



**Briefing 20-18**

**March 2020**

***COVID 19 Special briefing: Scotland Key Worker Guidance regarding schools and ELC closures***

## **1. Introduction**

The Scottish Government has issued guidance on key worker provision regarding schools and ELC closures '*Coronavirus (COVID-19): school and ELC closures – guidance for key workers*' which was published on 20 March 2020 and was further updated on the 22 of March.

The full guidance is below. The guidance has already created some ambiguity, similarly to guidance issued from other parts of the UK; whilst it is welcome that the guidance is not too prescriptive allowing for some local determination this has led to the question of '*is there a requirement for both parents to be key workers?*' to be able to access the limited educational provision that will be made available.

In this regard APSE would point to the "Will all key workers qualify for critical childcare and learning provision" section of the guidance which states

***'If it is at all possible for children to be at home, then they should be'***

This therefore means local protocols and arrangements would allow for sensible and reasonable flexibility in determining access to educational provision and whether or not it is possible for a child to be at home. For example, a worker who is frontline in adult social care and unambiguously a key worker but who has a partner who is a non-key worker but who may be unable to look after their child for other reasons, such as medical reasons, would be able to access the limited educational provision. A key worker with a partner who is able to act as the primary carer would not. Single parent key workers would be covered in any event under the guiding principles.

A further matter that has been raised with APSE is the scope of the guidance for example to workers such as refuse drivers / loaders and those critical to local infrastructure such as highways as well as school catering and cleaning staff, many of whom are already being deployed to work on additional services for vulnerable residents. Again it is APSE's view that the guidance would allow for such workers to fall within scope of the key worker guidance. However, given the limited provision of school places and the overarching purpose of the policy on schools in limiting the spread of Coronavirus and subsequent COVID 19 infections, it will be necessary to be sensible and proportionate in how these matters are determined locally.

Within the section of the guidance noted above it does highlight that further guidance will be provided shortly. In England the DFE have now referenced a point of clarification that this would relate to just one parent as a key worker but this does somewhat undermine the guiding principles which is that children should be at home if at all possible. With the new 'stay at home measures' it is arguably more so the case that wherever possible children should not be in school settings unless it is absolutely necessary.

### **The Full Guidance is as follows:**

Guidance setting out what childcare and learning provision we expect to be made available to key workers during closures of school and early learning and childcare (ELC) settings to deal with the coronavirus (COVID-19) outbreak.

Closure of school and ELC settings is an important part of our efforts to control the spread of COVID-19. We have asked local authorities to keep opening of physical settings to the minimum required.

### **Are all schools and ELC settings closing?**

To help slow the spread of coronavirus, we have decided that:

- all schools; and
- all local authority early learning and childcare settings

should close to children and young people with effect from 1700 on Friday 20 March 2020, with the exception of any **critical provision** to protect some key groups or activities.

These are:

- **Key workers:** to ensure that children of key workers, for example NHS and social care staff, can still get learning and childcare if their parents absolutely must go to work.
- **Finishing coursework (updated):** on 22 March, the First Minister announced that, in view of the latest public health advice, with immediate effect, no young person with coursework to complete or a 'prelim' style practice exam should attend school or any other education setting to do so. Where coursework for SQA national qualifications can be completed remotely and safely following public health advice, schools have been requested to make arrangements to do so. The SQA Chief Examiner will set out how the SQA will take account of this decision in the certification of young people's qualifications and achievements as soon as possible.
- **Vulnerable children:** to ensure that protection and support is still available for identified children who may be particularly vulnerable in the current circumstances, for example those in receipt of free school meals, children with additional support needs and at-risk children.

Some schools and local authority ELC settings may open for these purposes, but that will depend on the arrangements local authorities make for their local areas.

### **What about private and voluntary sector childcare settings?**

We have said that private and third sector childcare providers can stay open, provided they:

- (i) support only the children of key workers and vulnerable children; and
- (ii) wherever possible, they work with local authorities in their areas to do this.

Childminding services can continue to operate, but will be subject to new public health guidance which will be issued shortly.

We have strongly encouraged local authorities to involve private and third sector childcare providers in delivering critical provision. This may mean that these providers are involved in local arrangements for school-aged children as well as younger children.

### **Which key workers qualify for critical childcare and learning provision?**

We have asked local authorities to make provision for children of key workers in their areas to ensure that their parents can continue to work.

The initial definition of key workers is as follows. There should be a particular focus on:

- Key workers in posts which ensure that essential services can be delivered and cover tasks within the local community which support the vulnerable and aid community resilience. This may be slightly different in each community to allow the country to address local priorities. Whilst decisions will be taken at the local level, we would expect this to include consideration of:
- **Category 1** – Health and Care workers directly supporting COVID response, and associated staff; Health and Care workers supporting life threatening emergency work, as well as critical primary and community care provision; Energy suppliers (small numbers identified as top priority already); staff providing childcare/learning for other category 1 staff.
- **Category 2** – All other Health and Care workers, and wider public sector workers providing emergency/critical welfare services (e.g Fire, Police, Prisons, Social Workers, etc), as well as those supporting our Critical National Infrastructure, without whom serious damage to the welfare of the people of Scotland could be caused.
- **Category 3** – All workers (private, public or third sector) without whom there could be a significant impact on Scotland (but where the response to COVID-19, or the ability to perform essential tasks to keep the country running, would not be severely compromised).

Local authorities have been asked to take this definition as a guide and prioritise critical childcare and learning for key workers accordingly. They should consider any circumstances that mean that specific classes of worker are critical in their local contexts.

**NB:** This definition may be updated to take account of developing circumstances. Please check back here regularly to ensure you stay up to date.

### **Will all key workers qualify for critical childcare and learning provision?**

We have told local authorities that, if one parent is a key worker and the other is not, the non-key worker should normally be expected to provide childcare. If it is at all possible for children to be at home, then they should be.

In general, we expect that if key workers can perform their critical functions effectively when working remotely from home, they should do so. Parents should not rely for childcare upon those who are advised to be in the stringent social distancing category such as grandparents, friends, or family members with underlying conditions.

We will provide further guidance on this shortly.

### **What critical childcare and learning provision will be in place in my area?**

Local authorities will decide what learning and childcare arrangements for the children of key workers are most appropriate for local circumstances.

We have asked, where possible, that provision is made available beyond the school day, in partnership with providers of out of school care and after school and holiday clubs. However, this will depend on the provision that local authorities are able to make in their local areas.

### **From when will critical childcare and learning provision for key workers be in place?**

We are working closely with local authorities to get critical childcare and learning provision in place as soon as we can. We expect local authority planning to continue into next week.

### **Who should I contact if I have questions about this?**

Please contact your local authority for information about the arrangements they are putting in place. See the [contact details for your local authority](#).

## **2. APSE Comment**

A balance needs to be struck between effective isolation measures and limiting the spread of the virus and ensuring critical local council services continue alongside those of health and social care. For example, catering staff within schools who are already in some areas being effectively deployed to provide for vulnerable residents, including those who may need support with feeding children following loss of earnings as a result of job losses or closures, are clearly critical to the functioning of the local authority in its response to COVID 19. Many authorities will / are already operating hubs to help perform these critical services. There is also a need to recognise that there are less 'obvious' key workers including those working in environmental services. For example, with more people self-isolating or home working there will be an increase in domestic waste and recycling. If there are staff shortages this may lead to prioritisation of residual waste but the public will expect services to continue and from a hygiene point of view it would be unacceptable for communities already facing a health emergency to face long delays in basic refuse services. Therefore, undoubtedly Directors of Environmental Services will be arguing for key worker status amongst their own staff teams.

Accordingly, APSE will be monitoring the impact of the key worker advice and, should it become necessary, we will make further representations to Government's on this matter on behalf of our member authorities.

If you have any questions or comments on this issue please feel free to email through or to stay up to date and join the APSE Covid 19 WhatsApp Groups visit the [APSE COVID 19 web hub here](#).

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