## Coronavirus (COVID -19) Guidance for Employers

## May 2021 Edition

Since the COVID-19 pandemic begun, the LMC HR team have provided advice and guidance for various queries on the topic of COVID and the various issues it has brought up.

In providing advice on these matters the HR team are relying significantly on the following sources of guidance which are now attached for the benefit of Practices: -

* Guidance provided via the [ACAS website](https://www.acas.org.uk/coronavirus)
* Freeths Solicitors [Coronavirus: FAQs for Employers | Freeths](https://www.freeths.co.uk/2020/03/16/coronavirus-qa-for-employers/)
* Government Guidance on the GOV website

All the above reflect the base line legal position and continuing updated guidance and clarification

**Getting Shielders and Homeworkers back into Practice**

With effect from the 1st April 2021, revised Government advice has been issued in the light of the decision to withdraw shielding status for anyone in the category of clinically extremely vulnerable. With that withdrawal comes removal of the right to claim SSP for those who were previously shielding.

There is strong advice however to continue to work from home where possible and there remain quite significant requirements imposed on employers to take steps to reduce exposure to COVID-19 in the workplace if and when agreement can be reached with individual staff, previously shielding, to return to work in-practice. In that event Practices will need to be able to explain the measures that have been put in place to keep staff safe at work.

There also appears now to be some prospect that the original constraints of lockdown may be eased gradually over the next few months, in addition to the withdrawal of the shielding category. Whilst the advice remains to work from home where possible, this is advice and not a regulation, so in that light there may be a greater flexibility in prospect to facilitate more staff returning to the workplace.

In this context it is our view is that practices may need to consider how best to deal with employees currently working from home who may now be asked to return to practice based working with a degree of sensitivity, as these staff may continue to have anxieties or concerns about returning to the workplace after homeworking for so long, and whilst there is evidence that the coronavirus is still very much active in the community.

Therefore, it is important that Practices have clear plans and strategies to encourage staff members to return to practice based working rather than simply expecting staff to return on request. Where Practices do have returning employees, then it is suggested that the following steps should be considered to enable and facilitate as seamless a return as possible:

* To engage directly with the employees concerned to explain reasons for proposing a return to practice-based working and how it supports delivery of the required services to patients.
* Through that engagement, to understand better and clearly any concerns employees may have around returning so that each concern can be addressed jointly, with, hopefully, mutually acceptable conclusions.
* To consider carrying out risk assessments, ideally with the employee concerned, to enable joint assessments, that enable both parties to look through options and outcomes arising out of the risk assessment.
* Consider the possibility of involving a senior clinician to agree any outcome so that this too could be documented as an illustration of a reasonable approach.
* To identify potential external sources of support (e.g. occupational health advice).
* To consider where practical the possibility of phased returns to enable a gradual building of confidence where appropriate.

It is still likely, as has been the issue with COVID over the last year, that situations and guidance may change as more information comes through and more experience is gained, so it may also be sensible to have arrangements to keep the risk assessment outcomes under review on a regular basis.

In our view the key is to adopt an explicit approach that demonstrates, as a Practice, the priority is to consider the best interests of staff, whilst focusing on the need to deliver the necessary range and quality of services to patients as some sense of normality returns.