

Witness Name: Sir Gavin Williamson CBE

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UK COVID-19 INQUIRY

**FIRST WITNESS STATEMENT OF SIR GAVIN WILLIAMSON CBE**

<b>Introduction</b>	<b>2</b>
<b>SECTION ONE: My role and responsibilities as SSE</b>	<b>5</b>
<b>SECTION TWO: Preparatory work by DfE prior to the first closures of school and early years settings in March 2020</b>	<b>8</b>
<b>SECTION THREE: My role in decision making on core decisions</b>	<b>12</b>
<b>SECTION FOUR: My advice to the PM, his advisors and Cabinet</b>	<b>39</b>
<b>SECTION FIVE: My reflections and lessons learned on the core decisions to close and reopen schools during the COVID-19 pandemic.</b>	<b>57</b>

I, Sir Gavin Williamson CBE, make this statement in response to the Covid-19 Inquiry's ("CI") Rule 9 request dated 23 June 2023 ("the Rule 9 request"). I will say as follows:-

**1. Introduction**

- 1.1 I have been a Member of Parliament ("MP") for South Staffordshire since 2010. I was Secretary of State for Education ("SSE"), from July 2019 until September 2021. Previously I was Government Chief Whip from July 2016 to November 2017, Secretary of State for Defence ("SSD") from November 2017 to May 2019, and Minister of State without Portfolio from 25 October 2022 to 8 November 2022.
- 1.2 I have prepared the below statement based on my personal recollection of events and the decisions that I took. As part of this process, I have liaised with Department for Education ("DfE") officials who have provided specific factual input (and supporting documentary evidence) to enable me to respond as accurately as possible to the questions posed in the CI's Rule 9 request. I understand that the factual input from DfE officials has been informed by desk-based research, utilising both open-source material (Government publications) and internal records (for example, policy advice and briefings submitted to me) from the period.
- 1.3 I have reviewed the emails that I have in my possession from my personal email address which was used by DfE officials and my special advisers to communicate with me on a very limited basis. None of these emails add information on how the key decisions covered in this statement were made. I do not have copies of any texts or WhatsApp messages, as it is my practice to frequently delete such messages and not to enable back ups. I am not in any event a very active user of such messaging services. I know that DfE officials have liaised with Private Office staff and my special advisers from my time as SSE to obtain WhatsApp messages that I exchanged with them, a process that I have encouraged and assisted with, but none of the messages that have been retrieved in this way fall within the scope of the Rule 9 request. I know that I did exchange messages on occasions with others who I know will be providing evidence to the CI,

including the then Prime Minister ("PM") and his staff and the Secretary of State for Health and Social Care ("SSHSC"). Those messages may have mentioned the decisions to close and re-open schools and early years ("EY") settings, but I would not describe any of them as being part of the decision making process.

- 1.4 I have read the CI Module 2 DfE 'Corporate Statement' (signed by Susan Acland-Hood, DfE Permanent Secretary), which was submitted to the CI by DfE on 29 March 2023. This has assisted my recollection of events during the period in question and I agree that the facts and events set out in that document are accurate.
- 1.5 This statement is, to the best of my knowledge and belief accurate and complete at the time of signing. I understand that DfE continues to prepare for its involvement in the CI and should any additional material be discovered, I will of course work with DfE officials to ensure this additional material is provided to the CI. I would be happy to make a supplementary statement if required.
- 1.6 The main part of this statement will cover:
- My role and responsibilities as SSE (Section One)
  - Preparatory work by DfE prior to the first closures of school and EY settings in March 2020 (Section Two)
  - My role in decision making on core decisions (Section Three)
  - My advice to the PM, his advisors and the Cabinet on the impact of closing and reopening schools (Section Four)
  - My reflections and lessons learned on the core decisions to close and reopen schools during the COVID-19 pandemic (Section Five)
- 1.7 I am pleased to contribute to the CI. It is critical that we learn the lessons of how we responded in all areas. I also welcome the CI's desire to ensure that children and their interests are represented during the CI. During the course of the pandemic, as will be shown in this Statement, I continually tried to advocate for the rights and

interests of children.

- 1.8 On that note, I should clarify that schools, colleges and other education and childcare settings were never in fact closed or re-opened. Settings were always open, at the very least, to children of critical workers (CCW) and vulnerable children. Where I refer to schools being closed in this statement, I am using a shorthand to refer to periods when attendance at schools, colleges and other education settings was limited to vulnerable children and CCW. Likewise, when I refer to schools being re-opened, I am using a shorthand to refer to schools, colleges and other education settings easing attendance restrictions and allowing more or all children back into face-to-face education.



## **2. Section One: My role and responsibilities as SSE**

### **2.1 SSE Responsibilities**

2.1.1 DfE sets the policy, accountability and regulatory framework for children's services, including children's social care ("CSC") and safeguarding in relation to children, and education and training including EY, primary and secondary education (including in schools), further education ("FE"), higher education ("HE") and apprenticeships and training. During my time as SSE, I had overall responsibility for the work of DfE. This included:

2.1.1.1 Delivery of the early education entitlements and operation of the formal childcare system in England, which is regulated by Ofsted.

2.1.1.2 The operation and funding of the system for young people in the primary and secondary school sectors as well as teaching, learning and qualifications. This includes local authority ("LA") maintained schools, academies, regulation of the independent sector, CSC, home education, children with special educational needs and disabilities ("SEND") and high needs.

2.1.1.3 Teaching, learning and training for young people in apprenticeships, traineeships and the FE sector and all adult learning. FE includes any study suitable for those over compulsory school age, which is not part of secondary education or HE.

2.1.1.4 Teaching and learning for young people and adults in the HE sector. HE refers to education to achieve certain higher-level qualifications, which are generally undertaken after the age of 18, usually the study of an undergraduate or postgraduate degree.

2.1.1.5 Supporting professionals who work with children, young people, and adult learners across all sectors.

2.1.1.6 CSC system policy, including systems for children in need, under child protection, and in public care. This includes fostering, adoption, secure and other children's homes, as well as the safeguarding of children more broadly in any setting.

## 2.2 **Decision making structures during the COVID-19 pandemic**

2.2.1 As SSE, I attended the following formal decision making committees, groups or forums dealing with the UK Government's response to COVID-19, when areas that were the responsibility of DfE were discussed. I have not included the detail of what each of these committees, groups or forums covered here, as this is included in paragraphs 13.1 to 13.6 of the DfE Corporate Statement, which has already been provided to the CI.

2.2.2 **Cabinet Office Briefing Room (COBR meetings):** When COBR was discussing areas of the UK Government's response to COVID-19 that were the responsibility of DfE, or that would impact on work being taken forward by DfE, either I or the Minister of State for School Standards ("MoSSS") (as changes affecting schools were likely to have the largest social and economic impact) would be asked to attend COBR meetings.

2.2.3 **COVID-19 ("C-19") strategy meetings:** I was sometimes asked to attend these meetings where policy areas under my responsibilities as SSE were being discussed.

2.2.4 **Ministerial Implementation Groups:** From 19 March 2020, I was regularly invited to General Public Sector Ministerial Implementation Group ("GPSMIG") meetings. When necessary, DfE would provide papers in advance of GPSMIGs or was given commissions from these meetings, for example, developing and updating guidance for schools to encourage increased attendance by vulnerable children and CCW.

2.2.5 **Covid S and Covid O meetings:** My understanding is that by

late May/early June 2020, Covid Strategy ("S") and Covid Operations ("O") meetings became the main COVID-19 decision making cabinet committee meetings. I was not a permanent standing member of Covid S or O and was invited to these meetings at the PM or the Chancellor of the Duchy of Lancaster's ("CDL") discretion, usually when the decisions being made involved DfE responsibilities.

- 2.2.6 **Meetings with other ministers, DfE ministers and DfE officials:** Throughout this period, I held bi-lateral meetings with other ministers, such as the SSHSC, to agree important detailed policy and/operational details as well as regular and ad hoc meetings with my ministerial team, DfE Permanent Secretary, and officials from DfE.
- 2.2.7 **Local action committee command structure:** Oversight of the ongoing pandemic response took place through the Government's local action committee command structure (Bronze, Silver, Gold) where local and regional concerns were escalated, and issues for discussion and decision by ministers across government were taken. Recommendations on escalation of issues or requests for significant surge support were taken by the Gold incident management structures to ministers, including myself as SSE for final decision. Key DfE civil servants attended cross-government Cabinet Office Taskforce Education Gold meetings ("Education Gold") along with senior officials from Cabinet Office ("CO"), Department of Health and Social Care ("DHSC"), No.10 and the UK Health Security Authority ("UKHSA")/ Public Health England ("PHE").

**3. Section Two: Preparatory work by DfE prior to the first closures of school and EY settings in March 2020**

3.1 I was appointed as SSE in July 2019 and am therefore only able to answer questions about what was done in DfE prior to that date from departmental records.

3.2 Since 2016, DfE has advised education and childcare settings to have their own emergency plan in place to manage their response to emergencies including significant public health incidents and severe weather, with resources and guidance available on gov.uk.

**3.3 Exercise Cygnus**

3.3.1 Exercise Cygnus was delivered by PHE in October 2016 on behalf of the then Department of Health. Although it involved a wide range of Government departments, as Government Chief Whip at the time, I was not involved in the exercise itself. I am not aware that as Chief Whip, then as SSD or SSE I was sighted on or aware of any recommendations or actions required of DfE as a result of Exercise Cygnus prior to the start of the COVID-19 pandemic.

3.3.2 However, having read through the official documentation as part of my preparation to be a witness before the CI, I understand that Exercise Cygnus was a cross-government exercise to test the UK's response to a serious influenza pandemic that took place over three days in October 2016. 22 lessons were identified (LI) by Exercise Cygnus in its report, which was shared with departments in early 2017 (Exhibit GW/1 - INQ000226698). One – LI14 – contained a specific action for DfE:

3.3.2.1 *“LI14: The Department for Education, in liaison with colleagues in the Devolved Administrations, should study the impact of school closures on society.”*

3.3.3 As part of this LI, the report recommended that DfE *“study the impact of school closures and examine the possibility of*

*keeping schools open by getting retired teaching staff to return to support the profession and by the temporary upskilling of students. Any plans should include safe-guarding procedures, the allocation of appropriate roles and the legislation that may be required to allow staff to return to the profession.”*

- 3.3.4 I was not aware of this LI, nor to the best of my knowledge was I made aware of it when I became SSE.
- 3.3.5 With regards to LI 14, I understand that in 2018 the CO Civil Contingencies Secretariat and DHSC led on the development of a draft Pandemic Influenza Bill to be used in the event of a future influenza pandemic. This set out the legislative easements required to support local and national response activities, as recommended in one of the four key learnings from Exercise Cygnus. DfE worked on temporary school closure powers that were included in the draft Pandemic Influenza Bill. These legal clauses were subsequently used as the basis for Section 37 and Schedule 16 of the Coronavirus Act 2020 (temporary closure of educational institutions and childcare premises), enabling me to give directions for the restriction of attendance at premises used for the provision of education or childcare.
- 3.3.6 In response to the recommendation to examine getting retired teaching staff to return to support the profession, this was framed in the context of how to assist in keeping schools open. The recommendation was based on Exercise Cygnus asking participants to consider the impact of staff illness-related absence rates of 30-35%. It did not focus on school closures as a transmission reduction measure. I understand from DfE officials that the DfE Core Emergency Response Group (CERG) updated the DfE's Crisis Management Protocol (Exhibit GW/2 - INQ000226743) in December 2016 focusing in particular on guidance around keeping schools open by using other school staff and volunteers in the event of staff absence and disruption to exams.

3.3.7 I have not been made aware by DfE of any further actions taken by DfE or that DfE were asked to implement by DHSC or the cross-government Pandemic Flu Readiness Board in response to Exercise Cygnus.

**3.4 Assessment of the impact of school closures prior to March 2020**

3.4.1 On 13 January 2020, in my daily morning meeting with Private Office officials, other DfE officials and my special advisor, I asked DfE officials to look at what emergency plans were in place in education and childcare settings in light of the developing situation. My focus at this stage was on ensuring that education and childcare settings had the information and guidance that they needed to be able to stay open safely.

3.4.2 DfE's Emergency Response Group ("ERG") formally began work on COVID-19 from 24 January 2020. ERG provided my ministers and me with regular briefings. It also delivered external communications and guidance to the sector including a regular sector bulletin, first sent on 4 February 2020 and education sector COVID-19 guidance, first published on 17 February 2020.

3.4.3 My focus throughout this period was on keeping schools, colleges and other education settings open. I did not ask DfE officials to prepare an assessment on the impact of school closures, because the latest scientific and public health advice from DHSC, the Scientific Advisory Group for Emergencies ("SAGE") and its sub-groups was not recommending closures, and CO and No.10 officials did not commission this advice from DfE either. Instead, the focus was on keeping as many children as possible in face-to-face education, where it was judged safe to do so. The focus swiftly changed around 17 March 2020, as explained in paragraphs 16.1.19 to 16.1.23 of the DfE Corporate Statement.

3.4.4 On 17 March 2020, it became clear that a decision would need to be taken on closing schools and other education settings



within a very short timeframe. At this point, there simply was not the time available to conduct a full documented analysis on the potential impact of different closure options (as detailed in section 3 of this statement). At this time, the Government's focus was on the impact of interventions to bring COVID-19 transmission down and protecting NHS capacity. Therefore, DfE officials and I were not asked to assess school closures on a wider socio-economic basis, nor did they have the time available to produce such an assessment.

- 3.4.5 Despite the time pressures, DfE officials and I did consider the impact of school closures on CCW and different types of vulnerable children. Based on these considerations, I proposed in my advice to the PM and later COBR meetings that CCW and a broad grouping of vulnerable children should be allowed to attend their education setting; and as a consequence, I also proposed that special schools remained fully open, given the high proportion of vulnerable children they catered for. Consequently, we were the first country to make provision for vulnerable children to continue to attend school throughout the pandemic. This was in spite of resistance from other parts of Government who wanted to prioritise children of their specific critical worker cohorts over vulnerable children.

**4. Section Three: My role in decision making on core decisions**

4.1 This section sets out the details of my involvement in core decision making in regard to closing and reopening of schools, colleges, other education settings and EY settings in 2020, the closure and reopening of schools, colleges and other education settings in 2021 as well as the relaxation of CSC regulations. It also sets out the contingency plans DfE put in place following March 2020 (in the event that school closures needed to be re-introduced).

4.2 I would like to be clear at this point that as SSE, I did not have complete autonomy to make core decisions, especially those regarding school closure and school reopening. The parameters and timeframe in which I could input into decisions was set by the PM and No.10 officials. I was also constrained by the expert and changing scientific and public health advice. This meant that although I did have the opportunity to input into core decisions, my input was sometimes limited to the implementation of a decision, rather than the decision itself.

4.3 Furthermore, as DfE does not hold epidemiological expertise, I was relying on external expert advice to inform my input. This advice often changed without warning, and sometimes could not be provided in a timely manner to inform my input. Consequently, the advice that we were giving to the education and childcare sector also sometimes had to change rapidly. I recognise that the radical change that was required, often at short notice, was also very challenging for education and childcare settings.

**4.4 Stakeholder engagement and consultation**

4.4.1 In an ideal world, I would have liked, of course, to have consulted more formally with a wider range of stakeholders on all core decisions. However, the timeframe for making decisions, especially on school closures, meant that this was simply not practical. These were extremely urgent decisions that needed to be taken within days or sometimes hours. This often left no window for me to speak to, let alone formally



consult with, external stakeholders. I was though very keen that DfE officials and the DfE ministerial team should try to engage as much as possible with the relevant stakeholders. For example, I held weekly meetings with the main education unions during the COVID-19 pandemic, as their members would be the ones delivering changes on the ground.

4.4.2 Vicky Ford, Minister for Children and Families (“MfCF”) and I both met with the Children’s Commissioner, to discuss a range of issues including the reopening of schools. The Children’s Commissioner represents the rights and interests of children across England.

#### 4.5 **March 2020 school closures**

4.5.1 The first COBR meeting on COVID-19 was held on 24 January 2020. The MoSSS attended this meeting.

4.5.2 Decisions on closing education and childcare settings were not taken until later in March 2020 (as set out in paragraphs 16.1.2 to 16.1.15 of the DfE Corporate Statement). In the meantime, DfE officials attended SAGE and its relevant sub-groups. At these meetings, discussions took place on the potential impact that school closures could have on transmission, alongside discussions about social distancing and other non-pharmaceutical interventions.

4.5.3 On 16 March 2020, I attended COBR to further discuss the outbreak of COVID-19. COBR included a discussion on school closures. On the same day, SAGE had concluded that *“While SAGE’s view remains that school closures constitutes one of the less effective single measures to reduce the epidemic peak, it may nevertheless become necessary to introduce school closures in order to push demand for critical care below NHS capacity (Exhibit GW/3 - INQ000075664).”*

4.5.4 At COBR on 16 March 2020, I was asked to commission DfE officials to produce a paper on what measures DfE could put into place to keep schools open. Following the meeting I asked

DfE officials to produce this paper (Exhibit GW/4 - INQ000075395) and I received the paper on 17 March 2020 (Exhibit GW/5 - INQ000075396, GW/6 - INQ000075397 and GW/7 - INQ000075398).

- 4.5.5 On 17 March 2020, SAGE circulated a paper that estimated that school closures could reduce deaths by 9% and offered comparisons on closing schools immediately versus after the Easter holidays (Exhibit GW/8 - INQ000075448). SAGE also circulated another paper which outlined the potential option of keeping schools open only to vulnerable children and CCW (Exhibit GW/9 - INQ000075405).
- 4.5.6 Following circulation of this SAGE paper, DfE officials attended a meeting chaired by the Cabinet Secretary on the evening of 17 March 2020. The DfE paper commissioned by COBR on 16 March, entitled "*Supporting Schools to Keep Open*" was discussed (Exhibit GW/5 - INQ000075396, GW/6 - INQ000075397 and GW/7 - INQ000075398). At this meeting, in what was quite a discombobulating sea change over a 24-hour period, No.10 officials commissioned DfE to produce a paper on closing schools and other options for the daily PM-chaired C-19 Strategy Meeting the following morning. The paper was drafted overnight by DfE officials, who were reliant on public health and scientific advice from outside DfE (as we were not a department with epidemiological expertise).
- 4.5.7 On the morning of 18 March 2020, I agreed this paper, entitled "*Reducing School Provision*" (Exhibit GW/10 - INQ000075681). The paper outlined that we were facing strong drivers for change away from the current position that all schools should stay open. Firstly, the scientific advice and modelling from SAGE indicated that there would be a reduction in the transmission of the virus if schools closed. Secondly, either schools were having to close or reduce support to a minimum number of pupils due to staff illness and/or self-isolation guidance. Thirdly, a number of parents were withdrawing their children regardless of whether the school was open or not. It

was therefore becoming increasingly clear that it would not be feasible for many schools to remain open to all pupils irrespective of Government guidance.

- 4.5.8 I attended the daily PM-chaired C-19 Strategy Meeting on 18 March 2020 where I presented the paper (Exhibit GW/10 - INQ000075681). I recommended at the meeting that the PM should announce that once schools returned from the Easter holiday, which was due to run from 3 April to 20 April 2020 for most schools in England, they should be open only to vulnerable children (as defined in the paper) and CCW (Exhibit GW/10 - INQ000075681). This would give schools a window of opportunity to prepare for the completely new reality of delivering remote learning to most pupils and face-to-face for vulnerable children and CCW.
- 4.5.9 At the C-19 Strategy meeting on school closures on 18 March 2020, the PM agreed to close schools and EY settings to all children except for CCW and vulnerable children (Exhibit GW/11 - INQ000107253 and Exhibit GW/12 - INQ000107254). However, he wished to bring forward the date of this change from the end of the Easter holiday (Monday 20 April 2020 for most schools in England) to Monday 23 March 2020 (Exhibit GW/13 - INQ000107247). I understand that this shift forward in date by the PM of nearly a month was based on rapidly changing scientific and public advice. Only hours earlier, the advice had been in accordance with the view that we would not restrict attendance until the start of the new term (20 April 2020).
- 4.5.10 The PM also decided that COBR should be asked to formally agree this decision later in the afternoon on 18 March 2020. DfE was asked to prepare slides that reflected 23 March 2020 as the preferred date for implementing school closures.
- 4.5.11 I then attended the COBR meeting at 4pm on 18 March 2020. COBR agreed to implement the policy proposals set out within the DfE slides. This included requesting that education and

childcare settings close to most pupils (except for vulnerable and CCW) from Monday 23 March 2020 (Exhibit GW/11 - INQ000107253 and Exhibit GW/12 - INQ000107254).

4.5.12 As DfE officials were asked to produce advice for the PM on school closure options overnight between 17 and 18 March 2020, DfE officials were not able to produce an Equality Impact Assessment (“EIA”) or Child Rights Impact Assessment (“CRIA”) to look in detail at how the actions set out in this advice would affect children’s rights, or consult with the Children’s Commissioner and organisations representing the rights and interests of children.

4.5.13 Despite these extreme time pressures, equality impacts were considered and designed into the policy on school and EY closures. For instance, I recognised the greater negative impact that non-attendance would have on certain groups of vulnerable children. As set out in paragraph 16.1.21 of the DfE Corporate Statement, in recognition of this, I agreed that a broad grouping of vulnerable children could continue to attend their education or EY setting (Exhibit GW/10 - INQ000075681). This covered:

4.5.13.1 Children who were assessed as being in need under section 17 of the Children Act 1989 (including those with a child in need plan, a child protection plan or who were looked after).

4.5.13.2 Children who had an education, health and care plan (“EHCP”)

4.5.13.3 Children who had been assessed as otherwise vulnerable by education providers or LAs, such as young carers and those at risk of becoming not in education, employment or training (“NEET”)

#### 4.6 **Reopening of schools and EY Settings over summer 2020**

4.6.1 In early April 2020, I asked DfE officials to start to prepare

scenarios and options for reopening schools, colleges, other education settings and EY settings to more children, as part of the Government's COVID-19 recovery strategy that was being developed. On 30 April 2020, in preparation for my meeting with the PM on 1 May 2020, I sent advice from DfE officials to the PM (Exhibit GW122 - INQ000263376). This set out the proposal to bring back transition year groups (Early Years, Reception, Year 6, Year 10 and Year 12 children) in the summer term with some contact time for other year groups before the end of the summer term.

4.6.2 On 1 May 2020 I received advice from DfE officials on the practicalities of bringing more children and young people back into face-to-face education and childcare (Exhibit GW/14 - INQ000075406 and Exhibit GW/15 - INQ000075407). The advice started from the assumption that children and young people would be brought back incrementally, rather than all year groups at once, because social distancing rules would need to be kept in place, which would make it physically impossible for all children to be in school at the same time. This assumption was made because of the strong steer given by No.10 and scientific and public health advisors that social distancing rules could not be removed given current infection levels. Throughout this period, I did try and push for an exemption on social distancing in education settings. The PM did not agree to this. The relaxation was not granted, in part, because any significant relaxation would not have been within what we in the Government referred to as the 'Covid budget' i.e. the balance of restrictions and relaxations in different areas that was possible whilst aiming to keep the R9 number below 1.

4.6.3 I then met with the PM on 1 May 2020 to discuss school reopening plans, particularly phased reopening for transition year groups. At the meeting, the PM did not fully appreciate that it was not viable to both maintain social distancing requirements and bring back all children or even all primary

school children. The PM asked me to commission DfE officials to undertake further work to explore a fuller range of options including bringing back all or at least a greater number of year groups into face-to-face education (Exhibit GW/16 - INQ000075408).

- 4.6.4 On 4 May 2020 I received a paper from DfE officials setting out a range of options on schools reopening scenarios and plans (Exhibit GW/20 - INQ000226713, GW/21 - INQ000075411, GW/22 - INQ000226715). These options were split between those that assumed social distancing rules remained in place and those that assumed social distancing rules would be removed. They were developed with the latest scientific and public health advice from SAGE, the SAGE sub-group on children and young adults and others. DfE officials sent this paper and its annex to No. 10 officials on 4 May 2020 (Exhibit GW/20 - INQ000226713, GW/21 - INQ000075411, GW/22 - INQ000226715).
- 4.6.5 I attended an education strategy meeting on 5 May 2020 with the PM and the Chancellor. At this meeting we discussed a paper from CO officials. This set out options for easing reopening schools and looked at the approach being taken in other countries in this regard (Exhibit GW/23 - INQ000075412 and GW/24 - INQ000075413). This paper included a full range of options from maintaining the existing restrictions to enabling all year groups to return by the end of the academic year, as well as a proposal to initially bring back transition year groups. No decision was taken at the meeting.
- 4.6.6 On 9 May 2020, No.10 officials informed me that the PM had made the unilateral decision that he would announce, the following day, that there would be a phased reopening of schools and EY settings with the ambition to get all primary school children back before the start of the summer holidays. I agreed to getting transition and exam years back in school as early as possible. I also agreed with the concept of getting all primary school children back into school before summer



holidays, but I knew this wasn't possible to deliver. Scientific and public health advice would not support the removal or changes to social distancing rules in education settings that would be necessary for all children to be in school at the same time. This meant that, unless the PM decided to go against this advice and changed these rules, this was a promise we would not be able to keep. I believe that prior to making the announcement, the PM had been advised about this from his own officials and DfE officials.

- 4.6.7 On 10 May 2020, the PM then announced that the Government would be advising EY settings, schools and colleges to start to prepare to welcome back more pupils and students from 1 June 2020. This would be a phased reopening of schools and EY settings starting with reception, year 1 and year 6 (Exhibit GW/25 - INQ000075717). However, this would only happen if the scientific advice at the time indicated that it would be appropriate.
- 4.6.8 I met the PM again on 15 May 2020. I explained the plan for reopening schools and EY settings between 15 May 2020 and 1 June 2020. At the meeting, I set out the challenges and a potential need to delay the ambition that all primary school pupils would be in school by the end of the summer term unless social distancing rules were relaxed in education settings. However, scientific and public health advice was clear that infection levels were not low enough to enable a change in social distancing rules and/or increased sizes of groups being taught together on school premises.
- 4.6.9 Prior to making the formal decision to reopen schools and EY settings, I met with the Children's Commissioner on 21 May 2020. We discussed the wider opening of schools and vulnerable children, noting good progress in many areas and the work that had already been done around supporting schools and parents (Exhibit GW/26 - INQ000226716).
- 4.6.10 In addition, DfE officials carried out wider stakeholder

engagement prior to this decision. On 27 May 2020, DfE officials held a meeting with a range of teaching and education workforce unions alongside bodies that were representative of education and childcare providers and LAs to discuss schools re-opening and to listen and respond to their concerns. Attendees at this meeting included the National Education Union, Unison, the National Association of Head Teachers, the Chartered College of Teaching, the Local Government Association, the Association of Directors of Childrens Services, the Confederation of School Trusts, the Association of School and College Leaders and the NASUWT (Exhibit GW/27 - INQ000075430).

- 4.6.11 On 28 May 2020, I received the final advice and supporting evidence from DfE officials on the phased reopening of education and childcare settings (Exhibits: GW/24 - INQ000075413, GW/28 - INQ000075446, GW/29 - INQ000075416, GW/30 - INQ000075417, GW/31 - INQ000075418, GW/32 - INQ000075419, GW/33 - INQ000075420, GW/34 - INQ000075421, GW/35 - INQ000075422, GW/36 - INQ000075423, GW/37 - INQ000075424, GW/38 - INQ000075425, GW/39 - INQ000075426, GW/40 - INQ000075427, GW/41 - INQ000075428, GW/42 - INQ000075429, GW/27 - INQ000075430, GW/43 - INQ000075431 and GW/44 - INQ000075445). This set out a detailed summary of the scientific evidence from DfE's science team, and underlying policy assumptions.
- 4.6.12 The final package of advice also included an EIA. This detailed positive and negative implications of the proposed decision (GW/29 - INQ000075416). While a CRIA was not completed, opening schools back up to as many children as feasible was clearly in the interests of children.
- 4.6.13 On 28 May 2020, I agreed the advice from DfE officials to bring more children back into education settings in a phased way before the summer holidays (Exhibit GW/28 - INQ000075446).



This was broadly in line with the PM's 10 May 2020 announcement that initially only EY and primary school transition year groups would return on 1 June 2020 with some contact time to follow for children in Years 10 and 12 in secondary schools from 15 June 2020.

4.6.14 In a public statement on 28 May 2020, the PM confirmed the phased easing of attendance restrictions across education and childcare settings. The PM stated that EY, Reception, Year One and Year Six in primary schools would open from 1 June 2020 with secondary schools providing some face-to-face contact time for Year 10 and Year 12 from 15 June 2020.

4.6.15 On 10 June 2020, the PM confirmed that not all primary pupils would return to schools before the end of the summer term because the rate of infection was not quite low enough (Exhibit GW/45 - INQ000075728). This meant that social distancing could not be lifted, therefore it was physically impossible to fit all primary pupils into schools. As I stated above, social distancing rules meant that the full reopening of schools was not possible, as had been set out in the paper that DfE officials sent to No.10 on 4 May 2020 (Exhibits GW/20 - INQ000226713, GW/21 - INQ000075411, GW/22 - INQ000226715).

#### 4.7 **Reopening of schools over autumn 2020**

4.7.1 In the meetings I attended with the PM on 1 and 5 May 2020, we also discussed the issue of opening schools back up to all pupils in the new academic year (September 2020). I also chaired a series of 'Education Institutions' meetings from 11 June 2020. These meetings developed proposals for an expected announcement at the end of June 2020 on a full reopening in September 2020 (Exhibit GW/46 - INQ000075677 and the DfE Corporate Statement paragraph 16.4.2 for further details about these meetings).

4.7.2 I also attended a Covid S meeting on 19 June 2020 to discuss

my proposals to bring back all children at the start of the new academic year (Exhibit GW/123 - INQ000088284). I presented my advice (Exhibit GW/121 - INQ000263377 and Exhibit GW/125 – INQ000088237) that had been circulated prior to the meeting. Covid S agreed with my plan to get all children back in all education settings at the beginning of September 2020. It also agreed that, for any settings which were not open by September 2020, I should my powers to compel them to do so (Exhibit GW/124 – INQ000088241).

- 4.7.3 Following the conclusion of the Covid S meeting and also on 19 June 2020, I made a statement to Parliament that all education settings would return to full attendance in September 2020 (Exhibit GW/47 - INQ000075718). This was part of the Government’s wider COVID-19 recovery strategy published on 11 May 2020 and followed the PM’s announcement on the phased easing of attendance restrictions for EY, schools and colleges on 24 May 2020 (Exhibit GW/48 - INQ000075727).
- 4.7.4 In drafting guidance on returning to school in September 2020, DfE officials made significant efforts to involve sector leaders and other stakeholders in the development of this guidance. This included sharing drafts on a confidential basis and working to incorporate comments where feasible (Exhibit GW/51 - INQ00007545 – paragraphs 54-58).
- 4.7.5 On 30 June 2020, I received advice and an EIA on guidance to enable the full removal of attendance restrictions in September 2020 (Exhibits GW/49 - INQ000075456, GW/50 - INQ000075457, GW/51 - INQ000075458, GW/52 - INQ000075459, GW/53 - INQ000075455).
- 4.7.6 On 15 July 2020, I met with the Children’s Commissioner to discuss a range of issues. As part of the discussion, we discussed the return to school in September 2020 (Exhibit GW/54 - INQ000226750).

- 4.7.7 I attended a Covid S meeting on 6 August 2020, chaired by the PM, on school reopening (Exhibit GW/55 - INQ000075461 and GW/56 - INQ000075462). I presented my advice (Exhibit GW/57 - INQ000075463) that had been circulated prior to the meeting on school reopening. In this meeting, Covid S agreed that all children should be back in school as soon as possible and nothing should be a barrier to full return. Covid S also agreed on the need to reach out to everyone, build confidence and ensure there were plans in place where there was a shortfall on transport, and to agree how schools were managed in local lockdowns.
- 4.7.8 I met with the PM on 10 August 2020. He was clear that the overarching objective *“which he will be holding departments to account on – is that no child is prevented from attending school at the start of the new school year because of a lack of public transport”* (Exhibit GW/55 - INQ000075461). I presented the current understanding of the ‘gap’ between capacity and potential demand, which was between 190,000 and 300,000 based on information presented by the Secretary of State for Transport (“SST”). Following the meeting, the PM asked for an urgent assessment on the school transport plan (Exhibit GW/58 - INQ000075464).
- 4.7.9 On 19 August 2020, I received further advice from DfE officials on the approach to reopening education settings (Exhibit GW/59 - INQ000075598, GW/60 - INQ000075599, GW/61 - INQ000075600, GW/62 - INQ000075601). The advice I received made clear that significant efforts by myself, DfE Ministerial colleagues and DfE officials had taken place to involve a range of stakeholders in the development of the guidance. This included work with sector leaders, unions, Children’s Commissioner and other stakeholders, but it was not made explicitly clear if this included engagement with wider organisations representing the rights and interests of children (Exhibit GW/62 - INQ000075601).
- 4.7.10 No CRIA was produced, but the impact on particular groups of

children was considered in an EIA attached to the advice and summarised within it (GW/60 - INQ000075599). In the advice, I was informed that the EIA set out that:

- 4.7.11 *“There may be some disproportionate impacts on pupils with disabilities and BAME pupils/students and staff of a full return, given increased risk they may face from COVID-19. These impacts are significantly reduced by settings implementing the measures in the system of controls however and we consider the benefits to these pupils/students of a return to settings mean a decision to proceed is warranted.”*
- 4.7.12 I agreed with the advice from DfE officials to go ahead with the plan, announced on 2 July 2020, to ask all schools to open to all pupils from the start of the autumn term 2020.
- 4.7.13 Childcare and EY settings, schools and colleges returned to full attendance from the start of the 2020/21 academic year (late August / September 2020). Key measures to minimise the risk of infection were set out in guidance on good hygiene measures, social distancing and maintaining ‘bubbles’.

#### 4.8 **January 2021 school closures**

- 4.8.1 Following the full reopening of schools and colleges from late August/early September 2020, the Government’s intention was to avoid further national or area-wide imposition of school and college closures unless the scientific evidence and public health advice indicated they were necessary. As a result, the Government did not advise any further school and college closure at national or regional level in the autumn 2020 term (including during the second lockdown in November 2020) despite rising case rates.
- 4.8.2 The Contingency Framework: Education and Childcare Settings (“The Contingency Framework”) was an annex to the Contain Framework, a guide for local decision makers in England, published by UKHSA on 28 August 2020. The Contingency Framework described the principles of managing

local outbreaks of COVID-19 in education and childcare settings. I agreed to the approach set out in the Contingency Framework on 20 August 2020 concurrently with the advice I received from DfE officials on the approach to reopening education settings (Exhibit GW/62 - INQ000075601, GW/59 - INQ000075598, GW/60 - INQ000075599, GW/61 - INQ000075600,

- 4.8.3 During the autumn term 2020, the Contingency Framework acted as the main policy framework for determining whether school closures should be re-introduced (Exhibit GW/63 - INQ000075669). It made clear that school closures were a last resort, once other mitigations had been deployed and they could only be triggered by agreement between the DfE Regional Schools Commissioner (“RSC”), the Joint Biosecurity Centre (“JBC”), and PHE. The final decision rested with me as SSE. During the autumn term 2020, I did not agree to the use of school closures via the Contingency Framework. Indeed as set out in paragraphs 19.1.5 to 19.1.10 of the DfE Corporate Statement, I authorised legal steps to be taken against a local authority that sought to unilaterally close schools in their area.
- 4.8.4 In the run up to the decision to close schools in January 2021, I was quite clear that education and childcare settings should remain open. During this period, case rates were rising in a number of LA areas especially in the north of England. Some Directors of Public Health (DsPH) approached officials in DfE and DHSC to discuss school closures. DfE RSCs worked with public health colleagues on ensuring the most appropriate advice was given to DsPH and individual schools, in particular that schools did not close prematurely or unnecessarily, and that pupils remained in face-to-face education during the autumn 2020 term.
- 4.8.5 In December 2020, the Government turned its attention to developing a package of measures to restrict socialising and bring down community infection rates. This was in the context of rising COVID-19 case rates including the Alpha variant. The

return to school arrangements for January 2021 (detailed below) were seen as part of a package of measures to help manage the virus in early 2021, while avoiding further lockdowns and school closures.

- 4.8.6 My overriding focus was on ensuring that children could return to school after the Christmas break. I understood the impact that the first lockdown had on children, and I desperately wanted to keep them in school. Therefore, I was prepared to do whatever scientific and public health advice deemed necessary to enable children to return.
- 4.8.7 In this context, DfE officials worked with DHSC officials on a joint paper on January 2021 school return for Covid O, which I then agreed. Based on the latest public health and scientific advice, the paper set out proposals to stagger secondary school return to 11 January 2021. This was in order to enable all students and staff to be tested prior to returning to the classroom (Exhibit GW/64 - INQ000075499, Exhibit GW/65 - INQ000075502, Exhibit GW/66 - INQ000075503). Vulnerable children, CCW and those sitting exams would attend from 4 January 2021.
- 4.8.8 While I agreed the proposals, this was done on the understanding that the Ministry of Defence (“MOD”) would be supporting this effort and NHS Test and Trace would be leading the roll out testing in schools and colleges. However, thirty minutes before the Covid O meeting on 16 December 2020, it emerged that no approach about off-site Military Aid to the Civil Authority (MACA) assistance had been made to the MOD by DHSC, and NHS Test and Trace would not support the delivery of the testing programme in schools and colleges. This was in complete contradiction to what DHSC and NHS Test and Trace were saying prior to the meeting and indeed what we had agreed with them.
- 4.8.9 I did, however, attend Covid O on 16 December 2020. Covid O agreed the policy proposals in the paper. At that point, I



understood that this would be sufficient to enable schools to open in January 2021 to all pupils. I understood we had reached a settled position and we now needed to operationalise it. However, in the weeks that followed, No.10 and DHSC ratcheted up the demand on schools, colleges and DfE, especially regarding the testing programme and further delaying the start of the term.

- 4.8.10 On 19 December 2020, the PM announced a new Tier 4 to control the new Alpha variant in London and the south-east (Exhibit GW/67 - INQ000075737). Education and childcare settings were exempt from the wider economic and social restrictions in these areas and no school closures were imposed within Tier 4 areas.
- 4.8.11 In the context of the rapid accelerating spread of the Alpha variant, I asked for updated advice on school return as I was due to meet with the PM on 28 December 2020 to discuss this. I received advice from DfE officials on 28 December 2020 (Exhibit GW/68 - INQ000075682). The advice was clear that protecting and maximising on-site attendance for as many pupils and students as possible, particularly for those sitting exams, EY and primary settings, vulnerable children and CCW, should remain a top priority for the Government.
- 4.8.12 Later on 28 December 2020, I met with the PM, SSHSC, CDL, SSD and the Covid-19 Taskforce to discuss school attendance and testing (Exhibit GW/69 - INQ000075504 and GW/70 - INQ000075505). At this meeting I made a strong impassioned plea to keep schools open after the Christmas holidays, despite the fact that CDL and SSHSC had already decided that they wanted to keep schools closed after Christmas. I knew the negative impact that it had had on children and young people from the first lockdown, and I wanted to avoid a repeat of this at all costs. Furthermore, I offered to work with SSHSC on any further measures that were considered necessary to further reduce any risk associated with school reopening.

- 4.8.13 The following day, on 29 December 2020, I met with the SSHSC again. Also in attendance were senior officials from DfE, DHSC, PHE, JBC, NHS Test and Trace, CO and the Deputy Chief Medical Officer (“DCMO”) (Exhibit GW/71 - INQ000075506). In order to give secondary schools and colleges additional time to prepare for testing their pupils and students on-site, I agreed with SSHSC to delay the phased return of most secondary school pupils and college students by a further week, until 18 January 2021 (except for those in exam years, vulnerable groups and CCW).
- 4.8.14 At this meeting, we also discussed the implementation of the Contingency Framework for primary schools in London and the south-east where case rates were rising. Later on 29 December 2020, based on JBC public health advice and in consultation with SSHSC, I agreed to implement the Contingency Framework in primary schools in 50 LAs in London and the south-east from 4 January 2021. 23 of the 50 LAs were London boroughs and 10 London boroughs did not have restrictions applied to them. It was agreed that, in these 50 LAs, the opening of primary schools would be delayed until at least 18 January 2021. In all other areas, primary schools were to open as usual on 4 January 2021.
- 4.8.15 On 29 December 2020, following agreement from the PM, I made a statement to Parliament (Exhibit GW/72 - INQ000075738) and the PM gave a press conference announcing that secondary schools and colleges’ phased return would be delayed by one week in 50 LAs based on JBC evidence. For those areas, the PM outlined that the full return in January 2021 for primary schools, secondary schools and colleges would be delayed until at least 18 January 2021.
- 4.8.16 Following the announcement, the decision to delay the return of primary schools in 23 London Boroughs, but not the remaining 10 London Boroughs, was being questioned by these LAs. At this point no further LAs were advised to restrict attendance.



- 4.8.17 On 1 January 2021, the SSHSC and I were commissioned by the PM to develop options on further primary school closures within the Contingency Framework (in light of representations received from the 10 London boroughs who were not advised to close) (Exhibit GW/73 - INQ000075512).
- 4.8.18 Later on 1 January 2021, the SSHSC and I provided joint advice to the PM (Exhibit GW/74 - INQ000075513 and GW/75 - INQ000075514). The joint recommendation was that primary schools across all London boroughs should be advised to close from 4 to 18 January 2021 to avoid inconsistent DsPH advice and to provide clarity. EY, special schools and Alternative Provision (“AP”) were not impacted by this decision.
- 4.8.19 On 1 January 2021, Education Gold agreed to extend school closures to all remaining primary schools across London until 18 January 2021 (Exhibit GW/76 - INQ000075515 and GW/77 - INQ000075516). On the same day, DfE and DHSC issued a joint press release announcing the decision (Exhibit GW/78 - INQ000075740).
- 4.8.20 On 4 January 2021, primary schools which were not advised to close returned to full attendance after the Christmas holidays.
- 4.8.21 On the afternoon of 4 January 2021, I attended a Cabinet meeting, where Cabinet decided to introduce a new national lockdown, based on a strong ‘stay at home’ message, and which would last until mid-February 2021 (Exhibit GW/79 INQ000075517). I made clear at this meeting that I did not think that schools should close again, but if they were going to close, then we must get them open again by February half-term (12 to 22 February 2021 for most schools in England) at the very latest.
- 4.8.22 Later on 4 January 2021, the PM addressed the nation referring to the new more transmissible variant of the virus, and announced the third national lockdown, instructing people to stay at home (Exhibit GW/80 - INQ000075753).

4.8.23 As part of this announcement, the PM announced that all primary schools, secondary schools, and colleges across England would move to remote education from 5 January 2021. He explained that there would be an exception for vulnerable children and CCW, and that EY settings would remain open. The PM also stated that, if infection rates fell, schools may be advised to start easing some attendance restrictions from after February half-term.

4.8.24 On 6 January 2021, I received advice from DfE officials on the implementation of school closures (Exhibit GW/81 - INQ000075519, GW/82 - INQ000075520, and GW/83 - INQ000075521). This advice included the impact on each part of the education and childcare sector as well as vulnerable children. It also included an EIA to support the advice (Exhibit GW/82 - INQ000075520). I agreed the advice on the same day (Exhibit GW/84 - INQ000075673).

#### 4.9 **March 2021 schools reopening**

4.9.1 In the run-up to the full reopening of schools, colleges and other education settings, we continued to engage stakeholders and involved them closely in developing our plans. This included confidentially sharing drafts of guidance, as well as regular meetings with a wide range of stakeholders, including regular meetings between myself and the key education unions.

4.9.2 Once the decision to close education settings had been fully implemented (following my decision on 6 January 2021), I asked for advice on how we would manage the February 2021 half-term. On 18 January 2021, I received a note from DfE officials setting out options on whether schools should close as normal, remain open for CCW, or take a permissive approach, working with parents to make suitable arrangements with the support of LAs. This was because we had previously taken slightly different approaches to schools remaining open during the Easter holidays 2020 where schools remained open for

CCW and vulnerable children; the summer half-term 2020 where we advised schools to work with parents and their local community; and the Christmas break 2020 where schools closed as normal. I decided to proceed with the option of normal closure in line with public expectations. On 21 January 2021, I agreed that education settings should close as normal for the upcoming February half-term (Exhibit GW/85 - INQ000075526).

- 4.9.3 In preparation for a meeting with No.10 officials and the Covid-19 Taskforce, I asked DfE officials to prepare advice on school reopening. On 20 January 2021, I received this advice (Exhibit GW/86 - INQ000075523 and GW/87 - INQ000075524). The advice recommended a gradual opening, if the Government decided that the public health picture allowed for this easing of restrictions. The public health picture was informed by PHE, SAGE modelling and epidemiological and NHS data.
- 4.9.4 In recognition of the need to give education settings more time to prepare for full reopening, I made a public commitment on 21 January 2021, confirming that schools and colleges would be given a 'clear two weeks' notice of changes (Exhibit GW/88 - INQ000075742). I decided on the two week period to strike a balance between giving schools and colleges as much notice as possible, lifting restrictions as soon as safely possible and the need for up-to-date epidemiological data to inform decisions. At the time, this was strongly opposed by No.10 officials, but I decided to unilaterally announce this commitment. I felt strongly that this was the only fair and logical thing to do for schools at the time. Retaining greater flexibility on changes to restrictions would not have given schools sufficient time to prepare.
- 4.9.5 On 25 January 2021, I received advice from DfE officials in relation to a revised Contingency Framework to support school reopening. This was in a paper entitled "*SoS Advice – January contingency framework review; and updated Contingency Framework, January 2021 review*" (Exhibit GW/89 -

INQ000075528, GW/90 - INQ000075529, and GW/91 - INQ000075530). On 25 January 2021, I approved options from DfE officials for a revised Contingency Framework to support school reopening. The revisions included adjusting language to more clearly position the Contingency Framework as a set of guiding principles to aide decision makers when they were considering plans to apply, tighten or relax restrictions; articulating the decision making process more clearly; setting out the ambition to give the sector as much notice as possible of any major changes; and reviewing priority attendance groups.

- 4.9.6 On 27 January 2021, I attended Covid O Cabinet, chaired by the PM (Exhibit GW/92 - INQ000075531). Based on public health advice, including the latest data on infection levels and vaccine take-up, the Covid-19 Taskforce recommended further cohorts of pupils should not return to schools and colleges on 22 February 2021, after the half-term. Instead, the PM should announce that schools and colleges would not fully reopen until at least 8 March 2021. Covid O agreed this recommendation. The PM made the announcement at a press conference on the same day (Exhibit GW/93 - INQ000075754).
- 4.9.7 On 10 February 2021, I received advice from DfE officials on reopening schools. DfE officials provided this advice after having received advice from PHE officials (Exhibits GW/94 - INQ000075534, GW/95 - INQ000075535, and GW/96 - INQ000075537). As part of the advice, I also received the relevant draft chapter of the Government's 2021 roadmap (Exhibit GW/97 - INQ000075536).
- 4.9.8 The advice which I received from DfE officials covered:
- 4.9.8.1 DfE's narrative and high-level policy intentions around the easing of restrictions.
- 4.9.8.2 A system of controls to minimise contact with individuals who were unwell, cleaning hands more often than usual, and ensuring good respiratory hygiene.

- 4.9.8.3 Expanding guidance on face coverings.
- 4.9.8.4 A clear programme of twice weekly testing for all staff, pupils and students in secondary schools and colleges.
- 4.9.8.5 Consideration around ventilation.
- 4.9.9 The advice helped inform me ahead of the Education Gold meeting, chaired by SSHSC, held on 11 February 2021, where these matters were discussed (Exhibit GW/94 - INQ000075534).
- 4.9.10 On 16 February 2021, I received an EIA from DfE officials on the impact of reopening schools. The EIA considered the impact of introducing a phased return for some year groups and the health implications of on-site attendance (GW/98 - INQ000226738).
- 4.9.11 On 22 February 2021, the PM announced the roadmap for the easing of lockdown restrictions at his COVID-19 press conference (GW/93 - INQ000075754). His announcement included the full reopening of schools and colleges from 8 March 2021, as well as the UKHSA recommended measures to be put in place, including twice weekly testing and the wearing of face coverings for secondary school and college pupils and staff for the rest of the spring 2021 term.
- 4.9.12 On the same day, DfE published an evidence summary (Exhibit GW/99 - INQ000075546) that set out the evidence relevant to, and in support of, the Government's decision to reopen schools and colleges from 8 March 2021. The evidence summary focused in particular on schools, colleges and EY settings.
- 4.9.13 The evidence summary stated that *"there is clear and unequivocal evidence that missed attendance in education is detrimental to children's cognitive and academic development and their long-term productivity."* Furthermore, it also stated that there was no strong evidence to suggest that EY settings,

schools and colleges were playing a role in driving large scale transmission in the community.

4.9.14 From 8 March 2021, primary schools fully reopened and secondary schools and colleges gradually returned to full attendance (with student and staff testing taking place before returning to face-to-face education).

#### 4.10 **The relaxation of children's social care regulations**

4.10.1 The decisions on closure and reopening of schools were, as set out above, taken by PM and/or Cabinet as they were directly linked to the society-wide restrictions of lockdown. Other areas of DfE policy were of course directly affected both by the impact of COVID-19 itself and the lockdown measures that were put in place to control it. One of those was the provision of CSC, and it was considered necessary by DfE officials in that area to introduce some relaxations to certain administrative and procedural obligations within a number of regulations in order to support children's services to manage the expected increased pressure of CSC, and staff and carer shortages due to illness during the pandemic. These were given effect by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 and then gradually withdrawn through two further sets of regulations. For each set of regulations, DfE officials carried out an EIA and CRIA.

4.10.2 I was not personally directly involved in decision making on this issue as I had delegated ministerial responsibility for CSC to MfCF although I of course remained accountable to Parliament and accept ultimate responsibility for the decisions that were made. The regulations were the subject of an application for judicial review ("JR"), which was ultimately partially successful in the Court of Appeal, and the EIA, CRIA and details of the consultation that took place were provided as part of the evidence in the JR. I understand that the CI will be considering CSC in more detail in a later module, and does not require exhibits or more information from me at this stage.



**4.11 Contingency plans for further school closures**

4.11.1 Following school closures in March 2020, I took immediate steps, as set out below, to improve arrangements for remote education and access to technology and devices for schools and their pupils, as well as contingency measures in the event that further school closures were required.

**4.12 Immediate steps to improve remote education**

4.12.1 As soon as it became clear that schools were going to be closed, I requested advice on how we could ensure continuity of education for children and young people. This advice was provided by DfE officials on 19 March 2020 (Exhibit GW/100 - INQ000226702). In response, on 23 March 2020 I agreed that we should pursue a national education offer with the BBC and that we should prioritise English and maths and year 10 students, who would otherwise miss out on key GCSE exam content. I also agreed to developing a shortlist of recommended educational apps to be housed on the BBC education platform and that DfE officials should explore further support for schools (Exhibit GW/100 - INQ000226702).

4.12.2 I subsequently met with the Director General of the BBC on 25 March 2020 (Exhibit GW/117 – INQ000226744). We discussed the national education programme, an expanded offering of curriculum related learning for children of all ages, including programs with high quality teachers, online lessons and educational activities through BBC Bitesize. I provided (through DfE officials who were working closely with the BBC) my steer on the content of their planned service including scope, priority areas and year groups. I endorsed the BBC's provision because it contributed to the continuity of education for pupils on a national scale.

4.12.3 I then asked for advice on an overall package of announcements on remote education. I received this advice, including proposed guidance, on 15 April 2020 and agreed on

17 April 2020 that the guidance could be published. The guidance covered online safety and safeguarding and tips on home learning for parents of younger children, (Exhibit GW/101 - INQ000226707) and guidance on remote education (Exhibit GW/102 - INQ000226749, GW/103 - INQ000226748, GW/104 - INQ000226747 and GW/105 - INQ000226751). This was followed by my agreement on 28 April 2020 to publish best practice case studies about teaching practice during COVID-19 (GW/106 - INQ000226711 and GW/107 - INQ000226745).

4.12.4 On 17 April 2020, I agreed to fund the Oak National Academy. (Exhibit GW/108 - INQ000226705). This initiative supported schools' efforts to keep children learning through the pandemic, enabling pupils to access free on-line video lessons and learning resources across a wide range of subjects from reception to Year 11, and specialist content for pupils with SEND. Whilst this was a sector led initiative, DfE played an important role in facilitating pro-bono offers of support, helping with stakeholder handling and communications, ensuring quality, value for money and a strategic approach. I also continued, after summer 2020, to fund and support the Oak National Academy offer, in anticipation of further disruption to education. This ensured teachers, parents and pupils had access to higher quality and quantity of on-line teaching and educational resources.

#### 4.13 **Contingency measures**

4.13.1 Having taken immediate steps to bolster and strengthen remote education, I then asked that remote education guidance should be strengthened. I was keen that DfE set clearer expectations and standards on the quality of remote education provision. On 30 June 2020, I received proposed remote education guidance that achieved these aims (Exhibit GW/109 - INQ000226718). This guidance was then further



strengthened in November 2020 [(Exhibit GW/110 - INQ000226728). It gave stronger expectations including minimum hours of remote education provision per day, monitoring pupil engagement and weekly feedback to pupils on work completed.

4.13.2 I decided that schools should be legally required to provide immediate remote education for individual pupils and groups of pupils who were unable to attend schools due to COVID-19 (Exhibit GW/109 - INQ000226718). On 2 July 2020, I made this intention clear in the: “*Schools COVID-19 operational guidance*” document. (Exhibit GW/111 – INQ000075668). Following stakeholder engagement on the Remote Education Temporary Continuity Direction, I agreed it on 8 September 2020 (Exhibit GW/112 - INQ000226723) and it came into force on 1 October 2020. It was renewed on 12 August 2021 (Exhibit GW/113 - INQ000226741, GW/114 - INQ000226746).

4.13.3 I was also keen that more schools could receive advice and training on how to use digital resources and technology to develop their remote education strategy. In that vein, on 24 September 2020, I agreed to further expand the EdTech Demonstrator Programme (Exhibit GW/115 - INQ000226725). This meant more schools could apply for up to 30 hours of support from an Ed Tech Demonstrator school or college.

4.13.4 Alongside further remote education support, another key contingency measure was to purchase and distribute devices for schools. This was directed at vulnerable and disadvantaged pupils in years 3 to 11. As early as 17 April 2020, I agreed to urgently launch a digital infrastructure package (devices and routers) for vulnerable and disadvantaged families (Exhibit GW/116 - INQ000226703). I was keen to minimise the impact of social distancing on the safety of vulnerable children (those in need and care leavers, who were unable to access social workers and wider support services). I was also keen to support disadvantaged children and minimise the attainment gap between disadvantaged pupils and their peers.

- 4.13.5 Initially, the roll out of devices focused on children with safeguarding risks and those preparing for exams. During 2020 and 2021, I then agreed further tranches of device purchases to help support more disadvantaged children to get online and access remote education in the event of future disruption. By the end of the programme over 1.9 million laptops and tablets were delivered to pupils and students in schools and colleges. This ensured many children and young people were better able to continue their learning if they needed to return to remote learning.
- 4.13.6 I agreed on 25 November 2020, and then announced on 3 December 2020 strengthened expectations for remote education (Exhibit GW/110 - INQ000226728). This set a clear minimum standard for remote education. It included expectations on the minimum hours of remote education provision per day, monitoring pupil engagement and weekly feedback to pupils on work completed. Schools were also asked to publish remote education information on their website from 18 January 2021, to help pupils and their parents know what to expect from their school if they needed to self-isolate, or if attendance restrictions were in place.

## **5. Section Four: My advice to the PM, his advisors and Cabinet**

- 5.1 In this section I will address in more detail the advice I gave the PM, his advisors and Cabinet on the potential impacts of closing and then reopening schools, colleges and EY settings on a range of different groups and issues.
- 5.2 This section is split into five core decisions surrounding attendance restrictions:
- School and EY closures in March 2020
  - School and EY reopening in summer 2020
  - School reopening in autumn 2020
  - School closures in January 2021
  - School reopening in March 2021
- 5.3 For each section, I have grouped the advice I gave on different groups of children along with different issues into the following sections:
- 5.3.1 Children's health and wellbeing: advice covering children's mental health, emotional wellbeing, children's personal, social and emotional development as well as specific advice on children with special educational needs, physical, learning or emotional needs and children with disabilities.
- 5.3.2 Children's education and attainment: advice covering children's education and attainment, existing educational inequalities and the attainment gap, the unequal ability of different families to provide education at home, ability of schools to provide remote/digital learning and the availability of digital and printable learning resources and technology.
- 5.3.3 Vulnerable children and disadvantaged children: advice covering vulnerable children (those from vulnerable families, children at risk in the home, children with social services involvement and/or in care) as well as disadvantaged children including those living in

poor, temporary or overcrowded accommodation and those who are homeless.

- 5.3.4 Children from minority ethnic backgrounds: advice covering children who are from minority ethnic backgrounds as well as those whose first language is not English.
- 5.3.5 Children from families with individuals vulnerable to COVID-19: advice covering children from families with individuals vulnerable to or at risk of COVID-19.
- 5.4 Where I gave advice in one of these areas, I have explained the advice I gave. However, in some cases for some decisions, I did not provide advice in relation to a particular group or issue. For example, I did not provide specific advice on child carers.
- 5.5 I have also provided my opinion on whether my advice was taken into account. In particular, I have made clear where I agreed or disagreed with the decisions to close schools in March 2020 and January 2021.
- 5.6 **School and EY closures in March 2020**
  - 5.6.1 Paragraphs 4.5.1 to 4.5.13.3 of this Statement and paragraphs 16.1.15 to 16.1.29 of the DfE Corporate Statement provide the detail and chronology of how the decision to close schools and EY settings was taken on 18 March 2020. I have set out below the content of advice I gave to the PM, his advisors and Cabinet in relation to this decision.
  - 5.6.2 The main piece of advice I provided to the PM was the paper entitled "*Reducing School Provision*" (Exhibit GW/10 – INQ000075681). This paper was prepared by DfE officials overnight between 17 and 18 March 2020 to inform a discussion on school closures with the PM on the morning of 18 March 2020. Within this paper, I provided the following advice:
    - 5.6.3 **Children's health and wellbeing:** the definition of vulnerable

children should include those on child protection plans, children with complex needs as well as those with profound and multiple learning difficulties (Exhibit GW/10 - INQ000075681, Vulnerable children and the children of key workers – page 4).

5.6.4 **Education and attainment:** that children’s ability to access e-learning whilst at home would be highly variable. I explained that DfE would publish guidance to schools on remote education but acknowledged that the available options would fall short of the learning that would normally be delivered (Exhibit GW/10 - INQ000075681, Other considerations – page 6). I also advised that we should not close schools until after the Easter break on Monday 20 April 2020 (Exhibit GW/10 - INQ000075681, Summary of proposed way forward - page 3). This would give DfE more time to publish remote education guidance and schools more time to prepare their plans to support pupils. Lastly, I advised on the potential impact on exams and the importance of issuing advice as soon as possible to alleviate the emotional distress caused by the uncertainty (Exhibit GW/10 - INQ000075681, Other considerations - pages 5).

5.6.5 **Vulnerable children:** the definition of vulnerable children should be a much broader grouping, including discretion for LAs to identify additional children to be classed as vulnerable who may fall outside this definition. I also advised that schools should be guided to focus resources on vulnerable children where the school was providing support over the Easter Holiday (Exhibit GW/10 - INQ000075681, Vulnerable children and the children of key workers - pages 3 and 4).

5.6.6 **Disadvantaged children:** the importance of continuing to provide Free School Meals (“FSM”) through alternative arrangements during any school closures, because this may be the only substantial meal some children would receive during their day. (Exhibit GW/10 - INQ000075681, Other

considerations - page 5)

- 5.6.7 I also agreed advice for COBR later in the afternoon of 18 March 2020. This advice was prepared by DfE officials (Exhibit GW/19 - INQ000107251). This was a slide-deck that included key parts of the advice set out earlier in the day in the "*Reducing School Provision*" paper referred to above (Exhibit GW/10 – INQ000075681). The two key additions were:
- 5.6.8 **Special schools:** that special schools and residential settings should remain open to all children. Most children in these settings would be classed as vulnerable. Furthermore, these settings provided many important specialist health, speech & language and social services to vulnerable children and young people. It was critical that these services could continue to be provided to them in a familiar environment (Exhibit GW/19 - INQ000107251, slide 3).
- 5.6.9 **FSM:** that the Government should give schools the flexibility to provide meals or vouchers to the 1.3m children eligible for FSM and reimburse the costs. In addition to this, DfE would put in place a national voucher scheme for every eligible child as soon as possible (Exhibit GW/19 - INQ000107251, slide 5).



**5.7 School and EY reopening in summer 2020**

5.7.1 Paragraphs 16.2.1-16.2.26 of the DfE Corporate Statement set out how the decision to reopen schools, colleges and EY settings was taken. Paragraphs 4.6.1 to 4.6.15 of this Statement provide further details on my input into this decision, including when I provided advice to the PM between 30 April to 5 May 2020.

5.7.2 My overall advice to the PM in this period was premised on the basis that social distancing requirements in education could not be removed. The scientific and public health advice was clear that infection levels were too high for this to happen. Therefore, I provided advice to the PM on this basis, aiming to bring back as many children as possible while maintaining social distancing rules. However, it was realistically and physically impossible to bring back all children unless scientific advice and public health advice supported the removal of these rules in education settings.

**5.8 Children's health and wellbeing**

5.8.1 On 30 April 2020, I provided advice from my officials to the PM on proposals to relax attendance restrictions for some year groups and to ensure every child was seen by a member of staff before the end of the summer term (Exhibit GW/122 - INQ000263376 ). The advice noted the mental health benefits for both children and parents in bringing children back into face-to-face education (Exhibit GW/122 - INQ000263376, Assessment by Outcome Categories, Health - Page 14). The advice also noted the risk that returning more children to face-to-face education could have on increasing COVID-19 transmission and transmission of other diseases, which could also lead to greater pressures on the NHS (Exhibit GW/122 - INQ000263376, Assessment by Outcome Categories, Health - Page 15). It did also note that it could negatively affect the mental health of children who were still not allowed to return to face-to-face education (Exhibit GW/122 - INQ000263376

Assessment by Outcome Categories, Health Page 15).

- 5.8.2 On 4 May 2020, I provided advice from my officials to the PM. This noted the positive impact returning to face-to-face education would have on children's wellbeing (Exhibit GW/22 - INQ000226715, Annex E - page 21). It also highlighted that reopening schools could help reduce the stigma of attending for those with disabilities and/or special educational needs (Exhibit GW/22 - INQ000226715, Annex E - page 22). However, the advice did also note that it might tip the balance in the opposite direction. Parents of those with disabilities and/or special educational needs may decide to pull their children out of school due to the higher number of children attending the setting.
- 5.8.3 The modelling contained in the advice to the PM (Exhibit GW/22 - INQ000226715, Annex C - page 16) also assumed that children who were clinically extremely vulnerable (shielding) would not attend and that children at increased risk of COVID-19, or who were living with someone who was at increased risk, could attend on the basis of reduced social interactions. The modelling also assumed that children living with someone who was clinically extremely vulnerable should only attend if stringent social distancing could be adhered to.

## 5.9 Children's education and attainment

- 5.9.1 As part of the 30 April 2020 advice to the PM, this advice stressed the long-term economic benefits that may result in bringing back children into face-to-face education, especially those in transition and exam year groups, as these are the key years for ensuring that children are successful in passing their exams and qualifications (Exhibit GW/122 - INQ000263376, Assessment by Outcome Categories, Economy - Page 15).
- 5.9.2 Annexed to the 4 May 2020 advice was an options analysis entitled "*Annex A Table Final*" (Exhibit GW/21 – INQ00075411).

This provided advice on the benefits of education on children's development. It made clear that the earlier phases of education, especially EY, reception and Year 1, were key to cognitive, social and emotional development. It also advised on the impact that reopening EY education could have on helping to close the attainment. It stated that *"40% of the variation in the disadvantage attainment gap at age 16 is explained by factors from 0-5 [year olds]"* (Exhibit GW/21 - INQ000075411, Evidence on early years and attainment, i).

5.9.3 The options analysis also made clear the impact that school reopening could have on older children's education. It advised on the neurological evidence that early adolescence is a key phase for developing reasoning, planning and self-regulation. (Exhibit GW/21 - INQ000075411, Educational Benefit column, pages 3 and 7). It also explained the importance of bringing back Year 10 and Year 12 pupils, because they have *"the least amount of time to recover learning lost before national assessments to determine their future"* (Exhibit GW/21 - INQ000075411, Educational Benefit column, pages 1 and 3)."

5.9.4 The advice also noted the wider value in bringing back college students. Not only were many of these in the equivalent of Year 12, but approximately, 60,000 college students had very low levels of qualifications, including those with Level 1 or below. The advice explained that there was a risk that these individuals would become permanently disaffected with education. Consequently, there was a risk they could end up as NEETs. (Exhibit GW/21 - INQ000075411, Educational Benefit column, page 1).

## 5.10 **Vulnerable children and disadvantaged children**

5.10.1 The advice to the PM of 30 April 2020, noted that bringing back more children into face-to-face education could help encourage more CCW and vulnerable children to return to face-to-face education (Exhibit GW/122 - INQ000263376

Assessment by Outcome Categories, Health - Page 14). It also noted that domestic abuse may reduce as children will be in school more often and this will put less pressure on family relationships (Exhibit GW/122 - INQ000263376, Assessment by Outcome Categories, Societal - Page 16).

- 5.10.2 The advice to the PM of 4 May 2020 also noted that the actual attendance of vulnerable children and CCW was much lower than predicted. Originally, DfE officials had assumed that 20% of vulnerable children and CCW pupils would attend schools and that schools might be overwhelmed with demand. In reality though, only 10% of pupils attended and the Government needed to encourage more vulnerable children to attend school (Exhibit GW/22 - INQ000226715, para 7).
- 5.10.3 The EIA included with the advice to the PM on 4 May 2020, set out that, *“a significant focus of policy development in opening schools back up to more pupils in the summer term of 2020 is related to the positive impacts on vulnerable children and disadvantaged children”* (Exhibit GW/22 - INQ000226715, Annex E - page 21).
- 5.10.4 The options analysis (Exhibit GW/21 - INQ000075411, Evidence on early years and attainment, i) highlighted the particular impact that the lack of face-to-face education and childcare could have on disadvantaged and vulnerable children.
- 5.10.5 *“Without formal and informal childcare as a protective factor, disadvantaged children are more likely to experience development losses over COVID-19. Vulnerable pre-school children experiencing increased exposure to neglect, family tension or abuse will be strongly affected in the short and longer-term.”*
- 5.10.6 It also drew on research by the Sutton Trust that had estimated that *“the poorest children are already 11 months behind their*

*better-off peers before they even start at school.”*

5.10.7 Specifically for pre-school children from disadvantaged families, the advice to the PM stated that *“Children aged 0-5 from disadvantaged families are less likely than their peers to experience an enriching home learning environment and likely to be more exposed to risk factors such as lower quality parenting, material deprivation and parental stress - all of which influence children's school readiness and have persistent effects throughout the rest of childhood and into adulthood.”*

5.10.8 The overall advice made clear that, in reopening schools, the full offer for all vulnerable children (attending five days a week) should remain, even if their peers were returning on a rota basis. Settings would need to continue their remote learning education for pupils who were unable to return to their setting. This would ensure vulnerable and disadvantaged children, alongside others, who were unable to attend could continue to receive education (Exhibit GW/22 - INQ000226715, paragraphs 6 and 8).

#### 5.11 **Children from minority ethnic backgrounds**

5.11.1 The advice to the PM on 30 April 2020, noted that *“BAME pupils in cohorts not selected to return to school are likely to be proportionally at a greater disadvantage than their non-BAME peers (Exhibit GW/122 - INQ000263376, Assessment by Outcome Categories, Fairness - Page 17).”*

5.11.2 The EIA included with my advice to the PM on 4 May 2020 also noted that *“there is developing evidence that BAME communities are being more greatly impacted by COVID-19 than other people.”* My advice suggested that Black Asian and Minority Ethnic (“BAME”) parents may be less likely to let their children attend school compared to other groups. Therefore, the Government needed to be confident that arrangements

could be put in place to mitigate any impact on these children (Exhibit GW/22 -INQ000226715, para 29 – bullet point 5 and Annex E - page 23).

## 5.12 School reopening in autumn 2020

5.12.1 Paragraphs 4.7.1 to 4.7.12 of this Statement and paragraphs 16.4.1-16.4.15 of the DfE Corporate Statement already set out how the decision was taken to re-open schools and colleges in autumn 2020 along with my input into this decision. Advice on reopening education settings was developed through a series of Education Institutions Meetings (Exhibit GW/46 - INQ000075677) until the end of June 2020 (as detailed in paragraph 4.7.1 of this Statement). I then presented my advice to Covid S (chaired by the PM), in the form of papers on 19 June and 6 August 2020 (Exhibit GW/121 INQ - INQ000263377, Exhibit GW 125 - INQ000088237 and GW/57 - INQ000075463).

5.12.2 Much of the advice provided by me to the PM on summer reopening on the wider benefits was not repeated for this phase. Partly as these discussions were happening in parallel and if they were happening after summer reopening, the PM, his advisors and Cabinet already understood the benefits.

## 5.13 Children's health and wellbeing

5.13.1 In my Covid S paper presented on 19 June 2020, I explained that *"a full return will have numerous benefits for wellbeing: many children currently have no interactions outside of their household, which can result in deprivation, neglect and abuse going unidentified* (Exhibit GW/121 - INQ000263377 - para 11)."

5.13.2 In the Covid S paper that I presented on 6 August 2020, I shared our aim to use influential voices such as school teachers, commercial partners such as supermarkets and the



BBC to amplify messages on both the safety measures put in place in schools and the emotional benefits of returning to education settings for a child's education, development and wellbeing (Exhibit GW/57 - INQ000075463, para 15).

5.13.3 I also set out that where an area was subject to local restrictions because of high infection rates, we had established a hierarchy of lockdown measures to guide local (and where necessary national) decision makers. Given the benefit to children, parents and society of continuing education, the DfE's starting point was that education and childcare settings should be the last to step back from full opening after the closure of retail, hospitality and leisure settings. Within that, I recommended only closing primary schools and EY as a last resort (Exhibit GW/57 - INQ000075463, para 34).

#### 5.14 **Children's education and attainment**

5.14.1 In my Covid S Paper presented on 19 June 2020, I stated that *"a full return in September will carry substantial benefits for education outcomes as prolonged disruption to learning will be limited* (Exhibit GW/121 - INQ000263377- para 11)."

5.14.2 In my Covid S paper presented on 6 August 2020, I was clear on the importance of having strong contingency plans in place in case one or more settings needed to return to remote education. This included that *"all settings are expected to plan for delivery of remote education in case of local lockdown and issues for individuals attending* (Exhibit GW/57 - INQ000075463, para 38)." Furthermore, I advised that we already had plans to purchase 150,000 additional laptops and tablets and could purchase a further 120,000 if HMT gave their approval (Exhibit GW/57 - INQ000075463, para 37). My paper also mentioned that schools had access to high quality resources, such as Oak National Academy, so they could ensure pupils followed the curriculum and made good progress.

5.14.3 Despite these measures, I made clear in my advice to Covid S that there remained a substantial risk that engagement with remote education would be low. To monitor the quality and delivery of remote education, Ofsted would conduct visits through the autumn term involving collaborative discussions on the planning and delivery of both high-quality face-to-face and remote education (Exhibit GW/57 - INQ000075463, para 41 i.).

**5.15 Vulnerable children and disadvantaged children**

5.15.1 My Covid S paper presented on 19 June 2020 made clear that full return of children to education would “normalise attendance, resulting in more vulnerable children returning to education (Exhibit GW/121 - INQ000263377) – para 11.”

5.15.2 In my Covid S paper on 6 August 2020, I continued to advise that vulnerable children should be able to attend school five days a week regardless of whether a setting was open or closed (Exhibit GW/57 - INQ000075463, para 34).

5.15.3 I also provided advice on disadvantaged children and the arrangements for FSM (Exhibit GW/57 - INQ000075463, para 30). I advised that the Government should switch back to children receiving their meal at school rather than as a voucher or food parcel. This would create a further incentive for children to return to school, which was especially important for disadvantaged children.

**5.16 Children from minority ethnic backgrounds**

5.16.1 In my Covid S paper on 6 August 2020, I set out plans to improve the confidence of parents and children in relation to returning to school. Latest figures suggested a lack of confidence was more prevalent amongst BAME parents. The DfE’s ‘Back to School Safely’ campaign and paid-for advertising were designed to reassure parents and their

children ahead of the return to school in September 2020. I advised we were working with PHE on a range of leaflets for parents, which would be translated into community languages, to ensure they understood the measures in place to reduce the risks of transmission. I also set out that we would work with LAs to ensure messaging reached targeted groups, including BAME parents and lower socio-economic households. I advised we would work with the Department for Transport (“DfT”) and transport providers like Transport for London (“TfL”) to ensure that active travel messages were a key part of the campaign (Exhibit GW/57 - INQ000075463, paras 11, 13 and 14).

#### **5.17 School Closures in January 2021**

5.17.1 Paragraphs 19.1.1-19.3.5 and 20.1-20.12 of the DfE Corporate Statement and paragraphs 4.8.1 to 4.8.24 of this Statement set out how the decision to close education settings in January 2021 was made along with my input. This section focuses on the advice I provided to the PM in the run-up to the decision to close education settings in January 2021.

5.17.2 During December 2020 and early January 2021, I advised the PM about the potential re-introduction of attendance restrictions. Overall, my advice to the PM was unequivocal: we needed to ensure that children could return to school in January 2021 and DfE would work with DHSC on whatever measures were deemed necessary by the latest public health and scientific advice to make this happen. Furthermore, as scientific and public health advice asked for additional measures, such as on testing and staggered returns, to keep schools and colleges open after the Christmas holidays, I agreed these measures, because the alternative was to risk schools and colleges not being allowed to reopen after the Christmas holidays. Unfortunately, I was not given the opportunity to provide proper and full advice to Cabinet before we took the decision to close education settings in January

2021.

5.17.3 The main piece of advice was joint advice from SSHSC and myself: the Covid O paper titled "*Approach to managing the return of school and colleges at the start of January 2021 term*" for the 16 December 2020 Covid O (Exhibit GW/65 - INQ000075502).

**5.18 Children's health and wellbeing**

5.18.1 SSHSC and I advised in the joint 16 December 2020 Covid O paper that "*The benefits of face-to-face attendance do far outweigh the risks of COVID-19 for children and young people, with missing education causing significant harm to learning, development and mental health.*" However, in order to make the return happen, SSHSC and I advised that secondary schools would need a staggered start to ensure testing of staff and pupils could take place prior to returning to the classroom. Most pupils should commence face-to-face education from 11 January 2021 with vulnerable children, CCW and exam cohorts returning from 4 January 2021. I agreed to advise a delayed return, because, I understood, these measures were based on the latest public health advice from DHSC and its agencies and SAGE; and if I didn't agree to a delayed return, there was the risk that there would be no return at all in January 2021 (Exhibit GW/65 - INQ000075502, paras 4 and 5).

**5.19 Children's education and attainment**

5.19.1 Within the same Covid O paper, SSHSC and I also advised on the importance of prioritising exam cohorts to return as usual, for the new term, from 4 January 2021. I was clear that years 11 and 13 along with college students sitting exams should be prioritised (Exhibit GW/65 - INQ000075502, para 17). I would have preferred to advise that all year groups return on 4 January 2021, but based on the steers I received, it seemed very apparent to me that SSHSC and senior medical and

scientific advisors would have opposed this, so I felt that I needed to push for only these limited cohorts to return on 4 January, otherwise the return to school proposals would not have been agreed.

5.19.2 However, as set out in paragraphs 19.2.3-19.2.8 of the DfE Corporate Statement, the return to school plans, alongside other plans to manage transmission, needed to be revisited due to the growth of the Alpha variant. On 27 December 2020, DfE officials provided me with slides which set out the options for spring term 2021 (Exhibit GW/118 - INQ000226734, GW/118 - INQ000226731, GW/119 - INQ000226732, GW/120 - INQ000226733). DfE officials also shared these slides with No.10 (Exhibit GW/17 - INQ000226730).

5.19.3 I then attended a meeting with the PM and other ministers on 28 December on return to school plans (see paragraphs 4.8.12 and 5.20.3 of this Statement for details about this meeting.). At the meeting, I made clear that transmission levels were still below what they had been in some northern towns over the autumn term and we had managed to keep these settings open. Furthermore, unlike the first lockdown, we now had unequivocal evidence that school closures were damaging for children's education, development, and health (Exhibit GW/18 - INQ000226731, slide 4). The slides provided to No.10 on 27 December 2020 (Exhibit GW/18 - INQ000226731, slide 4) also demonstrated how the disruption during the 2019/20 academic year had detrimentally affected pupils' academic performance:

5.19.3.1 *"In reading, pupils in most year groups Year 3-9 on average are around 2 months behind where we would expect them to be in a 'normal' year.*

5.19.3.2 *In maths, Year 3 - 7 pupils are around 3 months behind where we would expect them to be in a 'normal' year.*

5.19.3.3 *Latest evidence is clear that remote education for school-aged children at best stops them regressing – it has not*

*helped them make progress.”*

5.19.4 I explained that school and college closures in January 2021 would most likely lead to the cancellation of exams as is set out in the email from Alexandra Burns (Private Secretary to the PM) summarising this meeting (Exhibit GW/69 - INQ000075504). I pointed out the social cost of closing schools – in particular the impact on children in disadvantaged areas – and highlighted the consistent message the Government had held on the importance of education, even in areas with high Covid rates (Exhibit GW/69 - INQ000075504). I also raised my concern that if schools and colleges were closed in January, it would be difficult to open them again until perhaps Easter. In the slides provided in advance of the meeting, I set out the alternatives to holding exams, which were teacher marked standardised assessments, the possible addition of teacher judgements and partial cancellation (Exhibit GW/118 - INQ000226734, slide 8). In the slides, I made clear that these options were sub-optimal compared to holding exams.

## 5.20 **Vulnerable children and disadvantaged children**

5.20.1 As set out in the Covid O paper for the 16 December 2020 Covid O meeting (Exhibit GW/65 - INQ000075502, para 20(iv)), I advised that *“Schools act as an insulating factor against hidden harms, and they provide vital pastoral and practical support”*. During the March to July 2020 lockdown, vulnerable children were able to attend but many did not. This paper stated that *“We will work with LAs and schools to ensure that attendance is incentivised wherever possible.”*

5.20.2 One of my four objectives detailed in the paper (Exhibit GW/65 - INQ000075502) was *“protecting the most vulnerable”*.



Therefore, SSHSC and I recommended that schools and colleges continue to provide face-to-face education for vulnerable children from 4 January 2021. However, the joint paper recognised that *“further work is needed to evaluate the options and risks.”* Our advice was clear that, in a worst-case scenario situation, settings stay open for vulnerable children and those responsible for safeguarding vulnerable children should have the resources available to continue their work.

5.20.3 At the 28 December 2020 meeting with the PM and others, I advised on the significant social cost that school closures would have particularly on disadvantaged children (Exhibit GW/69 - INQ000075504). The slides made clear that *“learning at home may be particularly challenging for disadvantaged pupils, with further home learning continuing to exacerbate an attainment gap already widened by the pandemic up to this point. The Education Endowment Foundation has found that school closures will widen the attainment gap between rich and poor by 36%”* (Exhibit GW/118 - INQ000226734, slide 4). Annex A (Exhibit GW/119 - INQ000226732) of the slides pointed out that one mitigation could be *“Intensive 1:1 support for the most disadvantaged.”*

## 5.21 School reopening in March 2021

5.21.1 Paragraphs 21.1-21.18 of the DfE Corporate Statement and paragraphs 4.9.1 to 4.9.14 of this Statement cover the decision to reopen schools and colleges in March 2021 along with my input into this decision. This section covers the advice I provided to the PM, his advisors and Cabinet on this decision. The main piece of advice I provided was via a CO (Covid-19 Taskforce) Covid O paper for Covid O on 27 January 2021 and chaired by the PM. I fed into the paper into the education-relevant aspects of the paper via DfE officials (Exhibit GW/92 - INQ000075531). These contributions are set out below:

5.21.2 **Children's health and wellbeing:** the paper noted that a delay in face-to-face education would harm mental and physical outcomes for children. The paper noted that we should be seeking to return all cohorts to face-to-face education to maintain all children's health and wellbeing (Exhibit GW/92 - INQ000075531, paragraph 13).

5.21.3 **Children's education and attainment:** the paper noted which cohorts, in education and attainment terms, would benefit most from returning to face-to-face education first. The advice set out that children less able to engage effectively with remote learning (key stage 1 and key stage 2) should take priority, along with pupils in critical exam years at secondary schools (Exhibit GW/92 - INQ000075531, Annex B: DfE Proposed Prioritisation). The paper also set out the negative impacts of delaying the return of face-to-face education, including the widening of the attainment gap, particularly for disadvantaged students (Exhibit GW/92 - INQ000075531, paragraph 12).

6. **Section Five: My reflections and lessons learned on the core decisions to close and reopen schools during the COVID-19 pandemic.**

6.1 This section sets out my overall reflections and lessons learned. It covers the following areas:

6.1.1 **Reflections:** my reflections on whether children and specifically my advice to the PM, Cabinet and his advisors on children and education, were taken into account during the COVID-19 pandemic.

6.1.2 **Lessons learned:** my lessons learned during the COVID-19 pandemic.

**6.2 Reflections**

- 6.2.1 It is important to understand how decisions were made in practice during the COVID-19 pandemic. The PM in most cases would have made the de facto decision well before it reached Cabinet or relevant Cabinet Committee. By that point, the focus would be on how to best implement the decision, rather than a discussion on the in-principle decision that had already been taken. This meant that if you were not involved in the initial informal discussions with the PM and his advisors, your ability to input into the decision was significantly constrained.
- 6.2.2 Regarding the decision to close schools in March 2020, I do believe that my advice was taken into account by the PM and Cabinet. However, that advice needed to be considered in the context of public health advice, NHS capacity, the rapid spread of the virus and lack of scientific understanding about the virus at this point in time.
- 6.2.3 I agreed in principle with the decision to close schools and colleges in March 2020. It was necessary. The timeline for making a decision rapidly closed as the spread of the virus accelerated much faster than expected and SAGE concluded school closures were necessary to bring transmission down. Furthermore, the combination of the fear that was gripping the country with many parents withdrawing their children and schools being forced to close due to workforce absence, meant that school closures were already happening on the ground and there wasn't another viable alternative to full closure.
- 6.2.4 I disagreed, as detailed below, when the PM decided to bring the date for introducing attendance restrictions forward to 23 March 2020, instead of from the end of the Easter holidays on 20 April 2020. This decision went against my detailed advice. It meant that DfE did not have sufficient time to prepare and publish guidance to support schools on remote education. More importantly, it gave schools and colleges no time to

prepare to deliver remote education while also juggling the difficult tasks of putting in place arrangements for vulnerable children and CCW over the Easter holidays as well as then delivering face-to-face education to them under new social distancing requirements.

- 6.2.5 Regarding the decision to reopen schools, colleges and EY settings in summer term 2020 and the start of the new academic year, I do consider my advice was generally taken into account. Again though, it was balanced with public health advice and other demands on the 'Covid Budget'. I understand why, given infection levels, scientific and public health advice recommended maintaining the social distancing rules in education. On reflection, and with the passage of time, I do think this was wrong. They should have advised for changes to these rules, so all children could have come back to school sooner and benefited from being at school. This was in the best interests of children's health and wellbeing.
- 6.2.6 On the decision to close schools in January 2021, my advice was initially taken into account by the PM during December 2020. On this basis, I was able to work up detailed plans with SSHSC on the return to school plans, with headteachers and DfE officials working all through the Christmas period to make this happen. Ultimately though, on the final decision to close schools on 4 January 2021, I consider that the PM did not give my advice sufficient weight or sufficiently take children's interests into account.
- 6.2.7 I considered this decision to be wrong on two grounds. Firstly, we had seen the impact, especially on the most disadvantaged children, of not having schools open and operating as normally as possible. My concern was that a second set of restrictions would set back children's educational recovery and progress even further. Secondly, I felt it was wholly unnecessary. We had seen exceptionally high rates of COVID-19 in a number of northern towns and cities, yet had been able to keep schools open in these areas over this period. While this would be

exceptionally challenging at a national level, I felt it was the right thing to do, as keeping children in school was so beneficial to them. I still believe that the decision did not sufficiently take children's interests or wellbeing into account. I believe that the decision to close schools in January 2021 was not required. It was a panic decision, made without having children's interests front and centre.

6.2.8 I did very briefly consider whether I should resign, but I felt it was not the right thing. I respect Cabinet collective responsibility. It means that when you lose a debate in private, you need to defend it in public as SSHSC and CDL did after 28 December 2020 and I did after 4 January 2021. I was also concerned that resigning would distract attention away from the key policy issues and focus attention on personal political issues. Finally, given the speed of decision making and the need to properly implement school closures within a few hours, I was focused on implementing the decision to schools and colleges as effectively as possible.

6.2.9 Finally, on the decision to reopen schools in March 2021, in principle, I agreed with this decision. I wanted to get children back into school as early as possible. However, my advice, upon the lockdown on 4 January 2021, was to get children back into school as early as possible and no later than the February 2021 half-term. However, this advice was not heeded, and children went back three weeks after the end of February half-term. While I understood the public health argument to keep most children out of school, I do consider my advice was in children's best interests and we should have got children back into school sooner.

### 6.3 **Lessons learned**

6.3.1 My major lesson remains that the Government should avoid, at nearly all costs, closing schools to the vast majority of children. It was not in most children's best interests. We now know the impact school closures had and are still having on their

educational attainment and wider health and wellbeing. In making major policy decisions during a crisis, the PM and Cabinet need stronger safeguards in place to take account of children and young people's interests better. I endeavoured always to voice the position of children and young people and the essential need for them to be at school.

- 6.3.2 If, in exceptional circumstances, school closures cannot be avoided, then it is incredibly important to have a clear, established and transparent process for how the Government would move to take this step. During the pandemic, critical decisions got signed off so late that it was very challenging to communicate these changes and operationalise them with the sector.
- 6.3.3 Instead, the Government should have a clearly established framework for considering school closures. This framework should set out to the sector the steps that would be taken in the run-up to closures, including thresholds for each step, what other parts of the economy or society might close beforehand and how it would then step-down the response. This would help the education and EY sector better prepare for such an eventuality. It would also be easier to work in partnership with the sector to operationalise such a shift.



OFFICIAL-SENSITIVE

**Statement of truth**

I believe that the facts stated in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signature: Gavin Williamson

Dated: 7<sup>th</sup> September 2023