Furlough Leave Guidance

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| Who can help?  | The HR Team at HumanResources@napier.ac.uk can provide support and assistance with the application of furlough and answer any questions that you may have. |
| Other Support  | * Frequently Asked Questions
* [Government Guidance](https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme)
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| Please Note  | * This guidance has been developed to help the University respond to the immediate impact of COVID-19 pandemic.
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**Context**

Since 16 March 2020, we have implemented measures to ensure that government guidance is followed to reduce the risk of further spread of the COVID-19 virus.

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| **These include:** | * Staff working from home where they are able to do so.
* Closure of University campuses to students and public with only key essential workers accessing the campuses.
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We are committed to following government guidance and want to help reduce the spread of coronavirus whilst safeguarding the welfare of our staff during the outbreak and continuing our normal operations, wherever possible.

The Coronavirus Job Retention Scheme, commonly known as furlough was introduced by the UK Government to support organisations and employees who are negatively impacted by the COVID-19 pandemic. The implementation of furlough leave which generally means temporary leave of absence from work will help the University mitigate against the financial and operational impacts of the pandemic.

We see the Scheme as a positive measure both for staff and for the University. While we have taken additional steps to reduce potential impacts including placing restrictions on recruitment, reducing overtime and other additional payments, there may also be the need for some staff to be asked to agree to take periods of furlough leave in areas where there is a temporary reduction in the need for some roles and/or demand.

**Scope**

These principles apply to staff who were on the University payroll on or before 19 March 2020 and where their salary costs can be attributed to funds out with the funds the University receives from Scottish Funding Council. The principles may be implemented at any time during the pandemic.

**Key Principles**

* Where appropriate and where selection is required within groups, we will seek volunteers to be put on furlough leave in the first instance;
* We will ensure that there is a fair process and that equality and discrimination laws are applied when staff are identified to be placed on furlough leave;
* Wherever possible, we will top up the 80% government funding so staff receive their full salary in the normal way. This principal will however be kept under review and subject to change depending on the duration of the pandemic and the continued impact, operationally and financially.

**Furlough Leave**

Furlough Leave is a temporary period of time which designated employees are not required to work but remain as University employees; continue to receive pay; and retain all other terms and conditions of employment, such as continuous service.

The current Coronavirus Job Retention Scheme is set to run until 30 June 2020, however this scheme may be extended by the government if deemed necessary. In order to apply for the scheme, we are required to place staff on furlough leave for a period of three weeks or more, at a time.

**Furlough Leave Selection**

In order to receive the government grant from HMRC to help meet salary costs for staff on Furlough Leave, it is necessary to designate staff as ‘Furloughed’. It should however be noted that an application to the scheme can only be made for staff whom salaries are not directly covered by government funding.

The identification of which roles should be furloughed will be principally determined by where there may be a diminution of work of a particular kind and/or roles which may not be able to be fully carried out remotely.

It may also be possible to furlough staff who have been identified as clinically vulnerable and therefore at deemed at high risk. All people in this category will have been contacted by the NHS and advised to stay at home at all times and avoid any contact for at least 12 weeks, this is known as ‘people who are shielding’. In the event, that staff in this category cannot work from home, each case will be considered on an individual basis, but provided it is clear there is insufficient or not appropriate work for them to do, furlough leave, may be deemed appropriate.

**Notification of Furlough Leave**

Staff whose roles are designated as suitable for Furlough Leave by the Dean or Director of Service will be written to with a temporary variation to their employment contract which they will be invited to accept.

The minimum amount of time a member of staff can be placed on furlough leave is three weeks. The furlough period can be ended earlier, by giving three days’ notice, to meet changing operational requirements or changes to government advice.

**Pay during Furlough Leave**

The University will apply for funding to cover 80% of pay (up to a maximum of £2,500 per month) from the Government via HMRC. During this initial period we will top up the 80% government contribution to 100% and also pay full salaries where they are in excess of the cap of £2,500, so staff will continue to receive their pay, as normal. The University reserves the right to review this arrangement should the need arise and staff will be informed of this in writing in advance.

**Pension implications during Furlough**

We anticipate being in a position to reclaim employer pension contributions up to the level of the minimum automatic enrolment employer contribution (3% on qualifying earnings).

If you are a member of the pension fund, the University will top this up so that normal employer pension contributions (which are over 20%) continue during the furlough period.  The University reserves the right to review this should the need arise and staff would be informed of this in writing in advance.  Employee pension contributions will be unaffected during this time.

**Working at the University during Furlough Leave**

Staff who are on periods of furlough leave must not carry out any work or be asked to carry out any of the work for the University.

Staff can, however, with the Dean or Director of Services’ authorisation undertake volunteer work; additional work outside of the University; undertake training associated with the development of their role/career, or be asked to join occasional meetings with the purpose of being kept up to date with University business.

**Rotating Furlough Leave**

Where there may be a requirement for some staff to work in a particular role, we will look at rotating staff for a minimum of three week periods to ensure an equitable sharing of remaining workloads.

**Second Jobs and Furlough Leave**

The Government has confirmed that where staff have two or more jobs, these should be treated separately. This means that if a staff member has more than one employer, they can be furloughed for each job, and the cap will apply to each job individually. This also means that a staff member could be furloughed in one job, but continue working in another job.

**Working elsewhere during Furlough Leave**

Employee’s current contractual obligations regarding working elsewhere continue to apply while they are a designated furlough worker and they should ensure that there is no conflict of interest if they wish to work elsewhere during this period. Employees should obtain approval from their Dean/Director if they wish to take up employment elsewhere.

Employees may, with their Dean/Director’s authorisation, carry out unpaid voluntary work.

**Contact with Colleagues during Furlough Leave**

Staff are not permitted to undertake work for the University whilst on Furlough Leave, however, it is important to maintain in regular contact with your manager. Staff are expected to continue to respond, as appropriate to any communications that they receive from the University.

We recognise that regular communication and social links are important and as such encourage staff to maintain social contact with their colleagues, adhering to government guidance.

**Annual Leave whilst on Furlough Leave**

Annual leave continues to accrue during Furlough Leave and all annual leave accrued in the leave year 1 September 2019 to 31 August 2020 must be taken by the end of the leave year. For this year only, there will be no carry-over allowed in the current leave year, except in exceptional circumstances due the nature of the role and with authorisation from the Dean or Director of Service. Staff who are furloughed are expected to continue to use their accrued annual leave and should note that they may be asked to take periods of annual leave while on Furlough.

**Sickness during Furlough Leave**

If a staff member is on Furlough Leave and becomes ill they should let their manager know, in the normal way, so as support can be discussed during their illness.

If a period of furlough leave is due to end and a member of staff is not fit to return to work due to sickness, they will be treated as being off sick in the normal way and receive associated occupational or statutory sick pay, at the end of the furlough period.

**Maternity and Furlough Leave**

Normal pay and leave applies to employees who are on maternity and other types of family leave. They will remain on that leave unless the leave comes to an end in one of the usual ways. At the end of leave, their role may be designated as being suitable for furlough leave.

**Furlough and Redundancy**

The decision to furlough roles has been taken as a short-term measure to mitigate against the immediate operational and financial challenges faced by the University. If there is a need to make roles redundant in the future, decisions will be made on the future need of roles and not whether a role was furloughed or not.

**Furlough and Resignations**

Where a staff member has resigned and is working their notice period, it may be possible to designate the role as Furloughed (if it meets the criteria) for some or all of the notice period.

If a staff member wishes to rescind their resignation once it has been accepted and/or request a delayed leaving date, they should discuss this with their line manager in the first instance who will seek advice from HR.

**Bringing Furlough to an end**

The furlough period will end when any of the following events occur:

* The University or member of staff ceases to be eligible for funding under the Government scheme;
* The University provides the member of staff with three calendar days’ notice that their employment will resume on the terms and conditions which applied immediately before the furlough period commenced, or on such terms and conditions as further amended to take account of the applicable circumstances;
* The member of staff’s employment is terminated for any reason.

At the end of the furlough period when staff return to work, they will revert to their previous contractual terms and conditions.

 **Document Control**

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| AuthorDate First ApprovedLast Review DateReview Frequency | Human Resources 17 April 202017 April 2020As legislation or government guidance changes. |

**Furlough Process – Responsibilities**

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| **Managers & HR Partners****Staff****Human Resources** | * Identification of staff who meet the government funding test and will be placed on furlough leave, potentially for the following reasons:
* *unable to work at home due to role requirements;*
* *unable to carry out a substantial proportion of their role responsibilities at home;*
* *work activity has reduced/is not required in the interim/is not deemed to be priority;*
* *shielding at home (or needs to stay at home with someone who is shielding) in line with public health guidance;*
* *Unable to work because they have caring responsibilities.*
* Carry out selection process using identified criteria, where applicable
* Determine the length of furlough leave.
* Regularly review staff who are on furlough leave.
* Read the frequently asked questions.
* Note that being furloughed has no impact on your employment status with the University.
* Review furlough leave letter and confirm agreement to be placed on furlough leave, or otherwise to their line manager/HR. In the event of not agreeing to furlough, we may need to discuss alternative options.
* Ensure that whilst on furlough leave, no work is carried out for the University.
* Maintain regular contact with your manager, as required.
* Contact your manager, if you want to undertake voluntary or alternative paid work, in advance of agreeing to this.
* Continue to report any sickness absence to your manager.
* Continue to book and take annual leave whilst on furlough leave.
* Be available to return to work on your contracted hours and pattern following periods of furlough leave.
* Manage process to identify volunteers, where appropriate.
* Keep a record of staff on furlough leave.
* Write to staff on furlough leave, as appropriate.
* Ensure staff on furlough leave are paid, as per agreement.
* Report furlough leave to HMRC.
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