

Participant Questions Answered by HR:4UK Managing Director Angela Clay

1. Can post offices apply for the job retention scheme because we are open but on short hours?

No, the guidance states that if an employee is working, but on reduced hours, or for reduced pay, they will not be eligible for the scheme. Such workers would need to continue to be paid in accordance with their contract (subject to any variations regarding reduce hours).

If yes, then do we have to claim every month, or can we claim in one go from March to June?

See answer above, you won't be able to claim.

2. Can you begin furlough, suspend and then start?

Yes, the minimum period for which an employee may be furloughed and take advantage of the scheme is three weeks. Subject to that minimum period, employees can be rotated on and off furlough. You can require an employee to come back to work after less than three weeks, but then the government will not reimburse you the 80% of their salary. An employee can be brought back from furlough for as little as 1 day.

3. I am a sole trader. I usually work in the business but because I have an underlying health issue I am shielding for 12 weeks. I have had to take on 2 people to cover my hours. Can I use/claim anything for this?

There are two questions here:

Can you claim for yourself? Yes, as long as you are paid through your PAYE and were on the RTI submission on or before 19 March 2020. If you were not on your PAYE, you may be able to claim through self-assessment. If you are a director, however, a director who is furloughed can only undertake work to fulfil a duty or other obligations arising from an Act of Parliament relating to the filing of company's accounts or provision of other information relating to the administration of the director's company. This is very narrow as a furloughed worker cannot provide a service to or generate revenue for their employer.

Can you claim for your new employees to cover your hours? No as they will be working.

4. Some branches do not have contracts of employment, can a contract be set up during this time with employees?

Yes, however any contracts will need to be set up for normal working conditions

Please contact HR:4UK for help and advice on arranging contracts. You can contact us through NFSP by calling **01273 452324**

5. **A Postmaster's staff member was off sick with a 4-week certificate before lockdown. Now the certificate has expired, but the staff member doesn't want to come back to work as she has a high-risk family member. Branch is open on reduced hours and PM wants her to come back to work. However, PM has furloughed some staff members while she was off sick, and this staff member wants to be furloughed as well. What are PMs rights? What are staff member's rights?**

Ordinary sickness absence rules apply and if the fit note has expired, then they will be expected to return to work. If there is work to be done and the employee does not have to shield because they themselves are not considered to be a vulnerable adult, there is an expectation that they should be in work. Living with a vulnerable adult does not automatically mean, that they themselves have to shield.

It is the employer's (Postmaster's) decision whether or not to furlough that member of staff. You may want to consider allowing that member of staff to take annual leave or unpaid leave if they do not want to return to work. You cannot force them to return to work, but you don't need to pay them if they don't want to work when there is work to be done.

I would always advise to take a sensible approach.

6. **Do employees who have been furloughed still build up holiday entitlement?**

Yes, workers will continue to be employed during any period of furlough and holiday will continue to accrue during furlough leave.

Employers can request workers to take annual leave during furlough by giving twice as much notice as the period they are required to take off. Similarly, workers can request to take annual leave during furlough periods. Any holiday must be paid at 100% of salary, in other words, it must be topped up.

7. **As self-employed do we get the 80% support even if our businesses are open part of the day or week?**

There are two questions here:

Can I claim 80% as self-employed? The support for those who are self-employed falls outside of the scope of advice I can give and I would suggest you speak to your accountant who files your self-assessment as they may know more on how to claim support for those who are self-employed.

Even though I am self-employed, can I claim 80% for my staff even though the business is open part of the day or week?

If your staff are working, but on reduced hours or for reduced pay, you will not be eligible to claim from the scheme

8. **What are fees for HR4UK?**

There is the free service available to all NFSP members which provides you with free standard Employee Handbooks and basic Employment Contracts so you can provide staff with written

employment contracts from their first day of work, to comply with new regulations that came into force this April 2020.

We also offer PostmasterHR, which provides a bespoke HR & Employment service, that is endorsed and subsidised by the NFSP. By upgrading to PostmasterHR members benefit not only from HR:4UK's free Employment Helpline, but they will also receive eConnect, our cloud-based Employee Management System. Reducing HR admin by 80%, it generates all key employment documentation and with automatic updates, makes sure you comply with your statutory obligations and Post Office requirements. As standard, all contracts and handbooks include bespoke Post Office and retail clauses, for liability of losses and for added peace of mind free representation at ACAS Early Conciliation. There is an annual fee and a per employee rate. Our fees will depend on the number of employees. For a quote contact us today by calling the **NFSP on 01273 452324**.

9. Employees aged over 70 have to isolate even if healthy. Could we put them on furlough?

Yes, these employees are considered to be vulnerable adults, even though they are healthy, they should be furloughed.

10. Can you advise why a start date for furloughing staff was set for 1 March 2020 when lockdown was only triggered around 23 March 2020?

The Coronavirus Job Retention Scheme is only one of the many financial measures implemented to support businesses during the pandemic. Many businesses would have already started making redundancies as a result of COVID-19 and backdating it to 1 March 2020 is a measure to support those businesses (and workers) who would have otherwise been made redundant because of COVID-19.

11. Is there any way we can access furlough funding prior to 23 March, back to 1 March to maximise our claims (albeit that staff may have been working during this period)?

No, any claims made will only be for periods where staff have been furloughed and have not been working during any furlough period. If staff were working, you cannot make a claim.

12. Is the CJRS grant taxable?

Employees will still have employee NICs and tax deducted, but employer's will be able to reclaim the employer NICs and Auto Enrolment contributions through the scheme.

13. What happens if staff are not happy to wear masks as it affects their breathing, and some don't wear gloves because of allergic reactions? Can we force them?

Everyone has a responsibility to comply with the guidance issued by [Public Health England](#) in relation to protective measures implemented. If staff are refusing to do so, this *may* give rise to failing to follow a reasonable instruction which *may* result in disciplinary action. I strongly suggest you see what alternatives there are before taking any disciplinary action and seek advice. You can't force them but having an open and honest discussion to understand their **real** concerns will enable you to make an informed decision about what to do.

14. Does shielding cover Postmasters who have had to self-isolate due to their age and underlying health issues?

Yes, Postmaster's are no different to any other individual in that category. Postmasters can furlough themselves and if they are paid through their PAYE, claim 80% of their wages, capped at £2,500 per month.

15. Can an employee come in and out of furlough?

Yes, the minimum period for which an employee may be furloughed and take advantage of the scheme is three weeks. Subject to that minimum period, employees can be rotated on and off furlough. You can require an employee to come back to work after less than three weeks, but then the government will not reimburse you the 80% of their salary. An employee can be brought back from furlough for as little as 1 day.

16. Can someone decide that they don't want to work because of Covid-19 if they are a single parent?

Yes, but this will need to be considered in more detail as the employee can take it off as annual leave or as unpaid leave. The guidance states that if a worker has "caring responsibilities" they should be furloughed. It is unclear whether this extends to childcare responsibilities.

17. I have 2 part time people who self-isolated due to a family member getting a government letter, do they get the usual SSP?

No, SSP is only to be paid when a worker themselves are symptomatic (7 days) or if they live in a household with someone who is symptomatic (14 days). Someone who lives with a vulnerable adult does not qualify for SSP. They would need to take time off as annual leave, unpaid or you may consider furloughing them.

18. Can a furloughed staff member volunteer as a community help to support communities with post and shopping for customers? Can they do training and upskilling while on furlough as that is not income generating activity? Compliance training has been postponed for the next few months.

Yes. Furloughed employees can volunteer, undertake training or work for another entirely separate employer.

19. You mentioned shielded employee can be furloughed but can normal vulnerable be furloughed as well?

Yes.

20. Is my approach of looking after my staff from my own funding (past profits) and the £10,000 Government grant the easiest way to continue?

If staff are still working, yes. If you furloughed staff, you can benefit from the Coronavirus Job Retention Scheme.

21. Can you yoyo furlough employees? Meaning furlough 3 weeks, get them back for two weeks and furlough again?

Yes, the minimum period for which an employee may be furloughed and take advantage of the scheme is three weeks. Subject to that minimum period, employees can be rotated on and off furlough. You can require an employee to come back to work after less than three weeks, but then the government will not reimburse you the 80% of their salary. An employee can be brought back from furlough for as little as 1 day.

22. Can you call them back before the furlough ends?

Yes, however, if the furlough period is less than 3 weeks, you will not be able to make a claim for their wages.

23. Does shielding cover Postmasters who are over a “certain” age and have to self-isolate due to underlying health issues, but have not received a letter classing them as vulnerable? If yes, then do we have to claim every month, or we can claim in one go from March to June?

The [NHS.UK](https://www.nhs.uk) website has provided 2 categories of people for whom the risk of COVID-19 are very high (also called extremely vulnerable) or high risk. Very high risk people will have received a letter from the NHS. For people in the high risk category, it is important for you to follow the advice about staying at home to avoid getting coronavirus, only leaving your home if it is essential for e.g. food or medicine. If you fall into the high risk category then you should be shielding and as long as you are paid through your PAYE and were on the RTI submission on or before 19 March 2020, you are eligible for the furlough scheme, claiming 80% of their wages, capped at £2,500 per month.

You can only make one claim per claim period (one claim per month) for the periods for which you have run your payroll and filed your RTI. A claim period is whatever the employer wants to use e.g. week, month. Separate claims should be made for each PAYE scheme.

24. If an employee is furloughed can they claim universal credit?

This will depend on what their earnings threshold is. It may be possible for an employee to benefit from both.

25. What happens to holiday entitlement for employees who are furloughed?

Workers will continue to be employed during any period of furlough and holiday will continue to accrue during furlough leave.

Employers can request workers to take annual leave during furlough by giving twice as much notice as the period they are required to take off. Similarly, workers can request to take annual leave during furlough periods. Any holiday must be paid at 100% of salary, in other words, it must be topped up.

26. If a member of staff has taken unpaid leave voluntarily, do we still put them on furlough from the date we decided to close?

Yes, you can switch them from unpaid leave to furlough leave and claim from the date you closed.

27. What are the rules on un-furloughing?

There are no rules, other than when a member of staff is un-furloughed they are required to return to work and be paid their full wages. It follows that you will then not be eligible to make a claim for any workers' wages who have been un-furloughed.

28. Do workers need to be furloughed until 30 June 2020?

No, this is just the date that the scheme comes to an end. You can request staff to return before this date. Those who are shielding will need to be furloughed until 30 June 2020.

29. If I have furloughed a worker, can they go and work at another Post Office and be paid again for working at another post office that is fully open and struggling for staff.

The guidance states that a worker can undertake work for a new employer while on furlough as long as they do not undertake work that provides a service or generates revenue for their original employer's organisation and that the new employer's organisations are not linked.

My view is there is an argument that for Post Offices, it may be deemed that the organisations are linked. The reason why I say this, is because you will use the same SmartID for both post offices and it is for this reason I believe the organisations will be deemed to be linked.

However, someone else may form a different view.

If I am correct, there is a risk that if a claim is made and retrospectively audited, HMRC may reclaim any money paid. There are ways to overcome this by clawing any money paid to your worker through the Furlough Agreement and I would suggest you contact me for further advice by calling **NFSP 01273 452324**.

30. Can we apply for the scheme if we have reduced the times the Post Office is open?

No, the guidance states that if an employee is working, but on reduced hours, or for reduced pay, they will not be eligible for the scheme. Such workers would need to continue to be paid in accordance with their contract (subject to any variations regarding reduce hours).

31. What help is available for a Postmaster who was hospitalised a few months ago and going into rehab afterwards?

I am unable to assist with further information on what the Postmaster can do for themselves in this situation and I would suggest you seek further advice from your accountant and/or NFSP.

In relation to your employees, you will be able to furlough them and claim through the scheme subject eligibility requirement of your workers being on your PAYE payroll and an RTI filed on or before 19 March 2020.

- 32. Disconcerted staff who are shielding/self-isolating because of age and vulnerability should be furloughed not SSP. Is this so even if the job remains and I am having to employ someone else at present to do that job?**

This is correct.

- 33. Do employees have to be full-time to be furloughed and if you furlough one member of staff do you have to furlough them all?**

There are two questions here:

Any member of staff can be furloughed, it is not limited to full-time workers only. Those who are part-time; on zero-hour contracts and agency workers can all be furloughed.

You do not have to furlough all your staff, you can furlough some and not others. It is the employer's decision who to furlough.

- 34. If the furlough scheme ends and the shielding group have their isolation time extended can they then go onto SSP?**

No.

SSP should only be paid to those who are showing symptoms or who are living with someone who is symptomatic (even if they themselves are not sick).

- 35. For a variable pay worker. If the worker's pay was increased in January 2020, what do you compare it with? When you compare like for like, are we comparing March 2019 to 2018.**

Where the pay is variable (i.e. where the employee works differing hours or, receives contractual commission) then the employer can claim for the higher of either the same month's earnings from the previous year or the average monthly earnings from the 2019-2020 tax year.

Where the employee has been employed for less than a year, the employer should take an average of their earnings since they started work.

- 36. Have you got a template for the initial letter and for the agreement?**

Yes, please visit our website: www.hr4uk.com/news/118/latest_coronavirus_guide_for_employers or send us an email to info@hr4uk.com and we will email it to you.

- 37. What is the contact number for HR:4UK?**

You can contact us through NFSP by calling **01273 452324**

- 38. Can an employee be furloughed if a family member is vulnerable and has a shielding letter?**

Yes, but it is not a requirement as they themselves are not deemed to be a vulnerable adult requiring shielding.

39. Payment we are claiming for furloughed staff and SSP is it for March or April or can we claim both.

With your first claim, you will be claiming for March and April in April. Do remember you can only make one claim per claim period (one claim per month).

40. Do we claim SSP through the same website?

No, the Coronavirus SSP Rebate Scheme will be claimed through a separate portal (which is not yet available).

41. What can we do if an employee has a vulnerable dependent young child?

It is the employer's (Postmaster's) decision whether or not to furlough that member of staff. You may want to consider allowing that member of staff taking annual leave or unpaid leave. However, I would always advise to take a sensible approach and in this case, it may be appropriate to furlough.

42. I have 3 parts of business to my Post Office: Hot/cold food and a sandwich van which because of climate is not going out. What happens if I test the water and all three take off when two staff are furloughed, can I take one or both back on, or what are the consequences if I do?

If there is work to be done, employees are required to attend work. As long as you can abide by Public Health England's guidance, there will be no reason why they should not work.

If staff are refusing to do so, this *may* give rise to failing to follow a reasonable instruction which *may* result in disciplinary action. I strongly suggest you see what alternatives there are before taking any disciplinary action and seek advice. You can't force them but having an open and honest discussion to understand their **real** concerns will enable you to make an informed decision about what to do.

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