

Covid-19 & Self Isolation Factsheet – Updated 6th January 2022

I originally wrote this article in November 2021 but the COVID self-isolation guidance and rules change so quickly, here I am finding myself updating it just a few weeks later. This time the law and guidance are as at 6th January 2022. [Do check here](#) for any updates since then.

Self Isolation rules

1. A person should self isolate if they test positive on a lateral flow test (from 11th January 2022) or have a
 - high temperature;
 - a new, continuous cough; and/or
 - a loss/change to their sense of smell and/or taste.

Those with symptoms should take a PCR test and if they test positive they should continue to self-isolate for a period of 10 days from the onset of symptoms, a positive lateral flow result or positive PCR result (whichever is earlier). The 10 day self-isolation period may be curtailed if the individual tests negative on a lateral flow test from 6 days after the date symptoms started (or 6 days after the day after the positive PCR result where there were no symptoms) and tests negative on a further lateral flow test the following day and does not have a high temperature. They don't have to continue isolating if they are suffering only from a cough or loss of taste or smell, as these may persist for some time after the period the person is considered infectious.

2. Those who are over the age of 18.5 years and have not been fully vaccinated (i.e. had 2 vaccinations) should self-isolate for 10 days if they live in the same household as someone who has COVID-19 or they have been informed by NHS Test & Trace that they are a contact of someone who has tested positive for COVID-19. They are advised to take a PCR test as soon as possible. If it is negative, they should still continue to isolate until the 10 day isolation period expires. If the test is positive, the individual must start a new 10 day isolation period either from the date of the test or the date symptoms started (whichever is earlier).
3. Those who are fully vaccinated (i.e. had two vaccinations) or are under the age of 18.5 years, do not have to self-isolate if they live in the same household as someone who has COVID-19 or they have been notified by NHS Test & Trace that they are a contact of someone who has tested positive for COVID-19, but are strongly advised to take a lateral flow test for 7 days (or 10 days after the household member with COVID-19 started their self-isolation period/10 days from the last contact with the person who tested positive for COVID-19 in non-household cases) and follow advice on limiting contact with those at higher risk of the disease.

Workplace Implications

1. If there is an expectation that they will be required to work away from their place of isolation (usually their home), an individual must inform their employer that they have to self-isolate and the start and ends dates of the self-isolation period. It is a criminal offence not to do so without reasonable excuse.
2. An employer must not knowingly allow a worker to leave a place of isolation for work related reasons. Again, it is a criminal offence to do so without reasonable excuse.

Workplace Implications

3. If an employee is diagnosed with COVID-19 within the period 17th December 2021 – 26th January 2022, they may self certify for the first 28 days of absence. For absences after 26th January 2022, an individual may self certify for the first 7 days of absence (unless the government continues the extension beyond that date). After that, or if an employee has to self-isolate because someone they live with has COVID-19 or NHS Test & Trace has informed them they must do so and they are not exempt; and their employer requires evidence, an Isolation Notice may be obtained from the NHS website or NHS 111 online. Employers may dispense with the need for such evidence if they wish to do so.
4. If the employee is well, or well enough, to work from home and it is possible for them to do so, the employer should permit this.
5. If the employer is not well enough to work from home or they must self-isolate (either for themselves or a member of their household) and it's not possible to work from home, it is deemed that they are incapable of work for sick pay purposes.
6. If the employer has a contractual sick pay policy, that should be followed. If there is no contractual sick pay policy, the employee should be paid Statutory Sick Pay ("SSP"). There are no "waiting days" applicable for such absences meaning that SSP is payable from Day 1 of the absence (rather than Day 4 as is usually the case).
7. Those employees on very low incomes may be entitled to £500 (taxable income) under the Test & Trace Support Payment Scheme if they have tested positive, or have been notified as a close contact of someone who has tested positive and they are not exempt from isolation. Such employees must be in receipt of Universal Credit, Working Tax Credits, either form of Job Seekers Allowance, Income Support, Housing Benefit or Pension Credit or have very low income and would face financial hardship as a result of self isolating.
8. The employer can claim the SSP back from the government under the Coronavirus Statutory Sick Pay Rebate Scheme.
9. **What about employees, especially parents of children, who are exempt from self-isolation (because they are fully vaccinated etc) but share a house with someone (for example, a child) who tests positive for COVID-19?**

The child is required to isolate but the parent is not. The parent nevertheless has to stay at home to care for their child. If the parent can work from home, they should be permitted to do so. If they can't, because the parent is not required to isolate by virtue of the COVID-19 regulations they cannot claim SSP for staying at home with their child.

If the parent can't work from home, they have to rely on existing law and take either dependent care leave or parental leave. Both are unpaid albeit employers retain discretion to pay during such leave if they choose to do so.

10. Dependent care leave is designed to be of a very short term, emergency nature, effectively to put more permanent arrangements in place. Employees are entitled to a reasonable amount of time off to take action which is necessary to provide assistance when a dependant is ill. The Employee must tell the employer of the reason for absence as soon as reasonably practicable and tell the employer how long they expect to be absent. In practice it is very rare that the right will cover absences of more than one day. Employees enjoy the right not to suffer detriment or dismissal because they took or sought to take dependent care leave.

11. Parents can take up to 18 weeks' unpaid parental leave before a child's 18th birthday, where they have at least one year's continuous service with their employer. They may take up to 4 weeks' unpaid parental leave in any particular year. Leave may only be taken in blocks of one week (unless the child has a disability). Employees must give at least 21 days' notice of when they wish to take parental leave. It is impossible to give 21 days' notice of a child's requirement to self-isolate however employers could of course waive or shorten the notice requirements. Again, employees enjoy the right not to suffer detriment or dismissal because they took or sought to take parental leave.
12. Another option could be for employees to elect to use their annual leave. Some employees may have surplus annual leave accrued during furlough. Employers can require employees to take annual leave at specific times by giving them notice which is twice the length of the leave they are required to take.
13. Finally, the remaining options are to take unpaid leave agreed with the employer, time off in lieu or reach an agreement with the employer to make time up in the future. Such arrangements should be documented in writing.

Quarantine Rules

10. From 4am on 9th January 2022, everyone arriving into the UK must have a lateral flow test (from a private test provider) test within 48 hours of arrival and must self-isolate until they receive a negative result.
1. "Red List" Countries: As at 6th January 2022 there are no countries on the Red List.

Please check the current status of the red list as it is subject to change: <https://www.gov.uk/guidance/red-list-of-countries-and-territories#red-list-of-countries-and-territories>
2. Prior to 14th December 2021 an individual returning from a Red List country was required to quarantine in a managed hotel for 2 weeks upon their return. They must also have 2 PCR tests. Again, it would be possible for some employees to work from their managed hotel during quarantine but if their work requires them to work outside of their place of quarantine, they will need to consider the additional leave they will be required to take from work, whether this is additional annual leave or unpaid leave agreed with the employer in advance.

Sally Lomas Fletcher, Associate Solicitor, Employment

E: slomas-fletcher@jacksons-law.com

Teesside: 01642 356500 | Newcastle: 0191 2322574

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