

Coronavirus: absences from work summary of statutory entitlements, contractual provisions and best practice

Type of absence	Right to pay	Source	Best Practice
Sickness absence for coronavirus infection (suspected or confirmed)	<p>Entitled to usual sick leave and pay entitlements (including SSP)</p> <p>3-day waiting period for SSP has been removed for incapacity related to coronavirus from 13 March onwards</p> <p>Government advice is that anyone showing symptoms should self-isolate for 7 days</p> <p><i>NHS staff should be advised to submit for testing within the first 5 days of having symptoms – they can return to work if fit to do so - upon receipt of a negative test.</i></p>	<p>Contractual terms</p> <p>S151 Social Security, Contributions and Benefits Act 1992</p> <p>Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020</p> <p>Government website https://www.gov.uk/apply-coronavirus-test-essential-workers</p>	<p>Acas guidance: usual sick leave and pay entitlements apply</p> <p>It may be necessary to relax requirements for evidence of illness.</p>
Absence for self-isolation/quarantine under government or medical advice	<p>Able to work remotely – entitled to usual pay</p> <p>Unable to work remotely but following main guidance on self-isolation (7 days with symptoms, or 14 days if in the same household as someone showing symptoms) – entitled to SSP</p> <p>Unable to work remotely and following medical</p>	<p>S151 Social Security, Contributions and Benefits Act 1992</p> <p>Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020</p> <p>Statutory Sick Pay (General) (Coronavirus Amendment) (No. 3) Regulations 2020</p> <p>Statutory Sick Pay (General) (Coronavirus Amendment) (No. 4) Regulations 2020</p>	<p>Check contractual terms and any custom and practice.</p> <p>Acas guidance: SSP where self isolation due to symptoms, living in same household as someone with symptoms, or if advised by a doctor/ NHS 111.</p> <p>Payment of full pay will ensure employees do not ignore advice and</p>

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	<p>advice to 'shield' because deemed by public health guidance to be 'extremely vulnerable' due to underlying health condition – entitled to SSP (set to end in August)</p> <p>Unable to work remotely and self-isolating for 14 days in accordance with notification from NHS test and trace system – entitled to SSP</p> <p>3-day waiting period for SSP has been removed for incapacity related to coronavirus from 13 March onwards</p> <p>Otherwise no right to SSP if not unfit to work - so if unable to work remotely, no entitlement to pay unless contractual right to pay in this situation</p> <p>Pay in all cases may be advisable (see best practice)</p>		<p>come to work, risking spreading the virus. Ensure employees are treated consistently.</p> <p>NHS employers are advised that the best practice guidance is that shielding individuals should be given full pay. During the lockdown some Practices were able to successfully claim for the additional costs of overtime to cover the absences related to Covid. It is likely that these claims will not be successful going forward.</p>
Absence from work at employer request – whether enforcing an advised quarantine or under the employer's own policies.	<p>Able to work remotely – entitled to usual pay</p> <p>Unable to work remotely but following main guidance on self-isolation (7 days with symptoms, 14 days if in the same household including extended or linked households) as someone showing symptoms or testing positive, 14 days after notification from NHS</p>	<p>S151 Social Security, Contributions and Benefits Act 1992</p> <p>Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020</p>	<p>Acas guidance: SSP where self-isolating due to symptoms, living in same household as someone with symptoms, or if advised by a doctor/NHS 111.</p>

	<p>test and trace system) – entitled to SSP, as not “able” to work even if the employee attempts to come to work</p> <p>If absence is at employer request in other circumstances, entitled to usual pay unless contractual right not to pay</p>		
<p>Absence from work due to compulsory 14 day self-isolation after returning to the UK from abroad</p>	<p>If sick - entitled to usual sick leave and pay entitlements (including SSP)</p> <p>No right to SSP if not unfit to work</p> <p>Able to work remotely – entitled to usual pay</p> <p>If not sick and unable to work remotely, no entitlement to pay - unless entitled under contract or policy (more likely if work-related travel)</p>	<p>S151 Social Security, Contributions and Benefits Act 1992</p>	<p>Talk to the employee and discuss the options, including whether it is possible to take extra paid holiday or unpaid leave.</p> <p>If travel was for work, employee may reasonably expect payment – so consider continuing full pay to avoid grievances.</p> <p>Ensure employees are treated consistently.</p> <p>Suggest that a policy for travel abroad is adopted to ensure that the employee is informed prior to embarking on a foreign holiday</p>
<p>Absence from work due to being trapped abroad</p>	<p>If sick - entitled to usual sick leave and pay entitlements (including SSP)</p> <p>No right to SSP if not unfit to work</p> <p>Able to work remotely – entitled to usual pay</p>	<p>S151 Social Security, Contributions and Benefits Act 1992</p>	<p>Talk to the employee and discuss the options, including whether it is possible to take extra paid holiday or unpaid leave.</p> <p>If travel was for work, employee may reasonably expect payment – so consider continuing</p>

	<p>If not sick and unable to work remotely, no entitlement to pay</p> <ul style="list-style-type: none"> - unless entitled under contract or policy (more likely if work-related travel) 		<p>full pay to avoid grievances.</p> <p>Ensure employees are treated consistently.</p>
<p>Absence from work due to being scared of risk of infection – vulnerable employees</p>	<p>Vulnerable employees include those who are pregnant, over 70, have relevant health conditions or a weakened immune system</p> <p>Able to work remotely and employer agrees – entitled to usual pay</p> <p>If not able to work remotely, those 'shielding' under official medical advice because public health guidance deems them 'extremely vulnerable' are entitled to SSP until end of period specified in their latest shielding notification. Anyone else is not entitled to SSP.</p>	<p>Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020</p> <p>Statutory Sick Pay (General) (Coronavirus Amendment) (No. 3) Regulations 2020</p> <p>Employees may also have rights under the Employment Rights Act 1996 Part V 44 Health and Safety</p>	<p>Talk to employee to try and resolve their concerns and discuss the options - including whether it is possible to take extra paid holiday or unpaid leave.</p> <p>It is essential that a H&S risk assessment be conducted and discussed with the employee during discussions about their concerns to ensure that any risks are understood and minimised.</p>
<p>Absence from work due to being scared of risk of infection – other employees</p>	<p>Able to work remotely and employer agrees – entitled to usual pay</p> <p>No entitlement to pay if employer requires employee to come to work and they refuse</p> <p>Entitled to SSP/company sick pay if serious anxiety means employee is too unwell to come to work</p>	<p>Employees may also have rights under the Employment Rights Act 1996 Part V 44 Health and Safety</p>	<p>Ensure employees are treated consistently - but consider the position of vulnerable employees (see above).</p> <p>It is essential that a H&S risk assessment be conducted and discussed with the employee during discussions about their concerns to ensure that any risks</p>

			are understood and minimised.
Temporary workplace closure at employer request	Entitled to usual pay Unless express contractual provisions for unpaid or reduced pay lay-off, or consent of employees to lay-off	S147-154 Employment Rights Act 1996	Pay full pay or agree short-time layoff
Temporary workplace closure ordered by government	Not entitled to SSP (unless sick or following main guidance about 7/14 day self-isolation (7 days with symptoms, 14 days if in the same household including extended or linked households as someone showing symptoms or testing positive, 14 days after notification from NHS test and trace system) Unlikely to have contractual entitlement to sick pay Able to work remotely – entitled to usual pay Not able to work remotely - entitled to usual pay unless express contractual provisions for unpaid or reduced pay lay-off, or consent of employees to lay-off	Contractual terms Statutory Sick Pay (General) Regulations 1982 (as amended by Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020)	Pay full pay or agree short-time layoff
Reduced working hours at employer request	Entitled to usual pay Unless express contractual provisions for short-time working, or consent of employees	S147-154 Employment Rights Act 1996	
Absence for childcare	Emergency dependent leave gives right to	S 57A-57B Employment Rights Act 1996	No limit to the amount of time an

	<p>reasonable amount of time off work</p> <p>Covers assisting or arranging care for ill dependants (e.g. child has the virus), and with unexpected breakdown in care arrangements (e.g. child is quarantined or school is closed)</p> <p>This is unpaid - unless pay is provided in the employer's contract or policies</p>	<p>Contract of employment and HR policies</p>	<p>employee is entitled to take off. Reasonable will depend on employee's own circumstances – case by case assessment needed. Disruption or inconvenience to employer's business should not be taken into account.</p> <p>Ensure employees are treated consistently.</p>