

PUBLIC HEALTH PROTECTION (CORONAVIRUS) REGULATIONS 2020

Direction by Council of Ministers under Regulation 30

relating to child care service providers

Part 1 - Closure Direction

1. This Closure Direction is made by the Council of Ministers in accordance with Regulation 30 of the Public Health Protection (Coronavirus) Regulations 2020 ("the Regulations").
2. In making this Closure Direction, the Council of Ministers has had regard to the need to ensure that members of the public have access to essential services and goods and to advice given by the Director of Public Health ("Responsible Body").
3. This Closure Direction and the prohibitions, requirements or restrictions set out in the Schedule shall be in operation from 00:01 on 7th January 2021 and will remain in force until 00:01 on 28th January 2021.

Part 2 - Premises to which this Closure Direction relates

4. This Closure Direction relates to Child Care Service providers as more particularly described in the Schedule.

Signed: _____

Chief Secretary on behalf of the Council of Ministers

Date: 7th January 2021

Time: 00:02

SCHEDULE

a. Application to child care services provider and provisions for closure

For the purposes of this Closure Direction:

"child care services" means the services provided at a child day care centre (eg nursery) or by a childminder;

"child care services provider" means the provider of child care services and includes a childminder and a child day care centre;

"child day care centre" has the same meaning as in section 20 of the Regulation of Care Act 2013;

"childminder" has the same meaning as in section 21 of the Regulation of Care Act 2013;

"premises" means any premises used for the provision of child care services by a child care services provider;

"responsible body" means the childminder or, in the case of a child day care centre, the person or body of persons responsible for the management of a child day care centre including the principal, the governing body or, as the case may be, the proprietor;

"specified" means specified, or falling within a description specified, in this Closure Direction.

b. Closure of child care services

a. All premises providing child care services shall be closed in accordance with this Closure Direction to all persons except for Specified Persons.

b. In this Closure Direction, Specified Persons shall mean:

- (a) vulnerable children as more particularly set out in any guidance issued by the Department of Health and Social Care;
- (b) children aged from 0 who is a child of a parent or guardian who is an on-Island essential worker as more particularly set out in any guidance issued by the Department of Health and Social Care (Guidance as presented in Annex 1);

(those children listed in sub-paragraph 2 a. and b. shall be referred to in this Closure Direction as "Permitted Children")

- (c) the responsible body, health care or education support or other qualified staff working in the premises, or other non-qualified staff as the responsible body reasonably considers may be required to properly supervise those permitted children ("Permitted Staff").

c. Specified Persons permitted to attend Child Care Services Premises

- (1) Specified Persons shall be permitted to attend at a Child Care Services Premises pursuant to this Closure Direction.
- (2) Specified persons shall take all reasonable steps to observe and abide by any guidance published by the Director of Public Health ("public health guidance"), or the Department of Health and Social Care, in relation to social distancing or self-isolation whilst attending at Child Care Services.
- (3) The Director of Public Health or Department of Health and Social Care, or the responsible body or his delegate may issue guidance in relation to the operation of or attendance at Child Care Services by Specified Persons.

GUIDANCE ISSUED BY THE DEPARTMENT OF HEALTH AND SOCIAL CARE

This guidance is issued by the Department of Health and Social Care ("the Department") in accordance with the Closure Direction for providers of child care services dated 7th January 2021 under Regulation 30 of the Public Health Protection (Coronavirus) Regulations 2020 ("the Regulations").

Should I send my child to nursery?

The Isle of Man Government has announced a lock down in place from 7th January 2021 and it is intended to manage a potential outbreak of Coronavirus disease. The Closure Direction is intended to ensure that child care services which can include nursery provision remains open, but **only** for provision of care to vulnerable children, or children of on-Island essential workers where adequate provision for care is not available at home.

On-Island essential workers are defined in this guidance in the Annex.

What if one parent or guardian is an on-Island essential worker and the other is working from home?

Public Health guidance recommends staying at home. Where a child can be looked after at home, then this is recommended, but the child is able to attend at nursery if one parent or guardian is an on-Island essential worker.

Can my family care for my children either in my home or theirs?

Yes, there is provision in law for family to take care of children of key workers only. Children who are not children of on-Island essential workers should not be permitted into another person's home, or have a person providing child care in their home.

We are separated, should our children move between parents and guardians?

The Public Health guidance is for people to stay at home. If parents or guardians need to maintain contact arrangements with both parents/guardians which requires a child to move between parent/guardian homes, this is permitted.

What is a vulnerable child or the child of a 'on-Island essential worker'?

The Department of Health and Social Care consider any child to be vulnerable where for example:-

1. The child is a child who has been placed in care;
2. The child is subject to a statutory child protection plan;
3. The child has been placed in a Special Educational Needs Unit by the Department of Education Sport and Culture;
4. The child is subject to a care order or is subject to complex disabilities or needs which would determine it to be in the best interest of the child to continue to attend a child care service provider's premises;

The Department of Health and Social Care consider a child of a 'on-Island essential worker' to be children of any party working in the work sectors set out in the Annex to this Guidance.

Even if you are an on-Island essential worker, you are encouraged to keep your child at home if it is possible to do so. Attendance at child care service provider premises is intended to be emergency cover for on-Island essential workers who need to go into work and cannot make any suitable arrangements at home for their children.

ANNEX 1 Definition Guidance on Key Worker – On-Island Essential Worker

Published at: <https://covid19.gov.im/general-information/on-island-essential-worker-list/>

Work Sector	If your work is critical to the COVID-19 response, or you work in one of the critical sectors listed below, and you cannot keep your child safe at home then your children will be prioritised for education provision
Health and social care	This includes but is not limited to doctors, nurses, midwives, paramedics, social workers, care workers, and other frontline health and social care staff including volunteers; the support and specialist staff required to maintain the Island’s health and social care sector; those working as part of the health and social care supply chain, including producers and distributors of medicines and medical and personal protective equipment.
Education and childcare	This includes childcare, support and teaching staff, social workers and those specialist education professionals who must remain active during the COVID-19 response to deliver this approach.
Key public services	This includes those essential to the running of the justice system, religious staff, charities and workers delivering key frontline services, those responsible for the management of the deceased, and journalists and broadcasters who are providing public service broadcasting.
Local and national government	This only includes those administrative occupations essential to the effective delivery of the COVID-19 response, or delivering essential public services, such as the payment of benefits, including in government agencies and arm’s length bodies.
Food and other necessary goods	This includes those involved in food production, processing, distribution, sale and delivery, as well as those essential to the provision of other key goods (for example hygienic and veterinary medicines).
Public safety and national security	This includes police and support staff, contractor and (those critical to the delivery of key defence and national security outputs and essential to the response to the COVID-19 pandemic), fire and rescue service employees (including support staff), those maintaining border security, prison and probation staff.
Transport	This includes those who will keep the air, water, road and freight transport modes operating during the COVID-19 response, including those working on transport systems through which supply chains pass.

Utilities, communication and financial services	This includes staff needed for essential financial services provision (including but not limited to workers in banks, building societies and financial market infrastructure), the oil, gas, electricity and water sectors (including sewerage), information technology and data infrastructure sector and primary industry supplies to continue during the COVID-19 response, as well as key staff working in the telecommunications sector (including but not limited to network operations, manufacturing and engineering, call centre staff, IT and data infrastructure, 999 and 111 critical services), postal services and delivery, payments providers and waste disposal sectors.
Miscellaneous Services	This includes those that are required for essential commercial cleaning staff who are deployed in any of the working areas of the categories listed above in order to allow them to function.
General Guidance	If workers think they fall within the critical categories above, they should confirm with their employer that, based on their business continuity arrangements, their specific role is necessary for the continuation of this essential public service.