

Guidance Document — 2021 Reopening and Level 5 Restrictions

Version 4 - Updated 12 January 2021

It is critical to ensure a safe reopening of settings and return to work of staff. This guidance covers areas that our members should consider, such as identifying and updating control measures and updating of safety statements, risk assessments and emergency plans, staff training and return-to-work forms, the EWSS and managing absences.

Members are reminded of the HPSC's [Infection Prevention and Control guidance for settings providing childcare during the COVID-19](#).

There is also useful information on the [First5 website](#) and the [Planning for Reopening](#) page of the Early Childhood Ireland website.

FAQs for providing care to essential workers and vulnerable children

New FAQs have been published by the Department regarding the provision of care to essential workers and vulnerable children. You can find these FAQs [here](#). We would advise all providers to read through these carefully, and to be fully aware of what has been outlined by the Department before making any decisions regarding opening or closing over the coming weeks.

Contact us

Early Childhood Ireland's Early Years Employer Service (EYES) can be contacted Monday to Friday from 9am to 5pm, by phone on (01) 405 7103 or by email on eyes@earlychildhoodireland.ie. The EYES team is here to help with a range of issues during this time. If you have a query outside of these hours, please send us an email and we will get back to you as soon as possible.

Reopening safely and risk assessments

As a reminder, when returning to the setting after a period of closure, providers should revisit the [Return to Work Safely Protocol](#) and update or complete the checklists throughout. This will ensure your setting has up to date control measures in place to reduce the risk of the spread of COVID-19 upon reopening. A thorough risk assessment, with updated risks identified where necessary, should be completed in the setting in the context of COVID-19, the [COVID-19 Health And Safety Checklist For Reopening](#) would be recommended. As part of this review, examination of procedures to deal with a suspected case of COVID-19 is advised, to ensure they are fit for purpose. These should be communicated out to both staff and families.

It would also be a good time to review and complete Tusla's [Self Assessment Checklist](#) to ensure that all infection control measures are up to date and meet the needs of your setting.

It is advisable to involve staff in this process as they not only know the setting well, but it will also give them some reassurance about the measures and controls in place to prevent the spread of the virus. Staff need to be told about changes in the setting and updated on new ways of working, particularly if a setting is not working at full capacity resulting in any changes to pods etc.

Staff Training and Returning to Work

Early Childhood Ireland's COVID-19 Return to Work training is available to service provider members without charge and can be found on Early Childhood Ireland's [Learning Hub](#). We would recommend refresher training on pods, cleaning and COVID-19 Policies for all staff. The COVID-19 Return to Work Training would be ideal for this.

We would advise members to ensure all staff complete and submit the Return-To-Work form at the end of the training to ensure all information is up to date, given their absence from the setting over the Christmas period. The form can be found [here](#) (at Appendix 1). Staff should be advised to self-monitor for signs and symptoms of COVID-19, and the Return-To-Work form should be used to assess the health of staff members before they enter the setting. Staff may also be requested to review and update the Return-To-Work checklist ([checklist 6](#)) to keep them up to date and informed about what they can do to help prevent the spread of COVID-19 in their setting.

The Planning for Reopening Page of our website contains useful webinar recordings and podcasts that cover practice considerations which staff may find useful at this time.

<https://planforreopening.earlychildhoodireland.ie/webinars-podcasts/>

Guidance on prioritising attendance

As announced on Wednesday, 6 January 2021, the Minister for Children, Disability, Equality, Integration and Youth, Roderic O'Gorman, TD. has confirmed the following:

- Resumption of the ECCE pre-school programme has been postponed until 1 February.
- Other childcare services will remain open for the children of essential workers and vulnerable children only.

Full FAQs which will assist with the prioritisation of places can be found [here](#).

Services are asked to prioritise the children of frontline and essential workers. A list of essential businesses, services and workers can be found [here](#), and is constantly being reviewed. If services are unsure if a parent is an essential worker, they can, at their discretion, request a letter from their employer confirming their employment or essential status.

Services are also encouraged to support vulnerable children, sponsored under the National Childcare Scheme - children funded through legacy DCEDIY schemes who are experiencing poverty, disadvantage or child welfare issues and children with additional needs who were attending full or part time Early Learning and Care and may benefit from immediate re-engagement with services after the Christmas break. Guidance on vulnerable children and sponsor arrangements can be found in the FAQs [here](#).

Fees

Following the first closure, we advised members to update their Fees Policy to allow for the collection of fees should this eventuality occur again. If settings are open and providing a service, the fees policy should be followed, even if parents/guardians decide against sending children. However, providers should consider their relationships with parent/guardians and the personal circumstances for their

families. In all situations, we would strongly suggest following the Fees Policy in force in the service and agreed to by parents.

We also advise our members to bear in mind that Minister O’Gorman in his [press release](#) dated 6 January 2021 asks that *“In light of the extensive financial supports that are available to the sector, Minister O’Gorman is asking that providers pause payment of fees or return fees paid in advance for parents who are not essential workers and therefore cannot access services between 11 – 31 January.”* Therefore, we would advise our members to give serious consideration to this and to pause and return fees if they are in a financial position to do so. It is also important to discuss the matter in full with parents. [As of 8 January](#), information from the Department suggests that if a parent of an eligible child chooses not to take an available place, your fee policy will apply.

The Department has informed parents that if there is no restriction on their access to a service which they have an agreed contract for, the expectation is that fees would still be required.

Masks and Face Coverings

Although Early Years and School Age Childcare settings are not on the list of locations where the use of masks is mandatory, in the current situation their use should be considered for interactions between adults and where possible with children in the setting. [FAQs](#) from the Department note that providers should facilitate their use for any staff member who feels the need.

Employment Wage Subsidy Scheme (EWSS)

Employment Wage Subsidy Scheme (EWSS) can continue to run whether the service is open or closed, and we would encourage providers to avail of this to assist during this period.

Increased subsidy rates are applied to pay dates on or after 20 October 2020 until 31 January 2021 as follows:

Employee Gross Weekly Wage	Subsidy Payable
Less than € 151.50	Nil
From € 151.50 to € 202.99	€ 203
From € 203 to € 299.99	€ 250
From € 300 to € 399.99	€ 300
From € 400 to € 1,462	€ 350
More than € 1,462	Nil

The EWSS remains available even where a staff member is working fewer hours, however subsidies will not be paid for any payroll submission less than €151.50 and so this should be considered when rostering staff.

Where you are in difficulty paying staff even with the EWSS, you can consider a reduction in hours with their agreement, reduction in their pay, again by agreement, or layoffs/short-time working (see below).

Updated and detailed guidance on the EWSS can be found [here](#). We would recommend that providers read this guidance, or discuss with their accountant, before running the scheme.

Funding

The Minister has confirmed that along with the EWSS, Government funding, as well Early Learning and Childcare schemes, continues to be available to these services in order to allow them to deliver care for children of essential workers and vulnerable children.

It is important to note is that the Department has asked that non-ECCE only services remain open for vulnerable children and the children of essential workers. The Department has advised that non-ECCE only services which close without being instructed to do so by the public health authorities or being granted force majeure funding by the Department will have their NCS, ECCE, CCSP and TEC childcare funding withdrawn for the period 11 January to 31 January, including recoupment of any funding already made in advance.

If your setting has advertised places for essential workers or vulnerable children, as outlined in the guidance, and there has been no uptake and you make the decision to close, you should notify your childcare committee and apply to Pobal for force majeure for each week of your closure. You should retain any communications with parents as proof that places were open but had no uptake.

Staff Absences

Since June 2020 settings have proven themselves to be relatively safe work environments, with a low incidence rate of COVID-19, so the majority of staff may be comfortable returning to work. However, some staff may not want to return because they consider themselves at risk, or they may find themselves without childcare or schooling for their children.

Where a staff member has had a positive diagnosis, or should a staff member consider themselves at risk, they should be asked to submit a medical certificate confirming that they are medically unfit to return to work. If the settings sick leave policy allows for payment for sick leave, then this should be followed. Otherwise, the employee should be advised to contact the DEASP in relation to possible entitlements to illness benefit.

If a staff member is anxious about a return to work but does not consider themselves at risk or has to care for their children preventing them from working, they could consider flexible leave arrangements for this time such as annual leave, force majeure, reduced hours etc. The government is encouraging all employers to consider flexible arrangements for this period.

Where a setting is closed, and staff members are available for work, they should still continue to be paid and the employer will be able to access the EWSS.

Staffing and Rostering

Where a provider has a reduced capacity to the extent that they need to reduce staff numbers or rostered hours, they can after consideration and consultation, examine the possibility of layoffs and

short-time working. Layoffs and/or short-time can only take place where provided for in an employee's Terms of Employment/Contract or with their agreement.

A layoff situation arises if you as an employer:

- Are unable to provide work for staff
- Believe this is a temporary situation and
- Give notification of the layoff before the work finishes.

During layoff the staff members remain your employees even though they are not being paid.

Short-time working refers to a very specific situation where a staff members' weekly pay is less than half their normal weekly pay or their hours of work are reduced to less than half of their normal weekly working hours and you have a reasonable belief that the situation will be temporary and you notify your staff accordingly.

You can read more about short-time and layoffs [here](#)

[As previously advised](#), where a service is proposing to lay staff off or introduce short-time working, they should engage in consultation with the staff where applicable, well in advance, and all alternatives should be discussed. It is also important to ensure such actions are taken in line with fair and transparent procedures and legal advice should be taken. Given previous and current issues with staff turnover in the Early Years sector, employers need to be mindful of protection of employment and eliminating the need for redundancies should be the priority. The EWSS continues to be available to eligible services and this option should be fully examined in order to retain staff in the employment of the service.

Where an employee has been put on layoff or short-time hours because of COVID-19, they cannot claim redundancy. This is set out in the [Emergency Measures in the Public Interest \(COVID-19\) Act \(pdf\)](#) and applies from 13 March 2020.

This rule has been extended [to last until 31 March 2021](#).

There may be an entitlement to a social welfare payment including the Pandemic Unemployment Payment (PUP) whilst on short-time working or layoff and staff should be encouraged to contact <https://services.mywelfare.ie/> about their own situation.

In certain situations, a staff member may have a preference to be laid off and claim the Pandemic Unemployment Payment (PUP), however layoffs should only take place where the conditions laid out above are met.

We appreciate that this is a difficult time. Please bear in mind that should you have any further queries, Early Childhood Ireland's Early Years Employer Service (EYES) can be contacted Monday to Friday from 9am to 5pm, by phone on (01) 405 7103 or by email on eyes@earlychildhoodireland.ie.