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UK Covid-19 Inquiry

Corporate Statement of SUSAN ACLAND-HOOD on behalf of the Department for Education

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OFFICIAL SENSITIVE

I, SUSAN ACLAND-HOOD, OF THE DEPARTMENT FOR EDUCATION, SANCTUARY BUILDINGS, GREAT SMITH STREET, LONDON, SW1P 3BT, WILL SAY AS FOLLOWS:-

1. INTRODUCTION

- 1.1 I, Susan Acland-Hood, am employed by Department for Education (“DfE”) as the Permanent Secretary. I have held this position since September 2020. Prior to this role, I was the Chief Executive at HM Courts and Tribunals Service (2016 to 2020).
- 1.2 I make this statement in response to the Inquiry's Request for Evidence under Rule 9 of the Inquiry Rules 2006 sent in draft on 7 October 2022 (“the Rule 9 request”).
- 1.3 I have been asked to provide an overview of the structures of DfE and the role it played in the UK Government's response to the Covid-19 pandemic between 1 January 2020 and 24 February 2022, with a particular focus on the period from the beginning of January 2020 to 26 March 2020, when the first UK lockdown came into effect. Although I was not employed by DfE during that early period, I am satisfied from the documents retained by DfE and information provided to me by colleagues that this statement accurately sets out the structure of DfE and the role it played in the UK Government's response to the pandemic, both in those early months and later, including after I became Permanent Secretary.
- 1.4 The statement will be broken down into four parts as follows:
 - 1.4.1 Part 1 - Summary of DfE's response to the pandemic: summarising in chronological order DfE's overall response to the pandemic. In order to give the Inquiry some context around DfE's overall involvement in the Government's response to the pandemic, which was not limited to the matters addressed by the Rule 9 request, I will provide a chronological summary of the work carried out within DfE in response to the pandemic.
 - 1.4.2 Part 2 - DfE responsibilities and structures. I will give an overview of how DfE was organised before and during the

pandemic and how it worked with other government departments and public bodies, as well as a brief overview of its response, both as part of the cross-government effort and in relation to matters wholly within the area of DfE's responsibilities.

- 1.4.3 Part 3 - Key decision-making: I will describe and explain key decision-making relating to non-pharmaceutical interventions ("NPIs") that DfE was involved in.
- 1.4.4 Part 4 - Lessons learned: I will set out how DfE learned lessons, and acted on the lessons it learned, both as the pandemic progressed and afterwards.
- 1.5 This statement is supported by a chronology of key relevant decisions as well as documentary evidence, which will be referred to in the format (Exhibit SAH/1- INQ0000).
- 1.6 I have sought to address all the questions in the Rule 9 request in this statement. I would ask the Inquiry to note that in relation to:
 - 1.6.1 Public confidence and behaviour management (paragraph 7i), DfE was not part of the core decision-making to maintain public confidence and behaviour management across wider society.
 - 1.6.2 Data modelling (paragraph 7h), DfE was not responsible for the production, modelling and dissemination of data modelling of aspects of the Covid-19 virus or involved with core decision-making. DfE used modelling, data and advice on Covid-19 from Office for National Statistics ("ONS"), Department for Health and Social Care ("DHSC"), UK Health Security Agency (including predecessor organisations) ("UKHSA") and Scientific Advisory Group for Emergencies ("SAGE") to inform our approach. DfE published data on attendance and absence of pupils and staff, on a fortnightly basis, which was available to cross-government and external stakeholders.
 - 1.6.3 Public health and coronavirus legislation and regulations (paragraph 7j), DfE was not directly involved in advice and briefings to the Prime Minister ("PM"), Office of the PM, Cabinet

and Cabinet Committees. While DfE officials worked with DHSC officials on certain coronavirus regulations and parts of the Coronavirus Act 2020, which gave Secretary of State for Education (“SSE”) powers to direct education settings to temporarily open or close, this did not involve significantly working directly with the PM, officials within Cabinet Office or Cabinet Committees.

PART 1:

Summary of DfE response to the pandemic

2. DfE objectives during the pandemic

2.1 DfE, education and childcare settings and all those working in children's social care ("CSC") faced an unprecedented challenge in rapidly responding to the pandemic. DfE had several objectives in responding to the pandemic that required different levels of focus at different times. For example, DfE's main objectives included (in no particular order):

2.1.1 Protecting and promoting children's education, especially for the most vulnerable and disadvantaged. This was prioritised over the education of adults, including HE students, though DfE did also seek to sustain face-to-face HE provision wherever possible;

2.1.2 Keeping children safe through the pandemic, not just from the pandemic itself but also from other risks;

2.1.3 Helping to restrict the spread of the virus;

2.1.4 Helping to ensure that critical workers could continue to do their jobs; and

2.1.5 Helping to keep settings safer for those working in education, childcare and children's social care.

3. Scientific and public health advice

3.1 Decisions were based on the latest scientific and public health advice. In some instances, critical aspects of understanding the virus changed, for example, the extent of the risk to children and young people and their role in transmission.

4. Early stages of the pandemic

4.1 During the early stages of the pandemic, DfE's focus was on helping settings to keep as many children and young people as possible in face-to-face education. This was based on the emergent understanding that

the direct risk to children from Covid-19 was low and the Government was clear on the importance of education.

4.2 However, maintaining full attendance at education and childcare settings became increasingly difficult in the run-up to the first lockdown. Some settings were temporarily closing due to Covid-19 cases, workforce absence and/or parents choosing to keep their children at home, due to concerns about perceived risk to their children. At the same time, the scientific advice was that measures to decrease social mixing would be needed to slow the spread of the virus and protect NHS capacity. The role of children in transmitting the virus was not well understood. Consequently, public health advice evolved to ensure education and childcare settings played their part in reducing social mixing.

4.3 DfE advised that settings restricted attendance only to vulnerable children and children of critical workers (“CCW”). This helped to reduce social mixing and ensure that the most vulnerable children could continue to attend their setting. For vulnerable children, this meant they could be kept safer and more able to continue their learning, as they would likely face the biggest barriers. It also meant that critical workers were able to keep working, as their children could also attend.

5. **Vulnerable children**

5.1 Vulnerable children (as defined at paragraph 16.1.2) continued to be prioritised during lockdown. DfE worked with local authorities (“LAs”), the police and charities to tackle abuse and other hidden harms including via a fortnightly LA Survey and advising that social worker visits continued to be face-to-face. DfE also launched the *See, Hear and Respond* programme in partnership with Barnardo’s to support vulnerable, ‘hidden’ children.

5.2 DfE created a Vulnerable Children’s Unit to prioritise and advocate for the needs of vulnerable children across government. At the same time, DfE also established the Vulnerable Children and Young Person Programme Board in April 2020. This monitored the programme of activity, across government, to support vulnerable children and young people during the pandemic.

6. Supporting schools and learning during restricted attendance

- 6.1 When education and childcare settings were advised to restrict attendance in March 2020, they were grappling with huge amounts of change. Settings were keeping schools open for vulnerable children and CCW, providing education through a new medium, juggling staff shortages, making sure staff and families were adequately supported and making alternative arrangements for those on free school meals (“FSM”). It was uncertain how long the lockdown would last and the prevailing assumption across government was that it would be a shorter lockdown than it turned out to be.
- 6.2 In the context of the uncertainty and challenges outlined above, DfE deliberately gave education settings considerable discretion on how they would deliver their curriculum. It did not provide remote education guidance, which could have set clear expectations, because this would not have been deliverable in the early stages. DfE focused on supporting schools to respond to the pandemic and making available resources and information.
- 6.3 DfE also took several steps to help minimise the impact of attendance restrictions on children and young people’s education and wellbeing. This included: establishing the National Voucher Scheme for pupils eligible for FSM; supporting the establishment of Oak National Academy, which went onto generate thousands of online resources to facilitate remote learning; and purchasing and distributing laptops and other devices to vulnerable children.
- 6.4 Given the likely detrimental impact of restricting attendance on children and young people’s educational development, DfE began to invest heavily in recovery measures from as early as June 2020. The department strengthened guidance and expectations on remote education practice and standards from July 2020. This helped set the foundations for a better educational experience when children and young people needed to learn remotely at subsequent times.

7. Easing attendance restrictions in 2020

- 7.1 As the prevalence of virus decreased during the first lockdown, DfE planned and implemented a partial easing of attendance restrictions in

June 2020. This was done in close collaboration with DHSC and its key agencies. It formed part of the 2020 roadmap (entitled *Our Plan to Rebuild*). The aim was to get as many children and young people as possible back into face-to-face education whilst helping to manage overall transmission, taking care that the pace of easing attendance restrictions followed public health advice about what was consistent with avoiding another peak. Transition years (early years, reception, Y1, Y6) and 'pre-exam' years (Y10 & Y12) were prioritised to minimise educational disruption at these key stages and prepare for the next year's exams. While the initial ambition had been to bring back all primary year groups, settings were given discretion about how many and which children to bring back, because the scientific advice did not support the removal of social distancing rules across society.

- 7.2 DfE published guidance on how settings could create a safer environment to support settings in easing attendance restrictions. The measures focused on limiting mixing of children, young people and staff as far as possible including limiting year groups, adjusting class sizes and school transport arrangements.
- 7.3 DfE continued, at the same time, to prepare plans for a full easing of attendance restrictions for the start of the new academic year. This was helped by both the increasing scientific evidence that children and young people were not a particularly high transmission risk; as well as the Government consensus that attendance restrictions must be the last restriction in any future lockdown and the first to be removed. This reflected the importance of face-to-face education for children's educational development, health and wellbeing.
- 7.4 As the scientific evidence showed that the prevalence of the virus had decreased over the summer, DfE made clear its commitment to open schools and colleges to all pupils as safely as possible at the start of 2020 autumn term. Working with DHSC, Public Health England ("PHE") and others, it developed a feasible plan to advise that schools, colleges and universities ease attendance restrictions from September 2020. For schools and colleges, this included a full PHE-endorsed system of controls that was expanded to reflect the latest scientific and public

health advice. This allowed settings to operate as normally as possible while minimising transmission risks.

- 7.5 Schools gradually returned to full attendance during September 2020. By 15 September 2020, 99.9% of schools reopened their doors following the summer holidays. DfE took steps to minimise disruption to education during autumn 2020 as well as launching the National Tutoring Programme to help pupils catch up. As the epidemiological and scientific advice evolved, DfE worked with PHE to improve the system of controls, such as changing the advice on face coverings and piloting asymptomatic testing. DfE regional teams also worked closely with local areas to avoid attendance restrictions. Furthermore, the Government did not advise settings to apply attendance restrictions during the second lockdown in November 2020, which reflected the consensus that face-to-face education should not be disrupted unless it was a measure of last resort.

8. **The third lockdown**

- 8.1 As case rates increased over the Christmas and New Year period (2020 into 2021), steps were taken to avoid advising settings to introduce attendance restrictions. These included mass asymptomatic testing for the workforce, secondary, college and university students, and the use of face coverings in education settings. There were also proposals to stagger the start of the term for secondary schools and colleges to enable them to deliver testing on-site.
- 8.2 However, public health advice shifted significantly by 4 January 2021. Public health advice now recognised the need to advise schools, colleges and universities to apply attendance restrictions. This was needed in order to slow the spread of the virus and protect NHS capacity, but they would be the first restrictions to be eased. Early years settings were not advised to put in place attendance restrictions.
- 8.3 During the third lockdown, the educational experience was better for many children. Settings had clear remote education guidance along with access to good practice case studies. DfE issued clear expectations through guidance and the Remote Education Continuity Direction on the core offer each school and college should be providing.

9. **From easing restrictions in March 2021 to living with Covid-19**

- 9.1 DfE worked across government to secure agreement that attendance restrictions would be eased as the first step on the roadmap (entitled *Covid-19 Response – Spring 2021*). External stakeholder engagement (including LAs, education settings and trade unions) was a key ingredient in developing the detailed plans for easing attendance restrictions. DfE worked collaboratively with the new Permanent Secretary Stakeholder Group (“PSSG”) alongside other external stakeholder groups to develop the plan for the full easing of restrictions and problem solve issues as they arose. PSSG included representatives from the early years, schools, further education, higher education and children’s social care sectors.
- 9.2 From 8 March 2021, schools and colleges gradually returned to full attendance with universities following in tranches during the rest of the academic year.
- 9.3 During the remainder of the period (March 2021 to February 2022), DfE worked with DHSC and UKHSA to refine and adapt its guidance. Settings were able to make use of the latest technological measures to control the virus, including the offer of regular twice-weekly testing for staff and pupils in Year 7 and above, and the provision of CO₂ monitors and air cleaning units.
- 9.4 As public health advice allowed, measures were able to be stepped down over the remainder of 2021 and 2022. However, in some instances DfE advised settings to temporarily step-up certain measures, such as face coverings or testing, in light of a new variant or increasing prevalence. Overall, more measures were able to be relaxed and normality introduced back into all education, childcare and CSC settings by the time the February 2022 ‘Living with Covid’ announcement was made.

PART 2:

DfE responsibilities and structures: overview of how DfE was organised before and during the pandemic as well as a brief overview of its response

10. Department for Education

- 10.1 DfE has overall responsibility for setting the policy, accountability and regulatory framework for children’s services, including CSC and safeguarding in relation to children, and education and training including Early Years (“EY”), primary and secondary education (including in schools), Further Education (“FE”), Higher Education (“HE”) and apprenticeships and training.
- 10.2 DfE is a ministerial department. SSE is responsible for the work of the DfE, as set out at 10.4 below.
- 10.3 The current SSE, Rt Hon Gillian Keegan MP, was appointed SSE on 25 October 2022. For the purposes of this statement, the SSE at the relevant time were:
 - 10.3.1 Sir Gavin Williamson CBE MP – July 2019 to September 2021; and
 - 10.3.2 Rt Hon Nadhim Zahawi MP – September 2021 to July 2022.
- 10.4 DfE is responsible for:
 - 10.4.1 Overall standards, delivery of the early education entitlements and operation of the formal childcare system in England, which is regulated by Ofsted (see paragraph 10.7.1 below).
 - 10.4.2 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 LA maintained schools, Academies, regulation of the independent sector, CSC, home education, children with Special Educational Needs and Disabilities (“SEND”) and high needs.
 - 10.4.3 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, that is not part of secondary or HE.

- 10.4.4 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.
 - 10.4.5 Supporting professionals who work with children, young people, and adult learners across all sectors.
 - 10.4.6 The whole of the CSC system, 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.
- 10.5 From January 2020 until October 2020 DfE was divided into five groups, each led by a Director General ("DG") that reported to the Permanent Secretary. These were:
- 10.5.1 Higher Education and Further Education;
 - 10.5.2 Social care, Mobility and Equalities;
 - 10.5.3 Operations;
 - 10.5.4 Early Years and Schools; and
 - 10.5.5 Education and Skills Funding Agency ("ESFA"): as explained below the ESFA is an executive agency of the DfE and this group was responsible for the matters within its remit. During this time, ESFA also covered elements of skills policy.
- 10.6 A new group, Covid-19 Response and Recovery Group ("CRRG") was created in addition to the five existing groups in October 2020. This new group brought together the key Covid-19 response functions of the department into a single DG-led group. The six DG-led groups formed the structure of DfE until February 2022.

10.7 The DfE worked with several non-ministerial government departments, executive agencies, and arm's length bodies throughout the pandemic. These include:

10.7.1 **The Office for Standards in Education, Children's Services and Skills** ("Ofsted"): Ofsted is a non-ministerial government department linked to, but independent of, DfE. As set out in legislation, **His Majesty's Chief Inspector** ("HMCI") is independent of DfE but must have regard to government policy. The ministerial level relationship with Ofsted is managed by the Minister of State for Schools ("MoSSS") and at working level by the Director of School Strategy and System Reform.

10.7.2 HMCI is responsible for the inspection and regulation of services for children and learners. HMCI reports to Parliament through Ofsted's Annual Report and Accounts. HMCI can also be called to give evidence to the Education Select Committee and Public Accounts Committee.

10.7.3 Ofsted inspects and regulates organisations and individuals providing education, training and care. It has statutory objectives, which include registering childcare and early education and inspecting education provision (from EY to FE, including children's homes and boarding schools, and Initial Teacher Training), children's services, fostering and adoption services.

10.7.4 **Ofqual**: Ofqual is an independent regulator and non-Ministerial Department established by statute. It has statutory objectives including securing qualifications standards and promoting public confidence in regulated qualifications. Ofqual is required in law to "*have regard to such aspects of government policy as the Secretary of State may direct.*" It can act irrespective of ministerial direction, as long as it sets out its reasons for doing so.

10.7.5 The working relationship with Ofqual was and continues to be managed by the MoSSS and relevant officials.

- 10.7.6 **Office for Students ("OfS"):** OfS is a non-departmental public body. It is the independent regulator of HE in England. It exists to ensure that English HE is delivering positive outcomes for students – past, present, and future. SSE has accountability for the OfS in Parliament and the Skills, Apprenticeships and Higher Education Minister has lead responsibility for oversight of the OfS on a day-to-day basis.
- 10.7.7 **Education and Skills Funding Agency:** ESFA is an Executive Agency of DfE. ESFA is accountable for £65 billion of funding for the education and training sector, ensuring timely and accurate allocations and payment of education and skills funding to academy trusts, local authorities, colleges and training providers. It provides assurance that public funds are properly spent, achieves value for money for the taxpayer and delivers the policies and priorities set by SSE. It also provides, where necessary, financial support for providers.
- 10.7.8 During the height of the Covid-19 pandemic, the ESFA also had responsibility for apprenticeships, professional and technical education, and broader FE work.
- 10.7.9 **Student Loans Company ("SLC")** SLC is a non-departmental public body. The Minister for the School System and Finance is responsible for the SLC. The SLC's role is to administer student loans, grants and repayments. The SLC receives its principal delivery priorities from the SSE.
- 10.7.10 **Social Work England ("SWE")** is a non-departmental public body. It is the independent regulator of social work in England. SSE is responsible for and has accountability for SWE in Parliament and consults with DHSC ministers on issues in relation to adult social work policy.

11. Working with other organisations

11.1 Working with settings during pandemic

- 11.1.1 DfE issued guidance to education, childcare and CSC settings during the pandemic covering recommended Covid-19

response measures as well as implementing and easing restrictions. Although this guidance was non-statutory, providers were required as a matter of law to take it into account and not to depart from it without good reason. Using guidance rather than legislation in this way therefore permitted for some flexibility about how measures were implemented depending on local circumstances, whilst ensuring consistency of approach and that settings had the benefit of considered policy on these issues. Settings continued to have legal obligations in relation to health and safety throughout the pandemic and settings were reminded about this in the guidance, including the need to implement proportionate control measures. As a legal 'backstop', SSE also had powers, via the Coronavirus Act 2020. For example, SSE could direct educational providers to temporarily remain open, or to close.

11.2 **Working with external stakeholders**

11.2.1 Throughout the pandemic, DfE engaged extensively with external stakeholders across all sectors within its remit. DfE operated a range of regular forums at both a Ministerial and official level that enabled us to discuss the government's response and receive feedback from organisations representing members working on the frontline and from education settings and LAs directly. It was usual practice in advance of changes – even when made at short notice in response to health advice – to have rapid discussions with sector representatives. DfE also provided opportunities for stakeholder organisations to hear directly from health experts such as the Deputy Chief Medical Officer. An example of collaboration during this period was the creation of the Permanent Secretary Stakeholder Group ("PSSG") in January 2021, that brought together representatives from early years, schools, further education, higher education and children's social care to discuss and seek solutions to common challenges across sectors.

11.3 **Devolved Administrations**

11.3.1 In the UK, education is a devolved matter under each of the devolution settlements, with DfE having responsibility for education in England. The relevant departments of education in the Scottish Government, Welsh Government and the Northern Ireland Executive have responsibility for education in Scotland, Wales and Northern Ireland respectively.

11.3.2 During the response to the pandemic, SSE had regular phone calls with John Swinney, Kirsty Williams and Peter Weir, the Scottish, Welsh, and Northern Irish education ministers. These calls were scheduled to keep each other updated and share information.

11.3.3 The first of such calls took place on the morning of 17 March 2020, followed by a second call 18 March 2020, the day that the decision was made to restrict school attendance in England. Following this, calls were scheduled once every two weeks between the SSE and his Devolved Administration counterparts from 8 April 2020 until 1 July 2020.

11.3.4 Calls between senior civil servants ("SCS") in education departments from the four nations were also held regularly. These meetings began on 25 March 2020 and were scheduled once every two weeks throughout 2020. In attendance were the DGs responsible for the education of children from EY settings through to schools, HE and FE. Relevant directors would also attend these calls where the topic of discussion was relevant to their area. The calls focused on sharing information on Covid-19, primarily in the nations' respective school systems but also on EY, FE and HE.

11.4 **Working with other countries**

11.4.1 International comparisons were used to help inform understandings of how different countries responded to the pandemic in the context of education. DfE considered, for example, the approaches taken in several European countries to reopen education settings after the initial restrictions:

Denmark and the Netherlands opened schools for pupils up to age 12 with reduced class sizes. Countries such as France had pupils in specific year groups return first, opposed to countries such as Italy and Spain which did not open schools again until the autumn of 2020.

11.4.2 DfE's International Directorate designed and developed a weekly bulletin of international intelligence and evidence reporting how other education systems were responding to Covid-19. The team liaised with policy teams to understand the policy priorities for information gathering and what the evidence gaps were. They collated a vast amount of survey data by submitting key questions into the Foreign and Commonwealth Office/Foreign, Commonwealth and Development Office's cross-Whitehall surveys. They connected policy teams to other ministries of education and coordinated virtual meetings for SSE and the Permanent Secretary with various international counterparts. All evidence and intelligence gathered was captured in the weekly bulletin. These bulletins provided information to Covid-19 policy teams and analysts and prompted further follow-up discussions between the Permanent Secretary and ministers with their counterparts overseas. They were also used and welcomed by No.10, SAGE and other government departments, including the former Department for International Development, the Devolved Administrations and the administrations of the British Overseas Territories.

12. **Role of other organisations in the education, childcare and CSC systems**

12.1 **Local Government**

12.1.1 In furtherance of its responsibilities set out above, DfE works with LAs. LAs have a range of wider education responsibilities that generally focus on delivery whereas DfE and its agencies cover system oversight and guidance (statutory and non-statutory). LAs' responsibilities in relation to education include responsibility for LA maintained schools, forecasting pupil place needs and co-ordinating admissions across their area, the

educational achievement of looked after children (children in care) and ensuring all children are in education. LAs also have a statutory duty to secure certain free EY provision alongside SSE.

12.1.2 LAs, working with partner organisations and agencies, also have specific duties to safeguard and promote the welfare of all children in their area including the running of statutory children's services and CSC. The Children Acts of 1989 and 2004 set out specific duties for LAs including a general duty to provide services to children in need in their area, regardless of where they are located and a requirement to undertake enquiries if LAs believe a child has suffered or is likely to suffer significant harm. The Director of Children's Services ("DCS") and Lead Member for CSC in LAs are the key points of professional and political accountability, with responsibility for the effective delivery of these functions.

12.1.3 Mayoral Combined Authorities are separately responsible for the provision of adult education and allocation of the adult education budget ("AEB") in their areas. The ESFA continues to be responsible for the AEB in non-devolved areas.

12.1.4 Further information on how DfE worked with LAs during the pandemic can be found below in the section on Regional Education and Children's Teams ("REACT").

12.2 **Academies and Multi Academy Trusts (MATs)**

12.2.1 Academies are schools which receive funding directly from DfE and are run by an academy trust. They have more control over their affairs than LA maintained schools. For example, they do not have to follow the national curriculum and can set their own term times. In 2021 78% of Secondary Schools and 37% of Primary Schools in England were Academies.

12.2.2 Academies are inspected by Ofsted. They must follow the same rules on admissions, special educational needs and exclusions as other state schools and students sit the same exams. DfE is responsible for funding agreements with academy trusts, which

are used to enforce these standards. Some schools choose to become academies. If a school funded by the LA is judged as inadequate by Ofsted, then it must become an academy.

12.2.3 Multi Academy Trusts (“MATs”) are academy trusts that operate more than one academy school. Schools within the same MAT work together under the same funding agreement.

13. **Key cross-government meetings during the pandemic**

13.1 **COBR meetings**

13.1.1 Cabinet Office Briefing Room ("COBR") meetings are the meetings of a committee convened to handle matters of national emergency or major disruption. The Committee's purpose is to coordinate different departments and agencies in response to such emergencies. COBR meetings usually had two stages; an 'O' meeting attended by officials to prepare commissions, followed by an 'M' meeting attended by ministers where decisions were made.

13.1.2 The first COBR meeting on Covid-19 was held 24 January 2020. The MoSSS, Rt Hon Nick Gibb MP, attended. Subsequent Covid-19 specific COBR meetings happened regularly from February 2020. These were mainly attended by SSE or MoSSS. COBR was the key decision-making committee in the early stages of the pandemic response.

13.2 **Covid-19 strategy meetings**

13.2.1 On 17 March 2020, the Government announced new ministerial structures to coordinate, prioritise and respond to the Covid-19 pandemic across departments. The PM announced that four new implementation committees focusing on health, public sector preparedness, economy, and international response, would feed into a new daily Covid-19 meeting ("C-19 meeting") of key ministers and officials which monitored progress and refined measures agreed by COBR.

13.2.2 The PM continued to chair regular UK COBR meetings to take strategic decisions and review overall progress in the campaign to contain, delay and mitigate Covid-19. New implementation committees (known as Ministerial Implementation Groups) met regularly with key representatives from relevant sectors to inform their decision-making. The chairs of these implementation committees were the Chancellor, the Secretary of State for Health and Social Care ("SSHSC"), the Chancellor

of the Duchy of Lancaster ("CDL"), and the Foreign Secretary, and they also attended the daily C-19 meeting.

13.2.3 C-19 meetings followed the same pattern as COBR meetings with an 'O' meeting attended by officials and an 'M' meeting attended by ministers. DfE was commissioned to prepare papers for cross-government meetings when the topic involved DfE's responsibilities. This process involved policy teams developing DfE's position which then went through internal clearance before being returned to Cabinet Office ("CO"). The PM chaired the C-19 meetings and invited SSE to meetings where he thought SSE should attend. These meetings are identified later in the statement.

13.3 **Ministerial Implementation Groups**

13.3.1 From 19 March 2020, the SSE was regularly invited to General Public Sector Ministerial Implementation Group ("GPSMIG") meetings, which were initially scheduled daily from 1pm to 2pm. The meetings were chaired by the CDL and looked at preparedness across the public and critical national infrastructure, excluding the NHS which was the subject of separate 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, incorporating emerging public health advice into guidance on the safety of school settings regarding social distancing and continuing to work with Devolved Administrations. SSE's invite to the meeting was determined by the CDL as the Chair. The last GPSMIG meeting was 21 May 2020 and was attended by SSE.

13.4 **Covid S and Covid O meetings**

13.4.1 By late May/early June 2020, Covid Strategy (S) and Covid Operations (O) meetings became the main Covid-19 decision-making cabinet committees. The first Covid O meeting was held on 29 May 2020 and the first Covid S meeting was held on 4

June 2020. Covid O meetings were chaired by CDL, whereas Covid S meetings were chaired by the PM.

13.4.2 Covid S meetings were where the Government's overall Covid-19 strategy and ambitions were discussed. Covid O meetings covered key operational decisions (i.e., the introduction/ending of restrictions). Both these meetings followed the same structure as COBR and C-19 meetings, with officials attending a meeting preceding the ministerial meeting.

13.4.3 SSE was not a permanent standing member of Covid S or O and was invited to these meetings on the CDL's recommendation, such as when the decisions being made involved DfE responsibilities.

13.4.4 Generally, in advance of Covid S and O meetings that SSE was invited to, CO would inform the SSE of the topic to be discussed and of any Cabinet Committee papers SSE was required to submit and present at the meeting.

13.4.5 Following Covid S and O meetings, CO secretariat would be responsible for circulating a record of the Committee's agreed decisions and actions to all attendees. If the agreed position required it, CO would also commission DfE to carry out further actions.

13.5 **SAGE meetings**

13.5.1 SAGE was activated in January 2020 with the first meeting taking place on 22 January 2020. An activation is a series of SAGE meetings dealing with the same emergency or event.

13.5.2 SAGE meetings during the pandemic were co-chaired by the Government Chief Scientific Adviser ("GCSA"), Sir Patrick Vallance, and the Chief Medical Officer ("CMO"), Professor Sir Chris Whitty.

13.5.3 The meetings were attended by experts from within government, academia, and industry. There was no formal or standing membership; the participants in attendance depended on each meeting's agenda and the specific issues under consideration.

13.5.4 When agenda topics relevant to DfE were discussed, DfE's Chief Scientific Advisor ("CSA") or Deputy Chief Scientific Advisor ("DCSA") would be invited.

13.5.5 SAGE had subgroups including:

13.5.5.1 SPI-M-O: a sub-group of SAGE specifically focused on infectious disease modelling and epidemiology.

13.5.5.2 SPI-B: a sub-group of SAGE that specifically provides behavioural scientific advice.

13.5.5.3 New and Emerging Respiratory Virus Threats Advisory Group ("NERVTAG"): scientific advice on the threat posed by new and emerging respiratory viruses and on options for their management.

13.5.5.4 The Children's Task and Finish Group ("CTFG"). This was convened at DfE's request. The CTFG brought together members from various SAGE sub-groups (SPI-M-O, SPI-B and NERVTAG)

13.6 **Other meetings**

13.6.1 There were also bilateral meetings between the SSE and other departments' Secretaries of State ("SsoS") as well as between the SSE and the PM. These meetings usually involved the production of a paper beforehand by DfE to be discussed at the meeting, and then follow up actions after the meeting.

13.6.2 Meetings between the SSE and the SSHSC were sometimes held to agree important operational details such as those relating to restricting attendance, mass testing in schools, and staggering the return to schools, FE and HE.

13.6.3 DfE conducted extensive engagement with sector leaders throughout the pandemic. This included twice monthly meetings between the SSE and union leaders, as well as briefings to

sector leaders from the CMO and the GCSA at key points in the pandemic.

13.6.4 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 for final decision. Key DfE civil servants attended cross-government Cabinet Office Taskforce Education Gold meetings ("Education Gold") along with senior officials from CO, DHSC, No.10 and the UKHSA/PHE.

13.6.5 The Cabinet Secretary holds regular weekly meetings with the Permanent Secretaries of all government departments. During the pandemic, these meetings were principally focused on managing the Covid-19 pandemic.

13.6.6 Following the decision to advise that education and childcare settings restrict attendance on 18 March 2020, which is explained further below, there were daily SCS calls to discuss the response to the pandemic for approximately three weeks. These calls involved SCS from across DfE and the Permanent Secretary. These meetings then gradually decreased in frequency to around two calls per week by June 2020. From July 2020 onwards, weekly SCS calls remained but covered both Covid-19 and other issues relevant to the group.

14. **DfE ways of working during the pandemic**

14.1 As with many other parts of central and local government, the Covid-19 pandemic presented DfE with an unprecedented situation. As a result, DfE regularly reviewed and adapted its management structures and processes to ensure they remained fit for purpose.

14.2 Throughout the response to the pandemic, in addition to the various cross-government meetings described above, there were regular departmental meetings involving SCS and ministers.

14.3 **The Emergency Response Group ("ERG")**

14.3.1 Prior to the pandemic the ERG was the primary part of DfE responsible for coordinating DfE's response to emergencies. This covered both coordination across DfE as well as working with CO and other parts of government. The two core functions of the ERG were to:

14.3.1.1 Continue work on sector readiness and support, in the event of incidents (e.g., severe weather) that affect the education sector; and

14.3.1.2 Work with the cross-government group and Civil Contingencies Secretariat (part of CO) on pandemic-flu preparedness.

14.3.2 The ERG formally began work on Covid-19 from 24 January 2020.

14.3.3 On 24 January 2020, the same day as the first COBR meeting, DfE's ERG held its first meetings on Covid-19 - one in the morning before the COBR meeting and one afterwards, in the afternoon. The ERG then met daily to inform daily situation reports ("sitreps") sent to SCS and ministers.

1.1.1 The ERG provided regular briefings to MoSSS as emergency planning was added to his ministerial portfolio. These briefings were held every Wednesday following 24 January 2020. The first briefing to SSE was provided 2 March 2020.

1.1.2 The ERG initially focused on assisting schools with the impact of the cancellation of school trips due to the spread of Covid-19.

1.1.3 As the pandemic progressed it became clear that DfE needed a dedicated director-led centre to coordinate its response.

14.4 **ERG to Department Operations Centre ("DOC")**

14.4.1 On 24 February 2020, the ERG became DOC. The DOC was tasked with managing the department's response to Covid-19. Additional staff, who had been working on the EU Exit, were transitioned over to support the Covid-19 work. The DOC's

shared inbox became the dedicated inbox for DfE Covid-19 response work.

14.4.2 The DOC function operated on a daily/weekly set of plans and objectives. The department's early work included daily sitreps to DfE ministers and dealing with key issues including:

14.4.2.1 Attendance restrictions: for example, schools needing to restrict attendance for some or all classes following school trips to Italy.

14.4.2.2 Insurance: helping schools to manage insurance claims when schools had cancelled school trips, especially to Italy.

14.4.2.3 Overseas learners: preparing advice for overseas students and pupils in advance of the Easter holidays.

14.4.3 As Covid-19 levels increased across the UK, the department shifted its focus to dealing with the most disruptive and immediate impacts:

14.4.3.1 SSE powers: preparing key clauses for the Coronavirus bill that would provide SSE with the power to direct schools or local authorities to close or limit attendance to education and childcare settings.

14.4.3.2 Communications: dedicated sector-led communications were developed, with the first sector bulletin email going out to the education sector on 4 February 2020, and weekly after that. This was revised to a daily email from 4 March 2020. Alongside this, the DfE Coronavirus Helpline went live from 2 March 2020. The helpline was run by DfE staff and answered questions and gave advice to schools and LAs about Covid-19 related issues. PHE joined the helpline from 17 September 2020. These

remained in operation for the entirety of the pandemic.

14.4.3.3 Guidance: the first Covid-19 sector guidance was published on 17 February 2020 and updated to include travel guidance on 12 March 2020. This was followed by further guidance on 19 March 2020 after the decision to advise education and childcare settings to restrict attendance was made, with additional guidance on key areas published in due course.

14.4.3.4 Business continuity: testing business continuity in all areas of the department in the event of large-scale staff shortages ensuring there were enough DfE officials who could continue to issue payments and thus keep funding flowing to education and childcare settings.

14.4.4 From the middle of March 2020, all DfE Covid-19 streams of work were captured in a single activity tracker. This covered key milestones, associated risks, and progress ratings. There were also discrete plans for schools and vulnerable children by early April 2020, all of which formed the basis for the single DfE plan that was created by the end of June 2020.

14.4.5 A new operating model, DfE's Covid-19 DOC ("C.DOC"), was established in March 2020 to act as the department's central point for Covid-19 intelligence gathering, information sharing, and commissioning. By this time there were 115 staff working in C.DOC.

14.4.6 By the end of March 2020, C.DOC had further developed into these areas:

14.4.6.1 Response-DOC ("R.Doc") (Director-led), coordinating the daily effort by providing ministerial briefing, issue and email triage, situation management and running daily meetings.

- 14.4.6.2 Post-recovery DOC ("P.Doc") (Director-led), ensuring the department planned for the post-pandemic future and return to business as usual as soon as possible.
 - 14.4.6.3 Delivery-DOC ("D.Doc") (Director-led), creating and ensuring the delivery of one plan so DfE could best respond to Covid-19.
 - 14.4.6.4 Ops Comms (Deputy Director-led), enhancing and protecting DfE's public reputation and helping change public behaviour to save lives.
 - 14.4.6.5 Data Collection (Deputy Director-led), raising awareness of latest government guidance and first point of contact for queries and sector data.
 - 14.4.6.6 Business Continuity (Deputy Director-led), providing support and guidance for the DfE workforce to ensure continued safe working.
- 14.4.7 CO asked DfE to appoint Senior Responsible Officers ("SROs") in priority areas. DfE appointed the DG for Early Years and Schools Group as the SRO for schools, the DG for Social Care, Mobility and Equalities as the SRO for Vulnerable Children, and the DG for Higher Education, Transformation and International Education as the SRO for HE. The SROs coordinated Covid-19 policy, support and guidance in their areas and fed into the roadmap for emerging from Covid-19 in 2020.
- 14.5 **DOC to Covid-19 Response Unit**
- 14.5.1 On 31 July 2020 the DOC became the Covid-19 Response Unit ("CRU"). The CRU had four divisions:
 - 14.5.1.1 **Sector Guidance and Information** – this had responsibility for public guidance, the Covid-19 helpline and the sector bulletin.

14.5.1.2 **Rapid Response and Coordination** – this had responsibility for the Coronavirus Act, cross-government coordination and briefing.

14.5.1.3 **Planning & Oversight** – this had responsibility for Covid-19 policy such as local and national restrictions, infection prevention, testing including delivery, risk oversight and planning.

14.5.1.4 **Intelligence & Evidence** – this had responsibility for the scientific insight & communication, engagement with SAGE and the Joint Biosecurity Centre ("JBC"), and for supporting the DfE response with intelligence.

14.5.2 Alongside the creation of the CRU, DfE made a fundamental shift to refocus its resources on responding to and managing the pandemic. For example, regional schools teams were drafted in to REACT teams. Furthermore, specific programme teams were established in individual groups to deliver the Covid-19 -related work.

14.6 **Covid-19 Response and Recovery Group ("CRRG")**

14.6.1 In August 2020, I was appointed as a Second Permanent Secretary to provide extra capacity following exam results day 2020. After the departure of Jonathan Slater as Permanent Secretary on 26 August 2020 I became the Permanent Secretary. As sole Permanent Secretary, I judged that there remained a need for additional leadership. As a result, a new DG-led group was created: CRRG.

14.6.2 In October 2020, Lucy Smith was appointed interim DG for CRRG with Julia Kinniburgh taking over this role from end of November 2020. The new group brought together the key DfE Covid-19 response and recovery functions into a single group. In December 2020, this included the CRU, Exams 2021, Covid-19 Schools Response and Qualifications directorates.

14.6.3 In December 2020, a mass testing directorate was established and formed part of CRRG. This supported the delivery of mass testing in education and childcare settings. This directorate became the Covid-19 Response Measures ("CRM") Directorate, and in September 2021 two infection prevention teams from the CRU were transferred to this directorate to bring together all policy and delivery on infection prevention. This left the CRU with central coordination, planning and guidance responsibilities.

14.6.4 The CRM directorate was responsible for response measure policies. It provided guidance to settings on a range of areas including face coverings, asymptomatic testing and ventilation as well as helping UKHSA to deliver the mass testing programme in education and childcare settings.

14.7 **Regional Education and Children's Teams ("REACTs")**

14.7.1 Within the Early Years and Schools Group, DfE's Regional Delivery Directorate ("RDD") was responsible for all schools-focused regional work. It contained eight regional teams, each led by a Regional Schools Commissioner ("RSC").

14.7.2 RSCs were responsible for addressing underperformance across the school system as well as taking decisions on the creation of academies and the creation, consolidation or growth of MATS. They were also responsible for leading on financial performance and governance, as well as safeguarding and special educational needs issues in their regions.

14.7.3 The RDD provided a representative to sit on the department's ERG from 24 January 2020. This was for RDD to work alongside other DfE colleagues to agree how the regional arm of the department could most effectively contribute to the department's pandemic response.

14.7.4 DfE expected RSCs and their teams to:

14.7.4.1 Provide regional and local intelligence that would be used to inform decision making.

- 14.7.4.2 Support communications with key stakeholders in the school system by utilising the relationships in regions (the RDD was not responsible for delivering mass communications to the school system; the ESFA led on this function as they were best set up to do so).
 - 14.7.4.3 Support with actioning any decisions to restrict attendance to schools.
 - 14.7.4.4 Link into Local Resilience Forums ("LRFs"), where available (not all LRFs were stood up in the early months of the response), or other local responders.
- 14.7.5 In the time between the first attendance at ERG on 24 January 2020 and setting up of REACT towards the end of March 2020, RDD contributed to the department's response by:
- 14.7.5.1 Acting as local/regional representatives of the department in conversations with the school system and LAs (for education and children's services related purposes) in relation to the establishment of isolation centres (as evacuation flights for UK citizens were returning to the UK).
 - 14.7.5.2 Collating intelligence on school trips abroad, particularly to areas such as Italy where early case prevalence was high.
 - 14.7.5.3 Supporting the school system on how to handle school attendance where families had travelled abroad (prior to travel restrictions being in place).
 - 14.7.5.4 Supporting and challenging academy trusts and LAs in relation to keeping schools open or, where necessary, closing schools (prior to attendance restrictions).
- 14.7.6 At the end of March 2020, DfE established nine REACT teams across the country. These were: North West, North East, West

Midlands, East Midlands, Yorkshire & Humber, East of England, South East, South West, and London. These mirrored the regions that LAs align to for CSC purposes through the Association of Directors for Children's Services ("ADCS").

14.7.7 The REACT project had two objectives:

14.7.7.1 To enable the department to best support LAs across the country in their role to coordinate a response to the Covid-19 pandemic in respect of education and children's services, including a focus on support for vulnerable children.

14.7.7.2 To provide regular and comprehensive briefings to ministers and others on the current support offer for children and young people and to escalate risks and issues effectively.

14.7.8 Led by the relevant RSC, the REACT teams brought together officials from across the RSCs' team (who had been focused on school improvement and other areas), CSC ESFA, FE, EY and Ofsted to maximise support at local level.

14.7.9 Each REACT chair was given the responsibility for keeping in regular contact with the ADCS regional chair. This was in addition to sub-regional team links to specific LAs.

14.7.10 REACT teams used the full range of expertise available to:

14.7.10.1 Bring together intelligence from across DfE and Ofsted relating to activities within an LA area into one central point.

14.7.10.2 Assess the levels of risk relating to each LA area in relation to Covid-19 response, including a focus on vulnerable children and young people.

14.7.10.3 Streamline and focus communications with individual LAs.

14.7.10.4 Prioritise DfE's and Ofsted's resources to provide support to those LAs in greatest need,

including a range of actions, from answering questions to offering and deploying available resource to support LAs.

14.7.10.5 Produce regular reports for colleagues and ministers on key themes and risks to inform policy changes.

14.7.11 From April 2020, each REACT team met on a weekly basis, or more often if appropriate. Outputs of these meetings dictated the frequency and attendance of phone calls with individual LAs in each REACT region. For example:

14.7.11.1 For those LA areas that needed the most support or where issues arose across multiple functions, frequent phone calls were attended by all relevant DfE teams and conducted in a consistent, joined-up way.

14.7.11.2 For those LA areas that needed less support, REACT teams could choose to nominate one of their members to represent the full team in less frequent phone calls at a more junior level.

14.7.12 Secretariats for REACT meetings were provided from the RDD teams. The secretariats arranged the meetings, circulated papers, recorded minutes and made any amendments agreed in the meetings to the tracker. They also captured and fed back emerging themes or issues of concern for the REACT central project team to use.

14.7.13 In January 2021, DfE refined the work of the nine REACT teams. This was to ensure that officials from RDD could return to their usual priority work. The REACT teams' new core work areas became:

14.7.13.1 Continuing to communicate effectively about changes and new decisions and sharing examples of best practice via conversations and networks.

- 14.7.13.2 Ensuring the provision of vulnerable children and CCW school places – supporting and challenging LAs and trusts to ensure children and young people had places and helping resolve local issues.
- 14.7.13.3 Ensuring the provision of EY places in maintained settings – challenging and supporting LAs and helping resolve local issues.
- 14.7.13.4 Safeguarding: helping underpin safeguarding processes in place for vulnerable children across local authorities and trusts.
- 14.7.13.5 Supporting mass testing by helping to resolve local issues.
- 14.7.13.6 Supporting remote learning – expanding the school-to-school support offer (where schools work together and share expertise) beyond 500 schools, monitoring remote education so that support could be given or schools/LAs not meeting expectations could be challenged.

14.7.14 From July 2021, the nine REACT teams were stood down so that the departmental personnel who had volunteered to be part of REACT teams could return to their usual roles. In order to take forward the best aspects of REACT's work, DfE set up Regional Insight teams.

14.7.15 Regional Insight teams took forward the structured approach to intelligence gathering to inform the development of policy and delivery approaches in key departmental priority areas. They also hold regular strategic conversations with LAs across a broad DfE agenda.

14.8 **Key decision-makers and key officials**

14.8.1 The attached exhibit entitled *Key decision-makers and key officials* includes a table setting out the key DfE officials who were key decision-makers and/or key officials providing advice to ministers (Exhibit SAH/1 - INQ00075393).

PART 3:

Key decision-making: description and explanation of DfE's role in key decision-making directly related to the Government's response to the pandemic

15. The scope of part 3

15.1 Part 3 of this statement provides a description of the role played by DfE in key decision-making relating to the imposition of UK-wide, and later, England-wide NPIs. It covers the extent to which DfE was involved between 1 January 2020 to 24 February 2022. For DfE, these key decisions, within the context of Module 2, cover decisions on attendance restrictions in education and childcare settings, use of face coverings in education and childcare settings, mass asymptomatic testing in education, childcare and CSC settings as well as ventilation measures in education, childcare and CSC settings. Part 3 is divided as follows:

- Attendance restrictions in education and childcare settings from January 2020 to September 2020;
- Covid-19 response measures from August 2020 to January 2021;
- Attendance restrictions in education settings from November 2020 to March 2021; and
- Covid-19 response measures from February 2021 to February 2022.

15.2 The Inquiry should note that Part 3 focuses on decisions relating to the implementation of NPIs that DfE was involved in. It therefore does not cover DfE decisions that were not part of cross-government NPI response. This includes decisions around cancelling exams and assessments, remote education measures, actions to promote education recovery and catch-up and the roll out of the national voucher scheme for FSM. These areas were important, but they were consequential actions to manage the impact of the pandemic, rather than decisions directly related to managing the virus itself.

15.3 The Inquiry should also note that DfE has focused on key decisions that involve DfE in cross-government decision-making. This includes

decisions taken by the PM, Cabinet, Cabinet Committee or with another SoS. In practice, this means some DfE work is out of scope of this module, such as DfE's support for CSC and wider children's services during the pandemic. However, we expect to cover this and other areas of work within a later module.

16. **Decisions on attendance restrictions in education and childcare settings - and on the relaxation of those restrictions - made between January 2020 and September 2020**

16.1 **Key decision - restricting attendance to vulnerable children and CCW**

16.1.1 On 10 February 2020, SPI-M-O provided SAGE members with a paper entitled *Consensus view on the impact of mass school closures* (Exhibit SAH/2 - INQ000075447). The paper's authors made the following points:

"We cannot say at this stage how much of an impact school closures in the UK would have on 2019-nCoV. Very little is known about the virus including, importantly, the role of children in transmission, and the severity of infections in children" (paragraph 1);

"Because of the higher reproduction number, if school closures have an impact, it would be more likely that it could reduce incidence at the peak of an epidemic rather than to reduce the cumulative number of people infected" (paragraph 4); and

"If there is value in school closures, it may be greatest around the peak of a UK epidemic" (paragraph 5).

16.1.2 At a meeting on 11 February 2020, SAGE discussed the SPI-M-O's *Consensus view on the impact of mass school closures on 2019 Novel Coronavirus (2019-nCoV)* paper (Exhibit SAH/3 - INQ000075784). DfE's DCSA attended the meeting. No specific actions were given to DfE but as is noted in paragraph 37 of the minutes, it was agreed that, at a future meeting, SAGE would discuss *"measures to limit spread (including review of school options); public behaviour; public gatherings; advice on absenteeism"*.

16.1.3 At a meeting on 13 February 2020, which DfE's DCSA attended, SAGE discussed the potential impact of restricting attendance at schools (Exhibit SAH/4 - INQ000075785).

16.1.4 In relation to restricting attendance, the minutes record that:

“Any decision to close schools must consider what objective is being sought in terms of seeking to affect the epidemic curve (peak, duration, waves of infection).

School closures can potentially delay a) the first wave of an epidemic or b) the peak of an epidemic – but would require closures lasting weeks, and evidence suggests they would not alter total numbers affected.

Either would have impacts on schools, other services and the wider economy.

In an influenza pandemic, school children are critical to transmission because they have less immunity than adults and because of their social mixing patterns.

The impact of Covid-19 on school-age children remains poorly understood, but SAGE would like modelling to assume a similar pattern of infection to influenza (and sensitivity analyses around these).

The serial interval for Covid-19 is longer than it is for influenza – meaning that school closures would have to last longer than for influenza to achieve a similar impact.

The response of parents to school closures is a significant factor in their effectiveness. School closures would not have positive effects if children congregate in other places”.

- 16.1.5 An action was agreed at SAGE on 13 February 2020 for SPI-M-O to use DfE data to model scenarios and parameters under which school closures could be useful and not useful in a) delaying the peak of the UK epidemic, and b) bringing down the peak of the UK epidemic (for the SAGE meeting to be held on 20 Feb 2020). SAGE also agreed that SPI-M-O should:

“explore selective closures (e.g. secondary schools or non-public exam year groups only) and subsequent impacts

provide quantitative and sensitivity analysis for what parameters will have the biggest impacts in achieving a) and b) above

take into account behavioural consequences that might alter the effect.”

16.1.6 On 17 February 2020, DfE provided joint advice with PHE entitled *Covid-19: guidance for educational settings*. It covered guidance for schools including how to deal with suspected cases within schools, as well as guidance on hand hygiene and cleaning (Exhibit SAH/5 - INQ000075729).

16.1.7 At the meeting on 20 February 2020 (Exhibit SAH/6 - INQ000075786), SAGE discussed the paper by SPI-M-O: *Consensus view on the impact of mass school closures* (Exhibit SAH/7 - INQ000075404), as well as an annex by Imperial College: *Potential effect of school closure on a UK Covid-19 epidemic: annex to SPI-M-O consensus view, 20 February 2020* (Exhibit SAH/8 - INQ000075775). DfE's DSCA attended.

16.1.8 On 20 February 2020 SAGE's conclusions on this topic included that:

“It is possible school closures could have a modest impact on delaying the peak of an epidemic, but timing of intervention will be key and this will require the ability to detect and monitor any outbreak with good surveillance” (paragraph 17);

“A systematic review of the literature on school closures found greater parental compliance with shorter durations (2 weeks; there is no apparent evidence of school closures lasting more than 4 weeks)” (paragraph 19); and

“Social mixing is inevitable with longer closures, but could be mitigated by effective public messaging” (paragraph 20).

16.1.9 At the meeting, it was agreed that SPI-M-O would *“consider the impact of selective school closures in different outbreak scenarios, framed by NHS needs”*.

16.1.10 At a meeting on 25 February 2020 (Exhibit SAH/9 - INQ000075776), SAGE discussed the paper by Imperial College: *Potential effect of non-pharmaceutical interventions (NPIs) on a Covid-19 epidemic in the UK, 26 February 2020*.

The paper modelled four NPIs: university and school closures, home isolation, household quarantine and social distancing, including use of interventions in combination. SAGE 10 concluded (Exhibit SAH/10 - INQ000075787) that:

“All measures require implementation for a significant duration in order to be effective” (paragraph 11);

“Evidence from social distancing and school closures implemented in Hong Kong, Wuhan and Singapore indicates that these measures can reduce the Covid-19 reproduction number to approximately 1 (a 50% to 60% reduction). Reduced spread in the UK through a combination of these measures was assessed to be realistic” (paragraph 12);

“Any combination of measures would slow but not halt an epidemic. NHS needs must be considered in any decisions to alter the epidemic curve” (paragraph 13); and

“Although current confidence in SPI-M-O modelling conclusions is low, and further review is needed, SAGE agreed that further work is unlikely to generate different conclusions in the short term and that policy decisions would need to be based on the currently available modelling outcomes and the experience from other countries – Singapore, China” (paragraph 15).

16.1.11 At the meeting, SPI-M-O was given an action *“to provide a Consensus Statement for SAGE on 3 March covering measures to seek to achieve containment, delay and adjustment of epidemiological peak – and the effects of early implementation of those measures.”*

16.1.12 At a meeting on 27 February 2020 (Exhibit SAH/11 - INQ000075777) SAGE discussed a paper on the effect of behavioural and social interventions on the reasonable worst-case scenario entitled *Potential effect of non-pharmaceutical interventions (NPIs) on a Covid-19 epidemic in the UK* (Exhibit SAH/12 - INQ000075403). The paper, prepared for SAGE, addressed the potential effectiveness of key behavioural and social interventions. The paper suggested that *“if children have*

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a similar role in transmission as to flu, around 10-30% reduction in peak incidence could be achievable for a closure duration of over 8 weeks, when enacted early.” This “would be greater (around 30%) if universities were closed too”.

16.1.13 At a meeting on 16 March 2020 (Exhibit SAH/13 - INQ000075664), SAGE reviewed the following evidence: *Impact of non-pharmaceutical interventions (NPIs) to reduce Covid-19 mortality and healthcare demand* (Exhibit SAH/14 - INQ000075394). SAGE 16 concluded that:

“While SAGE’s view remains that school closures constitutes one of the less effective single measure 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. However school closures could increase the risks of transmission at smaller gatherings and for more vulnerable groups as well as impacting on key workers including NHS staff. As such it was agreed that further analysis and modelling of potential school closures was required (demand or supply, and effects on spread)” (paragraph 17).

16.1.14 At the meeting, SAGE agreed an action for SPI-M-O “to coordinate further rapid modelling of school closures taking account of key factors and at risk groups”. SAGE also tasked DfE “to work with DHSC and Public Health England to work on specific school and university guidance covering personal hygiene and methods to apply social distancing in those settings building on what has been done elsewhere (e.g. Singapore)”. This guidance was drafted by DfE and published on 19 March 2020.

16.1.15 On 16 March 2020, SSE attended a COBR meeting to discuss the outbreak of Covid-19. SSE was asked to commission DfE officials to produce a paper on what measures DfE could put into place to keep schools open (Exhibit SAH/15 - INQ000075395).

16.1.16 On 17 March 2020, SAGE circulated the following evidence: SPI-M-O: *Consensus view on the impact of mass school*

closures, The impact of adding school closure to other social distance measures (London School of Hygiene & Tropical Medicine) (Exhibit SAH/16 - INQ000075448). This paper estimated that school closures could reduce deaths by 9% and offered comparisons on closing schools immediately or after the Easter holidays. SAGE also circulated the *school closure note (Exhibit SAH/17 - INQ000075405)* from SPI-B dated 17 March 2020 which outlined the potential option of keeping schools open only to vulnerable children and CCW.

16.1.17 On 17 March 2020, there was a cross-government Permanent Secretary meeting chaired by the Cabinet Secretary. In advance of the meeting, DfE provided a paper entitled *Supporting schools to keep open* (Exhibit SAH/18 - INQ000075396, Exhibit SAH/19 - INQ000075397 and Exhibit SAH/20 - INQ000075398). This was the paper that had been requested by COBR on 16 March 2020. The paper set out the following measures to keep schools open:

16.1.17.1 Deregulation: a package of measures to suspend regulatory requirements around school food standards, staff ratios and class sizes. These measures could help make it easier for settings to remain open.

16.1.17.2 Costs: explore a commitment to underwrite additional costs that would result from Covid-19, such as additional supply teachers being brought in to cover Covid-19 absence.

16.1.17.3 Parents: work with DHSC and No.10 to ensure that DfE delivers effective messages to parents on why schools remained open (including the childcare and learning benefits) and what this means for the health risk to their children and remote working.

16.1.17.4 Working with local government to ensure that settings can remain open.

16.1.18 Following discussions at the meeting, DfE was commissioned by No. 10 to provide a paper on closing schools and other options for the daily PM-chaired C-19 Strategy Meeting on 18 March 2020 (Exhibit SAH/21 - INQ000075399 and Exhibit SAH/22 - INQ000107255)

16.1.19 Following the request made on 17 March 2020, DfE produced a paper entitled, *Reducing School Provision* (Exhibit SAH/23 - INQ000075681). The paper that was presented to the meeting by SSE outlined that:

"We are facing two strong drivers for change away from the current position that all schools should stay open:

1. The scientific advice and modelling - to be discussed as SAGE tomorrow afternoon - indicates that there will be a reduction in transmission of the virus if schools close, and that with other measures already taken, this intervention will be valuable in maintaining NHS capacity to cope with demand.

2. There is increased bottom-up pressure from schools themselves, where change is beginning to happen in an uncontrolled way. Schools are having to decide themselves to close, or reduce support to a minimum number of pupils (e.g. the children of NHS workers) as a result of staff absences. Parents are also withdrawing their children in light of the increased expectations of self-isolation. It is an increasing reality that many schools will close to many or most pupils irrespective of our central guidance."

16.1.20 The paper recommended that the Government should request that once schools *"return from the Easter Break, they should be open only to vulnerable children and the children of key workers.*

"We should transition to that point by confirming with schools that as they manage through the last couple of weeks before the Easter holidays, they should prioritise their resources on these groups and, teaching other pupils only if they have the capacity to do so."

16.1.21 The paper, therefore, recommended the following:

“i. That the Prime Minister announces on Wednesday 18th March that the Government will bring forward plans on schools.

“ii. That the Prime Minister and the Secretary of State for Education announce the details on Thursday 19th March, including how schools will start to transition from Monday 23rd March to reduced provision.

“iii. That the Prime Minister agrees for the Secretary of State for Education to start engagement and detailed planning with key stakeholders, including union leaders.”

16.1.22 In the PM-chaired C-19 Strategy meeting, it was agreed to bring forward the proposal to restrict attendance to children of key workers and vulnerable children only, from the end of the Easter holidays to Monday 23 March 2020, and ask COBR to formally agree this decision (Exhibit SAH/24 - INQ000107247). The urgent actions were circulated to attendees (Exhibit SAH/25 - INQ000075400 and Exhibit SAH/26 - INQ000107250). They included the following actions:

“CCS [Civil Contingencies Secretariat] to set up a COBR(M) meeting for this afternoon, liaising with No 10 – and to confirm timings to this list ASAP. “

“ DfE to prepare slides for COBR(M) setting out the policy proposal as discussed in the 9.15am meeting. This should be developed in conjunction with No 10, HMT, DHSC and the Secretariat. These should include:

- the proposal for an announcement later today that, from the start of next week, schools will be closed in their current form. Instead, schools are asked to put childcare provision in place to look after the children of ‘key workers’ and vulnerable students. DfE will work with schools to set up processes to manage this system.”

16.1.23 In summary, the PM agreed that COBR would be asked to agree that Government request education and childcare settings apply attendance restrictions from 23 March 2020. Settings would be asked to remain open only to vulnerable children (special schools would not be asked to apply attendance restrictions) and children of keyworkers (the exact definition of keyworkers was to be agreed later between relevant departments- see Exhibit SAH/27 – INQ000075401 and Exhibit SAH/28 – INQ000075402. The DfE paper on closing schools and other options, defined vulnerable children as those 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 a looked after child).

Had an education, health and care plan ("EHCP") – where a risk assessment determines that the needs to the child could be better met in school.

Had been assessed as otherwise vulnerable by education providers or local authorities and could benefit from continued attendance e.g. young carers, those at risk of becoming not in education, employment or training ("NEET")."

16.1.24 Following the C-19 meeting, SAGE met later in the afternoon on 18 March 2020, (Exhibit SAH/29 – INQ000075778). DfE's CSA attended the meeting. SAGE considered the following evidence from the University of Warwick and Imperial Colleges London: *Impact of school closures (Uni. Warwick)* (Exhibit SAH/30 – INQ000075450) and *Timing of the introduction of school closure for Covid-19 epidemic suppression (Imperial College)* (Exhibit SAH/31 – INQ000075790). The Imperial College paper predicted *"an increase of approximately 1000 ICU cases in the peak week of the outbreak for every week of delay in introducing school closure"*.

16.1.25 Following the meeting, SAGE advised:

"that available evidence now supports implementing school closures on a national level as soon as practicable to prevent

*NHS intensive care capacity being exceeded” (paragraph 2);
and*

“keeping schools open for particular groups, such as vulnerable children and children of NHS workers, would have a small reduction in compliance rates and some impact in the overall effect on school closures, but this would not be significant enough to offset the measures” (paragraph 23).

16.1.26 During 18 March 2020, DfE officials also prepared slides for the COBR meeting scheduled later on 18 March 2020. Following agreement on the slides between CO and DfE at 3.36pm (Exhibit SAH/26 – INQ000107250), the slides were circulated by CO to COBR attendees at 3.45pm on 18 March 2020 (Exhibit SAH/33 - INQ000107251 and Exhibit SAH/34 – INQ000107252).

16.1.27 Following the C-19 Strategy meeting and SAGE meeting, a COBR meeting was held 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 apply attendance restrictions from Monday 23 March 2020 (Exhibit SAH/35 - INQ000107253 and Exhibit SAH/36 - INQ000107254). The formal meeting readout stated that:

“1. The committee agreed to bring forward the Easter Holidays for all schools in England, simultaneously with Northern Ireland and in line with Scotland and Wales. This will have the effect of closing all schools from the evening of Friday 20 March 2020.

2. Schools will remain open over the Easter Holidays and until further notice for children of key workers.

3. There will be no examinations in schools in May or June. Each of the Four Nations has a different examination regime, but all will look to other arrangements to ensure pupils are awarded the qualifications they would have achieved.”

16.1.28 The Prime Minister made a public statement (Exhibit SAH/37 - INQ000075715) and SSE made a statement in the House of

Commons (Exhibit SAH/38 - INQ000075716). SSE announced that DfE would be requesting education and childcare settings to restrict attendance to CCW and vulnerable children only, and that exams and assessments would be cancelled. These restrictions would also apply to EY providers, primary and secondary schools, sixth form colleges, FE Colleges and independent schools.

16.1.29 Following the decision to advise settings to restrict attendance, from 18 March 2020, DfE worked with PHE, and ESFA on developing and publishing guidance for education settings to help maintain hygiene measures and limit the spread of the virus. Examples of the guidance include:

Date	Guidance
19 March 2020	DfE updated <i>Covid-19: Guidance for educational settings</i> , (Exhibit SAH/5 - INQ000075729).
19 March 2020	DfE jointly with CO published: <i>Guidance about maintaining educational provision for schools</i> , (Exhibit SAH/40 - INQ000075731).
19 March 2020	DfE published: <i>Information for parents and carers about the closure of schools and other educational settings following the outbreak of coronavirus (Covid-19)</i> , (Exhibit SAH/41 - INQ000075730).
19 March 2020	DfE published: <i>Guidance for schools and local authorities on free school meals arrangements during the novel coronavirus (Covid-19) outbreak</i> , (Exhibit SAH/42 - INQ000075735 and Exhibit SAH/43 - INQ000075734).
21 March 2020	DfE and PHE published: <i>Coronavirus (Covid-19): guidance on isolation for residential educational settings</i> . This included guidance to support management of children and young people in residential educational settings, including boarding schools, residential special schools and specialist colleges and children's homes.
22 March 2020	DfE and PHE published: <i>Coronavirus (Covid-19): guidance on vulnerable children and young people</i> . This included questions and answers about the provisions being made for vulnerable children and young people, (Exhibit SAH/44 - INQ000075733).
22 March 2020	DfE published: <i>Covid-19: school closures</i> which included guidance on what schools will need to do during the coronavirus (Covid-19) outbreak, (Exhibit SAH/45 - INQ000075666).

<p>24 March 2020</p>	<p>DfE published: <i>Guidance for local authorities, early years settings and childminders about childcare provision following the outbreak of coronavirus (Covid-19)</i>, (Exhibit SAH/46 - INQ000075670).</p>
<p>25 March 2020</p>	<p>DfE and PHE updated: <i>Travel guidance for educational settings</i> advising against domestic and overseas trips for under 18s and advising that those currently on trips abroad should end those visits and return to the UK, (Exhibit SAH/47 - INQ000075732).</p>

16.1.30 DfE recognised that education leaders were, and are, best placed to understand the needs of their communities. DfE gave education settings discretion in how they delivered the curriculum during this period in order to relieve pressures on them. DfE focused on supporting schools to respond to the pandemic and making available resources and information rather than creating further expectations.

16.1.31 During this period, DfE took a number of measures to minimise the effect on pupils' education and well-being, for example, establishing the National Voucher Scheme for pupils eligible for FSM, supporting Oak National Academy with £4.84 million in grant funding, investing £520 million in the distribution of laptops and other devices and access to the internet for remote learning, and providing grant funding through the Digital Platform Programme to enable digital access for 5,000 schools who previously did not have digital access.

16.1.32 An equalities impact assessment ("EIA") for school closures was also developed by officials (Exhibit SAH/48 - INQ000075415).

16.2 Key decision - easing attendance restrictions

16.2.1 In early April 2020, DfE began preparing scenarios and options for easing attendance restrictions, as this would be part of the wider Government's Covid-19 recovery strategy that was being developed.

- 16.2.2 At a meeting on 7 April 2020, (SAGE 23) (Exhibit SAH/49 - INQ000075779), SAGE noted the social, developmental and psychological impacts of restricting attendance in education and childcare settings, and also that the evidence on the impact of children on transmission of the virus was not clear. It was agreed that SPI-M-O would produce a paper on the evidence of the role of children in transmission.
- 16.2.3 Following a SAGE meeting on 16 April 2020, (SAGE 26) (Exhibit SAH/50 - INQ000075780), Julia Gog from Cambridge University, was asked to lead the CTFG. DfE officials worked with this task and finish sub-group, alongside members from various other SAGE sub-groups.
- 16.2.4 CTFG developed scenarios for easing attendance restrictions in schools. CTFG prepared a paper entitled: *Interdisciplinary Task and Finish Group on the Role of Children in Transmission: Modelling and behavioural science responses to scenarios for relaxing school closures* (Exhibit SAH/51 - INQ000075449).
- 16.2.5 DfE's CSA attended a meeting of SAGE on 30 April 2020 (SAGE 30) (Exhibit SAH/52 - INQ000075781). SAGE noted that evidence (Exhibit SAH/53 - INQ000075789) concerning the role of children in transmission and their susceptibility to infection remained inconclusive and agreed to hold a dedicated meeting on 1 May 2020 to discuss the findings of CTFG which was examining this set of issues.
- 16.2.6 The key points from the minutes of SAGE 30 were:
- “SAGE noted that evidence concerning the role of children in transmission and their susceptibility to infection remains inconclusive. Data suggest that children who are infected have similar viral loads to adults”.* (paragraph 36)
- “The sub-group examining this set of issues has modelled the impacts of 7 scenarios suggested by DfE, with input from SPI-M, SPI-B and NERVTAG”.* (paragraph 37)

“Results from 4 different models — all based on a conservative assumption that children are equal to adults in terms of spreading the virus and in terms of susceptibility to it —were largely consistent across the 7 scenarios”. (paragraph 38)

“There is uncertainty about whether younger children may be less susceptible than older children and it is possible a differential policy between primary and secondary school might be supportable. This should be explored”. (paragraph 39)

- 16.2.7 At SAGE's meetings on 30 April 2020 and 1 May 2020, both of which were attended by DfE CSA, the following evidence was considered:

University of Warwick: Impact of changes to school attendance, 28 April 2020 (Exhibit SAH/54 - INQ000075773)

Ethics and value judgements involved in developing policy for lifting physical distancing measures, 29 April 2020 (Exhibit SAH/55 - INQ000075665)

S0294_TFC_Schools_-_Annex_D_Intermittent.pdf
(publishing.service.gov.uk) (Exhibit SAH/56 - INQ000075788)

LSHTM/University of Cambridge: SPI-Kids report – evaluating the increase in transmission for different back-to-back school scenarios, 30 April 2020 (Exhibit SAH/53 - INQ000075789)

University of Bristol and University of Exeter: Impact of opening schools on the effective reproduction number – analysis of the Social Contact Survey, 30 April 2020 (Exhibit SAH/58 - INQ000075774)

- 16.2.8 On 1 May 2020, SAGE met again (Exhibit SAH/59 - INQ000075782). DfE CSA attended. SAGE 31 advised that modelling indicated that the impact of easing attendance restrictions was likely to be less depending on the age of the children (EY, primary and secondary), it was believed that younger children were less likely to transmit the virus and Covid-19 posed less of a risk to them. SAGE 31 advised the Government to put in place effective monitoring and reporting

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prior to easing attendance restrictions as well as appropriate response plans to address cases in schools including reactive attendance restrictions. SAGE noted that:

“The consequences of changes in behaviour or contacts outside of schools as a result of schools reopening (such as changes to adherence to measures and to working patterns) are likely to have a larger effect on R than the effect of the schools themselves. These consequences are complex and highly uncertain. Even a short period of reopening may result in some of these occurring, which may persist even after schools close again for holidays.” (paragraph 16)

“Social distancing has not been factored into the models. It is difficult to put some of these measures into place in practice in schools, particularly with younger children, but some elements may be achievable. Hygiene will continue to be important in schools.” (paragraph 17)

“SAGE advises that effective monitoring and reporting is put in place ahead of any reopening. Serology testing to be carried out at the start of the opening period, and repeated would be useful as part of a monitoring programme.” (paragraph 18)

“SAGE advises that appropriate response plans are put in place to address cases in schools, which may include reactive closures of schools or classes.” (paragraph 19)

16.2.9 On 1 May 2020, DfE officials sent the SSE advice on the practicalities of school reopening (Exhibit SAH/60 - INQ000075406 and Exhibit SAH/61 - INQ000075407).

16.2.10 Also on 1 May 2020, the PM and SSE met to discuss easing attendance restrictions, DfE presented the lead option, which was for a phased reopening for transition year groups. At the meeting, the PM commissioned DfE to undertake further work over the following couple of days to explore further options including a more extensive reopening (Exhibit SAH/62 - INQ000075408).

16.2.11 DfE drafted a paper including a range of options (Exhibit SAH/116 - INQ000075598). The options included: i) removing all attendance restrictions in primary schools in a first phase (and/or – additional transition years in secondary); ii) an option closer to DfE's initial proposal of a phased reopening for transition groups and iii) an option which saw a regional pilot scheme for full attendance.

16.2.12 On 4 May 2020, DfE officials sent this paper to SSE (Exhibit SAH/64 - INQ000075409, Exhibit SAH/65 - INQ000075410 and Exhibit SAH/66 - INQ000075411), and then No.10, with different options on school reopening scenarios and plans. These options were split between options that assumed social distancing rules remained in place and those options that assumed social distancing rules would be removed. These options were:

16.2.12.1 Social distancing rules: there were three options:

- (a) Transition years option (EY, reception, Y6, Y10 and Y12 including FE);
- (b) A rapid phased return option (transition years followed by other year groups if the science allowed); and
- (c) A final option to bring back all primary year groups on a two-week rota basis and full attendance when the science allowed.

16.2.12.2 No social distancing rules: there were four options:

- (a) Bringing back all primary year groups at once;
- (b) A rapid phased return with transition years and then increasing to full attendance before end of the summer term;
- (c) A regional model (full primary attendance, but on a regional basis); and

- (d) Full attendance at secondary including FE provision.

16.2.13 On 5 May 2020, there was an education strategy meeting attended by the PM, the Chancellor, the SSE, special advisers and SCSs. In advance of this meeting, officials from CO sent DfE a table (Exhibit SAH/67 - INQ000075412 and Exhibit SAH/68 - INQ000075413) of options for easing attendance restrictions and international comparisons to discuss at the meeting.

16.2.14 On 9 May 2020, a decision was taken by No.10 that the phased reopening of transition year groups would be announced alongside an ambition to get all primary school pupils back before the end of the summer term.

16.2.15 On 10 May 2020, the PM announced (Exhibit SAH/69 - INQ000075717) 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. The PM made clear that this would only be the case should the scientific advice at the time indicate that this was appropriate. He explained that this would be a phased easing of attendance restrictions starting with reception, Year 1 and Year 6. There was also an ambition to get all primary school pupils into school before the end of the summer term. An evidence narrative was developed by officials in DfE and provided to SSE alongside a submission on 28 May 2020 on the phased reopening of education and childcare settings (see paragraph 16.2.22 below). That narrative set out the reasoning for prioritising those year groups for first returns as follows:

“The importance of early years education, the transition to secondary education (there is often an attainment dip for pupils moving between Y6 and Y7), and also for Y10 and Y12 – taking into account the importance of preparation for GCSEs and A-Levels.”

“While many children experience positive transitions between key stages, evidence suggests that many other pupils experience dips in progress and motivation at transfer or transition. These effects may be explained by a number of factors, including changes in curriculum and less parental involvement. However, the effect of transitions and transfers are not consistent across all schools, subjects or pupils. Pupils who are less able, less confident or from lower socio-economic backgrounds are most at risk.”

“Transition years are particularly important in education. The Reception year is where some of the formative learning for children takes place, where they move from early years to a formal school setting. Y6 is the year in which pupils prepare for transition to secondary schools. During this transition there is evidence that pupils, particularly those from disadvantaged background can suffer a dip in attainment, so Y6 is an important point at which to consolidate learning.”

16.2.16 On 11 May 2020, CO published guidance on the wider recovery strategy. Reopening education settings was a key part of this. On the same day, DfE issued guidance to support education and childcare settings to ease attendance restrictions across a wider cohort of children and young people. The guidance was published on the Government's website for schools and other education settings to access. The guidance focused on measures that could be put in place to help limit the risk of the virus spreading and also set out a hierarchy of controls.

16.2.17 The guidance was based on advice from PHE and covered:

- 16.2.17.1 Avoiding contact with anyone with symptoms;
- 16.2.17.2 Frequent hand cleaning and good hygiene practice;
- 16.2.17.3 Regular cleaning of settings;
- 16.2.17.4 Minimising contact and mixing; and
- 16.2.17.5 Use of PPE where recommended.

16.2.18 On 15 May 2020, the PM and SSE met (Exhibit SAH/70 - INQ000075414). SSE explained the plan for easing of attendance restrictions between 15 May 2020 and 1 June 2020 in order to implement the phased reopening of transition year groups, as agreed ahead of the PM announcement of 10 May 2020. During this period of DfE planning for the implementation of the PM's announcement, DfE continued to review the scientific advice and epidemiology data. At the meeting with the PM on 15 May 2020, SSE 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 as infection levels were not low enough to enable a change in social distancing advice and/or increase sizes of groups being taught together on school premises.

16.2.19 On 21 May 2020, SAGE met (SAGE 38) (Exhibit SAH/71 - INQ000075783) and discussed school reopening, closures and the paper: *“Comments on sequencing of social distancing measures (schools)”* dated 21 May 2020, produced by CTFC.

16.2.20 The key points discussed by SAGE were:

“The summer school holidays would in effect reinstate school closures in July, potentially unwinding the impacts of re-opening, and allowing monitoring of effects if other NPIs remain stable.” (paragraph 14)

“SAGE advised that either social bubbling or opening both primary and secondary schools had the potential to recreate significant transmission networks, which would have a large effect on the epidemic.” (paragraph 15)

“SAGE emphasised the importance of very careful monitoring and evaluation of infection in schools after any re-opening. This could begin with a virological and serological study of the current school population and should include serial testing for the virus and antibodies, with the appropriate control study.” (paragraph 18)

16.2.21 On 24 May 2020, the PM made an announcement on EY, school and colleges phased easing of attendance restrictions (Exhibit SAH/72 - INQ000075727). The statement outlined that:

“Our approach to schools remains a cautious, phased one. It is also broadly in line with other European countries.

We continue to consider all the evidence, as we said we would, and will continue to work with schools, teachers and unions over the coming week before making a final decision. It also remains the case that schools will only reopen to more children if the Government’s five tests are met by Thursday 28 May.

In the coming days, the Prime Minister will set out the Government’s progress in meeting these five tests, which are:

- 1. Protect the NHS’s ability to cope. We must be confident that we are able to provide sufficient critical care and specialist treatment right across the UK*
- 2. See a sustained and consistent fall in the daily death rates from Covid-19 so we are confident that we have moved beyond the peak*
- 3. Reliable data from SAGE showing that the rate of infection is decreasing to manageable levels across the board*
- 4. Be confident that the range of operational challenges, including testing capacity and PPE, are in hand, with supply able to meet future demand*
- 5. Be confident that any adjustments to the current measures will not risk a second peak of infections that overwhelms the NHS.”*

16.2.22 Advice on the phased easing of attendance restrictions was sent by DfE policy officials to SSE on 28 May 2020 (Exhibits: SAH/68 - INQ000075413, SAH/74 - INQ000075446, SAH/75 - INQ000075416, SAH/76 - INQ000075417, SAH/77 - INQ000075418, SAH/78 - INQ000075419, SAH/79 - INQ000075420, SAH/80 - INQ000075421, SAH/81 -

INQ000075422, SAH/82 - INQ000075423, SAH/83 -
INQ000075424, SAH/84 - INQ000075425, SAH/85 -
INQ000075426, SAH/86 - INQ000075427, SAH/87 -
INQ000075428, SAH/88 - INQ000075429, SAH/89 -
INQ000075430, SAH/90 - INQ000075431 and SAH/91 -
INQ000075445). The advice included a detailed summary of the
scientific evidence from DfE's science team, and underlying
policy assumptions, as well as an EIA. This advice set out:

- 16.2.22.1 the proposal to bring more children back into
education settings in a phased way before the
summer holiday (DfE's preferred option);
- 16.2.22.2 the rationale for the phased easing of attendance
restrictions of schools proposed;
- 16.2.22.3 the key factors considered in this proposal,
including the risks to pupils and staff; scientific
advice on risk of transmission of Covid-19 to
children, staff, families; wider health
considerations (avoiding a second peak of the
virus); the mitigations to infection and
transmission that settings were expected to put
in place and delivery confidence in those
mitigations; and
- 16.2.22.4 possible fall-back options in case SSE was not
minded to proceed with the full proposal as
recommended or in case these were needed in
future if conditions change.

16.2.23 SSE formally agreed to this advice on 28 May 2020 (Exhibit
SAH/74 - INQ000075446).

16.2.24 In a public statement on 28 May 2020, the PM confirmed the
phased easing of attendance across education and childcare
settings (as announced on 10 May 2020). In this announcement,
settings were asked to plan to do the following from 1 June 2020:

- 16.2.24.1 Nurseries and other EY providers, including childminders, to begin welcoming back all children;
- 16.2.24.2 Primary schools to welcome back children in Nursery, Reception, Year 1 and Year 6, alongside priority groups in all years;
- 16.2.24.3 Secondary school, sixth-form and FE colleges to offer some face-to-face support to supplement the remote education of year 10 and year 12 students, and equivalent 16-19 FE students who were due to take exams and assessments the following year (2021), alongside the full provision they were offering to priority groups in all years;
- 16.2.24.4 Alternative provision settings (“AP”) to mirror the approach being taken for mainstream schools and also offer some face-to-face support for years 10 and 11 students (as they have no year 12). Special schools, special post-16 institutions and hospital schools to work towards a phased return of more children and young people with a focus on specific year groups.

16.2.25 On 10 June 2020, the PM confirmed that not all primary pupils would return to school before the end of the summer term (Exhibit SAH/93 – INQ000075728). The PM announced that:

“It is because the rate of infection is not yet quite low enough, and because we are not able to change our social distancing advice including smaller class sizes in schools, that we are not proceeding with our ambition to bring back all primary pupils at least for some weeks before the summer holidays. Instead we are working with teachers to bring back as many pupils as we can within those smaller class sizes.”

16.2.26 On 15 June 2020, and as the next step in the phased approach to easing attendance restrictions, secondary schools and colleges commenced providing some face-to-face provision for

years 10 and 12, and for 16-19 year-old students in the first year of a two-year study programme (who would be due to take key exams the following year).

16.3 Key decision - the Leicester lockdown including restricting attendance for education and childcare settings

16.3.1 On 29 June 2020, there was a Covid O meeting which was chaired by the PM. The meeting was attended by SSHSC and SSE. At this meeting, it was agreed that localised lockdown measures would be introduced in Leicester, including attendance restrictions in education and childcare settings.

16.3.2 The meeting considered a paper from PHE entitled *Rapid Investigation Team. Covid-19 exceedances in Leicester*. (Exhibit SAH/94 - INQ000075452). This paper highlighted that the strongest evidence of an outbreak was related to the number of new infections identified in children and working-aged people. It was agreed at the Covid O meeting that the SSHSC and SSE would separately agree the exact date when attendance restrictions would be reintroduced in Leicester's education and childcare settings. SSHSC and SSE had a conversation (Exhibit SAH/95 - INQ000075451) and agreed measures would be in place from 2 July 2020.

16.3.3 Later on 29 June 2020, the SSHSC made a statement to Parliament announcing a local lockdown for Leicester, which included attendance restrictions on education and childcare settings from 2 July 2020 until September 2020 for all children except CCW and children and young people who were vulnerable. The restrictions on attendance mirrored the national lockdown measures which were introduced in March 2020.

16.3.4 On 1 July 2020, the SSE received an EIA (Exhibit SAH/96 - INQ000075453 and Exhibit SAH/98 - INQ000075454) from officials at DfE on restricting attendance at education and childcare settings in Leicester and settings in the surrounding area. The EIA outlined that there were strategies being deployed

to help minimise the negative impacts of these restrictions on different groups.

16.3.5 On 1 July 2020, DfE published bespoke guidance for Leicester (Exhibit SAH/99 - INQ000075722). This guidance included information on local co-ordination and collaboration, confirmation on which children should continue to attend education settings, attendance expectations, staffing, communication, curriculum, transportation, school meals, CSC services and infection control.

16.3.6 On 2 July 2020, attendance restrictions were reintroduced in Leicester's education and childcare settings for all children except CCW and children and young people who were vulnerable.

16.4 **Key decision – removal of attendance restrictions for all year groups in September 2020**

16.4.1 In the meetings on 1 and 5 May 2020, referred to at paragraphs 16.2.10 and 16.2.13, the issue of easing attendance restrictions to a wider group of pupils and students was also discussed.

16.4.2 On 11 June 2020, the first of a series of Education Institutions Meetings (Exhibit SAH/100 - INQ000075677) began in preparation for an expected announcement at the end of June 2020 on a full removal of all attendance restrictions in September 2020. These meetings occurred weekly until the end of June 2020 and were chaired by the SSE, with senior officials across government departments attending, including the Cabinet Secretary and the CMO. Key areas of focus included: social distancing measures - 1m or 2m; bubbling; local/ regional discretion and variation, including local outbreaks; transport – pupil and teacher; the testing regime and test and trace programme; and JBC Workforce resilience constraints, including shielding; and pupil and parental engagement. Further meetings took place with the same agenda on 18 June 2020 and 25 June 2020.

- 16.4.3 On 19 June 2020, the SSE made a statement (Exhibit SAH/101 - INQ000075718) to Parliament that all settings would return to full attendance in September 2020, with guidance to follow in the coming weeks. Further details were announced publicly on 2 July 2020. The aim, which was part of the Government's wider Covid-19 recovery strategy, was to get all pupils back to school and college full-time from September 2020, supported by control measures set out in guidance.
- 16.4.4 On 30 June 2020, DfE officials provided SSE with advice and an EIA on guidance to enable the full removal of attendance restrictions in September 2020 (Exhibits SAH/102 - INQ000075456, SAH/103 - INQ000075457, SAH/104 - INQ000075458, SAH/105 - INQ000075459, SAH/106 - INQ000075455, and SAH/107 - INQ000075702). The advice recommended proceeding to 'triple lock' clearance (a clearance process that required being signed off by No.10, DHSC/UKHSA and GDS) ahead of publication on 2 July 2020.
- 16.4.5 On 2 July 2020, DfE published guidance (Exhibit SAH/108 - INQ000075719) for EY, schools, and colleges that set out what settings needed to do to plan for a full return. DfE worked with DHSC and PHE to develop the guidance. The guidance covered:
- 16.4.5.1 Information to schools on where to purchase supplies of soap/anti-bacterial handwash.
 - 16.4.5.2 Advice for schools, colleges and EY settings to follow good respiratory hygiene using the 'catch it, bin it, kill it' method, alongside the regular emptying of bins.
 - 16.4.5.3 Advice that schools and other settings should follow PHE's published guidance on cleaning for non-healthcare settings and information for schools on where to purchase supplies of cleaning materials.

- 16.4.5.4 Advice that in primary schools, children and young people should only mix in small consistent groups and not between groups.
- 16.4.5.5 Advice to secondary schools and colleges which recognised that social distancing was more achievable due to the age of pupils. It made it clear that, outside of the classroom, settings should aim to practise social distancing in line with the measures the Government was asking everyone to adopt in public and in workplaces, including keeping pupils two metres apart from each other where possible.
- 16.4.5.6 Advice that maintaining distinct groups or 'bubbles' that do not mix makes it quicker and easier in the event of a positive case to identify those who may need to self-isolate and keep that number as small as possible. Advice was also given to schools on what to do if those small group sizes could not be achieved. At this point, DfE also stressed that advice on class or group sizes would be revisited when the science indicated it would be safe to invite more children back to schools, colleges, and EY settings.
- 16.4.5.7 Information on schools' roles in contact tracing:
- “schools must send home those people who have been in close contact with the person who has tested positive, advising them to self-isolate for 14 days since they were last in close contact with that person when they were infectious. Close contact means:*
- direct close contacts - face to face contact with an infected individual for any length of time, within 1 metre, including being coughed on, a*

face-to-face conversation, or unprotected physical contact (skin-to-skin)

proximity contacts - extended close contact (within 1 to 2 metres for more than 15 minutes) with an infected individual

travelling in a small vehicle, like a car, with an infected person

The health protection team will provide definitive advice on who must be sent home. To support them in doing so, we recommend schools keep a record of pupils and staff in each group, and any close contact that takes places between children and staff in different groups. This should be a proportionate recording process. Schools do not need to ask pupils to record everyone they have spent time with each day or ask staff to keep definitive records in a way that is overly burdensome.”

16.4.6 On 9 July 2020, SAGE met (SAGE 46) (Exhibit SAH/109 - INQ000075460) and DfE CSA attended. SAGE discussed the full easing of attendance restrictions in September 2020. Some of its key conclusions are set out below:

“SAGE agreed that there was a low risk to children’s health from Covid-19 but significant harms from schools being closed, and that it was therefore strongly in the interests of children for schools to be open.”

“Decisions on opening schools in the autumn also need to consider the health of adults, including teachers and the wider community.”

“Emerging evidence suggests that outbreaks in schools are extensions of community outbreaks and comprise small numbers, rather than indicating that schools are high-risk settings. Spread from children to adults appears to be low.”

“Applying and releasing measures in a way which can be explained to the public logically helps to maintain support and adherence. Given the health and educational benefits of opening schools – and the health and other risks of not doing so – there is strong case for prioritising opening schools over other establishments. Clarity of messaging will be important to building the trust of parents and teachers.”

“It is important to ensure that there will be enough 'room' in terms of the epidemic to open schools in September.”

16.4.7 On 21 July 2020, CO held a Covid O education meeting, focussed on the full easing of attendance restrictions. This was attended by Minister for Universities and MoSSS. The agenda covered school contingency planning, school transport and HE provision for September 2020.

16.4.8 On 22 July 2020, ONS published *Coronavirus and Homeschooling in Great Britain: April to June 2020*, which indicated an overall negative impact on pupil education and on wellbeing for both pupils and parents, with these effects more severe for less advantaged families and for female parents/carers.

16.4.9 On 3 August 2020, SAGE considered and endorsed a report on the full easing of school attendance restrictions by the CTFG. The report found that:

“There was low immediate risk to children’s health from Covid-19 with evidence indicating that children/adolescents have lower susceptibility to Covid-19 infection and clinical disease than adults.

In countries where schools had been open for some time, data suggested that school opening had made minor difference to community transmission.

Measures to reduce transmission should:

- *consider a hierarchy of risk*

- *address the three transmission routes (close-range droplet, surface contacts, aerosol),*
- *Address the duration of exposure.*

Ensuring good ventilation and designing physical layouts to maximise distancing, together with administrative controls such as regular cleaning of high touch and shared surfaces, was considered key.

Segmentation (teaching bubbles) of children had advantages in limiting the extent of transmission, supporting easier detection of linked cases, and potentially limiting disruption during an outbreak – meaning that only certain classes and staff needed to isolate. However, whilst segmentation of classes or year-groups would reduce the number of interactions with students and individual contacts, it might not reduce social interactions within friendship groups.

Internal Department for Transport modelling suggested that there was likely to only be capacity to accommodate a minority of children who used public transport to get to school in September, whilst maintaining social distancing. Separate transport, or staggered start times, might reduce transmission risk on public transport”

16.4.10 CTFG noted that policy was moving towards managing interventions at a local, rather than national, scale. CTFG considered that schools and HE interventions should also be considered on a local scale.

16.4.11 On 6 August 2020, there was a Covid S meeting chaired by the PM on schools reopening (Exhibit SAH/110 - INQ000075461, SAH/111 - INQ000075462 and SAH/112 - INQ000075463). Covid S agreed that all children should be back in school as soon as possible and nothing should be a barrier to full return. The committee also set out 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.

16.4.12 On 10 August 2020, the SSE met with the PM (Exhibit SAH/110 - INQ000075461). The readout outlines that the PM 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”*. SSE presented the current understanding of the ‘gap’ between capacity and potential demand, which was between 190,000 and 300,000 [range presented by the Transport Secretary]. Following the meeting, the PM requested an urgent assessment of what the impact of the above measures was likely to be, what the remaining outstanding gap was, and how to tackle that. No.10 asked for a further update for the PM on the school transport plan by 23 August 2020 (Exhibit SAH/114 - INQ000075464).

16.4.13 On 19 August 2020, SSE received advice on the approach to reopening schools (Exhibit SAH/115 - INQ000075700, SAH/116 - INQ000075598, SAH/117 - INQ000075599, SAH/118 - INQ000075600, SAH/119 - INQ000075601). This advice included a note on evidence of the role of children in the transmission of Covid-19; advice on policy issues in relation to local lockdown arrangements and comments on the draft guidance for schools. The analysis annexed to this advice showed that Covid-19 rates fell during the period schools were open and local authorities with the highest levels of pupil attendance typically had lower Covid-19 rates than local authorities with lower pupil attendance. It was considered that the analysis could not provide strong indications of the impact of full reopening in September 2020 due to lower school attendance, with most attendees being primary school pupils. The analysis did not include the impact of any changes in public behaviour from potential lockdown easing policies. On 20 August 2020 SSE agreed to this advice via email.

16.4.14 On 28 August 2020, a guide for local decision-makers, the Contain Framework, (Exhibit SAH/120 - INQ000075721), in England was published by UKHSA. It set out how national, regional and local partners should work with each other, the public, businesses, and other partners in their communities to prevent, manage and contain outbreaks of coronavirus. The Education Contingency Framework was published as an annex to this framework. It described the principles of managing local outbreaks of Covid-19 in education and childcare settings. It covered all types of measures that settings should be prepared for, stipulating that high-quality face-to-face education remained a government priority and that attendance restrictions should only ever be considered as a short-term measure and as a last resort.

16.4.15 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 guidance on good hygiene measures, social distancing, maintaining 'bubbles' and lateral flow testing (from later in the winter term). SSE decided that schools should have the option to advise that face coverings should be worn in communal areas if they believed that was right in their circumstances. The narrative outlined above had primarily focused on EY, schools and FE, in the section below, the focus is on HE over same duration.

17. Higher Education measures from March 2020 - September 2020

17.1.1 The initial pandemic response for HE was dealt somewhat differently because HE providers are autonomous institutions delivering provision to adult learners and they operate under a different statutory framework. HE providers made their own decisions about how to respond, but sector information was issued which noted how providers were shifting to online teaching and learning, encouraging students and staff to adhere to public health advice and changing exam arrangements.

17.1.2 HE providers were not expected to close fully. This was due to infrastructure requirements, commitments to groups of students living on campus who were unable to go anywhere else, and the need to continue essential research (including COVID research).

17.1.3 The summer 2020 preparations for the 2020/21 academic year included the publication of the first version of DfE guidance on 3 June 2020 (Exhibit SAH/121 - INQ000075802 and Exhibit SAH/122 - INQ000075803). The guidance provided the HE sector with information on re-opening campuses and buildings as safely as possible, including the importance of:

17.1.3.1 avoiding disadvantage to students or staff who were shielding or at risk, international students who may have returned home, and students who may have been released from accommodation contracts and would have nowhere to stay if needed on campus:

17.1.3.2 care in opening laboratories and other buildings, including consideration of phased reopening, with low-density (e.g., computer laboratories) opening first.

17.1.3.3 social distancing on campus and implementing protective measures including increased cleaning;

17.1.3.4 conducting risk assessments for working and communal areas, and sharing best practice across the sector;

17.1.3.5 identifying the appropriate mix of online and face-to-face content for each subject, reflecting what would help maximise learning as well as supporting more vulnerable learners

17.1.3.6 staff and student wellbeing, including counselling and hardship support.

17.1.4 In September 2020, SAGE considered a paper prepared by the Task and Finish Group on Higher Education/Further Education, entitled *Principles for managing SARS-CoV-2 transmission associated with higher education* (Exhibit SAH/123 - INQ000075804). This paper noted:

- 17.1.4.1 There was a significant risk that HE could amplify local and national transmission, and that this would require national oversight. It was seen as highly likely that there would be significant outbreaks associated with HE, and asymptomatic transmission might make these harder to detect. Outbreak response would require both local plans and coordinated national oversight and decision-making;
- 17.1.4.2 It was essential to develop clear strategies for testing and tracing, with effective support to enable isolation. Enhanced testing in response to suspected outbreaks would likely be beneficial in detecting and preventing ongoing transmission;
- 17.1.4.3 Safe provision of student education needed to be based on a hierarchy of risk, including reducing in-person interaction, segmentation of students and environmental controls, mitigating aerosol transmission risk through ventilation and use of face coverings;
- 17.1.4.4 Accommodation and social interactions were likely to be a high-risk environment for transmission to occur. Strategies to mitigate transmission risk could include segmentation of students and good communication on behaviour and hygiene in household and social environments;

- 17.1.4.5 There needed to be specific strategies to consider the wider physical and mental health of students and staff, beyond Covid-19. This would include maximising the influenza vaccination programme to minimise co-infection risks and providing support to mental health programmes; and
 - 17.1.4.6 Communication strategies would be critical to minimising transmission risks associated with HE. Guidance on how to behave would be more likely to be adhered to if people understood the reasons they were asked to take certain actions, especially if coproduced with staff and students.
- 17.1.5 This paper informed preparations for the 2020/21 academic year, clarifying the need for assurance that HE providers had comprehensive outbreak management plans in place.
- 17.1.6 Before the start of the 2020/21 academic year, all HE providers were asked to share copies of their Covid-19 outbreak management plans with DfE and their local health teams. During the first part of the Autumn term, DfE made sure plans were being prepared and shared, giving particular priority to ensuring the larger providers had plans in place in good time. DfE worked in partnership with the HE sector and PHE to use the plan to identify good practice for outbreak management and common pitfalls, and to share intelligence to support the sector.
- 17.1.7 In the early part of the autumn term 2020, the Covid-19 case data reported to DfE via HE Providers indicated that student case numbers had increased. DfE revised the HE operational guidance accordingly (noting especially the importance of moving provision online and supporting students' physical and emotional wellbeing) and looked ahead to the end of term and how the Government would enable the safe movement of students from term-time locations to home addresses under probable continued national or regional lockdown restrictions.

18. **Covid-19 response measures between August 2020 and January 2021**

18.1 During the pandemic, DfE issued guidance to education, childcare and CSC settings during the pandemic covering recommended Covid response measures as well as implementing and easing restrictions. Although this guidance was non-statutory, providers were required as a matter of law to take it into account and not to depart from it without good reason. Using guidance rather than the legislation in this way therefore permitted for some flexibility about how measures were implemented depending on local circumstances, whilst ensuring consistency of approach and that settings had the benefit of considered policy on these issues. Settings continued to have legal obligations in relation to health and safety throughout the pandemic and settings were reminded about this in the guidance, including the need to implement proportionate control measures.

Date of announcement	Key decision
25 August 2020	The decision to introduce a new face coverings policy in schools
16 October 2020	Face coverings guidance update to reflect the new 'Covid Alert' levels
5 November 2020	New face coverings guidance in line with new national Covid-19 restrictions
11 November 2020	Decision to test university students
15 December 2020	Decision to introduce regular asymptomatic testing in schools and colleges
16 December 2020	Decision to increase the testing offer on return (1)
18 December 2020	Decision to increase the testing offer on return (2)
5 January 2021	New face coverings guidance to reflect the 5 January 2021 national lockdown

18.2 **Key decision to introduce a new face coverings policy in schools**

18.2.1 On 11 May 2020, DfE issued standalone guidance *Coronavirus (Covid-19): implementing protective measures in education and childcare settings* (Exhibit SAH/124 - INQ000075726) to support education and childcare settings to open to a wider cohort of children and young people. The guidance focused on measures that could be put in place to help limit the risk of the virus spreading and also set out a hierarchy of controls. The guidance was based on advice received by DfE from PHE. In relation to face coverings, it said:

“Wearing a face covering or face mask in schools or other education settings is not recommended. Face coverings may be beneficial for short periods indoors where there is a risk of close social contact with people you do not usually meet and where social distancing and other measures cannot be maintained, for example on public transport or in some shops. This does not apply to schools or other education settings. Schools and other education or childcare settings should therefore not require staff, children and learners to wear face coverings.”

18.2.2 On 15 July 2020, CO published standalone guidance, *Face coverings: when to wear one and how to make your own* (Exhibit SAH/39 - INQ000075748) including an explanation of the settings in which face coverings were required:

“In England, you must by law wear a face covering in the following settings:

- *Public Transport*
- *Shops and Supermarkets as of 24 July 2020.”*

18.2.3 *The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020* came into force on 24 July 2020 and applied to England only. Education settings were not included in the legislation.

18.2.4 Between 15 July and 25 August 2020, there were 47 updates to the CO guidance document on face coverings. Schools and education settings were not included in the CO face coverings guidance.

18.3 **Key decision to introduce a new face covering policy in education settings**

18.3.1 The World Health Organisation ("WHO") published a statement on 21 August 2020 about children and face coverings. They advised that *"children aged 12 and over should wear a mask under the same conditions as adults, in particular when they cannot guarantee at least a 1-metre distance from others and there is widespread transmission in the area."*

18.3.2 On 24 August 2020, following a meeting in the morning between CO, PHE, DHSC and DfE regarding face coverings in educational settings, PHE submitted a summary policy position to DfE officials about face coverings, (Exhibit SAH/125 - INQ000075465 and Exhibit SAH/126 - INQ000075466).

18.3.3 On 24 August 2020, Scotland's First Minister Nicola Sturgeon said that *"Scotland were looking closely at this issue [face coverings in schools], and taking advice from our expert advisory group"* (Exhibit SAH/127 - INQ000075797) .

18.3.4 On 25 August 2020, Scotland's First Minister announced that the Scottish Government, in consultation with their Covid-19 Education Recovery Group, had agreed to the Scottish Government's Covid-19 Advisory Group's recommendation to change face coverings guidance in Scotland (Exhibit SAH/128 - INQ000075798). Specifically, that *"adults and pupils in secondary schools should wear face coverings when they are moving around school in areas where distancing is challenging – for example, through corridors or in communal spaces."*

18.3.5 On 25 August 2020, DfE officials sent SSE a submission and policy position paper on face coverings, (Exhibit SAH/129 - INQ000075467, Exhibit SAH/130 - INQ000075631 and Exhibit

SAH/131 - INQ000075632). The advice was informed by new PHE advice submitted to DfE on 25 August 2020.

18.3.6 DfE advice to SSE recommended that SSE agreed:

“to extend a presumption that face coverings should be worn by all school pupils in Year 7 and above outside classrooms where social distancing cannot be maintained;

that staff in all settings, and adult learners in FE and HE, should also wear face coverings where social distancing cannot be maintained;

that these changes should be reflected in guidance this week and commenced from the start of the Autumn term.”

18.3.7 After consultation with DfE officials, the PM and No.10 officials, and based on the PHE advice and the evidence available at the time, SSE decided that schools should have the option to advise that face coverings should be worn in communal areas if they believed that was right in their circumstances (Exhibit SAH/132 - INQ000075471). SSE decided it would not be necessary for anyone to wear face coverings in classrooms where protective measures already meant the risks were lower, and where they inhibited learning.

18.3.8 In addition, SSE decided that in some local areas the Government would advise that adults and pupils wear face coverings when moving around the school, such as in corridors and communal areas where social distancing was difficult to maintain. These local areas were areas where transmission of the virus was high and defined by the Government as areas of national government intervention. This was consistent with WHO's advice.

18.3.9 Officials across DfE, CO, PHE and No.10 worked together during 25 August 2020 to draft the new *Face coverings in education* guidance.

18.3.10 The press notice announcing the change in policy was released on 25 August 2020. The new guidance (Exhibit SAH/133 - INQ000075764) was published on 26 August 2020, applicable to schools and other education institutions that taught people in years 7 and above in England, (including FE colleges and HE institutions). It did not apply to children in year 6 or below, and did not apply to Early Years and childcare providers. The policy came into effect from 1 September 2020.

18.4 **Key decision to revise face coverings guidance (based on Covid-19 alert levels)**

18.4.1 On 12 October 2020, the PM made a statement (Exhibit SAH/134 - INQ000075749) introducing three levels of Covid-19 Alert.

18.4.2 In line with the announcement, CO asked for all Covid-19 guidance documents to be updated to reflect the new categorisation of Covid-19 alert levels, (Exhibit SAH/135 - INQ000075474).

18.4.3 On 16 October 2020, the *Face coverings in education* guidance covering education settings was updated and came into force on the same day (Exhibit SAH/136 - INQ000075765) . The new guidance advised that face coverings should be worn by staff and pupils in year 7 and above (when moving around indoors) if a school or a college was within an area that had moved to Covid-19 alert level 'high' or 'very high'. This was different to the previous guidance which advised face coverings should be worn where an education setting was in an area that was "*an area of national government intervention.*"

18.5 **Key decision to introduce a nationwide approach to face coverings in education settings**

18.5.1 On 31 October 2020, there was a Cabinet meeting which the SSE attended. An email dated 31 October 2020, (Exhibit SAH/137 - INQ000075475), from the SSE's private office confirms that the Cabinet meeting "*relates to a national lockdown as reported in the press.*"

18.5.2 An email, sent by a DfE official, later on 31 October 2020, (Exhibit SAH/138 - INQ000075477), to fellow DfE officials states that:

“We have confirmed with Cabinet Office –

Face coverings: we’re effectively saying that all schools are moving to ‘tier 1’ and therefore face coverings should be worn in communal areas where social distancing isn’t possible.”

18.5.3 On 31 October 2020, the PM announced that tougher national restrictions would be introduced (Exhibit SAH/139 - INQ000075750). The announcement emphasised the PM and SSE's commitment to prioritising young people in education. Unlike during the first lockdown, attendance at education and childcare settings was not to be restricted at this time.

18.5.4 With the PM's announcement on 31 October 2020 about new national restrictions, all schools effectively moved in to 'Tier 1' of the Contain Framework (Exhibit SAH/140 - INQ000075479). Therefore, DfE *Face coverings in education* guidance was changed to a nationwide position recommending that face coverings should be worn in communal areas of secondary schools for pupils (year 7+) and adults. The guidance also recommended that face coverings be worn by pupils (year 7+) when travelling on dedicated school transport to secondary school or college.

18.5.5 The PM made a statement on 5 November 2020 at the Coronavirus press conference, announcing a 'stay at home' policy was being reintroduced for a period of four-weeks in England (Exhibit SAH/141 - INQ000075751) . The PM's statement said that you could only leave home for specific reasons: for work if you could not work from home, for education, and for essential activities and emergencies. Therefore, as part of the Government's commitment to minimise disruption to face-to-face education, the Government did not

advise that any attendance restrictions be placed on education and childcare settings schools.

- 18.5.6 The *Face coverings in education* guidance was updated on the same day and took effect from 5 November 2020 (Exhibit SAH/142 - INQ000075767). It was updated to state:

“New national restrictions came into force on Thursday 5 November. Read how the new national restrictions affect this guidance.”

- 18.5.7 The new *Education and childcare settings: New National Restrictions from 5 November 2020* guidance (Exhibit SAH/142 - INQ000075767) stated that:

“Face coverings

In early years settings, there is no change to the existing position. It is not mandatory for staff and visitors to wear face coverings. In situations where social distancing between adults in settings is not possible (for example when moving around in corridors and communal areas), settings have the discretion to recommend the use of face coverings for adults on site, for both staff and visitors.”

- 18.5.8 This guidance was removed on 27 November 2020 when national restrictions were lifted. Guidance returned to the position that existed prior to 5 November 2020, which was based on local restriction tiers.

18.6 **Key decision to test university students**

- 18.6.1 On 4 September 2020, SAGE considered a paper about managing the transmission of Covid-19 in HE prepared by the Task and Finish Group on Higher Education/Further Education (Exhibit SAH/144 - INQ000075723). This paper noted that there was a significant risk that universities could amplify local and national transmission, and that this would require national oversight. It was seen as highly likely there would be significant outbreaks associated with universities, and asymptomatic

transmission might make these harder to detect and it was essential that clear strategies were developed for testing and tracing contacts.

18.6.2 On 2 November 2020, DfE submitted a paper to Covid O outlining the proposed approach to ensure students could safely return to their permanent place of residence from university, reducing the risk of transmission of Covid-19 for themselves and others (Exhibit SAH/145 - INQ000075770). Covid O agreed to the proposal to use testing to minimise risk of transmission during the travel window when students could return home, as long as DfE worked with the Department for Transport and the Devolved Administrations to ensure a joined-up approach and safe transport options (Exhibit SAH/146 - INQ000075769).

18.6.3 On 11 November 2020, the Minister for Universities made an announcement alongside publication of guidance on university students travelling home at the end of the autumn term. Testing was to be offered to as many students as possible, with universities in areas of high prevalence prioritised. The testing regime was designed to be implemented with enough time for students who tested positive to isolate for the required 10 days and still be able to travel home at the end of the autumn term (Exhibit SAH/147 - INQ000075724, Exhibit SAH/148 - INQ000075697 and Exhibit SAH/149 - INQ000075698). On 24 November 2020, Covid O agreed to offer and encourage uptake of testing to university students in December 2020 and January 2021 in relation to the travel window for the Christmas holidays. Covid O also discussed whether to test students on return at the start of term and weekly until the end of Spring term (from January 2021 until Easter 2021) (Exhibit SAH/150 - INQ000075675 and Exhibit SAH/151 - INQ000075480).

18.7 **Key decision to introduce regular asymptomatic testing in schools and colleges**

18.7.1 From October 2020, PHE and NHS Test & Trace led a pilot, working with DfE, on the use of lateral flow devices ("LFDs") in

a small number of education settings across England. The pilots focused on using new technology to test individuals who did not have symptoms. They were not intended to replace the existing testing programme for those with symptoms.

- 18.7.2 The pilots initially focused on the practicalities of delivery and then a 'test to enable' approach in which regular testing was used as an alternative to self-isolation for contacts of positive cases. This pilot testing was completed on site in schools and colleges at Asymptomatic Testing Sites ("ATS"). The first pilot began in October 2020 with three schools, followed by the second pilot at the beginning of November 2020 which involved seven additional schools and an FE college.
- 18.7.3 DfE held various stakeholder meetings in the autumn of 2020 and the testing programme for those with symptoms was regularly discussed. Concerns were raised about the limited availability of PCR test kits and the impact this was having on isolation and attendance.
- 18.7.4 On 30 November 2020 Baroness Harding, the Head of the NHS Test and Trace Programme, attended DfE's Stakeholder Advisory Group to discuss testing, the LFD pilots and the possible introduction of mass asymptomatic testing in education settings (Exhibit SAH/152 - INQ000075482).
- 18.7.5 On 8 December 2020, the Secondary Headteacher Reference Group (an external stakeholder group) agreed that mass asymptomatic testing "*was worth doing even if it is not perfect*" and that exams years should be prioritised (Exhibit SAH/153 - INQ000075525).
- 18.7.6 On 8 December 2020, Covid O considered a joint paper by DHSC and DfE proposing weekly testing of staff and serial LFD testing (daily testing for a given period of time) of close contacts for students and staff in secondary schools and colleges, starting in January 2021 (Exhibit SAH/154 - INQ000075684). It was thought that asymptomatic testing could help identify asymptomatic cases and reduce the spread of Covid-19

amongst children and young people. This paper also included proposals for regular testing of HE students, serial testing in HE and testing to return home at the end of spring term 2021, given the link between travel and transmission of the virus. This joint paper included a summary of the results from the pilot of regular testing conducted by PHE and NHS Test and Trace in the autumn.

18.7.7 On 10 December 2020, Covid O met (Exhibit SAH/155 - INQ000075483, Exhibit SAH/156 - INQ000075485, and Exhibit SAH/157 - INQ000075699) and it was agreed that:

18.7.7.1 Weekly testing of the secondary school and college workforce and serial testing of close contacts for both staff and pupils in secondary schools and colleges should begin on return in January 2021.

18.7.7.2 Schools would be supported to set up light touch ATSS to support weekly testing and would be provided with test kits, PPE, training and advice to enable delivery.

18.7.7.3 From the start of February 2021, once take-home test kits were available, weekly testing for the primary school workforce and serial testing if identified as a contact would begin.

18.7.8 Accordingly, on 15 December 2020, SSE announced that from January 2021, staff and students in secondary schools and colleges (including special schools and AP) would have access to weekly asymptomatic LFD testing and daily testing for seven days should they be identified as a close contact of someone who has tested positive. It was intended that this combination of regular testing and serial testing would avoid the need for close contacts to self-isolate (Exhibit SAH/158 - INQ000075709).

18.7.9 In this announcement, SSE also confirmed that staff in primary schools and, by extension, staff in state-maintained nurseries linked to primary school settings, were also offered the same

testing regime, to be rolled out as quickly as possible over the spring term (Exhibit SAH/159 - INQ000075712).

18.8 Key decision to increase the testing offer on return

18.8.1 Following “*emerging evidence that restricted social mixing and contact may be needed to manage the virus in early January*”, SSE received advice on 16 December 2020 and agreed arrangements for testing all staff, pupils and students in secondary schools and colleges on return in January 2021. This allowing settings to stagger attendance to test pupils and staff before returning to the classroom (Exhibit SAH/160 - INQ000075686). This decision was taken “*in the context of decisions about other sectors of society and the economy, with a greater impact if done in conjunction with wider measures to restrict socialising, including between children and young people, and to bring down community infection rates. In isolation, measures in education may not be enough to reverse trends of rising COVID rates in children and young people – nor to affect rates in other age groups – which are significantly influenced by infections in the community.*”

18.8.2 This was announced on 17 December 2020 (Exhibit SAH/161 - INQ000075710), when SSE confirmed that all secondary schools and FE colleges in England would be able to test their staff and students in one round of free Covid-19 testing when they returned from the Christmas break on or after 4 January 2021. SSE announced that, in order to implement this, secondary schools and colleges would operate a staggered return, offering all non-exam year groups full-time remote education during the first week of term, with face-to-face education for all starting on 11 January 2021.

18.8.3 There were a number of challenges associated with delivering this programme that DfE, together with other government departments, LAs, Directors of Public Health (“DsPH”), Academy Trusts, schools and colleges, worked to address ahead of implementation in January 2021. These were namely:

- (i) *“Consent to testing*
- (ii) *Impact on community testing delivery.*
- (iii) *PPE availability.*
- (iv) *Compounding vulnerability.*
- (v) *Logistical challenges in the supply chain.*
- (vi) *FE colleges are not like schools.*
- (vii) *The remote education challenge.*
- (viii) *Specialist settings” (Exhibit SAH/160 - INQ000075686).*

18.9 **Key decision to introduce new guidance advising a nationwide approach to face coverings**

18.9.1 On 29 December 2020 PHE provided new face coverings advice to DfE (Exhibit SAH/162 - INQ000075510 and Exhibit SAH/163 - INQ000075509). The new advice recommended that face coverings be worn by students and teachers in secondary and FE settings and in university lecture halls and seminar rooms. The advice from PHE stated that, *“PHE altered their advice on face coverings. In view of the widespread increase in COVID-19 prevalence and the likelihood that it will continue to increase, and because the dominant strain is now the new variant (which PHE say is at least 50% more transmissible), it is now reasonable to take a more precautionary approach than even three weeks ago. Increasing use of face coverings is one of several measures being taken to reduce transmission – the other key education-based measure being the roll-out of mass testing.”*

18.9.2 Following the PHE advice, later on 29 December 2020, DfE officials sent advice to SSE outlining PHE’s recommendations, (Exhibit SAH/164 - INQ000075507). It was recommended by PHE that its recommendations apply in tier 2 areas and above, with an option for schools and colleges in tier 1 areas to

implement it if they wished to do so. DfE and PHE also communicated these recommendations to CO. The advice from DfE to SSE listed four recommendations:

“agree that the department adopts PHE’s new advice to recommend that face coverings be worn by students and teachers in secondary and FE settings, and in university lecture halls and seminar rooms;

note that PHE do not recommend a change in early years or primary settings (except where local advice from the PHE health protection team recommends it), nor in circumstances – including in many special schools – where its application would be impractical;

agree that the advice should be recommended in tier 2 and above, with an option for schools and colleges in tier 1 to implement it if they wish; and

agree that the change should be made public alongside other January reopening announcements (probably tomorrow), with updated guidance to follow later this week – subject to triple lock clearance.”

18.9.3 On 30 December 2020, SSE confirmed that he agreed with the above recommendations, (Exhibit SAH/163 - INQ000075509 and Exhibit SAH/164 - INQ000075507). The SSE discussed the matter with the PM later during 30 December 2020. As the country entered a third national lockdown on 4 January 2021, this local area-based policy approach change was paused. In line with the national lockdown announced on 4 January 2021, the PM announced all primary schools, secondary schools and colleges would move to remote learning, except for vulnerable children and CCW. The following day, 5 January 2021, the PM also announced that *“summer exams will not “go ahead as normal”*. For those in educational settings, DfE guidance moved to a nationwide policy of face coverings recommended in

secondary schools and colleges for adults and pupils (year 7+) in indoor communal areas.

- 18.9.4 The updated *Face coverings in education* guidance (Exhibit SAH/167 - INQ000075766) was published on 8 January 2021 and stated that:

“National lockdown came into force on the 5 January 2021. Consistent with the World Health Organisation’s advice, schools and colleges should take additional precautionary measures during this period of national lockdown

During national lockdown, in education settings where year 7 and above are educated, face coverings should be worn by adults (staff and visitors) and pupils when moving around indoors, such as in corridors and communal areas where social distancing is difficult to maintain. As in the general approach, it will not usually be necessary to wear face coverings in the classroom, where protective measures already mean the risks are lower, and they may inhibit teaching and learning.”

19. **ATTENDANCE RESTRICTIONS IN EDUCATION AND CHILDCARE SETTINGS BETWEEN JANUARY 2021 AND MARCH 2021**

Date of announcement	Key decision
14 December 2020	Government guidance and attendance restrictions in the run-up to January 2021 including the Direction issued to the Royal Borough of Greenwich.
16 December 2020	Decision to stagger the return to full attendance in secondary and college settings in January 2021.
1 January 2021	Attendance restrictions extended to primary schools in all London Boroughs.
4 January 2021	Restricting attendance to vulnerable children and CCW in primary schools, secondary schools and colleges.
27 January 2021	The national lockdown extended to 8 March 2021. Education settings gradually return to full attendance from 8 March 2021.

19.1 **Government guidance and attendance restrictions in the run-up to January 2021 including the Direction issued to the Royal Borough of Greenwich**

19.1.1 Restrictions on attendance were reintroduced in January 2021 during the third national lockdown. Prior to this, the Government's intention was to avoid national or area-wide imposition of attendance restrictions (if the scientific evidence and public health advice allowed). After the initial attendance restrictions from 23 March 2020, the Government did not advise any further attendance restrictions at the national or regional level in the autumn term 2020 (including during the second lockdown in November 2020).

- 19.1.2 The Contingency Framework acted as the main policy framework for determining whether attendance restrictions should be re-introduced (Exhibit SAH/169 - INQ000075669). It made clear they were a last resort measure, once other mitigations had been deployed and they could only be triggered by agreement between the RSC, the JBC, PHE, and SSE, with the final decision resting with the SSE. During the autumn term 2020, SSE did not agree to the use of attendance restrictions via the Contingency Framework.
- 19.1.3 As case rates were rising in a number of LAs, DsPH approached DfE and DHSC to discuss attendance restrictions in individual schools, especially in the North West and Yorkshire and Humber. Among other duties, RSCs and their REACT teams, along with public health colleagues, were focused on supporting DsPH to ensure the most appropriate advice was given to individual schools, in particular that schools did not close prematurely or unnecessarily, and that pupils remained in face-to-face education.
- 19.1.4 When DsPH were engaged in this way, DfE and DHSC were able to engage in conversations to bring areas within the Contingency Framework even though this was challenging at times. This is important context for the situation, described below, in relation to the Royal Borough of Greenwich (“RB Greenwich”), or by contrast with other authorities who had concerns, acted without prior discussion in advising schools to introduce attendance restrictions in December 2020, and were reluctant to engage in the kind of productive conversations that helped other boroughs act but remain within the Contingency Framework.
- 19.1.5 On 13 December 2020, the Leader of RB Greenwich wrote to the headteachers of all the schools in the borough via an email issued by the Director of Children’s Services (“DCS”), attaching a letter from the Leader of the Council advising schools to close their premises at the end of the day on 14 December 2020, other than for vulnerable children and CCW, and to move to remote

learning for the remainder of the term (Exhibit SAH/170 - INQ000075492 and Exhibit SAH/171 - INQ000075493). The LA did not inform DfE, PHE or JBC before taking this decision.

- 19.1.6 This decision was not in line with the Contingency Framework, nor the guidance: Actions for schools during the coronavirus outbreak (which was updated on 28 August 2020 to reflect the actions schools needed to take before the start of the autumn term), advised that education and childcare settings should continue to operate as normal; this was the default position in all tiers of local restrictions (Exhibit SAH/172 - INQ000075667). RB Greenwich was in Tier 2.
- 19.1.7 The RSC for London was made aware of the correspondence by a concerned academy trust leader and on 14 December 2020, SSE received advice from the RSC on the action taken by RB Greenwich, specifically whether a direction using the SSE's powers conferred by Section 38, and paragraph 1 of Part 1 of Schedule 17, to the Coronavirus Act 2020, should be issued (Exhibit SAH/173 - INQ000075496, Exhibit SAH/174 - INQ000075495, and Exhibit SAH/175 - INQ000075491). A meeting also took place on 14 December 2020 between the RSC and DCS in an attempt to resolve the issue without resorting to issuing a direction (Exhibit SAH/176 - INQ000075494).
- 19.1.8 On 14 December 2020, the MoSSS wrote to all headteachers and chairs of governors in London asking them to confirm with their school communities that they would remain fully open until the last scheduled teaching day of term (Exhibit SAH/177 - INQ000075497).
- 19.1.9 Towards the end of the working day on 14 December 2020, using the powers conferred by the Coronavirus Act 2020, SSE made the decision to issue a direction based on the advice received by DfE officials on 14 December 2020 (Exhibit SAH/178 - INQ000075498). RB Greenwich complied with the direction on 15 December 2020, withdrawing the letters sent to

headteachers and families and advising all schools to remain fully open to all children until the end of term (Exhibit SAH/179 - INQ000075501 and Exhibit SAH/180 - INQ000075500).

19.1.10 While RB Greenwich was not the first LA that sought to impose attendance restrictions that went beyond the Contingency Framework, it was the first LA where discussions could not bring plans back within the Framework, because of the refusal to engage; and so it was the only LA where a legal direction was issued.

19.2 **Key decision to stagger the return to full attendance in secondary and college settings in January 2021**

19.2.1 On 16 December 2020, Covid O met to discuss a joint DfE and DHSC paper on the approach to managing the return to school and colleges in January 2021 (Exhibit SAH/181 - INQ000075499, Exhibit SAH/182 - INQ000075502, and Exhibit SAH/183 - INQ000075503). At the meeting it was decided to stagger secondary and college return to full attendance in January 2021 to enable Covid-19 testing of all staff and students in secondary and college settings at the start of the January 2021 term. This was in addition to the rapid testing programme that would be rolled out from January 2021 and that was announced on 15 December 2020. (More detail on the testing proposals and the rapid testing programme can be found in the testing section).

19.2.2 The decision to stagger secondary and college return to full attendance was made by Covid O as part of a package of wider decisions to restrict socialising, and to bring down community infection rates. The return to school decisions were made in the context that restricted social mixing and contact may be needed to manage the virus in early January 2021. The planned staggered return would see most children and young people return to school/college on 11 January 2021, allowing one week for all to be tested on return. During the staggered return these settings would only provide face-to-face education for

vulnerable children, CCW, and those sitting exams that year. Pupils and students in special schools and AP would be considered vulnerable and be expected to attend full-time face-to-face provision from 4 January 2021. Primary schools and Early Years provision would not be affected and would open as planned in the week commencing 4 January 2021.

- 19.2.3 On 17 December 2020, SAGE met (SAGE 73) and discussed the emergence of a new Covid-19 variant which had been identified in the South East of England (Exhibit SAH/184 - INQ000075736) Minutes of the SAGE meeting record that: *“A new variant of SARS-CoV-2 has been identified in the South-East of England... There are indications that this variant may be spreading more quickly than others but the extent of any increase in transmissibility is not yet known. There is no evidence to suggest any difference in severity of disease in infected people, or any difference in Ct values. Work is underway to better understand this variant and implications for transmission, immunity and testing.”*
- 19.2.4 At this meeting, SAGE also discussed the impact of children and schools on transmission. SAGE concluded that the evidence (which was attributed with high confidence) was consistent with transmission occurring amongst school children when schools were open, particularly in those of secondary school age. The group was also satisfied that multiple data sources indicated (with medium confidence) that the previous October half-term (2020) had led to a reduction in transmission in children and that transmission rates picked up again in many places when schools reopened following half-term, albeit there was uncertainty about the size of this effect. SAGE determined that an analysis of DfE attendance data indicated (with medium confidence) that reported cases in students increased across all tiers during the first two weeks of national restrictions, particularly in secondary schools. The group noted that it remained difficult to quantify the level of transmission taking place specifically within schools, as compared to other settings.

19.2.5 At its meeting on 17 December 2020, SAGE (SAGE 73) also noted that:

- 19.2.5.1 ONS Covid-19 Infection Survey data to 12 December 2020 showed the rates of those testing positive for Covid-19 continued to be highest in secondary school age (11/12 to 15/16 years) children in England. Covid-19 Infection Survey data showed a marked increase in the positivity rate in secondary school aged children in London, rising to over 4% over the fortnight to 12 December 2020. REACT-1 data between 13 November 2020 and 3 December 2020 also showed the highest prevalence in children aged 13 to 17 years.
- 19.2.5.2 Analysis of ONS data to 2 December 2020 still indicated a higher role of those aged 12 to 16 in introducing infection into households than those 17 and over.
- 19.2.5.3 Analysis of ONS Covid-19 Infection Survey data from 2 September 2020 to 16 October 2020 combining different categories of school staff showed no evidence of difference in the rates of teachers/education workers testing positive for Covid-19 compared to key workers and other professions.
- 19.2.5.4 Early results from the School Infection Study ("SIS") showed that, even with testing, there were low levels of infection in staff and pupils attending school, suggesting that mitigation measures in schools were having an effect. As those included in the SIS study were in school, these figures would reflect the levels of infection without clear symptoms only (as symptomatic individuals should not be attending).

- 19.2.5.5 Preliminary SIS data showed varied implementation of different mitigations in schools. Further analysis of the link between different practices and infection levels needed to be undertaken.
- 19.2.6 On 18 December 2020, the ONS Covid-19 Infection Survey estimated that 1.04% or approximately 1 in 95 of the population in England had Covid-19 during 6 to 12 December 2020 (Exhibit SAH/185 - INQ000075672). The Covid-19 Infection Survey noted that the percentage of people testing positive had increased sharply in London. Age analysis showed that percentage testing positive increased in most age groups and was the highest in children in School Years 7 to 11 (approximately 3%) and slightly lower in younger children aged two years to School Year 6 (approximately 2%) cohorts.
- 19.2.7 According to ONS data, by the week ending 19 December 2020, Alpha (the new variant) became the dominant strain of the virus and accounted for 65% of sequenced samples or approximately 124,689 cases.
- 19.2.8 On 19 December 2020, the Prime Minister announced a new Tier 4 to control the new variant (Alpha) in London and the South East (Exhibit SAH/186 - INQ000075737). Education and childcare settings were exempt from the wider economic and social restrictions in these areas.
- 19.2.9 On 28 December 2020, SSE received further advice from DfE officials on school attendance (Exhibit SAH/187 - INQ000075682). The advice made clear that protecting and maximising on-site attendance for as many pupils and students as possible, particularly for those sitting exams, Early Years and primary settings, vulnerable children and CCW, remained a top priority for the Government.
- 19.2.10 The advice included options that could be taken to reduce transmission amongst children and young people, including in education settings. The options considered in the advice

covered Early Years, schools, FE and HE. They included delaying the full return to universities by restricting attendance to students studying subjects allied to medicine, veterinary science, education and social work, as well as extending the staggered return to of secondary schools and colleges and using the Contingency Framework to implement possible education restrictions in Tier 4 areas.

19.2.11 Also on 28 December 2020, the PM, SSE, SSHSC, CDL, the Defence Secretary and the CO Taskforce met to discuss school attendance, including testing (Exhibit SAH/188 - INQ000075504 and SAH/189 - INQ000075505). Discussions focused on the social cost of closing schools, in particular the impact on vulnerable children and children in disadvantaged areas, the impact on transmission of schools re-opening after the Christmas break, and regional differences in Covid-19 rates. Proposals considered included:

19.2.11.1 Primary schools opening as usual on 4 January 2021;

19.2.11.2 Focused messages to secondary schools about testing on return;

19.2.11.3 Giving schools an extra week to stand up testing e.g., vulnerable children and CCW to return to school from 4 January 2021, exam cohorts to return on 11 January 2021, and all others to return from 18 January 2021; and

19.2.11.4 Beginning weekly testing of all pupils.

19.2.12 A further meeting on school attendance took place on 29 December 2020 between the SSE and SSHSC. Senior officials from DfE, DHSC, PHE, JBC, NHS Test & Trace, CO and the Deputy Chief Medical Officer ("DCMO") attended (Exhibit SAH/190 - INQ000075506). SSE and SSHSC agreed to delay the phased return of secondary schools and colleges by one week, until at least 11 January 2021, except for those in exam years, vulnerable groups and CCW.

19.2.13 They also discussed the implementation of the Contingency Framework in primary schools in London and the South East where case rates were rising. This would mean that attendance would be restricted in line with the Contingency Framework to all those except vulnerable children, CCW and those in exam years until 18 January 2021. It was also agreed that the cohort of university of students on practical courses would be reduced from 40% to 20% and that the return timetable for all other students would be reviewed on 18 January 2021. Later that day, based on JBC public health advice and in consultation with SSHSC, SSE agreed to implement the Contingency Framework in primary schools in 50 LAs from 4 January 2021 meaning that, in these LAs, the opening of primary schools would be delayed until at least 18 January 2021. 23 of the 50 LAs were London boroughs; 10 London boroughs did not have the restrictions applied to them. In all other areas, primary schools were to open as usual on 4 January 2021.

19.2.14 On 30 December 2020, following agreement from No.10, SSE made a statement to Parliament (Exhibit SAH/191 - 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. The PM and SSE also announced that universities had been asked to reduce the numbers of students returning to campus on 4 January 2021 in line with the advice received by officials on 28 December 2020 (Exhibit SAH/192 - INQ000075739).

19.3 **Attendance restrictions extended to primary schools in all London Boroughs**

19.3.1 As part of the PM's announcement on 30 December 2020, DHSC led on the decision on which areas would be advised to introduce attendance restrictions in education settings. London boroughs were considered on a borough-by-borough basis

based on latest local Covid-19 trends as well as hospital and NHS capacity.

- 19.3.2 The decision came under scrutiny following representations from the ten London Boroughs not included in the original list of 50 LAs that were advised to restrict attendance in line with the Contingency Framework. On 1 January 2021 No.10 commissioned the SSHSC and SSE to develop options on attendance restrictions within the Contingency Framework in light of this representation (Exhibit SAH/193 - INQ000075512).
- 19.3.3 DfE and DHSC provided joint advice to No.10 (Exhibit SAH/194 - INQ000075513 and SAH/195 - INQ000075514). The joint recommendation given by SSHSC and SSE on 1 January 2021 was that primary schools across all London boroughs should be advised to restrict attendance from 4 to 18 January 2021 to avoid inconsistent DsPH advice and to provide clarity. Early Years, special schools and AP were not impacted by this decision.
- 19.3.4 On 1 January 2021, Education Gold agreed to the SSHSC and SSE's recommendation (Exhibit SAH/196 - INQ000075515 and SAH/197 - INQ000075516) and on the same day, the Government announced its decision to extend the attendance restrictions within the Contingency Framework to all London boroughs (Exhibit SAH/198 - INQ000075740). This announcement confirmed that the Contingency Framework was to be implemented across all London boroughs, following a further review of the transmission rates and that from Monday 4 January 2021, London primary schools would be advised to restrict attendance to only vulnerable children and CCW. The announcement also confirmed that Early Years would remain open in London, as would special schools and AP.
- 19.3.5 On 4 January 2021, all primary schools which were not in areas with attendance restrictions returned to full attendance after the Christmas holidays. HE students studying in key employment areas also returned to face-to-face learning from 4 January 2021

(around 20% of all HE students). Higher Education Providers were also expected to provide online learning for non-returning students.

20. **Attendance restrictions across all schools and colleges from 5 January 2021**

- 20.1 On the afternoon of 4 January 2021, there was a Cabinet meeting attended by SSE, where ministers decided to introduce a new national lockdown, based on a strong 'stay at home' message across the country, and which would last until mid-February 2021 (Exhibit SAH/199 - INQ000075517). As presented in the paper by the Covid-19 Taskforce, this was because *"the national position continues to deteriorate. The continued growth in cases means that we should expect to see further pressure on hospitals in the coming weeks. The four CMOs have recommended a move to Alert Level 5 which will be announced later today. This means there is a 'material risk of healthcare services being overwhelmed'"*.
- 20.2 For education this meant *"restricting attendance at schools, colleges, and higher education settings."*
- 20.3 The paper also recommended that:
- 20.3.1 Until February half term, in person attendance at schools (and other children's activities) would be for vulnerable children and CCW only;
- 20.3.2 University provision would remain online until mid-February for all except future critical worker courses; and
- 20.3.3 Early Years provision would not be restricted.
- 20.4 The paper acknowledged that *"restrictions on primary and secondary schools, colleges and higher education settings should deliver moderate impacts on transmission. Attendance restrictions would lead to further disruptions to education, particularly those children from lower income households with limited access to the internet. It would have a disproportionate impact on women who are responsible for the majority of childcare and home-schooling. The exemption to form support and*

childcare bubbles and continued opening of early years settings will help mitigate the impact and support affected families.”

20.5 The Cabinet decision also took into account the latest advice from the SAGE group. At its meeting on 22 December 2020, SAGE 74 noted that based on several different analyses there was a high confidence that the new virus variant circulating in the UK was spreading faster than other virus variants (Exhibit SAH/200 - INQ000075511). SAGE cautioned that:

20.6 *“It is highly unlikely that measures with stringency and adherence in line with the measures in England in November (i.e. with schools open) would be sufficient to maintain R below 1 in the presence of the new variant. R would be lower with schools closed, with closure of secondary schools likely to have a greater effect than closure of primary schools. It remains difficult to distinguish where transmission between children takes place, and it is important to consider contacts made outside of schools.”*

20.7 SAGE 74 also noted that:

20.7.1 *“The potential for the new variant to increase transmission associated with the return of universities in the new year also needs to be considered. Students are likely to begin travelling ahead of the start of term, including some who will plan to travel while there are railway engineering works taking place (which reduce capacity and therefore may reduce the ability to socially distance).”*

20.8 Later on 4 January 2021, the PM addressed the nation referring to the new more transmissible variant of the virus, and announced a third national lockdown, instructing people to stay at home (Exhibit SAH/201 - INQ000075753). The PM announced that 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 Early Years 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.

20.9 Following the decision taken at Cabinet on 4 January 2021, to impose a national lockdown on 5 January 2021, on 5 January 2021, SSE received advice from DfE officials on attendance restrictions at education and childcare settings (Exhibit SAH/202 - INQ000075519, SAH/203 - INQ000075520, and SAH/204 - INQ000075521). The advice set out recommendations and the impact of those recommendations on each sector including schools, colleges, HE, Early Years and vulnerable children. The advice, which was supported by an EIA and the latest scientific advice, set out that:

20.9.1 Infections were increasing across the country, but particularly in London, the South East and the East of England. This was in part being driven by the emergence of a new variant which was estimated to grow around 50-70% faster per generation (pg17-18).

20.9.2 There was initially concern that the new variant may disproportionately increase susceptibility and/or transmissibility in children, as prevalence in London was higher among the secondary school age group than other age groups. However, it was thought that this was likely due (at least in part) to the fact that much of the spread had occurred during the November 2020 lockdown when schools were still open but many other potential transmission routes were closed. More recent analysis of other regions did not show a consistent pattern of greater prevalence of the new variant among children and young people than other age groups. However, it was deemed to not yet be possible to give a definitive view on this (pg18).

20.9.3 There was no evidence the new strain of the virus caused more serious illness in either children or adults and there continued to be strong evidence to date that those under the age of 18 years were much less susceptible to severe clinical disease than older people (pg18).

20.10 The advice also referred to the SAGE 74 meeting on 22 December 2020 (see above).

20.11 On 6 January 2021, SSE agreed to the following operational actions proposed by DfE officials (Exhibit SAH/205 - INQ000075673), giving more detail on how the Cabinet decision of 4 January 2021 to reduce attendance at education settings, which was already in force, would operate:

20.11.1 Advising that schools and colleges restrict attendance to vulnerable children and CCW, until at least February half term. In FE, those on technical courses who needed access to specialist equipment could attend on site where necessary, although other aspects of their programmes should be delivered remotely. All other students should learn remotely until at least February half term.

20.11.2 Registered Early Years settings (including nurseries and childminders) were advised to remain open for all children and not apply attendance restrictions.

20.11.3 Advising wraparound childcare settings, and other out-of-school settings for school aged children to restrict attendance to vulnerable children and CCW, until at least February half term.

20.11.4 Advising that Universities ask students not to return to university until at least mid-February 2021 and start the term with remote learning. Only students on specific priority courses should be advised to return to university before mid-February and these should be tested on return or asked to self-isolate for 10 days upon return. The priority courses included medicine & dentistry, subjects allied to medicine/health, veterinary science, education (initial teacher training), social work, and courses which required Professional, Statutory and Regulatory Body assessments and or mandatory activity which were scheduled for January 2021 and which could not be rescheduled.

20.12 The testing programme in education settings was seen as key in enabling settings to remain open to vulnerable children and CCW by providing reassurance to young people, parents and staff that settings were safer to attend than they otherwise would have been. Arrangements for testing at the beginning of the term therefore

continued, with test kits delivered to settings and guidance offered, so that vulnerable children and CCW attending settings could be tested on return, and staff tested regularly.

20.13 SSE made a public commitment on 21 January 2021, confirming to the media that schools and colleges would be given a 'clear two weeks' notice of changes to restrictions (Exhibit SAH/206 - INQ000075742). The two-week period was decided upon by DfE to strike a balance between giving schools and colleges as much notice as possible and the need for up-to-date epidemiological data to inform decisions on liftings restrictions on attendance.

20.14 During both periods of attendance restrictions, DfE's aim was to increase the proportion of vulnerable and CCW attending settings. A significantly higher proportion of vulnerable and CCW attended settings during the third period of national restrictions compared with the first (as of 23 March 2020 257,000 CCW and 61,000 vulnerable children attended their settings compared to 793,000 CCW and 159,000 vulnerable children as of 11 January 2021) (Exhibit SAH/207 - INQ000075801 and SAH/208 - INQ000075800). Communications and guidance for schools had also been strengthened, including greater clarity provided on who should attend settings. Remote education expectations were also clearer and stronger than the first lockdown with guidance in place alongside the Remote Education Continuity Direction. Furthermore, during the second period of attendance restrictions, many vulnerable children and young people had a device, which they may not have done in the first lockdown.

21. **Lifting attendance restrictions as part of the roadmap out of the 'Third Lockdown'**

21.1 The Government's roadmap out of the third lockdown (see paragraph 21.15 below) prioritised the removal of attendance restrictions as the roadmap's first step in easing nationwide restrictions.

21.2 Recognising that stakeholders needed to be more closely involved in policy development before decisions were taken, DfE established the PSSG in January 2021. DfE worked closely with PSSG and other groups of education leaders to develop the roadmap plan for education

settings as well as the Covid-19 response measures set out in the next section on Covid-19 response measures between February 2021 and February 2022.

- 21.3 On 20 January 2021, ahead of a meeting between DfE officials and No.10/CO scheduled for 21 January 2021, SSE received advice from DfE officials on easing attendance restrictions (Exhibit SAH/209 - INQ000075523 and SAH/210 - INQ000075524). The advice recommended a gradual widening of attendance, if ministers agreed that the public health picture allowed for an easement in education settings. The public health picture was informed by PHE, SAGE modelling and epidemiological and NHS data.
- 21.4 On 21 January 2021, there was a meeting between DfE officials and No.10/CO to discuss the potential easing of attendance restrictions.
- 21.5 On 21 January 2021, SSE made a decision that schools should close as normal for the upcoming February half-term holiday for all pupils following advice from DfE officials (*Exhibit SAH/211 - INQ000075526*).
- 21.6 On 25 January 2021, SSE approved options from DfE officials for a revised Contingency Framework to support any easing of attendance restrictions in schools and colleges. This was from a paper entitled “SoS Advice – January contingency framework review; and updated Contingency Framework, January 2021 review” (*Exhibit SAH/212 - INQ000075528, SAH/213 - INQ000075529, and SAH/214 - INQ000075530*).
- 21.7 The approved options included:
 - 21.7.1 adjusting language to more clearly position the Contingency Framework as a set of guiding principles designed to help decision makers when they were considering plans to apply, tighten or relax restrictions;
 - 21.7.2 more clearly articulating the decision-making process for restrictions;
 - 21.7.3 setting out the ambition to give the sector as much notice as possible of major changes to restrictions;

- 21.7.4 providing greater flexibility for decisions pertaining to different sectors;
 - 21.7.5 adding an HE section, to bring DfE's entire position on restrictions into one place;
 - 21.7.6 reviewing priority attendance groups.
- 21.8 The PM chaired a Covid O meeting on 27 January 2021, which the SSE attended (Exhibit SAH/215 - INQ000075531). The Covid-19 Taskforce recommended that further cohorts of pupils should not return to schools and colleges on 22 February 2021, after the half-term, and that the PM should announce to Parliament that schools would not return to full attendance 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 SAH/216 - INQ000075754).
- 21.9 On 27 January 2021 SPI-M-O issued a consensus statement on the re-opening of schools (Exhibit SAH/217 - INQ000075793). The statement considered that the opening of primary and secondary schools would likely increase effective R by 10% to 50%. It also considered that the major determinant for the impact of opening schools was the community prevalence and proportion of the population vaccinated. The paper noted that a partial return to school for some pupils may have been possible the following month if:
- 21.9.1 R was below 1;
 - 21.9.2 hospital occupancy had fallen; and
 - 21.9.3 vaccines had proved effective against transmission.
- 21.10 SPI-M-O took the view that (paras 6-8):
- 21.10.1 The opening of schools was likely to increase transmission at the population level. The extent to which this was the case, and the role played by transmission within schools versus transmission associated with schools being opened remained uncertain and difficult to quantify. Emergence of the Alpha variant of Covid-19 had increased uncertainty, yet there was

consensus it had certainly increased the rate of transmission when schools were open.

21.10.2 The opening of primary and secondary schools was likely to increase effective R by a factor of 1.1 to 1.5 (10% to 50%). This was broadly consistent with the Comix contact study which estimated that reopening all schools would increase R by a factor of 1.3 to 1.9 including estimated reduced transmissibility in children (this reduces to 1.1 to 1.4 if only primary or only secondary schools were opened). Options for school opening with fewer children in attendance (such as selected year groups or cohorts) were likely to fall towards the lower end of these ranges.

21.10.3 It was not apparent that opening of primary schools had less of an impact on overall community transmission than opening secondary schools. The indirect impact on parental behaviour and other contacts outside of school was likely to be greater for younger children, for example enabling parents and carers to return to their workplace.

21.11 The consensus statement was considered at the meeting of SAGE on 28 January 2021 (SAGE 78) (Exhibit SAH/218 - INQ000075792) where it was noted that (paragraphs 24 – 31):

21.11.1 *“Evidence continues to confirm that children are susceptible to Covid-19 infection, with primary aged children having lower susceptibility of infection than older children (medium confidence).*

21.11.2 *The introduction and removal of attendance restrictions is likely to have an impact on transmission and the effective reproduction number (R value), policymakers need to consider the balance of risks and harms including the potential direct health risks to children and staff from Covid-19; the wider impact of easing attendance restrictions on community transmission; and the direct risks to student mental health, wellbeing, development, educational attainment, and lifetime health outcomes from attendance restrictions.*

21.11.3 *The extent of the impact on transmission and the role played by transmission within schools versus transmission in the wider community associated with attendance restrictions being eased remains uncertain and difficult to quantify.*

21.11.4 *There is still clear evidence of the negative educational impact of missing school as well as evidence that attendance restrictions cause impairment to the physical and mental health of children.”*

21.12 On 10 February 2021, SSE received advice from DfE officials, following advice that they had received from PHE on easing restrictions in education and childcare settings (Exhibits SAH/219 - INQ000075534, SAH/220 - INQ000075535, and SAH/221 - INQ000075537). The advice covered a review of the system of controls for example minimising contact with individuals who are unwell, cleaning hands more often than usual, and ensuring good respiratory hygiene, which when implemented created a safer system where the risks of transmission of infection was substantially reduced. The advice included expanding guidance on face coverings (see Face Coverings section for more detail), consideration of ventilation and ensuring a clear programme of regular twice weekly testing. This advice set out DfE’s narrative and high-level policy intentions around the easing of restrictions including the plan for the return of HE students, ahead of the Education Gold meeting scheduled for 11 February 2021, chaired by SSHSC and which SSE attended (Exhibit SAH/219 - INQ000075534). SSE also received the relevant draft chapter of the Government’s roadmap as part of this advice (Exhibit SAH/223 - INQ000075536). The roadmap set out that rapid testing *“remains a vital part of the Government’s plan to suppress the virus, in education and childcare settings across society”* and that *“testing, along with other infection prevention and control measures, can ensure pupils are given the best chance of face-to-face education.”*

21.13 On 11 February 2021, SAGE met (SAGE 80). At the meeting, various contributors, including the CTFG presented papers on modelling the impact of Covid-19 on education (Exhibit SAH/224 - INQ000075744). The consensus view of SPI-M was that the reopening of primary and secondary schools to all students was likely to increase the R value of

Covid-19 by a factor of 1.1 to 1.5. It was also the view of SPI-M that NPIs, behavioural changes of adults and children and targeted communication could help reduce the risks. The JBC advised that there were greater risks to a full return of education settings in some regions more than others, based on the regional variation in the public health picture. JBC advised that reducing R across society first, especially in the North of England and Midlands, would reduce the risk of settings returning tipping R above 1 in March 2021. SAGE 80 highlighted that “*a phased reopening would allow the effects to be assessed which would be particularly valuable if schools were one of the first things to reopen*”.

- 21.14 As part of this contribution to SAGE 80, DfE commissioned the Joint Universities Pandemic Epidemiological Research ("JUNIPER") consortium on 5 February 2021 to provide modelling on the potential impact of different school cohorts for the reopening of schools (the final version of the modelling was published in a paper on 17 February 2021) (Exhibit SAH/225 - INQ000075791). The analysis concluded that the relative effect of partial reopening was sensitive to assumptions of infectivity by age. The analysis found that when only primary schools or some subset of primary year groups were back, results could be sensitive to assumptions on adult mixing. This effect became small, however, with secondary schools open.
- 21.15 On 22 February 2021, the PM announced the roadmap for the easing of lockdown restrictions at his Covid-19 press conference (Exhibit SAH/216 - INQ000075754). His announcement included the return to full attendance for schools and colleges from 8 March 2021, including breakfast and after school clubs. Measures to be put in place upon the return to schools included twice weekly testing and the wearing of face coverings for secondary school and college pupils and staff for the rest of the spring term.
- 21.16 Also on 22 February 2021, DfE published an evidence summary (Exhibit SAH/227 - INQ000075546) which set out the evidence relevant to, and in support of, the Government's decision to lift restrictions on education settings from 8 March 2021. The evidence summary focused in particular on schools, colleges and Early Years settings and noted that:

- 21.16.1 There was high uptake of the vaccine in those aged 70 and over, with the data showing clear benefits in preventing infection, preventing symptomatic cases and reducing the likelihood of hospitalisation or death (pg 5).
- 21.16.2 The Alpha variant appeared to have increased transmissibility compared to previously circulating variants and has spread rapidly to become the dominant variant in the UK. Despite initial concerns, the new variant did not appear particularly adapted to any age group, meaning children and young people were not disproportionately infected by the new variant (pgs 6-7).
- 21.16.3 There was clear evidence that missed attendance in education is detrimental to children's cognitive and academic development and their long-term productivity. Robust studies suggested that time out of attending education leads to lost learning which can meaningfully affect the attainment and life chances of children if not addressed (pgs 8-9).
- 21.16.4 There was no strong evidence to suggest that Early Years, schools and colleges were playing a role in driving large scale transmission in the community (pg 10).
- 21.16.5 Data showed a reduction in transmission following schools closing for half term in late 2020. This pattern was consistent with there being an effect of schools being open on increasing the spread of the virus amongst children. There was not enough evidence to quantify the size of the effect of school closures or indicate what the impact was (if any) on the wider community. The infection risk from behaviours and contacts within education settings could not be separated from the wider end-to-end behaviours and contacts associated with attendance but taking place outside of these settings (pgs 11-12).
- 21.16.6 There continued to be strong evidence that children and younger people were much less susceptible to severe clinical disease than older people (pg13).
- 21.16.7 Data showed that after adjusting for differences across occupations, reported ability to socially distance in the

workplace and work from home, there was no statistical evidence of a difference in the likelihood of testing positive for the Covid-19 between the majority of occupations (pg 15).

- 21.16.8 At its meeting on 14 January 2021, (SAGE 76) had advised that face coverings could be effective in reducing transmission in public and community settings generally (Exhibit SAH/228 - INQ000075533). Widespread application of face coverings to reduce transmission from infected individuals was likely to have a small but significant impact on population level transmission. The benefit was difficult to quantify, but estimates ranged from 7-45% (pg18).
- 21.16.9 The risks within Early Years settings for children and staff were lower because young children were generally less susceptible to the virus and played a lesser role in transmission (pg19).
- 21.17 The revised Contingency Framework was published by DfE on 24 February 2021, setting out the detail of managing local outbreaks in education and childcare settings (Exhibit SAH/169 - INQ000075669).
- 21.18 From 8 March 2021, schools and colleges gradually returned to full attendance with twice weekly testing for secondary school pupils alongside staff testing that had been in place since January 2020 (across primary and secondary schools and colleges). As agreed at the Education Gold meeting on 11 February 2021, the second tranche of HE students (more of those on practical courses - approximately a further 30% of all students) could return, but all others were asked to continue with online learning, with a review before the end of the Easter holidays.
- 21.19 On 22 March 2021, SSE received advice from DfE officials on the return of the remaining HE students on non-practical subjects (around 51% of students) (Exhibit SAH/230 - INQ000075550 and SAH/231 - INQ000075553). The advice set out that DfE were keen for the remaining students to return to in-person teaching in April 2021. An email was then sent by DfE to officials at No.10 setting out this position and requesting a meeting with the PM (Exhibit SAH/232 - INQ000075552). On 29 March 2021, CO decided to defer the return of

the remaining HE students to step three of the Government's roadmap out of lockdown rather than step two. This meant these students returned from 17 May 2021 rather than 12 April 2021 (Exhibit SAH/233 - INQ000075555).

22. **COVID-19 RESPONSE MEASURES BETWEEN FEBRUARY 2021 AND FEBRUARY 2022**

Date of announcement	Key decision
1/8 March 2021	The decision for a nationwide approach to face coverings in classrooms as part of the lifting of attendance restrictions on 8 March 2021.
22 February 2021	Decision to introduce regular testing for pupils in secondary schools, students in FE and staff in primary, secondary and FE settings and extension to Early Years providers (from 8 March 2021).
08 March 2021	Implementation of mass asymptomatic testing.
6 April 2021	The Easter review of the face coverings policy, and confirmation of its continuation.
10 May 2021	Relaxing of face coverings policy in line with 'Step 3' of the Covid-19 roadmap.
14 May 2021	Decision to introduce new guidance for the North West of England.
28 June 2021	Decision on testing arrangements over summer holidays and test on return in September 2021.
12 July 2021	Relaxing of face coverings guidance in line with 'Step 4' of the Covid-19 roadmap.
21 August 2021	Introduction of CO ₂ monitors into education and childcare facilities.
13 September 2021	Decision on testing from October 2021.
9 November 2021	Decision to continue asymptomatic testing in education and childcare settings until the February half term 2022.
16 November 2021	Discretion given to DsPH to temporarily advise face coverings.

18 November 2021	Decision to fund 1,000 Air cleaning units for Specialist Provisions.
29 November 2021	Decision to re-introduce face coverings nationwide in response to the Omicron variant.
2 January 2022	Decision to re-introduce face coverings (in classrooms) nationwide.
20 and 27 January 2022	Relaxing of face coverings guidance.
November 2021 and January 2022	DfE-funded air cleaning units – initially restricted to ‘special settings/AP’ (November 2021) then extended to all state-funded education settings (January 2022).
10 February 2022	Decision to end regular asymptomatic testing in mainstream education and childcare settings.

22.1 Key decision to introduce regular testing for students and staff in secondary schools and colleges with an extension to Early Years

22.2 On 7 January 2021, SSE received advice from DfE officials on the testing offer for the return to full attendance at school and college (Exhibit SAH/234 - INQ000075582). After further questions regarding this advice, on 28 January 2021 SSE agreed (Exhibit SAH/235 - INQ000075581) with the advice, that secondary schools and colleges should offer two lateral flow tests, to be taken on site at school or college at an ATS, three to five days apart, to students returning to their settings at the start of term and after half term. On 10 February 2021, SSE received advice (Exhibit SAH/236 - INQ000075540) from DfE officials on easing restrictions in education and childcare settings, as well as the draft chapter of the Government’s roadmap prepared by CO (see attendance restrictions section). These set out DfE’s narrative and high-level policy intentions around the easing of restrictions ahead of the Covid O meeting on 12 February 2021. The advice set out that officials in DfE had been working closely with PHE to develop new systems of controls to reduce the risk of transmission in education, childcare and

CSC settings. These controls included face coverings, regular hand washing, thorough cleaning and ventilation. The advice also emphasised the importance of regular twice weekly testing for students and staff.

- 22.3 On 10 February 2021, SSE also met with SSHSC and Professor Susan Hopkins, the Incident Director for Covid-19 at PHE, to discuss the public health arguments around testing, implementation concerns and the merits and issues with testing students on-site with some limited supervision from staff or asking students to test themselves with parental supervision at home. It was agreed that officials from NHS Test & Trace and DfE would continue to work through options to ensure that participation in testing remained high, results were consistently reported and the burden on schools and colleges was effectively managed (Exhibit SAH/237 - INQ000075708).
- 22.4 CO commissioned DfE and DHSC to produce a joint paper for Covid O on the testing strategy for education, Early Years and CSC settings. DfE and DHSC officials jointly developed the proposals. On 11 February 2021 Covid O received the joint paper (Exhibit SAH/238 - INQ000075538), Covid O were asked to agree that:
- 22.4.1 Home testing kits for all secondary and FE staff, alongside the current provision to primary staff, which had started being rolled out from 18 January 2021;
 - 22.4.2 secondary school/FE students to be tested on site when they returned to school and to test themselves twice a week using home test kits thereafter with schools and colleges maintaining a small on-site testing facility to provide testing to 'at risk' students;
 - 22.4.3 regular monitoring of the testing programme through a QA process;
 - 22.4.4 twice weekly home testing for the private nursery workforce;
 - 22.4.5 Not to pilot or scale up testing for primary school aged children;
 - 22.4.6 twice weekly testing for university staff and students at home and on-site; and

- 22.4.7 proposed expansion of testing for CSC.
- 22.5 Following these discussions, and as part of the PM statement on the roadmap for easing restrictions, made on 22 February 2021, the PM announced the introduction of twice-weekly testing of secondary school and college pupils. There was no mention of serial testing for close contacts in contrast to the announcements in December 2020. This reflects the national public health advice at the time and the fact that isolation was still required for all close contacts of a positive case.
- 22.6 From 8 March 2021, schools and colleges gradually returned to full attendance, with twice weekly testing for secondary school and college students and all staff across education settings.
- 22.7 On 22 March 2021, staff in Private, Voluntary and Independent ("PVI") nurseries, childminders and wrap-around care providers were offered twice weekly testing. Regular testing was also made available to staff and students in attendance at universities.
- 22.8 **Key decision to introduce face coverings into secondary and FE classrooms, and university lecture halls and seminar rooms**
- 22.9 On 16 February 2021, SSE met with the PM to discuss testing and face coverings (Exhibit SAH/239 - INQ000075541). At this meeting, the PM and SSE agreed to implement PHE's late December 2020 advice on introducing face coverings in FE and secondary classrooms as well as university lecture halls and seminar rooms (see previous face coverings decision) alongside face coverings in indoor communal areas. This had been postponed because of the third national lockdown. The PM and SSE agreed that the new face coverings policy would remain in place until end of the spring term (the start of the Easter holidays) at which point it would be reviewed.
- 22.10 Following the agreement between PM and SSE to advise the use of face coverings in classrooms, DfE officials sent full advice to SSE on 18 February 2021 (Exhibit SAH/240 - INQ000075678). The advice summarised to SSE that:

"Ahead of reopening PHE have advised that we update our guidance to recommend that face coverings be worn in HE, FE

and secondary schools in classrooms unless social distancing can be maintained. In early years and primary schools, face coverings have now been recommended for adults in indoor communal areas, where social distancing (between adults) cannot be maintained, but not in classrooms. Our current guidance states that face coverings are optional for adults in communal areas in EY and primary.”

- 22.11 The advice also proposed excess Type IIR face masks could be delivered by DHSC, subject to SSHSC approval, to support settings' face coverings contingency stock. On 19 February 2021, SSE agreed the advice (Exhibit SAH/241 - INQ000075542).
- 22.12 On 22 February 2021, the PM announced the roadmap for the easing of lockdown restrictions and the easing of attendance restrictions from 8 March 2021 (Exhibit SAH/242 - INQ000075756). The restrictions outlined in the roadmap included the wearing of face coverings in classrooms for the rest of the spring term.
- 22.13 Updates to the DfE's *Face coverings in education* guidance covering the new policy position on face coverings in education settings was published on 1 March 2021 (Exhibit SAH/243 - INQ000075548).
- 22.14 From 8 March 2021, when attendance restrictions were lifted across education settings, the same guidance was updated to recommend that adults and pupils (year 7+) wear face coverings in classrooms and during activities unless social distancing could be maintained (in addition to indoor communal areas) (Exhibit SAH/244 - INQ000075547).
- 22.15 **The Easter review of face coverings in classrooms**
- 22.16 As set out in the PM's announcement on 22 February 2021, face coverings in classrooms were temporary measures to be reviewed at the end of the spring term (start of the Easter holidays). On 31 March 2021, PHE provided evidence to DfE to support a review of face coverings policy. The PHE paper was based solely on a consideration of the epidemiological data and did not consider evidence relating to other aspects of this policy that may have been relevant, such as

acceptability or impacts on learning and communication in the classroom; these were considered by DfE as part of the review.

- 22.17 SSE was sent advice by DfE officials on 1 April 2021 and then follow-up advice on 2 April 2021 (following further discussions between DfE officials, CO officials and No.10 officials) (Exhibit SAH/245 - INQ000075556). The final position set out in the advice from DfE officials was:

“Where pupils in year 7 (which would be children who were aged 11 on 31 August 2020) and above are educated, we recommend that face coverings should be worn by adults and pupils when moving around the premises, outside of classrooms, such as in corridors and communal areas where social distancing cannot easily be maintained.

In addition, we also recommend in those schools, that face coverings should be worn in classrooms or during activities unless social distancing can be maintained. This does not apply in situations where wearing a face covering would impact on the ability to take part in exercise or strenuous activity, for example in PE lessons. Face coverings do not need to be worn by pupils when outdoors on the premises.

Subject to the roadmap process, as part of step 3, we expect these precautionary measures to no longer be recommended. This will be confirmed with one week’s notice.”

- 22.18 DfE issued a press release on 6 April 2021 confirming that the face covering measures were to be maintained (Exhibit SAH/246 - INQ000075755).

22.19 **Key decision to remove most face coverings in education settings**

- 22.20 On 5 May 2021, SSE received advice from DfE officials (Exhibit SAH/247 - INQ000075561) recommending that SSE:

“Note that CO Taskforce analysis indicating we are likely to decide to proceed with Step 3 of the roadmap, and agree to remove the requirement for face coverings in classrooms for

both pupils and staff, and the removal of face coverings for pupils in communal areas, from 17 May 2021.

Agree he is content to revert to the previous position for students in FE and HE settings, which allows greater discretion in the face covering policy to recognise the varied nature of these settings and provision.

Agree that in out of school provision organised by schools or colleges off-site, pupils and staff will be exempt from having to wear face coverings; and that in all non-school or college provision in community settings, masks for over 11s and staff will still be required.”

- 22.21 On 10 May 2021, SSE received additional advice from DfE officials about the new Delta variant of concern (VoC B.1.617.2). The advice recommended that:

“...it would be a sensible step to emphasise in our communications that we allow local flexibility in response to outbreaks, with specific reference to VoCs. This would not contradict the national recommendation to remove face coverings for pupils and students in education settings given the improving overall picture of the pandemic and is in line with our current approach to local outbreak management.”

- 22.22 The private office of the SSE emailed DfE officials later that day to confirm that (Exhibit SAH/248 - INQ000075570):

“...he was content with the proposed approach.”

- 22.23 In line with the announcement that England would be moving to Step 3 of the roadmap from 17 May 2021, the new face coverings policy (set out above) was also implemented from this date (Exhibit SAH/249 - INQ000075759) . The new advice applied to the use of face coverings by staff, pupils and students in schools and FE in England.

- 22.24 The updated *Face coverings in education* guidance was published on 10 May 2021 (Exhibit SAH/250 - INQ000075572). DfE issued a press release (Exhibit SAH/251 - INQ000075757) announcing that face coverings would no longer be required in schools and colleges from 17

May 2021 (as had been recommended from 8 March 2021) in line with Step 3 of the roadmap, (following the Prime Minister's press conference on Step 3 on 10 May 2021 (Exhibit SAH/252 - INQ000075758). The updated *Face coverings in education* guidance said:

"As part of the Step 3 roadmap, it has been determined that it is no longer necessary to recommend the additional precautionary face covering measures that we recommended from the 8 March. The decision to lift further restrictions at Step 3 has followed a review of the latest data on infection and vaccination rates. From 17 May, in line with Step 3 of the roadmap, face coverings will no longer be recommended for pupils and students in classrooms or communal areas, in all schools and FE providers. Face coverings will also no longer be recommended for staff in classrooms."

22.25 Key decision to introduce face coverings guidance for parts of North West England

22.26 On 12 May 2021, SSE attended a ministerial Gold meeting with SSHSC where a new recommendation, in response to the new Delta variant of concern (VoC B.1.617.2) for the North West, was discussed:

"Recommendation from National Incident Management Team that face coverings continue to be a control measure option in Bolton, Blackburn and Sefton secondary schools."

22.27 While we do not have a formal readout of the ministerial Gold from CO, SSE's Ministerial Private Office sent a readout to DfE officials, (Exhibit SAH/253 - INQ000075573). This stated that:

"Our SoS set out the following:

- o We should not be looking to reintroduce face coverings back in schools – particularly if this step is the only action being taken in the region.*
- o It needs to be part of a wider set of actions (across all sectors) that GOLD can then consider/look at – it'll be odd to single out schools.*

- *Therefore, any reintroduction of face coverings should be linked with other interventions as opposed to being on its own.*

SSHSC said in reply that that position seemed reasonable, and set out:

- *Any use of face coverings would be part of an overall approach, noting we did not want to essentially unwind the national position.*
- *That Gold's conclusion should be to look to a permissive approach on face coverings where a local DPH has good reason to do it as part of a broader set of measures in an area, subject to the Education Secretary also being content."*

22.28 Following the ministerial Gold, the PM agreed to a set of actions which could be introduced, short of imposing additional economic and social restrictions in Bolton and Blackburn with Darwen (the areas worst affected by the Delta variant). As well as surge testing, enhanced support for isolation, increased enforcement and pausing the new social distancing guidance on friends and family, this included granting some flexibility to DsPH and local authorities to agree approaches to:

"Retaining the advice to wear face coverings in classrooms and communal areas in schools and colleges in affected areas."

22.29 This meant that it was for the relevant LAs to determine the most appropriate advice for face coverings in schools and colleges. In addition, as they had been considered via the Local Action Committee structure (Exhibit SAH/254 - INQ000075752) (see explanation below) during the week of 12 May 2021, the PM also agreed that the DsPH in Lancashire and Sefton would also be able to advise schools to retain face coverings.

"The Secretary of State for Health and Social Care takes policy and operational decisions on the Covid-19 response, as appropriate. Oversight of the ongoing incident response takes place through the Government's local action committee command structure (bronze, silver, gold) where local and regional concerns are escalated, and issues for discussion and

decision by ministers across government are taken. Recommendations on escalation of issues or requests for significant surge support can be taken by the 'gold' incident management structures to ministers for final decision."

- 22.30 On 14 May 2021, advice from DfE officials went to SSE which recommended giving DsPH in Bolton, Blackburn with Darwen, Sefton and Lancashire discretion to recommend the continued use of face coverings in schools and colleges from Monday 17 May 2021 (Exhibit SAH/255 - INQ000075574).
- 22.31 On 14 May 2021, the PM made a statement about the Delta variant, with specific reference to the North West (Exhibit SAH/249 - INQ000075759). On that same day, the North West RSC shared information with four relevant DsPH covering these areas: outlining the discretion being given to the four areas, as well as reiterating the approach for other DsPH to escalate any concerns via DfE's Regional Partnership Teams.
- 22.32 **Key decision to remove standalone face coverings guidance**
- 22.33 On 18 May 2021 DfE officials sent advice to SSE on face coverings in education settings (to mirror any societal policy change at Step 4 of the roadmap) (Exhibit SAH/257 - INQ000075679). The advice recommended that, if wider restrictions were eased in Step 4, restrictions within settings should be eased, as far as possible, to the same extent at the same time. On 26 May 2021, SSE agreed with the recommendation in the advice, around the principles of easing restrictions in settings in line with wider society (Exhibit SAH/258 - INQ000075578).
- 22.34 On 17 June 2021, the final Step 4 submission was sent to SSE by DfE officials (Exhibit SAH/259 - INQ000075680). The advice set out the recommendation that face coverings be removed from education and childcare settings at the end of the summer term 2021.
- 22.35 On 2 July 2021, Covid O agreed a recommendation in a paper by the Covid-19 Taskforce that:

“in line with wider society, face coverings will no longer no longer be recommended for adults in indoor communal areas in [educational] settings.”

- 22.36 On 7 July 2021, DfE published an evidence summary (Exhibit SAH/260 - INQ000075586). This set out the evidence relevant to, and in support of, the Government’s decision to revise the guidance on the Covid-19 safe working and protective measures that have been used within schools, colleges and Early Years settings in England during the pandemic. It noted that education had been significantly disrupted as a result of Covid-19 and infection prevention and control measures. The evidence summary also noted that the infection risk in educational settings could not be separated from wider behaviours and contacts, and both modelling and observational evidence suggested that infection and transmission within school settings increased or decreased with community prevalence. On the impact of Covid-19 safe working and protective measures, the evidence summary noted that measures were reducing the size and likelihood of outbreaks, were causing disruption and must be considered with the high vaccine coverage at the time.
- 22.37 On 12 July 2021, the PM confirmed that the implementation of Step 4 would occur on 19 July 2021 (Exhibit SAH/261 - INQ000075760).
- 22.38 In line with Step 4 of the roadmap, face coverings were no longer advised for pupils, staff or visitors in either classrooms or communal areas, for any education or childcare settings. Face coverings therefore became a contingency policy within DfE’s Contingency Framework. The standalone *“Face coverings in education”* guidance was removed and instead, the new policy was explained in individual sector guidance, e.g., in the *Schools COVID-19 operational guidance* (Exhibit SAH/45 - INQ000075666), which stated that:

“Face coverings

From Step 4, face coverings will no longer be advised for pupils, staff and visitors either in classrooms or in communal areas.”

- 22.39 **Key decision on summer and autumn return testing arrangements**

22.40 On 21 June 2021, SSE was advised by DfE officials to consider continued regular asymptomatic testing in education settings that remained open over the summer; to prepare to stand up ATS in schools and colleges on the return to school after the summer break and ATS and LFD collect points in universities on return in the autumn. The advice stated:

“As we move into the autumn term, we need to balance the relaxation of restrictions in education settings (in line with step 4 of the roadmap) with keeping students in face-to-face education and breaking chains of transmission. As we move to step 4, this will mean stepping down limits on social contact and face coverings alongside retaining some measures – notably testing and ventilation. On the former, we propose only continuing testing over the summer in settings that remain open and standing up ATS testing in schools, colleges and universities at the start of the autumn term. We will review the position thereafter in line with prevalence rates, the national versus regional picture, and public health advice (e.g. on whether we should test vaccinated people).” (Exhibit SAH/263 - INQ000075583)

22.41 SSE agreed to the proposed strategy for Covid-19 measures in education and childcare settings over the summer and autumn terms; including that testing would continue to be offered in those settings that were open and to prepare for ATS on return for the autumn term (Exhibit SAH/264 - INQ000075584).

22.42 Guidance was published on 28 June 2021 setting out the Covid-19 measures in education and childcare settings over the summer and autumn term.

22.43 **Key decision to introduce CO₂ monitors into education and childcare settings**

22.44 Ventilation was first mentioned in the general *Schools Covid-19 operational guidance* published in July 2020 (Exhibit SAH/265 - INQ000075668). This guidance included a section on ventilation which suggested that schools should consider poorly ventilated spaces as part

of any risk assessments and make sensible changes to increase ventilation. These changes included opening windows and adjusting the ventilation rate on mechanical ventilation.

22.45 On 12 July 2021, SAGE and PHE provided general advice confirming that ventilation remained important to reducing transmission (Exhibit SAH/266 - INQ000075796). The advice noted that CO₂ monitors could be a cost-effective way of helping to identify spaces with poor ventilation and highlighted the usefulness of air filtration systems. Based on this advice, SSE agreed to develop more detailed guidance on good ventilation and the use of CO₂ monitoring for the education and childcare sectors as the country moved to Step 4 (Exhibit SAH/267 - INQ000075587). SSE also agreed:

22.45.1 to provide funding to procure CO₂ monitors for state funded education and childcare settings, and PVI Early Years settings, at a cost of £25m (allowing 1 monitor for every 2 teaching spaces; as monitors were portable, settings could move them about to check their whole estate); and

22.45.2 to develop a central procurement framework for the provision of additional CO₂ monitors in education and childcare settings who may wish to purchase additional monitors

22.46 On 17 August 2021, SSE considered further advice which proposed a prioritisation list, so that settings most in need got monitors first and the use of a 'push model for distribution for the first set of monitors (Exhibit SAH/268 - INQ000075687, SAH/269 - INQ000075688, and SAH/270 - INQ000075591). Within this advice, the SSE was informed that the detailed ventilation guidance he requested was on track for publication in September 2021 (Exhibit SAH/271 - INQ000075690 and SAH/272 - INQ000075691).

22.47 This advice made it clear that special schools, AP, and state-funded residential schools were the priority for the first set of deliveries due to their higher-than-average number of vulnerable students. Secondary schools and FE colleges were the next settings to be prioritised due to the risk of Covid-19 increasing with age. Primary, followed by Early Years settings, were the last.

- 22.48 On 21 August 2021, the DfE published a press release detailing the intention to provide CO₂ monitors to state-funded education settings from September 2021, backed by £25 million in government funding (Exhibit SAH/273 - INQ000075746).
- 22.49 The guidance on how to use CO₂ monitors in education and childcare settings was published on 6 September 2021. Prior to publication the guidance was shared with key experts in ventilation. It was published on the DfE's Google drive, which was accessible by a link shared in the daily sector bulletin, meaning all education settings could access the relevant documentation directly.
- 22.50 The first CO₂ monitor deliveries took place from 22 September 2021 and 98.6% of eligible settings received their scheduled CO₂ monitors before Christmas 2021. The deliveries continued through to June 2022 which covered top up deliveries, newly opened settings and settings that became eligible post-Christmas.
- 22.51 **Key decision on testing from October 2021**
- 22.52 SSE received advice from DfE officials on 10 September 2021 setting out the results of UKHSA's review into asymptomatic testing (Exhibit SAH/274 - INQ000075593). The review recommended that secondary, FE and HE learners, as well as staff in all education and childcare settings, should continue to be offered twice weekly testing. It was recommended and agreed by SSE that this should be reviewed again towards the end of the autumn term 2021 (Exhibit SAH/275 - INQ000075594).
- 22.53 Covid O met during week commencing 13 September 2021 and agreed UKHSA's broad proposals to continue to offer asymptomatic testing, including testing in education and childcare settings (SEE did not attend).
- 22.54 On 24 September 2021, DfE received internal analysis, which evaluated rapid Covid-19 testing in education settings between 1 March and 4 April 2021. DfE's evaluation of the testing data suggested that:
- 22.54.1 Asymptomatic testing could reduce Covid-19 infections in educational settings compared to not having testing in place.

The disbenefit of this in March and April 2021 was increased absences due to self-isolation. The change in isolation policy from 16 August 2021 meant that this disbenefit was reduced as only students who tested positive were required to self-isolate.

22.54.2 There was evidence that infections were prevented by the test and isolate regime during the period of the study. However, it was possible that more infections could have been prevented if the testing participation rate had been higher as more cases might have been detected.

22.54.3 High levels of testing participation meant more infections were detected. However, the study found some evidence of a small number missing face-to-face education due to false positive test results.

22.54.4 A policy that focused on areas with high prevalence could help maximise the effectiveness of testing, as it may have greater potential to find infections and reduce transmission. There may also be benefits in focused support to schools where there were fewer tests reported or which seemed less able to implement testing (e.g., those with high proportion of students receiving FSM and a high proportion of Black, Asian, Minority, Ethnic (“BAME”) students.).

22.55 The daily sector bulletin, a daily email from DfE to education and childcare settings, on 11 October 2021 outlined that staff in education and childcare settings and secondary pupils and FE students should continue to test regularly over half-term and ideally test the night before they returned to their setting after the break. This message was repeated in the daily sector bulletin on 20 October 2021.

22.56 **Key decision to give DsPH discretion to temporarily advise face coverings in communal areas in education settings**

22.57 On 14 October 2021, SSE’s private office received new advice in an email (Exhibit SAH/276 - INQ000075604) outlining that:

“Professor Susan Hopkins had recommended to SSHSC and Cabinet Office that DsPH should be able to recommend the use

of face coverings in communal areas in education settings where prevalence is high (without the need to go through any additional process, such as the LAC process)."

22.58 On 20 October, SSE received advice from DfE officials on the response to high case rates in the secondary-school-aged population that were affecting attendance. The advice outlined that:

"UKHSA has now provided public health advice in favour of enabling DsPH to recommend face coverings are used in communal areas for all pupils (e.g. hallways, lunch queues, stairwells), and in classrooms for close contacts only, without seeking central government approval."

22.59 The submission explained that *"UKHSA's advice is that allowing greater flexibility for face coverings in communal areas will have minimal impact on education but would likely deliver three key benefits:*

22.59.1 A direct impact on case rates through reduced transmission. It is difficult to quantify the impact as it would also be impacted by other factors such as testing uptake, vaccination rates and community case rates.

22.59.2 Improved relationships with DPHs and local teams, therefore making it easier for us to influence and where necessary challenge them if they act outside of guidance and apply measures considered disproportionate.

22.59.3 Contribute to an increase in other positive behaviours such as testing by signalling to individuals/settings that Covid-19 continues to be prevalent."

22.60 The submission explained that UKHSA's advice *"is supported by the latest UKHSA evidence review (published 14th October 2021) on the role of face coverings in mitigating the transmission of Covid-19, which amongst other findings notes "that all types of face coverings are, to some extent, effective in reducing transmission of SARS-CoV-2 in both healthcare and public, community settings."*

22.61 The recommendation [in paragraph 3] in the advice was that the SSE agreed to:

“Accept the recommendation to allow for DsPH to have greater flexibility to advise face coverings for all pupils in communal areas (in all secondary schools in their areas).

Reject the recommendation to allow for DsPH to have greater flexibility to advise face coverings for close and household contacts in both classrooms and communal areas (in all secondary schools in their areas) on the basis this would be stigmatising and more disruptive to education delivery.”

22.62 On 25 October, SSE’s private office responded to DfE officials and said that (Exhibit SAH/277 - INQ000075605):

“The Secretary of State agrees with recommendation 3A and 3B regarding face coverings.”

22.63 From 16 November 2021, in response to very high case rates in children and young people, the Contingency Framework was updated to allow DsPH to temporarily advise face coverings in communal areas for secondary schools across areas of high or rapidly increasing prevalence. This meant that in an area of high or rapidly increasing prevalence of infection, the local DPH had the discretion to unilaterally introduce advice for secondary schools in the area to require face coverings in communal areas.

22.64 **Key decision to re-introduce new face coverings policy for communal areas**

22.65 In response to the impact of the Omicron variant, on 28 November 2021, SSE received advice from DfE officials (Exhibit SAH/278 - INQ000075614). It said:

“A number of cases of the Omicron coronavirus variant have been found in the UK. As a result, the Prime Minister announced a set of temporary measures yesterday that will be put in place next week and reviewed in three weeks. This includes new rules around face coverings in retail and transport settings, isolation until receipt of a negative PCR test for all travellers entering the UK, and isolation for contacts of suspected Omicron cases for 10 days.

At this stage, having discussed with public health colleagues, we propose to make some immediate changes to the measures in place in education and childcare settings. This includes asking staff and children and young people in early years settings, year 7 and above in schools, colleges, Higher Education Institutions and out-of-school settings to wear face coverings in communal areas and giving Directors of Public Health discretion to introduce face coverings in secondary school/FE classrooms without seeking government approval."

22.66 The recommendation in the advice was that SSE:

"Agree that for the next three weeks we do not ask Directors of Public Health to seek government approval before recommending the use of face coverings in classrooms in secondary schools, out-of-schools settings, and FE colleges for staff, visitors and pupil/students (year 7 and above)."

"Agree that for the next three weeks, face coverings should be worn in communal areas in schools, out-of-school settings, in FE colleges, and Higher Education Institutions for staff, students (year 7 and above) and visitors."

22.67 On 28 November, SSE confirmed he was content with the recommendations in the advice (Exhibit SAH/279 - INQ000075695).

22.68 In response to the impact of the Omicron variant, DfE's *Schools Covid-19 operational guidance* and the Contingency Framework were updated on 29 November 2021 to recommend face coverings in communal areas nationally for pupils and students in year 7 and above, and all staff and adult visitors, in all education and childcare settings.

22.69 In addition, DsPH retained the discretion to advise that face coverings should temporarily be worn in classrooms, which was explicitly acknowledged in the Contingency Framework.

22.70 The update to DfE's *Schools Covid-19 operational guidance* was published on 29 November 2021. The guidance was updated with

“...advice on face coverings to reflect the change in measures – they are now recommended in communal areas in all schools for adults and for pupils from year 7 onwards.”

22.71 Key decision to continue regular testing in education and childcare settings until February half-term 2022

22.72 SSE received advice from DfE officials on 16 November 2021 recommending that on return in January 2022, secondary school students should complete only one test on site at an ATS before reverting to twice weekly at-home testing until case rates stabilise. The advice also recommended that FE and HE students and all staff in education and childcare settings should do one at-home test before returning (Exhibit SAH/280 - INQ000075610 and SAH/281 - INQ000075621).

22.73 A follow-up submission (Exhibit SAH/282 - INQ000075618 and SAH/283 - INQ000075619) was provided by officials on 26 November 2021 to recommend that regular twice weekly testing be continued until at least the end of the February 2022 half term. SSE agreed to support this recommendation (Exhibit SAH/284 - INQ000075617). In parallel, also on 26 November 2021, UKHSA officials sent advice to SSHSC, which was in turn agreed by SSHSC. SSHSC agreed that there should be one test on-site upon return for secondary school students and that regular twice weekly testing should continue until the end of the February 2022 half-term.

22.74 These arrangements were confirmed between an exchange of emails between officials in SSE's Ministerial Office (2 December 2021) and SSHSC's Ministerial Office (7 December 2021).

22.75 The testing guidance was updated on 9 December 2021 on the continuation of twice weekly testing for those of secondary school age and staff in all education settings from January 2022 until February half term 2022.

22.76 Key decision to fund air cleaning units

22.77 Air cleaning units that use High Efficiency Particulate Air ("HEPA") filter technology were identified by SAGE-EMG (Environmental Modelling

Group) as an appropriate technology to use to reduce airborne transmission risks in poorly ventilated spaces. Other air cleaning techniques had a limited evidence base or may have generated undesirable secondary by-products potentially hazardous to health. The roll out of DfE-funded CO₂ monitors enabled settings to identify areas where ventilation was poor and air cleaning units could be used to reduce airborne transmission risks.

- 22.78 On 25 August 2021, SSE received advice from DfE officials which recommended that DfE launch a 'marketplace' in which settings where CO₂ readings were persistently high and natural ventilation was not possible could purchase their own air cleaning units (Exhibit SAH/285 - INQ000075596). DfE's intention was that this 'marketplace' would ensure that quality devices were purchased, at a reasonable price by the settings themselves. This approach was agreed by SSE.
- 22.79 The SSE received further advice from DfE officials on 10 September 2021 seeking an evaluation of the demand for air cleaning units to assess the possibility of a funded programme being provided (Exhibit SAH/286 - INQ000075602). The evaluation went ahead and the findings were published.
- 22.80 The main outcomes of the evaluation survey included: 96% of responding settings had begun using the CO₂ monitors provided; 95% of settings using the monitors confirmed they were able to use them to identify poor ventilation; 12% of settings using the monitors reported sustained high CO₂ readings and the majority were able to easily remedy this; and 3% of settings using the monitors reported sustained high CO₂ readings that could not be remedied easily (Exhibit SAH/287 - INQ000075692).
- 22.81 After receiving the 10 September 2021 advice, the SSE met with the DG of Covid-19 Response and Recovery and the Director of Covid-19 Response Measures on Wednesday 29 September 2021 to discuss it. Following this meeting, and as confirmed by the read out on 5 October 2021, the SSE agreed to DfE purchasing 1,000 air cleaning units. The SSE requested further advice on how those units should be allocated.

- 22.82 On 15 October 2021, the SSE received advice from DfE officials on the next steps on ventilation in education settings (Exhibit SAH/288 - INQ000075608). This advice included a recommendation to purchase 1,000 air cleaning units for education settings, focusing on special schools, AP, and SEND units in mainstream schools in the first instance. This prioritisation was the same as used for the initial roll out of CO₂ monitors, with the addition of SEND units in mainstream schools. The purchase and approach were agreed by SSE.
- 22.83 On 10 November 2021, the SSE received advice from DfE officials (the document says 5 November 2021, but advice was sent up on 10 November 2021) (Exhibit SAH/289 - INQ000075611). This provided further rationale as to how the 1,000 air cleaning units should be prioritised, following the outcome of the evaluation survey. Further details of the delivery approach to the policy were also detailed in the advice.
- 22.84 On 18 November 2021 an announcement was made via DfE's sector email, which is sent to education and childcare settings (Exhibit SAH/290 - INQ000075693). This announcement confirmed the availability of 1,000 DfE-funded air cleaning units for SEND and AP settings, including SEND units in mainstream schools. The online 'marketplace' was also announced, announcing it would be operational from early-December 2021.
- 22.85 The guidance on how to apply for and how to use air cleaning units was published on December 2021 on DfE's Google Drive aimed specifically at SEND, AP, and CSC settings (Exhibit SAH/291 - INQ000075689 and SAH/292 - INQ000075663). It was then uploaded to DfE's mainstream Google Drive on 13 December 2021.
- 22.86 On 13 December 2021 the launch of the 'marketplace' was announced to schools via the daily bulletin (Exhibit SAH/293 - INQ000075694). It was also referenced on a DfE blog on 14 December 2021 (Exhibit SAH/294 - INQ000075747).
- 22.87 Deliveries of DfE funded air cleaning units started on 5 January 2022. Deliveries of air cleaning units purchased via the 'marketplace' started on 12 January 2022.

22.88 **Key decision to re-introduce face coverings into classrooms**

22.89 On 24 December 2021, SSE received *January readiness* advice from DfE officials (Exhibit SAH/295 - INQ000075633) that included a recommendation for:

“Face coverings in classrooms, workshops and lecture halls for year 7 and above (extending their use in communal areas) and for DsPH to have discretion to introduce, temporarily, face coverings for older children in primary schools where there is an outbreak.”

22.90 On 30 December 2021, the SSE met with DfE officials (Exhibit SAH/296 - INQ000075629 and SAH/297 - INQ000075626). The SSE's briefing for the meeting, drafted by DfE officials said that:

“An option to go further with face coverings is to introduce them in classrooms for secondary school pupils, adults and staff and (given high case rates and relatively few other mitigations to apply) give DsPH discretion to introduce face coverings in primary schools for years 5 and 6 in the case of an outbreak – both measures are supported by UKHSA.”

22.91 On 31 December 2021, No.10 confirmed with the SSE's private office that (Exhibit SAH/130 - INQ000075631):

“...the PM is content to proceed with the SoS' proposal to recommend face coverings for secondary aged pupils and above in teaching spaces such as classrooms, workshops and lecture halls for a temporary period, please see set out below further detail on how this will be operationalised.”

22.92 This decision and approach were communicated to No.10 on 1 January 2022 in an email from the SSE's private office (Exhibit SAH/299 - INQ000075637). It said:

“Following confirmation that the PM is content to proceed with the SoS' proposal to recommend face coverings for secondary aged pupils and above in teaching spaces such as classrooms, workshops and lecture halls for a temporary period, please see

set out below further detail on how this will be operationalised including a proposed end/review date.

Guidance to be published on gov.uk

We have prepared guidance (schools guidance attached) for secondary age pupils to be published on Monday 3rd January ahead of the start of term on 4th January. The update to the schools' operational guidance will include the following new lines:

From January 4th, we also recommend that in those schools where pupils in year 7 and above are educated, face coverings should be worn in classrooms. This does not apply in situations where wearing a face covering would impact on the ability to take part in exercise or strenuous activity, for example in PE lessons. This will also be a temporary measure.

We would not ordinarily expect teachers to wear a face covering in the classroom if they are at the front of the class, to support education delivery, although settings should be sensitive to the needs of individual teachers.

Similar updates will be included in guidance for FE and HE sectors.”

22.93 On 2 January 2022, SSE sent an open letter to all education and childcare leaders about the January 2022 return to school, including an update on the use of face coverings (Exhibit SAH/300 - INQ000075761). In relation to face coverings, the letter said:

“We are already taking targeted and proportionate action by recommending face coverings for all adults in the communal areas of all settings, and for pupils and students in year 7 and above in communal areas.

And from 4th January, we also recommend that face coverings should be worn in classrooms and teaching spaces where students in year 7 and above are educated. The advice is short

term only and will be reviewed on the 26 January, in line with the review on Plan B measures.”

22.94 The Government's *Plan A* outlined a comprehensive approach designed to steer the country through autumn and winter 2021/22. It also outlined a *Plan B* which would only be enacted if the data suggested further measures were necessary to protect the NHS.

22.95 On 2 January 2022, DfE updated the face coverings section of the *Schools Covid-19 operational guidance* to recommend the use of face coverings in classrooms, communal areas, public transport and dedicated transport to school or college for year 7 and above.

22.96 The DfE's *Schools Covid-19 operational guidance* recommended that face coverings should be worn in classrooms of secondary settings and colleges, by staff, adult visitors, and pupils and students in year 7 and above. DfE guidance explicitly noted that DfE would not ordinarily expect teachers to wear a face covering in the classroom if they were at the front of the class, to support education delivery, but that settings should be sensitive to the needs of individual teachers. Face coverings in primary schools remained recommended in communal areas only for staff and adults (including visitors).

22.97 **Key decision to change face coverings policy**

22.98 On 5 January 2022, DfE published an Evidence Summary on Covid-19 and the use of face coverings in education settings (Exhibit SAH/301 – INQ000075662) The results, whilst caveated, indicated that Covid-19 absence fell by 0.6 percentage points more (an 11% relative difference) in secondary schools that used face masks compared to similar schools that did not over a 2–3-week period. The evidence summary was used to inform all future face coverings advice to ministers, on future changes to face coverings policy.

“This summary sets out the evidence informing the Government’s decision to revisit the guidance on the use of face coverings within secondary schools and colleges in England – temporarily extending their recommended use in communal areas to also include classrooms and teaching spaces for those in year 7 and above.

Evidence shows that face coverings can contribute to reducing transmission of Covid-19 primarily by reducing the emission of virus-carrying particles when worn by an infected person.”

22.99 On 18 January 2022, SSE received advice on DfE’s preparedness for responding to the Plan B review and the potential return to Plan A, including different options on face coverings policy, depending on whether the Government ended Plan B measures or not (Exhibit SAH/302 - INQ000075639).

22.100 On 18 January 2022, SSE's Private Office responded to the advice (Exhibit SAH/168 - INQ000075642). The readout said that SSE had considered all options and was content to:

- “Remove face coverings in classrooms at the earliest opportunity – from Thursday 20th January.

- Remove face coverings in communal areas, which were introduced as part of plan B, alongside the step down of other Plan B measures on 26 January, (including a revised process for national sign-off should DsPH have evidence of the need for reintroduction in certain places).”

22.101 On 19 January 2022, the PM announced the end of Plan B measures and set out the Government’s *Living with Covid* Strategy (Exhibit SAH/97 - INQ000075762). DfE also announced that face coverings were no longer recommended to be worn in classrooms from 20 January 2022 or in communal areas of schools and colleges from 27 January 2022.

22.102 From 20 January 2022, DfE’s *Schools Covid-19 operational guidance* was updated and it was no longer recommended that face coverings should be worn in classrooms and teaching spaces. The guidance said:

“Changes to the guidance since its 5 January 2021 publication include:

update to face coverings section to reflect removal of recommendation to wear face coverings in classrooms and communal areas”

22.103 From 27 January 2022, DfE's *Schools Covid-19 operational guidance* was updated and it was no longer recommended that face coverings should be worn when moving around the premises outside of classrooms, such as in corridors and communal areas. The guidance said:

"From 27 January, face coverings are no longer advised for pupils, staff and visitors in communal areas.

From 27 January, staff and pupils should follow wider advice on face coverings outside of school, including on transport to and from school."

22.104 Key decision to fund air cleaning units in other settings

22.105 On 16 December 2021, the SSE received advice from DfE officials to expand the existing DfE-funded air cleaning units into other state-funded education settings, in light of the emerging Omicron variant of the Covid-19 virus (Exhibit SAH/32 - INQ000075624). The advice recommended at least a further 7,000 air cleaning units be made available, but up to 10,000 if needed. SSE agreed to purchase these additional units.

22.106 On 2 January 2022, an announcement was made via a GOV.UK press announcement. This announcement covered the expansion of DfE-funded air cleaning units to 8,000 mainstream settings.

22.107 Further advice from DfE officials was sent to the SSE on 19 January 2022 (Exhibit SAH/73 - INQ000075644). This confirmed that 8,000 DfE funded air cleaning units would be purchased following a round of applications. It also sought agreement to allow for late applications from those who were to receive CO₂ monitors in January and February 2022. SSE agreed the advice. An evaluation of the programme was commissioned by DfE in March 2022.

22.108 Key decision to end regular testing in mainstream education and childcare settings

22.109 DfE had planned for regular testing in mainstream education and childcare settings to continue until the end of the spring term in 2022

based on the public health advice from UKHSA that was current at the start of term. In early February, however, it was agreed that this would no longer be needed in mainstream settings, as set out in the Covid O Paper by CO Covid-19 Taskforce (Exhibit SAH/57 - INQ000075653 and SAH/92 - INQ000075654). The proposed policy changes in this paper were supported by scientific evidence (i.e. successful rollout of the vaccination programme, with over 54.8% overall population and 81.2% staff in education having received a booster dose at this point) and public health advice which, at that point, recommended *“stopping regular twice weekly testing in mainstream education and childcare settings as most children, young people and most fully vaccinated adults are at low risk from Omicron so regular testing represents poor Value For Money”*. This advice covered most of the groups that had been covered by the testing programme *“staff in early years, primary, secondary schools, wraparound care, FE providers, HE institutions and children’s social care; and all students in secondary schools, FE colleges and HE settings”*. The paper expanded on evidence provided by both DfE officials and UKHSA officials to propose:

“Routine asymptomatic testing should end in mainstream education and childcare settings (but not special schools (SEND), alternative provision (AP) and children’s social care (CSC) settings) at February half term;

All settings will continue to be able to order tests via the education channel for the purposes of Daily Testing of Covid-19 Contacts (DTCC) and outbreak response;

Routine asymptomatic testing will continue in SEND/AP settings and CSC settings. This would be reviewed at the end of March.”

22.110 A Covid O meeting to discuss the paper was scheduled for 8 February 2022. In advance of this, the Covid O paper, mentioned above, was shared with SSE on the morning of 7 February 2022 (Exhibit SAH/63 - INQ000075652). Alongside the CO’s Covid O paper, DfE officials also sent SSE the DfE EIA on ending regular testing (Exhibit SAH/113 - INQ000075656) and a DfE communications plan for handling this announcement (Exhibit SAH/143 - INQ000075657). Later in the

evening, SSE was also provided with a briefing note for the Covid O taking place the following day. This advised SSE to persuade his ministerial colleagues to announce the end of regular testing as part of a Living With Covid announcement during week commencing 21 February 2022 rather than an earlier announcement on 10 February 2022 (Exhibit SAH/262 - INQ000075660).

22.111 Covid-19 Operations Committee 22 (13) met on 8 February 2022 to discuss the Covid O Paper. SSE attended and set out that DfE agreed that regular testing should end, but explained DfE's position on how and when the announcement should be made. (Exhibit SAH/63 - INQ000075652). Covid O agreed the key recommendations set out in the Covid O Paper. However, the Chair referred the decision on the timing of the announcement to the PM.

22.112 Following the meeting on 8 February 2022, the No.10 readout on 10 February to SSE's Private Office confirmed the decision that testing should end as soon as possible, on 21 February 2022 when the first schools returned from half term (Exhibit SAH/298 - INQ000075661):

“The PM agrees that we should end education testing, and that this should be implemented as quickly as possible so that testing does not, as planned, extend beyond the half term. Given a number of schools are about to break up for the half term, the announcement should be made on the 21st Feb, as soon as the first schools are back, and alongside the broader announcement on 21st. However, UKHSA should put in place the planned stringent measures to minimise the distribution of any extra tests and mitigate against additional cost being incurred. No.10 have commissioned UKHSA for an update on these tomorrow.”

22.113 Education and childcare settings were informed of the end of regular asymptomatic testing, in mainstream settings via the daily sector bulletin on 21 February 2022 (Exhibit SAH/143 - INQ000075657 and SAH/165 - INQ000075658).

22.114 On 21 February 2022, DfE updated its guidance for education and childcare settings including Early Years, schools, colleges and HE as

well as CSC settings to reflect the end of the asymptomatic testing programme for mainstream settings (Exhibit SAH/166 - INQ000075714). Students and staff in these settings were no longer advised to test twice weekly, but settings could be advised by local public health teams to re-start asymptomatic testing to manage an outbreak. In parallel, guidance for education and childcare settings on tracing close contacts and self-isolation was replaced by general UKHSA guidance for the whole of society.

PART 4

Lessons learned: setting out how DfE learned lessons as the pandemic progressed, and how DfE responded during and after the pandemic

23. LESSONS LEARNED

23.1 DfE approach to learning during the pandemic

23.1.1 The pandemic was a fast-moving situation that required DfE to work rapidly to support CSC, childcare, education and training settings. DfE's approach was to focus on rapid-cycle improvement, testing and learning throughout each stage of the pandemic. DfE adapted its response to cater to the ongoing needs of settings: regularly reviewing policy and its processes rather than pausing to do formal reviews, and consulting stakeholders throughout.

23.1.2 During this period DfE focused on getting delivery right under challenging circumstances. This included reflecting on what was working and what wasn't and making immediate changes as a result of that reflection. The key areas of learning and improvement are set out below:

23.2 Improving planning and emergency response

23.2.1 One of the most significant lessons learned, in the early stages of the pandemic, was the need to have more dedicated and organised resource for emergency planning and response that could engage in cross government working and support our sectors.

23.2.2 As the pandemic progressed, DfE stood up, strengthened and adapted its emergency planning and response systems and structures. A new operating model, DfE's C.DOC, was established in March 2020 to act as DfE's central point for Covid-19 intelligence gathering, information sharing, and commissioning. This team evolved to manage cross cutting policy impacted by Covid-19 and ensure that emerging policy positions across DfE were aligned. DfE also developed strong structures to escalate and manage issues from across DfE and

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feed into key cross-government meetings, such as Education Gold, alongside appointing cross-government SROs for schools and vulnerable children.

23.2.3 Building on the structures established during the pandemic, DfE decided to create a lasting emergency response function including a core director-led unit known as the Resilience Directorate. The Directorate has a team that, engages in rigorous planning, horizon scanning to prepare better for future emergencies, and deals with those emergencies when they arise. Not only does it draw on emergency planning best practice from across government, but also helps align DfE's emergency response with the wider government resilience strategy.

23.2.4 The Resilience Directorate is also responsible for the Emergency Response Cell. The Cell consists of a volunteer pool of 140 DfE officials. They all complete specialist resilience training and ongoing quarterly self-directed learning. They can be mobilised within 24 hours to deal with regional or national level critical incidents that require a cross departmental or cross-government response outside of normal working arrangements.

23.2.5 Like other parts of government and society, DfE was too optimistic in the early stages of the pandemic about how long and profound the disruption would be. This meant that forward plans, even when based on a range of scenarios (including centrally-provided Cabinet Office scenarios), often were overtaken by events. As the pandemic progressed, plans were increasingly based on more robust worst-case scenarios and supported by stronger contingency actions. For example, additional laptops were purchased for winter 2021-22 as a contingency measure against unexpected closures, and examinations planning for 2022 included a range of fall-back options including for scenarios worse than were expected (or transpired).

23.2.6 DfE's Resilience Directorate has taken this lesson and put it into practice more broadly, planning for future events using reasonable worst case scenarios. It uses internal information and intelligence from Cabinet Office and other departments to identify, analyse and monitor risks to the education, childcare and CSC sectors. It puts in place contingency planning processes to guide actions and decision making in the event of potential different emergencies.

23.3 **Supporting remote education**

23.3.1 DfE worked with the sector to strengthen its approach to remote learning and adapt policy and delivery as the pandemic progressed (DfE expects to give more detail on remote education in a later Covid-19 Inquiry module).

23.3.2 While DfE did ultimately deliver over 1.95m devices (enough to close the gap between laptops already in the system aggregate, and the needs of disadvantaged children), in the early stages of the pandemic only the most vulnerable children (children in care) were prioritised for laptops. This was because DfE was, initially, unsuccessful in seeking funding from HM Treasury to go further in the early stages. With hindsight, it would have been better if funding could have been secured for a quicker roll out of laptops to all children. DfE (and HMT) learnt this lesson and, as well as the successful laptop rollout once funding was secured later in 2020, acted differently in 2021, when additional laptops were ordered in good time as a contingency measure for winter 2021-22.

23.3.3 In April 2020, DfE quickly supported teachers and leading educational organisations to establish the Oak National Academy to keep children learning and support schools in providing remote provision when required to do so. 40,000 resources created with the support of 550 teachers were published online. It was also estimated that over 130 million lessons were delivered in Oak's online classroom. Oak

demonstrated the value of producing and sharing high quality curriculum resources content by teachers for teachers and their pupils that are free, optional and adaptable. Building on this insight, DfE launched Oak as a new operationally independent arms-length body on 1 September 2022.

23.3.4 As outlined in section 6.2 when education settings were first asked to restrict attendance in March 2020, DfE gave considerable discretion to settings on how to deliver their curriculum via remote education.

23.3.5 DfE recognised that setting stronger expectations would result in a more even approach to remote learning. The *Schools Covid-19 Operational Guidance*, which was first published 2 July 2020, set clear curriculum expectations, including that where remote education was necessary it should be high quality and align as closely as possible with in-school provision. The *Remote Education Continuity Direction*, which was issued on 1 October 2020 and took effect from 22 October 2020, reinforced the guidance. It made clear that schools had a legal duty to provide remote education for state-funded school-age children unable to attend schools due to public health advice. The guidance was further strengthened from 7 January 2021, when amendments made clear that remote education should be equivalent in length to the core teaching pupils would receive in school. Overall, the impact of these changes delivered a more positive remote education experience for children and young people during the later stages of the pandemic.

23.3.6 DfE also supported schools to deliver remote learning through sharing and dissemination of good practice. The EdTech Demonstrator programme, supporting schools' development of digital education, was expanded during the pandemic to reach an estimated 4000 schools. DfE worked with Ofsted and the sector to understand what good remote education looked like, bringing this together in the good practice guidance and case

studies from May 2020 followed by good practice guidance in October 2020 entitled *Remote Education Good Practice*. When schools had opened to most pupils in March 2021, they were still mostly teaching classes of pupils both in-school and remotely (known as 'blended delivery'). To support schools with this, DfE published a set of good practice blended delivery case studies. When the temporary continuity direction expired alongside the Coronavirus Act in March 2022, all remote education guidance was superseded by further guidance for schools, entitled *Providing Remote Education: guidance for schools*. This guidance, informed by the good practice observed over the pandemic, continues to be used by schools maintaining their remote education provision.

23.4 **Regional organisation and delivery**

- 23.4.1 As outlined in Section 14.7 of the Corporate Statement, DfE established REACT to enable the department to support LAs in their role of coordinating a response to the pandemic in respect of education and children's services. It did this by bringing together teams from across DfE and Ofsted to allow intelligence to be shared.
- 23.4.2 Positive feedback from LAs showed the benefits of having joined-up meetings with DfE during the pandemic, in particular ensuring services were not siloed in local areas. It also meant that strong relationships were developed between REACT teams and key officials within LAs, such as DsPHs and DsCS. This helped deliver more local nuanced solutions rather than attendance restrictions or other restrictions across an area.
- 23.4.3 DfE therefore retained this approach throughout the key period of the pandemic and reinforced the REACT team, building them directly into the Covid-19 response governance to provide direct and real time feedback.
- 23.4.4 Through setting up and running the REACT team, DfE learned the importance of having regional teams that could provide local

insight and continued collaboration with schools and local authorities. Using this learning, DfE established the new Regions Group in September 2022, which took on board the key learning from the REACT teams.

23.4.5 There are nine Regional Teams each led by a Regional Director and each covering a region (e.g., South West England). Each team aims to improve outcomes for children, families and learners by accelerating system improvement and reform through active intervention and by better aligning DfE's operations and users' needs at a local and regional level.

23.5 **Joining up government for the vulnerable children**

23.5.1 Early in the pandemic, DfE recognised the need to ensure strong join-up across departments on vulnerable children and young people. DfE established the Vulnerable Children and Young Person Programme Board in April 2020 to monitor the programme of activity to support vulnerable children and young people during the pandemic. Having seen the benefits of this join-up, DfE has retained this approach, relaunched as a new cross-government Vulnerable Children and Families Strategy Board (from September 2022). This board brings together central government departments, joining-up oversight on strategy, agreeing and co-ordinating cross-cutting responses to issues facing specific groups like Children in Need and children with SEND, and monitoring to improve outcomes for vulnerable children and young people.

23.6 **Partnership working and co-creation**

23.6.1 A key lesson from the early stages of the pandemic was the need to build stronger communications channels with stakeholders representing the education and care sectors. In particular, whilst DfE always engaged stakeholders throughout the pandemic, it became clear that stakeholders needed to be more thoroughly engaged at the earlier stages of policy development. As a result, I established and chaired a dedicated stakeholder group (PSSG) in January 2021, which met weekly

to discuss critical issues related to the pandemic. This was critical in improving direct discussion and building insight and trust. This was reinforced with other dedicated groups with school and college leaders, unions and DsPH. DfE has retained this group amongst others and they play an important role in informing policy planning and implementation on both ongoing and emerging issues.

23.7 Communicating with education and childcare settings

23.7.1 During the pandemic DfE needed to provide up to date guidance to support its thousands of settings. This took the form of dozens of pieces of guidance updates and sector bulletins. DfE, itself, was often being provided with new public health advice and asked to turn it into new or amended guidance within short timescales, often the same day or next day leaving little time to consult with stakeholders in advance.

23.7.2 The 'triple lock' process, whereby new guidance needed official-level approval from No.10, DHSC/UKHSA and GDS prior to publication, made it challenging for all parts of government to publish guidance alongside major announcements on same day or following day. In practice, there was a 'bottle neck' where many departments needed 'triple lock' approval. While techniques were developed to speed up the process, such as only sharing the key parts of guidance which were being updated, ultimately the 'triple lock' slowed down the process and meant each sector had less notice to implement the policy than it may otherwise have had.

23.7.3 DfE continually sought feedback on the guidance and whilst sectors found this guidance helpful, they found the frequency of changes and timing of guidance difficult. Building on feedback from stakeholders, DfE moved to a more user-orientated approach:

23.7.4

23.7.4.1 SSE announced that, from 21 January 2021, for substantive policy changes, settings would be

given two weeks' notice ahead of implementation.

23.7.4.2 DfE officials also communicated to the sector that they would aim to publishing guidance between 9am and 5pm and avoid publishing on Fridays, the weekend and school holidays.

23.7.4.3 DfE worked to ensure guidance was accessible, concise and useful. It also collated changes in tranches to reduce the number of document updates with changes summarised at the start of each update.

23.7.5 It became clear that, for some public health operational advice to education and childcare sectors, visual 'how to' guides were much more useful than standard written guidance documents. During 2021, visual guides were published for the mass testing programmes in education, childcare and children's social care settings (from February 2021) as well as guides for Covid-19 vaccination procedures (October 2021) and ventilation in schools and colleges (from September 2021).

23.8 **Monitoring and improving attendance**

23.8.1 During the pandemic, DfE worked quickly to set up a daily on-site attendance reporting system to provide valuable insight on pupil attendance to support and inform policy and operational decision making. Though extremely useful, providing this data was ultimately burdensome for schools.

23.8.2 Using its learning on both the importance of attendance data and the need to minimise burdens on schools, DfE trialled a new daily-attendance system which extracts attendance data directly from a school's Managing Information System. ("SIMS").

23.8.3 The scheme gives an accurate timely picture of school attendance across the country helping schools, academy trusts, local authorities and central government to spot where there are

problems enabling them to benchmark their practice and drive improvement.

23.8.4 Informed by data on attendance, DfE set out guidance on how schools, trusts, and LAs should support those at risk of persistent and severe absence and how the system should work to address key barriers to attendance. DfE are deploying attendance experts to support trusts and LAs to embed these expectations and are working with system leaders to remove wider barriers to attendance.

24. **National Audit Office (“NAO”): support for children’s education during the early stages of the Covid-19 pandemic (Published: 17 March 2021)**

24.1 The NAO published a report on government support for children’s education during the early stages of the pandemic. It was published on 17 March 2021. The NAO report concluded that:

24.1.1 The Covid-19 pandemic “*presented DfE with an unprecedented challenge in form of wholesale disruption to schooling’ and the department’s approach was “largely reactive” as there was “no pre-existing plan to deal with disruption on this scale”* (Exhibit SAH/229 - INQ000075549).

24.1.2 DfE allowed schools considerable discretion in how they supported in-school and remote learning. This helped to reduce the demands on schools at a very difficult time during March to June 2020, but also contributed to wide variation in the education and support children received in this period. However, the report emphasised that DfE took action to support schools and pupils, including ensuring that settings remained open for vulnerable children and funding online resources for those learning at home.

24.1.3 Aspects of the DfE response could have been done better or more quickly. For example, clearer expectations for in-school and remote learning could have been set earlier and barriers that disadvantaged children faced could have been addressed more effectively.

25. **Public Account Committee Inquiry (“PAC”): Covid-19 in Education**

25.1 PAC took oral and written evidence on its inquiry into Covid-19 in education (Exhibit SAH/226 - INQ000075554). This included oral evidence from myself (DfE Permanent Secretary), Director General for Early Years and Schools Group (Andrew McCully) and Director of Covid-19 Response (Mike Pettifer) on 25 March 2021. On 25 May 2021, PAC then published its report entitled, *Covid-19: Support for children’s education* (Exhibit SAH/222 - INQ000075577).

25.2 The report’s conclusions were very similar in substance to the NAO’s report, but there was a particular focus on lessons learned. The report explained that DfE had focused on learning lessons organically as the pandemic progressed rather than a formal lessons learnt exercise. PAC recommended that the department should carry out a systematic lessons-learned exercise.

25.3 In response, I wrote to Chair of PAC (Dame Meg Hillier MP) about the lessons learned recommendation (Exhibit SAH/256 - INQ000075590). I made clear the following points:

25.3.1 *“We are committed to looking at lessons learned across DfE to improve our approaches and deliver the best outcomes for children and learners. We do so regularly and systematically. At this stage, with the pandemic not yet over, our focus is on rapid-cycle improvement through practical test, learn and improve approaches, rather than big set-piece exercises. This is essential in supporting us in building back stronger and improving operational delivery.*

25.3.2 *We have built on our experience and feedback from stakeholders, including the NAO, to learn lessons and improve our response. For example, our Free School Meals (FSM) provision and improvements to our National Voucher Scheme to support children eligible for FSM since the first lockdown; or the fact that we improved our approach to working with stakeholders which prompted us to move to a more user-oriented approach to guidance and increase our communications during 2021*

attendance restrictions, acting throughout on previously provided feedback.

25.4 **Lessons learned work**

25.4.1 As set out above, DfE proactively sought to identify lessons learned in real time throughout the *pandemic* and to adapt its approach – given the pace of events and the need to adapt this was critical to making real improvements to practice, which was key to delivering more effectively for children and young people. This section has drawn together the key areas of learning and change. We will continue to reflect and learn lessons.

25.4.2 This statement focuses on DfE-led activities. As mentioned at the start of this Statement, DfE considers that reflections on cross-government decision-making is best done as a cross-government exercise.

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:

Personal Data

Dated:

29/03/2023