

**Excellence and Equity During the COVID-19 Pandemic
– A strategic framework for reopening schools, early
learning and childcare provision in Scotland**

May 2020

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Summary

The framework has been jointly developed by the Scottish Government and Local Government, with support from key partners across the education system, and is an agreed strategic framework to be used at local level in conjunction with Local Phasing Delivery Plans for the reopening of schools and early learning and childcare (ELC) provision in Scotland.

The implementation of this approach is conditional on two factors: i) scientific and medical advice that it is safe to proceed, ii) implementation of complementary public health measures, (including but not limited to test, trace, isolate and support practices as well as guidance on, and supply of, any appropriate personal protective equipment (PPE) for all staff).

The school and ELC closures since March are considered to be having a negative effect on all aspects of children's progress and development including their wellbeing.

To respond to this, we are working to enable as many children and young people as possible to return to education and care settings at the earliest date on which it is safe to do so. This can only be undertaken with careful planning and clear communication to pupils, parents, carers and staff to build confidence and assurance that the health and scientific advice justifies such a position.

The majority view of the Chief Medical Officer's Advisory Group is that it would be appropriate to consider actions to support distancing guidance in schools and situations where children are in indoor environments for extended periods of time. As a consequence, almost all children and young people will experience a blend of in-school and in-home learning from the start of the school year in August 2020.

A blended model of in-school and in-home learning is reliant on consistent, easy to use in-home learning materials which are intended to support and complement, but not replicate, in-school learning. This includes consideration of the specific needs of children and young people with additional support needs and other families most in need of support. Education Scotland will ensure learning materials are available on a national basis both to support in-home learning and to augment and support schools' own arrangements for children and young people.

While recognising that in-home learning takes many forms (including support from families) and is by no means all IT based, an approach to digital learning should be implemented to mitigate negative impacts on equity. This will specifically focus on providing digital access for pupils who do not have this at present.

Local authorities should look to maximise their capacity for pupils to benefit from in-school learning through innovative approaches. This should include looking to temporarily expand the size and configuration of the learning estate where necessary and ensuring that existing workforce capacity is fully utilised to respond to local challenges. Options to supplement the existing workforce are under active consideration by local authorities and the General Teaching Council for Scotland.

The overall main message is that we aim to restart school education for almost all children and young people in Scotland in August. Subject to public health guidance, teachers and other school staff should be returning to schools at some point during June, to plan and prepare for the new blended model of learning to be implemented from August. This new model, which will ensure adherence to safeguarding protocols such as appropriate physical distancing, will include part-time in-school learning and part-time in-home learning for almost all children. Health and safety guidance, including risk assessments, will be in place prior to staff returning to school in June.

The start date of the new term will be standardised to 11 August 2020 only for the purposes of managing Covid-19, which will mean an earlier than planned start for some schools. The Scottish Negotiating Committee for Teachers will give advice to Local Negotiating Committees for Teachers on how to manage this locally and how to reach agreement on when lost holiday time should be taken back. A universal approach will bring benefits for children, including an earlier return to school for many, and the ability for all learners to engage with weekly in-home learning tasks.

Mindful of the impact of lockdown on many of our most vulnerable children, local authorities will work with partners to increase the numbers of children attending critical childcare provision including hubs. This will include both keyworker children and children whom teachers, ELC professionals and other partners, in consultation with the local authority, think would benefit most from early direct contact with education and care staff. There should be a particular focus on supporting children at key transition points (e.g. due to start P1 or S1) which may include some in-school experience in late June, so that they are fully supported to make the next steps in their education.

Critical childcare will need to continue throughout May, June and the summer break to ensure ongoing provision for key worker and vulnerable children.

Consistency in teaching and learning provision will be especially important for senior phase pupils who are preparing for qualifications in 2021. Preparations for the 2021 exam diet are underway. In the meantime, Scottish Qualifications Authority will provide further advice to schools to ensure that appropriate arrangements are in place to capture, on an ongoing basis, the learning outcomes met by young people in the Senior Phase in school year 2020/21. This will provide a strong evidence base to support assessment and certification.

The framework for reopening ELC services will be predicated upon age-appropriate public health measures such as hygiene practices, caring for children in small groups, minimising contact between those groups, and maximising use of outdoor spaces. This will allow the reopening of ELC and childcare capacity over the summer, in addition to maintaining critical childcare provision. The timetable for reopening services will take account of the lead-in time required to bring staff in the private and voluntary sectors off furlough.

Working in this way may reduce capacity in individual services. That capacity should be prioritised for key worker families requiring critical childcare, children eligible for funded ELC entitlement and children in need as defined in statute. Remaining capacity will be used to meet the childcare needs of other working families. There

will be local discretion over how to allocate overall capacity in line with these principles and the local Getting It Right For Every Child practice model.

The reopening framework for ELC provision will safeguard the financial sustainability of ELC services across all sectors, recognising the particular fiscal challenges which organisations in the private and third sectors will face throughout the recovery period.

To ensure that delivery of the measures related to the framework is manageable and sustainable, an assessment should be made of any net additional costs that are expected to be incurred. The Scottish Government will work closely with Local Government to understand and address financing as work progresses.

Introduction

This Strategic Framework has been jointly developed by the Scottish Government and Local Government, with crucial support from key partners across the education system including the [Education Recovery Group](#) which was established in April 2020.

It sets out how there will be transition back to a greater level of face-to-face education in schools and -ELC- settings as soon as this is able to happen safely, and represents an agreed framework to be used at local level in conjunction with Local Phasing Delivery Plans. It is based upon a blended model of in-school and in-home learning for school-age children, and prioritisation of access to contact time in ELC. These approaches are driven by the requirement to implement physical distancing measures and other age appropriate measures in education settings at present to minimise the risks of infection and transmission and ensure they are safe places to be.

Everything within the paper is predicated on two crucial factors:

- I. Implementation is conditional upon scientific and medical advice confirming that it can be done so in a manner that is consistent with wider efforts to control the reproduction rate and protects the health of staff and pupils alike¹.
- II. Comprehensive implementation of complementary public health measures, including adherence to 'test, trace, isolate and support' (TTIS²) practices³, the use of personal protective equipment (PPE) where appropriate for all staff, and a range of other hygiene measures such as:
 - Increased hand-washing facilities/hand sanitisers and use thereof.
 - Regular and enhanced cleaning of surfaces (e.g. sinks, toilet seats and door handles).
 - Protocols for what to do if a child/members of staff has suspected/confirmed COVID-19.
 - Ongoing risk assessments on the operational parameters of re-opened centres.

To complement this framework, a suite of supporting guidance covering key themes will also be published. This guidance will cover cross-cutting issues that local

¹ In making these assessments, Scottish Ministers have access to expertise from a range of professional advisers and expert groups, both within and beyond the Scottish Government. These include, within government, the Chief Medical Officer (CMO), the Chief Social Policy Adviser and the Chief Economic Adviser. In addition, Ministers' judgments are informed by advice and oversight from other professional advisers including the National Clinical Director, Chief Scientific Adviser, Chief Nursing Officer, Chief Statistician, and the Solicitor to the Scottish Government.

Beyond the Scottish Government, Ministers have access to the CMO's Advisory Group on the epidemiology and public health impacts of the virus, and to expert advisory groups as part of the Four Nations response to COVID-19, including the Scientific Advisory Group on Emergencies (SAGE). We also have expert advisory groups in fields such as the economy and education that we are able to draw upon. The Equality and Human Rights Commission has offered to contribute its services, resources, expertise and knowledge, both in the immediate response to COVID-19 and in considering the wider socio-economic recovery.

² Also referred to as Test and Protect

³ The Scottish Government published the '[Coronavirus \(COVID-19\): test, trace, isolate, support strategy](#)' on May 4th 2020. That document sets out our plans to help disrupt community transmission of the virus.

authorities and settings must have regard to when developing local arrangements. Where appropriate, it will also include bespoke supplementary considerations for each of the ELC, primary and secondary sectors that is based upon the specific health evidence and risk factors that are relevant to each age group. Key themes will include:

- Practical implementation measures (including measures to support physical distancing and minimisation of interaction in settings, school transport, digital technology, workforce planning and support).
- Models of curriculum and assessment that reflect the blended learning model and support a focus on recovery along with guidance for the Broad General Education and Senior Phase (including in relation to the delivery of 2020/21 qualifications and partnership with the college sector).
- Wider support and wellbeing issues, including but not limited to transitions and additional support needs.
- Delivery of ELC and childcare, including practical implementation measures and supporting children's learning and development.

An Education Continuity Direction will be given to education authorities to provide a clear legal basis for implementation of some of the key measures in this framework and the supporting guidance. The Continuity Direction will be reviewed and updated to provide continued legal clarity to education authorities as the situation and required actions evolve.

This Strategic Framework plus aforementioned supplementary guidance should be read to include those in the independent and grant-aided school sectors. It is the responsibility of those sectors to translate this guidance into operational detail applicable to their specific circumstances.

Section 1 – National Framework and balancing multiple harms

The Scottish Government documents '[COVID-19 – A Framework for Decision Making](#)' and '[Covid-19: Framework for Decision Making Further Information](#)' set out the way in which Scotland is planning for a managed transition away from current restrictions that enables the suppression of transmission to continue. This will include ongoing physical distancing, the continued need for good hand hygiene and public hygiene, and enhanced public health surveillance.

The supporting [evidence paper](#) recognises that the crisis is impacting differentially on subgroups of the population and different parts of the country, and highlights that equality will be at the heart of our decision-making. It reiterates the four harms:

1. The virus causes direct and tragic harm to people's health.
2. The virus has a wider impact on our health and social care services in Scotland.
3. The restrictions which have been put in place affect our broader way of living and society.
4. The impact on our economy, with a damaging effect on poverty and inequality.

There are two key factors underpinning the framework:

1. Implementation is conditional upon scientific and medical advice confirming that it can be done so in a manner that is consistent with wider efforts to control the reproduction rate and protects the health of staff and pupils alike.
2. Comprehensive implementation of complementary public health measures, including adherence to 'test, trace, isolate and support' (TTIS) practices, the use of PPE where appropriate for all staff, and a range of other hygiene measures such as:
 - Increased hand-washing facilities/hand sanitisers and use thereof.
 - Regular and enhanced cleaning of surfaces (e.g. surfaces such as sinks, toilet seats and door handles disinfected twice a day).
 - Protocols for what to do if a child/members of staff has suspected/confirmed COVID-19.
 - Ongoing risk assessments on the operational parameters of re-opened centres.

The framework highlights that our first objective and absolute necessity is to contain and suppress the virus. Beyond that, our challenge is to minimise broader harm to our health, society and economy and to restore as much normality to everyday life as possible. There is a recognition that these harms are related: health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing.

Children and young people are likely to be impacted most, and for longer, by the unintended consequences and other factors attributable to actions taken to control the pandemic. We understand that school closures are having a negative impact on all aspects of children's progress and development, including wellbeing. The anticipated consequences include impacts on mental health, socialisation and attachment (particularly for younger children). Impacts of 'hidden harm' may lead to additional cognitive, emotional and behavioural need and are likely to require significant intervention over the medium and longer term. Navigating the right course

through the crisis will involve taking difficult decisions that seek to balance these various, inter-related harms so as to minimise overall harm.

Section 2 – Principles for reopening schools and ELC settings

To respond to this, we are working to enable as many children and young people as possible to return to education and care settings at the earliest date on which it is safe to do so. This can only be undertaken with careful planning and clear communication to pupils, parents, carers and staff to build confidence and assurance that the health and scientific advice justifies such a position.

Decisions made regarding the re-opening of schools and ELC provision must first and foremost be consistent with the national framework as described above. Thereafter, we will also continue to be guided by the agreed aims and objectives within the National Improvement Framework, including the shared vision of excellence and equity for education in Scotland, Curriculum for Excellence, Getting it Right for Every Child (GIRFEC) and other legal requirements.

Combining these provides a set of five key guiding principles that are values-led and place the child at the centre of considerations:

Safe

1. Protects the physical, emotional and mental health and wellbeing of children and young people (this includes indirect harms through societal and economic effects) as well as all staff.

Fair and Ethical

2. Ensuring every child has the same opportunity to succeed through their blend of in-school and in-home learning, with a particular focus on closing the poverty related attainment gap.
3. Ability to prioritise learners at key points and/or with specific needs.

Clear

4. Is easy to interpret and understand, and has the confidence of parents, staff and young people so that they can plan ahead.

Realistic

5. The options are both viable and effective at the level they're applied.

Any model of provision will inevitably incur a degree of trade-offs between some of these principles, and it would not be credible to attempt to satisfy them all in full simultaneously during this extraordinary time as we learn to live with the virus. Instead, it will be important to develop solutions that balance these as much as possible.

Section 3 – What the evidence tells us

Research from the London School of Economics Centre for Economic Performance suggests that unexpected temporary school closures and reduced instruction time will reduce educational achievement, both in the short and long term, and that children from disadvantaged backgrounds are likely to be affected more than others. Research from the Institute for Fiscal Studies in England supported this finding, reporting that children from more deprived backgrounds have less access to in-home learning resources and that their parents feel less confident in supporting them. The Children's Parliament 'How Are You Doing' wellbeing survey (children aged 8-14) reported that being indoors more and learning at home also impacts on the physical and mental health of children.

No matter how well planned in-home learning is, it is not the same as having effective learning and teaching within the school environment, led by teachers. A recent online survey by Connect in Scotland found that parents are generally confident about supporting their children in terms of health and wellbeing but less confident about supporting literacy and (to a greater extent) numeracy. The Connect survey also found that 59% of parents responding had at least one concern about the current situation, ranging from children falling behind in their learning and not engaging with work at home to concerns about the health and wellbeing of their children.

At transition points, e.g. nursery to primary, or primary to secondary, we know that our most vulnerable learners, such as pupils with additional support needs and Looked After Children, are likely to require enhanced support. The transition period can be a critical stage where identified learners need a programme which includes personal and social development, to ensure smooth progress into the next stage of learning.

Scientific evidence on Covid-19 and how it behaves in children is continuing to evolve. Scientists are clear that there are some aspects that are not well understood, in particular the extent to which the virus is transmitted by and between children. However, there is general consensus that the severity of the illness amongst younger children in particular is generally less than amongst adults. Modelling at both the UK and Scotland level suggests that there is scope for relaxing some restrictions on education over the coming weeks and months. Implementing measures to control the spread of the virus, such as increased hygiene and, where appropriate, use of physical distancing or small groupings of children, can reduce the overall risk inherent in reopening to more children.

Section 4 – Implementation in schools

A combination of factors mean that a blended model of in-school and in-home learning is likely for most pupils, at least during the initial phase of re-opening of schools.

There must be a level of consistency in local authorities' approaches to blending in-school and in-home learning for pupils. However, given the different contexts that local authorities and individual schools are working under, it is clear that there will be a need for some degree of local flexibility within clear and consistent guidelines. There cannot be a "one size fits all" approach to implementation across all education settings in Scotland, or perhaps even *within* a local authority area, due to the size, scale, location and geography of the country.

This Strategic Framework, therefore, provides direction for the whole of Scotland to enable consistency and equity in a national approach for children and young people that is underpinned by local planning and delivery.

In addition to this framework, local authorities will prepare Local Phasing Delivery Plans to provide a level of operational detail. The plans should translate the principles and expectations in this framework, and supporting guidance, and set out what this looks like across different localities. To ensure confidence across the system a peer-support model will be adopted to help the development of the plans, including support across the Regional Improvement Collaboratives and from Education Scotland. In developing the plans local authorities should also engage with other partners where appropriate, including trade unions and parent representatives.

Physical distancing and impacts upon capacity

We will adopt a maximalist approach. That is, provided it is consistent with the health and wellbeing of both pupils and staff and a quality learning environment, to enable as many pupils as possible to return to education settings, to some extent, at the earliest date possible.

The majority view of the Chief Medical Officer's Advisory Group is that it would be appropriate to consider actions to support distancing guidance in schools and situations where children are in indoor environments for extended periods of time. Given the noted weakness of evidence around the transmission in children, the Chief Medical Officer's Advisory Group did not reach a unanimous view on this. There was a minority view that, once the timing was appropriate to enable opening of schools in any form, physical distancing in classrooms may not be a necessary measure and that fully re-opening schools should be considered. As a consequence, our initial approach from August 2020 will be a blend of in-school and in-home learning for almost all children and young people. This will be kept under constant review and time spent in-school will be increased further as and when it is safe to do so, working towards full-time in-school learning for all.

The implementation of physical distancing will impact upon the capacity for in-school learning within a specific setting. For the first phase of re-opening, schools should

assess the maximum number of pupils they can safely accommodate at any one time while maintaining a quality learning environment, having regard to supporting guidance that will cover factors such as:

- Teaching in smaller groups, with a degree of rotation / alternation.
- Where practicable, minimising the mixing of such groups.
- Seating positions being reorganised so that pupils are a safe distance apart (for example, 2m when seated at desks).
- Increased use of outdoor spaces.
- Staggered arrival and departure times and clear guidance to parents to avoid congregating in playground areas.
- Breaks being staggered by class, to avoid pupils from different classes coming into contact where possible (particularly when indoors and some more enclosed outdoor spaces).
- Considering whether teachers, rather than pupils, should move round classes where practicable.
- How pupils and staff will get to and from school in a safe manner.
- Dining provision.
- Enhanced hygiene practices.

Periods spent outdoors or during transitory periods (e.g. moving through corridors for short periods of less than 15 minutes) are thought to be of lower risk.

Additional space will be required for some children and young people with additional support needs who rely upon the use of equipment, such as hoists, particularly where this provision is provided in a mainstream school setting. Appropriate arrangements should be made to cater for individual needs on a case by case basis and particularly for children with severe and complex needs where handling and personal care is required, in line with legislative requirements.

This capacity assessment for the initial phase of re-opening will equally need to make consideration of the total number of available staff (both teaching and support staff), including estimates on staff absence rates based upon shielding requirements and the impact of successful TTIS practices. Physical distancing in staff spaces (such as staff rooms, toilets etc.) will also form part of the capacity considerations.

Depending on each school setting this will mean that a higher or lower proportion of the pupil population can be accommodated at the school at any one time. Local authorities should look to maximise their capacity for pupils to benefit from in-school learning, while ensuring a high quality nurturing and learning environment for children, through innovative approaches which include both:

- The potential to expand the 'learning estate' by e.g.: the use of outside space or halls; repurposing other parts of the public estate, including libraries, community halls, leisure centres, etc.; using stadia or conference venues; and/or taking short-term leases of vacant business accommodation. All of these approaches will need to be subject to appropriate risk assessments and health and safety assessments/modifications.

- Ensuring that existing workforce capacity is fully utilised to respond to local challenges, and considering with partners other options to supplement the existing workforce where required. These are under active consideration by local authorities and the General Teaching Council for Scotland (GTCS), and could, for example, involve calling on former teachers to return to teaching during the crisis (either in classrooms or virtually to support in-home learning, depending upon personal circumstances and training logistics). If such measures prove necessary, GTCS will work with partners to streamline registration processes and ensure expedited Protecting Vulnerable Groups procedures are in place to maintain public confidence in those involved in learning and teaching.

Distribution of places

As implied above, capacity constraints and a finite number of daily places available for in-school learning necessitates that those places will need some form of distribution.

To support NHS capacity and other essential work, an ongoing priority should be to ensure that there is a sufficient access to education and childcare for children of keyworkers. This should only be in circumstances where this is absolutely necessary and to ensure that parents/carers with no other option for childcare can continue to work in their role of delivering essential services. It might include attendance in-school on a full-time basis or a mix of education and childcare provision⁴. Local Phasing Delivery Plans should consider the respective merits of the two potential approaches, taking particular account of impacts upon equity and knowledge of local priorities, with the option of mobilising the out of school care sector to support such childcare where beneficial.

Remaining in-school provision should be distributed across all year groups to ensure that every pupil in Scotland benefits from in-school learning wherever possible. Local authorities and schools should use their capacity assessments plus knowledge of local circumstances to determine both the optimal pattern of such attendance (e.g. on a part week model, or one week on / one week off) and also the need to prioritise any groups where need is greatest. Particular consideration should be given to:

- The appropriate pattern of attendance/rotation for different age groups, including consideration of wellbeing issues.
- Provision that best supports children and young people with additional support needs.
- Those from disadvantaged backgrounds &/or those who have been less able to engage with learning.
- The respective uses made of time spent either learning in-school or in-home, along with related staffing requirements.

All pupils are deemed in scope except for those who are unable to attend because they are following public health guidance. NHS Inform have provided advice specifically for people who are [shielding](#), and the document ['Coronavirus \(COVID-](#)

⁴ I.e. some time spent in schools (along with their peers) and the balance of time (when their peers would be at home) in appropriate childcare provision.

[19\): physical distancing in education and childcare settings'](#) provides advice for schools and childcare settings who are providing care to children during the pandemic, including for children at increased or very high risk of severe illness from COVID-19.

The GIRFEC vulnerability and resilience matrix should be used to support the above considerations.

A blended model of learning that enables excellence and equity

A blended model of in-school and in-home learning is reliant on consistent, easy to use in-home learning materials which are intended to support and complement, but not replicate, in-school learning. This includes consideration of the specific needs of children and young people with additional support needs and other families most in need of support.

There should be a strong focus on pupil health and wellbeing, including mental health and resilience, alongside both literacy and numeracy during this period. While recognising that in-home learning takes many forms (including support from families) and is by no means all IT based, an approach to digital learning should be implemented to mitigate negative impacts on equity. There will be a specific focus on providing digital access for pupils who do not have this at present. Consistency in provision will be especially important for senior phase pupils.

Education Scotland will ensure learning materials are available on a national basis both to support in-home learning and to augment and support schools' own arrangements for children and young people. This will include the development of education, community and family capacity to enable this work and to achieve effective learning.

With the model of learning that pupils experience during a phased return to schools opening fully, assessment to plan for progression in learning should continue. Local authorities, schools and other settings should consider the needs of children and young people after a prolonged period of remote learning and absence from school. It will be important to promote reconnection and recovery within the curriculum. Further guidance on curriculum and assessment will follow from the Education Recovery Group.

For young people in the senior phase, the models of learning must also support the requirements of National Courses, including coursework, and as young people prepare for certification in 2021, the details of which will be confirmed in due course. Continuity of learning and teaching for all, as far as that is possible, will be key in this period of phased return.

Additional factors

In all of the above Local Phasing Delivery Plans should make consideration of:

- The needs of pupils with additional support needs. Special schools should make many of the same considerations as primary and secondary schools. There will

be a need in all schools to consider the equipment and spaces to be used, for learning and teaching, and other support activities, including therapy provision, lunch provision, physical activity and break times. Schools should give consideration to the potential of increased needs for support as a consequence of disrupted learning, for example behavioural support as a result of increased distress. The above also include the need to consider the needs of teaching and support staff in settings providing this support (including but not limited to PPE). This may mean there is a need for increased numbers of appropriately trained staff and the identification of spaces in schools which can be used to support distressed children.

- The phasing of all pupils attending schools will need careful consideration for the emotional, physical and mental health and wellbeing of learners. Leaders and teachers will need time to work with the school community to explain local approaches and provide reassurance and support to learners and families.
- The speed and ease with which phasing could be reversed if the situation deteriorates and health requirements suggest it is necessary (either nationally, locally or at the school level) due to TTIS.
- Equally, if evidence allows, plans will need to enable increased in-school learning time for all, working towards the resumption of full-time in school provision when possible. Staff awareness and understanding of any relevant evidence will be crucial in building confidence for any return which is different from the current physical distancing guidelines⁵.
- Key points where models of provision must be aligned across sectors if recovery is to support children and families' needs effectively. These include:
 - Provision of critical childcare for designated groups (incl wraparound and out of school care).
 - Provision of support in transition, for example from ELC into P1, or P7 to S1.
 - Provision for family groups. Families will benefit from access to provision for brothers and sisters , as much as possible, being aligned across ELC, primary and secondary.

All of the above must sit alongside a full risk assessment around the operation of school buildings (and any temporary additions to the school estate) to ensure that they are compliant with all health and safety requirements.

Steps for the initial phase of re-opening

We aim to restart in-school learning for almost all children and young people in Scotland in August.

Subject to public health guidance, teachers and other school staff should be returning to schools at some point during June, to plan and prepare for the new

⁵ Evidence currently suggests that it will be safer for younger groups of children (ELC and primary) to move towards full-time in-school learning more quickly than young people of secondary school age. This would also need to be balanced against what the evidence tells us about the safety of staff.

blended model of learning to be implemented from August. Health and safety guidance, including risk assessments, will be in place prior to staff returning to school in June.

The start date of the new term will be standardised to 11 August 2020 only for the purposes of managing Covid-19, which will mean an earlier than planned start for some schools. The Scottish Negotiating Committee for Teachers will give advice to Local Negotiating Committees for Teachers on how to manage this locally and how to reach agreement on when lost holiday time should be taken back. A universal approach will bring benefits for children, including an earlier return to school for many, and the ability for all learners to engage with weekly in-home learning tasks.

Mindful of the impact of lockdown on many of our most vulnerable children, local authorities will work with partners to increase the numbers of children attending critical childcare provision including hubs. This will include both keyworker children and children whom teachers, ELC professionals and other partners, in consultation with the local authority, think would benefit most from early direct contact with education and care staff. There should be a particular focus on supporting children at key transition points (e.g. due to start P1 or S1) which may include some in-school experience in late June, so that they are fully supported to make the next steps in their education.

Critical childcare will need to continue throughout May, June and the summer break to ensure ongoing provision for key worker and vulnerable children. When school staff return in June to prepare for the new school session in August, local authorities should consider carefully how to resource hubs during this period. It will be important that school staff have time and space to work and plan together to prepare for the start of session 2020/21.

Section 5 – Implementation in Early Learning and Childcare

The reopening of ELC and school age childcare services must reflect the needs of children at different ages. This framework for re-opening is based upon age-appropriate public health measures and is intended to:

- Maximise the ability of children and families to access safe, high quality ELC and school age childcare as early as possible to support our young children to develop and learn, to build social skills and networks, and in turn to help reduce the poverty related attainment gap, and to meet families' childcare needs.
- Support authorities and providers to identify the capacity available to support that provision.
- If necessary to prioritise access to that capacity.

Age appropriate public health measures

It is not appropriate for young children to maintain the models of physical distancing that would be suitable for older children, either practically or in terms of child development. In particular, it is not desirable or possible to implement strict physical distancing between young children or between a young child and their key worker. Alternative, age appropriate public health measures will be put in place for ELC settings. These build on practice undertaken in other countries where nurseries have already reopened, including Denmark and Norway. They include:

- Enhanced hand hygiene and cleaning practices.
- Caring for children in small groups.
- Minimising contact between those groups.
- Maximising use of outdoor spaces.
- Physical distancing between adults in the setting, including parents at drop-off and pick-up times.

The application of these measures and the extent of change they represent from normal practice may differ across different types of childcare provision. For example, childminding services already operate on the basis of caring for children in small groups.

The Critical Childcare and ELC Recovery Workstream will oversee the production of clear operating guidance for ELC and school age childcare services, including bespoke guidance for childminding services, drawing on public health advice and taking a risk-based approach.

Prioritised approach to access

Working in this way may reduce capacity in individual services. The impact on capacity will vary greatly dependant on the individual settings' layout, staffing and delivery model. A framework for assessing impact on capacity will be developed to support providers. Where capacity is limited, providers should ensure that the following three groups have priority access to that capacity:

- Children who may be provided with access to daycare services under section 2 of the Children (Scotland) Act 1995⁶.
- Children eligible for the funded entitlement⁷ of 600 hours of ELC i.e. eligible 2 year olds and all 3 and 4 year olds.
- Key worker families requiring critical childcare⁸.

Local authorities and providers will have discretion over how to allocate overall capacity in line with these principles and the local GIRFEC practice model. Local authorities and childcare providers should work together in meaningful partnership to meet the needs of local children and families.

Any remaining capacity should be used to meet the childcare needs of other working families. This will include provision for children from birth to 3, wraparound care for children eligible for funded ELC, and daycare of children provision for school age children.

Timetable

Daycare of children services, including nurseries, playgroups, childminding services and out of school care services, will be advised when it is safe to prepare for reopening in accordance with the phases laid out in Scotland's route map through and out of the crisis. As per steps taken at the time of closing provision, the Scottish Government will communicate formally with all local authorities and representative bodies, and providers will be informed directly through the Care Inspectorate. The timing of this communication will take account of the lead-in time required for local authorities and providers to prepare, including the implementation of public health measures and the steps required to bring staff in the private and voluntary sectors off furlough. Services will not necessarily all re-open on the same day – for example, if re-opening commences over the summer, some term time only services may start later in line with normal patterns of provision – and different timetables may apply to different parts of the sector depending on public health advice.

Critical childcare provision will continue until daycare of children's services reopen to ensure ongoing provision for key worker families and vulnerable children.

As identified above, transitions into primary school must be supported, and ELC providers should work with local authorities to develop child-centred means of doing this ahead of August, reflecting local conditions.

Additional considerations

ELC is delivered within a system that meets the wider childcare needs of families. This comprises a mixture of different types of provision (nurseries, playgroups,

⁶ Under section 27 of the 1995 Act, local authorities are required to provide day care for children who are in need and have powers to provide day care for those who are not in need. "In need" is defined by section 93(4) of the 1995 Act.

⁷ Section 47(1) of the Children and Young People (Scotland) Act 2014 states that the education authority must 'secure that the mandatory amount of early learning and childcare is made available for each eligible pre-school child belonging to its area.' This mandatory amount is defined in section 48(1) as 600 hours a year.

⁸ <https://www.gov.scot/publications/coronavirus-guide-schools-early-learning-closures/pages/key-workers/>

outdoor nurseries, childminding services, etc.) delivered through a mixed market of local authority, private, and third sector organisations, including childminding services and out of school care provision. A provider neutral approach should remain at the heart of ELC delivery, with parents able to access ELC from a range of high quality providers across the public, private or third sectors, including childminders.

To implement this framework, there are a number of detailed issues that Scottish Government, local authorities, and other partners must work together to consider, providing national guidance to inform local implementation:

- **Quality of experiences and the wellbeing of children and families remain at the centre of decision-making.** ELC must continue to be delivered in a way that is consistent with Realising the Ambition, with child-led, play-based pedagogy driving practice. High quality childcare experiences must be age appropriate, rights based and child centred. **We will jointly produce practical guidance and examples to support local authorities and providers to incorporate age appropriate public health measures into the delivery of high quality services.**
- **The safety and wellbeing of staff working in ELC and school age childcare settings.** It is essential that staff are safe, supported and able to feel confident about being in their workplace. **We will jointly produce practical guidance to support providers in different types of setting to implement public health and hygiene measures.**
- **Clear communication with parents, providers and staff.** It is important that there is a clear understanding of what parents can expect from ELC provision, and what providers should offer. Most importantly, everyone involved in ELC provision should feel confident in returning to reopened provision. **We will jointly produce clear national communications on ELC and childcare reopening, and local authorities and providers will work in partnership to provide information locally to staff and parents.**
- **Engagement with the Care Inspectorate on any regulatory measures or changes required to support a new model of ELC and childcare delivery.** These issues must be fully understood and inform the modelling of available capacity. **We will work with regulators to ensure that providers have the clear guidance needed before reopening, and time to put changes in place.**
- **An inclusive and innovative approach to safely increasing the available capacity which safeguards quality,** including greater use of outdoor space, re-purposing 1140 hours capacity and activating 1140 hours contingency plans for critical capital projects. These include making use of community facilities which have been approved for other uses if required for capacity - including town halls, libraries etc. **Local authorities and providers will work in partnership to consider all of the options for capacity in the local area, and how best to use these to meet demand.**
- **A commitment to designing a model which is financially sustainable for local authorities and private, and third sector providers.** The cost per hour of

delivering childcare including ELC will increase as a result of reduced capacity, and other potential additional cost pressures (for example, enhanced cleaning schedules). Fee income from privately purchased childcare hours for all age groups is also likely to be adversely affected, affecting the sustainability of childcare providers. Other forms of transitional business support are likely to be required by private and third sector providers throughout recovery (many of whom will have furloughed staff during the closure period). **We will work closely with providers and Local Government to understand and address financial sustainability.**

Resources

It is recognised that there are likely to be additional costs associated with the implementation of the measures set out in the framework and the more operational issues developed through the workstreams. To ensure that delivery of the required changes is manageable and sustainable, an assessment will be made of any net additional costs that are expected to be incurred in relation to both schools and ELC. The Scottish Government will work closely with Local Government to understand and address financing as work progresses.