**New Department for Education Guidance for early years settings (England)**

The DfE has published updated guidance for early education and childcare settings. <https://www.gov.uk/government/publications/coronavirus-covid-19-early-years-and-childcare-closures>

As you will know the government has decided early years settings should remain open to all children despite the decision to close all schools and colleges to all but vulnerable children and the children of critical workers. UNISON believes this is not safe for staff and the communities they work in. We are campaigning for them to be treated in the same way as schools.

This would mean that all early years settings should be open only to vulnerable children and the children of key workers and they should be fully funded as though the attendance was at pre-pandemic levels.

The government is refusing to publish the scientific evidence for the different treatment of early years despite calls from across the sector.

If settings do remain open, we believe that they must;

* Undertake revised risk assessments, taking into account the increased transmissibility of new variant and the move to Covid alert level 5.
* Restrict numbers of children and ‘bubble’ sizes to eight children as was the case when settings re-opened in June after the first wave of the pandemic.

Not only are the DfE treating early years settings differently to schools when it comes to attendance of pupils, they are also treating them less favourably than schools when it comes to funding. Whilst schools remain fully funded as if all pupils are in attendance, early years settings will only be funded for those children actually in attendance.

This means that many settings will see a reduction in income as parents keep their children at home on safety grounds. We have had reports of settings ringing up parents to actively encourage their children to come to nursery which completely defeats the point of lockdown.

The DfE guidance states that early years is the most crucial stage of development for children, yet they are treating like an afterthought.

The guidance states that the DfE is keeping early years settings open because they say the effects on young children are less than with other age groups and they have less effect on the transmission of the disease than schools.

This is of little consolation to the staff who work in early years who are asked to continue as normal while the safety of others is being prioritised. The DfE has published no evidence detailing the reduced risk of early years settings. With no social distancing and with young children more likely to be asymptomatic UNISON is not convinced by the government’s argument. We believe that it is largely an economic and political decision to keep early years settings fully open and one that disregards the health of early years workers.

**Attendance**

The guidance gives no restrictions on ‘bubble’ sizes nor places any limits on the number of children attending the setting. It recommends that children should only attend one setting where possible, but it does not bar attendance at more than one setting.

UNISON believes that given that there is an increased risk of infection since last year, that settings should revert to a maximum recommended ‘bubble’ of eight children at the most, as was in place when settings re-opened last June.

The guidance recommends that staff should not work in more than one setting and UNISON would also recommend that staff are not asked to work across ‘bubbles’.

**Risk Assessments**

UNISON believes that settings will need to undertake new risk assessments to include the added risk brought about by the increased rates of infection and the increased transmissibility of the new strain of the virus.

Despite the increased risk there are no specific additional measures recommended in the DfE guidance compared to the advice given last year.

UNISON believes that further mitigation must take place, including reducing bubble sizes and limiting the groups of children that staff work with.

**Can I refuse to attend work if I believe that my workplace is unsafe?**

UNISON remains clear that members who work in early years have a right to a safe working environment. We will continue to place pressure on the Government and employers to ensure this. In addition, individuals shouldn’t have to work where they reasonably believe that they (or others) face serious and imminent danger.

Please contact [your local UNISON branch](https://branches.unison.org.uk/) for further advice and support.

**Face Coverings**

The DfE guidance states that the wearing of masks is not mandatory for either children or visitors to EY settings. UNISON would strongly advise that it should be compulsory for all adult visitors and that masks should be worn by all in any communal areas.

**Enhanced Cleaning**

The DfE guidance recommends an enhanced cleaning regime. It states that any shared materials must be thoroughly cleaned between use and left out of reach for at least 48 hours before another group use those facilities. (72 hours if it is plastic).

**Transport**

The guidance recommends that travel and use of public transport is kept to an absolute minimum.

**Visitors**

The guidance states that visitors to the settings should be kept to a minimum. UNISON recommends that all visitors are required to wear a mask. It states that parents are allowed in settings to ‘settle’ new children into the nursery.

**Support Groups**

The guidance says that settings can continue to run support groups of up to 15 adults for sessions such as breastfeeding or post-natal groups. UNISON believes that these numbers are excessive, and settings will need to review the safety of running these groups.

Social support groups such as music groups are not permitted.

**Clinically Extremely Vulnerable (CEV) staff and Clinically Vulnerable (CV) staff**

The guidance states that CEV staff should not attend work and should work from home where possible.

The guidance states that CV staff and those that share their household with CV or CEV staff can return to work. UNISON would recommend that these staff are given the opportunity to work from home or to undertake duties where strict social distancing can be applied.

For staff in local authority nurseries and schools, settings should follow the NJC guidance on CEV and CV staff.

<https://www.unison.org.uk/at-work/local-government/coronavirus-guidance-local-government-workers/>

**Changes to the Coronavirus Job Retention Scheme (CJRS)**

Along with the changes to the funding policy the government has amended the rules for accessing the CJRS for early years settings.

<https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care>

Previously, settings could only apply for the funding to furlough staff based on the percentage of the income they had lost through private income such as parental contributions to fees.

However, now if settings lose income from government funded places because parents are withholding children from nursery of safety grounds, or if they are unable to offer places because of staff shortages due to illness or safety grounds, nurseries can now access the scheme based on this loss of income as well.

How nurseries calculate their losses from different sources is complex, but this change should give more flexibility for settings to furlough staff if they face a short-term loss of income. This includes schools and council run nurseries who will be able to access the scheme even though they are public bodies.

**Disapplication of the EYFS**

During the health pandemic the government has disapplied some of the requirements of the EYFS. These include staffing ratios, as long as ‘best endeavours’ to maintain them have taken place.

Other disapplications include the need to undertake the two-year old progress check and for paediatric first aiders. The full list can be found here:

<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2/early-years-foundation-stage-coronavirus-disapplications>