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Johanna, Mark

Thank you for your letter of 5 January concerning the additional Covid restrictions announced by the First Minister on 4 January and seeking clarification on what they mean for the local government workforce.

I am pleased that you recognise that it was important we implemented these additional restrictions quickly. The situation we face is extremely serious and urgent action was necessary to minimise further spread of the virus.

I am aware that a number of the issues you raise have already been discussed at the tripartite Workforce Issues Group (WIG) meeting held on 12 January. I know you both attended this meeting and heard directly from the Deputy Chief Medical Officer and other senior officials but I felt it was important to formally reply to each of the substantive issues you raise.

### **Definition of a key worker**

The definitions of key workers agreed with local authorities previously during the pandemic will continue to apply as will the need for flexibility to suit local circumstances. The definition of key workers sets out that:

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. Rightly, decisions will be taken at the local level, however we would expect this to include consideration of:

Category 1 – Health and Care workers directly supporting COVID-19 response, and associated staff; Health and Care workers supporting life threatening emergency work, as

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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 (for example: fire, police, prisons, social workers), 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).

These categories have been designed to support prioritisation by local authorities where necessary (for example, Category 1 and 2 workers should be prioritised over Category 3 workers).

For the avoidance of doubt, during these exceptional arrangements we would expect that all school staff and staff providing daycare of children's services, including early learning and childcare, who are required to attend their work in person, or who cannot otherwise provide essential support for remote learning while working from home, would qualify as category 1 or 2 key workers. Wider groups of healthcare and other workers who have been brought in to support vaccination rollout and Test and Protect would also be expected to qualify under Category 1.

While there are differences between the current situation and the previous strict lockdown (from March 2020), the gravity of the situation and the overarching aims of the exceptional school closures are judged to be sufficiently similar to support a similar approach as previously to the application of the definition of key workers and the provision of in-person childcare (in w/c 5 January) and schooling (from w/c 11 January). Our guidance emphasises that the number of children taking up these places in schools and ELC during the strict lockdown period should be kept to the absolute minimum necessary. We will be monitoring data on attendance in the coming days, and will use this information to identify any adjustments to this approach that may be required.

This information along with the key principles that should be applied by local authorities, schools and ELC can be found in the revised [guidance](#) published on 6 January. [Guidance](#) for ELC was also published on 7 January.

### **The role of education support staff in the proposed model of remote learning, and school safety mitigations**

Following helpful feedback from Unison officials, our guidance states the role of certain in-class roles (e.g. pupil support staff) and the part they may play in supporting remote learning should be discussed locally with staff and unions. We would be happy to receive further feedback on how these discussions progress in due course.

With regard to the wider question of which staff should be required to attend in person, our guidance makes clear that attendance in schools should be restricted to staff who, in the judgement of the local authority and schools, are required to attend in person to give effect to the revised school reopening arrangements. It also makes clear that, in light of the strict lockdown conditions in place at the current exceptional time, local authorities and schools

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should ensure that only those staff who are required to support these essential activities are requested to attend in person.

The guidance states that local authorities and schools should ensure that local risk assessments and individual risk assessments for clinically vulnerable individuals are up to date, to ensure the safe running of schools and school transport under these arrangements.

Our assessment, based on our current understanding of the virus, is that strict application of the mitigations set out at Level 4 in the [Coronavirus: reducing risks in schools](#) guidance is appropriate. We are continuing to closely monitor the evidence about the new variant to inform our assessment of any requirement for updated guidance in this area.

### **The rights of parents who are key workers (including free school transport)**

With respect to transport, our guidance is clear that vulnerable children should be supported and if they normally receive free school transport this should continue. It is also the case that key worker children that are eligible for free school transport should continue to do so during this period.

Regarding your call for the withdrawal of the requirement set by some councils that both parents be key workers in order to qualify for an exceptional place at school, our guidance states that, where alternative options are available, these should be used instead of children attending school and ELC in person. It notes that this may include another parent/carer who is not a key worker and is able to provide such support effectively from home. Application of this guidance is a matter for local discretion and understanding of family circumstances. However, what is clear is that we are seeking to limit the numbers of children physically coming to settings in order to reduce transmission, and the requirement to make use of alternative options where available is one important way of achieving that.

### **Vaccination programme**

In terms of vaccinations, our priority is to make sure those most at risk are protected, in line with advice from the Joint Committee on Vaccinations and Immunisations (JCVI). We hope to have vaccinated all those on the JCVI prioritisation list by the end of spring 2021, supplies permitting. This is dependent on how much vaccine is delivered, additional vaccines becoming available and getting MHRA approval for supply. Should the pace of vaccine approvals increase, or the volume of vaccine being delivered increase, we will move swiftly and flexibly to deploy them. We are currently working with health colleagues to consider whether other key worker groups, including school staff (both teaching and non-teaching staff) and childcare workers could be considered a priority for vaccination, once the clinically high-risk groups have been vaccinated.

### **Roll out of testing**

You will be aware that we have already put in place arrangements to allow all members of school and childcare staff who are concerned that they have been at risk from infection to request a test whether or not they have symptoms. On 25 November we committed to undertaking a number of pathfinder testing programmes on the deliverability of regular asymptomatic testing in a school environment, starting in January.

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We are continuing to consider how best to strengthen our approach to the use of testing in schools, in the light of the new variant and in order to support a safe return to in-person learning and teaching at the earliest opportunity. We will be happy to share with you further information about this work in due course.

### **Care Home testing**

The Government confirmed our intention to roll out testing to care at home services from 18 January in late November 2020. We remain on track to deliver this. A Delivery Group with representatives from COSLA, the provider community, Scottish Care, CCPS, Health and Social Care Partnerships, and the GMB on behalf of the Unions, has met regularly to thrash out the challenges, make this happen and ensure robust communication messages for the sector. The sheer number of services and the diverse range in how services are run has created some delivery challenges but by working together across partners we have a strong plan in place that increases the protections in place for recipients of care at home and those that provide that care. We know that rolling out testing is never straight forward and we will continue to offer care at home providers and their workforce support over the weeks and months ahead.

I hope you find the above information helpful, however I also understand a number of these issues are being actively discussed at the Covid Education Recovery Group (CERG), which Unison is represented on, and I would urge you to continue to raise any further questions that you have there. Furthermore, my officials and the Deputy Chief Medical Officer gave a commitment to attending future WIG meetings as a way to continue our collaborative approach to addressing areas of concern.

I recognise the excellent work your members and the wider local government workforce are doing in exceptionally difficult times. I hope the information shared at the recent WIG meeting and this reply will provide you with the clarity you are seeking and I am happy to continue to engage with you and COSLA to ensure any concerns and issues raised are taken forward appropriately.

I have copied this letter to the Deputy First Minister and the Cabinet Secretary for Health and Sport given a number of the issues raised sit within their respective portfolios.



**AILEEN CAMPBELL**