



# Coronavirus FAQs

## 27 March 2020

## Introduction

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The coronavirus outbreak is an event of worldwide significance and has caused very serious disruption to both businesses and individuals.

In association with AXA, and as a response to the growing concerns around the impact of the Coronavirus and the need to maintain safe working environments, rradar's employment solicitors and HR experts have put together this resource pack covering frequently asked questions they have been receiving daily as they continue to provide support to clients.

The team at rradar are guiding employers through a wide range of scenarios every day, such as sick pay confusion, effect of employees self-isolating, operational contingency planning and providing advice where businesses are having to consider temporarily closing down and the legal implications and processes, they need to follow.

Following numerous reports of people's failure to social distance themselves in line with Government guidance, at 8.30pm on Monday 23rd March 2020, the Prime Minister – Boris Johnson addressed the nation to give an emergency announcement on new coronavirus restrictions.

In an unprecedented turn of events for the UK, the Prime Minister gave the order for people to stay at home and to only leave for:

- Shopping for basic necessities
- One form of exercise a day
- Any medical need/care for vulnerable persons
- Travelling to and from work only if absolutely necessary, i.e. if working from home is not possible

In addition to the above, he went on to confirm that:

- All non-essential shops and community spaces will be and should be closed
- All gatherings of more than two people in public will be and should be stopped
- Every citizen must comply with these new measures. The relevant authorities, including the police, will be given the powers to enforce them – including through fines and dispersing gatherings.

These measures are effective immediately. The Government is set to review these measures again in three weeks and relax them if the evidence shows this is possible.

**Keeping up to date:**

For more detailed guidance on the new measures and what it means for you and your business and/or organisation please see the direct link to the government guidance: [Here](#)

- Coronavirus: [Self-employment Income Support Scheme](#): This scheme can be used if you're self-employed or a member of a partnership and have lost income due to coronavirus.
- Further businesses and premises to close – updated guidance [HERE](#)
- Government are proposing [Emergency Volunteering Leave](#) (EVL) a temporary new form of statutory unpaid leave for employees and workers who wish to volunteer in the health and social care sectors during the outbreak.
- For the latest information regarding school closures and guidance for key workers and vulnerable children please see our summary [HERE](#) or get more details from the [UK Government website](#).
- Online [isolation notes](#) have been launched, providing proof of coronavirus absence from work.
- A summary of the employer financial packages announced by the Chancellor can be found [HERE](#) or by visiting the [Government website](#).

For all the latest Government information on COVID-19 and the measures the Government, and Devolved Governments, are taking, please visit the [UK Government website](#), the [Scottish Government website](#), the [Welsh Government website](#) or the [Northern Irish Government website](#).

## Coronavirus FAQs

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### What is the self employed income support scheme?

This scheme can be used if you're self-employed or a member of a partnership and have lost income due to coronavirus.

The Self-employment Income Support Scheme (SEISS) will support self-employed individuals (including members of partnerships) whose income has been negatively impacted by COVID-19.

The scheme will provide a grant to self-employed individuals or partnerships, worth 80% of their profits up to a cap of £2,500 per month.

HMRC will use the average profits from tax returns in 2016-17, 2017-18 and 2018-19 to calculate the size of the grant.

The scheme will be open to those where the majority of their income comes from self-employment and who have profits of less than £50,000.

The scheme will be open for an initial three months with people able to make their first claim by the beginning of June. More information can be obtained [HERE](#)

## Who can apply?

An individual can apply if they are self-employed or a member of a partnership and they:

- have submitted an Income Tax Self-Assessment tax return for the tax year 2018-2019
- traded in the tax year 2019-2020
- are trading when they apply, or would be trading except for COVID-19
- intend to continue to trade in the tax year 2020-2021
- have lost trading/partnership trading profits due to COVID-19
- self-employed trading profits must also be less than £50,000 and more than half of that income comes from self-employment.

This is determined by at least one of the following conditions being true:

- having trading profits or partnership trading profits in 2018-2019 of less than £50,000 and these profits constitute more than half of their total taxable income
- having average trading profits in 2016-2017, 2017-2018, and 2018-2019 of less than £50,000 and these profits constitute more than half of their average taxable income in the same period

If the individual started trading between 2016-2019, HMRC will only use those years for which they filed a Self-Assessment tax return.

If you have not submitted your Income Tax Self-Assessment tax return for the tax year 2018-2019, you must do this by 23 April 2020.

HMRC will use data on 2018-2019 returns already submitted to identify those eligible and will risk assess any late returns filed before the 23 April 2020 deadline in the usual way.

## How much will be received

The individual will get a taxable grant which will be 80% of the average profits from the tax years (where applicable):

- 2016 to 2017
- 2017 to 2018
- 2018 to 2019

To work out the average HMRC will add together the total trading profit for the 3 tax years (where applicable) then divide by 3 (where applicable) and use this to calculate a monthly amount.

It will be up to a maximum of £2,500 per month for 3 months.

HMRC will pay the grant directly into a person's bank account, in one instalment.

## How to apply

Individuals do not need to contact HMRC now and doing so will only delay the urgent work being undertaken to introduce the scheme.

HMRC will make contact if a person is eligible for the scheme and invite them to apply online.

HMRC is urgently working to deliver the scheme; grants are expected to start to be paid by the beginning of June 2020. This time is necessary to ensure that the scheme is both deliverable and fair.

## Where to get help between now and June 2020

In the interim the self-employed will still be eligible for other government support including more generous universal credit and business continuity loans.

Further information on how to access the following additional help for the self-employed:

- [deferral of Self Assessment income tax payments due in July 2020 and VAT payments due from 20 March 2020 until 30 June 2020](#)
- [grants for businesses that pay little or no business rates](#)
- increased amounts of [Universal Credit](#)
- [Business Interruption Loan Scheme](#)

If you're a director of your own company and paid through PAYE you may be able to get support using the Job Retention Scheme.

## Be aware of scams:

The scheme will be accessed through GOV.UK. If someone texts, calls or emails claiming to be from HMRC, saying that they can claim financial help or are owed a tax refund, and asks them to click on a link or to give information such as their name, credit card or bank details, it is a scam.

Once you have applied

Once HMRC has received the claim and the individual is eligible for the grant, HMRC will contact them directly to tell them how much they will get and the payment details.

If the individual claims tax credits the individual will need to include the grant in their claim as income.

## Refer to other HMRC Guidance:

[Coronavirus \(COVID-19\) helpline](#)

## Online

[COVID-19: support for businesses](#)

[Guidance for employers and businesses on coronavirus \(COVID-19\)](#)

[COVID-19: guidance for employees](#)

## Webchat

HMRC Advisers can only talk to you about problems paying your taxes due to coronavirus (COVID-19).

This could be:

Self Assessment

VAT

employers' PAYE

Corporation Tax

They will not be able to transfer you to another webchat team. [Speak to an adviser](#).

## Phone

Due to measures put in place to stop the spread of coronavirus (COVID-19) HMRC have fewer advisers available to answer calls.

Telephone: 0800 024 1222

Opening times: Monday to Friday: 8am to 4pm

[Find out about call charges](#)

## Which business premises should be closed?

Full guidance can be found [HERE](#).

As of the 23rd March 2020 the UK Government, stepped up measures to prevent the spread of coronavirus and save lives. All non-essential premises must now close. Guidance and a listing of business premises that must remain closed has been released and can be seen [HERE](#).

Takeaway and delivery services may remain open and operational in line with guidance on Friday 20 March. Online retail is still open and encouraged and postal and delivery service will run as normal.

Retail and public premises which we expect to remain open must:

- Ensure a distance of two meters between customers and shop assistants; and
- Let people enter the shop only in small groups, to ensure that spaces are not crowded.
- Queue control is required outside of shops and other essential premises that remain open.

Parks will remain open but only for individuals and households to exercise once a day. Communal spaces within parks such as playgrounds and football pitches will be closed. Non-essential businesses and premises must now shut.

## What is the Coronavirus Job retention scheme?

On 20 March 2020, the Chancellor announced a package of support for businesses affected by the coronavirus, including grants available under the Coronavirus Job Retention Scheme.

The scheme is open to all employers and the purpose of it is to support employers to continue paying employees who would otherwise be made redundant or laid-off during the coronavirus. The scheme will initially be open for three months but may be extended.

### Am I eligible to access the scheme and if yes, how do I access the scheme?

All employers, including Charitable and non-profit organisations can access it, but the scheme is intended to apply only to employers who cannot cover staff costs because of coronavirus. Where this is the case you can access support to continue paying part of your employee's wage, in order to avoid redundancies or possible layoffs.

There is still further information needed from the Government as it is still not clear whether you can apply for all staff costs or just cover for wages. It is also still unclear whether a large company with healthy profits, balance sheet and cash flows will be eligible, or whether there will need to be consideration of their accounts and a determination as to whether the employer qualifies.

### As per Government guidelines, you will need to:

- designate affected employees as 'furloughed workers,' and notify your employees of this change - changing the status of employees remains subject to existing employment law and, depending on the employment contract, may be subject to negotiation
- submit information to HMRC on an online portal, about the employees that have been furloughed and their earnings through a new online portal (HMRC will set out further details on the information required)

HMRC will reimburse 80% of furloughed workers wage costs, up to a cap of £2,500 per month. And are working urgently to set up a system for reimbursement.

It is not clear at this stage whether furloughed employees will receive £2,500 exactly or whether employees earning up to £3,125 per month will get 80% of that (This is because for those earning £3,125 a month, 80% of salary would be £2,500).

However, the Government guidance for employees seems to suggest that £2,500 will end up in an employee's pocket. We await further details guidance on this from the Government.

Where you find that you are not eligible for this particular scheme and are in need of short term cash flow support, you may be eligible for a Coronavirus Business Interruption Loan.

## What does 'furlough' actually mean?

'Furlough' is not a word that carries any meaning in UK employment law and is a term that has been coined by the Government in the context of coronavirus only. It essentially means temporary leave of absence from work due to economic conditions affecting one particular company or matters affecting the country as a whole.

Employees must not undertake work for the employer while furloughed and the scheme does not cover the wages of employees working a reduced schedule due to coronavirus, i.e. short-time working. To be clear, employees must not work for the employer at all during the furlough period.

## How do I decide which employees should be furloughed?

You must ensure that you carry out a fair process as you would with any other employment selection process. In fact, it may help to select employees for furlough using a process similar to redundancy selection. This would involve using objective criteria, such as a scores matrix based on skills, productivity, previous appraisals etc.

Ultimately any employees working for you that would otherwise have had to have been made redundant or have to have been laid off because of the coronavirus, will be the ones you must consider to be part of a furlough pool.

Please note that the 80% wage guarantee will also cover zero-hour contracts or casual workers, that work on or through the PAYE system.

## In addition, you must:

- Gain the employees' written consent unless contractual provisions already cover lay off. In particular as with any redundancy situation or change in terms and conditions, you must consult with employees, you cannot just force it on them
- Stop the employees from working if they are now working from home or send them home from the workplace.

Where employees do not agree to being furloughed, which is unlikely in the current climate, you can dismiss them by reason of redundancy provided of course that the redundancy definitions are met and a proper process followed.

## What about the 20% left over after 80% reimbursement, do I have to pay this?

At the moment there is no suggestion by the Government that once the 80% is reimbursed, you then have to top this up or make additional payments so that an employee will get 100% of their wages. This will be entirely down to you to decide. So:

- Only make the salary payment reimbursed by the government.
- Pay all of the difference between the grant and the employee's normal salary.
- Pay part of the difference between the grant and the employee's normal salary.



## **What is self – isolation?**

'Self-isolation' is where individuals are asked or advised to stay at home indoors for a specific period of time in order to protect others from getting coronavirus and also to slow down the spread of coronavirus.

Self-isolation applies to those who:

- have coronavirus
- have a high temperature or new continuous cough (7 days of self-isolation unless continue to show symptoms)
- live with other people who have symptoms of the virus (usually 14 days of self-isolation from the day the first person in their home got symptoms)
- have been medically advised to self-isolate because they have travelled to and from a highly affected/high risk country

Self- isolation applies to everyone regardless of whether you are over 70, have an underlying medical condition or are pregnant

## **If an employee has to self-isolate will they provide a fit note that will confirm this?**

The normal rules on seven-day self-certification still apply to cases involving coronavirus. People unable to work for more than seven days because of coronavirus can obtain an isolation note through a new NHS online service.

The notes can be accessed through the NHS website and NHS 111 online. After answering a few questions, an isolation note will be emailed to the user. If the user does not have an email address, they can have the note sent to a trusted family member or friend, or directly to their employer. The service can also be used to generate an isolation note on behalf of someone else.

## **What do I pay someone who is off sick due to contracting coronavirus?**

If an employee is off sick with coronavirus, you will need to pay them what they would usually get paid if they were off sick with anything else. This may be Statutory Sick Pay (SSP) or Company Sick Pay (CSP), if they are entitled to it.

As a direct result of the coronavirus outbreak, from 4th March 2020, SSP should be paid from day one of sickness for cases involving coronavirus. The usual three SSP waiting days will not apply in such cases.

## What do I pay someone who has been told by a medical professional to self-isolate or who is following the Government advice to self-isolate?

In this situation it is likely that someone is self-isolating because:

- they have symptoms (new dry cough/high temperature),
- have no symptoms at all but live with or have come into direct contact with someone who does or
- they have travelled to and from a high-risk county.

Where this is the case, even where someone has no actual symptoms themselves, they should be treated as though they are on sick leave and be paid sick pay in line with your normal sick pay policy.

Any employees that are not eligible to receive sick pay, including those earning less than an average of £118 per week, will be able to claim Universal Credit and/or contributory Employment and Support Allowance.

Alternatively, you can agree for the time to be taken as holiday or in cases where someone is not ill and if it is feasible, you can advise employees to work from home. Where holiday or working from home is agreed this should be paid at the employee's normal rate of pay.

## Do I need to pay someone if they are refusing to come in to work out of fear of getting coronavirus and want to self-isolate?

All employees who are well will be expected to attend work and carry out work however all employers must now be mindful of the new restricted measures announced by Boris Johnson on 23rd March 2020, requiring that people should only leave home under a list of 'very limited purposes'. This means people should only travel to and from work where work absolutely cannot be done at home.

Employers have a duty to ensure the health, safety and welfare of their staff and therefore should exercise caution and take reasonable steps to prevent the risk and spread of the virus.

In such circumstances, you should take people's concerns seriously and try to come to a reasonable agreement. For example, is it possible for them to work from home? Or you could agree for them to take time off as holiday or unpaid leave. This is especially the case where employees are vulnerable due to age, pregnancy or a pre-existing condition so wherever possible you should prioritise flexible arrangements for them during this time.

This position would be different though if an employee, despite going through all the options above refuses to 'attend' or carry out work without a reasonable explanation and no confirmed sickness.

In this instance, you would be under no obligation to pay and there may be grounds for following your normal absence management or disciplinary procedures

## What is social distancing?

Social distancing measures are steps that the government has asked everyone to take in order to reduce the social interaction between people to help reduce the transmission of coronavirus. Before Boris Johnson's emergency announcement on 23rd March 2020 such steps were to:

- Avoid contact with someone who is displaying symptoms of coronavirus. These symptoms include high temperature and/or new and continuous cough
- Avoid non-essential use of public transport, varying your travel times to avoid rush hour, when possible
- Work from home, where possible.
- Avoid large gatherings, and gatherings in smaller public spaces such as pubs, cinemas, restaurants, theatres, bars, clubs
- Avoid gatherings with friends and family. Keep in touch using remote technology such as phone, internet, and social media
- Use telephone or online services to contact your GP or other essential services

The announcement on 23rd March 2020 sees us now facing tougher measures and they are not so much steps or recommendation but orders that effective immediately. In particular:

- Only leave home for:
- Shopping for basic necessities
- One form of exercise a day
- Any medical need/care for vulnerable persons
- Travelling to and from work only if absolutely necessary, i.e. if working from home is not possible

The Social distancing measures apply to everyone, but in particular certain groups of people need to be more mindful of doing it because they are perceived to be at an increased risk of severe illness from coronavirus.

This 'certain group' includes those who are:

- aged 70 or older (regardless of medical conditions)
- under 70 with an underlying health condition listed below (ie anyone instructed to get a flu jab as an adult each year on medical grounds):
- chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease (COPD), emphysema or bronchitis
- chronic heart disease, such as heart failure
- chronic kidney disease
- chronic liver disease, such as hepatitis
- chronic neurological conditions, such as Parkinson's disease, motor neurone disease, multiple sclerosis (MS), a learning disability or cerebral palsy
- diabetes
- problems with your spleen – for example, sickle cell disease or if you have had your spleen removed

- a weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy
- being seriously overweight (a body mass index (BMI) of 40 or above)
- those who are pregnant

## What is Shielding?

Shielding is where people with underlying health conditions that are most at risk of needing hospital treatment if they catch coronavirus are being asked by the Government not to leave their homes for 12 weeks.

This is an even more cautionary step than self-isolation and social distancing as it is advised that people should not go out to shop or go for a walk in public places, although it is fine to go into your garden if you have one.

You should avoid any face-to-face contact, so that means no visitors, although visits from people who provide essential healthcare and personal support are fine.

Carers and care workers should stay away if they have any of the symptoms of coronavirus and anyone coming into the home should keep their hands clean by washing with soap and water as per normal guidelines.

## Who falls into the Shielding category?

- Solid organ transplant recipients
- Some people with cancer who are undergoing treatments such as chemotherapy and radiotherapy
- People on immunosuppression drugs
- Women who are pregnant and have heart disease
- People with severe respiratory conditions - cystic fibrosis, severe asthma and COPD
- Some people with rare diseases such as severe combined immunodeficiency

The Government announced that they would be sending letters to anyone who falls in to the above bullet points confirming the need to shield and what support will be given and that if anyone has not received a letter from the NHS by Sunday 29 March 2020 or been contacted by their doctor they should get in touch with their GP or hospital doctor by phone or online.

## What precautions do I need to take if I have pregnant employees?

In light of the new more restricted measures announced by Boris Johnson on 23rd March 2020, employers must be even more mindful of not only their duty to protect all employees but also that they have an even higher duty towards any staff who are pregnant to ensure they are protected from risks at work.

The Government has outlined that pregnant women fall into the category of people that are deemed as being 'vulnerable' and/or at 'increased risk' for social distancing purposes. Therefore, pregnant women that can work from home should do so and receive their normal pay.

The latest government advice is that pregnant women be even more cautious and avoid non-essential contact as much as possible so where it is not possible to offer home working, pregnant employees can be offered suitable alternative employment on a temporary basis (that could be done from home) or should be suspended from work on medical grounds and on full pay.

As with medical suspension in normal circumstances where there has been a risk identified in the workplace, if the pregnant employee remains suspended until the fourth week before the expected week of childbirth, this triggers the commencement of her maternity leave.

If however the pregnant employee is ill and for example they have been advised to self-isolate due to displaying symptoms of coronavirus or they have actually contracted coronavirus, they are deemed to be 'incapable of work' and you would be eligible for SSP or CSP in the normal way.

Unless they are off sick with a pregnancy-related illness in the last four weeks before their expected week of childbirth, in this instance as an employer you can start their maternity leave automatically.

### **Can we implement lay-offs or short-term working if we do not have any clause in the employees contract permitting this?**

In the event that you do not have a clause in your employees contracts of employment for short-time working or lay-off, in order to implement those measures you would first need to seek the employees express written agreement to put that clause into their contract of employment.

To do so would mean taking the employees through a variation of terms and conditions process and consulting with them one to one to explain why you wish to implement this into their contracts and the benefits to them, which could include the potential avoidance of a future redundancy situation.

In order to implement this change to their contracts the employees do need to expressly consent to this willingly, in writing.

After the employee has consented to this change you can issue them a contract addendum letter outlining what the wording shall be for this new lay-off or short-term working clauses which they have agreed to, and from what date those clauses become effective from. Once the employee has consented, it is possible for the clause to be implemented there and then if you wish.

In the event any employees refuse to accept the change you have proposed, then those employees shall stay on their current contractual terms and conditions. Those employees shall not be able to be laid off or put on short-time working, however it may be that you decided that these staff should be 'furloughed' under the Coronavirus Job Retention Scheme created by the government.

## **What should I do if my staff are unable to come to work because their childcare has been disrupted or because they need to care for unwell dependants?**

Section 57A Employment Rights Act 1996 gives employees the right to take time off work to help someone who depends on them, known as a 'dependant', where there has been an unexpected disruption to the arrangements to care for the dependant, an incident at school, or where the dependant is ill, this would therefore apply to situations to do with coronavirus.

For example, if they have children they need to look after or arrange childcare for because their school has closed due to a coronavirus outbreak or to help their child or another dependant if they are sick, or need to go into isolation or hospital because of the coronavirus.

If an employee wants to use this right they must inform their employer as soon as possible of the reasons for their absence and the length of time they anticipate they will be off for. Usually though such leave entitlement is only expected for short periods of time.

There is no right to be paid for such time off but the contract of employment or employee handbook may state otherwise, for example the employer may decide at their own discretion to pay in such circumstances.

## **What should I do if my staff member is refusing to go on a business trip?**

Whilst you may be reluctant as an employer to cancel important business engagements, the Foreign and Commonwealth Office (FCO) has advised British people against all non-essential travel worldwide, with immediate effect. Employers are also encouraged by the government to allow employees to work from home, if at all possible.

Employers have a duty to ensure the health, safety and welfare of all staff and so cannot insist an employee attends a business trip abroad. It is important to note that there have also been a number of international border closures and other restrictions imposed.

Employers should consider that it is not unreasonable to consider and agree to alternatives such as postponing the trip, conducting the engagement via phone, Skype or video link or relocating to a different meeting venue.

## **Will I need to close my workplace if a member of staff has or is suspected of having coronavirus?**

According to Public Health England (PHE) guidance, the workplace will not necessarily have to close, it will be for an employer to contact their local PHE Health Protection Team to:

- discuss the case
- identify people who have been in contact with the affected person
- carry out a risk assessment
- advise on any actions or precautions to take

A risk assessment of each setting will be undertaken by the Health Protection Team with the lead responsible person. Advice on the management of staff and members of the public will be based on this assessment.

The Health Protection Team will also be in contact with the case directly to advise on isolation and identifying other contacts and will be in touch with any contacts of the case to provide them with appropriate advice. Advice on cleaning of communal areas such as offices or toilets will also be given by the Health Protection Team.

### **What leave are employees entitled to who have to take time off with their children now schools are shut, despite the children and the employee having no COVID-19 symptoms?**

The employee should be offered the following options, where eligible and where business needs can permit this:

#### **Working from home**

Where businesses can allow this and it is appropriate to ask the employee to do so. You should bear in mind that, although the facilities may be available for the employee to work from home, the employee may need to care for younger children and so home working may not be a possibility.

#### **Emergency dependant leave**

This is usually unpaid, unless your company policy states otherwise.

#### **Unpaid parental leave**

#### **Annual leave**

If, during their time off with the children, anyone in the employee's home develops symptoms of COVID-19 they will need to go into isolation, as per government guidelines. The employee will then be deemed off sick and so the same rules around SSP or company sick pay, where applicable, will apply as normal.

### **What are the rules for unpaid parental leave and which parent has to be off with the children?**

Any person with parental or legal guardianship responsibility for a child under 18 years old is eligible for parental leave. This could include both parents or guardians if they have joint custody of the child or children.

Parental leave is unpaid and the employee is entitled to 18 weeks' leave at four weeks per year, per child and adopted child, up to that child's 18th birthday. It is important to note that the leave must be taken as whole weeks, rather than individual days unless the child is disabled.

I understand that the Government will be reimbursing companies paying SSP where the number of staff are below 250. We have more than 250 staff - does this mean that we have to pay this cost?

There has been no additional guidance on this for now from the government. The current guidelines state that, for businesses under 250, the government will pay SSP for first 14 days for any COVID-19 related absences. For those with over 250 staff, currently we can only assume because we have had no other confirmation from the government that the business would still be responsible to pay the SSP for their employees.

**What happens if an employee does not qualify for SSP due to their earnings?**

If the employee does not qualify for SSP due to their earnings, they cannot have SSP as per normal rules. However, if their contract allows them to have company contractual sick pay that should still be paid. The employee should be encouraged to consult with the benefits agency to see if they have any entitlements.

## Coronavirus FAQs and Data Protection

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The Information Commissioner's Office (ICO) recognises the unprecedented challenges that everyone is facing during the Coronavirus (COVID-19) pandemic, especially with organisations needing to share information quickly or adapting the way they work.

The ICO have prepared some answers to the questions some common queries in relation to data protection during this time.

**Q: During the pandemic, we are worried that our data protection practices might not meet our usual standard or our response to information rights requests will be longer. Will the ICO take regulatory action against us?**

No. The ICO understand that resources, whether they are finances or people, might be diverted away from usual compliance or information governance work. The ICO will not penalise organisations that they know need to prioritise other areas or adapt their usual approach during this extraordinary period.

The ICO cannot extend statutory timescales, but the ICO will tell people through the ICO's own communications channels that they may experience understandable delays when making information rights requests during the pandemic.

**Q: As a healthcare organisation, can we contact individuals in relation to COVID-19 without having prior consent?**

Data protection and electronic communication laws do not stop Government, the NHS or any other health professionals from sending public health messages to people, either by phone,



text or email as these messages are not direct marketing. Nor does it stop you using the latest technology to facilitate safe and speedy consultations and diagnoses.

Public bodies may require additional collection and sharing of personal data to protect against serious threats to public health.

More of our staff will be homeworking during the pandemic. What kind of security measures should my organisation have in place for homeworking during this period?

Data protection is not a barrier to increased and different types of homeworking. During the pandemic, staff may work from home more frequently than usual and they can use their own device or communications equipment.

Data protection law does not prevent that, but you will need to consider the same kinds of security measures for homeworking that you would use in normal circumstances.

**Q: Can I tell my staff that a colleague may have potentially contracted COVID-19?**

Yes. You should keep staff informed about cases in your organisation. Remember, you probably do not need to name individuals and you should not provide more information than necessary. You have an obligation to ensure the health and safety of your employees, as well as a duty of care. Data protection does not prevent you doing this.

**Q: Can I collect health data in relation to COVID-19 about employees or from visitors to my organisation? What about health information ahead of a conference, or an event?**

You have an obligation to protect your employees' health, but that does not necessarily mean you need to gather lots of information about them. It is reasonable to ask people to tell you if they have visited a particular country or are experiencing COVID-19 symptoms.

You could ask visitors to consider government advice before they decide to come. Further, you could advise staff to call 111 if they are experiencing symptoms or have visited particular countries. This approach should help you to minimise the information you need to collect.

If that is not enough and you still need to collect specific health data, do not collect more than you need and ensure that any information collected is treated with the appropriate safeguards.

**Q: Can I share employees' health information to authorities for public health purposes?**

Yes. It is unlikely your organisation will have to share information with authorities about specific individuals, but if it is necessary then data protection law will not stop you from doing so. More information from the ICO is available [HERE](#).

## Reducing the Financial Risks of Disruption from Coronavirus

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The Chancellor has set out a package of temporary, timely and targeted measures to support public services, people and businesses through this period of disruption caused by COVID-19.

This includes a package of measures to support businesses including:

- a Coronavirus Job Retention Scheme
- deferring VAT and Income Tax payments
- a Statutory Sick Pay relief package for SMEs
- a 12-month business rates holiday for all retail, hospitality, leisure and nursery businesses in England
- small business grant funding of £10,000 for all business in receipt of small business rate relief or rural rate relief
- grant funding of £25,000 for retail, hospitality and leisure businesses with property with a rateable value between £15,000 and £51,000
- the Coronavirus Business Interruption Loan Scheme offering loans of up to £5 million for SMEs through the British Business Bank
- a new lending facility from the Bank of England to help support liquidity among larger firms, helping them bridge coronavirus disruption to their cash flows through loans
- the HMRC Time To Pay Scheme

More information can be found on the Government websites:

- [Support for businesses through the Coronavirus Job Retention Scheme](#)
- [Support for businesses through deferring VAT and Income Tax payments](#)
- [Support for businesses who are paying sick pay to employees](#)
- [Support for retail, hospitality and leisure businesses that pay business rates](#)
- [Support for nursery businesses that pay business rates](#)
- [Support for businesses that pay little or no business rates](#)
- [Support for businesses through the Coronavirus Business Interruption Loan Scheme](#)
- [Support for larger firms through the COVID-19 Corporate Financing Facility](#)
- [Support for businesses paying tax: Time to Pay service](#)
- [Insurance](#)

The Treasury Committee has issued a call for evidence on the Government's coronavirus financial package. The Committee is seeking a range of views from stakeholders on whether the Government's response to the coronavirus is sufficient, and to suggest areas where more support is needed.

The Committee is planning to continue holding evidence sessions on the economic impact of coronavirus. The next oral evidence session for this inquiry is currently scheduled for Wednesday 25 March 2020.

# Government Guidance on Key Workers and Vulnerable Children in Education During Coronavirus

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The Government has set out that it is important to underline that schools, colleges and other educational establishments remain safe places for children. The fewer children making the journey to school, and the fewer children in educational settings, the lower the risk that the virus can spread and infect vulnerable individuals in wider society.

Schools are therefore being asked to continue to provide care for a limited number of children who are vulnerable and children whose parents are critical to the COVID-19 response and cannot be safely cared for at home. Vulnerable children include children who are supported by social care, those with safeguarding and welfare needs, including child in need plans, on child protection plans, 'looked after' children, young carers, disabled children and those with Education, Health and Care (EHC) plans.

Parents whose work is critical to the COVID-19 response include those who work in health and social care and in other key sectors outlined below. Many parents working in these sectors may be able to ensure their child is kept at home. And every child who can be safely cared for at home should be.

**Please, therefore, follow these key principles:**

- If it is at all possible for children to be at home, then they should be.
- If a child needs specialist support, is vulnerable or has a parent who is a critical worker, then educational provision will be available for them.
- Parents should not rely for childcare upon those who are advised to be in the stringent social distancing category such as grandparents, friends, or family members with underlying conditions.
- Parents should also do everything they can to ensure children are not mixing socially in a way which can continue to spread the virus. They should observe the same social distancing principles as adults.
- Residential special schools, boarding schools and special settings continue to care for children wherever possible.

If your work is critical to the COVID-19 response, or you work in one of the critical sectors listed below, and you cannot keep your child safe at home then your children will be prioritised for education provision:

## Health and social care

This includes but is not limited to:

- doctors
- nurses
- midwives

- paramedics
- social workers
- care workers
- other front line health and social care staff including:
- volunteers;
- the support and specialist staff required to maintain the UK's health and social care sector; and
- those working as part of the health and social care supply chain, including producers and distributors of medicines and medical and personal protective equipment.

**Education and childcare** This includes nursery and teaching staff, social workers and those specialist education professionals who must remain active during the COVID-19 response to deliver this approach.

**Key public services** This includes those essential to the running of the justice system, religious staff, charities and workers delivering key front-line services, those responsible for the management of the deceased, and journalists and broadcasters who are providing public service broadcasting.

**Local and national government** This only includes those administrative occupations essential to the effective delivery of the COVID-19 response or delivering essential public services such as the payment of benefits, including in government agencies and arms length bodies.

**Food and other necessary goods** This includes those involved in food production, processing, distribution, sale and delivery as well as those essential to the provision of other key goods, such as hygienic and veterinary medicines.

## **Public safety and national security**

This includes:

- Police and support staff
  - Ministry of Defence civilians
  - contractor and armed forces personnel who are critical to the delivery of key defence and national security outputs and essential to the response to the COVID-19 pandemic
  - fire and rescue service employees including support staff
  - National Crime Agency staff
  - those maintaining border security
  - prison and probation staff
- other national security roles, including those overseas

**Transport** This includes those who will keep the air, water, road and rail passenger and freight transport modes operating during the COVID-19 response, including those working on transport systems through which supply chains pass.

## Utilities, communication and financial services

This includes staff needed for:

- essential financial services provision including but not limited to workers in banks, building societies and financial market infrastructure
- the oil, gas, electricity and water sectors, including sewerage
- information technology and data infrastructure sector
- primary industry supplies to continue during the COVID-19 response, as well as key staff
- the civil sector
- nuclear sector
- chemicals sector
- telecommunications including but not limited to network operations, field engineering, call centre staff, IT and data infrastructure, 999 and 111 critical services
- postal services and delivery
- payments providers
- waste disposal sectors

The Government has asked, if workers think they fall within the critical categories above they should confirm with their employer that, based on their business continuity arrangements, their specific role is necessary for the continuation of this essential public service.

If the school that your child or children attend is closed then you are asked to contact your local authority, who will seek to redirect you to a local school in your area that your child, or children, can attend.