



REMOVAL OF TEMPORARY COVID POLICIES

1. To assist staff and the NHS through the COVID pandemic, a series of temporary policies and variations to standard terms and condition were put in place.
2. Following the standing down of NHS Scotland from an emergency footing on 30 April 2022, it is now necessary to remove these measures.
3. This letter therefore confirms that the majority of temporary COVID related policies will end on 30 June 2022. Annex A provides a full list of the relevant provisions, for reference.
4. With regard to COVID Special Leave, transitional arrangements have been agreed which will see the current arrangements end on 31 August 2022, after which staff will move on to their contractual sick leave entitlement. Annex B outlines these arrangements in full.
5. Finally, the variations which allow overtime to be offered to AfC Band 8 and 9 and ESM staff are being retained until 31 March 2023, to assist with increasing capacity in the service. Annex C outlines the basis on which these measures will continue.

Action

6. NHS Boards and Special Health Boards should note the removal of temporary measures as outlined in this letter and ensure that this information is disseminated widely to managers and staff to ensure they are aware of the changes.

Yours sincerely

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DL (2022) 21

24 June 2022

Addresses

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TEMPORARY COVID POLICES WHICH WILL END ON 30 JUNE 2022

Policy Topic	Related Guidance
Annual Leave / Public Holiday	<ul style="list-style-type: none"> • DL(2020)9, DL(2020)16, DL(2020)22 and DL(2021)3 all provided guidance on the issue of Annual Leave / Public Holidays during the pandemic. • In addition: <ul style="list-style-type: none"> ○ DL(2020)9 allowed staff to carry over untaken leave from 2019/20 and gave them two years to either take it or sell it back at “paid as if at work” rates. ○ DL(2021)3 allowed staff to carry over any leave which they had not been able to take (due to service pressures) from 2020/21 into the 2021/22 leave year. • DL(2021)35 allowed NHS Scotland staff to carry forward and / or accept payment in exchange of up to 10 days of leave at a rate of time and a half (staff must have taken their 28 days statutory leave) if they were unable to take all of their accumulated leave because of service pressures. Note: <ul style="list-style-type: none"> ○ AfC Staff had until 31 March 2022 to sell their annual leave ○ It should be noted that Medical and Dental staff will still have until end of 2021/22 personal leave year to sell annual leave.
Quarantine Self-Isolation when returning to UK	<ul style="list-style-type: none"> • DL(2020)20 and DL(2021)13 provided guidance for situations in which staff travelled to a country for which there was a quarantine period on return. • DL(2021)36 has already confirmed that from 5 November 2021, no special leave would be granted for any quarantine related to foreign travel.
Adverse Reaction following COVID-19 Vaccination	<ul style="list-style-type: none"> • STAC(TCS01)2021, STAC(TCS03)2021 and STAC(TCS04)2021 all provided guidance confirming the approach when a staff member needed to take time off following a COVID vaccination.
Staff in Shielding Category	<ul style="list-style-type: none"> • STAC(TCS05)2020 advised on pay protection for Bank Staff in very high risk groups who could not work. • STAC(TCS07)2020 confirmed the ongoing arrangements for shielded staff.
School Closures and Carers Leave	<ul style="list-style-type: none"> • DL(2020)7 provided guidance for staff during the pandemic with caring responsibilities.
Mental Health & Wellbeing Support during COVID-19	<ul style="list-style-type: none"> • DL(2020)08 set out employer’s duty of care during the pandemic.
Stay at Home Regulations: Working from Home	<ul style="list-style-type: none"> • DL(2021)05 provided advice on supporting staff to work from home.
Return to Work in NHS Scotland	<ul style="list-style-type: none"> • DL(2020)6 covered a series of topics for those wishing to return to NHS Scotland including pay, family related leave and Pensions. • As per NHS Pension Scheme 2022/02, the temporary suspension of the pension abatement rules for NHS Staff have been extended till 31 October 2022.
Fixed Term Contracts	<ul style="list-style-type: none"> • A Variation Order (03/04/2020) allowed Boards to not apply the provision in the Fixed-Term Contracts PIN around adding staff to the Redeployment Register hired as part of the COVID-19 response.
Bank Workers	<ul style="list-style-type: none"> • DL(2020)15 – Guidance on the Employment of Bank Workers During the COVID-19 Pandemic
Whole System Approach	<ul style="list-style-type: none"> • DL(2020)13 provided guidance around the deployment of Health Board staff to a community setting.

COVID SPECIAL LEAVE – TRANSITIONAL ARRANGEMENTS

The following variations to standard terms and conditions and policy documents have been published in relation to absence due to Covid:

- [DL\(2020\)05 – Coronavirus \(COVID-19\): National Arrangements for NHS Scotland Staff](#) – 13 March 2020
- [Variation Order – Sick Leave as a Result of Coronavirus](#) - 27 March 2020
- [Variation Order – Leave as a Result of Coronavirus \(COVID-19\)](#) – 3 April 2020
- [DL\(2020\)30 – Covid Special Leave](#) - 9 November 2020
- [STAC\(TCS09\)2020 - COVID-19 Sickness Absence Management](#) - 15 December 2020
- [STAC\(TCS05\)2021 – Long Covid Sick Leave](#) - 28 September 2021

These publications confirmed that 1) staff self-isolating or absent due to COVID should be paid in full as if at work and 2) absence due to COVID did not count towards sickness absence triggers for as long as these temporary measures remained in place.

The above COVID Special Leave provisions will end on 31 August 2022 and from 1 September 2022 any staff absence with COVID related symptoms should be treated in line with all other sick absence (Section 14 of the [Agenda for Change Handbook](#) for AfC and ESM staff and the relevant [terms and conditions for Medical and Dental staff](#)). This timetable will provide lead in time to allow teams to provide appropriate support for staff and to enable payroll processing.

In addition to their contractual entitlements NHS staff who transition from COVID Special Leave onto their contractual sick leave entitlements should be fully supported in accordance with the [Once for Scotland Attendance Policy](#), with any absence management process for Covid absence beginning at stage 1.

To ensure fairness and consistency employers should follow the explicit guidance regarding the application of paragraph 1.3.9 which states “triggers are prompts to initiate supportive interventions at either 4 separate episodes of absence or short-term absences totalling 8 or more working days within a rolling 12 month period or for longer term absence 29 calendar days or more”. For clarity the 12 month rolling period commences from 1 September 2022 for staff who transition from Covid Special leave to contractual sick leave.

In applying this section any periods of COVID sickness up to the 31 August 2022 cannot be included. For example, if an employee had some triggers prior to their COVID absence and they have been on COVID Special Leave for over a year these triggers have now expired.

As per [DL\(2022\)12](#), 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. In these circumstances, staff will be treated as on “Special Leave – Covid Positive” i.e. paid in full as if at work and the absence will not count towards sickness triggers for the duration of the self-isolation period. This is in keeping with established non-COVID Infection Control measures ([Attendance Policy Guide for Managers | NHS Scotland](#)).

Guidance around the most appropriate infection control measures will continue to be reviewed and the service should always follow the most up to date guidelines.

OVERTIME FOR BAND 8 AND 9 AGENDA FOR CHANGE STAFF AND EXECUTIVE AND SENIOR MANAGER STAFF

The Variation Orders for [Band 8 and 9 Staff \(issued on 18 March 2020\)](#) and [Executive and Senior Manager Staff \(issued on 27 March 2020\)](#) allowed senior AfC and certain ESM staff to access overtime to assist with the COVID-19 response.

It has been agreed to extend these Variation Orders until 31 March 2023 to support service flexibility and recovery. However, it should be stressed that the use of overtime for these staff remains at Employer discretion and overtime for these cohorts should be actively monitored by Boards locally to ensure it is being used appropriately.

The Scottish Terms and Conditions Committee may also seek data at a national level at some point over the coming year in order to assess how this variation is being used across the country.