27 January 2021

CORONAVIRUS (COVID-19): SEMESTER TWO RETURN OF COLLEGES AND UNIVERSITIES

Dear colleagues,

I am writing to update you on the latest position regarding the return of students to college and university during this temporary lockdown.

As the First Minister has set out in the Scottish Parliament, these restrictions were introduced in the face of a faster-spreading variant of the COVID-19, very high levels of community transmission and significant pressure on the NHS. It is vital we all play our part and redouble our efforts to slow the spread of the virus and bring case numbers down, to protect the NHS and save lives.

We have published guidance and an FAQ to provide clarity on arrangements for colleges and universities at the start of term in 2021 and there are some key points I would like to highlight:

**Stay at home**

We need everyone to stay at home and only leave for essential purposes. In colleges and universities, the number of people on campus and in term-time accommodation should be kept to an absolute minimum. You are asked to provide weekly data returns to Scottish Government analysts, via FHEcovidstatistics@gov.scot, in order that we can continue to monitor this.

This means most learning and teaching will be online with only very limited in-person provision and only essential work should be carried out in laboratories and research facilities, including research libraries and research archives.

Students who returned home for the winter break should not return to term-time accommodation unless advised to do so by their institution because in-person provision is resuming, or for another very limited exception. Students who do return should take
advantage of the rapid-result testing on offer, and should continue to observe all the relevant distancing and hygiene protocols.

Students who are currently overseas should not travel to Scotland until face-to-face teaching begins for them. When returning, they must follow the guidance on international travel including quarantining if they are from a non-exempt country.

From 18 January, passengers travelling to Scotland from outside the Common Travel Area must have a valid negative COVID-19 test result, taken no more than three days before time of departure. Additional travel restrictions included the requirement for the traveller’s whole household to self-isolate are also now in place. More information can be found on the Scottish Government website.

Only those staff who are required to support essential activities are requested to attend in person, and for no longer than is necessary - it is the law to work from home if it is possible to do so. Staff should be supported to work from home for roles that can be undertaken remotely. If staff were working from home during the first lockdown in March 2020 they should be working from home now. Institutions, accommodation providers and staff should ensure they know what the law says employers and employees must do. Further information can be found in the Scottish Government's guidance on working from home.

Key Workers

Our over-riding imperative in tackling coronavirus currently is to keep to a minimum the numbers of children requiring to be taught in school. It is for local authorities to take the decision on applications for key worker status based on individual circumstances (including the availability of alternative childcare in the home). The existing definitions of key worker already cover the types of roles in further and higher education that might be deemed “key”.

We are therefore not intending making any explicit categories of further and higher education staff: the same approach with other sectors. However, there may be circumstances where further and higher education staff are key workers under the above guidance, for example, roles relating to the delivery of healthcare student placements.

COSLA and local authorities are fully aware of the key worker guidance and the need to apply it to take appropriate account of local circumstances.

Asymptomatic student testing

We are building on our experience of providing rapid-result asymptomatic testing to some categories of students before the winter break. For Term 2, two rapid-result tests will again be offered to students changing household – the first on arrival, the second three days later.

Testing will also be available for students who have remained in college or university accommodation over the holiday period. As with the end of the previous term, asymptomatic student testing will be conducted using lateral flow devices, and positive test results will be confirmed using a PCR test. Details of the local testing arrangements will be provided by universities and colleges, and will be kept under review to reflect changing circumstances.

Support for students

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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Colleges, universities and accommodation providers have a duty of care to students, and we expect institutions to ensure that students are fully aware of the new measures in place and have the support they need to study remotely. Essential in-person student wellbeing and study support services can continue to be provided by exception only where it is not possible to do this remotely.

For students in student accommodation, I have asked accommodation providers to treat students sympathetically and take their circumstances into account so that they are not disadvantaged. I welcome the examples of universities and other providers offering discounts, rebates or refunds to students and I strongly encourage other providers to consider how they can treat students sympathetically. I therefore ask private providers of student accommodation to let me know of their plans in this respect by providing details to Elaine.Docherty@gov.scot by 5th February.

The impact of the pandemic on students and our institutions has been significant. Not only has there been disruption to students’ education, we know that many students face financial difficulties with accommodation, associated costs or challenges in getting jobs. I’m delighted therefore that we have this week announced £30 million of additional funding to provide further support for affected students and to support universities and colleges for income lost in providing rent refunds or rebates. £20 million will help to alleviate the financial pressure and stress facing many of our students and £10 million will support institutions many of which have lost revenue by giving students rent refunds or rebates.

As you know, the Coronavirus (Scotland) (No.2) Act 2020 introduced notice to leave periods for students in halls of residence and Purpose Built Student Accommodation for reasons relating to COVID-19. I am aware many students are taking advantage of the provision to withdraw from leases for accommodation and I understand the concerns of students about the impact the current lockdown has on their accommodation. Where a student is giving notice I expect providers to be helpful and facilitative in giving effect to this, in line with the provisions in the Act.

The Act does not require students who wish to terminate their agreements to confirm what their reason relating to coronavirus is. Nor does it require them to provide evidence of that reason, nor does it require accommodation providers to approve the reason. I therefore do not expect accommodation providers to ask for evidence from students, or refuse to accept a notice due to a lack of reasons being given or because they disagree with the reasons being provided.

We have published updated Frequently Asked Questions to provide further guidance for student renters and accommodation providers in respect to notice to leave periods.

Finally, I want to reiterate that I understand how difficult this situation is for you, your staff and students. This is a precarious time which is why it is so important that all of us continue to adhere to the spirit as well as the letter of these restrictions and associated guidance. I fully recognise how hard colleges, universities and accommodation providers have worked to ensure the safest possible environment for staff and students, and I want to thank you again for everything you are doing during these extremely challenging times.

I have also copied this letter to the networks involving student accommodation providers.
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