

With the Prime Minister announcing that “Plan B” restrictions in England are to end, we set out below a short update on where we are on key COVID-19-related matters. Click on each icon below for further details. More detailed commentary on the practical questions for employers arising out of the Prime Minister’s announcement this week will appear very shortly on the [Employment Law Worldview blog](#).



### Working from home

As of 19 January, the government is no longer asking people to “work from home if they can”.



### Statutory Sick Pay

Employees continue to be eligible to receive SSP if they meet the qualifying criteria.



### Mandatory certification

Mandatory certification for access to certain large-scale settings will be removed from 27 January.



### Self-isolation

For now, the self-isolation rules remain in place but the government is seeking to scrap them altogether from 24 March.



### Face coverings

From 27 January, there will no longer be a legal requirement to wear a face covering.



## Working from home

As of 19 January, the government is no longer asking people to “work from home if they can”. In his [statement to Parliament](#), the Prime Minister said that people should now speak to their employers about arrangements for returning to the office.

We would, of course, recommend not waiting for your staff to approach you, largely because they will not, but to seize the moment and start communicating now with your employees regarding your own expectations about returning to the workplace. Now that the guidance has changed, unless an employer has already agreed to remote working (whether part time or full time), an employee’s proper place of work becomes their physical workplace again and remaining away from it requires the employer’s consent.

Companies will no doubt welcome this change in the guidance. Although we are unlikely to see a mass return to the office (not least because many companies have already introduced hybrid working arrangements that give staff greater flexibility over where they work), we anticipate that more staff will return more quickly than was the case last summer when the instruction to work from home where possible first ended.

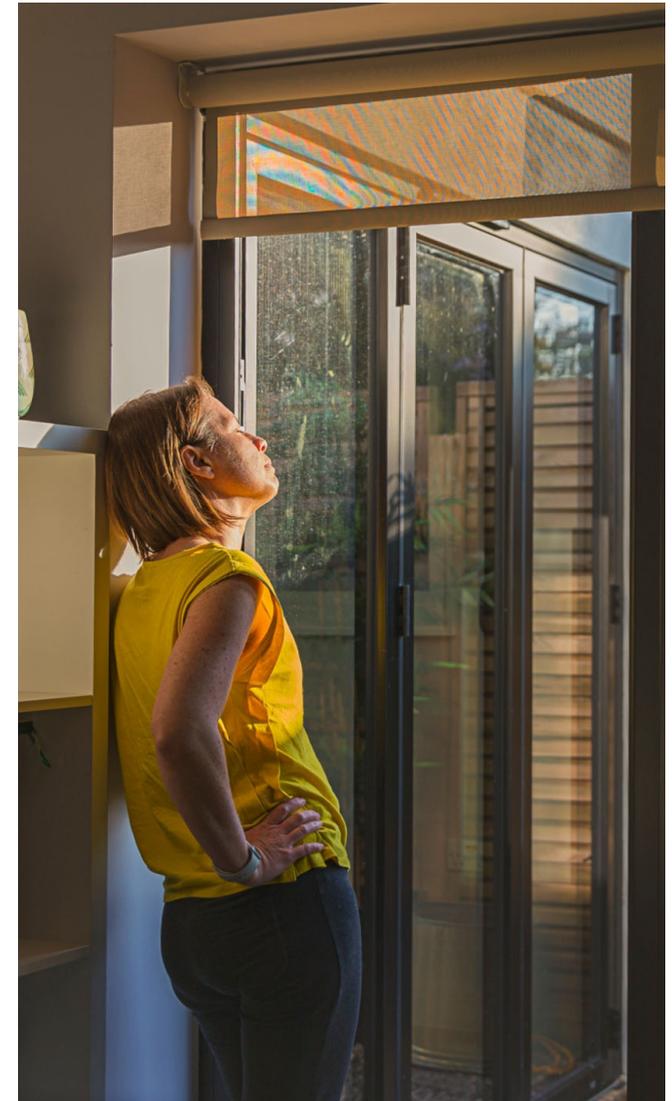
Inevitably, there will be some who are reluctant to return, whether out of concern for their health and safety or simply the fact they would prefer to continue working from home, and employers will need to deal with these individual cases as and when they arise.



## Self-isolation

The rules on self-isolation have changed a few times recently and the government is seeking to scrap them altogether from 24 March or possibly sooner if the data remains positive and Parliamentary approval is obtained. This means that COVID-19 will, in effect, be treated in the same way as, for example, the flu and people will not legally be required to self-isolate if they contract it. The government has said that it will be setting out its long-term strategy for living with COVID-19 before 24 March, when those self-isolation regulations are due to expire.

For now, however, the self-isolation rules remain in place – the current self-isolation period is 10 full days although you can obtain an early release on day 6 if you test negative using a lateral flow test on both days 5 and 6. The latest guidance can be found [here](#).





## Statutory Sick Pay

In terms of statutory sick pay (SSP), employees continue to be eligible to receive this (subject to meeting the usual qualifying criteria) if they test positive or are legally required to self-isolate due to close contact with someone who has tested positive. These rules will also inevitably change as and when the self-isolation rules are abolished.

By way of reminder of another recent change in this area, employees are currently only required to provide proof of sickness (e.g. in the form of a fit note from their GP) for SSP purposes if they are off work for more than 28 calendar days in a row. In other words, they can self-certify for the first 28 days of sickness absence, as opposed to the usual seven-day rule. This was a short-term change and the self-certification period is due to go back to seven days for absences beginning on or after 27 January.

The new SSP Rebate Scheme is also currently available to small and medium-sized employers (fewer than 250 employees) and will reimburse them for the cost of SSP for COVID-19-related absences, for up to two weeks per employee. Employers can only claim for employees who were off after 21 December last year. Further details can be found [here](#).



## Face Coverings

From 27 January, there will no longer be a legal requirement to wear a face covering. People will still be “advised” to wear them in enclosed or crowded spaces, but it will no longer be mandatory to do so. Employers should keep an eye out for the government’s “[Working Safely During Coronavirus](#)” guidance as it is due to be updated shortly to reflect the changes. It is likely to continue to recommend that employers encourage staff to wear face coverings, at least in indoor areas where they may come into contact with people they do not normally meet.

It is always important to remember that all the guidance is just that – guidance – and employers continue to have a duty to ensure, so far as is reasonably practicable, that they do not expose employees and non-employees (customers, contractors, members of the public, etc.) to risks to their health and safety. The Working Safely guidance contains non-statutory guidance to take into account when complying with these existing obligations.

The underlying law governing employment, discrimination and health and safety has still not changed and so employers should continue to ensure they comply with their legal obligations. The particular circumstances of your workplace will continue to be the principal determinant of what you need to do about COVID-19. **Changes in the government’s attitude to COVID-19 and the guidance it issues do not necessarily justify, let alone require, changes to existing employer practice.**



## Mandatory Certification

The current obligation to demonstrate proof of vaccination or a negative lateral flow test via the NHS Covid Pass before being able to access certain large-group settings will be removed from 27 January. Relevant companies may continue to require this if they wish, but it will no longer be mandatory. It seems likely that most employers will remove this requirement.

This note sets out the position in England. As has been the case with other COVID-19 developments, the position will differ slightly and probably temporarily in Wales, Scotland and Northern Ireland.

