

NORTH YORKSHIRE COUNTY COUNCIL

CORONAVIRUS (COVID-19) LATERAL FLOW DEVICE TESTING IN WORKPLACES

FREQUENTLY ASKED QUESTIONS FOR WORKPLACES

(excluding workplaces who are health and social care or education settings who will need to refer to the appropriated guidance for these settings)

(Version 10: 21/04/2021)

KEY MESSAGE: If an employee has one or more symptoms of coronavirus, they must self-isolate and arrange for a symptomatic PCR test via nhs.uk/coronavirus or by calling 119.

The main symptoms of coronavirus are:

- a high temperature – this means you feel hot to touch on your chest or back (you do not need to measure your temperature)
- a new, continuous cough – this means coughing a lot for more than an hour, or 3 or more coughing episodes in 24 hours (if you usually have a cough, it may be worse than usual)
- a loss or change to your sense of smell or taste – this means you've noticed you cannot smell or taste anything, or things smell or taste different to normal

KEY MESSAGE: Lateral Flow Devices do not replace the vital importance of Covid control measures in the workplace.

Although testing may be a useful tool, it is a complement to, and not a replacement for other important measures to stop the spread of the virus. Measures to protect staff and businesses are listed in the UK Government guidance on [working safely during coronavirus](#), including good hand and respiratory hygiene, social distancing measures and good fresh air ventilation.

Further information and guidance on the Coronavirus can be found on the [UK Government website](#).

Section 1: About Lateral Flow Device (LFD) Tests

Q1. What is a Lateral Flow Device (LFD) test?

A Lateral Flow Device test (LFD) or a rapid test is a coronavirus test that gives you results in about 30 minutes. The tests are used for **asymptomatic**¹ testing – this means the tests should only be used if you **do not** have symptoms of coronavirus.

Q2. What is a PCR Test?

Polymerase Chain Reaction (PCR) tests are swab tests which are carried out when a person has at least one symptom of coronavirus.

A PCR test is more accurate than LFDs and requires laboratory analysis which means the result can take 24-48 hours to come back to the individual.

Q3. What does the LFD test show?

The LFD test identifies whether there are detectable levels of virus in a sample. If the virus is detected then you are likely to have an active infection. If the virus is not detected it is likely you are not infectious.

However, some people who do have a Covid-19 infection will still get a negative test. This could be because the sample has not been taken or processed correctly, or because your levels of virus are below the detectable threshold.

Q4. Can the LFD detect the new variants of coronavirus?

Yes, the LFD can be used to detect the new variants of coronavirus. Although it will not identify which variant you may have contracted. This requires laboratory analysis.

Q5. Can LFDs be used as a response to Covid-19 outbreaks?

Should an outbreak be declared in your organisation, appropriate testing regimes should be discussed with Public Health England or the local public health team. Contact dph@northyorks.gov.uk. LFD's may be recommended along with other measures as part of the response to manage the outbreak and prevent future outbreaks.

Q6. What are the limitations of LFD tests?

No test is 100% reliable, even those with valid CE marks. The results are also only relevant to that sample at that point in time as antigen² testing (used in LFD and PCR test) only tells you if the virus is detectable in the body at the time the test was done.

¹ Asymptomatic means someone who shows no symptoms of disease, such as coronavirus, but still has the virus.

² An antigen is a substance that enters the body and starts a process that can cause disease.

It's important to understand the limitations of Covid-19 tests, because an incorrect or misinterpreted result can lead to a false sense of reassurance.

A negative LFD test result does not mean that an individual definitely does not have Covid-19 and that there is therefore no risk. Individuals with a negative LFD test result should continue to practice social distancing, hand and respiratory hygiene and all other existing infection prevention measures to try and decrease the spread of disease.

Q7. How is Covid-19 testing regulated?

Covid-19 testing kits are considered to be medical devices. The Medicines and Healthcare products Regulatory Agency (MHRA) is the responsible authority that administers and enforces the law on medical devices in the UK and has a range of investigatory and enforcement powers to ensure the safety and quality of medical devices.

For a medical device to be safe to use, it must have a valid CE mark. This CE mark is a declaration by the company that the test meets the required legal criteria and safety requirements. CE marks are not issued by the MHRA. They are placed on the product by the manufacturer following registration with a competent authority like the MHRA.

From 1 January 2021, tests with a UKCA mark can be used. Tests with a CE mark can be used until July 2023.

SECTION 2: Organising LFD Workforce Testing

Q8. How do I organise regular asymptomatic coronavirus testing for my workforce/employees?

There are a number of options for organising regular testing of asymptomatic staff:

If you've already registered you can order free rapid lateral flow tests until 30 June 2021. You can order tests either

- to use in the workplace
- for your employees to collect and take home

If you have not registered you cannot order free tests You can choose to:

- ask your employees to check if they can get a rapid lateral flow test to do at home or at a local testing site [Regular rapid coronavirus \(COVID-19\) tests if you do not have symptoms - NHS \(www.nhs.uk\)](https://www.nhs.uk)
- arrange testing of your employees and purchase test kits from a private provider. A list of self-declared private providers of Covid-19 testing is available on the gov.uk website <https://www.gov.uk/government/publications/list-of-private-providers-of-coronavirus-testing/list-of-private-providers-of-coronavirus-testing>
- If you have a number of cases in the workplace your local public health team may recommend targeted testing of asymptomatic members of your workforce as part of an outbreak management response. If you have two or more cases in your workforce within 14 days please contact dp@northyorks.gov.uk and the public health team will assess whether more action is required.
- If individuals in your workforce have symptoms, they should access individual tests through usual community and NHS test and trace routes. Please see <https://www.northyorks.gov.uk/book-coronavirus-covid-19-test>

Q9. Which private provider should I use?

The Local Authority does not endorse or recommend any particular private test provider. Individuals should conduct their own research about available providers, the tests they supply and their locations.

The government has published guidance on the minimum standards that private providers of Covid19 testing services are expected to meet when offering services to organisations or members of the public. To be on this list private providers have to self-declare they meet a set of minimum standards. Visit <https://www.gov.uk/guidance/self-declare-as-a-private-sector-covid-19-testing-provider> for more detail.

A list of self-declared private providers of COVID-19 testing is available on the gov.uk website. Visit https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/961837/covid-private-testing-providers-general-testing-160221.csv/preview

Key points to consider when choosing provider include:

- Please make sure they meet all legal and regulatory requirements as set out in the [guidance for employers and third-party healthcare providers](#).
- You should discuss with your test provider the risks, benefits and limitations of the tests.

Q10. How can we be aware of scams?

NYCC's trading standards team reinforces the message that businesses should use GOV.UK to find an approved test provider and warns that there are scam websites or fake listings on online auctions sites and marketplaces for test kits. Scammers may sell fake or unreliable products or take advantage of the high demand for tests and list items for sale that they do not have. They take buyers' money and no goods are ever delivered. Generally, even though such sellers may advertise that they are based in the UK, they are based overseas and there is no chance of locating them or obtaining a refund.

Q11. Can we test people who we don't employ such as visitors or agency workers?

Employers are able to test people who they do not employ, as long as:

- a lawful basis for testing them has been recorded,
- the individual wishes to have a test and
- GDPR compliant

To comply with the GDPR and the Data Protection Act 2018 employers must:

- process all data [lawfully, fairly and transparently](#)
- ensure staff are aware of what personal data is required, what it will be used for, and who it will be shared with taking account of the ICO's guidance on [individual rights](#)
- make staff aware of how long they intend to keep the data for
- What will happen to the workers' results, who they will be shared with, why, and when, should be clear to the staff member before they take the test.

Q12. What do I need to consider when deciding to regularly test employees?

There are a number of issues to consider when making the decision to test in the workplace:

- how prevalent the virus is or has been amongst your employees (e.g. how many cases /outbreaks have you had at the workplace)
- whether the workplace setting provides a particular risk of transmission (for example, low levels of ventilation, working in unavoidable close proximity to others)
- the demographics of the workforce; for example older people or people with underlying health conditions are at greater risk

- who the testing will cover – for example, whether this is all directly employed staff, or includes other individuals working onsite such as contractors and agency staff
- how often staff will be tested and over what time period
- the availability of appropriate facilities for carrying out the tests
- what the arrangements will be for any individual who does not wish to be tested
- how the employer will use test results, including its policies on matters like handling health information, absence from work, self-isolation, diversity, non-discrimination,
- the compatibility of the programme with its legal responsibilities to staff including under health and safety, equalities, data protection and employment law
- how and who will upload all test results into the national system and notify PHE of positive test results
- the affordability of implementing a testing programme if buying in tests and support from a private provider
- ensuring business continuity arrangements if many staff have to self-isolate
- ability to support staff to self-isolate – financially and emotionally - if either a positive case or a identified close contact. More detailed guidance is here: [self-isolation guidance](#)
[Claiming Financial Support](#)

Q13. What do I tell employees?

You may wish to consider in your communications about testing:

- explaining why you are setting up a testing programme
- whether the programme is voluntary or expected as part of their job role
- what will be your approach to staff who decide not to get tested
- what the next steps are for staff after they receive the result. If positive they will need to immediately self-isolate and close contacts identified.
- where staff can seek advice on their rights throughout the process
- whether staff will have the opportunity to discuss the collection of such data if they have any concerns

Employers are strongly advised to consult with their staff councils or unions ahead of developing and implementing any policy.

Section 3: Managing LFD Test Results

Q14. How long does it take to get the results?

Staff will get their LFD results in around 30 minutes.

Q15. What do we need to do if someone tests positive?

If a member of staff tests positive, they must be asked to:

- immediately comply with the legal duty to self-isolate (together with their household) for 10 days, counting down from the day after the date of the test
- share information promptly about their recent contacts when they are contacted by NHS Test and Trace,

Your organisation must legally inform Public Health England of all positive test results. This ensures that NHS Test and Trace is able to trace the individual concerned to collect information about their recent contacts and alert those contacts if they need to self-isolate. For information on how to report positive tests visit: <https://www.gov.uk/government/publications/coronavirus-covid-19testing-guidance-for-employers/coronavirus-covid-19-testing-guidance-for-employers-and-thirdparty-healthcare-providers>

It is an offence for an employer to knowingly allow a person who has been told to self-isolate (either following a positive test, contact by NHS Test and Trace, or due to a requirement to quarantine after travelling from abroad) to work anywhere other than where they are self-isolating.

Employers found to be in breach of this requirement will be issued with a Fixed Penalty Notice (starting at £1,000).

Q16. How do I dispose of used LFDs?

LFD wastes from workplaces are not considered to be healthcare wastes. LFD wastes can be managed alongside other wastes at your location, for example, black bag waste.

Once a LFD test is complete:

- all of the used LFD test kit (swabs, cartridges and devices) should be placed in the small waste bag provided with the kit, this should then be put in your black bag waste bins
- any disposable equipment such as face coverings, gloves, or aprons worn during the LFD testing process, either by those doing the test or those supervising others, should be put in your black bag waste bins

Q17. When is a PCR confirmatory test required?

If an employee receives a positive LFD test they will need to arrange a PCR test to confirm the result.

Q18. How do I communicate results to employees?

It is a legal obligation for you as an employer and third-party healthcare providers to directly share all results from a member of staff's tests with them.

Results and any required actions should be communicated clearly in non-technical language, in a format they can understand. This may include the need for translation into another language if appropriate or in accessible format.

Results should be communicated by someone in a role with a duty of confidentiality e.g. an occupational health provider or Human Resources Officer.

Q19. How should I communicate a positive virus test case to the workforce?

It is a requirement to keep staff informed about any exposures they may have had to potential or confirmed Covid-19 cases amongst their colleagues. However, you should not name individuals, and should not unlawfully share anyone's personal data (including anyone's test results).

Q20. What do we need to do if an employee tests negative?

Unless identified as a close contact of someone with a positive test, a member of staff does not need to self-isolate if their test is negative, as long as:

- no other member of their household has symptoms or has tested positive
- no one in their [support bubble](#) has symptoms or has tested positive
- NHS Test and Trace has not told them to self-isolate
- they feel well – if they feel unwell with Covid-19 symptoms, they should stay at home until they feel better

Remember a negative lateral flow test result does not mean that an individual definitely does not have Covid-19 and that there is therefore no risk. Individuals with a negative lateral flow test result should continue to practice social distancing, hand and respiratory hygiene and all other existing infection prevention measures to try and decrease the spread of disease.

Q21. How often should we test employees?

Antigen testing (including LFD and PCR tests) only tells you if the virus is detectable in the body at the time that the test was done. It is possible that an individual could become infectious shortly after taking the test. The interval between tests needs to be short enough to increase the chance of catching someone with Covid when the virus is detectable, but not so short that the testing programme becomes a significant burden.

It is recommended that LFD testing occurs twice per week (on a rolling 3-4 day basis). As a minimum, staff should have an LFD test once per week (allowing for shift patterns).

Q22. Do staff that have had a positive test need a negative result before returning to work?

There is no requirement for individuals to have a negative test result before they return to work. Individuals should complete 10 full days of isolation, and then may return to work (providing they feel well).

If individuals are part of a regular LFD testing programme then they should recommence LFD testing on their return to the workplace (this may be done on their day of return).

However, individuals who have tested positive for Covid-19 should not be asked to take a repeat PCR test within 90 days of their initial positive test result. This is because PCR tests are able to detect fragments of virus that are no longer active, which are often present for weeks to months after an infection is over (viral 'shedding'). The only time a PCR test should be repeated within 90 days is if the individual develops new Covid-19 symptoms and a test is being undertaken due to the possibility of new or re-infection.

People that have tested positive by PCR for Covid-19 are exempt from routine re-testing by PCR or LFD within a period of 90 days from their initial illness onset or test (if asymptomatic) unless they develop new Covid-19 symptoms. If someone decides to take part in testing within the 90-day period, they should follow the latest government guidance.

Q23. Do staff that have received their vaccine still need to be regularly tested?

Yes. Regardless of vaccine status all employees should continue to participate in their workplace LFD testing programme.

Vaccines are not 100% effective so there is a small chance that some people who have been vaccinated will go on to develop Covid-19 symptoms (although they should experience much less severe disease). Immunity also takes time to develop, commonly two weeks after receiving the vaccine. A full vaccination course (currently 2 doses for Covid-19) is needed to give the most protection.

Individuals who have been vaccinated also need to continue to comply with social distancing, hand hygiene and other infection prevention measures as they may still pick up and pass on the vaccine to others, even if they have no or few symptoms themselves.

Section 4 Privacy and Data Protection

Q24. What do I need to consider about data protection?

Test results are sensitive data and so should be handled in line with data protection requirements.

It is possible for employers to receive the results of their employees' tests, but only if they have appropriate grounds for lawful processing under GDPR. The [Information Commissioner website](#) has more about how this can be obtained.

However, GDPR shouldn't inhibit the proportionate use of personal data for coronavirus response, and nobody should constrain effective work on responding to coronavirus due to data protection laws.

We would recommend that the employee receives their test result at the same time as their employer, as long as the employee has opted to share the result.

Processing must be done by a health professional or someone with an equivalent duty of confidentiality. It is recommended that you keep a record of who will access the test results and the privacy training they have received.

Q25. Can I share information about results outside of the organization?

Data protection does not prevent the necessary and proportionate use of personal data for Covid-19 response. Data protection law has built-in flexibility to ensure it does not prevent appropriate health and safety measures being implemented in the workplace or action taken in the overwhelming public interest. Nevertheless, there are important data protection considerations to take into account when processing personal data, particularly health data.

The Information Commissioner has set out [FAQs](#) on data collection and data protection relating to Covid-19 that provide further information.

Section 5: Useful Resources and links

The following UK Government information provides additional information for individuals and organisations seeking further advice on Covid-19 testing.

[Testing Guidance for Employers](#)

[A Guide to Covid 19 testing and testing kits](#)

[How testing and testing kits work](#)

[Getting tested](#)

[Workplace Guidance on Asymptomatic Employees](#)

[Guidance on self-swabbing](#)

[Self-Isolation Support Guidance](#)

[Claiming Financial Support](#)

[Private testing providers](#)

[Roadmap out of lockdown](#)

[Staff in health and social care settings](#)

[Guidance for households with possible Covid 19 infection](#)