whether you can support working from a remote home location, taking into account relevant departmental policies in particular security and health and safety arrangements and any government or devolved administration guidance on households mixing in line with national and/or local restrictions. There will however be very few circumstances where this type of arrangement could safely be accommodated.

There are also potential impacts for the employee whose home is being used including tax and insurance, ensuring the arrangement does not conflict with requirements of leases, restrictive covenants, rental agreements or terms of mortgages. Individuals would need to be made aware of and take these additional factors into consideration.

**Q.11.8. Will my home insurance policy be affected if I have not told my insurer that I'm working from home?**

The Association of British Insurers (ABI) has provided advice and guidance to support the impact of Coronavirus (COVID-19). Their [website](https://www.abi.org.uk/products-and-issues/topics-and-issues/coronavirus-hub/home-insurance/) states.

If you are an office-based worker and are working from home as a result of the pandemic, your home insurance cover will not be affected. You do not need to contact your insurer to update your documents or extend your cover.

If you are able to return to work, but are choosing to work from home more often, then you may need to inform your insurer that your pattern of work has changed. Check your policy documents or insurer’s website in case you need to inform your insurer, and if you are still unsure then check with your insurer.

**Q.11.9. In what circumstances would I be reimbursed any additional childcare costs?**

Line managers and employees should explore the practicability of workplace flexibilities, including flexible working if employees need to start work later or leave at lunchtime to fulfil a caring need, for example. Paid special leave is available where no other options are immediately available or available in the longer term.

Once all other options such as granting annual, flexi or special leave have been explored, it *may* be reasonable to consider reimbursing additional family care expenses incurred due to coronavirus, as an alternative to leave.

This should only be considered in exceptional circumstances where, in the manager’s view, the employee is urgently needed at work and there is a clear business justification for authorising payment of family care expenses rather than allowing the employee to take time off. Managers should first consider alternative options, such as overtime, where these are appropriate and present better value for money.

**Note:** This may change where there are no alternative arrangements accessible as other forms of childcare cease in line with government recommendations.

**12. Caring/Childcare**

**Q.12.1. My child will not be attending school as I have decided, due to the current COVID-19 pandemic, to home school them instead. This means I will be unable to work, what should I do?**

Where you choose to keep your child(ren) at home and cannot work as a consequence, options will include varying your work pattern, taking annual or flexi leave, unpaid special leave or a career break.

You should discuss your situation with your manager and work together to find practical solutions. You and your manager should be prepared to be flexible and creative in considering all options.

**Q.12.2. My child(ren) has symptoms of COVID-19//has tested positive for COVID-19. What should I do?**

**All** cases should be considered sensitively and on their own merits.

As a close contact you may be required to self-isolate depending on your vaccination status. You must follow the government [guidance for households with possible or confirmed coronavirus (COVID-19) infection](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection).

If you are required to self-isolate also you should refer to Section 3 of this guidance - Self-isolation, household isolation & sickness.

If you are not required to self-isolate you should work with your manager to identify ways of balancing work and childcare, including looking at arranging your working day to suit your family/caring commitments where possible or putting in place alternative care arrangements.

Where alternative care is not available you should work from home where possible. Where you are unable to work from home, your manager can grant you special leave with pay for the self-isolation period.

The usual limits on special leave should not apply and your manager should consider each case on its own merits within HR guidelines. See the Special Leave guidance on the Absence & Leave Covid-19 intranet pages.

Managers and employees are reminded that they need to work together, be reasonable, stay in touch, keep arrangements under review and monitor wellbeing.

**Q.12.3. The start/finish times at my child’s school continued to be staggered due to the Coronavirus (COVID-19) pandemic. This will impact on the time I am able to start/finish work. What should I do?**

You should discuss your individual situation with your manager and work together to find practical solutions.

You and your manager should be prepared to be flexible and creative in considering all options, including varying work patterns, exploring alternative care arrangements and the childcare options available to you.

If you are unable to source appropriate childcare and you are required to vary your start/finish time to accommodate a staggered start time, your manager may consider the use of special leave with pay for the times you are not able to work your contracted hours.

**Q.6.17. My child has an underlying health condition and has previously been defined as clinically extremely vulnerable. What should I do?**

During the pandemic, the UK government defined some people as [clinically extremely vulnerable](https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19) and advised them to shield and/or take extra precautions relating to COVID-19.  Following expert clinical advice and further understanding about what makes people more or less vulnerable, plus the successful rollout of vaccinations, the shielding programme has now [ended in England](https://www.gov.uk/government/news/shielding-programme-ends-for-most-vulnerable). This means that people who were defined as clinically extremely vulnerable will not be advised to shield again.

Pupils and students should have returned to their school or other educational setting - unless they have been advised differently by a healthcare professional/GP. This includes early years provision, wraparound childcare and applicable out-of-school settings.

Where your child continues to be advised to take extra precautions by their healthcare professional/GP, you should discuss this with your manager. You should work together with your manager to identify solutions and explore flexible and appropriate arrangements, in line with your departmental HR guidance, to do this. You should explore alternative care arrangements and the childcare options available to you. In some instances, it may be appropriate for your manager to consider granting special leave with pay. Where you are advised by a healthcare professional/GP that your child should not attend school you may need support to manage your work and home life.

**Q.6.18. I have requested and received approval for annual leave during part of a school holiday period and organised for my child(ren) to attend a holiday club (or similar provision) for the rest of the time. The holiday club/provision is not open due to the COVID-19 pandemic. What should I do? [Note: this would also apply where for example, childcare had been arranged via grandparents/family members and they were no longer able to support due to the COVID-19 pandemic, e.g. self-isolating].**

You should discuss your plans for covering childcare responsibilities during the school holidays with your manager. The expectation is that where employees have approved annual leave agreed they will take this.

Wherever possible you should identify childcare arrangements that allow you to work for all or part of your contracted hours. This may be in line with your usual pattern or you may need to temporarily change your working pattern.

Where childcare arrangements may have changed you should consider what alternative arrangements can be put in place.

Cases should be considered sensitively and on their own merits. You should work with your manager to identify ways of balancing work and childcare, including arranging your working day to suit their family/caring commitments where necessary.

If alternative options are not available, managers can grant special leave with pay.

It is recognised that decisions relating to personal circumstances can be emotive where individuals may feel they are not being treated consistently. Managers should deal sensitively and consistently when making decisions. Departments and agencies should maintain an oversight of decisions made to ensure they are consistent and can be justified.

**Q.12.6. I am due to return from maternity/shared parental leave soon and I am struggling to access childcare provision due to the COVID-19 pandemic. What should I do?**

You should discuss your situation with your line manager, making sure you investigate all options. You should consider the childcare options available, such as exploring which childminders and nurseries are open or seeing if there is support available from another family member. If you are unable to source childcare, then special leave with pay would apply (refer also to the Absence & Leave page on the COVID-19 intranet pages for more advice on special leave).

**Q.12.7. What if my caring responsibilities change or I have become a carer for the first time, due to coronavirus (COVID-19)?**

If your caring responsibilities change as a result of the coronavirus (COVID-19) pandemic, for example the previous caring support is no longer available, you should talk to your manager about any change in arrangements which may be necessary. This might include adjusting working times and hours. Where you need to work reduced hours, your manager should consider applying paid special leave, in the short term, to cover the deficit. Your manager may also need to consider suitable alternative roles as required.

Where, even with adjustments, you are not able to work from home, your department should consider paid special leave until alternative care can be found or your usual provision becomes available again. This should be kept under review. Any changed arrangements could be reflected in a revised [carer’s passport](file:///C%3A%5CUsers%5Crmoore%5CDownloads%5Ccarers-passport.docx). If you become a carer for the first time as a result of the current situation, you may also wish to complete a carer’s passport in discussion with your manager.

**Q.6.21. What should I do if I am caring for someone who has or may have coronavirus (COVID-19)?**

Where you are caring for someone who has symptoms of/or has tested positive for coronavirus (COVID-19), you may be granted paid special leave where it is not possible for you to work from home in your own role or an alternative role.

You should follow the government guidance: [When to self-isolate and what to do](https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-and-treatment/when-to-self-isolate-and-what-to-do/).

If you are required to self-isolate you should obtain an [isolation note](https://111.nhs.uk/isolation-note/) that starts from the first day of self-isolation. You should provide your manager with a copy of the note. Your Manager can [check the isolation note is valid](https://111.nhs.uk/isolation-note/check) by entering the 16 digit reference number from the isolation note and the employee’s date of birth.

**Q.6.22 (previously included in the Coronavirus (COVID-19) - holiday, special leave & other time off - HR guidance and FAQs) What if my caring responsibilities change or I have become a carer for the first time, due to coronavirus (COVID-19)?**

If your caring responsibilities change as a result of the coronavirus (COVID-19) pandemic, for example the previous caring support is no longer available, you should talk to your manager about any change in arrangements which may be necessary. This might include adjusting working times and hours. Where you need to work reduced hours, your manager should consider applying paid special leave, in the short term, to cover the deficit. Your manager may also need to consider suitable alternative roles as required. Where, even with adjustments, you are not able to work from home, your department should consider paid special leave until alternative care can be found or your usual provision becomes available again. This should be kept under review.  Any changed arrangements could be reflected in a revised carer’s passport. If you become a carer for the first time as a result of the current situation, you may also wish to complete a carer’s passport in discussion with your manager.

### 13. Returning to the Office

**Q.13.1. I started work with MoJ during the COVID-19 period, how do I obtain a building pass if I have now agreed with my Line Manager to attend the office?**

If you have completed the application process to return to working in the office, then you will need to do 2 things;

1) you will need to present a form of ID to Reception and they will validate your details and provide you with a day pass.

2) your Line Manager will need to complete the application for a building pass and you will receive notification from 102 Security to have a photo taken and building security pass produced, until available you will need to obtain a day pass from Reception each time you visit the office.

**Q.13.2. Building Security passes are only valid for 90 days and then deactivated, will this process be set aside because of COVID-19 and we have all been working from home?**

During the COVID-19 period, your building pass should still work, unless it has expired – check the date on the front to find out.

If your pass has expired, then it may mean your security clearance has as well. If you need to renew your security clearance get in touch with your [vetting contact points](https://intranet.justice.gov.uk/guidance/hr/recruitment/security-vetting/vetting-contact-point-vcp/) to renew.

If you can’t find your pass, you’ll have to report it as lost or stolen through the [security incident](https://intranet.justice.gov.uk/guidance/security/building-security-pass/) process in order to obtain a new one. Do this straight away. Until it arrives, you will need to show ID to Reception, who will validate your details and provide you with a day pass.

**Q.13.3. What if an employee wants to apply for or change their flexible working hours?**

Employees and managers should follow the process set out in the MoJ flexible working guidance.

## **14. Vaccinations**

**Q.14.1. Can I get paid time off to attend a coronavirus (COVID-19) vaccination appointment?**

Vaccination is the best way to protect people from coronavirus (COVID-19) and therefore it is important that as many people as possible take up the opportunity to get their coronavirus (COVID-19) vaccination when offered. Departments should support employees to attend their appointments for Coronavirus (COVID-19) vaccinations.

You should request time off in line with usual policies on time off for medical appointments. It is recognised that appointments may be offered at short notice and that you may not have the same flexibility to arrange appointments outside working hours as normal. Where it is necessary for you to attend a vaccination appointment during working hours, you should notify your manager as soon as possible and paid time-off should be granted for you to attend.

Managers should award a reasonable amount of paid time off in line with other policies covering attendance at medical appointments.

**Q.14.2. Can I have time off to accompany a dependent to an appointment for a COVID-19 vaccination?**

If an employee needs to accompany a dependant to a vaccination appointment, managers should consider requests supportively in line with the MoJ family leave policies. Appointments may be at fixed times and at short notice.

**Q.14.3. I am feeling unwell following my COVID-19 vaccination, what should I do?**

If you are not fit to attend or undertake work due to sickness as a result of any adverse side effects following vaccination, you should follow the Supporting Attendance policy. The absence will be recorded as normal sickness absence. Managers should treat these absences sympathetically and support a reasonable level of absence. Managers should exercise caution around these absences triggering formal action.

If you display any of the main symptoms of COVID-19 or have tested positive for coronavirus (COVID-19) and have atypical symptoms,then i.e. Sickness absence - Respiratory System - Epidemic/Pandemic and you should follow the [guidance for households with possible or confirmed coronavirus (COVID-19) infection](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection).

Refer to the [NHS website](https://www.nhs.uk/conditions/coronavirus-covid-19/coronavirus-vaccination/coronavirus-vaccine/) for information on COVID-19 vaccine side effects.

**Q.14.4. Can my manager ask me if I have had a coronavirus (COVID-19) vaccination?**

Your manager may ask you if you have received the coronavirus (COVID-19) vaccination. It is helpful, although voluntary, to share this as part of a well-being conversation or when considering returning to the workplace, as part of a discussion on a number of factors.

**Q.14.5. Do I have to return to the workplace once I receive the coronavirus (COVID-19) vaccination?**

You and your manager should use individual risk assessments as part of any return-to-work discussion. Whether or not you have received the vaccine is one of a number of factors that may be discussed when considering a return to the workplace. This will not be the only factor considered and will be considered alongside departmental workplace risk assessments.

**Q.14.6. Can I refuse to return to the workplace if I believe some of my colleagues may not have been vaccinated?**

You and your manager should use the individual risk assessment tool as part of any return-to-work discussion, to help you and your manager assess your individual risk factors and how they affect their return to the workplace. This will be focussed on you and not your colleagues.

With regard to workplace safety, MoJ follows the BEIS workplace guidance: [Working safely during coronavirus (COVID-19): guidance from Step 4](https://www.gov.uk/guidance/working-safely-during-covid-19). This looks at the workplace and risks, vaccinations may form part of the risk assessment but will not be a determining factor when considering workplace safety.

It is important to recognise that, as vaccination is voluntary, you will not necessarily know if your colleagues are vaccinated or not. Whilst employees are strongly encouraged to get vaccinated you should recognise that people may have different views or concerns about the COVID-19 vaccination programme.

Employees must remain responsible and respectful when communicating with their colleagues about COVID-19 vaccinations where views differ from their own.

If you still feel concerned about attending the workplace you may be able to arrange to take some time off as annual leave or unpaid special leave. Your department and managers do not have to agree to this.

If you refuse to attend work without a valid reason, it could in some cases lead to disciplinary action. However, you should work together with your manager to resolve any issues/concerns.

(See Conduct and Standards of Behaviour page on the COVID-19 intranet pages, and the MoJ [Conduct policy](https://intranet.justice.gov.uk/?s=Conduct+Policy). Sources of support for both line managers and employees with respect to the impact that COVID-19 include the [MoJ Wellbeing Toolkit](https://intranet.justice.gov.uk/news/new-toolkit-for-wellbeing-conversations/) and [Support and Wellbeing](https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/) pages). Other sources of support include the [COVID-19 wellbeing guidance](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/keeping-well/managing-anxiety-and-worries/) and the MoJ Employee Assistance Programme (EAP) as well as trade union or health and safety team contacts.

**Q.14.7. I haven’t been fully vaccinated yet and would prefer to wait until I have before returning to the office. Do I have to return before I am fully vaccinated?**

You should discuss concerns with your manager and use the Individual Risk Assessment and supporting guidance to talk through your personal circumstances and to agree what is appropriate for your return to the workplace (see alternative sources of support in Q.14.6 which may be drawn on, along with their counter signer or another manager, for individuals to speak to where they may be uncomfortable sharing details with their manager).

Departments will follow the BEIS workplace guidance titled: [Working safely during coronavirus (COVID-19): guidance from Step 4](https://www.gov.uk/guidance/working-safely-during-covid-19). This will look at the workplace and risks. Vaccinations may form part of the risk assessment but will not be a determining factor when considering workplace safety.

**Q. 14.8. I have decided not to have the COVID-19 vaccination for personal reasons. Do I have to return to the workplace?**

You should discuss concerns with your manager and use the Individual Risk Assessment to talk through your personal circumstances and to agree what is appropriate for your return to the workplace.

MoJ follows the BEIS workplace guidance titled: [Working safely during coronavirus (COVID-19): guidance from Step 4](https://www.gov.uk/guidance/working-safely-during-covid-19). This will look at the workplace and risks. Vaccinations may form part of the risk assessment but will not be a determining factor when considering workplace safety.

If you still feel concerned about attending the workplace you may be able to arrange to take some time off as annual leave or unpaid special leave. Your managers do not have to agree to this.

If you refuse to attend work without a valid reason, it could in some cases lead to disciplinary action. However, you should work together with your manager to resolve any issues/concerns.

(See Conduct and Standards of Behaviour page on the COVID-19 intranet pages, and the MoJ [Conduct policy](https://intranet.justice.gov.uk/?s=Conduct+Policy). Sources of support for both line managers and employees with respect to the impact that COVID-19 include the [MoJ Wellbeing Toolkit](https://intranet.justice.gov.uk/news/new-toolkit-for-wellbeing-conversations/) and [Support and Wellbeing](https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/) pages). Other sources of support include the [COVID-19 wellbeing guidance](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/keeping-well/managing-anxiety-and-worries/) and the MoJ Employee Assistance Programme (EAP) as well as trade union or health and safety team contacts.

## **15. Domestic Abuse**

**Q.15.1. What advice should I give where an employee experiencing domestic abuse has raised concerns about working from home?**

You should talk to your member of staff about any steps which may be appropriate to put in place in relation to their work. When discussing the options available, it is important your member of staff agrees to any action, so they feel in control of the situation at work.

Issues you may wish to discuss include whether arrangements can be made for the employee to work somewhere other than at home. When schools are closed and employees with children are home schooling, this may require consideration of whether their children [qualify](https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people) to be at school.

Before speaking to your employee, you may wish to look at the general advice for managers and employees on domestic abuse which can be found [here](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/keeping-well/domestic-abuse/). Specific advice in relation to COVID-19 has been issued by [Women’s Aid](https://www.womensaid.org.uk/covid-19-coronavirus-safety-advice-for-survivors/) and the [Home Office](https://www.gov.uk/government/publications/coronavirus-covid-19-and-domestic-abuse).

**Q.15.2. I am worried that I may be subject to domestic abuse if I work from home.**

For anyone who feels they are at risk of abuse, it is important to remember that there is help and support available to you.

You may wish to look at the general advice for managers and employees on domestic abuse which can be found [here](https://intranet.justice.gov.uk/guidance/security/emergencies/coronavirus-guidance/keeping-well/domestic-abuse/). Specific advice in relation to COVID-19 has been issued by [Women’s Aid](https://www.womensaid.org.uk/covid-19-coronavirus-safety-advice-for-survivors/) and the [Home Office](https://www.gov.uk/government/publications/coronavirus-covid-19-and-domestic-abuse).

Where it is not practical for an employee to work from home and the provision of office space is agreed as a suitable alternative for personal reasons, including the risk of domestic abuse, then the employee should discuss with their line manager who will contact their HR team for referral to the Chief Property Director.

The [National Domestic Abuse Helpline](https://www.nationaldahelpline.org.uk/) can also be called, for free and in confidence, 24 hours a day on 0808 2000 247.

You may also wish to download the Bright Sky mobile app, free to download from the [App Store](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.apple.com%2Fus%2Fapp%2Fbright-sky%2Fid1105880511&data=02%7C01%7C%7Cae6574a259494742400108d7cf3dbc35%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637205736364968819&sdata=0IT9Wa7Qnc%2FtRhGUwve4E8nRJE4qFWJDXRy8fz5QIA8%3D&reserved=0) or [Google Play](https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fplay.google.com%2Fstore%2Fapps%2Fdetails%3Fid%3Dcom.newtonmobile.hestia%26hl%3Den_GB&data=02%7C01%7C%7Cae6574a259494742400108d7cf3dbc35%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637205736364978844&sdata=xzXBVIZP2RYXoH6O6NY76Kd3spVoH%2FIAGsW%2FXW8kRME%3D&reserved=0), which provides support and information to anyone who may be experiencing domestic abuse or is concerned about someone in this situation.

Familiarise yourself with The Silent Solution system. When somebody calls 999, an operator will ask which emergency service is required. If you are unable to speak, for example if you fear being overheard, you can press 55, the system will detect this. The operator will then transfer the call to the relevant police force as an emergency. [Click here to find out more.](https://www.policeconduct.gov.uk/sites/default/files/Documents/research-learning/Silent_solution_guide.pdf)

## **16****. Workplace Adjustments**

**Q.16.1. Is it still important to have employee’s existing workplace adjustments in place for them if they are working at home?**

Supporting employees with prompt and effective adjustments will make a big difference and this is just as important whether we are working in the office or, as is the case during the coronavirus (COVID-19) pandemic, more likely at home.

It is recommended that line managers ensure they know how to access information to put a workplace adjustment in place for their employees.

**Q.16.2. How do I manage the workplace adjustments my employee already has in place?**

Some people may have workplace adjustments related to a disability or long-term health condition. Managers should discuss with their staff what support is needed to enable them to work remotely.

If necessary, arrangements can be made to ensure they have the right equipment such as a specialist monitor, desk or chair, where they do not already have these or suitable alternatives at their home or other location.

Options for managers might be to arrange to courier equipment to the new place of work or order new equipment. They should discuss the options with the employee.

Managers can arrange a courier using their directorate’s managed contracts or, where permitted, an Electronic Purchasing Card and/or their local budget.  Contact Total Facilities Management (TFM) from the approved supplier list for porterage of Display Screen Equipment.

For information on ordering new equipment see the information on the [MoJ Disability Support page](https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/disability-support/) and in particular the Workplace Adjustment Procurement Guide – how to order common items or services as part of a workplace adjustment.

Staff and managers can contact the [MoJ Workplace Adjustments Service (MoJ WAS)](https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/disability-support/workplace-adjustment/) for advice and guidance to help make decisions about workplace adjustments.

It is important that regular discussions take place with employees to ensure where equipment has not yet arrived or employees are using their own chairs for example, that a flexible approach is taken. Those flexibilities could include, shorter times at desks, flexible working, creative working patterns, reducing the hours worked. In cases where working without workplace adjustments would constitute a real danger to employee health, you should grant paid special leave.

It is also recommended that managers review their employees’ [Workplace Adjustment Passport](https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/disability-support/workplace-adjustment-passport/) with them (or encourage them to put one in place) in order to ensure that any new adjustments needed as a result of the change in location are captured and managed appropriately.

**Q.16.3. Will my planned occupational health assessment still take place?**

Occupational health assessments are taking place but not as face to face appointments. Instead, appointments are taking place by phone or a video conferencing platform (when using an official laptop only video conferencing tools approved for use by your department should be used), with online assessment questionnaires, if required, being sent by email. Text updates are being sent to individuals to confirm when appointments will take place. For this reason, it is really important that up to date contact details for employees are provided by line managers when making OH referrals. OH suppliers are talking to individuals and departments about arrangements for essential face to face appointments, such as immunisations. As with all employers, OH companies are also experiencing lower than normal staffing levels. If departments are experiencing problems with their OH supplier they need to contact them directly to discuss.

**Q.16.4. Are there any new services being provided by occupational health service providers that I might be able to use?**

Occupational health service providers are currently working in a dynamic manner to deliver their services differently and are developing services that support their customers during this challenging time. Any new offers that are being made available will be advertised on departmental OH portals and intranet sites.

## **17. Conduct and Standards of Behaviour**

**Q.17.1. What is expected of employees in terms of their conduct during Covid-19?**

MoJ employees have a statutory duty to:

* Take reasonable care for their health and safety and that of anyone who may be affected by their acts or omissions while at work.
* Co-operate with their employer so far as is necessary to enable compliance with any statutory duty or requirement relating to health and safety.

(Refer to [Section 7(a)-(b)](https://uk.practicallaw.thomsonreuters.com/6-512-9288?originationContext=document&transitionType=PLDocumentLink&contextData=(sc.Default)), Health and Safety at Work Act 1974).

Failing to take care and to put others at risk could be considered to be misconduct. This applies in relation to COVID-19 related regulations and requirements and applies both during working hours and when “off duty” where evidence of breaches may be observed by an employer's contacts and customers (i.e. the general public in the case of a civil servant).

In addition to requirements set out in the Conduct policy, employees must be aware of:

* the need to notify the employer when required to self-isolate in accordance with the regulations;
* taking responsibility for their own health and safety in relation to COVID-19;
* helping to ensure the safety of colleagues by complying at all times with the measures implemented at work to minimise the risk of infection; and
* complying with reasonable instructions intended to maintain COVID-secure work-spaces, such as those set out in legislation, guidance and local risk assessments.

There is no requirement under the Civil Service Management Code (CSMC) for an employee to declare a fixed penalty fine in relation to the COVID-19 regulations. Failure to pay a fixed penalty may however result in prosecution and conviction of a criminal offence. In this case the employee should tell their employer about the conviction in accordance with the CSMC.

**Q.17.2. Can I attend demonstrations?**

Joining demonstrations is a matter for individuals to take their own view and consider their involvement outside of work time. Civil Servants are covered at all times by the Civil Service Code so if they choose to join any protests, they should be mindful of not compromising this, or the Departmental Conduct policy, by their behaviour.

During the coronavirus pandemic the ongoing need to stay safe is an important additional consideration and anyone participating should continue to observe the guidance on COVID-19 and social distancing.