Frequently Asked Questions (FAQs) and Information for Staff Placed on Furlough, i.e. Temporary Paid Leave due to the impact of Coronavirus (Covid-19) on the University’s operations

These FAQs are up-to-date as at 5 May 2020. Any changes which arise from either Government guidance or the University’s approach will be highlighted and dated in future versions which will be hosted on the Staff section of the University’s webpages which focus on Coronavirus (Covid-19).

What does ‘furlough’ mean?
The word ‘furlough’ generally means temporary leave of absence from work. This can be due to economic conditions affecting one company, or matters affecting the whole country. The term has been adopted by the UK Government to describe what employers need to do to access the Coronavirus Job Retention Scheme. The Scheme provides employers with financial assistance so that those on furlough can be kept on the payroll during the coronavirus crisis.

What is the Coronavirus Job Retention Scheme?
The Coronavirus Job Retention Scheme (CJRS), also referred to as the Furlough Scheme:
• is one of the financial measures the UK Government has put in place to protect the UK economy and avoid job losses due to the coronavirus crisis
• is intended to help employers who have been severely affected by the coronavirus crisis and have no work for their employees to do, particularly during the national lockdown
• helps employers to keep their employees on the payroll rather than permanently lay them off or make them redundant
• allows employers to claim a grant from the UK Government to cover 80% of an employee’s pay, capped at £2,500 per month. The grant includes employer national insurance contributions and a minimal level of pension contributions
• is open to all types of employers. However employers cannot claim support for those employees whose salaries and wages have already been funded by the government
• is currently open until 30 June 2020 and may be extended.

To access the Scheme, an employer has to ‘furlough’ the employees for whom it has no work. This means temporarily lay them off, albeit with pay.

Employees must be furloughed for a minimum of three consecutive weeks and must not carry out any work at all while they are on furlough. While employees can be rotated on and off furlough, each period of furlough must be for at least three consecutive weeks.

Can the University access the Job Retention Scheme?
Yes. However, it cannot claim for staff who hold posts which are publicly funded.

Public funding
‘Public funding’ is money received by the University from public sector funders such as UK or Scottish Government, EU programmes, SFC (Scottish Funding Council), the NHS, other Government Departments, UKRI and other public sector research funders. The funds can be received in a number of ways - as a direct grant for a project, as tuition fee payments from SAAS (Student Awards Agency Scotland) or in the main SFC teaching, research or knowledge exchange grants. In 2018-19 approximately 55% of total income came from publicly funded sources.

This means that it cannot furlough any member of staff involved in the delivery of teaching.
Nor can it furlough anyone involved in research or knowledge exchange activity, when those activities and services are supported by UKRI, NHS or UK Government grants or via the Scottish Funding Council, including the Research Excellence Grant.

It does mean it can furlough everyone else, provided there is no work for them to do remotely.

**Trade union consultation**
The University has made its recognised trade unions aware of its need to furlough staff and access the funding available via the Government’s Job Retention Scheme (CJRS). They are aware of the types and numbers of role-holders who will be furloughed and have had input into these FAQs which reflects the joint collective statement agreed between the University and UCU, UNISON and Unite which can be found [here](#).

**Who can be placed on furlough?**
We can furlough any member of staff, whether full-time or part-time, open-ended or fixed-term, salaried or hourly paid. However, we can only do so if:

- there is no work for them to do, and this is entirely due to the pandemic, and
- they do not hold a post which is publicly funded, in part or in full.

**New recruits**
We can only furlough staff who joined us on or before 19th March 2020 and for whom a payroll has been run. In reality this means that we are only able to furlough staff who were paid through the February monthly payroll and so had a University record with HMRC before the CJRS came into existence on 20th March 2020.

**Leavers**
Staff who are leaving the University can be furloughed up until the date they leave, provided they are eligible, i.e. can do no work, are not publicly funded and can be furloughed for at least three weeks. (Please also see the section below on furlough and fixed-term contracts.)

**Staff on long term sick leave**
Staff who are on long-term sick leave can be furloughed – provided there is no work for them to do if they were well and back at work. They can’t be furloughed if their post is publicly funded.

**Please note:** Managers must seek advice from HR before considering to furlough any member of staff who is on sick leave.

**Staff on maternity or other family-related leave**
Staff already on maternity, adoption or shared parental leave can be furloughed if:
- there would be no work for them to do if they were not on such leave
- their post is not publicly funded, and
- they curtail, i.e. end their leave.

Staff who ask to end their maternity/adoption/shared parental leave – for example so they can be on furlough leave at full pay – cannot then go back on maternity/shared/parental leave.

Staff on furlough can start their maternity leave etc as normal.

**Please note:** the interplay between the Coronavirus Job Retention Scheme and other statutory leave, e.g. maternity leave is complex. Managers must therefore seek advice from HR before
considering to furlough pregnant staff or those on maternity or other family leave. Staff on family leave – and for whom there would be no work were they to return to work early - should seek advice from HR before taking any action to curtail their leave.

**Staff on unpaid leave (excluding unpaid maternity or other statutory leave)**
Staff on unpaid leave can be furloughed provided their leave began after 28\(^{th}\) February 2020. If their leave started before this date, they cannot be furloughed until the date they would have returned to work. As in all cases, the twin tests of ‘no work’ and not publicly funded will apply.

**Sponsored, i.e. Tier 2 staff** can be furloughed, provided they can do no work and their post is not publicly funded. Being on furlough will have no impact on a sponsored worker’s immigration status. The University will however have to report to the Home Office that a sponsored worker has been furloughed.

**Apprentices** can be placed on furlough. They can continue with their 20% off-the job training if their provider can continue to deliver this remotely and the training does not result in ‘service to or generate revenue for’ the University.

**Staff who are ‘shielding’**
Staff who are considered to be at extremely high risk of severe illness if they contract coronavirus will have received a letter from the NHS advising them to follow rigorous shielding measures. Such staff, or anyone who needs to stay at home to care for someone who is shielding, can be furloughed, if a) they cannot do any work from home and b) their post is not publicly funded. If they do hold a post which is publicly funded, in part or full, they will be placed on temporary paid leave.

**Please note:** staff will need to let their manager know that they have received a shielding letter/are caring for someone who is shielding. They do not have to share any medical information with their manager or provide a copy of the letter.

**Staff with caring responsibilities**
Staff who are unable to work from home because they have caring responsibilities resulting from the coronavirus outbreak, e.g. they need to look after their children because they are not in school, can be furloughed. Unlike other categories of staff, they can be furloughed even if there is work for them to do. However they cannot be furloughed if their post is publicly funded.

If there is work the staff member could do from home, and/or their post is publicly funded:
- the staff member must make their manager aware of the difficulties they are experiencing in balancing working from home, home schooling, caring for young children or other dependants
- a sympathetic, ‘best endeavours’ and flexible approach will be taken. Managers and staff should discuss ‘the art of the possible’ e.g. what adjustment, if any, can be made to duties, priorities, and deadlines and to working hours and patterns.
- if the staff member’s circumstances make it impossible for them to work at all, and they are not eligible for furlough, they can take temporary paid leave. Managers and staff will be expected to keep in touch in the same way that they would do during furlough (please see section below on Keeping in Touch.)

To ease the administrative burden on all concerned, no flexible working requests need to be made or recorded. The temporary leave does not need to be recorded in the HR System or any local ‘absence’ recording systems (furlough leave will be separately recorded by HR centrally to ensure compliance with the CJRS rules).
Agreed arrangements should be reviewed on a regular basis as personal circumstances can change. They will also be reviewed as and when government guidance on restrictions change/ease and in line with any extension to the CJRS/Furlough Scheme which is presently in place until 30th June 2020.

**Staff with more than one University post**
A staff member with two University posts cannot be furloughed in one post and continue to work in another. This would invalidate the University’s CJRS claim for that staff member, as they cannot do any work at all during the furlough period. If a staff member can work in one post but not in another, they cannot be furloughed and will continue to be paid for both jobs.

**Can staff volunteer/ask to go on furlough?**
As above, in line with the CJRS only staff who are shielding or have caring responsibilities related to the pandemic can ask to be furloughed, i.e. to stay at home and do no work. All other staff have to be instructed to do so by us.

At present we envisage furloughing whole teams who undertake the same role so will not need to ask for volunteers. Should this change, for example some work becomes available, but not enough to take the whole team off furlough, we may decide to rotate team members on and off furlough. This may happen as we prepare to open up our buildings, for example on a phased basis.

If a member of staff believes their work circumstances have been overlooked, and they should be furloughed, they should raise this with their line manager.

**Do staff have to agree to being placed on furlough?**
Staff selected for furlough do not have to agree to being placed on temporary paid leave.

While being placed on furlough, i.e. being sent home and instructed not to work, is a temporary change to an employee’s terms and conditions of employment, and an employer would normally seek to obtain an employee’s express agreement to such a contractual change, HMRC, who will oversee the CJRS scheme, has made it clear that:

- while employers must ensure there is a written record of the instruction to cease work,
- employees do not have to provide a written response, i.e. do not have to signal their agreement.

Managers will contact and speak with any member of staff to be furloughed and this will be followed up in writing.

Staff will be deemed to agree unless they specifically object. They’ll be asked to explain why they object and this will be followed up by either their manager or a member of HR.

**Can staff refuse to go on furlough?**
When approached by their manager, if the staff member disagrees that they have no work they can do from home they should discuss this further with their manager. In the event of any ‘disagreement’ the staff member should contact their HR Advisor. They can also seek advice from their trade union.

We very much hope that staff will understand the need for them to be placed on furlough and will see that it is in their best interests to be furloughed. If a staff member continues to object the University may have no alternative but to place them at risk of redundancy – which is the very act the CJRS/furlough scheme exists to avoid and a step the University does not need to take at this time.
Can staff appeal the decision to place them on furlough and do no work?
Due to the unprecedented nature of the situation, there will be no formal appeals process. If a staff member has concerns about being placed on furlough, i.e. being instructed to do no work while on full pay, they should express these to their line manager who will seek further advice from HR.

Can staff ask to come off furlough?
Staff who have been furloughed can only ask to come off furlough in very limited circumstances. For example they:
- have given due notice to start a period of statutory family leave, e.g. maternity leave
- their caring responsibilities have been alleviated and they can work remotely.

How long can furlough last?
In line with the rules of the CJRS, employees must be placed on furlough for a minimum of three consecutive weeks. Claims can be backdated to 1st March and at present the scheme will last until 30th June 2020.

We propose to deem most staff to be on furlough from 1st April 2020 and to furlough them until 30th June. Others will be furloughed from 1st May 2020 until 30th June 2020. We recognise that many furloughed staff will have stopped working before these dates. However we are seeking to ease the burden on Payroll and others by avoiding the need to calculate part-month claims.

Can the furlough period be reduced or extended?
At present the CJRS scheme will end on 30th June 2020 so we cannot furlough staff beyond this date.

We can furlough staff after 1st May and before 30th June, provided they are furloughed for at least three consecutive weeks.

If the Government extends the Scheme beyond 30th June, and we continue to have no work due to the pandemic, we may have to extend the furlough. If this is required we will contact all staff impacted and will aim to give at least three days’ notice of any extension.

If work becomes available we may reduce the period of furlough and bring it to an end before 30th June. We can do this at short notice, but will always aim to give at least two days’ notice of the need for any staff member to resume work.

If furloughed, what will salaried staff be paid?
While there is a limit to what the University can claim from the Job Retention Scheme (the CJRS), i.e. 80%, capped at £2,500, salaried staff who are furloughed will be paid their monthly salary and contractual allowances as normal. This means that the University will top the Scheme up to 100%. Specific arrangements apply to those who are hourly paid, i.e. staff employed on guaranteed minimum hours (GH) contracts.

If furloughed, what will hourly paid, i.e. GH staff be paid?
GH staff will be paid in line with the CJRS formula for hourly paid employees, i.e. they will receive the higher amount of either a) the pay for the same month last year or b) the average pay in the 2019/20 tax year (i.e. from April 2019 to March 2020). If a GH member of staff joined part-way through the tax year, their average pay will be based on the number of months between joining and March 2020.
As for salaried staff we will top up the 80% we can claim to 100%. Employee and employer pension contributions will be based on this 100%.

**What happens to teaching and research staff who cannot be furloughed due to the Scheme’s public funding ‘rule’, but for whom there is also no work?**

Staff who cannot be furloughed will remain at home, also on paid leave. They too will be paid their salary and contractual allowances as normal. If GH, they will be paid in line with the topped-up CJRS formula.

**As there is no difference in pay between being on furlough and not, why furlough anyone?**

We will only place staff on furlough where there is no work for them to do remotely, and their post is not publicly funded. We need to furlough them to claim the CJRS grant on their behalf. This grant will, as it is intended, help the University with its payroll costs, which in turn will help it to mitigate the loss of significant income due to the pandemic.

There may be areas of the University where there is some work which can be done remotely. If operationally feasible, we will rotate the staff who would normally do this work on and off of furlough, provided they can be furloughed for at least three weeks at a time. If this is not feasible, we may seek volunteers.

**If staff have been unable to work since late March, and have been receiving and will continue to receive full pay, why is furlough now necessary?**

The University made the decision to move to remote working before the UK Government announced the Coronavirus Job Retention Scheme (CJRS) on 20th March and before the national lockdown restrictions were announced by both the UK and Scottish Governments on 23rd March. It also made the financial commitment to support staff through the crisis before it knew the extent of the national lockdown and the severity of the impact on its financial position.

As the lockdown has now been extended to at least 7th May, and the CJRS until 30th June, it is prudent of the University to ensure those who are unable to work are given some security regarding their pay and are clear that there is no work for them to do.

It has also become clearer that the Scheme can be accessed by the education sector, and under what conditions.

We therefore believe it prudent – both in the interests of the staff concerned, and the University at large – to mitigate our payroll costs in this way.

**What are the implications of being furloughed?**

We appreciate that placing staff on furlough and instructing them not to work is a very unusual step for the University to take. We also understand that it may cause staff some anxiety and concern about the future.

First and foremost it’s important to emphasise and note that furlough has no bearing on the importance of the role held by the staff member or their personal performance in the role. It is unfortunately a reflection of the impact of the pandemic on our activities, a great many of which have had to cease.

We very much see this as a temporary situation and at present have no reason to believe that these activities will not resume when the lockdown restrictions are over, although we may have to do things differently if social distancing restrictions continue.
Furloughed staff will not be placed at any disadvantage. They will continue to:

- be an employee of the University
- be paid on a monthly basis
- accrue service, i.e. being on furlough will not result in a break in service
- accrue service in their University pension scheme (and the University will continue to make its employer contributions on the staff member’s pensionable salary)
- be entitled to all University benefits
- retain their right to take family leave e.g. maternity, shared parental leave etc.
- accrue annual leave and take leave (please also see section below on ‘furlough and annual leave’).

Being furloughed will have no bearing on a staff member’s future career prospects. Nor will it in any way signal that they would be at any more risk of being selected for redundancy in the future.

What are the dos and don’ts of being on furlough?

Critically, furloughed staff cannot and must not undertake any work on behalf of the University, including its subsidiary companies.

They can however be asked to do some on-line training – provided this is entirely related to their existing job, i.e. will enhance the technical or managerial skills they need to do their job. Where feasible to do so from home, staff can and should be encouraged to undertake mandatory on-line training, for example those which relate to information security, data protection, equality and diversity.

Furloughed staff can also volunteer to help with locally and nationally organised activities to support others impacted by the pandemic.

Staff on furlough must:

- remain available for work
- let their manager know if their personal circumstances change, including if they fall ill
- let their manager know if their contact details change (please also see section on keeping in touch).

Staff with more than one University post

It is possible that a staff member holds two posts and that there could be work for them in one but not in the other. As the rules of the CJRS stipulate that a furloughed employee cannot work for their employer at all, they cannot be furloughed in one post and continue to work in the other. So they have to be instructed not to work at all. Or, if the work in the second post is required, they continue to work in it and cannot be furloughed. Managers will need to liaise with each other before deciding which option to take.

Staff who also work for another employer

Staff who are furloughed by the University can continue working for another employer, provided this is not a subsidiary of the University. In line with our existing conditions of employment, furloughed staff should seek their line manager’s agreement before starting work for another employer.

Keeping in touch

While staff on furlough cannot do any work, it is important for their wellbeing that they keep in touch with their manager and team-mates. So there is no reason why furloughed staff should not take part in on-line social events, team catch-ups etc. Naturally those on furlough cannot and will not be asked to ‘prepare for,’ or take any actions from these on line get-togethers.
Managers will agree how frequently and best to keep in contact with their staff and keep them abreast of developments while they are on furlough. This will include both local, e.g. School/Department updates and University level communications of relevance to the staff member.

Managers must seek their staff member’s agreement to use their personal email address as a means of contact.

**Furlough and fixed-term contracts**
Staff on fixed-term contracts can be placed on furlough – provided there is no work for them to do because of the pandemic and their post is not publicly funded.

If their contract is due to end during the furlough period it can be extended/renewed, provided it would have been extended/renewed in any other circumstances.

If contracts are to come to an end, all processes will be followed as normal, and staff will be afforded, as is standard, the right of appeal.

**Furlough and annual leave**
Staff placed on furlough will continue to accrue annual leave in line with their grade.

GH staff will continue to receive an additional payment each time they are paid to ensure they are paid the right amount of holiday pay.

As we will be paying salaried staff as normal, i.e. 100% rather than the CJRS rate of 80%, staff on furlough are unlikely to need to designate any day of their furlough as annual leave. Staff due take leave during the furlough period can cancel this leave to take at a later date.

However in line with existing Working Time Regulations, the University can stipulate when staff can take their statutory leave entitlement, giving twice as much notice as the length of leave to be taken. Consequently we may ask staff on furlough to take a period of annual leave at the end of the furlough period and before resuming work.

Like all other staff, those who have been on furlough will be encouraged to have taken between 40% and 60% of their total accrued leave entitlement by the start of the new academic year, i.e. by mid-September 2020.

We very much hope that there will still be ample time for furloughed staff to take all of their remaining leave entitlement once they are back at work and before the end of the current holiday year on 31 December 2020 (please refer to table below).

We will however keep this under review, particularly if the lockdown restrictions are significantly extended beyond 7th May. This will include a review of our current annual leave policy which restricts carry forward of untaken leave to five days (pro-rated for part week staff).
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