# **Coronavirus (COVID-19) HR Policy Guidance v20 HMPPS**

All Civil Service employers have a legal duty to take reasonably practicable steps to manage risks, prevent harm and reduce the risk of COVID-19 spreading in the workplace. Departments must take into account the Department for Business, Energy & Industrial Strategy (BEIS) guidance: [Working safely during coronavirus (COVID-19)](https://www.gov.uk/guidance/working-safely-during-covid-19) and [Health & Safety Workplace guidance](https://www.hse.gov.uk/coronavirus/index.htm?utm_source=hse.gov.uk&utm_medium=refferal&utm_campaign=coronavirus&utm_term=banner-2&utm_content=home-page-banner), which includes carrying out workplace health and safety [risk assessments](https://www.hse.gov.uk/coronavirus/working-safely/risk-assessment.htm) that include the ongoing risk from COVID-19.

Departments should consider their approach to Smarter Working as part of their plans for a return to the workplace. Adopting a Smarter Working approach aims to improve productivity, meet the needs of departments and support both teams and individuals. Departments should refer to the [Smarter Working in a Modern Civil Service, Ensuring a Safe and Healthy Return to the workplace](https://es.khub.net/documents/449482965/451340203/Ensuring+a+safe+and+healthy+return+to+the+workplace+15+July+2021.pdf/191cae7f-d40d-2c99-d33f-6cc16756a62e?t=1626701942423) guidance.

As has always been the case, departmental decisions should be in line with relevant government guidance and legal requirements, taking into account any variations in restrictions that may be in place nationally, locally and, where applicable, in the Devolved Administrations. Discussions should include engagement with Trade Unions, Health and Safety Representatives and staff networks, if applicable.

The latest government position on COVID-19 can be found on:

* [England](https://www.gov.uk/coronavirus)
* [Northern Ireland](https://www.nidirect.gov.uk/campaigns/coronavirus-covid-19)
* [Scotland](https://www.gov.scot/coronavirus-covid-19/)
* [Wales](https://gov.wales/coronavirus)

This guidance has been shared with Departmental Heads of Internal Communication, please continue to work closely to ensure consistent messaging.

If you have any HR policy queries please email: [HR\_DOC@justice.gov.uk](mailto:HR_DOC@justice.gov.uk).

Questions and concerns about building facilities are not covered in this HR guidance and should be directed to your departmental property teams. Further detail and guidance is provided in the Government Property Agency’s (GPA) [‘Return to the Office’](https://es.khub.net/group/wqvgirsshj/hr-guidance?p_p_id=com_liferay_knowledge_base_web_portlet_ArticlePortlet_INSTANCE_o4Lv8woPKI4p&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_com_liferay_knowledge_base_web_portlet_ArticlePortlet_INSTANCE_o4Lv8woPKI4p_urlTitle=external-products) guidance for office and contact centre workplaces. Queries regarding the ‘Return to the Office’ guidance should be directed to [ioannis.nikias1@gpa.gov.uk](mailto:ioannis.nikias1@gpa.gov.uk) in the GPA.

## 

## **Updates**

**This guidance has been updated to reflect the changes to shielding advice and guidance and the terminology relating to people who were previously considered clinically extremely vulnerable.**

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

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## 

## **Coronavirus (COVID-19) - working safely**

### In the workplace

All departments must comply with the relevant [Coronavirus (COVID-19) government guidance](https://www.gov.uk/coronavirus), [HSE workplace safety guidance](https://www.hse.gov.uk/index.htm) and BEIS workplace guidance: [Working safely during coronavirus (COVID-19)](https://www.gov.uk/guidance/working-safely-during-covid-19).

Departments must conduct appropriate workplace risk assessments that include the risk from COVID-19 to ensure the health and safety of staff, visitors and commercial partners.

Departments should also refer to the GPA property and facilities guidance, Smarter Working guidance and their own Hybrid Working guidance. The Civil Service is committed to supporting people to take up hybrid working where this suits the role they do, the business need and their personal circumstances. Some roles may require the employee to be in the workplace either full-time or at specific times.

Departments should be planning for employees returning to the workplace, taking into account their implementation of smarter/hybrid working.

Employees returning to the workplace are encouraged to have a COVID-19 Individual Risk Assessment discussion with their manager to identify any risk factors and measures to mitigate these, as well as any other concerns they have about returning to the workplace.

### 

### Face coverings

Whilst face coverings are no longer required by law the Government expects and recommends that individuals 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, and on public transport when travelling to work or on official business.

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.

### Workplace adjustments

When completing a risk assessment, departments should consider and record the workplace adjustments needed for employees and customers with disabilities.

Departments should ensure there are processes in place for employees who require workplace adjustments and ensure they are put in place promptly. These may be new or existing adjustments for both the home and workplace environment where smarter/hybrid working arrangements are in place.

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

## 

## **Employee testing**

Anyone with COVID-19 symptoms can [get a free NHS test](https://www.gov.uk/get-coronavirus-test). Employees should continue to access testing in line with government guidance if they have been in contact with someone who’s tested positive or they have been asked to get a test by NHS Test and Trace. Departments and employees should refer to the government guidance titled: [Get a free PCR test to check if you have coronavirus (COVID-19)](https://www.gov.uk/get-coronavirus-test) for details of how they can access testing.

**Employees who do not have symptoms of COVID-19 are strongly encouraged to undertake twice weekly testing.** Refer to the NHS guidance - [Regular rapid lateral flow coronavirus (COVID-19) tests](https://www.nhs.uk/conditions/coronavirus-covid-19/testing/regular-rapid-coronavirus-tests-if-you-do-not-have-symptoms/) for further information.

For further guidance and FAQs on testing in the workplace refer to the latest version of *Coronavirus (COVID-19) Civil Service Employer Testing Guidance*.

## 

## **Self-isolation and household isolation**

### Employee has symptoms of COVID-19

Employees with symptoms of the COVID-19 infection must self-isolate and follow the [guidance for households with possible coronavirus infection](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance). Employees should access testing in line with government guidance titled: [Get a free PCR test to check if you have coronavirus (COVID-19)](https://www.gov.uk/get-coronavirus-test).

If an employee is well enough to work from home during a self-isolation period then they should do so, if this can be supported by the business. If this cannot be supported, then paid special leave would apply. Refer to the Coronavirus (COVID-19) Holiday, Special Leave and Other Time off guidance for further details. If they are not well enough to work their absence should be recorded as sickness absence - refer to COVID-19 - Supporting Attendance Guidance Version 9.

If an employee becomes unwell with symptoms of COVID-19 whilst at work, they should follow their departmental workplace guidance.

### 

### Close contact with a positive COVID-19 case

There is no longer a requirement for individuals to self-isolate following contact with someone who has tested positive for COVID-19 if they:

* are fully vaccinated, or
* are under the age of 18 years and six months, or
* cannot be vaccinated for medical reasons and can provide evidence of this.

This means that many people who would previously have been required to self-isolate following contact with a positive case will be able to continue with their usual activities, including attending work.

‘Fully vaccinated’ means anyone who received their final dose of an approved vaccine under the UK vaccination programme (or the UK vaccine programme overseas) at least 14 days ago. Individuals must have been fully vaccinated at the time of the contact with the positive case.

As part of this change, Government Test and Trace support payments will no longer be available to those who are exempt from self-isolation (i.e. because they have been fully vaccinated, are under the age of 18 years and six months or cannot be vaccinated for medical reasons). Therefore, where employees are exempt from self-isolation it is not expected that special leave with pay would be granted as an alternative to attending the workplace/working from home, unless in exceptional circumstances. The COVID-19 Individual Risk Assessment may be helpful in assisting the employee and manager to assess individual risk factors in relation to the employee’s attendance in the workplace due to the changes in self-isolation requirements.

Employees are strongly encouraged to undertake testing in line with government guidance if they have been in contact with someone who has tested positive for COVID-19. Departments and employees should refer to the government guidance titled: [Get a free PCR test to check if you have coronavirus (COVID-19)](https://www.gov.uk/get-coronavirus-test) for details of when and how they can access testing. If an employee tests positive then they must self-isolate in line with government guidance, even if they are not experiencing symptoms and regardless of their vaccination status. Employees should refer to the [COVID-19 guidance for households with possible coronavirus infection](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance). Anyone who is advised to self-isolate must do so in line with 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/).

**Daily Contact Testing and Return to Workplace**

In England, prisons and some Approved Premises (APs) can set up Daily Contact Testing (DCT) sites. Staff who receive an alert to self-isolate can continue attending work if they are asymptomatic and produce a negative Lateral Flow Device (LFD) test each day (regardless of vaccination status). Both these changes to self-isolation requirements have been supported and endorsed by Public Health England/Wales (PHE)/W.

The impact of the pandemic has meant increasing pressure on all staff and HMPPS has been looking at safe return to work routes for people who have been told to isolate but have no symptoms of COVID-19.

In line with wider government policy, HMPPS has taken an approach of supporting and encouraging staff to participate in testing and to follow Covid-19 restrictions and guidance.

Now that [restrictions have lifted](https://www.gov.uk/guidance/covid-19-coronavirus-restrictions-what-you-can-and-cannot-do#england-has-moved-to-step-4) we are adapting our guidance to make sure as many people as possible are able to return to the workplace safely. The expectation is now that most people who have been contacted by NHS Test and Trace will return to their workplaces if they cannot work from home. Individuals who are fully vaccinated will be encouraged to participate in Risk Management Testing (RMT) if their work requires entry into prisons and Approved Premises, and prison and probation staff will be required to wear an FRSM for, what would have been, the period of their self-isolation. A medical exemption from wearing FRSM should be considered as part of the individual risk assessment and additional mitigations should be put in place as required. Consideration will also be given to duties of close contacts to avoid working with any clinically extremely vulnerable individuals. Staff who are not fully vaccinated will be supported to return to work through Daily Contact Testing, where it is available.

These routes back to work should reduce the number of COVID self-isolation absences which are currently creating unnecessary additional pressures for everyone.

If staff choose to continue to self-isolate when they are not required to do so, they are unlikely to be granted special leave with pay. Depending on personal circumstances, their self-isolation absence may be treated as special leave without pay for the duration of the self-isolation period. There may be staff whose circumstances mean they are ineligible to return to work (i.e. they are medically exempt or Daily Contact Testing is not available) who should continue to self-isolate on special leave with pay.

As a part of this process, staff will also be requested to provide confirmation of their self-isolation status i.e. a letter from NHS Test and Trace or copy of text / email confirming they have been notified of a close contact with a positive COVID-19 case.

For further information, please access the Changes to Self-Isolation Guidance at [this link](https://hmppsintranet.org.uk/ersd-guidance/2020/10/23/gold-briefings/).

**Line managers**

Line managers should continue to use existing attendance management policies and individual risk assessments to support a return to the workplace and to support members of staff on an ongoing basis. Line managers will also be supported with advice from occupational health, health and safety and human resources as well as support from wellbeing and Mental Health Allies at a local level.

This change in approach does not take away from the importance of;

* Ongoing conversations between line managers and staff about their personal circumstances and any concerns. Further advice can be accessed on intranet [Attendance Support](https://intranet.noms.gsi.gov.uk/support/hr/wellbeing-and-attendance/Attendance) pages.
* Referral to Occupational Health for medical advice
* Individual [risk assessment](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus/staff-and-managers2/risk-assessments) with regards to return to work
* A consistent approach to [attendance management](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus/staff-and-managers2/absences)
* Consideration regarding the impact of the COVID pandemic on access to health care treatment that may be a hinderance to return to work at this time. See [*COVID-19 Supporting Attendance Guidance*](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus/staff-and-managers2/absences) for further information.
* Recording the decision and how the outcome was decided.

Any queries related to the implementation of this policy should be directed to [HRBPservices@justice.gov.uk](mailto:HRBPservices@justice.gov.uk) in the first instance.

Below we have provided some supporting documents to assist establishments in communicating this change with their staff, and some FAQs (Annex A) to assist Line Managers in facilitating conversations with their staff on this topic.

**Supporting Guidance**

All COVID-19 operational guidance for prisons continues to be accessible [here](https://hmppsintranet.org.uk/ersd-guidance/) and testing specific guidance is available [here](https://hmppsintranet.org.uk/ersd-guidance/2020/04/28/staff-testing-in-england/).

Daily Contact Testing (DCT)/ Risk Management Testing (RMT) Guidance is accessible [here.](https://hmppsintranet.org.uk/ersd-guidance/2020/04/28/staff-testing-in-england/)

Please continue to direct any general COVID-19 queries to [COVID19.RegimesOpsGuidance1@justice.gov.uk](mailto:COVID19.RegimesOpsGuidance1@justice.gov.uk).

Testing specific queries should be directed to [HMPPSTesting@justice.gov.uk](mailto:HMPPSTesting@justice.gov.uk).

### Impact on other employees

Close contacts who no longer need to self-isolate are still advised to consider taking precautions such as wearing a face covering in enclosed spaces or limiting contact with people outside their household, especially in enclosed spaces, and people who are at higher risk from COVID-19.

If an employee has been identified as a close contact of someone who has tested positive for COVID-19 and is attending the workplace, departments should consider the impact on other employees who work with them, particularly those that may be at a [higher risk](https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/) from COVID-19.

Departments should ensure that all employees are aware of the measures that are in place to support them in the workplace, including detailing their Workplace Risk Assessment, conducted in line with relevant [Coronavirus (COVID-19) government guidance](https://www.gov.uk/coronavirus), [HSE workplace safety guidance](https://www.hse.gov.uk/coronavirus/index.htm?utm_source=hse.gov.uk&utm_medium=refferal&utm_campaign=coronavirus&utm_term=banner-2&utm_content=home-page-banner) and BEIS workplace guidance: [Working safely during coronavirus (COVID-19)](https://www.gov.uk/guidance/working-safely-during-covid-19).

The COVID-19 Individual Risk Assessment may also be helpful in assisting the employee and manager to assess individual risk factors in relation to the employee’s attendance in the workplace due to the changes in self-isolation requirements**.** Employees that are not exempt from self-isolation

Anyone who is identified as a close contact of someone who has tested positive for COVID-19 and who is not exempt from the requirement to self-isolate should self-isolate in line with government guidance. Employees should refer to either the [COVID-19 guidance for households with possible coronavirus infection](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance) or [Guidance for contacts of people with confirmed coronavirus (COVID-19) infection who do not live with the person](https://www.gov.uk/government/publications/guidance-for-contacts-of-people-with-possible-or-confirmed-coronavirus-covid-19-infection-who-do-not-live-with-the-person/guidance-for-contacts-of-people-with-possible-or-confirmed-coronavirus-covid-19-infection-who-do-not-live-with-the-person) – depending on the circumstances. Anyone who is advised to self-isolate must do so in line with 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/).

Employees may be able to work from home where they are fit to do so and where the business can support this. If an employee is not able to work from home, in either their own role or an alternative role/work, then they should be granted special leave with pay.

### 

### Action for employees who need to self-isolate

Employees (and agency workers) who are required to self-isolate must notify their manager, as soon as it is reasonably practicable and no later than their next working day. This includes notifying the start and end dates of the isolation period. It is recommended that the employee is asked to show their manager the notification from NHS Test and Trace that they must self-isolate, as well as supply [an isolation note from the NHS](https://111.nhs.uk/isolation-note/).

In the case of agency workers, the recipient of the notification must inform others in the agency chain.

### 

### Self-isolation and related fines

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (SI 2020/1045) make it a legal requirement to self-isolate in line with government guidance. Where an employee or agency worker has notified a requirement to self-isolate the manager must not knowingly allow them to come into work. Employees who unreasonably fail to self-isolate may be fined depending on the regulations in place in each of the Devolved Administrations. Employers also risk the same level of fines where they knowingly allow the self-isolating employee to come to the workplace without reasonable excuse. **Note:** employees can work at home where they are fit and able to.

Departments should set out clearly both in disciplinary policy and internal comms the notification requirements and that there is a legal requirement to self-isolate in certain circumstances and that failure to do so may lead to disciplinary action. See further detail in the Conduct section below.

Departments should be aware that there may be different approaches in the devolved administration to self-isolation and testing:

* [England](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection)
* [Scotland](https://www.gov.scot/coronavirus-covid-19/)
* [Wales](https://gov.wales/coronavirus)
* [Northern Ireland](https://www.nidirect.gov.uk/campaigns/coronavirus-covid-19)

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### Self-isolation and surgery/treatment

Employees may need to self-isolate if they or a member of their household is undergoing surgery or treatment.

Departments should refer to the *Coronavirus (COVID-19) – holiday, special leave & other time off – HR guidance and FAQs* and the *Coronavirus (COVID-19) Supporting Attendance* guidance for further information.

### 

### Travel abroad and self-isolation (quarantine)

If an employee returns to the UK following international travel, they may need to serve a self-isolation (quarantine) period. Departments should refer to the *Coronavirus (COVID-19) - travelling overseas and returning to the UK - HR guidance and FAQs* for further information.

## 

## **Sickness and recording absence**

### Sickness

For information on sickness absence in relation to COVID-19 and other impacted conditions refer to the [*COVID-19 - Supporting Attendance Guidance*](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus/staff-and-managers2/absences)*.* This also covers recording absence and pay.

### 

### Health & Wellbeing

For information and general support on health and well-being and COVID-19 refer to the 5 Step Wellbeing Conversation tool and the *Coronavirus (COVID-19): Looking After Your Wellbeing and Mental Health guidance.*

## 

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

**Protecting employees at higher risk from coronavirus (COVID-19)**

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). They should also consider advice from their health professionals on whether additional precautions are right for them.

Departments 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/) and, more generally, to employees facing mental and physical health difficulties. To support employees, departments must conduct appropriate workplace risk assessments, taking into account the BEIS workplace guidance [Working safely during coronavirus (COVID-19)](https://www.gov.uk/guidance/working-safely-during-covid-19) and the Health and Safety Executive (HSE) guidance: [Working safely during the coronavirus (COVID-19) pandemic](https://www.hse.gov.uk/coronavirus/working-safely/index.htm). Departments should ensure their employees are aware of the departmental risk assessments and the provisions in place to support employees in the workplace.

In addition, the COVID-19 Individual Risk Assessment is helpful in assisting an employee and their manager to assess individual risk factors that may impact on an employee’s 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. This enables employees and managers to work together to find ways to reduce risk and support attendance in the workplace. Departments should look to mitigate risks, where possible. Working 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 individuals cannot work at home in their current role, it may be appropriate for individuals to take up an alternative role or adjust their working pattern temporarily. Where employees cannot work from home either in their own or an alternative role, and cannot attend the workplace safely as identified through their personal risk assessment and in line with the departmental workplace risk assessment, other options should be considered including paid special leave.

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).

**Living with someone who is at higher risk from coronavirus (COVID-19)**

If an employee lives with or cares for someone who may have 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), they can use the COVID-19 Risk Assessment to identify their personal risk factors. Employees who live with someone who is vulnerable should be able to attend the workplace in accordance with their departmental guidance and smarter working arrangements, but this will depend on their individual circumstances. Departments should encourage managers to be supportive in these types of situations.

**Pregnancy and COVID-19**

Refer to the [Coronavirus (COVID-19): advice for pregnant employees](https://www.gov.uk/government/publications/coronavirus-covid-19-advice-for-pregnant-employees/coronavirus-covid-19-advice-for-pregnant-employees) for information and [COVID-19 vaccination: a guide for women of childbearing age, pregnant or breastfeeding](https://www.gov.uk/government/publications/covid-19-vaccination-women-of-childbearing-age-currently-pregnant-planning-a-pregnancy-or-breastfeeding?utm_medium=email&utm_campaign=govuk-notifications&utm_source=05c60417-903f-456b-92ac-63a511930914&utm_content=daily).

## 

## **COVID-19 Vaccinations**

Employees are encouraged to take up the offer of COVID-19 vaccinations. Having both vaccinations is the best way to protect against Coronavirus (COVID-19). The vaccine helps:

* reduce the risk of getting seriously ill or dying from COVID-19,
* reduce the risk of catching or spreading COVID-19, and
* protect against COVID-19 variants.

Vaccinated people must still follow any government guidelines and advice and measures implemented as a result of the department’s workplace health and safety risk assessment.

Departments must continue to refer to BEIS workplace guidance [Working safely during coronavirus (COVID-19)](https://www.gov.uk/guidance/working-safely-during-covid-19)**.**

### 

### Vaccination status and declaration

Government guidance does not require employers to know the vaccination status of their employees, other than in some specific settings, e.g. when working in care homes.

However, as part of the return to the workplace discussion, employees are encouraged to share their vaccination status. Take-up of the vaccine is voluntary and there may be employees who are not vaccinated, either through choice or because they are unable to have the vaccine for medical reasons. This may cause some employees to feel more vulnerable and/or anxious about being in the workplace.

Using the COVID-19 Individual Risk Assessment can help the employee and manager assess individual risk factors when in the workplace and when looking at a return to the workplace. Note: The fact that an employee has been vaccinated or not, should not on its own influence whether or not an employee can return to a workplace. Carrying out a risk assessment is particularly important for employees at a [higher risk](https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/who-is-at-high-risk-from-coronavirus/) from (COVID-19).

### Recording vaccination status

In general, government guidance does not require employers to check or record employee vaccination status.

If departments are considering collecting this information, they should seek legal advice. You will need to have a clear rationale and understanding for asking, storing and using this type of data. It should link to your workplace [Health and Safety risk assessment](https://www.hse.gov.uk/coronavirus/working-safely/risk-assessment.htm) and take into account the requirements of the General Data Protection Regulation (GDPR).

### 

### Time off to attend a vaccination appointment

Time off to attend an appointment for a vaccination, including for boosters, should be granted in line with departments’ usual time-off for medical appointment policies. This may mean granting paid time-off where appointments are not able to be made outside of an employees’ working hours. Note: it is likely that appointments for receiving the vaccination may be at a fixed time and at short notice. Where this is the case employees should receive paid time off to attend.

Following a vaccination, employees should be able to resume their normal activities, including working, as long as they feel well enough. This means that employees should return to work as soon as they can after their vaccination appointment. If it is not practical for the employee to return to work immediately after their appointment, for example if it is towards the end of their working day, they should discuss alternative arrangements with their line manager.

If an employee needs to accompany a dependent or someone they provide care for to a vaccination appointment, which may be at fixed times and at short notice, managers should consider requests supportively in line with departmental dependant/family leave policies.

### 

### Absence following a vaccination

For information on sickness absence in relation to coronavirus and other impacted conditions refer to the [*COVID-19 – Supporting Attendance Guidance*](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus/staff-and-managers2/absences)

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.

### 

### Pregnancy, breastfeeding, fertility and coronavirus (COVID-19) vaccination

Individuals can be vaccinated against coronavirus (COVID-19) if they are aged 16 or over and they are:

* pregnant or think they might be
* breastfeeding
* trying for a baby or might get pregnant in the future.

Departments should refer to the[COVID-19 vaccination: a guide for all women of childbearing age, pregnant or breastfeeding](https://www.gov.uk/government/publications/covid-19-vaccination-women-of-childbearing-age-currently-pregnant-planning-a-pregnancy-or-breastfeeding/covid-19-vaccination-a-guide-for-women-of-childbearing-age-pregnant-planning-a-pregnancy-or-breastfeeding) and the [Royal College of Obstetricians and Gynaecologists: COVID-19 vaccines, pregnancy, breastfeeding and fertility](https://www.rcog.org.uk/en/guidelines-research-services/coronavirus-covid-19-pregnancy-and-womens-health/covid-19-vaccines-and-pregnancy/covid-19-vaccines-pregnancy-and-breastfeeding/).

### 

### Mandating vaccinations for employees

There is currently no central government guidance that requires employees to be fully vaccinated in order to attend a workplace. However, from 11 November 2021, anyone working or volunteering in a care home will need to be fully vaccinated against coronavirus (COVID-19), unless exempt. Departments who have employees attending care homes, as part of their role, should refer to the government guidance titled: [Coronavirus (COVID-19) vaccination of people working or deployed in care homes: operational guidance](https://www.gov.uk/government/publications/vaccination-of-people-working-or-deployed-in-care-homes-operational-guidance/coronavirus-covid-19-vaccination-of-people-working-or-deployed-in-care-homes-operational-guidance#the-policy) for further information.

If departments are considering mandating COVID-19 vaccinations for all of their employees, or some employees in certain roles, they must seek legal advice and engage with Trade Unions before doing so. Departments must also take into account government guidance and advice, including – [Coronavirus (COVID-19) vaccination of people working or deployed in care homes: operational guidance](https://www.gov.uk/government/publications/vaccination-of-people-working-or-deployed-in-care-homes-operational-guidance/coronavirus-covid-19-vaccination-of-people-working-or-deployed-in-care-homes-operational-guidance#the-policy), BEIS workplace guidance [Working safely during coronavirus (COVID-19)](https://www.gov.uk/guidance/working-safely-during-covid-19),  [Health and Safety Guidance](https://www.hse.gov.uk/coronavirus/working-safely/index.htm) and the NHS Guidance on [high risk](https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/who-is-at-high-risk-from-coronavirus/) settings/roles and the benefits of vaccination in different settings and role.

Departments will need to have a business case setting out their policy rationale for requiring employees to be fully vaccinated which should include, for example:

* consideration of changes to employment contracts for both current employees and new employees. It is recommended that vaccine certification is built into employment contracts as necessary,
* consideration of employees that cannot be vaccinated due to clinical reasons and those that chose not to be vaccinated, and
* an equality analysis on both the approach and implementation.

A data protection impact assessment will be needed to identify the lawful basis for processing special category data and departments should liaise with their Data Protection Officers on this as necessary. You should also consider for example, how data is recorded and stored, who will undertake relevant checks, any evidence that may be required such as the [NHS COVID Pass](https://www.nhs.uk/conditions/coronavirus-covid-19/covid-pass/).

### 

### Mandatory certification / use of the COVID Pass

An [NHS COVID Pass](https://www.nhs.uk/conditions/coronavirus-covid-19/covid-pass/) shows an individual's COVID-19 vaccination details or test results. This is known as COVID-19 status. Individuals may be asked to show their pass to travel abroad or at events and venues in England that are asking for proof of COVID-19 status.

Use of the [NHS COVID Pass](https://www.nhs.uk/conditions/coronavirus-covid-19/covid-pass/) is voluntary for individual organisations. The government encourages usage in settings where people are likely to be in close proximity to a large number of people from other households for a sustained period of time, which is likely to include:

crowded indoor settings such as nightclubs and music venues

large unstructured outdoor events such as business events and festivals

very large structured events such as business events, music and spectator sport events

In general, it is not expected that use of the [NHS COVID Pass](https://www.nhs.uk/conditions/coronavirus-covid-19/covid-pass/) will be mandated in departmental workplaces.

## **Flu vaccination**

Flu vaccination remains an important priority this Autumn/Winter. The NHS’ (and equivalent in the devolved administrations) have set out their priority plan for flu vaccinations for the 2021/2022 season. Departments can provide support by promoting the [national flu vaccination scheme](https://www.nhs.uk/conditions/vaccinations/flu-influenza-vaccine/) and encouraging those eligible to get their free flu vaccinations.

The flu vaccine will be available to people who:

* are 50 and over (including those who'll be 50 by 31 March 2022),
* have certain health conditions,
* are pregnant,
* are in long-stay residential care,
* receive a carer's allowance, or are the main carer for an older or disabled person who may be at risk if you get sick,
* live with someone who is more likely to get infections (such as someone who has HIV, has had a transplant or is having certain treatments for cancer, lupus or rheumatoid arthritis), and
* front-line health or social care workers

Refer to the [NHS Flu vaccination guidance](https://www.nhs.uk/conditions/vaccinations/flu-influenza-vaccine/) for further information.

Departments can also run their own departmental wide or targeted vaccination programmes through existing provision, their OH/EAP contract or other external provider.

Departments should refer to the Flu Vaccination Scheme paper for further information.

## 

## **Holiday, special leave and other time off**

### Annual Leave

For information on annual leave departments should refer to the Coronavirus (COVID-19) - holiday, special leave & other time-off - HR guidance and FAQs and Coronavirus *(COVID-19) - travelling overseas and returning to the UK - HR guidance and FAQs*.

### Special Leave

For information on special leave departments should refer to the Coronavirus (COVID-19) - holiday, special leave & other time-off - HR guidance and FAQs.

Departments are reminded that the following key principles apply in relation to special leave with pay for reasons related to COVID-19.

* Special leave should not be used where an employee is not fit for work.
* Where an employee’s ability to work is impacted by circumstances arising directly from coronavirus (COVID-19) and therefore beyond their control, departments and agencies should consider the use of special leave, e.g. for cases of self-isolation, etc. This may apply where other options including working from home, working from a different workplace, working different attendance patterns/more flexibly or redeploying to a suitable alternative role cannot reasonably be achieved.
* Employees may need to take more than one period of special leave - or a continuous period where this is necessary. The usual limits on special leave do not apply where it is coronavirus (COVID-19) related.
* Each case should be considered sensitively and on its own merits within HR guidelines.
* In all cases of special leave relating to coronavirus (COVID-19), managers must keep in touch with their employees, and employees should take all practicable steps to resume duty as soon as possible - taking account of advice and guidance from [GOV.UK](https://www.gov.uk/government/topical-events/coronavirus-covid-19-uk-government-response).
* Coronavirus (COVID-19) related special leave can be paid or unpaid and should be recorded using the appropriate special leave category.

Separate rules apply for international travel. Refer to the Coronavirus (COVID-19) - travelling overseas and returning to the UK - HR guidance and FAQs.

### Pregnancy & maternity leave

For information on pregnancy & maternity leave departments should refer to the Coronavirus (COVID-19) - holiday, special leave & other time-off - HR guidance and FAQs.

## 

## **Other HR advice**

### Recruitment & re-employment

For information on recruitment and selection please refer to the Recruitment FAQs - COVID-19 and GRS Guidance FAQ COVID-19 & Recruitment Lifecycle.

### 

### Employees at risk of domestic abuse

Please refer to the *COVID-19 Guidance - Working from Home*, and the *Coronavirus (COVID-19): Looking After Your Wellbeing and Mental Health* guidance for more detailed advice and support in dealing with domestic abuse.

### 

### School, Early Years provision and childcare guidance

Departments are reminded that where an employee’s ability to work is impacted by circumstances arising directly from coronavirus (COVID-19) and therefore beyond their control, departments should consider the use of paid special leave. This may include when a dependent is self-isolating and unable to attend a pre-arranged holiday club/care or because the holiday care is unavailable due to COVID-19. This will apply where other options including working from home, working from a different workplace, working different attendance patterns/more flexibly or redeploying to a suitable alternative role cannot reasonably be achieved. Managers and the employees should keep in regular touch during periods of paid special leave.

### 

### Other caring responsibilities

Employees should talk about their caring responsibilities with their manager.

Departments 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.

### 

### Managing poor performance

For information on managing poor performance refer to the *COVID-19 HR Policy Guidance - Managing Poor Performance*.

### Dispute resolution and discipline

For advice on managing dispute resolution and discipline cases refer to Coronavirus (COVID-19) HR Policy Guidance - Dispute Resolution and Discipline.

### 

### Conduct and standards of behaviour

Departments should ensure that their employees are aware of their 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 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).

Departments should consider the inclusion of additional statements within their conduct/standard of behaviour policies which outline employee expectations. This may include for example, a clear statement on:

* 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 safe 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.

### 

### Bullying, harassment & discrimination

Employees must not act against colleagues in a way that could amount to bullying or harassment, for example mocking a colleague's views on COVID-19 vaccinations/face coverings or imposing their own views on others.

Harassment, discrimination or intimidation of colleagues because of their views or individual circumstances could lead to disciplinary action, up to and including dismissal. This includes speaking negatively about a colleague's views through use of social media.

### Death in service

Departments should follow their own death in service guidance if an employee dies due to coronavirus (COVID-19). Further information for managers and colleagues can be found in the Death in Service from Coronavirus (COVID-19) guidance and COVID-19 Looking after your Wellbeing and Mental Health guidance.

For information on death in service and pensions refer to the *Death Processing and COVID19* impact guidance.

For information on ill health and death in service refer to the *Support for vulnerable members* guidance.

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### Business processes/hours/working patterns

### Start and end routines

In order to support business delivery and workplace safety, Departments can ask employees to start or finish work at times that differ from their normal working patterns with their agreement.

**Changing informal/occasional flexible working arrangements**

Managers and employees are asked to continue to be flexible around working arrangements to support both their own needs and business needs. Managers should confirm, by email or in writing, any arrangements agreed orally. This helps avoid confusion and makes it clear that the arrangement is informal.

**Changing formal working arrangements**

Departments can ask employees who are contracted to work part-time/ flexibly, e.g. compressed hours, etc, to change their working patterns. Any changes to the arrangement will need to be agreed with the employee.

If employees do agree, it must be confirmed whether it is a temporary or permanent contractual change. HR processes for changing contractual arrangements should be followed. If an employee has set working patterns as part of a workplace adjustment, you must not change these without agreement of the employee and, if required, seek advice from Occupational Health.

Any contractual change will impact on leave entitlements.

**Overtime & excess hours**

If your department or agency is under-resourced and facing operational pressures, you may consider asking employees to work overtime or excess hours. Employees have the right to refuse such a request unless it is written into their contracts. Where attendance at a workplace is required however, this can only be done during agreed safe operating hours to allow for cleaning and other measures. This should be factored into business continuity plans and must comply with Working Time Regulations 1998, including monitoring working hours and not putting the health and wellbeing of employees at risk. Further information on over-time & excess hours can be found in the *Coronavirus (COVID-19) Delegated Pay & Reward* information.

### 

### Travel

**Travel to and from the workplace**

Managers should discuss any concerns about travelling to the workplace with employees, including discussions about work patterns and their travel to work methods as part of the COVID-19 Individual Risk Assessment discussion.  They should advise employees to follow government guidance on [Coronavirus (COVID-19) safer travel for passengers](https://www.gov.uk/guidance/coronavirus-covid-19-safer-travel-guidance-for-passengers).

**Travelling for work**

Where departments have employees who are required to travel to different locations for work related reasons on a regular basis as part of their role, they should advise them that they must follow any relevant government travel advice in place at the time, including the requirements of devolved administrations. The latest Government position on COVID-19 can be found on:

* [England](https://www.gov.uk/coronavirus)
* [Northern Ireland](https://www.nidirect.gov.uk/campaigns/coronavirus-covid-19)
* [Scotland](https://www.gov.scot/coronavirus-covid-19/)
* [Wales](https://gov.wales/coronavirus)

Departments can continue to use video and telephone conferencing and other digital channels as this has shown to be an effective way of working.

Where departments have employees who travel overseas for work, they should refer to the Coronavirus *(COVID-19) - travelling overseas and returning to the UK - HR guidance and FAQs*.

**Employee develops symptoms of COVID-19 whilst working away**

Where departments have employees working away from home, including where this involves overnight stays, managers must discuss with the employee what would happen in the event that they develop symptoms of COVID-19 whilst away from home.

In line with [UK Hospitality guidance](https://www.ukhospitality.org.uk/page/FAQs), if an employee begins to experience the main symptoms of COVID-19, they should inform the accommodation provider 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 but only drive themselves if they can do so safely. Once the employee has returned home, they should continue to follow the government guidance on self-isolation, household isolation and social distancing.

If they cannot reasonably return home (for example because they are not well enough to travel or do not have the means to arrange transport), the hotel will discuss their circumstances with an appropriate health care professional and, if necessary, the local authority.

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.

**Annex A**

**Self-Isolation FAQs**

**Line Managers**

**Q. How does this change impact the discussions I have been having with my team about self -isolation?**

A. The conversations that you have been having are still important. As well as confirming the staff member’s isolation status, you will also be using these discussions to ask them for confirmation of that status e.g. NHS Test and Trace letter, copy of text or email. It will be important to alert staff to the potential that special leave with pay may be declined if they are unable to provide confirmation of their need to self-isolate, or if they choose to self-isolate if they could return to the workplace because they are either fully vaccinated or have access to Daily Contact Testing and cannot work from home. In these instances, their self-isolation absence may be treated as special leave without pay for the duration of the self-isolation period, depending on personal circumstances.

**Q. Can I ask my staff whether they are vaccinated?**

Information on SOP should not be relied upon for conversations relating to close contacts and potential options for returning staff to work. Instead, as part of return to work conversations, you may ask staff about their vaccination status to help determine the best way to support them to return to work.

Accurate information allows line managers to make better decisions and all staff are encouraged to share their vaccination status however it is not mandatory for staff to disclose this information. If a member of staff chooses not to declare their vaccination status, then the options for single vaccinated / non-vaccinated people should be followed.

**Q. How can I check if they should be returning?**

A. The attached flow chart can be used to reflect their individual circumstances as you work through it with them. The flow chart also shows what additional risk mitigations will be required for staff who do return to work including the offer of Risk Management Testing, the use of PPE and consideration of working closely with anyone who may be Clinically Extremely Vulnerable (CEV).

If a member of staff chooses not to declare their vaccination status, then the options for returning to work for single / non-vaccinated people should be followed.

**Q. What if our service provision model means that they can work from home?**

A. If a staff member can work from home, you will still need to confirm when their self-isolation period starts and finishes by requesting sight of their NHS Test and Trace letter, email or text. You should ensure that you agree regular contact points with them as you would with any other health issue.

**Q. Should I be asking for confirmation of self-isolation status for all those who have been contacted by NHS Test and Trace in my team?**

A. Yes, this will be a requirement of all cases linked to COVID-19 related self-isolation and it is important that all staff are treated in a consistent way with regards to their self-isolation status.

**Q. What happens if a member of staff refuses to work during the self-isolation period?**

A. If a member of staff refuses to work during the self-isolation period, if they are eligible to do so and cannot work from home, it is not expected that special leave with pay would be granted, unless in exceptional circumstances. Depending on personal circumstances, their self-isolation absence may be treated as special leave without pay for the duration of the self-isolation period.

Exceptional circumstances are, by definition, hard to define in advance. However, these could relate to, for example, staff who have medical conditions that prevent them from receiving the vaccine and/or getting tested.

**Q. What happens if a staff member is double vaccinated and able to continue working from home or can return to the workplace?**

A. If working from home the staff member will continue to do so during the self-isolation period. If returning to the workplace the member of staff should be offered Risk Management Testing for the period that would have been self-isolation. They will also be required to wear an FRSM during that period (unless medically exempt).

It is important that you carry out an individual risk assessment as part of the return to work process. This will enable you to understand the individual’s personal circumstances, consider the possible options for working arrangements, and signpost to support from Occupational Health (where relevant) or seek further advice from HR. The risk assessment should also consider appropriate duties during the self-isolation period, for example, to limit or avoid contact with any clinically extremely vulnerable individuals.

**Q. What happens if this occurs on multiple occasions?**

A. We are aware that it is possible to be contacted by NHS Test and Trace on multiple occasions and confirmation of self-isolation status is required for each occasion. It will continue to be important for a discussion regarding the most appropriate pathway for each occasion to be held between the line manager and the member of staff.

**Q. What impact does this have on my employee’s pay?**

A. If a member of staff is eligible to return to work because they are either fully vaccinated or have access to Daily Contact Testing but chooses not to return to work, then, depending on personal circumstances, their self-isolation absence may be treated as special leave without pay for the duration of the self-isolation period.

**Q. What about employees who have tested positive or who have COVID-19 symptoms?**

A. This approach does not change the requirements for self-isolation for those who have either tested positive or who are displaying COVID-19 symptoms. These individuals should continue to follow Government guidance.

This policy does not impact on other special leave policies, for example, for staff with caring responsibilities.

**Employee**

**Q. What do I need to tell my line manager?**

A. If you have been notified that you are a close contact of a positive COVID-19 case, you will need to get in touch as usual to advise that you have been contacted by NHS Test and Trace with the start and finish dates of your isolation period. Your line manager will then discuss how this period will be approached if you are fit to continue to work, either from home (where this is possible) or to discuss safe routes for you to return to the workplace (either through full vaccination status or access to Daily Contact Testing).

Accurate information allows line managers to make better decisions and all staff are encouraged to share their vaccination status however it is not mandatory for you to disclose this information. If you choose not to declare their vaccination status, then your line manager will discuss the options for single vaccinated / non-vaccinated people with you.

**Q. What if I am medically exempt from vaccination and/or testing?**

A. Please advise your manager. Providing any confirmation of that status could be helpful for your manager to undertake the appropriate risk assessments and consider any feasible workplace adjustments. If your medically exempt status from vaccination and/or testing impacts on performance, attendance, work capacity or requires more detailed independent advice on adjustments, or prevents you from complying with health and safety requirements, your manager will discuss with you a referral to Occupational Health for independent support and advice, with your informed consent.

**Q. What if the contact was within my household?**

A. If you are fully vaccinated then you are expected to return to the workplace if you are not displaying any COVID-19 symptoms, regardless of whether the close contact is within or outside your household.

If you are not fully vaccinated and the close contact is within your household, you cannot return to work via Daily Contact Testing. You will either be required to self-isolate or work from home if this option is available.

**Q. What happens if I am double vaccinated and able to continue working from home or can return to my workplace?**

A. If working from home you will continue to do so during the self-isolation period. If returning to the workplace you will be offered Risk Management Testing for the period that would have been self-isolation and be required to wear PPE. Consideration will also be given to appropriate duties during this time through risk assessment.

**Q. I live in Wales what does all this mean for me?**

A. The guidance above in relation to fully vaccinated staff is the same for Wales. However, DCT is not available in Wales, therefore staff who are not fully vaccinated will still be required to self-isolate. For further information for Wales, please access the Changes to Self-Isolation Guidance in Wales at [this link](https://hmppsintranet.org.uk/ersd-guidance/2020/10/23/gold-briefings/).

**Q. I am fully vaccinated and returning to work in probation setting where Risk Testing is not available. What does this mean for me?**

A. If you are fully vaccinated and returning to work in an environment where RMT is not available, you will be required to wear an FRSM (unless medically exempt) and you should discuss your duties with your line manager to assess whether any adjustments need to be made.

**Q. Can I choose not to return to work during the self-isolation period?**

A. Yes, you can but it is not expected that special leave with pay would be granted for the self-isolation period, as an alternative to attending the workplace/working from home, unless in exceptional circumstances. Depending on your personal circumstances, your self-isolation period may be treated as special leave without pay.

**Q. What happens if I am contacted by Test and Trace on multiple Occasions?**

A. We are aware that it is possible to be contacted by Test and Trace on multiple occasions. Confirmation of self-isolation status will be requested for each occasion and a discussion regarding the most appropriate pathway for each occasion will be held between your line manager and yourself.

**Q. Can I challenge the decision regarding the special leave without pay if I choose not to return to work?**

A. You may challenge the decision with your line manager in the first instance. However, it is the expectation of HMPPS that if you are fit and able to continue your duties, that you will do so as this will provide much needed support to the wider workforce and alleviate potential resourcing pressures.