



CORONAVIRUS JOB RETENTION SCHEME

Guidance for schools and educational settings in the London Borough of Hackney

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Head of HR HR Operations Lead
Jo Larkin Lolita Brown

Hackney Education
1 Reading Lane
London E8 1GQ
T. 020 8820 7000
E. info@hackney.gov.uk

education.hackney.gov.uk
hackneyservicesforschools.co.uk

1. Overview

The Coronavirus Retention Scheme (CJRS) is a government funded scheme designed to support employers whose operations have been impacted by the coronavirus pandemic.

Eligible employers can apply to HMRC for a grant towards the employment costs of eligible individuals who are temporarily not working, or not working their usual hours, due to the outbreak, and who agree to be 'furloughed'.

Employment law and anti-discrimination considerations will apply to furlough arrangements and school leaders should find fair and objective ways to decide who should be furloughed and brought back into the school, when and on what basis.

Implications for schools

The government has made it clear that, where schools and educational settings receive public funding for staff costs, and that funding is continuing, they are expected to continue to pay staff as normal and not furlough them.

In a small number of cases, for example where roles are funded through private income streams (such as wraparound care provision or after school clubs) and that funding has been disrupted and staff cannot be redeployed, the scheme may be appropriate.

Any school considering furlough must first assess how employees' salaries are funded. This assessment should be done with their financial advisors and payroll before considering furloughing any staff.

The DfE have published guidance targeted for staff in educational settings:

Educational settings that are in receipt of some public funding should only furlough employees, and seek support through the Coronavirus Job Retention Scheme, if they meet the following conditions:

- the employee works in an area of business where services are temporarily not required and where their salary is not covered by public funding
- the employee would otherwise be made redundant or laid off
- the employee is not involved in delivering provision that has already been funded
- (where appropriate) the employee is not required to deliver provision for a child of a critical worker and/or vulnerable child
- the grant from the Coronavirus Job Retention Scheme would not lead to financial reserves being created".

2. Key dates

The Coronavirus Job Retention Scheme is being extended until 31 March 2021. The extended scheme is available for eligible staff. Schools and educational settings do not have to have used the CJRS previously to be eligible to make a claim.

2.1 Claims for periods on or before 31st October 2020

Deadline: 30 November 2020 is the last day employers can submit or change claims for periods ending on or before 31 October 2020.

If educational settings are claiming for a period that ends on or before 31 October 2020, they can only claim if they have previously furloughed their staff before 1 July 2020 and have submitted a claim for this by 31 July 2020.

School leaders might need to contribute towards the cost of their furloughed staff's wages for these periods.

2.2 Claims from 1 November until 31 March 2021

Deadline: Claims for furlough days in November 2020 must be submitted by 14 December 2020.

- Schools and educational settings can furlough any staff who were on their payroll by 30 October 2020 and included in a Real Time Information (RTI) PAYE submission filed on or before that date.
- For claims up to 31 January 2021, schools and other educational settings can claim for 80% of the pay for the hours that an employee does not work.
- That is capped at £2500 per month and employers have to pay the associated employer National Insurance contributions and minimum automatic enrolment employer pension contributions on that 80 per cent.
- Where furloughing is pursued, Hackney Education recommends that school's 'top up' the member of staff's wages by the 20 per cent not reclaimable through the scheme.
- The minimum period staff can be furloughed is seven days.
- Casual staff and agency staff can be furloughed if they cannot be redeployed as long as they are being paid via PAYE. For agency staff (including supply teachers) they would need to be furloughed by their agency.

The government will review the policy in January to decide whether to ask employers to contribute more.

3. Flexible furlough

Eligible school staff can be furloughed on a part time basis . Flexibly-furloughed staff are permitted to work for their employers for any part time hours and on any shift pattern, but cannot undertake any work for the school during furlough hours.

There is no minimum furlough period, agreed flexible furlough agreements can last any amount of time. Staff can enter into a flexible furlough agreement more than once.

Although flexible furlough agreements can last any amount of time, unless otherwise specified the period that you claim for must be for a [minimum claim period of seven calendar days](#).

School leaders will need to agree this with the member of staff (or reach collective agreement with a trade union) and keep a new written agreement that confirms the new furlough arrangement. You'll need to:

- make sure that the agreement is consistent with employment, equality and discrimination laws
- keep a written record of the agreement for five years
- keep records of how many hours your employees work and the number of hours they are furloughed (i.e. not working).

4. Agreeing to furlough employees

Schools leaders should discuss furlough arrangements with their staff and make any changes to the employment contract by agreement.

To be eligible for the grant, school leaders must have confirmed to their member of staff (or reached collective agreement with a trade union) in writing that they have been furloughed.

- make sure that the agreement is consistent with employment, equality and discrimination laws
- keep a written record of the agreement for five years
- [keep records](#) of how many hours your employees work and the number of hours they are furloughed (i.e. not working)

Where a member of staff has multiple contracts within the school, staff need to be clear which role is being furloughed and which role is continuing.

The member of staff does not have to provide a written response.

Please contact your HR Advisor/Business Partner for template letters regarding placing staff on furlough or flexible furlough.

5. Whilst staff are on furlough

Staff who are on furlough should not be expected to carry out any work for the school. Managers should keep in contact with furloughed members of staff and keep them up to date on furlough arrangements. It is not appropriate to have work-related discussions with the individual that is on full-time furlough as that could be perceived as the individual carrying out work.

School leaders should regularly review furlough agreements to see if staff can return to work, be put on flexible furlough or the furlough period be extended.

Employee rights: Employees still have the same rights at work, including:

- Statutory Sick Pay (SSP)
- annual leave
- maternity and other parental rights
- rights against unfair dismissal
- redundancy payments

Training: Furloughed employees can engage in training during hours which managers should record the staff member as being on furlough, as long as in undertaking the training the staff member does not provide services to, or generate revenue for, or on behalf of the school or a linked or associated organisation. Furloughed staff should be encouraged to undertake training.

Annual leave: Support staff who are on a 52 week contract will continue to accrue annual leave whilst on furlough. Employees can take holiday whilst on furlough and should be paid their 'normal' rate of pay. If an employee is flexibly furloughed then any hours taken as holiday during the claim period should be counted as furloughed hours rather than working hours.

Find out more information on [holiday pay during furlough](#).

Wellbeing: [The LGA have created guidance on: Managing the wellbeing of furloughed staff during the COVID-19 pandemic.](#)

6. Ending an individual's furlough leave

To end furlough, employers should give staff notice in writing, confirming their return to work arrangements. There's no minimum notice period for furlough, but school leaders should:

- talk to staff about any plans to end furlough as early as possible

- encourage staff to raise any concerns or problems about returning to work

7. Further guidance and support

- [Coronavirus \(COVID-19\): financial support for education, early years and children's social care](#)
- [Policy paper: Extension of the Coronavirus Job Retention Scheme](#)
- [Check if you can claim for your employees' wages through the Coronavirus Job Retention Scheme](#)
- [Check which employees you can put on furlough to use the Coronavirus Job Retention Scheme](#)
- [Claim for wages through the Coronavirus Job Retention Scheme](#)
- [Steps to take before calculating your claim using the Coronavirus Job Retention Scheme](#)
- [Coronavirus Job Retention Scheme: step by step guide for employers](#)

If you have any queries regarding the Coronavirus Job Evaluation Scheme, please contact your HR Business Partner or Advisor.

If you would like further support on making a claim through the Coronavirus Job Evaluation Scheme, please contact the Payroll department. (Please note: depending on the nature of support required this may incur an additional cost.

