

**UPDATED 24 July 2021**

As we are all aware, the government has relaxed COVID-19 restrictions and we are seeing escalating infection rates across the UK.

This obviously presents significant challenges for businesses where staffing levels are reduced because workers are obliged to self-isolate following contact through the NHS Test and Trace App, and we know that data centre operators are affected, in particular those who are handling increased demand from customers who are unable to visit sites, and smaller operators where individual absences represent a larger proportion of the workforce.

Government has identified critical sectors eligible for limited exemption from the obligation to self-isolate following notification of close contact via the app. This exemption enables organisations within those critical sectors to allow fully vaccinated staff back into the workplace following a negative test. However, a very high bar has been set for both the eligibility criteria and the process.

Firstly, the sectors eligible for concessions comprise a much-reduced subset of those given key worker status back in March 2020. We have been working hard with strong support from our DCMS team, and I'm pleased and relieved to say that digital infrastructure is included on this reduced list (see below).

Secondly, being listed as such DOES NOT pre-exempt operators or individuals. Instead, concessions are being granted only on a case by case basis, and government approval is currently needed for every single individual before they can return to work. This means that if an operator feels that critical functions could be compromised and need staff back on site, they must write to DCMS who will, if the case is deemed critical enough, issue a letter specific to that employer and employee. Without that letter, the employee may not return to work.

The address for these requests to be made is: [dcms.coronavirus@dcms.gov.uk](mailto:dcms.coronavirus@dcms.gov.uk)

**Before applying, please note the following clarifications which have been provided by DCMS:**

1. Self isolation exemption requests cannot be made in the event of a potential employee being pinged. You must only contact us about workers that have already been pinged, as exemptions are decided on a case-by-case basis, rather than blanket exemption for a team or company.
2. Each individual requiring an exemption must be named and employers must provide an overview of their role, including the way it supports critical elements of national infrastructure. Employers must also confirm how many people in the company perform that role.
3. The employer must consider and outline to DCMS whether the employees' absence(s) would be likely to lead to the loss or compromise of this infrastructure resulting in one or both of the following: major detrimental impact on the availability, integrity or delivery of essential services or a significant impact on national security. They must also confirm when these impacts are likely to materialise (i.e. at the time of writing or in the coming days).
4. These requests are granted as a last resort. In the event an employee does have to isolate, the employer must also set out what alternative options to manage absences have been considered.

**If you encounter problems, please contact [emma.fryer@techuk.org](mailto:emma.fryer@techuk.org) so we can escalate.**

Meanwhile you can find the full Government guidance: <https://www.gov.uk/guidance/nhs-test-and-trace-workplace-guidance> but the critical passages have been pasted in below.

However, in terms of process, our view is that this policy is wholly unfit for purpose, impractical to apply and will lead to perverse outcomes such as widespread uninstallation of the app, which already appears to be happening outside the business community. There are also different levels of legal obligation depending on how individuals are contacted through NHS Track and Trace.

Obviously we are pushing government hard to think again and produce coherent and workable policy, and will be issuing a position statement shortly. Meanwhile here are the most relevant passages from the official guidance, though please note that the situation is very fluid so always check with the source:

#### **EXTRACT FROM GOV.UK on 23<sup>rd</sup> July 2021**

##### **Critical services**

*Self-isolation remains an essential tool in our national efforts to reduce the spread of coronavirus. In the small number of situations where the self-isolation of close contacts would result in serious disruption to critical services, a limited number of named workers may be able to leave self-isolation under specific controls for the purpose of undertaking critical work only.*

*This process is only intended to run until 16 August 2021, when fully vaccinated close contacts will be exempt from self-isolation. The government will continue to engage closely on this with employers over the summer*

##### **Who this applies to**

*This policy only applies to you if your employer has received a letter from a government department on which your name is listed. In this event you will be able to leave self-isolation to undertake critical work. In all other cases, you should continue to self-isolate as now.*

*This policy applies to named workers in specifically approved workplaces who are fully vaccinated (defined as someone who is 14 days post-final dose) and who have been identified as close contacts. Permission to attend work is contingent on following certain controls, agreed by the Department of Health and Social Care, to mitigate the risk of increased infection. This is not a blanket exemption for all workers in a sector.*

*The test that is applied when identifying if an individual could attend work is whether they work in critical elements of national infrastructure and whether their absence would be likely to lead to the loss or compromise of this infrastructure resulting in one or both of the following:*

- *major detrimental impact on the availability, integrity or delivery of essential services – including those services whose integrity, if compromised, could result in significant loss of life or casualties*
- *significant impact on national security, national defence, or the functioning of the state*

*The process is exceptional for these specific circumstances. It is not intended to avoid all disruption to services that will result from the need for people to self-isolate.*

*The process will not cover all or in most cases even the majority of workers in critical sectors. For example, an exception may be suitable in the case of absences in critical railway signalling roles essential for the functioning of parts of the network but is less likely to be suitable for individual train drivers. Similarly, it would be likely to apply to control room staff in power stations who are required to be physically located in the power station control rooms on site but would not apply to power*

station administration staff that are likely to be able to work from home. Likewise, it would be likely to apply to public servants in the control rooms of critical flood defence infrastructure but not to ministers or public servants shaping long-term flood control policy.

This process does not apply to any workers who have tested positive to coronavirus and should also not be used for contacts who develop symptoms regardless of their role or vaccination status. In these circumstances you should continue to self-isolate as now.

### **What to do if this applies to your business**

Where employers believe the self-isolation of certain key employees as contacts would result in serious disruption to critical services, they should contact the relevant government department (see table below). They should provide information on:

- the number of people who it is proposed would leave self-isolation
- the roles those individuals need to perform
- the impact failure to do this would have and when this impact is likely to materialise (for example, is it already an issue or likely to materialise in the coming days)

The relevant department will work with the Cabinet Office and the Department of Health and Social Care to agree the roles and workplaces that are likely to meet the criteria set out above on a daily basis. The relevant department will then determine whether individual cases meet the criteria set out above. Decisions will be made rapidly on a case-by-case basis and kept under review.

Where a specific case meets the criteria, the employer will receive a letter from the relevant department setting out the named critical workers designated and telling them what measures they and those workers need to follow.

Unless employers have a letter from a government department on which the workers are specifically named, this policy does not apply and employees should self-isolate as directed. Separate arrangements are in place for frontline health and care staff.

### **Who to contact**

<b>Department</b>	<b>Main sectors covered</b>	<b>Contact details</b>
BEIS	Energy Civil nuclear	<a href="mailto:beisquarantine.exemptions@beis.gov.uk">beisquarantine.exemptions@beis.gov.uk</a>
DCMS	Digital infrastructure	<a href="mailto:dcms.coronavirus@dcms.gov.uk">dcms.coronavirus@dcms.gov.uk</a>
Defra	Food production and supply Waste Water Veterinary medicines Essential chemicals	<a href="mailto:emergencies@defra.gov.uk">emergencies@defra.gov.uk</a>
DfT	Essential transport	<a href="mailto:cv19pmo@dft.gov.uk">cv19pmo@dft.gov.uk</a>
DHSC	Medicines Medical devices Clinical consumable supplies	<a href="mailto:covid19.criticalworker@dhsc.gov.uk">covid19.criticalworker@dhsc.gov.uk</a>
Home Office	Emergency services Border control	<a href="mailto:covid19operationsandpolicy@homeoffice.gov.uk">covid19operationsandpolicy@homeoffice.gov.uk</a>

<b>Department</b>	<b>Main sectors covered</b>	<b>Contact details</b>
MoD	Essential defence outputs	<a href="mailto:spo-covidteam@mod.gov.uk">spo-covidteam@mod.gov.uk</a>
MHCLG	Local government	<a href="mailto:lgresponse@communities.gov.uk">lgresponse@communities.gov.uk</a>

*In some exceptional cases there may be critical roles in sectors not listed in the table above which meet the criteria. These will be agreed on a case-by-case basis. Where employers think this applies, they should contact the government department with responsibility for their sector.*

## Contacts



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## About techUK

techUK is the UK's leading technology membership organisation, with more than 850 members spread across the UK. We are a network that enables our members to learn from each other and grow in a way which contributes to the country both socially and economically. [www.techuk.org](http://www.techuk.org)