



Frequently Asked Questions regarding the coronavirus situation for NQNs and Norlanders

New FAQ regarding COVID-19

We have devised the following FAQ information sheet based on common queries we have received. Please note that this is based on **guidance from our specialist lawyers. It is not formal advice.** We know that you want Norland to give you a clear directive but as we've explained previously, this is not possible given that you all have your own individual contracts and that, ultimately, any actions you take must be led by government directives and a professional discussion with your employer. We're not a governing body and do not have jurisdiction over your contracts. Nonetheless, we hope that the following information will help you to help to form the basis of a professional discussion with your employer and guide your own decisions in response to the dilemmas this crisis has generated. We recognise that the guidance below will still leave some of you with impossibly difficult, financially traumatic and/or unbearable ethical dilemmas. In time, we may be able to give you more definitive answers depending on your context, but we do empathise with your predicament and wish that we could do more under the circumstances.

Can I still work as a nanny and go to work?

Formal legislation is not yet available and no information can be found (despite our search) that specifically relates to nannies. At the moment, nannies are not included in the key worker list. Government advice that appears to be relevant to your situation centres around the fact that you should only travel to work if you absolutely can't work from home and if you do go to work you need to observe the 2 metre social distancing rule.

Given the nature of the work, live out nannies cannot obviously observe the social distancing advice, so our lawyers, at the moment, consider that this suggests they cannot go to work, even if, for example, you walk to work and do not use public transport – the same point applies about social distancing. However, if the parents are key workers and the child/children can't be looked after in any other way, then arguably nannies are in a similar situation to teachers who are carrying on working so that other key workers can. Thus you and your employer may decide that you continue to go to work.

We are aware that, for example, Nannytax is providing a different view on the matter of whether you should go to work if you live out (see <https://www.nannytax.co.uk/blog-1/how-will-coronavirus-affect-nanny-employers>). They appear to be suggesting that you do go to work on the principle that 'I can't work from home, therefore I have to go to work'. We queried this with our lawyers and they suggest that this principle does not apply due to social distancing rules.

For residential nannies, the implication is that you can continue to work as you don't have to travel and you are already effectively 'working from home'. Our lawyers consider that



residential nannies are already part of the household and can therefore continue to work if that is what is decided between yourself and your employer. We realise this still raises a challenge in terms of your 'time off' should you wish to return home, but this leads us back to the same dilemma about only travelling unless absolutely necessary.

I'm a live out nanny and my employers are not key workers - if I can't go to work, what does that mean for my salary?

We gave some prior advice about the need to have a professional discussion with your employer about whether, for example, you take paid or unpaid leave. Hopefully, your employer will facilitate paid leave in these circumstances if they are able to do so. We may get clearer information over the next few days. However, the new directives about social distancing and social shielding along with information about becoming a 'furloughed worker' (see <https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/covid-19-guidance-for-employees>) may be relevant for you. Our lawyers have noted that the detail on furloughed workers is very unclear at present but they anticipate that there will be further information over the coming days. They suggest, therefore, that you have a professional discussion with your employer about the limitations of your ability to go to work due to government directives and explore the possibility of being furloughed when further information is available. Your employer's payroll provider may have more information to offer. If you are able to be furloughed the reimbursement may be back dated to 1 March 2020. This is a scheme to ensure that employees who would otherwise have been made redundant are kept on by their employer. However, this means that you cannot work anywhere else or you won't be covered and still be paid under this scheme. It may also mean that you have to manage until payment is made by the government as it may take time to get the system operating. Our lawyers consider that if you're unable to work due to social distancing or social shielding rules, then they ought to still pay you by being part of this new system, but they also need to see what the precise terms will be as that is not yet clear. Note also that although only 80% of your salary up to £2,500 per month will be reimbursed probably via the PAYE scheme, families would (could?) be able to make up the difference if they wished to do so (and hopefully they would).

What if I'm self-employed?

At the moment, our lawyers consider that there are no clear directives for self-employed professionals. For example, it appears that you would need to be operating through a PAYE scheme in order to be considered for the 'Furloughed worker' scheme. According to our lawyers, the House of Commons Public Bill Committee is recommending that self-employed people should have similar protection to those covered by the furlough scheme and it looks likely that this will be implemented. However, we do not yet have any details on this. We realise that you must be feeling particularly distressed about your future but our lawyers consider that the government will address this growing concern in due course. You may wish to refer this to the HMRC number specifically for the self-employed – 0300 4563565.



What if I fall within the ‘high risk’/vulnerable groups category and need to follow the social distancing rules?

If you are one of the 1.5 million people that has been written to advising them to ‘shield’ themselves and/or have already had to go into self-isolation due to underlying conditions based on earlier government directives/indications (see <https://www.nhs.uk/conditions/coronavirus-covid-19/>), our lawyers suggest that you should probably be treated as if you have given a ‘fit note’ and thus are eligible for SSP and any contractual sick pay. Our lawyers don’t yet know how this will tie in with the furlough scheme. As you have no choice about going into self isolation, our lawyers advise that you wait until the government provides further details on the matter of SSP. We understand that the NHS now have an ‘isolation note’ available for use (see <https://www.nhs.uk/conditions/coronavirus-covid-19/>).

What if I choose not to work even if I’m not one of the ‘vulnerable groups’ category – will I still be paid?

This is not yet clear and our lawyers are awaiting the detail on furloughed workers which will probably provide some clarity. But the key issue remains that you should be having a professional discussion with your employer about any decision you make.

Can I still go to face to face interviews?

Our lawyers consider that leaving the house for an interview is not one of the permitted reasons for leaving home, so any interviews should now take place virtually or by telephone. Whether or not you take up the position may depend, for example, on whether or not your position is live out or residential. If it’s residential, then arguably you will become part of the normal household. If you will live out, then the implication is that you only take up the position if you are working for key workers and are acting in a childcare capacity that cannot be fulfilled elsewhere. If they are not key workers then our lawyers suggest that you defer the decision to begin employment, although we recognise this may have financial implications for you. It does provide a particularly difficult dilemma for you.

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