

Removal of COVID Policies – Summary of Changes & FAQ

On 24 June the Scottish Government issued DL (2022) 21 advising that the series of temporary policies and variations to standard terms and conditions had now been removed. As a result DL(2022)21 confirms that the majority of the temporary COVID related policies will end on **30th June 2022**. This document summarises the key changes and also provides some FAQ's arising from this.

<p>COVID Special Leave</p>	<p>COVID Special Leave provisions will end on 31 August 2022. From 1 September 2022 any staff absence with COVID related symptoms will be treated in line with all other sick absence (Section 14 of the Agenda for Change Handbook for AfC and Executive and Senior Manager staff and the relevant terms and conditions for Medical and Dental staff). This essentially means that staff who are absent due to COVID will move on to contractual sick leave. This timetable will provide lead in time to allow teams to provide appropriate support for staff and to enable line managers to record absences from 01/09/2022 onward as sick leave on rather than special leave on SSTS.</p>
<p>Quarantine Self-Isolation when returning to UK</p>	<p>No special leave will be granted for any quarantine related to foreign travel. You should following your Department's local protocol for requesting annual leave.</p>
<p>Annual Leave</p>	<p>Annual leave carry over provisions are now as detailed in NHS Scotland's Annual Leave Policy.</p> <p>Staff were allowed two years to either take leave or sell it back at "paid as if at work" rates. This is still available to Medical and Dental staff who have until the end of 2021/22 personal leave year to sell back annual leave. This is only for leave accrued up to the end of the current personal year.</p>
<p>Returning to Work in NHS Scotland</p>	<p>As per NHS Pension Scheme 2022/02, the temporary suspension of the pension abatement rules for NHS Staff that retired, accessed their pension and then returned to work for the NHS have been extended till 31 October 2022. You will need to consider your own working hours and the financial impact of these on your own personal circumstances from 1 November 2022 You should discuss arrangements with your manager.</p>
<p>Fixed Term Contracts</p>	<p>Staff employed on a fixed term contract as of 30th June 2022 will be managed in line with <u>NHS Greater Glasgow & Clyde's Fixed Term Policy</u>.</p>

The following FAQ's have been created to support the above arrangements:

Question	Answer
I am currently absent due to Long COVID and remain unfit to return to work. Will I revert to sick leave from 1st September 2022?	Yes, If you remain unfit to return to work on or before 31 st August 2022, your absence will be recorded as sick leave and you will be paid as per your contractual sick leave entitlement, as detailed in Agenda for Change Terms & Conditions.
I am currently absent due to Long COVID and I am working towards returning to work in the near future, would I still be eligible for a phased return using the extended provision of special leave for this?	If you are fit to return to work after 1 st September 2022, then normal provisions for phased returns will apply, as per the Once for Scotland Attendance Management policy and STAC(TC02)2020 as outlined below.
I have had previous absences due to non-COVID related illnesses and an episode of absence recorded as COVID Special Leave within the last 12 months, totalling 4 episodes of absence. Will the COVID related absence be counted towards my absence triggers?	Any periods of COVID sickness up to the 31 st of August 2022 will not be included when considering attendance triggers.
I have been on absent from work due to Long Covid for 12 months, prior to this I had reached the trigger for 4 episodes of absence. Will I be invited to attend a meeting with my manager under NHS Scotland's Attendance Policy?	No, if you had some triggers prior to your COVID absence and have been on COVID Special Leave for over a year these triggers have now expired.
What happens if I test positive for COVID after 31st August 2022?	Staff members who receive a positive LFD test result for COVID-19, regardless of whether they have symptoms, should not attend work for a minimum of five days. The absence will not count towards sickness triggers for the duration of the self-isolation period. This should be recorded on SSTS as COVID – Special Leave COVID Positive.
STS Recording – Working from Home	If an employee is working from home there is no requirement to record anything on SSTS.
What happens if my dependent tests positive for COVID is unfit to attend nursery/school?	Normal provisions for requesting leave would apply as per NHS Greater Glasgow and Clyde's Special Leave Policy. ¹ In addition Parental Leave and Annual Leave Policies remain in place.
What happens if the person I have caring responsibilities for tests	Normal provisions for requesting leave would apply as per annual leave arrangements or through NHS

¹ The Special Leave Policy allows staff members to respond to (a) the sudden and immediate need to provide care to a family member, dependent, close friend or colleague; (b) a family member, dependent, close friend or colleague of the employee suffering ill health; (c) a family member, dependent, close friend or colleague of the employee suffering a bereavement; (d) civic and public duties. Leave under this Policy can be defined as arrangements granted when employees need to be absent from work under circumstances not covered by sick leave, annual leave, bereavement leave, maternity leave, paternity leave, parental leave, adoption and fostering leave, or flexible working arrangements. Please see the Policy for more details.

Question	Answer
positive for COVID, is unwell and requires my care?	Greater Glasgow and Clyde's Special Leave Policy.
If I have been absent from work due to Long COVID and fit to resume, how much annual leave can I carry over?	<p>Annual leave carry provisions from 30th June 2022 are as detailed in NHS Scotland's Annual Leave Policy:</p> <p>Carry over of annual leave following sick leave</p> <p>39. Any employee who is not able to use up their leave entitlement in a given year because of sick leave will be entitled to the difference between any annual leave and/or public holidays taken before sick leave began and the statutory entitlement. From 1st April 2009 the Working Time Directive statutory entitlement to annual leave is 5.6 weeks (28 days). This should be carried over and added to the entitlement in the new leave year or, where an employee terminates and does not return to work, should be paid at full pay rates in lieu of leave.</p> <p>40. It should be noted that staff are entitled to statutory leave only and employees are not entitled to carry over (or be paid on termination) the full amount of leave provided by their NHS terms and conditions of employment.</p>
If I have a reaction to the COVID-19 vaccination and I'm unfit to attend work what leave would this be?	If you are unfit to return to work, whether for a short or longer duration this will be recorded as sick leave and will be paid as per your contractual sick leave entitlement, as detailed in Agenda for Change Terms & Conditions.
What happens if I remain at extremely high risk of infection relating to COVID-19?	You and your manager should have a discussion regarding any temporary or permanent redeployment or adjustments that could be made. If you are unfit to return to work due to your underlying medical condition then this would be recorded as sick leave and managed in line with Once for Scotland Attendance Management Policy and reasonable adjustments will be considered.
I'm allergic to masks, what happens to me?	You and your manager should have a discussion regarding any temporary or permanent redeployment or adjustments that could be made, i.e. that you would in a non-clinical area where there is a limited requirement to wear a mask.
I have been working from home during COVID-19 pandemic, am I now required to return to hospital/site working?	You and your manager should discuss the requirements for your role and consider arrangements for the service. There are a number of policies and guidance available that support Homeworking and a Blended Working Guide is available for NHSGGC.