



## REMOVAL OF TEMPORARY COVID-19 SPECIAL LEAVE

1. To assist staff and the NHS through the COVID-19 pandemic, a series of temporary policies and variations to standard terms and conditions were put in place.
2. Following the standing down of NHS Scotland from an emergency footing, from 1 September 2022 (as per [DL\(2022\)21](#)) the majority of temporary special policies were removed.
3. Remaining extant is a temporary Special Leave measure (as detailed within Annex A) for staff who test positive for COVID-19.
4. In light of the revision to national COVID-19 testing on August 2023 (as per [CMO\(2023\)12](#)), this Special Leave provision has been reviewed and will now be removed.
5. This letter therefore confirms that temporary COVID-19 Special Leave will end on Sunday 31 March 2024.
6. From Monday 1 April 2024 any staff absent with COVID-19 related symptoms will be treated in line with all other sickness absences (Section 14 of the [Agenda for Change Handbook](#) for AfC and ESM staff and the relevant terms and conditions for [Medical and Dental staff](#)).

### Action

7. NHS Boards and Special Health Boards should note the removal of temporary COVID-19 Special Leave as outlined in this letter and ensure that this information is disseminated widely to managers and staff for their awareness.

Yours sincerely

**Laura Zeballos**

Deputy Director  
Health Workforce Pay, Practice and Information  
Governance Division

DL (2024) 03

7 March 2024

### Addresses

#### For action:

Chief Executives, Directors  
of Human Resources and  
Directors of Finance,  
NHS Boards and Special  
Health Boards and NHS  
National Services Scotland  
(Common Services Agency)

#### For information:

Members, Scottish  
Partnership Forum, Scottish  
Terms and Conditions  
Committee and Scottish  
Workforce and Governance  
Group

#### Enquiries to:

Scottish Government Health  
Directorates  
Health Workforce  
Ground Floor Rear  
St Andrew's House  
EDINBURGH EH1 3DG

E-mail:

[hwfpaytermsandconditions@gov.scot](mailto:hwfpaytermsandconditions@gov.scot)

## **Removal of temporary COVID-19 Special Leave**

The temporary Special Leave which this letter focuses on can be found within [DL\(2022\)21](#). In summary, it noted that:

- NHS Scotland staff who receive a positive LFD test result for COVID-19, regardless of whether or not they have symptoms, currently do not attend work for a minimum of 5 days, until two consecutive negative tests 24 hours apart have been obtained;
- In these circumstances staff are paid as if at work and the absence does not count towards sickness triggers for the duration of the self-isolation period; and,
- In the event the staff member feels well enough to return to work but continues to test positive after the minimum 5 days then they will remain on COVID-19 Special Leave up to (and including) Day 10.

## QUESTIONS AND ANSWERS REGARDING THE REMOVAL OF TEMPORARY COVID-19 SPECIAL LEAVE

**Question:** Why is the temporary Special Leave measures being removed?

**Answer:** A combination of several factors means that now is the correct time to remove the temporary measures. These include:

- Since the removal of COVID-19 legal requirements (and thanks to the success of the vaccination programme and availability of corresponding treatments) we are now living with COVID-19 as one of a number of respiratory infections;
- Since 30 August 2023 (as per [CMO\(2023\)12](#)):
  - Routine Lateral Flow Device (LFD) testing has been paused within Health, Social Care and Prison settings;
  - NHS Scotland staff now follow the same COVID -19 advice as the general public (available on [NHS Inform](#)); and,
  - There is no longer any requirement for staff to have a negative LFD test before returning to work.

**Question:** I work with patients who would be at higher risk in the event they contract COVID-19 – what safeguards are in place for them?

**Answer:** Standard infection and control measures remain in place throughout NHS Scotland. Staff are expected to manage risk in relation to COVID-19 in much the same way as any other respiratory infection. Any concerns for patient safety should be raised through Line Management and the usual channels.

**Question:** I went off sick with COVID-19 symptoms on 28 March 2024 and did not return until 4 April 2024. How will my absence be recorded?

**Answer:** Your absence would be recorded as COVID-19 Special Leave for 28 – 31 March 2024 inclusive. After this period your contracted sickness absence provisions (including the commencement of sickness absence triggers) would apply.