ADVICE NOTE TO MEMBERS

NHS COVID-19 APP (ENGLAND)

Summary

- There is a legal difference between a self-isolation notification received via the NHS Covid-19 app, and a self-isolation requirement received via direct NHS tracing contact via email, text or phone call. Details are outlined below.
- The NHS COVID-19 app is downloaded by the user (staff member or customer) on to their phone and uses Bluetooth to anonymously track close contacts.
- If an app user then inputs that they have tested positive for Covid-19, the app will alert other phones, arising from a close Bluetooth connection with someone who has tested positive. This is why there is a recommendation to turn off contact tracing if working in a protected environment i.e. behind a screen and/or a recommendation to leave phones in lockers with the app paused (see section below). Individuals will continue to be protected as a case associated with a venue will result in a formal (mandatory) test and trace notification and mandatory self-isolation.
- There is no requirement for staff to check in on the app at the start of a shift or when at work, the only requirement is that their attendance is recorded in some way (for example a separate paper staff rota record can be used).
- No app user information is shared at any point, and it is not possible to tell which positive case the app notification refers to.
- There is a legal difference between **self-isolation notification via the app (advisory)** and **non-app contact from NHS test and trace (mandatory).**
- The latter form of non-app contact (e.g. text, email, telephone contact, direct individual confirmed positive test) is different to notification via the app itself. This is where there is a clear close contact which has been identified by manual contact tracing and it is mandatory to self-isolate. In cases where an individual is contacted via text, email or telephone - mandatory self-isolation rules will apply to places of work, so that if there is a genuine case in the venue or when they are on shift then they will be contacted and mandatory self-isolation protections will come into force.
- In Step 4, there will no longer be a mandatory requirement for hospitality venues to display a QR code, nor to collect contact details for customers, staff or other visitors.

Status

- Downloading the NHS COVID-19 app is voluntary.
- Whilst the NHS recommends that people follow all isolation recommendations, self-isolation recommendations from the app are not currently legally enforceable.
- The app is advisory and it is up to the individual's discretion if and how they use the app and whether they follow its advice.

- Equally, there is no legal obligation on an employer to prevent a staff member that has received a self-isolation notification from the app from coming into work. In contrast, if a staff member is contacted by text, email or telephone by NHS Test & Trace, there is a legal obligation that the staff member completes their self-isolation before returning to work.

Self-isolation period via the app

- A notification <u>from the app</u> does not automatically mean a full 10 day isolation recommendation from notification. It is 10 days from the identified encounter, and the app notification has a countdown clock – so it could be 3-6 days (and unlikely to have a 10 day notification via the app).

Can the app be switched off/paused in certain scenarios?

- Yes, and the NHS actively recommends the app is paused if staff members are carrying out certain tasks behind a screen, or if phones are in lockers etc. Please see below for the direct NHS advice:

Covid Secure businesses and the app

We recognise that many businesses have gone above and beyond on being Covid Secure. Although this reduces the risk of spreading the virus, it doesn't eliminate it.

Pausing the app

Everyone is encouraged to download the NHS COVID-19 app to help fight coronavirus and protect lives. However, there are circumstances where it may produce unnecessary alerts because of the way the technology works not taking into account your surroundings.

We advise that you pause the contact tracing function if:

1. your phone is being stored in a locker or communal area, for example while working or taking part in a leisure activity like swimming
2. you're working behind a Perspex (or equivalent) screen and are fully protected from other people
3. you're a healthcare worker working in a healthcare building such as a hospital or GP surgery
4. you're a worker in social care and are wearing medical grade PPE such as a surgical mask

Unless one of the above four scenarios does not apply to you, we recommend you not pausing the app at any time.

Learn more at **www.covid19.nhs.uk** or **www.covid19.nhs.uk/introducing-the-app-welsh.html**
The NHS COVID-19 app is available to download in England and Wales

The above information can be found in the app settings, and the ability to pause the app can also be found within the app.

Can I check employee positive test status?

- A person who has tested positive can provide evidence to their employer, or the fact that they have been in close contact with a positive case, via an isolation note request to the NHS. This can be done via the NHS, link is here: https://111.nhs.uk/isolation-note/

Can the mandatory self-isolation period (i.e. from a direct text or email from NHS Test and Trace) be shortened from 10 days, if proof of a negative test is provided?

- Currently this is not possible. However, The Government is piloting daily testing in place of self-isolation in all circumstances, and a test to release system. Ministers are currently reviewing the overall self-isolation policy. From 16th August, any person that has been double-vaccinated for at least two weeks will be exempt for self-isolation.

Further information from the NHS for businesses

- Information and resources – NHS COVID-19 app support - NHS.UK (covid19.nhs.uk)