

Streets HR Business Update

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Just as employers were getting a handle on furlough, COVID-Secure, self-isolation and all the other challenges of this pandemic, we are again in a time of change. Following the Prime Minister announcing tighter restrictions, we now have the NHS Test and Trace app and Rishi Sunak's announcement regarding jobs. Below is a key overview for employers.

Announcement 22 September 2020

The Prime Minister's announcement has placed further restrictions in England to try and halt the extent of the second wave; however, he was quick to state that further restrictions and changes may be introduced in the forthcoming weeks.

1. *Work from home if you are able*

Individuals, who can work from home, should be encouraged to do it. In key public services and roles where working from home is not possible, employees should continue to attend the workplace in a COVID Secure manner.

2. *Pubs, bars and restaurants*

Must close at 10.00pm and only operate a table service from 24 September. It will be a *legal requirement* to take customers' contact details to enable tracing.

3. *Face coverings*

Face masks are compulsory for bar staff and non-seated customers, shop workers, waiters, taxi and drivers of private hire vehicles and their passengers.

4. *'Rule of 6'*

From Monday, 28 September, a maximum of 15 people can attend wedding ceremonies and receptions and 30 people can attend funerals. Indoor team sports are limited to the 'rule of 6' and business conferencing, exhibitions and large sporting events will not be able to re-open.



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5. COVID Secure risk assessment

- a) Where employers have carried out a full COVID Secure risk assessment of the working environment and put in place COVID Secure measures that allow social distancing in the workplace, it is permitted to keep your workplace open for those who wish to continue using it. However, this should be on a voluntary basis – those who wish to follow the Government guidance to the letter, and work from home because they are able to, should not be required to attend the workplace.
- b) Once you have carried out a COVID Secure risk assessment you should display the ‘*Staying COVID-19 Secure in 2020*’ notice in your workplace to show that you have complied. The notice can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/903464/staying-covid-19-secure-2020-230720.pdf.
- c) Those with 50 or more employees should publish their COVID Secure risk assessment on their website.
- d) All employers should consult, share and communicate their COVID Secure risk assessment with their employees.

There are different and, in some cases, more restrictive rules in specific areas of England which are under local measures. The same applies to Wales, Scotland and Northern Ireland whose devolved governments have announced their own measures on 22 September.

The Coronavirus Job Retention Scheme (CJRS)

The CJRS is still set to end on 31 October 2020 and, with the suggestion that the new measures may be in place for a further 6 months, we would advise all employers to ensure their operation is fit for purpose. This includes:

- ◆ staffing numbers, roles and costs are sustainable and in line with revenue or services;
- ◆ ‘temporary’ measures introduced earlier in the year such as working from home, health and safety measures and shifts are still fit for purpose;
- ◆ ensuring employees remain engaged and productive as their patience and tolerance may start wearing thin; and
- ◆ managers are equipped to continue to manage a remote workforce.



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Self-isolation Confusion

It may be hard to know as an employer when employees need to self-isolate, get a test, come back to work and what to pay them as the situation and guidance evolves.

1. If an employee has symptoms of COVID

Employees need to self-isolate for 10 days from when symptoms start and get a test if they can. If they can get a test and its negative, they may return to work when they feel better. If they are unable to get a test, self-isolation must continue for the full 10 days.

2. Someone in an employee's household (or support bubble) has symptoms:

All members of the household must self-isolate for 14-days from the day the original person started displaying symptoms. All individuals in the house may only stop self-isolating if the original individual receives a negative test result and no other person in the household is displaying symptoms.

If another person in the household displays symptoms in the 14-day self-isolation period, then self-isolation resets for everyone.

Please note – If someone in the household tests negative and someone else displays symptoms you cannot assume it is not COVID and you must all self-isolate until the person with the symptoms has a negative test.

3. A member of an employee's household has been told to self-isolate

The employee does not need to self-isolate, only the contacted household member. However, the employee should inform you, their employer, and be extra careful with social distancing and hygiene measures. If the self-isolating member of the household displays symptoms, then all household members must start the 14-day self-isolation.

4. One employee tests positive, what about the rest of their colleagues?

If social distancing and COVID Secure measures are in place, the rest of the employees in the team do not need to self-isolate **unless** the positive tested employee identifies a member of the team as having 'close contact' (within 2 metres for more than 15 minutes). The business must ask the affected employee if they have had 'close contact' with any employees and any identified staff must start a 14-day self-isolation.



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5. Types of self-Isolation

- a. *A person is displaying symptoms of COVID:* Self-isolate for 10 days from when they started displaying symptoms.
- b. *A member of the household is displaying symptoms of COVID:* Self-isolate for 14 days from when the person started displaying symptoms.
- c. *Told to self-isolate by Test and Trace due to having close contact:* Self-isolate for 14 days from when notified.
- d. *Returning from another country which is not on the Foreign, Commonwealth & Development Office's list of exempt countries (<https://www.gov.uk/guidance/coronavirus-covid-19-countries-and-territories-exempt-from-advice-against-all-but-essential-international-travel>):* self-isolate for 14 days.

6. Payments

Any employee that is required to self-isolate *for the reasons detailed in a) to c) above* is entitled to receive Statutory Sick Pay (SSP) or occupational sick pay. How this would work:

- ◆ If their self-isolation period is for 4 days or more, they are entitled to SSP from day one of their absence. If self-isolation is for 3 days or less, then there is no SSP entitlement. Occupational sick pay should be paid in line with your policy.
- ◆ If an employee is off sick for non-COVID reasons, then normal SSP rules apply with payment being from day 4 and the first three days being unpaid. Occupational sick pay should be paid in line with your policy.

For d) above, SSP or occupational sick pay should not be paid. If an employee is not able to work, they must book additional holiday or request unpaid leave.

If an employee can work from home and is well enough to do so, an employee should be given the opportunity to work from home during any period of self-isolation.



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Announcement 24 September 2020

The Chancellor, Rishi Sunak announced how the Government is going to support the economy and protect viable jobs over the winter months. While we are still awaiting the fine detail, this is what we know.

Job Support Scheme

The Coronavirus Job Retention Scheme (CJRS) will still close on 31 October; however, from 1 November 2020 until 30 April 2021 a new scheme will come into effect called the *Job Support Scheme (JSS)*. The scheme's aim is to protect viable jobs with employers that are facing a lower demand over winter due to COVID-19. But what is the scheme, who is eligible, and what does it cost employers?

- ◆ All SME employers can apply for the scheme for their current employees if the employee has been on PAYE payroll on or before 23 September 2020 (including RTI submissions). We are waiting for the definition of SME for this purpose.
- ◆ Large employers may be eligible based on meeting a financial assessment test.
- ◆ The scheme is not associated with furlough, so an employee does not have to have been placed on furlough to be eligible for the JSS.
- ◆ Employees must work at least 33% of their contracted/usual hours to be eligible and this must be paid by the employer. (33% mark is in place for the first 3 months and may increase in February). We are waiting for the definition of 'usual hours' but we anticipate that it will be similar for those on zero hours using flexi-furlough.
- ◆ Employees can cycle on and off the scheme but each period of JSS must be for at least a 7calendar day period.
- ◆ Employees cannot be made redundant or placed on notice of redundancy during a period of JSS.
- ◆ Employers must pay their employees what they are due in the normal pay period and then claim back any grants from the Government in arrears. (Employers will not be able to claim back JSS until December).
- ◆ This Government grant does not cover National Insurance Contributions (NICs) or pension contributions – these must be paid by the employer.
- ◆ Employers must agree (like furlough) the short time working arrangements with employees, make changes to the employment contract and notify the employee in writing.



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For each hour the employee does not work, the burden of the cost is divided as follows:

- ◆ 1/3 can be claimed back from the Government, up to a cap of £697.92 per month
- ◆ 1/3 paid by the employer through top up
- ◆ 1/3 shouldered by the employee through loss of earnings

Example:

The following link leads to a document, published by the Government, which has a worked example at the end of it. The example will give you a feel of how much you might have to pay as an employer. However, the Government state the calculation will be on a similar basis to that used for furlough for 'usual wages'. How this works for calculating the employee's 'usual hourly wage' will no doubt become clearer in the coming weeks.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921389/Job_Support_Scheme_Factsheet.pdf



Tax cuts, deferrals and paying back of loans

- ◆ Tourism and hospitality will continue to have the 15% VAT cut until the end of March 2021.
- ◆ Employers that have deferred VAT payments until March 2021 will now be given the option to make 11 smaller re-payments interest free over the 2021/22 financial year



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through the New Payment Scheme rather than a large VAT payment bill in March 2021.

- ◆ Bounce Back Loans can now be repaid through a Pay as you Grow system extending re-payment from 6 to 10 years and interest only periods and payment holidays will be available.
- ◆ Coronavirus Business Interruption Loan Scheme lenders may choose to extend the length of their loan from 6 year to 10 years and employers can still apply until the end of November.

NHS Test and Trace App

The NHS Test and Trace App is a new way for employers and employees to support the fight against COVID and help manage risk. The Government are encouraging everyone in England and Wales to download and use the app if they feel comfortable but what does it do and what do employers need to do?

The app

- ◆ Trace – find out if you have been near other app users that have tested positive for COVID-19.
- ◆ Alert – informs you of the risk level in your area.
- ◆ Check-in – using the QR code you can check into venues you attend and will get alerted if you visited a venue where you may have encountered COVID-19.
- ◆ Symptoms – use the symptom checker.
- ◆ Test – order a test if you need one.
- ◆ Isolate – it will tell you how long you need to isolate for and provide advice.

The app and employers

If you have a workforce that is required to attend any sites or travel as part of their current duties the app can help a business identify and trace any risk. We would encourage all employers to ask their employees to download the app on work phones or devices. This will help identify if an employee has come into close contact with COVID-19, and allow you to enforce self-isolation as soon as possible to reduce risk to other employees, clients, suppliers, etc. Employers should also ask all employees to use the QR code scanner to register any place they visit.

Employees should be given guidance that if they leave the device in an area for storage where it may come into contact with other devices with the app installed (i.e. a locker room) the Bluetooth monitoring should be switched off.



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As part of the COVID-Secure guidance employers should also display a QR code at their sites or have an alternative logging system for visitors. This is a legal requirement from 24 September for employers in hospitality and the employer can face fines if they are not compliant.

What is changing/changed for employers

- ◆ Businesses selling food or drink, indoor leisure centres or facilities and some outdoor theme parks must be closed between 10pm and 5am from 24 September.
- ◆ In licensed premises, food and drink must be ordered from, and served at, a table.
- ◆ Customers must eat and drink at a table in any premises selling food and drink to consume on site from 24 September.
- ◆ Hospitality venues in England are legally required to enforce the rule of 6 or face a fine of up to £4,000.
- ◆ Employers will need to display the official NHS QR code posters from 24 September so that customers can 'check-in' at different premises using this option as an alternative to providing their contact details.
- ◆ Employers and organisations will face stricter rules to make their premises COVID Secure from 28 September:
 - ◇ A wider range of leisure and entertainment venues, services provided in community centres, and close contact services will be subject to the COVID-19 Secure requirements in law and fines of up to £10,000 for repeated breaches.
 - ◇ Employers must not knowingly require or encourage someone who is being required to self-isolate to come to work.
 - ◇ Employers must remind people to wear face coverings where mandated.

We strongly encourage all employers to review, document and update their COVID-Secure risk assessment in line with Health and Safety legislation and the stricter guidance that will come into force on 28 September. <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>

Please contact your Beststart HR Consultant or any of our HR Team on 01438 747 747 or email enquiries@beststarthr.com to discuss how these may impact your specific circumstances.

The information contained in this Factsheet is believed to be correct as at 30/09/20 but there may be errors or omissions for which the Streets organisation cannot be held responsible.



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