Further Guidance in relation to Key Workers

Scottish Ministers took the decision that as part of our response to Covid-19 all schools, early learning and childcare (ELC) settings and other childcare services would close to children and young people from 1700 on Friday 20 March 2020, with the exception of any critical provision to protect some key groups or activities. This includes the children of key workers.

The First Minister has been clear that protecting public health is the central and most important point – if we all do the right things now, we will reduce that impact of the virus and save lives. If we don't, we face many more people than would otherwise be the case becoming ill and dying, and we risk our NHS being overwhelmed.

Scottish Government and local authorities are working together to ensure key workers have childcare provisions in place that allow them to continue to play their vital role in the national response, but we need to keep the number of children taking up these places – whether these are in schools – or in other settings – to an absolute minimum. The priority must be for children of the **most critical key workers** and the **most vulnerable children** in our society.

Only key workers who cannot fulfil their critical functions when they are working remotely from home may qualify for critical childcare provision. If it is at all possible for children to be at home, then they should be. The higher the number of children in childcare settings, the higher the health risks for us all. This is about saving lives.

Definition of key worker

SG has issued guidance which local authorities are working with now, but the exact definition of a key worker may vary across the diverse range of localities across Scotland. This can be found at https://www.gov.scot/publications/coronavirus---school-and-elc-closures-guidance-on-critical-childcare-provision-for-key-workers/

This may be slightly different in each community to allow the country to address local priorities. That is why we are not publishing further guidance at this time, but instead we will work with partners to ensure local and national priorities can be met.

We have introduced categories so that the frontline health and social care staff get a place, if they need it, first. Places left after we have done that, will be allocated using local knowledge and in line with the national criteria. There are limited places and that must be acknowledged. We cannot designate whole workforces or entire groups of staff key workers.

Advice to Employers

For the vast majority of Employers what will be most useful to you, your workers and, critically, our efforts to save lives, will be to look at things like new shift patterns, working from home, recruiting more staff or dropping non-essential tasks and we will help employers to do that as much as we possibly can.

We are appealing to employers to think critically about what staff you consider to be key workers, to ruthlessly prioritise those providing absolutely essential services to the public in these emergency times.

Before seeking childcare places, we would strongly urge employers to consider where they can:

- Reduce staffing levels to the lowest possible number required to maintain the production of essential goods.
- Work with unions and workers to identify only the absolute minimum number of staff performing essential roles to deliver the Covid-19 response and provide basic, safe services.
- have discussions with staff to identify if they can access any appropriate alternative childcare. This may include another parent/carer who is not a key worker

- Remember that workers who are deemed to be at risk should not classed as a key worker – those at high risk are those who:
    - have had an organ transplant
    - are having certain types of cancer treatment
    - have blood or bone marrow cancer, such as leukaemia
    - have a severe lung condition, such as cystic fibrosis or severe asthma
    - have a condition that makes you much more likely to get infections
    - are taking medicine that weakens your immune system
    - are pregnant and have a serious heart condition

- Discuss what other options are available to that company – shift system, reduced service, halting some production lines, alternative childcare arrangements).
    - DO NOT contact your local authority to make the case for key worker designation unless it is the measure of last resort. All other measures as detailed above must be explored first.
    - If you do contact your local authority, only seek designation for "business critical" roles, explaining.
    - If you are unable to agree a way forward contact the new SG team to explain why the services are critical. What is the stock/situation level before things get critical and whether or not they have had the above conversations. Be prepared to provide information on the number of critical key workers, the number of child care provision places required and within which LA(s) (remembering that some parents live in one authority and work in another).

Scottish Government key worker team

The Scottish Government have established a team to liaise with relevant employers and local authorities to resolve any emerging issues to ensure that we balance providing childcare provision and ensuring that essential services can be delivered and cover tasks within the local community which support the vulnerable and aid community resilience.

We want to take a three way approach with employers, Local Authorities and Scottish Government working together to make sure we get this right. The Scottish Government team will act as a broker, where required, and will liaise with the relevant Local Authorities, employers and sectoral representatives. However, it is important to note that no childcare places can be guaranteed by the team, The ultimate decisions will be with the relevant Local Authorities.

We appreciate the pressures being faced across the public, private and third sectors and we will work constructively with employers as we put the key worker arrangements in place as part of our collective efforts to manage our response to Covid-19.

John Swinney
Deputy First Minister

Cllr Alison Evison
President, COSLA

24 March 2020