



# Ligtas

ENABLING SAFE ENVIRONMENTS

## Advisory & Technical Resource Team Briefing COVID-19 updates

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# Prosecutions

## Bringing coronavirus criminals to justice

A number of people who have spat or coughed at emergency workers, or exploited coronavirus for their own gain, have been charged and prosecuted recently.

The CPS have provided a sample of some of the cases which the CPS has charged and prosecuted recently.

### Spitting or coughing on essential workers

- Bevan Burke, 22, was arrested on 3 April in Leicester for breaching the terms of his licence and in the process, coughed at police officers telling them he hoped they died from the virus. He has been sentenced to 42 weeks in prison for two counts of assaulting an emergency worker and assault by beating.
- On Friday 3 April in Newton Aycliffe, Tony Brash, 33, purposely coughed on six police officers who were processing his arrest for an earlier incident when he was abusive to a shopkeeper. He pleaded guilty to assaulting an emergency worker and was given a 12-week suspended sentence.
- Scott Crook, 29, and Stewart Motley, 29, stole £32.91 from an Alzheimer's charity box from a closed climbing centre in Leicester on Saturday 4 April. Despite being pursued by police, Motley responded to the officer trying to arrest him by coughing directly in his face. Motley and Crook have been sentenced to a collective 44 weeks in prison as a result.
- On 28 March when Wesley Upton, 26, was arrested for breaching a criminal order in Huntingdon, he spat at police telling them he was infected with coronavirus and hoped that everyone around him would be infected. Upton admitted his actions and was sentenced to six months in prison.
- Patrick Delaney, 47, spat at employees in a Lidl in Warrington before spitting on police who responded to the incident on 30 March. Delaney pleaded guilty to the assault and has been jailed for 22 weeks.

As well as these horrific cases of people putting essential workers at risk by coughing or spitting at them, we have seen a number of defendants charged in relation to other offences exploiting coronavirus.

### The criminals exploiting coronavirus for their own gain

Despite many people following the clear instructions to only leave the house in an emergency, a few are using the current pandemic to commit criminal offences and put others at risk:

- Ashaq Sattar, 40, knocked on the doors of elderly and vulnerable people in Kirklees, pretending that he was an NHS volunteer and would collect their medicine for a small fee. He pleaded guilty to five counts of fraud and was sentenced to 52 weeks in prison.

On 28 March, Steven Mackie, 53, kept approaching people stood in a queue to get into a Tesco in Stalybridge. Despite police taking him home, 15 minutes later he returned to the same shop and was causing a nuisance. Mackie was given a £500 fine for breaching the restrictions on movement.

- Jason Harewood, 27, pleaded guilty to contravening the requirement as to the restriction of movement during the emergency period and drug related offences, after he was caught distributing drugs on his pedal bike in Islington on Friday 3 April with no reason to be outside.

- Kierran Stevenson, 32, was given a 12-week prison sentence after he posted on social media that he was going to go walk around a hospital in Aylesbury to see the extent of the coronavirus pandemic for himself. He then posted photos on Facebook at the hospital and images of hospital corridors on 30 March, and commented that staff were not taking safety measures seriously.

# Advice from the HSE

## **RIDDOR reporting of COVID-19**

What to report?

• Dangerous occurrences: if something happens at work which results in (or could result in) the release or escape of coronavirus you must report this as a dangerous occurrence. • Cases of disease: exposure to a biological agent: if there is reasonable evidence that someone diagnosed with COVID-19 was likely exposed because of their work you must report this as an exposure to a biological agent using the case of disease report.

## **First aid cover and qualifications during coronavirus (COVID-19)**

If first aid cover for a business is reduced because of coronavirus or the first aid training needed is not available, this advice points out that there are some things that can be done to still comply with the law.

## **Arrangements for regulation of chemicals during the coronavirus (COVID-19) outbreak**

The HSE has made some administrative changes in the provision of services for regulating chemicals during the coronavirus outbreak. These are set out for each chemical regime, with updated details on how to contact the HSE.

## **Social distancing, keeping businesses open and in-work activities during the coronavirus (COVID-19) outbreak**

The HSE has issued advice within a document titled: Social distancing, keeping businesses open and in-work activities during the coronavirus (COVID-19) outbreak. It covers guidance on social distancing, essential and non-essential work, and in-work activity. The advice can be found at:

<https://www.hse.gov.uk/news/social-distancing-coronavirus.htm>

# NHS Guidance

## Online isolation notes

People unable to work for more than seven days because of coronavirus (COVID-19) can obtain an isolation note through a new online service.

Isolation notes will provide employees with evidence for their employers that they have been advised to self-isolate due to coronavirus, either because they have symptoms or they live with someone who has symptoms, and so cannot work.

As isolation notes can be obtained without contacting a doctor, this will reduce the pressure on GP surgeries and prevent people needing to leave their homes.

For the first seven days off work, employees can self-certify so they don't need any evidence for their employer. After that, employers may ask for evidence of sickness absence. Where this is related to having symptoms of coronavirus or living with someone who has symptoms, the isolation note can be used to provide evidence of the advice to self-isolate.

People who need to claim Universal Credit or Employment and Support Allowance because of coronavirus will not be required to produce a fit note or an isolation note.

The notes can be accessed through the NHS website and NHS 111 online.

# Supporting Workers

## Coronavirus: What are your rights if working from home?

This article has been published by BBC News, and addresses questions around worker's rights if working from home during the pandemic. Under the stringent new measures announced by the UK government [16 March] to combat the spread of coronavirus, everyone should work from home if they can.

For many people, homeworking will not be possible, but they still face the possibility of 14 days of self-isolation, under the guidelines announced by Prime Minister Boris Johnson.

Changes have been made to the sick pay system. The Statutory Sick Pay (General) (Coronavirus Amendment) (No. 2) Regulations 2020 are in force. The Statutory Sick Pay (General) (Coronavirus Amendment) (No. 3) Regulations 2020, in force on 16 April 2020, extend the amendment that Statutory Sick Pay (SSP) is extended to those people who are deemed to be incapable of work because of advice to remain at home for at least 12 weeks (known as shielding).

There has been concern that people will be more likely to infect others if they do not have incentives to stay at home when they are at risk.

### **Who needs to work from home?**

Everyone who can work from home should do so. That creates practical issues for employers and employees, but workers should be given clear guidance as to what that means for them.

In normal circumstances, anyone working from home should receive an assessment of their domestic workplace. Clearly, this will not be possible at present, but some rights can be made clear. For example, working hours can still be clearly defined, and staff should receive their normal pay.

### **Who provides the equipment?**

An employer is responsible for equipment they supply and must say what it should be used for.

The question of who covers the running costs should ideally be outlined as soon as possible, says the article, and would normally be part of any working from home agreement.

Given the current situation, extra costs, such as phone bills, may need to be claimed. Employers will need evidence, but can explain how the expenses system works, and whether these costs are taxable.

### **Who is responsible for workers while they work?**

An employer has a duty of care for staff, even if they are working at home.

The requirements of health and safety legislation apply to homeworkers too, according to the employment conciliation service Acas.

### **What if I cannot work from home?**

Owing to the financial pressures, some businesses have asked staff to take unpaid leave.

Employers have the right to tell workers to take holiday if they decide to shut for a period of time.

It is impossible for many people to work from home. However, under the new guidelines, if one person in any household has a persistent cough or fever, everyone living there must stay at home for 14 days.

### **Will I get paid if I self-isolate in this way?**

Provisions for sick leave vary from company to company.

Many employees will have contracts that allow them their normal pay while they are unable to work because they are sick.

But the situation with self-isolation is more complicated - workers may not actually be sick so will not automatically be entitled to their contractual sick pay. That decision will be down to employers but employment conciliation service Acas said it was "good practice" to offer contractual sick pay.

Even where people do not get their fully paid sick leave, or if they work in jobs where they do not have contractual sick leave, there may be minimum payments they can rely on, known as statutory sick pay.

### **What is statutory sick pay?**

Statutory sick pay (SSP) is money paid by employers, so self-employed workers are not eligible, but casual or agency workers are.

Chancellor Rishi Sunak said that SSP would be paid to people who had been told to isolate themselves, even if they did not have any symptoms. He said people would soon be able to obtain a sick note from the NHS 111 service rather than getting one from a GP.

The rules were also changed so that those people would be eligible for SSP on their first day away from work, instead of having to wait until the fourth day as used to be the case.

He also announced that businesses with fewer than 250 employees would be able to claim back from the government two weeks of SSP paid to staff affected by coronavirus.

### **How much is statutory sick pay?**

It is set at £94.25 a week, although of course employers could pay more if they want to.

To put that into context, average weekly earnings in the UK in December last year stood at £544 a week.

To get SSP people need to be earning at least £118 a week. Many people such as those on zero-hours contracts - who work variable hours every week - may earn less than this. The Trades Union Congress (TUC) has calculated that there are two million workers who are not eligible for SSP and Labour has asked the government whether they will now be covered.

### **Will self-employed people get sick pay?**

Broadly speaking, employees are entitled to sick pay and self-employed people are not.

In the latest UK figures for the last three months of 2019, there were about 28 million employed people and about five million self-employed.

The government has said it will make it "quicker and easier" for self-employed people affected by coronavirus to access benefits.

The chancellor said that those on contributory employment and support Allowance (ESA) will be able to claim from day one, instead of day eight.

He is also temporarily removing the minimum income floor from universal credit. The minimum income floor would have taken into account how much you would normally expect to earn in a month when calculating your entitlement to universal credit.

Not having the floor means they will be able to claim for time they spend off work due to sickness.

He said they would not need to attend a job centre and could apply on the phone or online instead.

The government has also announced a new £500m fund to support economically vulnerable people, which will be allocated by local authorities.

### **Will I get paid if I need to care for somebody else?**

If you have a relative who is ill, or your children's school is closed, for example, your employer must give you time off to do so.



But your employer is not forced to pay you unless your contract requires it.

## **Government guidance for employees, employers and businesses**

This guidance, for employees, employers and businesses providing advice about the novel coronavirus, COVID-19, continues to be updated. It has been issued by Public Health England and Department for Business, Energy and Industrial Strategy.

The guidance aims to assist employers and businesses in providing advice to their staff on:

- the novel coronavirus, COVID-19
- how to help prevent spread of COVID-19
- what to do if someone has symptoms of COVID-19 has been in business settings
- eligibility for sick pay.

It also provides details of support available to businesses.

Guidance is included on use of face masks in the community, noting that there is very little evidence of widespread benefit from the use of face masks outside of the clinical or care settings, where they play a very important role.

To be effective, face masks must be worn correctly, changed frequently, removed properly, disposed of safely and used in combination with good universal hygiene behaviour.

Research shows that compliance with these recommended behaviours reduces over time when wearing face masks for prolonged periods, such as in the community.

## **Social distancing in the workplace during coronavirus (COVID-19): sector guidance**

This advice is for employers on social distancing during coronavirus (COVID-19). It is set out as tailored advice for different scenarios, to provide an example of how social distancing and other measures might be implemented by employers in England to help protect their workforce and customers from coronavirus while still continuing to trade. These are not intended to be comprehensive or to represent every business's situation but are described as illustrative examples.

The examples cover the following:

- shops running a pick-up or delivery service
- tradespeople and working in people's homes
- construction • manufacturing and processing businesses
- retail
- logistics businesses
- outdoor businesses
- farming: visiting farms for animal health and welfare
- fishing or other short-term offshore work

- cargo-shipping or other long-term offshore work
- transport businesses
- waste management businesses



# Guidance

## FSA publishes guidance for consumers on coronavirus (COVID-19)

The Food Standards Agency has published new guidance to help consumers understand more about COVID-19 and food.

The guidance covers a range of issues including food hygiene, food packaging and social distancing when shopping. There is also advice on storing food at home, to help people manage leftovers and avoid waste.

The FSA's advice is clear that it remains very unlikely that people can catch COVID-19 from food. COVID-19 is a respiratory illness and not known to be transmitted by exposure to food or food packaging.

The FSA is continuing to work closely with industry and other partners to ensure the UK food supply remains safe and the public kept informed of the latest safety advice.

## Coronavirus (COVID-19): guidance for landlords, managing agents and tenants in the private rented sector

(Wales)

These documents have been updated on 17 April.

Please note that as this situation is rapidly changing and is led by the UK government. Please check Coronavirus (COVID-19): what you need to do on GOV.UK for announcements.

The Public Health Wales coronavirus page gives a daily statement which is updated daily at 12pm.

These documents give guidance to those in the private rented sector, covering:

- staying at home • self-isolating • visiting properties • mental wellbeing • supporting tenants • support for your business • shared living spaces • caring responsibilities • evictions • financial difficulty and rent arrears.

## COVID-19 regulatory position statements

Environment Agency regulatory response to coronavirus (COVID-19).

The Environment Agency has acknowledged the difficulties businesses are facing as a result of coronavirus (COVID19). The Agency says it expects businesses to use contingency plans to help them comply with regulatory requirements and minimise unavoidable non-compliance.

To help businesses cope with disruption, the Agency has published temporary COVID-19 regulatory position statements (COVID-19 RPSs).

These COVID-19 RPSs aim to help minimise risks to the environment and human health where, for reasons beyond your control, compliance with certain regulatory requirements is not possible due to coronavirus (COVID-19). They also cover specific circumstances where we are relaxing normal

regulatory requirements to avoid increasing risks to the environment or human health during the particular circumstances of coronavirus (COVID-19).

Each COVID-19 RPS sets out when they apply and the conditions you must comply with. You must still comply with all of your other environmental regulatory requirements.

If you wish to use a COVID-19 RPS you must comply with both its:

- specific conditions – including any requirements to notify us or get our approval to use it
- requirements concerning pollution and harm to human health.

If you do this, we will not normally take enforcement action against you.

The following regulatory position statements are recently issued:

- Storing Treated Sewage Sludge You Cannot Move Because of COVID-19 Restrictions
- Monitoring Emissions from Installations, Radioactive Substances and Waste Activities
- Social Distancing When Signing and Handing over Waste Transfer and Consignment Notes in Person
- COVID-19 and Packaging Waste: Registering as a Packaging Producer.

# Legislation

## Coronavirus Act 2020

The Coronavirus Bill, introduced in the House of Commons on 19 March 2020, received Royal Assent on 25 March 2020 and is now in force.

The purpose of the Coronavirus Act is to enable the Government to respond to an emergency situation and manage the effects of a covid-19 pandemic. A severe pandemic could infect up to 80% of the population leading to a reduced workforce, increased pressure on health services and death management processes. The Act contains temporary measures designed to either amend existing legislative provisions or introduce new statutory powers which are designed to mitigate these impacts.

The Act aims to support Government in the following:

- increasing the available health and social care workforce
- easing the burden on frontline staff
- containing and slowing the virus
- managing the deceased with respect and dignity
- supporting people.

The Act is required as part of a concerted effort across the whole of the UK to tackle the covid-19 outbreak. The intention is that it will enable the right people from public bodies across the UK to take appropriate actions at the right times to manage the effects of the outbreak.

As part of its contingency planning, the Government has considered what measures would be needed during a severe covid-19 outbreak to reduce the pressure of key services and limit the spread of infection.

It is stressed that these are extraordinary measures that do not apply in normal circumstances. For this reason, the legislation will be time-limited for two years and it is neither necessary nor appropriate for all of these measures come into force immediately. Instead, many of the measures in can be commenced from area to area and time to time, so as to ensure that the need to protect the public's health can be aligned with the need to safeguard individuals' rights. These measures can subsequently be suspended and then later reactivated, if circumstances permit, over the lifetime of the Act.

## The Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 2) Regulations 2020

These Regulations amend the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 ("the principal Regulations"), which:

- put restrictions on the movement of individuals, setting out circumstances in which they may leave the place where they live and preventing gatherings of groups of more than two people
- require the closure of certain businesses and impose requirements on other businesses, as well as duties to close certain public footpaths and land, to protect against the risks to public health arising from coronavirus.

The amendments include:

- Requiring cafés accessible by the public in hospitals, as well as canteens in schools, prisons and for use by the armed forces, to ensure all reasonable physical distancing measures are put in place.
- Requiring businesses that are providing facilities for “order and collect” services to take all reasonable measures to ensure a distance of 2 metres is maintained between persons on the premises where those facilities are provided (and between persons waiting to enter those premises). “Click and collect” facilities are already permitted to remain open, this amendment ensures that they are subject to the same requirements as any other establishment which is permitted to remain open under the regulations
- Amending the requirement that a person must not leave the place where they live without a reasonable excuse to provide that a person must not leave nor remain away from the place where they live without such an excuse.
- Enabling currency exchanges, savings clubs and money transmission services to remain open so as to allow people to access money and to send money to other persons
- Extending the definition of a vulnerable person to include other groups of people that could benefit from assistance and to whom providing supplies etc. would amount to a “reasonable excuse” for being away from a person’s place of residence
- Extending the reasonable excuse of leaving the place where you live for the purposes of exercise to allow for exercise more than once a day when that is necessary because of a particular health condition or disability. For example, certain persons with autism may be recommended to exercise more than once a day as part of a set routine.
- Making it clear that visiting a cemetery or other burial ground or garden of remembrance to pay respects to a deceased person is a reasonable excuse for leaving the place where you live.

## Coronavirus (Scotland) Act 2020

The Coronavirus (Scotland) Bill received Royal Assent on 6 April 2020

The purpose of the Act is to enable the Government to respond to an emergency situation and manage the effects of a covid-19 pandemic. It contains temporary measures designed to either amend existing legislative provisions or introduce new statutory powers which are designed to mitigate these impacts.

The measures set out are deemed essential to respond to this current emergency and cover a range of measures intended to ensure that:

- renters are protected while confined to their homes
- the justice system is able to deliver essential services
- public services, business and consumers can still operate despite new restrictions

## The Health Protection (Coronavirus, Restrictions) (England) (Amendment) Regulations 2020

This instrument clarifies a number of public health measures under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (S.I. 2020/350) (“the Restrictions Regulations”) to reduce the public health risks posed by the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England which causes the disease Covid-19.

A number of other changes are made to the Restrictions Regulations to clarify and better enable the public health measures in those Regulations to achieve the intended purpose of reducing public health risks posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).