

UWE Bristol Furlough Policy

Contents

Introduction and purpose

Whom does the scheme apply to?

Key principles

Duration of Furlough Leave

Legal considerations

Annex 1

Annex 2

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1. Introduction and Purpose

1.1 The UWE Furlough Leave Policy has been introduced to address the applicability of the government Coronavirus Job Retention Scheme (CJRS) to the University and its staff. The CJRS was introduced as a result of the COVID-19 outbreak and the direct challenges presented to the normal operations of businesses in the UK.

1.2 The Furlough Leave policy outlines the arrangements for claims under the Coronavirus Job Retention Scheme ('CRJS') whereby some staff at UWE Bristol will not be required to work for a period of time but will continue to be able to receive their salary.

1.3 The CRJS will provide support to the University to retain staff whom we would otherwise have found it difficult to retain due to the loss of income or removal of external funding for their posts during this crisis. The Scheme enables UWE to claim

a grant from the government in order to help cover wage costs.

1.4 All decisions in respect of whether a particular role (or role type) is suitable for furlough must be taken in accordance with this policy and recorded using the form at Appendix I. This form must, in accordance with the CJRS rules, be retained for a minimum period of five years.

2. Whom does the scheme apply to?

2.1 It is of vital importance that in making a claim to the CJRS, that the University is confident that it would be successful. In order for a claim to be successful, it must meet the criteria issued by HMRC and the criteria issued by the Department for Education.

2.2 In particular, the Department for Education requires that a role is not eligible for the CJRS unless it meets all of the following qualifying criteria:

- i. the employee works in an areas of the University where services are temporarily not required and whose salary is not covered wholly by public funding;
- ii. the employee would otherwise be laid off or made redundant;
- iii. the employee is not involved in delivering provision that has already been funded;
- iv. the grant from the CJRS would not be duplicative to other public grants that the University receives and would not lead to financial reserves being created.

2.3 The University has given much consideration regarding the furloughing of staff recognising the impact for those directly affected individuals and their colleagues. To do so, the University will need to demonstrate a clear and defensible rationale for its decision that the role meets each of the above criteria as well as the HMRC rules.

2.4 Where it considers it necessary to do so, the University will assess roles against the above criteria and, in its sole discretion, will determine whether a role is capable of being furloughed. This decision will be recorded based around the criteria noted in Annex 1.

2.5 Decision forms must, in accordance with the CJRS rules, be retained for a minimum period of five years. There will be no right of appeal or grievance in relation to any such decision.

3. Key Principles

- 3.1 The following guiding principles will be applied by UWE to any furloughed employee. During any Furlough Leave, the employee will:
- i. continue to be employed by the UWE Bristol;
 - ii. not be permitted to carry out any work for UWE Bristol
 - iii. be able to undertake volunteer work (but should keep their line manager informed)
 - iv. be able to undertake relevant training, in order to update skills and competencies relevant to their work
 - v. continue to receive 100% of their salary although the government scheme only allows the University to claim a grant for a proportion of the wage costs.
 - vi. annual leave would be accrued and authorised in the normal way. However, any planned leave already authorised will still need to be taken. Annual leave should also continue to be taken consistently across the leave year in order to support an individual's wellbeing.
 - vii. The UWE staff members' employment status and continuous service with the University will be unaffected during this period. Equally, obligations placed on the furloughed staff member, e.g. in relation to confidentiality and conduct continue to apply.

4. Duration of Furlough Leave

- 4.1 The CJRS is currently set to run until 30 October 2020, but the scheme may be extended. The minimum period of time that an employee can be furloughed for is three weeks.
- 4.2 Every staff member who is identified as appropriate for the scheme must agree to the Furlough Leave and would be advised of any initial duration of the Furlough Leave in writing. The staff member must respond in writing to acknowledge and accept the Furlough status.
- 4.3 However, any staff member on Furlough Leave should bear in mind that the leave could be ended earlier if there is need to return staff to the work place when operationally necessary and this will be subject to as much notice as possible.

5. Legal Considerations

- 5.1 The Scheme does not create any legal right for a member of staff to be furloughed or any legal right to request to be furloughed. The employer is responsible for the criteria and decision on whether to furlough staff.
- 5.2 When considering roles for suitability for the Furlough Scheme, a short business case, will record the reason for the decision to furlough a post or group of posts, and reference any equalities assessment and details will be recorded for audit purposes
- 5.3 UWE Bristol will consult with the trades unions regularly regarding the UWE Bristol position on Furlough including details of posts affected. The UWE Bristol furlough scheme will remain under review and subject to change dependent upon the CJRS rules.

Annex 1

UWE criteria to determine staff posts eligible for the Coronavirus Job Retention Scheme

Part One

Principle criteria for identifying areas of the University where the CJRS may be appropriate	Answers to each of the questions below must be "Yes"
1. Areas of the University where services are temporarily not required and home working is not possible. The salary of staff in those areas is not covered by public funding;	
2. Staff working in those areas would otherwise be laid off or made redundant;	
3. The provision delivered has not already been funded from elsewhere;	
4. The grant from the CJRS would not be duplicative to other public grants that the University receives and would not lead to financial reserves being created.	

Part Two

Selection process to identify and prioritise those eligible for the CJRS scheme	
Category 1 employees – underlying health conditions/shielding or living with someone who is shielding	May be unable to work
Category 2 employees – those with caring responsibilities	May be unable to work dependent on the extent/nature of the caring
Consideration where work recommences on a staggered basis	
Category 3 employees – those with caring responsibilities	Able to work on a reduced basis/ or work flexible hours
Category 4 employees – those able to work	Consider furloughing on rotation subject to consultation and risk assessment

Annex 2 – Decision tree

