

UK COVID-19 INQUIRY

STATEMENT OF CHILDREN'S COMMISSIONER FOR WALES PURSUANT TO MODULE 2B

The office of the Children's Commissioner for Wales - CC(W) - provides this statement in response to a request under Rule 9 of the Inquiry rules 2006 dated 24 October 2022.

Introduction

1. My name is Professor Sally Holland. I was the Children's Commissioner for Wales from April 2015 to April 2022. I give this statement on behalf of the office of the Children's Commissioner for Wales, with full knowledge and approval of the current incumbent, Rocio Cifuentes MBE. I was the post-holder during the relevant period for the Inquiry timeline.

Section A – Introduction to the Office of the Children's Commissioner for Wales

- 1.1 The Children's Commissioner for Wales is an office established pursuant to the Children's Commissioner for Wales Act 2001, which amended the Care Standards Act 2000. The Commissioner's powers and functions are derived from the 2000 Act.
- 1.2 Further powers are granted to the Commissioner pursuant to The Children's Commissioner for Wales Regulations 2001. In essence, these regulations expand on the powers and functions granted to the Commissioner under the 2000 Act.
- 1.3 The principal aim of the Commissioner is to safeguard and promote the rights and welfare of children. This must be the Commissioner's overriding objective when undertaking their functions. When exercising their functions the Commissioner must also have regard to the United Nations Convention on the Rights of the Child (UNCRC).

- 1.4 The UNCRC is the first legally binding international instrument to incorporate the full range of human rights; civil, cultural, economic, political and social rights. The UNCRC sets out these rights in 54 articles and two Optional Protocols. It spells out the basic human rights that children everywhere have:
- the right to survival;
 - to develop to the fullest;
 - to protection from harmful influences, abuse and exploitation; and
 - to participate fully in family, cultural and social life.
- 1.5 A child is defined in the 2000 Act as a person under the age of 18, although the Commissioner is able to act on behalf of a young person who has been placed in local authority care ('looked after') who is over the age of 18 in some circumstances.
- 1.6 The office works directly with children and young people to find out about their rights under the UNCRC. The team listen to children and young people to find out what's important to them (during the period 2019-2021, we heard from over 51,000 children via surveys), and advise children, young people and those that care for them if they think they've been treated unfairly via a free and confidential Investigations and Advice service (during the period 2019-2021, we handled 1,894 such cases). We influence the Welsh Government and other organisations who say they're going to make a difference to children's lives, making sure they keep their promises to children and young people (during the period 2019-2021, we responded to 86 government and parliamentary consultations and took part in 148 working groups), and we speak up for children and young people on important issues (during the period 2019-2021, we secured over 1500 pieces of broadcast and print coverage).
- 1.7 The office works directly with children and young people to influence government policy and to influence public sector organisations to work with children and young people in a way that respects and promotes their rights. Children and young people directly contribute to CC(W)'s strategic work plans and an element of engagement and consultation with children and young people features in all project work associated with the work plan. We evaluate the impact of all our work and publish the findings every three years.
- 1.8. The office has advisory panels; one for children and young people – our youth advisory panel - and one for adults (parents/professionals) – our adult advisory panel. Although CC(W) is not required to have these panels as part of its governance arrangements, the primary purpose of these panels is to provide independent advice, support, scrutiny

and challenge to the team, so as to secure the effective delivery of the Commissioner's statutory responsibilities. The panels also act as a critical friend and sounding board for the team regarding policies, proposals and strategic priorities.

- 1.9 In addition to this strategic direction, CC(W) has a well-established network of Ambassador Schools and Community Ambassador Groups. This network includes children in primary schools, secondary schools, settings for children with Special Educational needs and other (e.g. Pupil Referral Units / 3-16) settings, as well as community based groups representing children and young people from a range of backgrounds and with a range of experiences - 35% of maintained primary schools in Wales, 26% of maintained secondary schools, 25% of maintained special schools and 14% of pupil referral units are members. The role of Ambassadors includes informing other children about the Commissioner and her powers; making sure other children know about children's human rights under the UNCRC; to be a voice for the Commissioner in schools or community settings; and to feed in to her work through children's rights 'missions' set by the Commissioner's office. The office runs annual training events for children and young people, and professionals in this network, and a programme of school visits – during the period 2019-21, the team directly engaged with over 20,000 children and young people and delivered training on children's rights to over 1,000 professionals. We also engage with these settings termly, through distributing consultation activities through the network or through providing resources for settings to address a rights-based issue. This is a key element of the office's participation strategy in that it enables children and young people in education settings to inform my work through consultation but it also empowers young people to participate in the promotion and realisation of children's rights in their own setting.
- 1.10 The office seeks to influence Welsh Government and others through the publication of reports and research in relation to specific children's rights issues, and through regular engagement with Government Ministers and civil servants, whether that be scheduled meetings or participation in relevant working groups. The team also regularly engages with a range of strategic public sector organisations, and with other strategic partners in the third sector working with children and young people. The team sees it as an integral and vital part of the office's role to listen to children from all across Wales and ensure that the office uses its position to amplify and extend their voices to reach the key decision makers. During my time as

Commissioner, I personally engaged with children and young people in schools and community settings throughout Wales on average more than twice a week.

1.11A summary of the Commissioner's powers are as follows:

- a. The power to review the effect on children of the exercise of functions or proposed exercise of functions of defined public bodies including Welsh Government.
- b. The power to review and monitor how effective are the arrangements for complaints, whistleblowing and advocacy of defined public bodies in safeguarding and promoting the rights and welfare of children.
- c. The power to examine cases in respect of individual children in certain circumstances.
- d. The power to provide assistance to a child in certain circumstances.
- e. The power to make representations to the Welsh Government about any matters affecting the rights and welfare of children which concern her and for which she does not have the power to act.

1.12. In relation to individual children, the Commissioner has the power to examine individual cases in certain circumstances; and provide assistance to a child in:

- a. making a complaint or representation in relation to the services the child receives;
or
- b. certain proceedings (however, the Commissioner is subject to restrictions in relation to legal proceedings).

1.13 The Commissioner's powers relate to the functions devolved to the Welsh Government and devolved public bodies in Wales; this means that they do not extend to matters of justice and policing. As such, the actions of public bodies such as local health boards or local authorities would fall within the Commissioner's remit whereas police forces and justice institutions would not. It is also important to note that these are *powers* rather than statutory responsibilities, and the Regulations set out the differing criteria and requirements that need to be applied before deciding to exercise these powers.

1.14 During my time as Commissioner, the office comprised 25 full time and part time staff, including myself, organised into a Policy team of four officers, an Investigation and Advice team of three officers, a

Participation team of four officers, a Communications team of two officers, and support staff team of four officers. I have a management team of six that includes my post, and managers for Finance and Human Resources.

- 1.15 During Sally Holland's term as Commissioner, she had a management team which she chaired. It comprised a Head of Communications and Performance (Sara Jermin) also Professor Holland's appointed Deputy, a Head of Practice (Andy Wallsgrove), a Head of Policy and Public Affairs (Rachel Thomas), a Head of Finance (Tony Evans), and a Head of Human Resources (Amanda Evans). Although some post-holders and job titles of the Management Team have changed during Rocio Cifuentes' term, its remit remains the same: The Management Team's primary purpose is to provide me with support and advice on the strategic direction of the organisation, including contributing to the development of strategic aims and annual work plans. The Team is also responsible for the strategic leadership of the organisation, managing the operational day-to-day running of the office in line with the organisation's values.
- 1.16 Rocio Cifuentes MBE took up post on 20th April 2022. Her management team comprises the following members: a Deputy Commissioner/Head of Engagement (Sara Jermin), a Head of Policy and Public Affairs (Rachel Thomas), a Head of Information, Advice and Support (Lina Liu), a Head of Finance (Tony Evans) and a Head of Human Resources (Amanda Evans).

Section B - Liaison and communication with the Welsh Government

- 2.1 CC(W) liaised with Welsh Government very regularly throughout the 'specified period' with periods seeing us have daily contact with different parts of Welsh Government; to provide guidance, advice and challenge regarding decision making, including public health and coronavirus legislation and regulations. CC(W) provided advice, guidance and challenge in several forms: through meetings with officials and Ministers; through written correspondence both by formal letter and email; and via formal consultation responses. We also commented in writing on draft emergency guidance, often providing comments and improvements on documents within a few hours of receiving them. Through these processes we were able to change some decisions, ensure that different groups of children were considered, and block some potential changes at planning stage that we thought would be negative for children's rights. We worked more closely alongside officials during the 'specified period' due to the speed of change

but also to ensure that children's rights were being actively considered as part of the their decision making processes. We also made sure that senior officials and Ministers heard about the problems families were facing, by providing them with weekly written updates during the first few months from March 2020 onwards, and having regular meetings through the 'specified period'.

Key meetings with Welsh Government

2.2 The CC(W) and / or her representatives attended a number of key regular meetings throughout the period set out by this request. Most of the key meetings listed were attended by the CC(W) herself. These key regular meetings included:

a. Upon the commencement of the first 'lockdown' in March 2020, regular meetings were held with Julie Morgan MS, Deputy Minister for Health and Social Services (later Deputy Minister for Social Services), as Minister with responsibility for our office, as well as children's and young people's rights and entitlements, including the UN Convention on the Rights of the Child. Regular meetings were also held with 'children's branch' in Welsh Government, which is the department of Welsh Government responsible for our office and who report to the Deputy Minister (see exhibits SH_32 – SH_46). The CC(W) held weekly telephone calls with Julie Morgan as Deputy Minister for Health and Social Services (and Minister with responsibility for CC(W) office); and with the Deputy Director of Children's Branch in Welsh Government. Calls / meetings with the Deputy Minister became gradually less regular towards the end of 2020, but regular calls with the children's branch deputy director continued throughout 2021.

b. CC(W) held regular online meetings with senior Welsh Government Directors. These meetings were fortnightly for the first few months of the pandemic, before becoming monthly later on. The agendas for these meetings were set by CC(W). The senior officials attending represented children's branch, health, social care and education departments.

c. CC(W) attended the Shadow Social Partnership Council (SSPC). This Council was previously a quarterly meeting with employers and trade unions. Throughout the pandemic, the Council met on a fortnightly basis and then in alignment with the three-week review cycle and sometimes, at very short notice, in reaction to new or emerging issues. It brought together an extended membership of social partners

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from the trade unions, devolved employers, the private sector and the Welsh Commissioners. It quickly became a frequent (weekly at first) forum to which was added Welsh Commissioners, and some third sector representatives. The purpose of the Council (which continued until July 2022) was to share information and allow key stakeholders to provide feedback and advice to Welsh Government, and have discussions on policy issues in reaction to new or emerging issues with Ministers and senior officials. Attendees were given an opportunity to raise concerns and ask questions before final public announcements were shaped. The CC(W) was able to raise an issue relating to children in almost every meeting, directly with the First Minister and other Ministers. We understand that Welsh Government will hold the minutes for these meetings.

- d. CC(W) met quarterly with Children’s branch in Welsh Government online, but often met with them more regularly.
- e. CC(W) met annually with most Ministers, but met more frequently with some key Ministers during this time. Following the May 2021 election, CC(W) met monthly with the Education Minister, raising ongoing issues related to face-coverings, exams, and Covid recovery, and receiving reports from the Minister on actions taken since the last meeting concerning issues we had raised.

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Throughout the early months of the pandemic, the office shared weekly ‘matters arising’ emails to Welsh Government officials (see exhibits SH_48 – SH_74). These consisted of a list of policy issues we wished to raise with Welsh Government. These would be based on key concerns that our office had become aware of over the fortnight through our casework service, participation and policy work as well as proactive communication with us from parents, professionals and sector leaders. These emails would indicate where an issue required a particularly swift response. When matters became urgent, we would contact senior officials to gain a faster resolution between meetings. These were then often picked up through the regular phone calls with the Deputy Minister and officials, and in the fortnightly meetings with Welsh Government Directors.

2.4

(SH_73 INQ000191232)
 (SH_74 INQ000191233)

The CC(W)’s role in relation to significant meetings with the Welsh Government can be split into three categories: those pre-arranged regular meetings between CC(W) and Welsh Government Ministers and / or officials (an example of this would be quarterly meetings with the Deputy Minister for Health and Social Services); meetings organised to discuss issues specific to the pandemic, often requested by

CC(W); and meetings organised by Welsh Government where CC(W) was recognised as a key contributor amongst others. The agenda would primarily be set by CC(W) or in collaboration with Welsh Government. Mostly, CC(W) would raise topics for discussion in advance. This was always the case for fortnightly meetings with Welsh Government Directors where our agenda items sent in advance would form the agenda. For some meetings which involved more participants, the agenda was set by Welsh Government ministers. The provision of briefings or presentations varied between meetings.

- a. CC(W) made our own records of meetings attended with Welsh Government. The record would accurately represent the content of the meeting as viewed from the Commissioner or her staff. Where CC(W) held competing views, these would be expressed in the meeting and recorded. CC(W)'s competing views would be raised in meetings / telephone calls, or via email or more formal letter.
- b. CC(W) often acted as an advocate or to support the specific concerns of professionals, including senior leaders in public services. An example of this would be raising concerns over regulations for looked after children's contact with their birth families, where the head of children's services in a local authority shared their concerns with us and we were then able to raise them directly with senior officials.

2.5 The first contact that the office of the Children's Commissioner for Wales had with the Welsh Government in relation to the pandemic was a discussion at our regular quarterly meeting with our 'branch', on 4 March 2020. The meeting was attended by Sally Holland, Kirrin Davidson and Sara Jermin from CC(W) and Karen Cornish and other officials from Welsh Government (Exhibit SH_32 INQ000191166). During that meeting, we spoke about the dynamic approach we were taking, by seeking and responding without delay to official public health advice to ensure adequate governance and management arrangements were maintained whilst also ensuring that the health and wellbeing of staff was maintained and monitored. We then sent a follow-up email on 10 March 2020 requesting any official Welsh Government/Public Health Wales notifications be sent to us to ensure we were sharing the most up-to-date advice with the staff team.

2.6 A full list of key meetings is appended to this document. This response will now set out topics relevant to the scope of Module2B of this Inquiry, including reference to key meetings and correspondence between Welsh Government and CC(W).

2.7 Advice and guidance regarding public health coronavirus legislation and regulations

2.7.1 CC(W) was invited by Welsh Government and other statutory bodies at several points throughout the 'specified period' to provide guidance or advice regarding public health and coronavirus legislation and regulations.

2.7.2 Advice was provided to Welsh Government and other statutory bodies via several methods, primarily via email correspondence, by letter, or verbally during online meetings and telephone discussions. Advice offered included: schools opening to different cohorts; qualification assessments and appeals processes; mental health support; social care contact for children with their families; fostering and adoption regulations; educational visits and end of year events; baby and toddler groups and activities; personalised assessments of attainment at all key stages; visiting arrangements from care homes and revisions to self-isolation requirements.

2.7.3 We commented on several iterations of guidance on blended and hybrid online learning. We were able to secure changes to the original guidance to make sure children with additional needs could be supported one to one, and to ensure that professionals could confidently deliver synchronous live-streamed sessions to children and young people. As detailed later, CC(W) also played a significant role in preventing the temporary removal of regulations regarding the support of children with Special Educational Needs (SEN).

2.7.4 We raised the issue of 16 and 17 year olds being omitted from revised regulations allowing single people to join an extended household 'bubble'. We put forward the case for their inclusion and were able to secure a change to the legislation, in recognition that this was an unintentional oversight by Welsh Government.

2.8 Children's Rights Impact Assessments (CRIAs) on decisions relating to Covid

2.8.1 Under the Rights of Children and Young People (Wales) Measure 2011 (see Exhibit SH_1/INQ000191137) ,

Welsh Ministers must pay due regard to the United Nations Convention on the Rights of the Child when exercising their functions. An important part of how Welsh Government should meet this due regard duty is completing and then publishing Children's Rights Impact Assessments (CRIAs). Through the Children's Rights Scheme 2021 (see Exhibit SH_2/INQ000191163), Welsh Government state that officials are expected to undertake

a CRIA when they provide information, advice, options and recommendations, to support Welsh Ministers in ensuring their due regard duty is fulfilled.. If Welsh Government do not complete a CRIA for particular policy / decision for whatever reason, they need to record this.

2.8.2 CC(W) held several meetings with officials where we helped them consider children's rights issues involved in new decisions and guidance. We also commented in writing on draft emergency guidance, often providing comments and improvements on documents within a few hours of receiving them. Through these processes we were able to change some decisions as is set out further within this statement, ensure that different groups of children were considered, and block some potential changes at planning stage that we thought would be negative for children's rights. We worked more closely alongside officials during this period than usual due to the speed of change but also to ensure that children's rights were being actively considered as part of their decision making processes. We wrote to the Government to offer our assistance and expertise in considering children's rights earlier in the decision making process. We suggested that members of the Children's Rights Advisory Group including us could meet with officials to discuss proposals and talk through the implications for different groups of children, to inform their thinking. This would then form the substantive content of the CRIA in an efficient way of working.

2.8.3 Despite this, there were still some decisions and guidance that we didn't feel were strong enough to protect all children's rights. Examples of this include guidance about live-streaming which prevented children from having individual live-streaming support, and didn't consider how children with Additional Learning Needs could get the personalised support they need to learn. The original guidance around school closures failed to take into account fully the needs of vulnerable learners, providing only for children of key workers to be accommodated at school hubs; during subsequent periods of lockdown and school closures however this approach was refined following feedback from us and others. Guidance regarding residential homes tended to be generic as opposed to age specific, and therefore failed to take account of the differing risk profile of a small (2-3 bed) residential children's home for a child in local authority care, as compared to for example a large residential or nursing home for the elderly or those with complex and/or multiple needs or disabilities. The guidance was highly restrictive on their personal freedoms, for example preventing any visitors for lengthy periods of time, longer by far than any self isolation periods applying to members of the general public, if any case of Covid-19 was found to be linked to a staff member or resident. Whilst, particularly given

hindsight around the possible transfer of infections from patients discharged into care homes from hospitals, it is understandable that it was necessary to be risk averse for some settings, separate age-specific guidance really was necessary to prevent children's freedoms being curtailed unnecessarily. This was particularly in relation to the maintenance of family contact, and the ability to attend education settings outside of the home where an outbreak had been declared. This was notably a recurrent issue affecting Hillside, the only secure children's home in Wales, as well as a number of children's homes across Wales, some of whom had made contact with our office to ask about mitigations or exemptions to the guidance. In the case of Hillside particularly, as a setting providing placements for both youth justice and social care, they found themselves straddling the line of devolution, with resultant guidance causing confusion where it didn't fit with other guidance for residential care in Wales, or where it was overly restrictive as described here.

2.8.4 CC(W) has consistently raised the need to undertake Children's Rights Impact Assessments (CRIAs) to inform decision making in Welsh Government and other agencies. As some decisions were being made rapidly in response to emerging pandemic response, CC(W) expected some flexibility to be afforded in terms of formal process, but expected WG to be able to evidence how decisions were informed by paying due regard to children's rights. On 16th April 2020 CC(W) met with WG education officials and discussed how they can still have due regard to children's rights and how to record this, when time pressures were particularly tight at the time (see Exhibit SH_1a/INQ000329375). They had proactively asked for our advice and we emphasised that we were willing to help with this thinking and analysis, at short notice and in confidence, in order to aid the best possible decision-making for children in an emergency. On 12th May 2020 CC(W) had a discussion with WG education/childcare officials regarding a CRIA in relation to Covid 19 decision making (see Exhibit SH_1b/INQ000329376). Officials relayed they had been asked to do CRIA on the decisions already taken at the outset of the lockdown. CC(W) strongly emphasised that a CRIA should not be about retro fitting children's rights considerations into decisions that never had this in mind. CC(W) relayed that WG will need to own the fact that decisions had to be taken at speed in light of the declared public health emergency, and that the only point of doing a retrospective CRIA would be to analyse transparently who had been affected by those decisions and how future decisions can learn from this to maximise positive effects and mitigate negative impacts..

2.8.5 CC(W) made it clear that the lack of published information at this time was creating worries

in the sector and that WG need to be clearer on some of their messaging. CC(W) suggested they should be making clearer statements on how children's rights are influencing the decisions that are coming now rather than looking back. For example any announcements now around school reopening plans will need to show how children's rights and needs have been taken into consideration. CC(W) reiterated the offer of reviewing draft CRIA and draft guidance for WG.

2.8.6 WG asked for areas of particular concern. CC(W) flagged vulnerable children generally and suggestions around easements in education/SEN legislation that were being hinted at but lack of detail is leading to growing worry in the sector. CC(W) also suggested that childcare opening and school opening decisions need to link up, particularly where provision took place on school sites previously, as this is confusing for parents. WG said they'd be keeping impact assessments under 'constant review'.

2.8.7 CC(W) wrote to Julie Morgan, Deputy Minister for Health and Social Services, on 22nd May 2020 (see exhibit SH_80/INQ000191239), outlining concerns related to CRIAs. In response, in a letter of 18th June 2020, the Deputy Minister stated that officials have been working closely with education and children policy leads to support their CRIAs.

2.8.8 Welsh Government asked for views on an Integrated Impact Assessment on decisions relating to schools on 12th June 2020. CC(W) replied on 16th June by letter to the Deputy Director of children's branch, Welsh Government (see exhibit SH_75/INQ000191234), setting out the need for impact assessments to not just identify impact, but how proposals have been shaped to either mitigate negative impact or strengthen positive impact. CC(W) offered again in this letter to support Welsh Government with advising on CRIAs. Concerns over CRIAs and Integrated Impact Assessments being undertaken after decisions from WG had already been taken and announced were also raised with other senior officials in a weekly 'matters arising;' email covering the week 10th-16th June 2020.

2.8.9 There was some improvement in the quality of CRIAs relating to Ministerial decisions in the months following this, although not consistently across government. One example of a better quality CRIA was the 'impact assessment on the COVID-19 alert levels and restrictions and their effects on children's rights' (see exhibit SH_3/INQ000191174). This CRIA sets out in some detail how relevant articles of the UNCRC apply to decision making. The CRIA also quotes the May 2020 Coronavirus and Me survey results throughout. Another example is the CRIA related to the return to schools and settings in September (see exhibit SH_4/INQ000191186) which links decision making and

consideration of children's rights. However, importantly, both these CRIAs were undertaken retrospectively, after decisions were made. Delays to CRIA continued to be the norm, with documents often being published many months later with no attention drawn to them; we would come across them by accident or when searching for other documents.

2.8.10A set of overarching principles was introduced into CRIA later in 2020, reflecting matters of importance to children, such as to be listened to, to be able to attend education and have the opportunity to play and have exercise. Whilst these principles were welcome, they didn't overtly refer to these as being rights that all children hold. That may sound like a minor point, but in essence as they were described as principles, this didn't afford the same status as rights that should be upheld by the Government, so the reality was that decisions where these principles are referred to in CRIA, such as the introduction of different alert levels and associated restrictions, they were not treated as points to be upheld wherever possible and needing to be mitigated if negatively impacted, but more as generalised aims or what we might describe as 'nice to haves'. It was often difficult to discern how those principles had actually been applied to the resulting decision. .

2.9 Closure and re-opening of schools and / or early childcare provisions

2.9.1 CC(W) had regular involvement in influencing the development of guidance for school closures and reopening. CC(W) regularly brought issues related to school closures and reopening to Welsh Government officials, including the operation of schools and online learning, the impact of self-isolation from school, access to digital devices, the range of approaches in provision of online learning, increased school absence and elective home education, and the impact on mental health and wellbeing.

2.9.2 The initial decision to close school buildings to most learners was not in itself contested by CC(W) as we agreed that the public health emergency warranted such a decision. However, we did challenge Welsh Government on the lack of a Children's Rights Impact Assessment (CRIA) in relation to the decision. Our focus at this time was of course on the provision of education and other essential children's services, and the safety and wellbeing of children and young people. All of these areas were actively pursued in regular meetings with government officials and Ministers as outlined in this statement.

2.9.3 On 2nd June 2020 we were sent draft guidance for schools (see Exhibit SH_4a/INQ000329379), by Welsh Government educational officials for comment. This

included both operational guidance for schools on reopening, and guidance on learning in schools. To summarise our feedback, CC(W):

- a. Welcomed the focus on wellbeing and play, and disapplication of school tests and the curriculum for the time being.
- b. Pointed out quite a few loose ends that will inevitably raise questions if not addressed at the outset, including childcare/schooling for children of staff, provision of free school meals and interaction with direct payments, handwashing facilities, how to advise children of the changes and how Local Authorities should respond to queries.
- c. Noted insufficient detail on home learning support. We had already written to the Minister to emphasise the importance of making better use of digital tools on the Welsh Government's online learning and teaching platform, *Hwb*, to support learners at home, including live lessons via Teams and recorded lessons that learners can come back to at any time. We noted that the Coronavirus and Me Survey also highlights the importance of different ways of setting work as those with dyslexia for example have struggled with lengthy written tasks.
- d. We also noted that, in general, it would be good to reflect the survey findings in guidance and announcements as these have been shared with officials in 'real time' for the exact purpose of informing these decisions so it would be good to be accountable to children to show how these have been taken into account.

2.9.4 On 3rd June, the announcement was made that schools would reopen in the autumn term. In our response, we noted the very short notice for providing the above comment.

2.9.5 A draft impact assessment was published after the decision had already been made to reopen and so appeared not to have informed the decision. We raised this with Welsh Government via email on 4th June (see Exhibit SH_4b/INQ000329382).

2.9.6 In our weekly matters arising email to senior WG officials covering week of 22nd- 26th June 2020, we raised that, while the Education Minister had stated that it is important to plan for different scenarios (such as returns to full lockdown / partial lockdown as well as fuller reopening of schools) we had seen no evidence of this planning. We urged that this would need to consider how learning would be continued in the event of further lockdowns. In the same email, we raised concerns about the focus on risk assessments in school and that overly risk averse messaging could impact on children's return to schools. We gave examples of families having to complete daily risk assessment health declarations and children unable to bring water bottles in to school for fears of

contamination.

2.9.7 On 3rd July 2020 CC(W) met with the Chief Medical Officer (CMO) for Wales Frank Atherton. CC(W) urged for a plan and guidance for returning to schools in September to be shared soon. The CMO indicated hope to have a position agreed early the following week.

2.9.8 On 6th July, CC(W) wrote to the First Minister, copying in the Education Minister and Deputy Minister for Health and Social Services, requesting the publication of plans and expectations for schools in the autumn term.

2.9.9 Welsh Government sent us revised operation and learning guidance for comment on 7th July 2020. CC(W) generally welcomed further information for schools, but comments included a suggestion of more focus on learners in exam years and reassurance which might be given for those facing assessments.

2.9.10 On 19th October 2020, Welsh Government announced there would be a 'firebreak' lockdown from 23rd October for 17 days. Welsh Government contacted us with a draft directive and FAQs document on the 'Firebreak' lockdown at 09:20, 21st October 2020, requesting a response by midday. We responded at 10:20 outlining our concerns, which included:

- a. The lack of clarity over which children should be defined by schools and local authorities as having an exceptional need to access a school premises. CC(W) suggested some examples should be given to assist schools and local authorities in their thinking
- b. That the approach of allowing schools and local authorities to decide which students can attend school would create huge variation across Wales, both between local authorities and individual schools

2.9.11 We raised these concerns in a letter to the First Minister dated 19 October (see exhibit SH_115/INQ000280327), a separate letter to the Minister for Education dated 22 October (see exhibit SH_92/INQ000191253), another to the Chief Medical Officer for Wales dated 23 October (see exhibit SH_93/INQ000191254), and in a public press notice. Our calls on the Welsh Government were as follows:

- a. Whilst accepting that Government has to make some very difficult decisions at

- pace, there must as part of this be proper and proactive consideration given to children's rights in making such decisions.
- b. The assessment on the impact of decisions on children's rights must not solely centre around their right to health but others too, including broader health and wellbeing rights, their right to education, to social and cultural activities, to family life, to clear and accurate information and to be involved in and understand decisions being taken.
 - c. Potential negative impacts such as disruption to education should be mitigated at a national level, so that there isn't a postcode lottery across Wales for children's access to education and other key support services.

2.9.12 In his response to this (see Exhibit SH_93a/INQ000329383), the First Minister confirmed, amongst other things, that:

"...children's rights have been at the forefront of our thinking, informed by a Children's Rights Impact Assessment.... In designing the firebreak, we tried to keep disruption to education to a minimum, while knowing that, to have maximum impact, the cumulative impact of the restrictions had to be as deep as possible."

2.9.13 CC(W) met with Welsh Government Directors on 22nd October and raised concerns over digital access and the decision to not allow year 9+ to attend school during the fire break lockdown. WG outlined their reasoning, including advice from the Technical Advisory Group (TAG). CC(W) expressed low confidence that the scientific evidence in the form of the TAG fire break paper dated 19 October 2020 supports the decision sufficiently in terms of contribution to 'R value', as it was unclear how much schools being open may affect community transmission. CC(W) also expressed concern about lateness of production of draft guidance for schools to be able to make arrangements accordingly. WG responded that guidance was issued the previous evening, and thanked CC(W) for feedback.

2.9.14 CC(W) expressed concerns over self-isolation and shared that the CC(W) office was still seeing widespread two week isolations. CC(W) shared one example of a 3 year old having 28 days within a period of 36 days of total isolation due to repeat cases in nursery. CC(W) asked whether there could be more testing to allow children to return to school. WG confirmed Public Health Wales were looking into this.

- 2.9.15 Welsh Government published an Integrated Impacted Assessment (see exhibit SH_5/INQ000191209) on 26th October 2020, including some commentary on the relevant articles of the UNCRC, and statistics from the 2020 Coronavirus and Me survey. It contained some analysis on the impact on rights, for example: 'The two week restrictions will - for a short period - infringe on children's rights to visit friends and family. Whilst this is anticipated to cause anxiety for children, as was seen during the initial lockdown period, the time bound nature of the intervention may mitigate against the worst affects.'
- 2.9.16 We were keen to hear directly from young people about the impact of the firebreak restrictions on them, in order to inform our advice to Welsh Government for any future measures. We decided to host a listening day, held on 16 November 2020. The purpose was to provide a safe space for learners from years 9 to 13 to share with us their experience of staying home for another week of learning and about other areas of life during the firebreak, including keeping in touch with friends and family, mental health support, and activities like sport.
- 2.9.17 We shared a briefing document- Listening Day (see exhibit SH_23/INQ000191156) - summarising what we heard that day with senior Welsh Government officials on 7 December 2020 and requested children's views and thoughts were considered during the fast-moving pandemic. Secondary schools and colleges (and many primary schools) were required to close from 14th December 2020 for the rest of the term and many primaries decided to follow suit despite encouragement from Welsh Government to stay open. CC(W) was informed on 10th December.
- 2.9.18 On 10th December 2020, CC(W) met with WG Directors where we discussed the plans for physical closure of secondary schools. CC(W) was told that the decision was on the advice of the Chief Medical Officer. WG told us they were looking at possible exemptions for vulnerable learners, and working with lawyers on legislation to ensure children will have access to learning. CC(W) queried the contribution to the R value. WG suggested there would be a moderate impact on community transmission. CC(W) urged the prioritisation of teachers for vaccinations.
- 2.9.19 Also on 10th December, the Deputy Director of operation of schools informed CC(W) that there was a potential option of the introduction of a rota system for schools from the New Year. CC(W) wrote a letter to the Deputy Director the same day stating that she felt this 'does not seem proportionate or justified'. CC(W) then

set out children's rights implications to such a decision which included the impact of online learning on lower achieving learners and minority or vulnerable groups including children with additional needs. We referred to the results of our Coronavirus and Me survey which reflected this. We also highlighted the lack of available schemes such as furlough, leaving parents without options for childcare and supervision which would in turn impact upon: access to learning; child poverty; safeguarding; early years provision; rising energy and food costs; children's mental health and wellbeing; and particular concerns over learners in exam years. CC(W) went on to propose a compromise option of schools having additional planning days at the start of term to ensure they can fully assess their staffing options and other considerations. CC(W) stated that while she did not expect to see a fully completed Children's Rights Impact Assessment (CRIA) she would expect to see a dynamic children's rights impact assessment taking place and a specific analysis of the impact on children's rights available to the Minister for decision making.

2.9.20 On 16th December CC(W) wrote to the First Minister following the decision to move secondary schools and colleges to online learning for the final weeks of term. The letter sought assurance that decision making included consideration of the disruptions to education, and emphasising the need to make sure schools reopen on the first day of term in January, in line with the Government's own Children's Rights Impact Assessment. CC(W) also raised that she had not seen any new scientific advice supporting the closure of school buildings, nor an assessment of the impact on children and young people. We discussed the fact that despite not being directed to by Welsh Government, several primary schools also closed for the pre-Christmas period. CC(W) suggested stronger messaging from Welsh Government would have been helpful to keep primary schools open. CC(W) expressed concerns that children's rights impact, and the learning from CC(W) survey reports are not being properly considered. CC(W) urged clarity on return of schools on the first day of term, and for this to be communicated to schools and colleges, and therefore families. CC(W) also suggested that there may be a need to review public messaging.

2.9.21 CC(W) asked for officials to advise on:

- a. The scientific basis for the move to online learning for secondary schools this week;
- b. The government's assessment of the impact on children's rights of that decision;
- c. The plan for schools to open as expected at the start of the new term;

- d. Any conditions which could lead to further school closures in January; and
- e. The wider plan to maintain schools as Covid safe environments that can remain open at all alert levels.

2.9.22 CC(W) also wrote to the Chief Medical Officer (Exhibit SH_96 INQ000191257) on similar issues and for clarity on the scientific evidence relating to the decision taken on 10th December.

2.9.23 Also on 16th December 2020 we were informed by officials that schools would reopen in January, but with flexibility to get to the point of reopening until 18th January. Of course, in the event, this did not happen within these timescales.

2.9.24 On 30th December 2020, the Education Minister responded to CC (W)'s letter to the First Minister dated 16th December. The letter outlined how the decision to close secondary school buildings was taken on the advice of the Chief Medical Officer. The letter again emphasised that the aim of Welsh Government was to open all schools on 4th January but emphasised that new evidence from TAG over a new variant of Covid had been received and may mean it is not possible for all children to physically attend school. Schools in Wales ultimately did not start to reopen until late February 2021, on a phased basis through to March 2021.

2.9.25 In a meeting on 13th January 2021 with senior cross-government officials CC(W) urged prioritisation of teachers for vaccination. We felt it would not only support the health of teachers and other school staff, but also serve as a morale boost for these staff who sometimes felt that the potential risks they faced in carrying out their role was under-recognised compared to other key workers. WG informed us that a minimum expectations document for online learning would be released that day, mainly focusing on exam year students. WG suggested there would be a monitoring role for Estyn, but that they would discuss it with them. CC(W) also raised concerns over vulnerable children and access to education or childcare. We suggested more could be done to encourage attendance.

2.9.26 On 4th February 2021 CC(W) wrote to senior officials in Welsh Government emphasising the importance that children of all ages are given some hope and reassurance that government are working towards getting all children back to school as soon as they can. CC(W) also relayed concerns about messaging around returning schools in phased way and concerns this may make parents and children feel school

isn't safe.

On 16th February 2021 CC(W) met with WG Directors. CC(W) raised for discussion the imminent return to school, with Foundation Phase returning from the following Monday. WG stated that they wanted to avoid children being in and out during forthcoming period. CC(W) reflected that children and young people's views in recent CC(W) survey were that being in and out of school was disruptive and caused anxiety.

2.9.27 WG shared consideration of remainder of primary school and exam years being next to return after foundation phase. CC(W) said such a commitment would be a significant boost for young people. CC(W) shared that from our survey, year 12 in particular seem to be really struggling, but aren't in exam years. CC(W) asked WG to consider 'taster days' or similar for year 12s, but also other high school aged children. Asked if WG are considering an extra term or year of children who would otherwise be leaving (not repeating a year). WG said they were scoping whether to do this. CC(W) raised the use of face coverings in the classroom in foundation phase and concerns over the impact on language development, and for children with hearing loss.

2.9.28 On 31st August 2021, CC(W) raised concerns via email with a senior education official over the latest operational guidance for schools. To summarise those views:

- *The latest set of Operational Guidance is quite difficult to navigate due to information being behind multiple separate links, and this makes it a little confusing. It's also very broadly drawn in terms of the advice and we feel it leaves it all open to a wide range of different interpretations. At present, we can foresee local authorities and schools taking a risk averse approach and interpretation such as continued use of face coverings in classes as it says to use these where advised but doesn't say on whose advice this relies, plus they may feel there are other measures they can't comply with such as encouraging physical distancing.*
- *We were hoping for some more info on the ozone machine plans – is there a briefing or similar we could see to help us to understand this more please? Could we also see a copy of the CRIA and any other decision making/options appraisals for the funding decision for these machines please? Will the Operational Guidance also be updated further to reflect what is classed as an outbreak and what procedures to follow etc.?*
- *We are looking for more of a certain message to learners, parents and school staff, whatever that message is. It does feel quite mixed at present and so it is difficult for us and for those responsible for signing off measures to know what is safe and required at this point.*

2.9.29 Throughout the periods of school building closure and reopening, the Commissioner highlighted the impact on school attendance with Welsh Government officials and with the Education Minister.

2.10 Access to digital devices for home learning

2.10.1 Despite the investment from Welsh Government into devices and mi-fi dongle connections, through our casework we continued to identify a number of anomalies related to digital access. This included some local authorities that were creating their own 'categories' for who should be entitled to access a device if they needed one, as well as some schools or local authorities who had collected back in the devices they had handed out. In May 2020, CC(W) raised concerns with WG officials around the slow roll out of digital devices in some local authorities. In a 'matters arising' email to senior WG officials covering the week 28th May – 9th June 2020, we raised concerns brought to us through casework of a parent being offered one device on loan for 4 children who all needed digital devices. We raised these issues with the Welsh Government, who in turn raised these with the Association of Directors of Education in Wales (ADEW) to ensure that these mistakes could be rectified.

2.10.2 Concerns were raised by CC(W) over availability of digital devices, and incidents of schools recalling devices when lockdowns lifted.

2.10.3 In a meeting with WG Directors on 24th September 2020, CC(W) asked for an update on availability of digital devices as we had heard that some digital devices were being collected back in by schools. This was despite all learners being at risk of being subject to periods of isolation and further local and national school closures. CC(W) suggested a reminder could be sent to local authorities on this issue. WG said they would raise with the Association of Directors of Education the following week.

2.10.4 On 22nd October 2020 CC(W) asked in a meeting with WG Directors if officials had considered a survey of availability of digital devices as we were still hearing about

- learners having to share devices. We suggested that a survey would help to assess need and see if more funding is needed.
- 2.10.5 On 12th November 2020 CC(W) asked in a meeting with WG Directors if WG were planning to audit provision of digital devices as Unions had raised with CC(W) concern about access to digital devices for learners during firebreak / self-isolation periods.
- 2.10.6 On 10th December 2020, in a meeting with WG Directors, CC(W) urged for a strong message to go out to secondary schools on the need for children to have digital devices and for this to be communicated quickly.
- 2.10.7 As concerns about digital access unfortunately persisted, we completed a survey of 167 school heads and college leaders (over 8 days) about the level of provision of devices and internet connection for their children and young people. This survey was complete on 12th January 2021. We had asked the Welsh Government to examine and address any provision gaps themselves, and they commenced an audit through local authorities, but it took a very long time for this to be progressed and reported on, so we felt we had no choice other than to do our own research.
- 2.10.8 On 13th January 2021 we updated Welsh Government on our snapshot survey (see exhibit SH_29/INQ000191162) of school leaders completed the day before. WG told us they were still undertaking an audit of local authorities' provision, but hadn't had all returns yet. WG informed us they would be physically distributing 35,000 more devices in the next few weeks, on top of 97,000 devices already given out. WG noted the global shortage of IT equipment.
- 2.10.9 In a meeting with WG Directors on 15th February 2021, WG confirmed the audit of local authorities on their provision of digital devices had now concluded. WG reported that the vast majority of local authorities say most now have support, with a small number of additional excluded learners being identified as having a need by the audit. WG also reported that feedback suggests there are sufficient devices, but some struggle with connectivity. Officials working to resolve this issue and working with local authorities to try to get a more detailed understanding of the issues. WG also negotiating with tech companies to increase data allowance if needed.

2.11 **Face coverings in schools and other settings**

- 2.11.1 In a meeting on 3rd July 2020, the Chief Medical Officer described the ongoing deliberations over face coverings, and that if we allow face coverings in some settings,

there could be calls for children to wear them in school, for example.

2.11.2 On 26th August 2020, Welsh Government announced that they would amend operational guidance for schools and further education settings to require risk assessments to determine if face coverings should be recommended for staff and young people over 11 in communal areas, including school and college transport. This guidance was in place for the new term in September. This decision followed advice from the Technical Advisory Group on 25th August 2020.

2.11.3 CC(W) created an information sheet for children in relation to the rules about and use of face coverings (see exhibit SH_105/INQ000280331) in response to this decision being taken, which we published on our website on 28th August 2020.

2.11.4 On 30th November 2020, CC(W) wrote to senior officials with concerns about a number of queries to CC(W) office over steps schools have taken in relation to advice from WG on face coverings. Some schools had reportedly been requiring pupils to wear masks in the school playground and playing fields. We requested Welsh Government update its FAQs to clarify the position.

2.11.5 In response, on 3 December 2020, CC(W) was asked to comment on revised frequently asked questions on face coverings by Welsh Government.

2.11.6 On 11th February 2021, we contacted Welsh Government after seeing operational guidance for schools had been revised, and included teachers needing to wear masks in the classroom for the phased return of Foundation Phase pupils. Prior to this, the expectation had been for secondary school but not primary school teachers to be required to wear face coverings. We raised the following concerns:

- a. Impact on speech and language formation for children in the foundation phase generally;
- b. Particular impact on children whose first language isn't English/Welsh;
- c. Concerns for children with hearing difficulties;
- d. Concerns shared with us that focus on return of foundation phase in school settings may lead to other year groups not getting support they need remotely if additional staff were required to support the return of the foundation phase learners to ensure sufficient mitigations such as social distancing which may require, for example, classes to be split across multiple rooms for teaching and mealtimes.

- 2.11.7 CC(W) met with Welsh Government Directors on 16th February 2021. WG explained the change in emphasis in guidance for adults to wear masks where they can't maintain social distance in the classroom. WG stated they will keep advice under review. CC(W) noted that the guidance doesn't say teachers 'must' do this. CC(W) asked if there is room for professional discretion, particularly for children with hearing loss. WG stated that clear face covering can be purchased with the grant for that reason. The guidance stated that it is a 'should', not a 'must', where maintaining social distance is not possible. WG have also provided resources for health boards and speech and language organisations so they can get resources to support.
- 2.11.8 On 4 March 2021, CC (W) requested reasons and scientific advice from Welsh Government about its position on face coverings in secondary school classrooms. In response, CC (W) received information from a senior Welsh Government official, on 11 March 2021, highlighting the Technical Advisory Group's advice.
- 2.11.9 In a meeting of 11th March 2021 with WG Directors, CC(W) raised that we had lots of young people and families contacting us concerned over impact of face coverings in the classroom, and fears over exclusions if not wearing. WG emphasised guidance is advisory from WG. CC(W) raised concerns over children with hearing impairments. WG considering additional guidance on this. CC(W) suggested that further FAQs or case studies could be developed. CC(W) asked if there would be a separate CRIA published on face coverings. WG said there would be no separate CRIA but will feed into wider CRIA on ongoing restrictions.
- 2.11.10 In a letter dated 17 March 2021, CC(W) shared with the Minister for Education some feedback and questions gathered from a number of concerned parents and pupils who had made contact with the office and from a discussion held with 30 young people from the Commissioner's advisory panel, who attended between them around 25 different secondary schools. Within the letter, CC(W) queries how and when the current policy would be reviewed, would officials be conducting a Children's Rights Impact Assessment to inform the review and would settings receive any further guidance about how to ensure mask wearing is proportionate.
- 2.11.11 In her response, dated 31 March 2021 (see exhibit SH_116/INQ000280328), the Minister for Education noted her eagerness to 'reach the time when our children and young people are able to have a more 'normal' experience in schools and settings... I know we share this ambition and I share your sentiments that the recommended use of face coverings in the classroom should be put in place for the minimum amount

of time necessary.’ The Minister goes on to note the operational guidance for schools and settings, including on face coverings, and highlights “In all matters, the overall interests of the young person must be given priority and we encourage discussion between the school, learner and family to identify any support the school can provide and reduce any anxieties or negative impact.” It states that the current policy on face coverings was being kept under review by officials who were working closely with the Welsh Government’s Technical Advisory Cell. The letter notes how face coverings and other protective measures were considered as part of their assessment on the impact on children and young people’s rights and that the assessments are regularly reviewed with the latest assessment ahead of full on-site learning from 12 April 2021 would be published ‘in due course’.

- 2.11.12 In a meeting on 9th April 2021, CC(W) urged the Chief Medical Officer for Wales to keep the use of face coverings in school under review and to relax the rules as soon as is possible.
- 2.11.13 On 21st April 2021 CC(W) shared the views of our youth advisory panel on their experiences of mask wearing in schools (in a session held on 19th April) with senior officials in Welsh Government (see Exhibit SH_113a/INQ000329373). The feedback from young people was generally negative and highlighted inconsistency between schools on when and where they require wearing masks, as well as the impact on learning and questioned the effectiveness as a public health intervention. WG indicated ongoing conversations about what the trigger points would be for moving away from use of face coverings in schools. CC(W) requested for reminders to go out to schools around the advisory nature of use of masks. CC(W)’s conclusion was that WG officials in the meeting were non-committal on this but will look at strengthening FAQs.
- 2.11.14 On 11 May 2021, CC(W) issued a press notice about the use of face coverings, following conversations with young people. It notes how CC(W) urged Welsh Government to keep reviewing the measure and to continue listening to young people’s experiences as part of that review and that in response, the government reassured us that the advice to wear face coverings in classrooms will be removed when advised by health experts.
- 2.11.15 On 13 May 2021, CC(W) followed up on verbal remarks made during the Shadow Social Partnership meeting held that day with an email to senior Welsh Government officials about the use of face coverings in schools. It notes how CC(W) understood

that the Chief Medical Officer has given the opinion that previous advice on face coverings in school premises can now be revised. The email goes on to urge officials to carefully consider the daily ongoing impact of face covering requirements on pupils in the classrooms when preparing impact assessments and advice to Ministers, and that it is critical to have clear messaging for children in public announcements. In response, the senior Welsh Government official noted in an email dated 16 May 2021 that the First Minister's Written Statement noted: "We will also be consulting stakeholders from the education sector including local authorities and trade unions about guidance on face coverings in schools."

2.11.16 On 25 May 2021, Welsh Government published its CRIA for the full reopening of schools on 12 April 2021. The use of face coverings is covered:

"We want learners to have as normal experience of learning as possible and we hope the public health need for face coverings will be as limited as possible. Our key consideration in supporting this additional measure is that we recognise not all learners and staff will be able to wear face coverings; they are an additional protective measure over and above other measures which are proven to be more effective (good hand, respiratory and surface hygiene, reduced contact and social/physical distancing); they should remain under review; and no learner should be excluded from accessing education on the grounds that they are not wearing a face covering."

2.11.17 On 14th June 2021, CC(W) emphasised in a meeting with Welsh Government Directors that the policy should not be in place a day longer than is necessary. CC(W) raised concerns over the impact on learners and teachers and asked whether it could become voluntary.

2.11.18 CC(W) asked about ongoing CRIA discussions on this topic. CC(W) stated that there would need to be a strong CRIA justifying a wait for vaccinations before removing restrictions if that were to happen. On 17 June 2021, CC(W) received from a senior official within Welsh Government a copy of the Technical Advisory Group's consensus statement on face coverings ahead of publication on 18 June 2021.

2.11.19 On 18 June 2021, CC(W) wrote to the First Minister (see exhibit SH_101 INQ000190700) highlighting significant concerns relating to Welsh Government's decision to retain the status quo in relation to face coverings for schools. Within the letter, CC(W) notes how the Government has a duty to have due regard for children's rights in exercising its functions and how CC(W) has not been

able to locate a specific children's rights impact assessment in respect of face coverings in schools and that the latest impact assessment in relation to school operations more broadly did not cover this topic in any detail.

- 2.11.20 On 30 June 2021, CC(W) issued a public statement about how restrictions faced by children and young people in schools and colleges were now firmly out of sync with the relative freedoms being granted to the adult population:

"As one example, adults in Wales can sit in a pub with friends from six households, without wearing a face covering; while most of our secondary pupils are required to wear face coverings all day, every day, whilst seated, despite known impacts on learning." It goes on to note the impact of face coverings on young people's learning and education experience and calls on Welsh Government to remove the recommendation for face coverings to be worn in classroom from the first day of the next term at the latest but preferably with immediate effect."

- 2.11.21 On 8th July 2021, CC(W) received an update from WG officials on the intention to move fully to alert level 1. The Rule of 6 was to be removed, and informal play dates would be allowed. Alert level 1 would also remove indoor activity restrictions fully (already removed for children). WG were still discussing whether face coverings will still be required. CC(W) noted that our calls (including a public call made in a press statement on 30th June) have been specifically about mask wearing when sitting in the classroom. WG said no decisions had yet been made. CC(W) stated that it would be good to be able to tell people that there is a fresh start for the new academic year, especially those on transition points. CC(W) also notes the potential for discrimination on plans for more freedoms for those who have had two vaccinations (such as international travel), when young people haven't had the opportunity.

- 2.11.22 On 9 July 2021, CC(W) was sent an embargoed copy of a press notice about school operation in September 2021. CC(W) responded with a public statement noting:

"Today's announcement will hopefully result in much less disruption for everybody next term. It takes into account children and young people's views and experiences and provides them with a clearer picture of what to expect in September and how they'll be kept safe."

- 2.11.23 On 2 August 2021, CC(W) responded to Welsh Government on its draft local intervention framework for schools and settings, which included clarity on face

coverings. A response was received from a senior official on 2 August 2021.

- 2.11.24 On 16 August 2021, CC(W) raised issues of face coverings in voluntary youth work provision with Welsh Government and the Council for Wales Voluntary Youth Services, highlighting contradictions within Welsh Government guidance.
- 2.11.25 On 1 November 2021, CC(W) raised concerns with senior officials at Welsh Government about a local authority re-imposing much higher levels of restrictions from that day, including face coverings in classrooms. Within the correspondence, CC(W) asked:
- a. How many local authorities have raised or lowered their risk levels and what evidence base are they using?
 - b. Are they considering wider risks to pedagogy and also wellbeing?
 - c. Are they allowing Heads to do individual school-level assessments to vary their risk level?
 - d. What review criteria are they using and how often will they be reviewed?
 - e. Do they have evidence that infections are being picked up in school rather than the community when they increase the restrictions?
- 2.11.26 On 21 January 2022, CC(W) sent advice to a senior Welsh Government officials around timescales on returning to the Framework with a baseline expectation of schools being on level 0 unless local public health data and advice suggests a higher level needed. Within that correspondence, CC(W) noted how some restrictions, including face coverings in classrooms, are having an impact on children's wellbeing and learning; the equity and fairness across the population and across generations and communications directly with young people.
- 2.11.27 On 11 February 2022, an email was received from a senior Welsh Government Official with embargoed notice on how schools should plan to move back to using Local Infection Control Decision Framework from 28 February 2022, which included the advice that *"...face coverings will no longer be routinely recommended in classrooms."*
- 2.11.28 As well as the issue of face coverings in schools, Specific concerns were raised with us regarding neonatal babies' health and development needs, due to restrictions on

visitor numbers and rules around face coverings in hospitals. On 22nd September 2020, we wrote to the Chief Executive and Chair of the local health board where this issue had been raised to highlight these issues and seek relaxation of the rules around the bedsides in order to help babies identify and bond with both of their parents. We also raised this issue in a meeting of all Chairs and Chief Executive Officers of Health Boards from across Wales on 23rd October 2020.

2.12 Reduction of person-to-person contact

2.12.1 CC(W) raised concerns over the use of 'bubbles' in schools. Throughout the academic year 2020-21, we regularly and consistently asked the Government to balance the vital need to reduce high risk Covid transmission, against the negative effect of large, often whole school year, 'bubbles' that were being sent home for two weeks in the event of one positive case. This was an issue affecting many young people's education, but also their other rights, to socialise, to join clubs and societies, to achieve their potential and to develop their language and cultural rights, and for some children to be kept safe from harm.

2.12.2 CC(W) also had concerns over a lack of clarity and visibility of information from Health Boards on what their rules were for hospital visiting. Guidance was sent out by the Chief Nursing Officer to all Health Boards on 20th April setting out the restrictions and exemptions, including one parent or guardian being able to visit paediatric inpatient and neonatal settings. On 29th April 2020, CC(W) wrote to all Chief Executives and Chairs of Wales' Health Boards to ask them to review the visibility of information about hospital visiting policies on their web pages and social media channels. Our concern was that families would assume that the strict restrictions to hospital visiting (covered extensively in the media) apply across the board, and would not be aware of exemptions for specific situations, including one parent or guardian being able to visit paediatric inpatient and neonatal settings.

2.13 Restrictions to public spaces including play

2.13.1 CC(W) raised the issue of inconsistency across local authorities in relation to closure of parks, emphasising the importance of equality of access to green spaces, especially in deprived areas where children are less likely to have access to gardens and the countryside. These were raised in 'matters arising' emails to senior officials covering the weeks of 29th April – 6th May 2020, and 6th – 13th May 2020.

2.13.2 CC(W) wrote to the First Minister on 6th July 2020 (see exhibit SH_86/INQ000191245) to express concern that play areas in parks were not being opened as quickly as services for adults, like pubs. Play parks were included in the next set of relaxations of restrictions by the First Minister on 20th July.

2.13.3 When local lockdowns were introduced in autumn 2020, we received a number of contacts to our independent Investigation and Advice team, raising individual circumstances where children and young people were being prevented from accessing activities due to the implementation of strict county boundary regulations, regardless of distance travelled. Children were not being allowed to cross county borders to access sports and dance clubs, drama groups, music tuition or uniformed groups, despite in many cases being in the same groups as their school class mates they were seeing every day. In some cases, their daily school journeys were longer than the journeys to the clubs they were not allowed to attend. We raised the issue in writing and verbally on a number of occasions with Welsh Government officials. This, along with a large petition raised by a member of the public, eventually resulted in an exemption being introduced for children's sports, leisure and cultural activities in support of article 31 of the UNCRC. Through our casework, we also heard about areas where playgrounds or leisure centres were remaining closed despite changes to Welsh Government national guidance. We wrote letters to relevant local authorities to ask about their consideration for children's rights in making those decisions. We did receive detailed correspondence in return setting out the matters that had been considered. Despite disagreeing with their conclusions, we were unable to challenge further as there is no formal duty on public bodies like local authorities to pay due regard to the UNCRC. We, therefore, continue to lobby for full and direct incorporation of the UNCRC to make sure that rights and duties are enforceable against public bodies beyond the Welsh Government. Wales was the lead nation of the UK in this area but has recently been surpassed by the welcome developments in Scotland to bring forward a Bill to fully incorporate the UNCRC.

2.13.4 The Welsh Government worked jointly with our office on large-scale Coronavirus and Us surveys (see exhibits SH_13/INQ000191146 and SH_14/INQ000191147) of children and young people and incorporated the findings swiftly into impact assessments. This led to decisions to protect some services for children during later lockdowns. This included, for example, services such as libraries where our consultation had shown that Black Asian and Minority Ethnic children were more likely to say that their closure had affected their learning. Government also allowed play

equipment in parks to be accessed during the lockdown in December 2020 to March 2021, unlike earlier in the pandemic

2.14 Shielding

2.14.1 Shielding letters caused a lot of concern during the early weeks of lockdown, including the need to receive letters from GPs in order to access priority food shop slots or local authority food boxes. We first raised this issue in March 2020, including in our weekly 'matters arising' email to senior officials covering the week 26th March 2020 – 1st April 2020. Further concerns were raised in collated matters arising in the week 8th – 15th April 2020 where individuals had been issued shielding letters by their GP but were not on the original official list issued by Welsh Government. This caused confusion over whether those families were eligible for support for food or not. We raised these concerns with government and issues were resolved, including the offer of an ID card for young carers. Through our regular engagement with officials, we repeatedly sought assurances and data on how local authorities and schools have kept in touch with children and young people known to need additional care or support. On 18th August 2021 we were asked by Welsh Government to review a letter to children and young people on the Shielding Patient List' explaining the decision to no longer describe those previously shielding as 'extremely clinically vulnerable' and providing further advice on keeping safe, and on vaccinations. Our comments primarily related to clarity and need for making certain phrases easier to understand for the age group.

2.15 Support for children of key workers and vulnerable children

2.15.1 Welsh Government kept schools open as hubs for children of key workers and children identified as vulnerable. As well as assisting a number of individual children and their families via our Investigations and Advice service, CC(W) raised concerns a number of times with Welsh Government about the application of this provision.

2.15.2 Children of key-workers and vulnerable children were able to attend childcare hubs during the first national lockdown, in the 'firebreak' lockdown of November 2020 and the long lockdown from December 2020 to March 2021. Some children with additional needs were not able to be accommodated in hubs full-time due to a lack of space but couldn't successfully engage with distant learning. We queried some decisions about provision for children with additional needs and/or the children of key workers, in any periods of limited school attendance following the first national lockdown. The guidance

was altered to give more freedom for head teachers to allow children who would benefit from it to attend the school premises, learning from the more restrictive approach in the first lockdown period.

- 2.15.3 During a discussion between the Commissioner and the Deputy Minister for Health and Social Services on 19 March 2020, we raised how vital it would be for frontline social care workers, including those in institutions such as Hillside secure children's home, be included in the definition of 'key workers' in Wales.
- 2.15.4 During a discussion with a senior government official on 8 April 2020, the Commissioner requested Welsh Government consider adding youth workers to Wales' key worker list.
- 2.15.5 On 13th January 2021, CC(W) wrote along with the other UK Children's Commissioners to the Chair of the JCVI, urging them to reconsider prioritisation of teachers and other key workers in the children's sector as part of the first phase of the vaccination programme.

2.16 Support for Home educating communities

- 2.16.1 We lobbied the Government for guidance for home educating community groups to be able to meet, when community premises were permitted to be opened. This guidance was not immediately forthcoming when such premises were reopened, so we took forward the concerns from groups that contacted our office (through our Investigation and Advice service and through our general email) in order to ensure they were experiencing the support and socialisation that would usually form part of their learning
- 2.16.2 This was raised in several meetings including with Welsh Government Directors on 6th October 2020 and 12th November 2020.
- 2.16.3 On 12th November, WG confirmed that the Health Protection number 4 regulations, which came into force 9th November 2020, included provision for such meetings of home education community groups to take place, in private dwellings and community halls.
- 2.17 **Regulations for Wales to implement provisions of the Coronavirus Act 2020 to temporarily modify the Mental Health Act 1983 'Schedule 8'**

2.17.1 On 7th May 2020, Welsh Government officials requested our views via email on draft guidance 'that the Welsh Government would issue for Wales if and when the provisions in the Coronavirus Act 2020 to temporarily modify the Mental Health Act 1983 are brought into force'. The purpose of the proposed modification was to protect the public in the event of a critical shortage of key staff. While enacted, the proposed modifications were never 'switched on' in Wales.

2.17.2 The proposed regulations included: in the event of last resort, making it possible for an Approved Mental Health Professional to make an application for compulsory admission to hospital under either section 2 or 3 of the Mental Health Act based on a single medical recommendation (rather than the required 2 medical recommendations); extending the initial period of detention in a place of safety from 24 hours to 36 hours.

2.17.3 CC(W) responded to officials on 13th May 2020, highlighting:

- a. Need for clarity on whose role certain actions would fall under
- b. Need for further emphasis on last resort nature of these regulations
- c. Need to be clear in guidance what fundamental rights for children in such a situation *are not* changed by the modifications – including the right to advocacy, contact with relatives and considerations for particularly vulnerable individuals
- d. Need to highlight Welsh Government's due regard duty to the UNCRC
- e. Where the draft guidance refers to other pieces of guidance these will need to be linked to / provided alongside given emergency nature of guidance

2.17.4 These modifications were never 'switched on' in Wales.

2.18 Proposed modifications to the SEN notices and regulations

2.18.1 On 9th June 2020 we were sent draft guidance on modifications in respect of learners with Special Educational Needs. The proposals included temporarily modifying duties on local authorities to arrange provision set out in a Statement of SEN, and to arrange provision of suitable education for compulsory school aged children who may not otherwise receive suitable education. The proposed guidance would alter the duty to become only a requirement on local authorities to demonstrate 'best endeavours' to discharge the duty.

2.18.2 To summarise our response (the following day) to the draft guidance:

- a. CC(W) felt proposals were not necessary or proportionate at this time.

- b. Feel that plans to move back towards contact time for SEN learners in the classroom are not being carefully considered enough if these plans are to relax the duties in place. Did not appear that the school re-opening plans have fed in to these proposed modifications.
- c. We flagged that CC(W) had met with Education Minister the week before, and the proposals were not raised under the agenda item of C-19 responses in education.
- d. CC(W) made clear that the Commissioner would not support these modifications as proposed.
- e. Questioned the justifications laid out about why these measures are necessary.
- f. Questioned how children's rights under the UNCRC influenced these proposals.
- g. Emphasised that whatever is decided to be taken forward, the messaging to families is vitally important to get right.
- h. When guidance was shared with us, we asked whether a CRIA (even in draft form) could be shared with us. We were told that an integrated impact assessment (which includes consideration of children's rights) 'in relation to the response across Education and childcare' was being finalised and we would be updated when there was a date for publication.

2.18.3 A further letter was sent to the Education Minister on 26th June 2020 (see exhibit SH_84/INQ000191243) expressing that the CC(W) remains 'extremely concerned that the proposals amount to an unnecessary and disproportionate challenge to children's rights at this time'. The letter also raised concerns that children and young people had not been directly consulted. The Minister responded on 13th July 2020 (see exhibit SH_117/INQ000280329), setting out justifications for the modifications. The Minister stated that due to the circumstances it had not been possible to consult with children and young people.

2.18.4 We received confirmation by letter in July 2020 from the Education Minister that the modifications would not be issued *at that time*. We contacted WG to express that we welcomed the move but were concerned that modifications could still be introduced in the autumn term. In the end, these proposals were never enacted in Wales either; the only UK nation not to modify education duties in regard to children with additional needs.

2.19 Self-isolation rules and related impacts

2.19.1 Throughout the pandemic, CC(W) raised concerns with Welsh Government over how different settings were interpreting rules for self-isolation. Notable examples were

children's homes, inpatient secure mental health units and custodial settings. Our concerns about the impact of strict isolation measures on vulnerable young people in these settings were first raised in writing in our 'matters arising' emails sent to senior officials, covering the week 2nd April – 8th April 2020. We highlighted the importance of testing and PPE availability to avoid young people being entirely isolated and locked in their room all day.

2.19.2 We also raised concerns in that 'matters arising email' about a mental health inpatient unit in South Wales (Ty Llidiard, Bridgend) discharging patients into the community as they felt they were unable to safely accommodate them under the restrictions. From the information we received, this appeared to have been managed safely but this did impact upon the care received, particularly as the unit had issues with Wi-Fi, meaning that remote sessions for the young people with mental health professionals would often not go ahead or suffer due to the poor quality of video.

2.19.3 When the Christmas 2020 lockdown was swiftly introduced in Wales, we received a number of casework contacts about contact for children in care with their family members. The guidance was clear that contact was still permitted to go ahead, but some local authority public health/ environmental health officers were giving very risk-averse advice preventing contact from taking place. We had also seen this in response to some cases of Covid within children's homes, which were being closed to visitors for at least 28 days despite regular testing of staff and young people returning as negative. We were able to assist with Christmas contact arrangements for many who contacted us but there may of course have been others who did not get in touch with us who were affected by such risk aversion. A clear lesson emerging has been that blanket guidance for all residential settings has not always been suitable for small and lower risk children's settings as opposed to large elderly care or nursing homes. We regularly raised these issues with the Welsh Government and Public Health Wales in a series of correspondence and meetings, but guidance and approaches were slow to be updated.

2.19.4 On 10th December 2020, in a meeting with WG Directors, CC(W) urged a CRIA to be undertaken on the impact of self-isolation on children. CC(W) offered for our office to support the work on a CRIA. CC(W) emphasised that children more than any other group were affected by self-isolation because they were affected by 'bubble' rules meaning that a whole class or year group had to self-isolate if someone in the 'bubble' tested positive. For some, they had had 6 weeks being confined indoors. At that time, we were not aware of situations where the same restrictions applied in relation to

adults.

2.19.5 On 13th January 2021 in a meeting with WG Directors CC(W) expressed concern about some local authorities' interpretation of the self-isolation rules for children (particularly in one local authority area). CC(W) had heard that, even with negative tests, children were being told to self-isolate for 20 days. WG responded that they felt this example was an outlier, and were working with local authorities on their approaches. We were told the isolation period should be 10 days. CC(W) gave examples of Hillside Secure Children's Home and Ty Llidiard mental health inpatient unit as requiring self-isolation for longer than this. We worked with both

of these units to clarify how the regulations should be applied in their individual contexts, and in the case of Hillside Secure Children's Home were able to suggest modifications to operations that allowed children more freedom without breaching any public health advice.

2.20 **Fostering and adoption**

2.20.1 Throughout the pandemic, due to pressure on health services, there were some instances of delays to medical reports and assessments for fostering and adoption approval panels. We were initially contacted by Welsh Government proposing to suspend these regulatory requirements, but we were concerned that this was too much of an important safeguard in the system to discard entirely. We liaised with local authorities, private fostering agencies and the Royal College of GPs and were able to negotiate a middle ground, where approvals could be progressed on a temporary basis but for no longer than 6 months without the full medical reporting process taking place.

2.20.2 CC(W) met with senior officials on 11th September 2020 to reiterate concerns. On 30th September a letter from Deputy Director for social care to adoption and fostering agencies confirmed that the 'easement' of regulations would end on 30th September with requirement for more rigorous process with GP input resumed. The CRIA for these two decisions were published on 1st July 2020 according to the Welsh Government website, although it is difficult to be certain that this is the correct date. There are other CRIA on the site related to the pandemic where the publication dates appear to be inaccurate, such as the CRIA for Alert levels and restrictions in Wales, which indicates it was first published 21 December 2020 and yet last updated 19 February 2020. This cannot be right as the update on the website would have to have been made 10 months prior to the document first being published. The two CRIA related to fostering and adoption medicals are generally well written including consideration of individual

articles of the UNCRC, and reflecting the advice and position that they had reached at the time, but notably they had not spoken to any children or young people, or representative organisations by this point. The published CRIA were not updated following the change to the proposals. The CRIA reflect that the proposals would have no direct impact on children but that wouldn't have been something we would have agreed with had we been consulted at that point as the original proposals had the potential to create detrimental impact for children further down the line has issues subsequently been identified post placement approval.

2.21 Summer of Fun / Haf o Hwyl (latterly also Winter of Wellbeing)

2.21.1 Due to the experiences that children and young people missed out on in 2020 from school closures and restrictions on meeting others, we wanted to ensure that all children and young people could have the opportunity to engage in sport or cultural activities in summer 2021.

2.21.2 CC(W) discussed the proposal with Sport Wales, Urdd Gobaith Cymru and WLGA, before sharing suggestions with Welsh Government Directors in mid-February 2021.

2.21.3 We saw this as a Summer of Fun / Haf o Hwyl. We arranged meetings with Welsh Government, the WLGA and some other national organisations including the Urdd and Sport Wales. We submitted a position paper to WG and hosted a roundtable event to agree the principles and approach. 51 people took part in this event, from a diverse range of 28 governmental, statutory and voluntary organisations. This included four young people from our advisory panel, who represented the views of the wider panel.

2.21.4 We agreed the following principles for the free to access, Wales-wide summer activities:

- a. Avoiding duplication with other programmes
- b. Suitable and accessible for a range of age groups
- c. Be Covid-safe and encourage physical activity, socialisation, creativity, fun
- d. Offer healthy food and/or drink as part of provision
- e. Strong programme of Welsh medium provision in every local authority
- f. Provision for disabled children, both bespoke and integrated according to needs
- g. Encourage involvement of children from Black and Ethnic Minority backgrounds
- h. Enable young volunteers to take part and gain experience, skills and formal

recognition – using existing, tried-and tested schemes

- i. Involve young people in shaping provision.

2.21.5 These principles were incorporated into Welsh Government funding, with an additional £5 million allocated to Haf o Hwyl activities, distributed through local authorities. In order to help families and children find free activities in their area, we created and maintained a searchable, bilingual website. We were pleased to play our part in supporting this important series of activities across Wales.

2.22 Free school meals

2.22.1 CC(W) raised concerns about the provision and quality of free school meals during this time. This was raised with WG officials in a weekly ‘matters arising’ email covering issues in April 2020. We welcomed the early decision of Welsh Government to provide funding for food for children in receipt of Free School Meals, which continued during school holidays. However, issues included concerns over the small parcels being provided to families for a week’s supply of food; and some local authorities insisting that food parcels had to be collected, rather than offering to deliver them.

2.22.2 We reviewed the provision in every local authority in Wales according to the information on their websites. At first there was a range of approaches and differing amounts being provided despite all local authorities having the same level of provision per child in funding and we alerted the Government to this. We raised several cases with local authorities and the Government where families couldn’t get to the school to collect free lunches or where they were unhappy with the quality or quantity of these. We urged government to encourage local authorities to move to cash payments in lieu of free school meals as soon as possible as the most dignified way to provide this support, removing the potential stigma of collecting food or using vouchers in shops. This also ensured that children in asylum seeking families were able to receive this provision too.

2.22.3 In a ‘matters arising’ email to senior WG officials covering the week 28th May – 9th June 2020, CC(W) raised a query in relation to guidance for eligibility for Free School Meals (FSM), particularly for families whose immigration status is no recourse to public funds. CC(W) pointed out that WG guidance only encourages local authorities to exercise their discretion to allow the children of these families to benefit from local FSM provision for the duration of school closures. However, the guidance in England sets

out entitlements for certain families with no recourse for the same period. CC(W) asked if WG had plans to amend the guidance; this remains unchanged to date however.

2.23 Restrictions on travel

2.23.1 CC(W) raised the issue of family contact while travel restrictions were imposed several times with WG. For example, in a matters arising email to senior officials covering 10th – 16th June 2020, CC(W) relayed concerns from several parents in families where one parent lives in Wales and the other in England. While the official advice was clear that there is an exemption for facilitating family contact, it was clear from the numerous contacts the office had that the public messaging wasn't reaching everyone. We also raised concerns from families over the impact of the 5 mile rule on social and family connections.

2.24 School transport

2.24.1 During periods that schools were open, CC(W) received lots of contact from children and families related to issues of school transport – primarily about whether places on buses would be offered to all who need it with the requirements for social distancing, and safety concerns. We raised issues regularly with Welsh Government. For example, in a meeting with WG Directors on 16th July 2020 CC(W) discussed arrangements for September's return to the classroom. WG stated that sorting out arrangements was high on the Minister's agenda, but that all issues might not be completely resolved by September. WG told us that they were considering the use of face coverings on transport, and if required what age ranges this would apply. WG said they were considering whether under 11s might not be required to wear masks, for example. They told us they were working closely with the Welsh Local Government Association to agree arrangements before publishing guidance.

2.25 Qualifications

2.25.1 Whilst educational examinations and qualifications is not strictly within the scope of Module 2B, it would be remiss of us not to note the significant impact of changes to examinations during the 'specified time' on young people in Wales. We are able to provide the inquiry with much further detail on our work in relation to this, but in summary, CC(W) heard from many young people concerned about the impact of the pandemic on their assessments for qualifications. These concerns were regularly

relayed to Welsh Government through the weekly emails to senior officials and regular meetings. We were involved in conversations with Welsh Government and others over the arrangements to award qualifications in 2021. This includes contributing to the Casella Review and the Government and Qualifications Wales' stakeholder groups. We also provided comprehensive evidence to the Senedd's Children Young People and Education Committee. Throughout, we've kept a clear emphasis on the key principles we'd set out for the Education Minister. These were as follows:

- a. The wellbeing and mental health of young people should be the first consideration in making any decision;
- b. We need to maximise the time young people spend learning;
- c. Fairness for all learners;
- d. Young people who are already in a position of disadvantage when it comes to taking their qualifications, for example because they've had to take time out self-isolating, are not further disadvantaged
- e. Young people should be able to appeal their grade easily. Information to help them do this should be clear;
- f. Young people can participate in the decision about exams and in developing the system that is then put in place.

2.25.2 In addition to policy influencing by our office, CC(W) ensured children voices were at the forefront of considerations by Ministers. This included:

- a. Raising concerns shared with us by learners through our regular correspondence and meetings with WG officials
- b. Supporting young people to participate in Q&A event with Kirsty Williams the Education Minister on 5th November 2020.
- c. Organising and hosting a meeting on 14th January 2021 for 16 young people with Education Minister. CC(W) arranged for her advisory panel and Community Ambassadors to meet Kirsty Williams to discuss assessment arrangements for 2021

2.26 **Redeployment of NHS staff**

2.26.1 While not strictly within the scope of this Module of the Inquiry, it is important to note that CC(W) raised concerns over the issue of potential and actual redeployment of staff supporting children within the NHS. Throughout the pandemic, we have pushed for the

protection from redeployment of professionals from vital children's services. This included raising this issue in meetings with Welsh Government, and writing to the Chief Nursing Officer at the time, Professor Jean White, on 16th October 2020 raising concerns about potential redeployment of school nurses and others. The Chief Nursing Officer (CNO) responded in a letter of 23rd October by outlining action taken by Welsh Government, including having written to all Health Board Chief Executives in August 2020 to state that Welsh Government expects all health boards to offer the full range of Healthy Child Wales Programme contacts without exceptions. Where school nurses had been redeployed the CNO told us she had emphasised to Executive Nurse Directors that school nurses should be returned to their substantive roles as soon as possible and additional capacity should be sought. The CNO also told us she raised this with Health Board Chief Executives at a meeting in September 2020.

2.26.2 We also wrote to the Health Minister on 19th November 2020 (Exhibit SH_95 INQ000191256) in support of a joint letter from the Royal Colleges of Occupational Therapists, Speech and Language Therapists, NSPCC and Save the Children, urging government to protect children's therapists from redeployment. We are pleased to say both these letters were responded to positively.

3. Senedd committees at which the CC(W) contributed, or were invited to contribute, to discuss Covid-19 or the imposition, non-imposition, amendment or end of use of NPIs

3.1 CC(W) gave written (see exhibits SH_6/INQ000191210 and SH_7/INQ000191223) and oral evidence (see exhibits SH_106/INQ000280332 and SH_107/INQ000280333) to the Children, Young People and Education Committee (CYPE) as part of their rolling inquiry (see exhibit SH_108/INQ000280334) into the impact of Covid- 19 on children and young people.

3.2 In May 2020, CC(W) gave written evidence to this committee on the following topics:

3.2.1 The physical and mental health of children and young people

- a. The effects of social distancing on accessing support networks for mental health
- b. NICE rapid Covid-19 guidelines regarding people with disabilities and their access to ventilators and treatment; how changes in guidance were

- communicated to reassure families.
- c. Diagnosis of childhood conditions and anxiety around accessing healthcare.
 - d. Difficulties in access to healthcare services, particularly the staffing and provision of inpatient services.
 - e. Complexities to be considered during the recovery phase; backlog of patients, new cases coming forward, anxiety around accessing health care, vaccination roll-out, future waves of Covid-19.
 - f. Lack of access to Wi-Fi for healthcare appointments at inpatient mental health units.
 - g. Accessibility of CAMHS and information on how to access support.
 - h. Importance of a whole school and 'no wrong door' approach to mental health support during the recovery period.
 - i. Contact with secure/youth justice settings and use of restrictive regimes regarding isolation.
 - j. The delays in administration of shielding letters and concerns for families.
 - k. Young carers access to medical supplies, medicine and food.

3.2.2 Vulnerable and disadvantaged children (including pupils with special educational needs and disabilities, children in need, looked after children and children eligible for free school meals)

- a. Access to free school meals and maintenance of provision, for eligible families, over school holiday periods. The variation of provision across Wales, including the use of direct payments, vouchers, delivery and school hub collection points.
- b. Food insecurity for those not eligible for free school meals
- c. Access to familiar services and settings for children with additional needs.
- d. Reopening schools – considering the needs of vulnerable children and children with additional needs.
- e. Access to IT equipment and internet for education purposes.
- f. Wales' position on statutory requirements in relation to children's social care and safeguarding and messaging regarding this.
- g. How local authorities are keeping in contact with children known to need additional care or support. The use of RAG rating systems to assess individual cases to determine level of contact.

- h. The reporting of safeguarding concerns.
 - i. Examples of good practice.
 - j. Communication with children and young people.
 - k. Access to independent advocacy.
- 3.2.3 Children's services, including social care and safeguarding
- a. Early childhood education and care, including impact on the childcare market and childhood development
 - b. Sustainability of the childcare sector in Wales. The need for financial stability for settings to continue providing quality provision for children and families.
 - c. Communicating updates to guidance to families
 - d. Access to green spaces
- 3.2.4 Statutory school education, including arrangements for remote learning, continuity of learning, the impact on educational outcomes and the implementation of the critical workers policy
- 3.2.5 Safeguarding advice for education and youth work professionals regarding making contact with young people and the risk this poses to ensuring vulnerable young people are supported. Exams and qualifications (including vocational qualifications)
- 3.2.6 Concerns raised directly by families in regards to exams
- 3.2.7 Higher and further education, including the financial sustainability of the sector, the effect of changes to courses, student accommodation and other student services, and the impact of this on students' legal rights.
- 3.2.8 Student financial support including the impact on students who have lost their part-time employment.
- 3.2.9 Continuation of EMA support and confirmation for families
- 3.2.10 Youth work
- 3.2.11 The role of youth workers during this period
- 3.2.12 Support available for the workforce, including (but not limited to) health, social care, education, children's services, and youth workers.
- 3.2.13 Benefits available to critical workers
- 3.2.14 Parents and carers including Information and guidance available to parents/carers
- 3.2.15 Children's rights including the lack of implementation of Children's Rights Impact Assessments (CRIA) and the importance in using these to assist decision-making processes to ensure children's rights are upheld.

- a. The continuation of children's services regulations
 - b. The need for police forces in Wales to consider a trauma-informed and children's rights approach.
- 3.3 In May 2020, CC(W) submitted written evidence (see exhibit SH_8/INQ000191249) to the Children, Young People and Education Committee (CYPE) which outlined the actions of the CC(W) office during this period, including ministerial meetings, reviewing draft guidance, written correspondence, partnership working on the 'Coronavirus and Me survey' and listening to the views of children and young people. The CC(W) also commented on the Coronavirus Act 2020 and the related Welsh regulations, in particular with regard to the reduction and amendment of requirements related to children's social care support and safeguarding in England and was pleased to note that this did not apply to Wales.
- 3.3.1 The written evidence included commentary on the school reopening plans and need to consider children's wellbeing, with CC(W) broadly satisfied with the Welsh Government's approach on the issue of schools reopening. The CC(W) highlighted the need to consider the balance of children's rights, for example considering the right to family life and right to safety and health when considering public health decisions such as the 5 mile rule and its impact on children. The evidence also highlighted concerns on the following topics:
- a. Care of children in detention (non-devolved)
 - b. Police enforcement of restrictions on children (non-devolved)
 - c. Use of children's rights impact assessments
 - d. Education assessment arrangements
 - e. School re-opening plans and children's wellbeing
- 3.4 In November 2020, CC(W) gave oral evidence (see exhibit SH_106/INQ000280332) to the Children, Young People and Education Committee (CYPE) in their inquiry into the impact of the Covid-19 outbreak on children and young people. During this evidence session CC(W) highlighted a number of positive actions taken by Welsh Government including:
- a. free school meals and holiday provision.
 - b. Listening to children's voices through the Coronavirus and Me survey and developing opportunities for CC(W) to feed in experiences from casework to Welsh

Government.

- c. Digital devices and access to Wi-Fi (however highlighted the complexity of this issue).
- d. The introduction of a mental health helpline.
- e. The role of local authorities in setting up early systems to rate the potential risk to each child, and to tailor the response. Work on the ground by schools: phoning some children every day, visiting children at a safe distance, and delivering practical support as well— resources and food.
- f. Wales was the only UK country not to erode children's social care or SEN regulatory rights.

3.4.1 Particular areas of concern were highlighted by CC(W) as:

- The lack of use of Children's Rights Impact Assessments to inform decision making,
- Early guidance on education and delivery of education in regards to children with additional learning needs,
- Information available to children, young people and their families
- Reinforcement of existing inequalities, particularly for Black, Asian and Ethnic minority groups and disabled children – with the example of access to digital devices and the need to listen directly to those experiencing inequalities.
- The need to consider children's developmental window in regards to health and education provision.

3.4.2 In addition, information was discussed on the following topics:

Education

- a. Decisions behind the firebreak restrictions – the need for clearer communication to children and families, need to consult on the experiences of children during the firebreak to consider any implications for future decision-making processes.
- b. Hub places – provision for children with ALN, definition of vulnerable children and the opening of special schools during the firebreak period.
- c. Blended learning - The delivery of blended learning and need for ongoing audit and learning, addressing digital gaps through national expectations, improved guidance on blended learning.
- d. The continued disruption of education.
- e. Decision making and impact of exams – CC(W) considered priorities should lie in the wellbeing of young people, maximising learning time, listening to views of young people, ensuring an equitable approach, and developing an appeals

process.

Mental Health

3.4.3 Mental Health provision – the digital response of mental health workforce, access to services and pressures on in-patient provision.

3.5 In November 2020, written evidence (see exhibit SH_9^{INQ000191250}) was submitted to the Children, Young People and Education Committee on the topic of the issue of visibility and accessibility of child and adolescent mental health services on local Health Board websites. CC(W) discussed the actions of the office including reviewing Health Boards' websites, and writing to all local Health Boards summarising the issues and asking for a response to improve visibility. Responses from these letters indicated action would be taken across three health boards to improve the visibility and awareness of Child and Adolescent Mental Health Services (CAMHS) including updating information on websites and the use of social media. However, it was noted this continued to be an issue for a number of health boards.

3.5.1 Examples of good practice were indicated within the evidence. Some suggested improvements included:

- Child-friendly information about mental health support
- Website navigation issues
- Increased information for children, young people or families if they are experiencing a crisis, particularly during out-of-hours periods.
- Information about CAMHS on Local Health Board websites

3.6 In an oral evidence session⁴ in Jan 2021, to the Children, Young People and Education Committee (CYPE), CC(W) gave evidence on COVID-19:

- a. Progression of blended learning approaches and the challenges facing students with additional learning needs and children from Welsh-medium schools
- b. Access to digital devices for students and the complexity of providing devices for schools/ local authorities
- c. Connectivity in rural areas of Wales
- d. Hub availability for children with additional needs and the consistency across Wales
- e. Physical education in home education
- f. Mental health of children and young people and the impact of lockdowns, blended

- learning and isolation
- g. Views on the prioritisation of school staff for vaccinations to provide confidence and allay concerns for school staff.
 - h. The introduction of testing and use of lateral-flow tests
 - i. Phased return to school – the need to consider foundation phase children due to their dependency on adults to learn and more broadly the needs of all children and young people to be prioritised in the return to school.
 - j. The need for Welsh Government to consider a wide range of options in re-opening schools and for these options and evidence to be communicated with children and families.
 - k. Recovery period – the value of financial resource in schools and importance of focusing on children’s social and well-being needs, as well as educational needs, in a ‘catch up’ period.
 - l. The role of Estyn during this period.
 - m. Changes to education assessments during this period - importance of an emphasis on fairness and consistency, and concerns raised by young people regarding its impact on future opportunities (university and employment).
- 3.7 In May 2020 the CC(W) submitted written evidence (with enclosed consultation response) (see exhibit SH_10/ INQ000191138) on the arrangements for the summer 2020 Exam Series to the Senedd’s Children, Young People and Education Committee. This evidence detailed the calls for:
- a. More robust processes around centre assessment, with the need for internal and external moderation supported by clear guidance;
 - b. A need to secure grades for private candidates (for example home educated young people) so that these young people are not left behind;
 - c. A transparent appeals process that enables wider grounds of appeal than proposed;
 - d. The need to consider predicted grades as a valuable evidence source in themselves.

3.7.1 In addition to this, the written evidence discussed the following correspondence:

- a. A joint letter between the Children's Commissioner and the Equality and Human Rights Commission to the Minister for Education highlighting the need for an equitable approach and robust processes to ensure non-discrimination.
 - b. Meeting with the Minister of Education in June 2020, and follow up meetings and correspondence (letters and e-mails) with Welsh Government officials and the Chief Executive of Qualifications Wales and his team throughout June, July and August.
- 3.7.2 The evidence highlighted that CC(W) had been assured that the standardisation model would be applied fairly and would be well tested. The Commissioner welcomed the announcement of an appeals process that would be free to access. Concerns were raised following results day that young people were experiencing injustice and the standardisation model was "failing young people".
- a. Four statements were published from CC(W) as a result of this (see Exhibit SH_10a – SH_10d/INQ000346090/INQ000346091/INQ000346092 INQ000346093)
 - b. Further to this, the attached consultation response highlighted the following matters:
 - Welcomed the invitation for respondents to provide suggestions for improvements.
 - The impact on young people of the cancellation of exams.
 - CC(W) recommended the moderation of centre assessment with clear guidance set out, with external moderation conducted by WJEC.
 - Highlighted the importance of securing grades for private students and the complications presented to this group of young people.
 - Discussed the need for an appeals process for centre assessments and decision-making processes as a means of accountability in line with the UNCRC. The need for clear guidance around the topic of appeals processes and measures to protect individual professionals within this process. This need for information about the process and decisions to be communicated clearly to young people.
 - Remote options for learners and the need to ensure digital access and digital tools required for assessment.
 - The need for a process to support learners who have an existing relationship with an assessment centre but the centre is unable to provide centre-assessment data supported by a declaration.
 - The urgency to ensure certain groups are not disadvantaged in receiving grades to mitigate the immediate and long-term implications for these young people.
 - Supports the use of a statistical standardisation model to support the credibility and

fairness of assessment outcomes on a national scale. However, particular attention is given to qualifications where there are fewer number of entrants. Clarity is needed on how predicted grades will weight within a statistical model.

- The requirement for assessment processes to be in line with section 149 of The Equality Act (2010) and the Public Sector Equality Duty, as well as the UNCRC to ensure non-discrimination.
- The need for a qualitative moderation process to lower the risk of bias and training/guidance for assessment centres on conducting internal moderation.
- The need for consideration of socio-economic and protected characteristic data alongside assessment grades to identify any statistical patterns which may need to be considered.
- Consideration of how young people can contribute to decision making processes on this topic.

3.8 CC(W) submitted written evidence (see exhibit SH_112/INQ000280338) on 20th May 2020 to the Senedd's Health, Social Care and Sport Committee's inquiry (see exhibit SH_113/INQ000280339) into the impact of the Covid-19 outbreak, and its management, on health and social care. The topics covered within this evidence included:

3.8.1 **Health:**

- a. Mental health – Listening to young people's experiences, the accessibility of CAMHs services, challenges facing inpatient units and the establishment of a Mental Health Incident Group (MHIG).
- b. Shielding arrangements – communication of shielding guidance and delays in accessing necessary services.
- c. Access to and use of health services for non-Coronavirus related issues – children's contact with healthcare professionals and diagnosis during this period.
- d. Visiting arrangements for inpatient settings – communication and messaging to children and families.
- e. Dentistry – the need for a considered children's rights approach and impact assessment.

3.8.2 **Social Care:**

- a. Child Protection – the risk of vulnerable children going 'under the radar', the need for trauma informed practice, increase in calls to NSPCC and the right for advocacy for

- children in care.
- b. Disparity between the issuing of guidance for children and young people's and adult's social services – delay in issuing guidance and transition to adult social services.
 - c. Accessing Support - delays when making child protection referrals.
 - d. Education provision – access to education hubs for vulnerable children.
 - e. Financial security of those caring for children and young people – support measures for carers, and financial stability and its impact on childcare settings.

3.8.3 Health and Social Care:

- a. Moving into a 'recovery phase' – considering the changes to the health and social care system as we move into a 'recovery phase'.

3.9 CC(W) provided written evidence in a consultation response (see exhibit SH_12/INQ000191145) in June 2020 to the Equality, Local Government and Communities Committee as part of the Inquiry into COVID-19 and its impact on matters relating to the Equality, Local Government and Communities Committee's remit. The following matters were discussed within this written evidence:

3.9.1 The Human Rights of Children

- a. The risk the pandemic poses to children's rights set out within the United Nations Convention on the Rights of the Child (UNCRC)
- b. The importance of Children's Rights Impact Assessments and the need for Welsh government to comply with completion of assessments to inform decision making processes.

3.9.2 Issues raised to CC(W) by families and professionals

3.9.2.1 Child Poverty

- CC(W) continued calls for a published action plan to mitigate and tackle child poverty.
- Reliance on free school meals becoming apparent during the pandemic
- CC(W) welcomed the maintenance and expansion of free meals for eligible families
- Highlighted progression with local authorities offering direct payment to families in relation to free school meals.
- The content of free school meal boxes. Discussed the need for children to have access to a hot meal whilst balancing concerns around fuel poverty.

- Accessibility of information available to families on how to access support and services.
- Highlighted calls from Charter for Change report:
 - *“- auto enrolment of children eligible for free school meals and the Pupil Development Grant (PDG) when applying for other benefits such as housing benefit or council tax reduction and that each child or young person has sufficient free school meal allowance for a nutritious, balanced meal”*

3.9.2.2 Education inequalities

- The need to address the digital divide.
- The lack of advice for schools on direct contact/virtual lessons.
- Challenges for asylum seeker and refugee students learning at home. The importance of childcare in the role of child development and risks to the sustainability of the sector.

3.9.2.3 Housing and the surrounding environment

- Increase of youth homelessness due to family breakdowns.
- Housing with little outdoor space, and the impact on families due to the closure of parks and green spaces.
- The need for long- term consideration of the value of green spaces in housing and planning.

3.9.2.4 Domestic Abuse and Sexual Violence – Child victims/survivors

- a. Concerns for children living in households where domestic violence takes place and the increased risk of these children not being able to attend school or not being identified and therefore not accessing support.
- b. The importance of recognising children in the domestic abuse and sexual violence agenda and having the appropriate support structures in place.
- c. Welcomed Welsh Government approach not to relax any of the statutory requirements in relation to children’s social care and safeguarding.
- d. The use of a RAG system for Local Authorities and schools to keep in contact with vulnerable children.
- e. The need for police forces to respond to children and young people with a trauma-informed approach.

3.9.2.5 Children with disabilities

- a. Concerns regarding NICE rapid COVID-19 guidelines on critical care, which seemed to indicate that people with disabilities may not be given priority to access ventilators and treatment. Notes that guidance was swiftly changed.
- b. Confusion for families around the distribution of shielding letters, with additional complications for families where the child received the shielding letter and the implications this had for parents isolating and accessing support.
- c. The impact staying at home had on health and wellbeing.
- d. Concerns regarding access to education for children with additional learning needs.
- e. The lack of disaggregated national data in respect of children with disabilities.

3.9.2.5 Moving forward

- a. Highlighted the exacerbation of inequalities during the pandemic
- b. Commended the way schools, youth services, charities, local authorities and other public bodies adapted quickly to find new ways to support children and families.
- c. Acknowledged the actions taken by Welsh Government and highlighted the need for focus on reducing inequalities experienced by children, young people and their families.
- d. Called for policy and practice actions on free school meal provision during the holiday period, addressing the digital divide, and producing a child poverty delivery plan. Also encouraged Welsh Government to press UK Government for increase in the level of Universal Credit, an end to the two-child limit, removal of the benefits cap and an end to year-on-year freezes.

3.10 The Commissioner was also asked in the Senedd's Children, Young People and Education Committee's Annual Report scrutiny sessions for her views on the impact of Covid and the use of Non Pharmaceutical Interventions in relation to children in Wales, in 2020 and 2021.

3.11 In the Children's Commissioner for Wales Annual Report scrutiny session before the Senedd Children Young People and Education Committee on 5th November 2020 (see exhibit SH_106/INQ000280332), the CC(W) commented on the following topics in relation to the Covid-19 pandemic:

- a. CC(W) investigation and advice service – reduction in queries regarding ALN, bullying and health. High number of cases related to Covid-19.
- b. How COVID-19 has changed the way CC(W) work with young people:

- i. Continuation of individual casework
 - ii. Information hub and children and young people's survey
 - iii. Development of online sessions with children and young people
 - iv. Advisory panel online meetings
- c. CC(W)'s continued priority to consider the impact of Covid-19 within the Commissioner's 3 year plan
- d. Home education and increase in numbers because of the pandemic. Children's rights for home educated children and CC(W)'s formal review of Government functions in relation to that area.
- e. Health boards co-producing policies with children and young people and the impact COVID has had on progression in this area.
- f. CC(W) priority areas for Welsh Government to consider for children and young people's mental health in response to the pandemic:
 - i. Ensure staff aren't redeployed
 - ii. Funding for schools to be confident in delivering the whole school approach to wellbeing
 - iii. To ensure health boards are making accessible information
 - iv. Promoting a 'no wrong door approach'
- g. Delays to the corporate parenting reform due to the pandemic
- h. The impact of Covid-19 on Child Poverty
 - i. The need for an overall strategic action plan focussing on child poverty
 - ii. CC(W) views on income maximisation plan.

3.12 In the Annual Report scrutiny session on 18th November 2021 (see exhibit SH_114/INQ000280340), the CC(W) commented on the following topics in relation to the Covid-19 pandemic:

- a. The balance of priorities for CC(W) in focussing on children's policy issues and issues arising as a result of the pandemic.
 - i. Survey of children and young people experiences during the pandemic
 - ii. Digital roll out
 - iii. Continuation of CC(W) work through digital means

- b. Complex physical, mental and social health of children and support services needed.
- c. Inequalities experienced during the pandemic and the extra support needed for those experiencing inequalities.
- d. The need to focus on pandemic recovery, including education and child poverty.
- e. Mental health support services
 - i. The rise in demand for mental health support services post-pandemic.
 - ii. Highlighted the importance of early intervention and holistic approach to mental health support for children and young people.
 - iii. Raised concerns about the long wait times for CAMHS appointments.
 - iv. The role of the third sector in promoting a 'no wrong door approach'.

4. Gathering of information about the impact of NPIs upon children

4.1 During this time, we used the following approaches to gather information about the impact of NPIs:

- a. Our Investigation and Advice service remained open to children, families and members of the public. This provided an invaluable source of information on the impact of NPI's;
- b. Participation Team offered online rights sessions with various groups of children and young people;
- c. We increased our meetings with our Young People's Advisory Panel to monthly;
- d. Policy team continued to attend meetings and stakeholder reference groups, attended by a wide range of representatives from health, education, social services and third sector. This helped inform a picture of what was happening on the ground and how practitioners were navigating guidance;
- e. We met regularly with senior officials in the NHS, Health Boards and the Government to review data on provision of mental health services and share concerns that had been raised with our office;
- f. We became members of the government's vulnerable children's advisory group that shared data and information on this issue. Meetings with the Deputy Minister for Health and Social Services increased to weekly;
- g. We met regularly with the Government Ministers, their officials and local authority Directors of Education and Social Services;
- h. We kept in regular contact with secure and mental health units across Wales and raised issues with relevant health boards and the Government. We also met remotely with some

young people in those units and we were able to share some of their worries with staff, who responded immediately to this information;

- i. CC(W) undertook two large scale surveys of children and young people in Wales. One in May 2020 (see exhibit SH_13/INQ000191146), and a follow up survey in January 2021 (see exhibit SH_14/INQ000191147). Across the two surveys we received approximately 44,000 responses;
- j. We hosted a Listening Day (see exhibit SH_23/INQ000191156) exercise following the autumn 'firebreak' lockdown. Young people shared their experiences and challenges;
- k. We undertook a survey of 167 school heads and college leaders about the level of provision of devices and internet connections for their children and young people (see exhibit SH_29/INQ000191162).

4.1.1 These sources of information directly fed into our weekly list of issues shared with senior Welsh Government officials. These weekly lists later became fortnightly, then monthly. These lists of issues would then form the basis of the agenda for regular meetings with senior Welsh Government officials. Where issues had not been responded to by the time of the meeting with officials they would be raised by CC(W) for a response from officials.

4.2 CC(W) undertook two large scale surveys of children and young people in Wales. One in May 2020 (see exhibit SH_13/INQ000191146), and a follow up survey in January 2021 (see exhibit SH_14/INQ000191147). The May 2020 survey ran for two weeks from 13th May 2020, and had responses from over 23,700 children and young people aged 3-18. The January 2021 survey ran for 9 days from 12th January, and had responses from over 19,700 children and young people aged 3-18.

4.2.1 It is important to state here that the surveys were developed in partnership with Welsh Government, Children in Wales and the Welsh Youth Parliament. However, CC(W) led on all project management with financial independence from Welsh Government and other partners. CC(W) is the data owner for these two surveys and is liaising with the National Museum Wales to ensure the anonymised results form part of Wales' national archive.

4.2.2 At the start of the project, an Equalities Impact Assessment was undertaken by the project team in accordance with the Public Sector Equality Duty in Wales. The team used the assessment to inform the design and distribution of the consultation to ensure that best efforts were made to make the survey as accessible as possible. Due to the Coronavirus restrictions we could not do any face-to-face consultations and needed to think creatively about how we would reach children impacted by digital poverty. For

- example, to enable children to take part who did not have access to electronic devices, we requested that schools, community groups and participation officers in Local Authorities complete the survey with those they knew couldn't access this online via 'check in' telephone calls.
- 4.2.3 We developed different versions of the surveys. One for 12-18's, a slightly shorter and simpler version for 7-11's, as well as an accessible version with symbols to assist reading for 7-18s. We also made available an option to share views using pictures or words that was mainly aimed at 3-7s and older children who preferred to communicate in that way.
- 4.2.4 All surveys were tested with young people, via our advisory panel and partner agencies. We asked Directors of Education to cascade the survey to schools, via our Ambassador School schemes, and through other stakeholder contacts.
- 4.2.5 In the May 2020 survey;
- a. 11,810 completed the 7-11 survey
 - b. 11,002 completed the 12-18 survey
 - c. 671 completed the accessible survey
- 4.2.6 In the January 2021 survey;
- a. 8,832 completed the 7-11 survey
 - b. 10,363 completed the 12-18 survey
 - c. 333 completed the accessible survey
- 4.2.7 Many of the questions used in the first survey were repeated for the follow up surveys. While of course, the survey sample was different for both surveys, this allowed us to make some comparisons between the data sets.
- 4.2.8 We conducted a 'listening day' (see exhibit SH_23/INQ000191156) with 55 young people from across Wales in years 9- 13 on 13th November 2020, four days following the 'fire break' lockdown between Friday 23rd October and Monday 9th November. These sessions were attended by school pupils (two Welsh medium and one English medium school), college students, young people with caring responsibilities, care experienced young people, members of four youth forums. We also held a session with our youth advisory panel, including young people who attend over 15 different schools and colleges in Wales, and a home educated young person. The Commissioner attended all of the meetings, along with members of her team.

4.2.9 In January 2021, we undertook a survey of 167 school heads and college leaders about the level of provision of devices and internet connections for their children and young people (see exhibit SH_29/ INQ000191162)

4.2.10 Information and evidence was also gathered from children, families and some professionals through our publically available means of contact – primarily through our Investigation and Advice telephone line, and through our generic email contact details.

5. Significant findings from the survey relevant to the scope of Module 2B.

5.1.1 In the May 2020 Coronavirus and Me survey (see exhibit SH_13/INQ000191146), children and young people told us:

- a. In this survey, 58% of children and young people reported that they felt happy most of the time and a large majority (84%) reported feeling safe most of the time. Young people of secondary age were more likely to report negative feelings than younger children, with 16% feeling sad most of the time.
- b. Some were worried about how long the situation would last, and they were worried that they or those they love will catch the virus. Children who were not worried or were less worried said they felt they were being kept safe, daily numbers of deaths were decreasing, children were less affected, or they were avoiding watching too much news.
- c. The top three responses from young people (12-18) on which stay at home rules have impacted the most on how they feel are 'not being able to spend time with friends' (72%), 'not being able to visit family members' (59%) and 'school or college closing' (42%).
- d. We asked about children's confidence in learning. 51% selected that they felt confident or very confident. In the free text responses, some young people expressed enjoying self-directed learning and less pressure and time constraints to learn. Respondents overwhelmingly reported being contacted by their place of education (less than 1% of 7-11 year olds hadn't been contacted and 2% of 12-18s) However, only 11% of age 12-18 said they did not feel worried about their education. 54% said they were worried about falling behind with learning. 50% said they felt uncertain about their exams being cancelled and 18% said they felt worried.

5.1.2 In the January 2021 Coronavirus and Me survey (see exhibit

SH_14/INQ000191147), children and young people told us:

- a. Loneliness rates were high and not being able to see friends was having the biggest impact on children's lives, followed by not being able to see other family members and the impact of school and college closures. 14% of children aged 7- 11 reported that they felt lonely 'most of the time', and feelings of loneliness increase with age, peaking at 40% of 17 year olds reporting that they feel lonely 'most of the time'.
- b. Strong negative feelings were expressed by many children and young people; they expressed frustration, and sometimes anger, about the impact of the pandemic on their lives. 3 – 7 year olds spoke about missing friends, family members and experiences. From mid-teens on, there were signs of additional distress, potentially compounded by worries about exams and their futures. 30% of 17 and 18 year olds who took part report that they are worried 'most of the time'.
- c. Across all three surveys combined, 35% of children and young people responding to the consultation do not feel confident about their learning during January 2021. We asked this exact question in May 2020, and at that time, combined data from the three surveys showed that 25% of children and young people who responded did not feel confident about their learning in May 2020.

5.1.3 In the November 2020 'firebreak lockdown' listening day (see exhibit SH_23/INQ000191156), young people told us:

- a. What worked:
 - Online offering by schools had improved significantly since before the summer holidays. This was the unanimous verdict of every young person who took part. Examples included: teachers sharing PowerPoints and videos in advance of lesson; many lessons were delivered live, during the first lockdown some pupils had felt they weren't encouraged to work – this time was different; following usual school timetable; schools made suitable adjustments for some, including young carers. Examples included: lessons being recorded to enable pupils to go back and listen at more convenient time
 - Continual improvement of offer by some schools. Examples included: pupils being invited to complete an online survey to feedback on online learning during the firebreak
 - Freedom of being able to work at own pace
 - Being able to use other devices such as Xbox to access lessons
 - Schools checking that every pupil had an electronic device before half-term

- Swift feedback from teachers to work submitted online
- b. What didn't work:
- Workload overwhelming. Examples included young people staying up late to complete workload
 - No consistency between work being offered for different subjects. Examples included: 'our history teacher set twice as much work as our other subjects'.
 - Some schools haven't evaluated online learning offer
 - Some teachers didn't understand how to use the technology properly. Examples included: teacher 20 minutes late for lesson; not responding to messages asking for support / assistance
 - Some parents lacking skills to help. Examples included: parents unable to provide support with work nor technical issues; technical issues resulting in pupils missing lessons; poor internet access
 - Many preferred to be at school to interact with teachers and other pupils.
 - Many commented that although the online offer was much improved, it didn't compare to being in school or college. Examples included: discussions around topics were missed; tiring being online for a long period (6 hours); pupils being asked to put camera and microphone off during session, so all they were doing was listening with no interaction
 - Distractions at home affected learning
 - Some weren't aware that certain groups of pupils were allowed in during the firebreak: this wasn't clearly communicated
 - Lack of consistency with some social distancing rules. Examples included: pupils sharing a desk all term then being asked to sit one per desk after firebreak, leading to confusion about what's safe and what's not safe
 - Some disagreed with suggestions in the media of having to wear masks in classroom
- c. **In our January 2021 survey of school heads and college leaders, they reported a wide range of barriers (see exhibit SH_29/ INQ000191162)**
- the most common being that some families had not been in contact with the school or college to make arrangements regarding digital access (which had occurred in 49% of settings),
 - 42% of settings did not have enough devices,
 - in more than 52% of schools and colleges there were some households without access to the internet,

- in 46% there were some households with insufficient data allowances.
- d. In relation to the head teachers and school leaders survey, we had asked the Welsh Government to examine and address any provision gaps themselves. They commenced an audit of local authorities, but it took a very long time for this to be progressed and reported on, so we felt we had no choice other than to do our own research.
- e. CC(W) shared early findings before surveys closed – the first time being 20th May in a meeting with WG Directors where we shared, amongst other findings, that children were reporting that the online work set for them is too hard or hard to understand.
- f. The full data set was shared securely with Government officials for them to use the findings to inform their work.
- g. Early findings of the first Coronavirus and Me survey were first provided to Welsh Government Ministers via a letter to the Education Minister on 1st June 2020 (see SH_81/INQ000191240 exhibit SH_81). The survey had closed on 27th May 2020. CC(W) issued an embargoed press notice about survey findings on 5th June. A report of the survey findings was published on 6th June 2020.
- h. A summary of the November 2020 'firebreak' listening day was shared with senior officials on 7th December.
- i. An embargoed copy of the Education section of the second main survey report was shared with Education officials on 3rd February 2021, the 'feelings' section on 4th February, and the full text of the January 2021 survey report was shared with officials on 5th February 2021. It was published on 12th February 2021.
- j. On 9th March 2021, a session was facilitated by CC(W) for over 60 Welsh Government officials, on the results of Coronavirus and Me 2.

6. Informal or private communication with CC(W) about significant decisions made the Welsh Government

- 6.1 CC(W) did have occasional informal conversations via telephone. Sometimes this would be to inform CC(W) that a public statement which affected children was to be made, usually on the same day as the announcement. Very occasionally the CC(W) communicated with WG officials by text message (from work phone to work phone) but this would be to arrange an urgent discussion or similar, and did not involve substantive matters of policy.

7. Significant results or conclusions drawn from any surveys carried out with children or their parents that were provided by the CC(W) to the Welsh

Government in relation to identifying at risk, other vulnerable groups and/or those with protected characteristics under the Equality Act 2010 in Wales

- 7.1 We were able to use monitoring data to explore in greater detail the experiences of those with protected characteristics in our two main Coronavirus and Me surveys. In May 2020, we produced sub reports on the experiences of children from Black, Asian and ethnic minorities (see exhibit SH_18/INQ000191151) and children with disabilities (see exhibit SH_19/INQ000191152).
- 7.2 We then repeated this exercise for these groups with sections within the main report (see exhibit SH_14/INQ000191147) of the January 2021 survey results.
- 7.3 Experiences of children from Black, Asian and Ethnic Minorities:
- a. In May 2020, 1,496 children and young people who did the survey were from a Black, Asian or Minority Ethnic (BAME) background
 - b. Compared to white Welsh or white British Children, they were more likely to say they needed more information and help for things like online school work, speaking to friends and family online and feeling safe at home.
 - c. Those aged 12-18 were more likely to say that changes to physical activity, exercise, and their ability to leave the house had affected them most.
 - d. Among 7-11 year olds, BAME respondents were significantly less likely than White Welsh or British respondents to say they were happy 'most of the time' (60%, n= 419, compared to 67%, n=6333), and significantly less likely to say they felt safe 'most of the time' (87%, n= 630 compared to 91%, n=8680), although the percentage point difference is relatively small on the question of safety among 7-11 year olds.
 - e. Asian Welsh or British respondents aged 7-11 were the least likely group to say they felt happy most of the time (55%, n=151).
 - f. Among 12-18 year olds, there was no significant difference in relation to feeling most of the time happy, worried or sad (1 percentage point or less difference). BAME respondents were significantly less likely to say they felt safe 'most of the time' (73%, n=489) compared to 79% (n=7350) of White Welsh or British respondents. Asian Welsh or British respondents were least likely to say they felt safe 'most of the time' (70%, n=225). Experiences of children with disabilities;
 - g. BAME respondents were significantly more likely than White Welsh or British

- respondents to feel they needed help making sure their family had enough food, across age groups. Among 7-11 year olds, 19% (n=154) of BAME respondents said this. Those identifying as Black from Another Country (26%, n=16) or Asian Welsh or British (22%, n=67) were the most likely respondents to say this. 12% (n=86) of BAME 12-18 year olds said this, compared to 8% (n=802) of White Welsh or British respondents. Respondents identifying as Black from Another Country were most likely (23%, n=7), although numbers are small here.
- h. BAME respondents in the 12 - 18 age group were significantly more likely to say they were doing reading and writing (47%, n=333, compared to 40%, n= 3824), and more, although not statistically significant, likely to say that they do school work (67%, n=479, compared to 65%, n=6269) to keep a healthy body and healthy mind than White Welsh or British respondents.
 - i. BAME respondents were significantly more likely to say that school or college closing had the most impact on how they feel than White Welsh or British respondents (51%, n=363, compared to 41%, n=3966).
 - j. BAME respondents were significantly more likely to say they were worried (59%, n=421) than White Welsh or British respondents (53%, n=5122) about falling behind with learning. The group who were most likely to say this were those identifying as Any Other Ethnic Group (66%, n=108).
 - k. BAME children and young people were less likely to say they knew how to get support for their mental health and emotional wellbeing among 7-11 year olds. 12-18 year olds were significantly less likely to say they knew how to get this support through their friends and family
 - l. In January 2021, BAME children told us they were more like to feel lonely, less likely to say they felt safe and were more likely to say they were worried about Coronavirus.
 - m. BAME 12-18 year olds are more likely to say school or college closing, changes to physical activity and how often we can exercise, leaving the house less, and changes to how they or their family shop have the most impact on how they feel.
 - n. They were more likely to say they need extra help to catch up with their education.

7.3.1 Based on this information, we made the following recommendations to Welsh Government:

- o Food security: Welsh Government should consider the results of this survey, but they also need to hear from BAME children and young people directly about any difficulties that were faced in accessing the replacements for school meals and food parcels that were

- available during the crisis, and ensure that this is equally accessible for all families.
- On keeping healthy and active, Welsh Government needs to ensure they properly understand the needs of specific ethnic groups, and that these are addressed in the Healthy Weight: Healthy Wales Delivery Plan.
 - We also made recommendations regarding the visibility of mental health services for this group, improved access to devices and Wi-Fi by local authorities, better access to information, and safety at home.

7.4 Experiences of disabled children and young people:

- a. Nearly 1200 young people identified as disabled in our survey. The following findings have been compared to those who responded to the survey who reported they were not disabled. The findings revealed that disabled children and young people had disproportionately negative experiences when compared to non-disabled children and young people.
- b. Disabled children and young people were more likely to be feeling worried about Coronavirus. A greater percentage of disabled children and young people expressed worries about catching the virus.
- c. Disabled children and young people were more likely to comment about the negative impact on their mental health.
- d. Disabled young people were more likely to say that the closure of a business or service was having a big impact on how they felt.
- e. Young people were more likely to say that they enjoyed not going to school or preferred learning at home if they were disabled.
- f. Disabled children and young people were more likely to say they needed help to 'make sure we get the food we need'.
- g. Disabled young people were more likely to say that they needed help to eat healthy food and stay physically active.
- h. Disabled young people were more likely to say changes to the way their family shopped for food were impacting them.
- i. Disabled young people were more likely to say it would help them to receive healthy food at home (food boxes).
- j. Disabled children and young people were more likely to feel sad. Disabled children and young people were less likely to feel safe.
- k. Disabled children and young people were less likely to 'feel happy most of the time'. Disabled children were less likely to know where to get help if they needed support to

feel happy and well.

- I. With education, disabled children and young people were much less likely to feel as confident about learning. Disabled young people were more likely to say that not being able to see a tutor or join a class outside of school was affecting their learning. Disabled children were more likely to say that support was needed for additional learning needs. Disabled children and young people were less likely to have been contacted by their school or college.

7.4.1 Based on this information, we recommended that Welsh Government:

- Must make sure children with additional needs have better support with learning if they can't go to their school. This included a review of guidance to assess how well they respond to the experiences of children with Additional Learning Needs
- The needs of disabled people need to be considered when decisions are being made. These considerations need to be recorded in a Children's Rights Impact Assessment.
- We also made calls surrounding visibility of mental health services, accessible information on Coronavirus for disabled children and the loss of support services

8. Key communications or meetings between the CC(W), or its representatives, and the Welsh Government surrounding the potential impact of NPIs on these groups

8.1 In addition to the various ways in which CC(W) raised issues concerning at risk, other vulnerable groups and/or those with protected characteristics under the Equality Act 2010 which have already been set out in this statement, CC(W):

- a. Raised concerns over delays making child protection referrals in the early weeks of the pandemic. It had been reported to us that professionals working with vulnerable children where a child protection referral was required had found it difficult to get a timely response from local authorities. This was raised in our weekly matters arising email to senior officials covering 8th April – 15th April 2020.
- b. Raised issues shared with us during a BAME forum hosted by the Ethnic Minorities and Youth Support Team (EYST) in matters arising email to senior officials covering weeks from 3rd -15th July. This included: difficulties with asylum seekers accessing the PDG Access grant; concerns over health of children returning to school from BAME families; concerns over children where English is not spoken at home who have not been speaking English for several months; and continuing concerns over access to digital devices. CC(W) stressed the need for safety messaging on return to school to

be made clear and accessible for all communities. CC(W) also asked whether children where English is not spoken at home would be eligible for catch up support.

9. Impact of Coronavirus and Me surveys on key decision making

9.1 Our Coronavirus and Us work, including how Welsh Government responded to the findings, have been cited as a particularly good example of children's involvement in decision-making during the Covid19 pandemic by the World Health Organisation in its report 'Third high-level meeting on Schooling during the Covid19 pandemic'.

9.2 In evaluating the two Coronavirus and Me surveys, we asked all partners to complete a feedback questionnaire. The following are extracts from those responses.

9.2.1 Welsh Government

a. The 'Coronavirus and me' survey results, and the three more detailed reports, have been widely disseminated across Government in the following ways:

- Cabinet members briefings;
- Senior Welsh Government officials briefings;
- News page article informing all officials about the availability of the data;
- Facilitated direct discussion between CC(W) and Senior WG officials;
- Facilitated direct discussion between CC(W) and WG officials – open invite to all staff;
- Internal working group with dedicated WG leads per policy/UNCRC article question.
- This resulted in:
 - a. Headline data included on Covid-19 data monitor which was shared widely across Government as a key source of information;
 - b. The Data has been extensively used as a source of evidence for policy decision – this is evidenced in a number of published Children's Rights Impact Assessments.

9.2.2. It was also promoted by the Welsh Government in the following (external) ways:

- a. The First Minister in the televised press conference on 8 June 2020;
- b. The Deputy Minister thanking young people for their contribution;
- c. The 'Dysg newsletter'

9.2.2 The Coronavirus and Me surveys highlighted concerns from children about examinations and qualifications. We expressed our concerns about potential injustices and difficulties with the exams system from May onwards, as is documented here. After

hearing from scores of young people and schools in the days after the results, the Commissioner concluded that the fairest way forward for this year's results would be to revert to centre assessed grades and urged the Government to make this decision on UK and Welsh television news. Following the government's decision to revert to centre assessed grades, we continued to call for a fairer appeals system, as we had done before results day. We also called for early planning to avoid similar issues in 2020-21 academic year, and are contributing to the independent review of the exams results 2020.

9.2.4 Many children and young people raised concerns over access to play, leisure and green space in the Coronavirus and Me surveys. CC(W) wrote to the First Minister on 6th July 2020 (see exhibit SH_86/INQ000191245) to express concern that play areas in parks were not being opened as quickly as services for adults like pubs. Play parks were included in the next set of relaxations of restrictions by the First Minister.

a. We raised issues around contact with family members for children in local authority care, and ensured that the Welsh Government and Heads of Children's Services were working closely together to progress any measures to support family contact that can safely be provided. We also commented on Government guidance on this issue which had been highlighted as a priority for the 'recovery phase' of the crisis, and kept up to date information for children on our Information Hub.

b. Free school meal provision. We raised several cases with local authorities and the Government where families couldn't get to their school to collect free lunches or where they were unhappy with the quality or quantity of these. We urged government to encourage local authorities to move to cash transfers in lieu of free school meals as soon as possible as the most dignified way to provide this support, removing the potential stigma of collecting food or using vouchers in shops. This also ensured that children in asylum seeking families were able to receive this provision too.

9.2.5 We also have examples of being told directly by Welsh Government officials of the influence our surveys had. When WG shared draft legal directive and FAQ for schools on the firebreak we were told: *During the past 6 months we've learnt the virus has differential impacts on children, young people, families and communities so we anticipate the response will need to be different in each local area depending on local*

factors and the specific needs of individuals. This takes account of what we learnt from the Coronavirus and Me Survey.

9.2.6 The Coronavirus and Me survey results have also been cited in several CRIAs. This includes in the (retrospective) CRIA suggesting the 2020 survey had an impact in the decision to reopen schools (see exhibit SH_21/ INQ000191154)

9.3 Local Authorities

- a. All Local Authorities were provided with an immediate headline report after the May 2020 survey. This was followed up with a more detailed report in October 2020, which incorporated all the qualitative analysis.
- b. These reports were followed with a feedback survey, responses were received from 8 Local Authorities. Three Local Authorities had more than one officer respond to our feedback survey.
- c. In addition to this Local Authorities all received a full breakdown report of their local data from the January 2021 survey – within 4 weeks of the close of this survey. 91% of respondents were aware that their local authority had received the reports.
- d. Respondents reported that they had shared the headline report in the following ways:
 - i. Management meetings of the Department for education (including Inclusion, Welfare, Psychology, social Services, TAF and ALN)
 - ii. Disseminated via email
 - iii. Shared with relevant services and in partnership forums
- e. When discussing the detailed report, local authorities explained that they had shared the detailed report in the same way as the headline report with additional sharing with:
 - i. Corporate Planning Team
 - ii. Regional Transformation board
 - iii. Young people representing their youth council
 - iv. Tim Rheoli Adrannol a'r Tim Rheoli Corfforaethol (Departmental Management Team and Corporate Management Team)
 - v. Health and Well-being leads via the Health and Well-being networks

9.3.1 After disseminating the headline report to various teams one local authority decided to build a Health and Wellbeing team as a central point for teachers and other professionals

to access support.

- 9.3.2 Other local authorities used the information to reaffirm their understanding of issues in relation to mental and emotional wellbeing of young people and how they could better support children and young people.
- 9.3.3 Local authorities were asked “what decisions were informed by this headline report?”. One local authority noted that the headline report was well-timed, relevant and influenced the work of the local authority and schools. Most local authorities reported that at the time of receiving the headline report their focus was on well-being and the report was passed on to education teams to support planning. It was also used to inform the foundations of a revised model of engagement for children and young people.
- 9.3.4 While discussing the detailed report one local authority felt that the report was interesting but was provided to them at a point so far removed from the time of the survey that it wasn't useful (was issued in October following the headline report issued in June). We were able to issue the full report to local authorities more quickly after the January 2021 survey and they received their full report within 4 weeks of the survey closing. This was largely because we had reduced the number of open ended questions in this survey so qualitative analysis could be completed far more quickly.
- 9.3.5 Most local authorities appreciated the detailed report and used it to ensure the voice of children and young people were represented and listened to whilst creating policies and procedures.

10. Instances where Welsh Government did not follow the advice or recommendations of CC(W)

- 10.1 Use of Children's Rights Impact Assessments. There were many times that the Government made decisions to protect some rights, primarily health and survival, that impacted on children's access to other rights such as education, seeing family and friends, and play. Although making such decisions can be justified in a crisis such as a pandemic, the government should also have been assessing the impact on all children's rights at the same time. The urgency to declare a public health crisis across the UK meant that some decisions were made very rapidly, such as the introduction of the overall lockdown measures. These decisions were heavily impacted by UK Government decisions, but decisions and Regulations made in Wales should have

been subject to a Children's Rights Impact Assessment (CRIA). We know from the Welsh Government's evidence to the Senedd CYPE Committee that this was not done. An example includes evidence from the Deputy Minister for Health and Social Services to that committee on 5th May 2020 (see exhibit SH_111/INQ000280337). Overt consideration of children's rights at the earliest possible stage could have allowed a national plan for supporting education to develop for example, to mitigate some of the impact of the decision to close schools. We wrote formally to the Deputy Minister for Health and Social Services (the Minister responsible for children's rights) to raise our concerns about the low number and quality of children's rights impact assessments being completed during the pandemic.

- 10.2 CC(W) consistently urged Welsh Government to undertake Children's Rights Impact Assessments (CRIA) contemporaneously to the decision making process. This included holding meetings specifically to discuss CRIAs, and letters to Ministers. We advised that the thinking and analysis behind CRIAs are the most important thing, not necessarily the volume of detail. In emergency scenarios such as those experienced particularly in the early months of the pandemic where decisions needed to be made quickly, we suggested specific CRIA meetings from which brief notes of the meeting could be shared with Ministers making those fast-paced decisions. We offered to make ourselves available at short notice, including out of office hours, to contribute to emergency discussions of the impact of potential decisions on children's rights, recognising the extreme time pressures that civil servants were working within.
- 10.3 Where CRIAs were undertaken, we offered our expert advice on the approach to children's rights impact assessments (feeding in to Integrated Impact Assessments) through meetings with Government officials, commenting on draft documentation and through our membership of the Children's Rights Advisory Group (CRAG). Topics included the reopening of schools, making changes to Covid restrictions and the Christmas 2020 lockdown arrangements.
- 10.4 Safeguarding children: home education and independent schools. The Welsh Government wrote to us in July 2020 to advise that work on regulations on statutory guidance for children educated at home and regulations to safeguard children at independent schools in Wales would no longer be progressed. The letter indicated that the decision "was reached following a cross Government exercise which evaluated current resources against workload in light of the unprecedented need to respond to Covid19 and the potential implications of the ending of the EU transitional period." No CRIA was undertaken to inform this decision. The Commissioner would later use her legal powers to formally review this decision.

- 10.5 Online learning. The Government published guidance to support online learning. We asked them to set minimum expectations of their school or college that every learner should have, but they did not do this. Support was very varied and seemed to depend on the school or on individual teachers. Clear expectations were not set at a national level and sometimes even children and young people in the same school had very different experiences. These ranged from daily 'live' online lessons in some schools, to other children and parents reporting that they received one weekly email with a list of work and links. Some children and families told us they received no feedback on learning or on home tasks. Where schools did not offer 'live' online teaching many provided some pre-recorded videos of teachers explaining school work or setting home learning tasks. Many schools and colleges provided some individual support to learners that they knew needed extra help – through phone calls, hard copy resources and home visits.
- 10.6 Communicating with young people. The Welsh Government made a number of positive efforts to communicate directly with children. A number of Ministers made videos and the Education Minister did two Q&A sessions with children: one on social media on the day schools closed, and one later in lockdown on national television which we helped facilitate. In our view, some information could have been clearer and more accessible to children and young people. This includes information about exams and how young people could appeal or complain about their results, and information about staying safe on public transport.

Section C: Public health communications and public confidence

11. One of our 4 priorities agreed the morning after the Prime Minister announced the lockdown in March 2020 was to: make sure children, young people and their families had clear and reliable information and advice. To do this, we launched our bilingual Coronavirus Information Hub, ahead of school closures in Wales. On 24 March, the Senedd references us and the information hub as a reliable source of information. Public Health Wales, the government and schools proceeded to recommend the hub as a reliable source of information and support.
- 11.2 We also offered support to the Government, Public Health Wales and other statutory bodies to advise on suitable communications for children and young people. Our first offer was made to the Welsh Government on 18 March 2020 and to Public Health Wales on 20 March 2020.

- 11.3 During a meeting with the Deputy Minister on 19 March 2020, the Commissioner advised Welsh Government to do all it could to communicate directly with children and young people. The Minister agreed and videos were prepared. We also agreed to help facilitate a Q&A where the Minister for Education could address some specific questions from children and young people. Our communications team also accepted an invitation to join the Welsh Government's social care communications group, on 23 March 2020.
- 11.4 As well as offering support and responding to requests for support, we also highlighted concerns where there was a lack of information or unclear information. Wherever we have identified gaps or weaknesses in information provided, we contacted institutions such as local health boards directly and asked them to make their information clearer and more accessible. We were pleased to see improvements in health board mental health webpages as a direct result of our contact with them on this issue.
- 11.5 On 19 April 2020, we advised Welsh Government to write to all households with Plain English information about how people could keep themselves safe.
- 11.6 During the 'specified period' we fed into the development of the Welsh Government's guide on 'communicating using accessible formats', to ensure the needs of children and young people are met.
- 11.7 We joined media campaigns by Public Health Wales and the Royal College of Paediatrics and Child Health to encourage parents to continue accessing all health services and to continue immunising their children during lockdown.
- 11.8 Where we identified gaps in accessible information to children and their families, we created our own to publish on our information hub including on face coverings and how children could still access Child and Adolescent Mental Health Services (CAMHS) – we wrote to the Chairs and Chief Executives of every health board in Wales to request that they improved the information available to young people about such services.
- 11.9 We also used our Coronavirus and Me surveys to find out how children were accessing information about Covid19 so that we could ensure that Government and others reached children with information in the ways that they wanted to receive it.
- 11.10 We advised Welsh Government to host a live, televised press conference where the Minister for Education could address questions directly from children and young people. This took place on 24th June 2020.
- 11.11 We also supported young people from Wales to ask questions to scientists who contribute to SAGE, the scientific advisory group who advise governments across the UK.
- 11.12 At various points in the pandemic, we were asked for views on public health messaging for children, particularly around vaccinations, but also in relation to shielding as detailed earlier in this statement.

- 11.13 On 20 April 2020, we reached out to Public Health Wales following a conversation the commissioner had that week with a paediatric consultant at Wales' children's hospital about how some children might be at risk due to parents' reluctance to visit their GP or hospital during the pandemic. A joint statement was agreed, with quotes and advice from a consultant from Wales' children's hospital, a director from Public Health Wales and the chair of the All Wales Heads of Children's Services Group. It received wide-spread coverage.
- 11.14 In May 2020, we responded to a request from Public Health Wales to support a new initiative which saw PHW invest in a new online parenting course for parents in Wales.
- 11.15 On 16th June 2020 CC(W) received a request for support from Welsh Government with a reassurance campaign for young people. We provided advice and supported a member of our school ambassador network to feature in the communications campaign. Also on 16th June, CC(W) liaised with Welsh Government to set up a press conference for young people, which was televised. We enabled and supported the Education Minister to answer young people's questions live on BBC One Wales as part of the daily briefing process; and other Ministers including the First Minister and the (then) Minister for mental health, wellbeing and the Welsh language to refer to the findings in meetings and press briefings.
- 11.16 On 6th September 2021, CC(W) met with Chief Medical Officer and emphasised the need to speak directly to children and young people when issuing public health messaging related to vaccinations. In that meeting, CC(W) also emphasised that we were happy to review any draft communications at short notice if necessary. We also urged the CMO to refer to children's rights under the UNCRC. We were pleased that in a subsequent live television broadcast on BBC 1, alongside the other UK CMOs, Frank Atherton referred to taking a children's rights approach, and that children's rights considerations have been 'firmly part of the decision making'. He emphasised the need to be very clear in communications with children and young people and spoke directly to children and young people in saying that your Chief Medical Officer is recommending the vaccination as there are benefits in terms of health and education, but is also a choice to make with parents and guardians.
- 11.17 In September 2021, WG asked for our advice concerning information for healthy 12- 15 year olds on vaccinations. This was in advance of the announcement by the CMO that this group would be offered vaccinations and on the basis that roll out to this group may or may not go ahead. WG shared with us some resources they were considering for 12-15 year olds.
- 11.18 On 14th September we responded with suggestions. To summarise:
- a. We were asked for our views on what resources which were already available could this information be based on. We reflected that we felt Public

Health Wales (PHW) resources for those already eligible 12-15 year olds ([English](#); [Cymraeg](#)) were preferable to base the information on, rather than that from UK Government which was available at the time;

- b. We asked if the Chief Medical Officer could produce a video directly to children and young people explaining why they're recommending they get the vaccination, the possible side effects, how it will practically work (they will get a letter etc.), what to do if they're really unsure. Video should be friendly and reassuring, looking directly to camera as he did [in this shielding video](#);
- c. Could the same sort of information be made available in more simple language, and displayed using bullet points or similar. The information should be located somewhere easily findable on the Welsh Government website, Public Health Wales website, and any other relevant sources. We advised that we sometimes use Flesch reading ease scores (through MS Word) and find these useful;
- d. Could there be a symbols version as well for children with ALN - using easy read language and sending to a company like Widgit to do if not able to do in house. The PHW resources should be helpful here too ([English](#); [Cymraeg](#));
- e. We suggested directly tackling misinformation in written material online
- f. Could there also be some sort of Q+A with the CMO on WG social channels – this was a really welcome approach taken by the previous Education Minister in relation to exam grading;
- g. Could there be an accessible FAQs section? There needs to be clear information for children and young people and their families on potential side effects; as well as potential side effects in conjunction with other medication (if there are any). A parent we met gave the example of a child with ADHD who was taking the contraceptive pill may have concerns about taking the vaccine while on this;
- h. Messaging would need to be clear about consent. Where should children, young people and their families go for support in relation to any issues re consent?

11.19 On 15th September we received a draft script for comment for a video to be delivered by the Senior Medical Officer for Wales, Heather Payne. Again, our comments urged explanation and making language more child friendly for some elements. For example, we

suggested that it should be explained who Chief Medical Officers are; to make language more child friendly rather than using phrases like 'safeguard'; and to give more explanation to references to the UNCRC. We suggested the script should make clear that children won't need ID to access their vaccination; should warn against misinformation and advertise trusted sources. CC(W) were pleased that our advice had been heeded for a video ([available here](#)) from a senior member of Welsh Government which was directed specifically at children.

- 11.20 Some changes affecting children and young people were not communicated to them directly with clear explanations as to their necessity. This included the 'firebreak' restrictions in the autumn of 2020. The lack of communications directed at children and young people was a regular point raised by young people in our youth advisory panel, several whom have chronic health conditions or disabilities.
- 11.21 In August 2021, some 16 and 17 year olds told us that they had not received accessible information about vaccines, when receiving invitation letters to have a vaccine.
- 11.22 On 28th January 2022 following a meeting (held on 21 January 2022) with senior officials to discuss the further roll-out of the Covid-19 vaccine to children and young people, we provided advice on how to communicate effectively with children with additional learning needs.
- 11.23 On 2nd February 2022, we provided feedback to Welsh Government and its advertising agency on the creation of targeted communications work for children on vaccine roll-out.
- 11.24 On 11th February 2022, we turned down the offer of being included in a Welsh Government Press Notice about the JCVI's advice for Governments to roll-out the vaccine to 5 – 11 year olds as we had not seen any tailored, accessible information for children by this point. Instead, we issued our own press statement noting how critical it was at this stage that there was full and accurate information made available to children and their families.
- 11.25 Information was released via a communications campaign by Welsh Government in March 2022.

12. Overview of surveys or research regarding the clarity of public health communication and confidence

- 12.1 In our May 2020 Coronavirus and Me survey, CC(W) asked what extra support or information, if any, children and young people felt they needed. BAME respondents were significantly more likely than White Welsh or British respondents to say they would like more information on Coronavirus.

12.2 Among 7-11 year olds (25%, n= 195, compared to 16%, n=1629), and on rules to keep them safe across the age range (24%, n=190, compared to 15%, n=1542, among 7-11 year olds; 16%, n=117, compared to 12%, n=1106, among 12-18 year olds)

12.3 CC(W) repeated the question in our January 2021 survey. BAME children and young people were more likely to say they needed more information on Coronavirus, and on rules to keep them safe. 21% (n=141) of 7-11 year old BAME children say they need more information on Coronavirus, compared to 13% (n=953) of White Welsh or British children. 15% (n=122) of BAME 12-18 year olds say this compared to 11% (n=939) of White Welsh or British children and young people. 22% (n=148) of 7-11 year old BAME children say they need more information on rules to keep them safe compared to 12% (n=872) of White Welsh or British children. Among 12-18 year olds, 11% (n=91) of BAME children and young people say they need more information on rules compared to 8% (n=674) of White Welsh or British children and young people.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed

Personal Data

Dated 30 November 2023