

**HR Guidance**

**Appendix 4**

**COVID-19**

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| Version Control | Changes Made | Author |
| Version 1  May 2021 |  | J.Burchett |
|  |  |  |
| Version 3  September 2021 | Added information on CEV, Caring responsibilities and pregnancy plus some minor amendments following consultation with Trade Union colleagues | K Anderson |

Introduction

This guidance applies to employees where they are absent from work due to Covid-19 related sickness absence. It is intended to provide guidance to managers/head teachers and employees in relation to the management of absences.

At the time of writing, the pandemic is ongoing, and the situation continues to evolve. Therefore, it is expected that this guidance will remain under review and may change, so managers and employees should ensure that they are referring to the most recent version of this document, which will be available on the Cumbria County Council website, in touch and School Portal.

For Schools, where Occupational Health is referred to this should be the School’s OH Provider and schools should use their own recording system should they not have access to Itrent.

Supporting colleagues who are recognised as Clinically Extremely Vulnerable (CEV)

If there is a period of Shielding advised by relevant governmental department or local authority, employees who are classified CEV may be required to stay at home (shielding).

Where employees are otherwise fit for work and shielding at home in line with the guidance, they should be given alternative duties if they cannot conduct their normal duties so they can work from home, it is still important to record this, but they should not be managed under the Absence and Wellbeing procedure. For core council staff, this needs to be recorded on Trent under ‘other absence’ using the correct reason. While this is recorded under ‘other absence’ on Trent for logistical reasons, we do not regard these staff as absent from work. For Schools staff, these arrangements will need to be recorded using the most appropriate reasons available on their own recording systems. For full guidance, please refer to the most up-to-date version of the Coronavirus FAQ’s. [Coronavirus - Employees Frequently Asked Questions | Cumbria County Council](https://cumbria.gov.uk/coronavirus/faq.asp)

Where an employee is classified as CEV but is *not* fit for work, the absence should be classified as a sickness absence and they should be appropriately managed through the Absence and Wellbeing procedure. Managers must be mindful that an employees health condition which means they are CEV may be classed as a disability under the Equalities act 2010.

Whenever an individual classified as CEV returns to a physical workplace an individual risk assessment must be in place. In the event that a manager becomes aware of changes to a team member’s health that may affect their classification as CEV, a new risk assessment will need to be performed to ensure advice from Occupational Health is accurate and up-to-date.

Pregnant employees

Any employee who is pregnant must have an individual risk assessment in place and this must be updated as and when needed. If an employee who is over 28 weeks pregnant is advised by a medical professional to stay at home, then they must be recorded as shielding not sickness absence. If the employee is fit to work, then they should be given work to do from home which may include alternative duties if they cannot do their normal duties from home.

As per the maternity procedure if an employee who is pregnant falls ill within 4 weeks of the start of their maternity leave then the maternity leave may be started early, an employee must not be asked to start their maternity leave early unless they are ill within the last 4 weeks before their maternity leave.

Short Term Sickness Absence Due to COVID-19

An absence is considered short term until it reaches 28 days in duration. An employee's first instance of short-term sickness absence due to COVID-19 (suspected or confirmed) should be discounted from targets or triggers in relation to the Absence and Wellbeing procedure. Triggers should also be discounted where employees are absent due to an adverse reaction to a Covid-19 vaccination (usually one or two days). Mangers should record these absences under the ‘vaccine reaction’ option in Itrent. Schools should select the most appropriate absence reason available under their own recording system.

Subsequent instances of short-term sickness absence due to COVID-19 should usually be managed as normal in line with the Absence and Wellbeing procedure, counting towards any targets or triggers currently in place. However, due to the ongoing pandemic consideration should be given to determine the appropriateness of discounting further sickness absence due to COVID-19. In this case, managers should seek advice from People Management/School’s HR provider.

Absences due to self-isolation do not come under this guidance and they do not count towards triggers as they are not sickness absences. For further information on self-isolation, please refer to the most up-to-date version of the Coronavirus FAQ’s. [Coronavirus - Employees Frequently Asked Questions | Cumbria County Council](https://cumbria.gov.uk/coronavirus/faq.asp)

Long Term Sickness Absence Due to COVID-19

Once a COVID-19 sickness absence (confirmed or suspected) exceeds 28 calendar days, it becomes a long-term absence and managers should manage the absence in the same way as any other long-term absence, using the absence and wellbeing procedure.

It is important to highlight that the procedure for managing long-term absence under Absence and Wellbeing is designed to be supportive of all employees suffering a long-term sickness absence. The are no stages or warnings associated with this part of the procedure, however the procedure can result in dismissal if all other options have been exhausted. Instead it gives managers direction in terms of exploring all workable support options and seeking support and guidance from Occupational Health. Sick Pay will be paid in line with current entitlements as set out in the procedure.

Long COVID (Post-COVID Syndrome)

The NICE guideline scope (published 30 October 2020) defines post-COVID syndrome as signs and symptoms that develop during or following an infection consistent with COVID-19 which continue for more than 12 weeks and are not explained by an alternative diagnosis. Symptoms commonly include ‘brain fog’, chronic fatigue, breathlessness, anxiety and stress.

Where employees are not fit for work due to symptoms consistent with Long COVID, the absence will be classed as sickness absence and managers should follow the guidance above on absence due to COVID-19.

Some employees with Long COVID may be well enough to remain in work while managing their symptoms. In such cases managers should look at support options consider whether the employee would benefit from a referral to Occupational Health for guidance on appropriate adjustments/support, the same as for any employee managing symptoms of a chronic health condition.

Absence due to Caring responsibilities related to COVID-19

If an employee is absent from work due to caring responsibilities for example: when their child is sent home from school due to being exposed to COVID-19 then the procedures for other forms of leave including those for childcare should be used and this should not be recorded as sickness absence.

# Support Options

As a Council, we currently offer a number of support measures for those absent due to ill health including Occupational Health support, Counselling, phased returns, amended duties, alternative employment support and other reasonable adjustments.

It is likely that the impact on individuals of Long Covid/Covid-19 may vary, therefore a person-centred approach should be used to determine and offer support appropriate to the individual, as with any long-term absence.

More specific information on support options can be found in the Absence and Wellbeing procedure and guidance documents.

# Equality Act

Whether Long Covid amounts to a disability under the Equality Act, will be difficult to answer given that the virus has only been present for a relatively short period. However, some employees may satisfy the definition due to pre-existing conditions (e.g. asthma). Therefore, even if an individual’s post-Covid condition is found not to amount a disability itself, the combined effect with their pre-existing condition may result in an overall substantial and long-term adverse effect such that it meets the test for disability.

Therefore, employees suffering Long Covid should be treated consistently with any other long-term absence where the question of disability arises in accordance with the procedure. Managers should consider seeking guidance from Occupational Health on whether employees may come under the Equality Act and ask what reasonable adjustments are recommended, such as access to flexible working, assistive equipment or amendments to duties. Any recommendations for reasonable adjustments should be properly considered.

More specific information on the Equality Act and reasonable adjustments can be found in the Absence and Wellbeing procedure and guidance documents.

**September 2021**