**11.02.22 Request to Provide Evidence of a Positive Covid-19 Test Result in Specific Circumstances**

Over the last 2 years our staff have worked tirelessly to maintain regimes, mitigate staff shortages, and support necessary absences. Staff have worked hard to follow the guidance of line managers and HRLs on isolation and testing, even when, at times, it appears as if HMPPS guidance has not kept pace with guidance in the community.

Managers must continue to manage Covid-19 absences sensitively and always on the presumption of trust. However, in a minority of cases, there may be instances where the validity of a positive test result is brought into question and information suggests that the reporting of a test result may be false e.g., where a member of staff has reported multiple positive test results within an unrealistic period of time.

The purpose of this note is to provide line managers with guidance on what they can do to request a member of staff to provide evidence of a positive Covid-19 test result. This would only be done in the exceptional case where they have received information that a member of staff might be falsely reporting, and used only when managers have considered all other options and requesting evidence of a test result is the most viable way to manage the absence. Line managers should also be aware of managing an absence through the guidance of existing HR attendance policy.

As a member of staff will not be able to provide test proof in person due to their isolation, if this is requested, it can be sought when a member of staff returns to work. Evidence of a positive test can be provided as follows:

* As part of the HMPPS testing programme, staff who take an LFD test at home are asked to send a photograph of all testing cartridges to their own mailbox and provide as evidence if they are asked to do so, as part of established locally decided assurance checks. This check for a positive test must be carried out in line with data protection arrangements set out previously e.g. that evidence of result is checked visually and not sent on to any mailbox other than the staff member’s own.
* As part of the HMPPS testing programme, a positive home test result should be registered using an establishment’s Unique Organisation Number. The establishment will receive notification of the registration of a positive test.
* The manager could also ask to see proof of a test result taken outside of the HMPPS testing programme if they have information that a member of staff may be incorrectly reporting a positive result. To appropriately manage the absence, managers have the discretion to ask staff to provide evidence (e.g. a photo on their smartphone) of the test result.

To clarify, this guidance does not impose a blanket requirement for managers to ask for evidence of a positive test result from every member of staff that reports one. However, if, exceptionally, the manager has adequate information that causes them to genuinely believe a member of staff could be falsely reporting a positive result, they are within their right to request the staff member provides evidence. This is in addition to the request for a self-isolation note as covered in the Supporting Guidance which can be found on the HMPPS Intranet at [COVID-19 (coronavirus) advice for staff - HMPPS Intranet (gsi.gov.uk)](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus)

In support of this request the following additional information is also available:

* Clarification on managerial discretion <https://pogp.hmppsintranet.org.uk/wp-content/uploads/2022/01/Clarification-on-Managerial-Discretion-260122-Final-002.docx>
* HR guidance reminder on staff testing (including refusal to test) <https://pogp.hmppsintranet.org.uk/wp-content/uploads/2022/01/HR-guidance-reminder-for-staff-testing-28.01.22-002.docx>

Any queries should be directed to COVID19Ops&Guidance1@justice.gov.uk