

TEST AND TRACE: QUICK GUIDE FOR HR

TEST AND TRACE: QUICK GUIDE FOR HR

Workers may be required to self-isolate for 14 days, even if they have not tested positive for coronavirus (Covid-19) and do not have any symptoms, when they are contacted by the NHS Test and Trace service which launched on 28 May 2020.

This quick guide is designed to give employers and HR professionals an overview of NHS Test and Trace and will also help them to identify which workers are required to self-isolate under the scheme.

What is NHS Test and Trace?

NHS Test and Trace is a service which has been launched to help control the spread of coronavirus by ensuring that anyone who develops recognised symptoms can be tested quickly to find out if they have the virus. The service also helps to trace close recent contacts of individuals who test positive and, where necessary, notifies them that they must self-isolate to protect others from becoming infected.

How does NHS Test and Trace work?

As soon as an individual experiences coronavirus symptoms, Government guidance advises that they must self-isolate for at least 10 days and book a test at www.nhs.uk/coronavirus (or call 119 if there is no internet access). Anyone living in the same household or who is part of the same support bubble as the symptomatic individual must also self-isolate for 14 days from when the individual started having symptoms.

When an individual tests positive for coronavirus, NHS Test and Trace will send them a text or email alert, or call them with instructions of how to share details of their close recent contacts and places they have visited, via a secure website or by telephone with a NHS contact tracer. These close recent contacts will then be alerted by NHS Test and Trace by text, email or a trained call handler and, where necessary, will be instructed to self-isolate for 14 days.

Currently, Government guidance on the NHS Test and Trace service states that it only applies in England (although the service is working closely with other administrations to achieve a consistent approach to testing and tracing across the UK). Separate guidance applies to health care workers and others working in health and social care settings.

Government guidance on NHS Test and Trace and how it works can be found [here](#).

Who are close recent 'contacts'?

A 'contact' is a person who has been close to an individual who has tested positive for coronavirus anytime from 2 days before that individual was symptomatic up to 10 days from onset of symptoms (this is when they are infectious to others).

A close recent contact of an individual who has tested positive for coronavirus can include:

- A person who has had face-to-face contact (within one metre) with the infected individual
- A person who has travelled with the infected individual in a small vehicle (or been near the infected individual in a large vehicle or plane)
- A person who has been within 2 metres of the infected individual for more than 15 minutes

(Click [here](#) for Government guidance and more detailed descriptions of close recent contacts.)

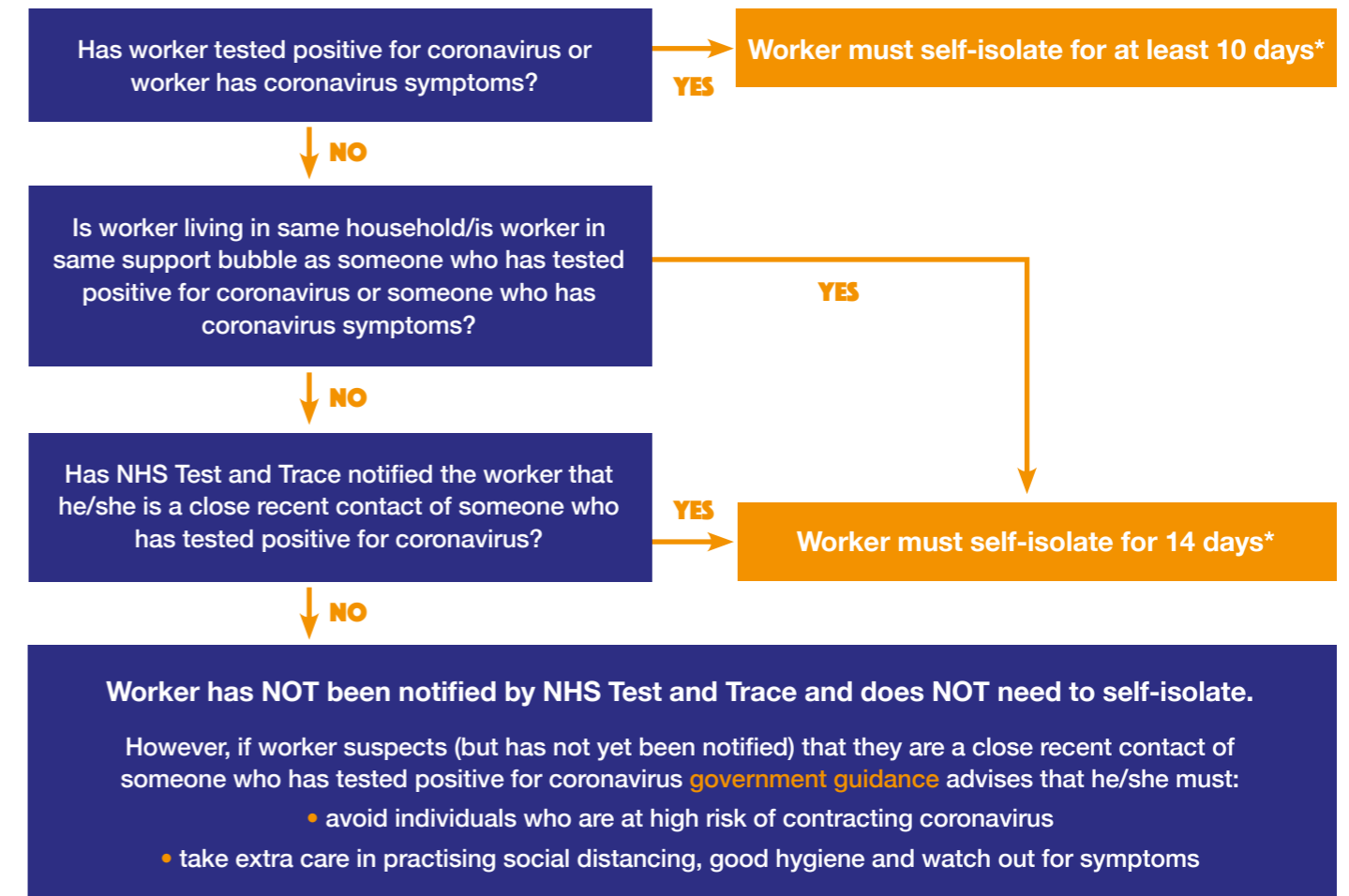
What happens if a worker receives a notification from NHS Test and Trace?

If NHS Test and Trace notifies a worker that they are a close recent contact of a person who has tested positive for coronavirus, the worker must self-isolate at home for 14 days from the date of their last contact with the infected individual. This is important, even if the worker feels well, as it can take up to 14 days for symptoms to appear.

Government guidance on NHS Test and Trace and the workplace explains that it is vital employers 'play their part'. This means not only making the workplace as safe as possible but also encouraging workers to comply with any notification to self-isolate and supporting workers during periods of self-isolation (see below).

If multiple cases of coronavirus appear in a workplace, the employer must contact their local Public Health England team and may have an outbreak control team assigned to them from either the local authority or Public Health England to help manage the outbreak.

NHS TEST AND TRACE: WHICH WORKERS MUST SELF-ISOLATE?



* NOTE: See [here](#) for full details of self-isolation requirements for households with possible or confirmed coronavirus and [here](#) for contacts of people with confirmed coronavirus (who do not live with the person). Different self-isolation (or 'quarantine') requirements will apply to workers who are travelling to the UK from abroad (see [here](#) for details).



What evidence can an employer require of a worker's NHS Test and Trace notification?

Workers can obtain an isolation note from the NHS Test and Trace service as evidence of their requirement to self-isolate. A [checking service](#) is available if employers need to check the note's validity. Employers will also need to keep a copy of the isolation note if they are eligible, as a small employer, to claim a rebate for any Statutory Sick Pay (SSP) that is paid to a self-isolating worker. Further details of the SSP rebate scheme are available [here](#).

What support should an employer offer workers who are required to self-isolate by NHS Test and Trace?

[NHS Test and Trace: Workplace Guidance](#) advises that employers should continue to communicate with and support workers who need to self-isolate. If self-isolating workers are well, and it is practicable to do so, they should be allowed to work from home (which might also include finding them alternative work that can be completed from home during a period of self-isolation).

Where it is not possible to work from home, employees are entitled to receive SSP (subject to eligibility criteria). Some employers may provide further support by paying company sick pay too.

According to the workplace guidance, employees should also be given the option of using paid holiday entitlement for the time they're off work in self-isolation, entitling them to full pay for the duration of their leave, as opposed to SSP. Agency workers (or workers on zero hours contracts) who are in self-isolation should work from home, where possible. If not, they may be eligible for SSP or Universal Credit.

Employers may need to make various changes to their current sickness absence and leave policies in order to support these new arrangements for self-isolation while also managing operations in a safe and effective manner. We will consider these issues in more detail in our upcoming webinar [Reluctant Returners and Absence Management in the Context of Covid-19](#).

IS THERE A COVID-19 APP AND WHAT WILL IT DO?

Initially, the Government trialled a NHS COVID-19 app on the Isle of Wight which was designed to extend the speed and reach of the NHS Test and Trace service. The aim was to ensure that anyone with a smartphone could engage directly with the NHS Test and Trace service, from ordering a test through to accessing guidance and advice on self-isolation. It was also intended that the app would assist with contact tracing and collect anonymised data to be used for NHS care and research.

The Isle of Wight trial uncovered a number of technical challenges and now the Government is considering a new app based on Google/Apple technology. At this stage, it is unclear when the new app will be available for use by the public.

Once an app is available, some employers may be considering whether to recommend (or even mandate) its use on workers' mobile devices. This will require a very careful privacy impact assessment to ensure data protection compliance.



“IF SELF-ISOLATING WORKERS ARE WELL, AND IT IS PRACTICABLE TO DO SO, THEY SHOULD BE ALLOWED TO WORK FROM HOME”



HOW WE CAN HELP

Our experienced Legal team is here for you. For more than 120 years Make UK has helped tens of thousands of organisations survive the best and worst of times. We provide clear direction, enabling you to take fast action and make knowledgeable choices.

If you are a Make UK member and you would like further details of the NHS Test and Trace service or if you need more general support in relation to Covid-19 please contact your adviser. If you are not a Make UK member, please call **0808 168 5874** or email us **enquiries@makeuk.org**. The **FAQs** on our website are also updated regularly and provide detailed guidance on issues relating to Covid-19.

A new webinar **Reluctant Returners and Absence Management in the Context of Covid-19** will examine in detail practical and policy considerations in relation to self-isolating employees as well as other Covid-19 absence management issues. Book your place [here](#).

www.makeuk.org/hereforyou

Disclaimer: This guide is correct at the time of writing on 7 August 2020. It is intended to provide information and guidance on the HR and employment law factors that employers should consider in relation to the NHS Test and Trace service. It does not constitute legal advice and should not be relied upon as such. Make UK members should speak to their adviser for guidance on their particular circumstances before implementing policy or contractual changes.

