

Self-Isolation Obligations (England)

Tuesday 13 October 2020

On 28 September 2020 [The Health Protection \(Coronavirus\) \(Self-Isolation\) \(England\) Regulations 2020](#) (Self-Isolation Regulations) came into force.

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1 When to self-isolate

1.1 Adults

These regulations, which at present are only applicable in England, state that if an adult (i.e. those aged 18 or over) have been notified after 28 September 2020 by the Relevant Bodies (please see: interpretations below - page 5), that:

- they have tested positive for COVID-19, or
- they have had "close contact" (please see: interpretations below- page 5) with someone who has tested positive for COVID-19,

will be legally required to self-isolate for the duration of the compulsory Self-isolation Period and will need to notify the NHS Test and Trace Service of their Designated Place (please see: interpretations below -page 5), if the Relevant Bodies requests for them to share that information.

Designated place for self-isolation purposes is restricted, so adults must only remain:

- in their homes
- a home of a friend or a family member
- bed and breakfast accommodation or equivalent if they have no home (e.g. asylum seekers)

Once at the Designated place individuals will only be able to leave the place if it is for a specific reason - as listed under the Self Isolation Regulations. To list a few, these include:

- seeing registered Medical practitioners
- attending services relating to mental health
- attending funerals of close family members
- to buy food and medical supplies
- attending court hearings

1.2 Children

The Self Isolation Regulations also state that in the event an adult is notified after 28 September 2020 by the Relevant Bodies that their child or a child they are responsible for:

- has tested positive for COVID-19; or
- have come into close contact with someone who has tested positive for COVID-19

will be legally required in respect of that child to ensure that the child is self-isolating for the required self-isolation period and will also need to notify the NHS Test and Trace service of their Designated Place (see interpretations below), if the Relevant Bodies requests for them to share that information.

For cases where the child has tested positive for COVID-19, the adult must also notify the NHS Test and Trace service to let them know the names of every person living in the same household as the child.

2 How long is the self-isolation period?

Self-isolation periods are set out in the [New legal duty to self-isolate gov.uk](https://www.gov.uk/guidance/new-legal-duty-to-self-isolate) guidance which states the following:

If someone or another member of their household has symptoms of coronavirus, they should, as now, isolate immediately. If someone receives a positive test result, they are now required by law to self-isolate for the period ending 10 days after displaying symptoms or after the date of the test, if they did not have symptoms. Other members of their household must self-isolate for the period ending 14 days after symptom onset, or after the date of the initial person's positive test.

If someone is instructed to self-isolate by NHS Test and Trace, because they have had close contact with someone outside their household who has tested positive, they are legally required to self-isolate for the period notified by NHS Test and Trace. Both household and non-household contacts must self-isolate for the full period, regardless of whether they have symptoms and, if they develop symptoms and take a test, regardless of whether any test taken gives a negative result.

3 What obligations do my workers have in light of these new Self-Isolation rules?

3.1.1 Employees

If an employee has been notified by the Relevant Body that they must self-isolate because they have tested positive for COVID-19, or have come into close contact with someone who has COVID-19, they must inform you as soon as it is reasonably practicable, that they are required to self-isolate. They must also provide you with the start and end dates of the self-isolation period.

Employees however, must only notify you if they are working or attending a place work other than the designated place for self-isolation purposes. In other words, if your employee is already working from home, will remain working from home and is not likely to come into your office to do work, they are not obliged to notify you that they are required to self-isolate - though it may be prudent for them to do so anyway, in the event you, or they were planning their return to the office.

3.1.2 Agency workers

Agency workers on a contract for services who are required to self-isolate following a notification from the Relevant Body for testing positive for COVID-19, or for coming into close contact with someone who has tested positive for COVID-19, have a duty to:

- notify you,
- your client if they are on a live assignment,
- or their employer if engaged as a limited company contractor and working through an umbrella company.

Agency workers will also be required to notify you, your client, or the umbrella company (if applicable) if they have recently travelled to a [non-exempted country](#), have since returned to the U.K and are required to self-isolate in line with [government travel guidance](#).

Agency workers are required to notify you, or the other parties in the supply chain, as soon as it is reasonably practicable to do so. They must give the notification before they are next due to start work within the self-isolation period. Whoever the agency worker notifies, will have a duty to notify all other parties in the supply chain, i.e. if your agency worker notifies you, you must notify your client and the umbrella company (if applicable). If your agency worker notifies your client, your client must notify you and the umbrella company (if applicable). If your agency worker is working through an umbrella company and the umbrella company is notified, the umbrella company must then notify you and your client.

3.2 What will happen if my workers do not comply?

If an employee or an agency worker fails to self-isolate and/or fails to notify you, your client, or the umbrella (if applicable), without reasonable excuse, will be committing an offence under the Self Isolation Regulations.

To add, if an employee or agency worker knowingly gives false information about their Designated Place for self-isolation purposes, or the names of each person living in their household, this would also amount to an offence under the Self-Isolation Regulations.

If an offence has been committed, your employee/agency worker could face an increasing fine (a fixed penalty notice). In accordance with the Self Isolation Regulations this will be issued as follows:

- first fixed penalty notice issued: £1000
- second fixed penalty notice issued: £2,000
- third fixed penalty notice issued: £4000
- fourth fixed penalty notice issued £10,000
- any subsequent penalty notice issued after the fourth: £10,000

If an employee/agency worker fails to self-isolate without reasonable excuse, and in doing so:

- *has reason to believe they will come into close contact with a person or a group of people;*
- *does then come into close contact with them;*
- *is reckless as to the consequences of that close contact for the health of that other person or group*

will be committing an offence under the Self isolation regulations and could be issued a fixed penalty notice, starting at £4000 for the first notice being issued, rising to £10,000 for any subsequent fixed penalty notices issued after that.

4 What are my obligations as an employer?

If you have been notified, or have been made aware that your employee or an agency worker is required to self-isolate, you must stop them from attending any place, other than where they must self-isolate, i.e. their Designated Place. So, if it is not possible for a worker to work at their designated place, i.e. their home, they must stop working until the Self-Isolation Period ends.

4.1 What will happen If I do not comply?

Knowingly allowing your employee or agency worker to continue working, unless they are working at their Designated Place, and without reasonable excuse is an offence under the Self-Isolation Regulations. Non-compliance could amount to a fine (fixed penalty notice) which will increase each time you are issued with another one.

In addition, directors, managers, secretaries and other officers of a corporate employer, agency or end-user may be personally liable for such breaches and subject to the fines if it can be shown that then the offences were committed with the consent, connivance or were caused by that individual's neglect. The scale of penalties in accordance with the Self-Isolation Regulations are as follows:

- first fixed penalty notice issued: £1000
- second fixed penalty notice issued: £2,000
- third fixed penalty notice issued: £4000
- fourth fixed penalty notice issued £10,000
- Any subsequent penalty notice issued after the fourth: £10,000

5 Interpretations

5.1 "Close Contact" means:

- *Having face to face contact with someone at a distance of less than 1;*
- *Spending more than 15 minutes within 2m of the individual;*
- *Travelling in a car or other small vehicle with an individual or in close proximity to an individual on an aeroplane.*

5.2 "Designated place" means:

The place that a self-isolating worker or agency worker will be staying for the duration of the self-isolating period.

5.3 "Relevant bodies" means:

The Secretary of State, a health service professional (within the meaning of section 275 of the National Health Service Act 2006(7) or section 108 of the National Health Service (Scotland) Act 1978(8)) (this includes NHS Test and Trace), or by the local authority.