

## SCHOOL GUIDANCE REGARDING CRITICAL WORKER STATUS



Please note that there is some confusion over ‘critical worker’ and ‘key worker’ status and eligibility for places in school during lockdown. Some companies regard certain employees as ‘key workers’ and are providing letters to support requests for places. These are not considered acceptable as proof, as the government has provided clear guidance regarding ‘critical workers’, that states ‘**Parents whose work is critical to the coronavirus (COVID-19) and EU transition response...**’

It also states ‘**...parents and carers should keep their children at home if they can.**’

We appreciate your support in doing this and in helping the fight against community.

Government Guidance	Comment
<p><b>Health and social care</b></p> <p>This includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• doctors, nurses, midwives, paramedics, social workers, care workers, and other <b>frontline</b> health and social care staff including volunteers;</li> <li>• the support and specialist staff required to maintain the UK’s health and social care sector;</li> <li>• those working as part of the health and social care supply chain, including producers and distributors of medicines and medical and personal protective equipment</li> </ul>	<p><b>Frontline</b> is the key but also notes employees and volunteers in the sector.</p> <p>The expectation is that those staff are at work/ on an active work /active duty rota, so those on annual leave, lieu time, other paid leave including but not limited to maternity leave, paternity leave, study leave, sick leave, etc. would not be deemed as ‘being actively at work’ and are excluded from accessing school provision.</p> <p>Also, likely to include support and specialist staff –e.g. receptionists, medical records officers, pharmacists, etc.</p> <p>Supply chain could include individuals working in manufacturing whose business provides/ produces medical supplies.</p>
<p><b>Education and childcare</b></p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• childcare, support and teaching staff</li> <li>• social workers and those specialist education professionals <b>who must remain active</b> during the COVID-19 response to deliver this approach</li> </ul>	<p>Schools are being specifically asked to keep open to offer placement for vulnerable children and children of critical workers. Therefore, all <b>staff deemed essential for this function</b> should be deemed critical workers – teachers through to cleaners and lunch supervisors.</p> <p>Note that staff on rota by school may be asked to undertake alternative roles to support the school during this period</p> <p>In addition to school staff, critical workers may also include childcare providers, associated education professionals – educational psychologists, education welfare officers, other LA officers supporting these roles, however school would also need to determine if/ why these roles could not be done working from home</p> <p>As most LAs have put in place strict working from home guidelines, the majority of employees in most LAs locally are working from home.</p>



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	<p>The culture secretary has confirmed (in the same publication article) that ancillary staff required to ensure the broadcast/print is maintained will also be covered "where applicable" as critical workers, suggesting once again a wider interpretation of critical worker".</p>
<p><b>Local and national government</b></p> <p>This <b>only includes</b> those</p> <ul style="list-style-type: none"> <li>• administrative occupations essential to the effective delivery of the COVID-19 response, or</li> <li>• delivering <b>essential public services</b>, such as the payment of benefits, including in government agencies and arm's length bodies.</li> </ul>	<p><b>Administrative occupations</b> - The LGA believes that all local government staff are likely to be critical to the delivery of the COVID-19 response irrespective of their formal role; in schools this may include teaching assistants and other support staff. However, though the role may be critical, such staff should be challenged as to their ability to work from home/amend shift patterns – this is because only limited staff groups will be required to attend place of work (e.g. housing rents/bin men/cleansing/council tax collections etc. require attendance at work but HR/Finance/H&amp;S/Social Workers staff may well be able to work from home some or all of the time.)</p> <p>Where a rota is in place for limited staff attendance at work then qualification for children to attend school should be limited to such time the critical worker is required to attend their place of work.</p> <p>Examples (1) ICT – many employees will be working from home, but a rota would be required for physical maintenance of networks at place of work (2) Cleaning staff – there may well be an ongoing requirement for attendance through normal shift patterns to ensure council buildings are cleaned.</p> <p><b>Essential Public Services</b> – other than staff dealing at the front line with COVID-19 response other essential public service staff would include bin operatives, cleansing workers etc.</p>
<p><b>Food and other necessary goods</b></p> <p>This includes those</p> <ul style="list-style-type: none"> <li>• involved in food production, processing, distribution, sale and delivery, as well as those</li> <li>• essential to the provision of other <b>key goods</b> (for example hygienic and veterinary medicines).</li> </ul>	<p><b>Food production/processing etc.</b> - The government guidance does not attempt to narrow the scope of workers deemed critical in relation to food. Therefore, schools should assume it covers all staff working within that area of the economy.</p> <p>As way of an example, looking at retail supermarkets the guidance is likely to cover retail sales assistants, warehouse attendants, security and cleaning, bakery, as well as senior management. It would also cover the transport of food to the retail establishment, as well as packers in the manufacturing plant through to the farmer producing the raw materials for the food production. This does not extend to food provision through restaurants or take away establishments.</p> <p><b>Key goods</b> – this is unfortunately open to interpretation though the examples provided would suggest a narrow interpretation – so production and distribution of PPE and medicines would be included but say production of nail varnish or fragrances/ sprays may not. However, government are clear that it's down to the employer to determine who is critical to maintaining the provision concerned.</p>

## SCHOOL GUIDANCE REGARDING CRITICAL WORKER STATUS

<p><b>Public safety and national security</b></p> <p>This includes</p> <ul style="list-style-type: none"> <li>• police and support staff, Ministry of Defence civilians, contractor and armed forces personnel (those <b>critical to the delivery</b> of key defence and national security outputs and <b>essential to the response</b> to the COVID-19 pandemic),</li> <li>• fire and rescue service employees (including support staff),</li> <li>• National Crime Agency staff, those maintaining border security, prison and probation staff and other national security roles, including those overseas.</li> </ul>	<p><b>Police etc.</b> - These functions are relatively clear and would include ancillary staff as well as front line to ensure delivery of such critical services are not interrupted.</p> <p><b>Fire etc.</b> - As above</p> <p><b>Security etc</b> - As above</p>
<p><b>Transport</b></p> <p>This includes those who will keep the:</p> <ul style="list-style-type: none"> <li>• air, water, road and rail passenger and freight transport modes operating during the COVID-19 response, including those <b>working on transport systems through which supply chains pass.</b></li> </ul>	<p>In relation to transport then examples of critical workers could include - Bus drivers / rails drivers, mechanics keeping them running, cleaners cleaning them. Front line staff at bus/metro/rail stations. Transport police. Road maintenance staff. Back office workers that cannot work from home – ticket sales etc.</p> <p>Not critical workers in such sectors of the economy could include – Fare conductor, catering on trains, Metro newspaper distribution etc.</p>
<p><b>Utilities, communication and financial services</b></p> <p>This includes staff needed for</p> <ul style="list-style-type: none"> <li>• <b>essential</b> financial services provision (including but not limited to workers in banks, building societies and financial market infrastructure),</li> </ul>	<p><b>Financial Services</b> - The Bank of England issued helpful guidance on 20th March 2020 relating to financial services and the identification of critical workers as follows:</p> <p><i>"Firms are best placed to decide which staff are essential for the provision of financial services. To help firms identify who they are, firms should first identify the activities, services or operations which are likely to lead to the disruption of <b>essential services</b> to the real economy or financial stability. Firms should then identify the <b>individuals that are essential to support these functions</b>. Firms should also identify any critical outsource partners who are essential to continued provision of services, even where these are not financial services firms.</i></p> <p>The types of roles that may be considered as providing essential services could be:</p> <ul style="list-style-type: none"> <li>• Individuals essential in the overall management of the firm, for example Senior Managers Regime;</li> </ul>

## SCHOOL GUIDANCE REGARDING CRITICAL WORKER STATUS

<ul style="list-style-type: none"> <li>• oil, gas, electricity and water sectors (including sewerage),</li>   <li>• information technology and data infrastructure sector and primary industry supplies to continue during the COVID-19 response, as well as</li>   <li>• <b>key staff</b> working in the civil nuclear, chemicals, telecommunications (including but not limited to network operations, field engineering, call centre staff, IT and data infrastructure, 999 and 111 critical services),</li>   <li>• postal services and delivery, payments providers and waste disposal sectors.</li> </ul>	<ul style="list-style-type: none"> <li>• Individuals essential in the running of online services and processing;</li> <li>• Individuals essential in the running of branches and providing essential customer services, such as those dealing with consumer queries (including via call centres), client money and client assets and those maintaining access to cash and other payment services;</li> <li>• Individuals essential to the functioning of payments processing and of cash distribution services;</li> <li>• Individuals essential in facilitating corporate and retail lending and administering the repayment of debt;</li> <li>• Individuals essential in the processing of claims and renewal of insurance;</li> <li>• Individuals essential in the operation of trading venues and other critical elements of market infrastructure;</li> <li>• Risk management, compliance, audit and other functions necessary to ensure the firm.</li> </ul> <p>Firms should consider whether they should issue a letter to all individuals they identify as critical workers that clearly identifies them as such and that can be presented to schools on request”.</p> <p>An example that would not qualify would be say accountants who work as self-employed individuals or who work for an accountancy company as currently the HMRC have extended filing/ payment deadlines</p> <p><b>Utilities</b> – Though there has been no sector wide advice as to who can be considered a critical worker examples could include drilling engineer working on site, various scientific roles such as geologist etc., emergency repairs work as engineer, H &amp; S staff could be essential. Little customer facing roles in this industry that could not be done from home.</p> <p>It would be difficult to see how someone in marketing or sales would be a critical worker in this sector except where part of a dedicated call centre that cannot be transferred to home working.</p> <p><b>Information technology etc.</b> – without sector guidance then above guidance would be applicable</p> <p><b>Communications etc.</b> – though referencing critical staff the guidance goes on to include call centre staff (see above). Though always up to employer to determine if the role is critical schools should anticipate a wider interpretation.</p> <p><b>Postal service etc</b> - Front line staff but also ancillary staff to ensure postal services continue to function – as with all cases the test remains whether the work can be undertaken at home some or all of the time.</p>
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<p>If workers think they fall within the critical categories above, <b>they should confirm with their employer</b> that, based on their business continuity arrangements, <b>their specific role</b> is necessary for the continuation of this <b>essential public service</b>.</p>	<p>This is a reminder that staff who think they are critical to the COVID-19 response should seek confirmation from their employer in case this is requested. That this confirmation is that their role is covered within the guidance outlined in this briefing note as a critical worker required to be in attendance at work.</p> <p>Critical workers delivering roles that can be carried out at home, should do so, and therefore will not require critical worker places.</p>
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### **Allocating places**

A risk assessment has been carried out to ensure the safety of the school during the period of lockdown as well as during wider opening throughout the period of dealing with the COVID-19 response. The risk assessment is reviewed at least weekly and amended as necessary.

The risk assessment, approved by Trustees of OWN Trust, has placed a limit on the number of places available for critical workers and vulnerable children occupying each bubble. Once this limit is reached a review of the risk assessment will take place and if it is deemed that it remains unsafe to go beyond that number the allocation of places will be reviewed.

Where there are insufficient available places available within a bubble, the allocation will be made on a weekly basis, based on requests received by 4:00 p.m. on the Thursday of each previous week. This is to ensure staff can respond to requests and allocate places in a timely manner.

In allocating places, priority will be given to the categories of critical workers in the following order:

Places for vulnerable children will be allocated first, with priority given to those with EHCPs or allocated social workers.

Then:

1. Health and children's social care, then adult social care;
2. Education and Childcare;
3. Essential Local and National Government (unable to work from home);
4. Essential food and other goods as outline above;
5. Public safety and national security;
6. Transport;
7. Utilities, Communication and Financial.

Procedure:

- a) A form requesting a place, signed to confirm that the critical worker criteria have been met and that there is no-one available to care for your child at home, must be completed and returned to the school office by 4:00 p.m. on Thursday for places the following week. (This will become weekly if the number of requests exceeds the number of places available according the current risk assessment);
- b) Proofs must be provided, as requested by the school office. These should include contact details of the employer for verification if needed;
- c) The school office will assess the request and if necessary validate the proofs provided;
- d) Places will be allocated and parents notified of the outcome of their request by 3:00 p.m. on Friday (weekly if numbers necessitate).

Please note, that children should not attend school following a request for a place until this has been confirmed by the school office.