

Witness Name: Joe Griffin

Statement No.: 1

Exhibits: JG

Dated: 23 June 2023

**UK COVID-19 INQUIRY
MODULE 2A**

WITNESS STATEMENT OF THE DIRECTOR GENERAL EDUCATION AND JUSTICE

This statement is one of a suite provided for Module 2A of the UK Covid Inquiry and these should be considered collectively. In relation to the issues raised by the Rule 9 notice dated 30 January served on the Scottish Government, in connection with Module 2A, the Director-General Education and Justice will say as follows, in relation to Education: -

Introduction

1. This statement will cover the following areas:

Section A: Structure and role of Education Directorates within Director General (DG) Education and Justice

Section B: Key Decisions, Groups and Meetings

Section C: Governance

Section D: Use of data, consideration of equalities and public health communications

Section E: Lessons Learned

Section A: Structure and role of Education Directorates within Director General (DG) Education and Justice

2. DG Education and Justice has responsibility for education (including childcare) and advanced learning in Scotland, as well as the safety and justice system of Scotland.
3. Between 21 January 2020 and 30 April 2022, the specified period covered by this statement, DG Education and Justice was split into six Directorates. Each Directorate was led by a

Director and split into divisions, headed up by Deputy Directors. Within each division there are a number of units who led on broad policy areas. During the specified period, DG Education and Justice included:

- Directorate for Children and Families
 - Directorate for Early Learning and Childcare
 - Directorate for Justice
 - Learning Directorate
 - Directorate for Advanced Learning and Science
 - Directorate for Safer Communities.
4. To support the development of a national policy framework with new national bodies to enable the delivery of education in schools, the Education Reform Directorate was established in September 2021. A number of policy areas were transferred from the Learning Directorate to the Education Reform Directorate. As the Learning Directorate continued to be responsible for the pandemic response during the specified period and the issues covered by this request, it is referred to throughout this statement.
5. For the purposes of this request, the Directorates for Early Learning and Childcare; Learning; Advanced Learning and Science; and the Directorate for Children and Families (DCAF) were responsible for education policy and delivery. As a result, this statement relates to those four directorates only. A full list of policy areas that each Directorate has responsibility is provided [JG1/001-INQ000182821].

The Directorate for Early Learning and Childcare

6. During the specified period, the Directorate for Early Learning and Childcare was responsible for ensuring that children, families and their communities are enabled to reach their full potential through access to high quality and nurturing early learning and all-age childcare experiences.
7. The Directorate's key responsibilities included:
- delivery of the 1,140 hours expansion of funded early learning and childcare
 - supporting the Early Learning and Childcare sector to deliver a high-quality early learning and childcare experience for children
 - developing policy related to future provision, including school age childcare.

Learning Directorate

8. Prior to the changes noted in paragraph 4, during the specified period covered the Learning Directorate was responsible for most aspects of school education policy, across four divisions:
- Curriculum, Qualifications and Gaelic
 - Improvement, Attainment and Wellbeing
 - Workforce, Infrastructure and Reform
 - Education Analytical Services.
9. The key responsibilities included:
- improving the lives of children and young people in Scotland through education, striving to achieve excellence and equity in an effective and accessible school system and wider learning environment, including learning through the quality implementation of Curriculum for Excellence
 - teaching through the recruitment of a workforce with the right ambition, skills and motivation; leadership in schools, communities and nationally
 - infrastructure through access to the right schools and digital technology to support learning and teaching
 - performance through the implementation of a system that focuses on improvement, innovation and transfer of good practice.

The Directorate for Children and Families (DCAF)

10. During the specified period, the key responsibilities of DCAF were advising Scottish Government Ministers on policy for children's rights and wellbeing (including Getting It Right for Every Child and the United Nations Convention on the Rights of the Child (UNCRC) Incorporation), care and justice, early years, child and maternal health.
11. The Director for Children and Families also had senior management responsibility and oversight for the Office of the Chief Social Work Adviser. The Chief Social Work Advisor (CSWA) provides professional expertise to Scottish Government Ministers and the Director for Children and Families on social work services and practice across children and families, adult social care and justice social work. The CSWA also oversaw the development and regulation of the social services workforce including sponsorship responsibility for the Scottish Social Services Council (SSSC).

12. DCAF's overall role during the pandemic was to ensure the interests of children, young people and families were taken into account in the pandemic response, and in particular those children, families and carers in Scotland in the most vulnerable situations.
13. DCAF had policy responsibility for ensuring the safe and effective operation of the Children's Hearings System; resilience and contingency plans for the five secure care providers in Scotland; and those within Young Offender Institutions.

DCAF Key Decisions, Groups and Meetings

14. DCAF supported the Scottish Government's Covid-19 Advisory Group including through membership of the Advisory Sub-Group on Public Health Threat Assessment and Advisory Sub-Group on Education and Children's Issues.
15. DCAF set up the Children and Families Collective Leadership Group (CLG) to bring together national and local government and other partners across children and families services, health, education, justice, and the third sector to review data, intelligence, research and policy to identify and respond to immediate concerns for children, young people and families with vulnerabilities during the pandemic. CLG was co-chaired by DCAF and SOLACE (Society of Local Authority Chief Executives and Senior Managers) representatives. As a crucial part of its decision making, CLG developed an action plan focused on 10 priorities, including improving access to services, child protection, tackling domestic abuse, supporting care leavers and workforce resilience. CLG was operative from May 2020 until November 2022. All documentation related to CLG, such as agendas, minutes and meeting papers, have been made available to the Inquiry.

The Directorate for Advanced Learning and Science

16. The Directorate for Advanced Learning and Science (ALS) was responsible for tertiary education policy (Higher and Further Education), and Community Learning and Development.
17. Key policy areas included but were not limited to:
 - student support (including Students Awards Agency Scotland, SAAS), financial student support and student equality and well-being
 - Higher and Further Education sectoral governance and funding
 - national policies on student accommodation

- community learning and development
- university research
- international students and Higher and Further Education international policy
- Chief Scientific Advisor
- widening access
- funding of science centres.

18. ALS also has responsibility for sponsorship of the Scottish Funding Council (SFC), policy responsibility for the Scottish Credit and Qualifications Framework Partnership, and funding responsibility for the funding of the accreditation function of the SQA. ALS Directorate worked with the SFC in a number of areas including sectoral funding (including funding allocations to the further and higher education sectors for which SFC is responsible), further education financial student support and monitoring of institutions' performance and sustainability.

Role, function and responsibilities for emergency response measures

19. The Scottish Government's business continuity policy requires all core Scottish Government Directorates to develop, implement and maintain a business continuity plan which minimises the effect that any significant incident, failure or disruption has on its ability to conduct its business and maintain delivery of its essential functions and services. The business continuity plans identified and prioritised critical services; identified and recorded the impact of the loss of or disruption to these services; and planned to ensure critical services can continue following a disruption. These plans were put in place to respond to any disruption or emergency and allow the continued delivery of services.

20. The Directorate for Early Learning and Childcare has had a Business Continuity Plan since October 2020 [JG/002-INQ000182822]. This plan has been reviewed and updated by the Senior Leadership Team on a regular basis. The Early Learning and Childcare Directorate did not have any other specific plans or responsibilities in relation to an emergency response.

21. Guidance on infection prevention and control (IPC) in childcare settings (day care and childminding settings) was developed in 2011. This guidance was later revised in 2018. It was developed by the Scottish Health Protection Network (SHPN) Guidance Group, which comprised of key organisations including, but not limited to, Public Health Scotland, the NHS, the Care Inspectorate, Education Scotland, the Scottish Pre-School Play Association (SPPA),

the Scottish Childminding Association (SCMA) and the National Day-Care Nurseries Association (NDNA).

22. The IPC guidance set out the role of the Care Inspectorate in monitoring good practice as part of their scrutiny responsibility of the services registered and regulated by the Care Inspectorate, under the Public Services Reform (Scotland) Act 2010. The guidance also emphasised the duty of care on early years setting providers and staff working in these settings to provide a safe environment for children, as well as their obligation to comply with the legal requirements for children's care services and the National Care Standards.
23. Regulation 4(1)(d) within The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 require the provider of a "care service" (which includes Day Care of Children Services in terms of the Public Services Reform (Scotland) Act 2010), to "make proper provision for the health, welfare and safety of service users" (regulation 4(1)(a)) and "where necessary, have appropriate procedures for the prevention and control of infection".
24. Officials in the Directorate for Early Learning and Childcare had well established communication channels with regulators, in particular the Care Inspectorate, to be kept informed of emerging intelligence and data which could be adapted for emergency situations.
25. The Learning Directorate has had a Business Continuity Plan since 2019. This plan has been reviewed and updated by the Senior Leadership Team on a regular basis. A copy of the current Business Continuity Plan has been provided [JG/003-INQ000182823], the version from early 2020 is no longer available, as previous versions have been overwritten as the Plan was updated.
26. The Learning Directorate had certain responsibilities for schools' resilience in partnership with Local Authorities and Scottish Government Resilience Room (SGoRR) colleagues. These included contributing when required to any national-level response to issues including, but not limited to, influenza pandemics, that impacted schools. In this role, Learning Directorate was involved in work prior to the Covid-19 pandemic to consider resilience arrangements in the event of an influenza pandemic. The Scottish Risk Assessment referenced the scientific evidence base reviews underpinning the UK Influenza Pandemic Preparedness Strategy (which were published in 2011 and were further updated in 2014) in relation to the impact of school closures on an influenza pandemic. Flowing from that, work was undertaken by the Learning Directorate to contribute to draft guidance for local resilience planners (coordinated

by SGoRR) on pandemic influenza, which included draft advice on the approach to school closures. The Learning Directorate had also contributed to work conducted via the Scottish Negotiating Committee for Teachers (SNCT) that had set out the changes that would apply to teachers' terms and conditions in the event of a swine flu pandemic. This provided a helpful basis for subsequent work to agree emergency changes to terms and conditions during the Covid-19 pandemic.

27. The Learning Directorate was also involved in the development of education related provisions in the draft Influenza Pandemic Bill which was in preparation (led by Health colleagues) during the second half of 2019. The draft Bill was to be unpublished and held in reserve if needed to help deal with a flu pandemic. The draft provisions in the Bill informed the development of the Scottish provisions within the Coronavirus Act 2020.

28. The Advanced Learning and Science Directorate maintained a Business Continuity Plan during the specified period. This plan was reviewed and updated by the Directorate Management Team (DMT) on a regular basis. A copy of the 2020 Business Continuity Plan has been provided [JG/004-INQ000182824].

Covid-19 specific

29. During the specified period, DG Education and Justice continued to have responsibility for education, early learning and childcare, and advanced learning, for the people of Scotland. The focus during this period was to support the wider public health measures required to keep the population safe whilst ensuring, as far as possible, the continued delivery of early learning and childcare, education and advanced learning. This included providing advice to Ministers and the relevant governance advisory groups on the measures needed to respond appropriately to the pandemic, ensuring the delivery of early learning and childcare and education, ensuring the wellbeing of children and young people, and to implement the necessary mitigations in these settings, to ensure the safety of staff, pupils, students/learners and children throughout. Over the course of the pandemic, the Scottish Government developed a 'four harms' approach which was instrumental in assessing the risks and benefits of proposed interventions, and to informing advice to ministers on the pandemic response. The four harms approach is set out in more detail in the Module 2A DG Strategy and External Affairs corporate statement submitted to the Inquiry on 23 June 2023.

30. In addition to this, the Learning Directorate and Directorate for Early Learning and Childcare ensured that robust advice underpinned Scottish Government policy and ministerial decisions

to ensure there was as much continuity of learning and care for children and young people as possible during the pandemic. The four harms approach was critical to providing a balanced assessment of the available evidence and advice. This work included: development of a range of bespoke new Covid-19 safety guidance for early learning and childcare and education settings; the establishment of the Covid-19 Education Recovery Group (CERG) to provide advice on education policy and delivery to ministers and local government leaders in the context of the response to the Covid-19 pandemic, and the establishment of the Advisory Sub-Group on Education and Children's Issues. The terms of reference, membership, agendas, minutes and papers (which includes any advice or recommendations made by the Advisory Sub-Group on Education and Children's Issues) were provided to the Inquiry on 11 November 2022. The papers for CERG have also been provided to the UK Inquiry.

31. Scottish Ministers used their powers under section 38(2) and part 2 of schedule 17 of the Coronavirus Act 2020 to give ten Educational Continuity Directions (ECDs) to education authorities in respect of the schools and early learning and childcare (ELC) settings under their management. ECDs were not subject to parliamentary procedure. Copies of the ECDs have already been provided to the Inquiry as part of the Tranche 4 groups of submissions and advice. For further detail please see the Module 2A DG Strategy and External Affairs corporate statement provided on 23 June 2023.
32. ECDs and accompanying guidance were in force in two phases – the first from May 2020 to August 2020 and the second from late December 2020 to early April 2021. ECDs were subject to review every 21 days. Where new measures were needed, or removal of measures was required, the practice was that a new ECD was issued. In their decision-making about the measures to be included in the ECDs, the Scottish Ministers took the advice of CERG.
33. Additional responsibilities taken on by teams within the Learning Directorate and Directorate for Early Learning and Childcare, usually working in close partnership with colleagues in Public Health Scotland and other key policy areas, included:
 - advice in response to the Covid-19 pandemic in schools and early learning and childcare, school age childcare and childminding settings
 - monitoring the impact of the Covid-19 pandemic on children and young people
 - monitoring attendance at early learning and childcare and other educational settings
 - advice on closing/reopening schools

- advice on the development of alternative models for certification of learners undertaking national qualifications
- advice on closure and reopening of early learning and childcare, school age childcare and childminding services
- advice on Covid safety and IPC guidance with regard to the running of early learning and childcare, school age childcare and childminding services (taking account of the wider public health regulations and guidance in place at the time)
- developing and updating sectoral guidance including public health messaging on managing Covid-19 in schools and early learning and childcare, school age childcare and childminding services
- increased focus on the development and implementation of remote learning
- development of system-facing guidance for pupils, parents/carers and teachers on remote learning meant for young people
- providing the secretariat to the CERG
- providing the secretariat to the Advisory Sub-group on Education and Children's Issues
- providing the secretariat to the Critical Childcare and Early Learning and Childcare group
- providing the secretariat to the Covid-19 Reference Group (CRG) (for the early learning and childcare sector)
- developing the *Education Recovery: Key Actions and Next Steps* document
- advice on Contingency Planning and Outbreak Management
- development and administration (with UK Government support) of asymptomatic testing programmes
- developing financial support packages for private, independent, voluntary and childminding providers of early learning and childcare
- supporting communications about key Covid-19 safety messages to staff in the sector, including promoting vaccine up-take
- engagement with UK Government (Department for Health and Social Care and Department for Education) in the development of the Scottish provisions within the UK Coronavirus Act 2020
- the development and issuing of directions which provided legal underpinning for the actions taken by local authorities in schools and ELC settings to mitigate the effects of the pandemic and maintain educational continuity.

34. As part of the emergency response measures taken in relation to Covid-19, the Directorate for Early Learning and Childcare was responsible for:

- Covid-19 response and recovery (including drafting Covid-19 safety guidance to the sector, preparing guidance on the provision of critical childcare and informal childcare, informing decisions on the closure and re-opening of early learning and childcare, school age childcare and childminding settings when public health measures were in place)
- quality improvement, inspection and scrutiny activity, including liaising with the Care Inspectorate and Education Scotland
- sector sustainability and workforce (including running a number of funds providing financial support to providers to address the impacts of the pandemic)
- strategy, communications and finance (including through Provider Notices to all childcare providers in Scotland with regard to Covid safety guidance and on vaccination).

35. As part of the emergency response measures taken in relation to Covid-19, the Learning Directorate was also responsible for:

- education recovery (re-opening of schools)
- curriculum, qualifications and Gaelic
- improvement, attainment and wellbeing
- workforce, infrastructure and reform
- Covid-19 Education Strategy and recovery
- Deputy Director supporting the Sub-group of the Covid-19 Advisory Group looking at education and children's interests
- Education Analytical Services.

36. As part of the emergency response measures taken in relation to Covid-19, the Advanced Learning and Science Directorate continued to be responsible for Higher Education, Further Education and Community Learning and Development (CLD) policy and support, all of which are predominantly devolved. However, contact with the UK Government and other Devolved Administrations took place on a regular basis at both official and Ministerial level. Internal directorate resources were initially redirected to ensure effective engagement with sector stakeholders, to ensure funding continued to flow to institutions and students, and to develop advice and guidance to protect staff and learners.

37. In addition, the Advanced Learning and Science Directorate had responsibility for:

- student, staff and worker wellbeing (financial and other)
- institutional funding and financial sustainability
- supporting economic and broader society recovery
- supporting international standards.

38. In 2020, the Advanced Learning and Science Directorate provided resource to support the central Covid-19 response and support the delivery of the Ministerial Leadership Group, whose work is described from paragraph 60 below. Directorate resource was supplemented progressively throughout 2021, during which time a specific Covid-19 Response Division was created. This division subsequently established and supported the stakeholder Advanced Learning Covid-19 Recovery Group (CRG) and the Covid-19 Advisory Sub-Group on Universities and Colleges.

39. The Advanced Learning and Science Directorate's Covid Recovery Division was also responsible for reviewing and updating Higher and Further Education sector guidance and oversaw the process of scaling back the Advanced Learning and Science Directorate response work on Covid-19 in the third quarter of 2022 in line with reduced threat and relaxation of wider societal Covid-19 restrictions. Ad hoc short life working groups were also established to help the sector and learners emerge and recover from the pandemic, for example, work to fund and recover from lost learning.

40. A table of Senior Civil Servants (SCS) in post for the timescale specified is set out below:

Directorate for Early Learning and Childcare		
Name	Role	Key Responsibilities / Time in post
Alison Cumming	Director	Final clearance on advice to Ministers to support decision making: January 2020 – April 2022
Eleanor Passmore	Deputy Director	SCS lead for pandemic response in relation to the ELC and School Age Childcare sector. Delegated clearance on decision making for Covid-19 safety, guidance and sectoral communications: June 2021– April 2022

Directorate for Learning		
Name	Role	Key Responsibilities / Time in post
Graeme Logan	Director of Learning	Final clearance on advice to Ministers to support decision making for Learning Directorate during the specified period
Andy Drought	Deputy Director for Workforce, Infrastructure and Reform	SCS lead for coordinating early pandemic response, closing/opening of schools and development of guidance. Oversaw development and administration of schools' asymptomatic testing programme for Learning Directorate
Sam Anson	Deputy Director for Improvement Attainment and Wellbeing	SCS lead for pandemic response in relation to Scottish Attainment Challenge, Pupil Equity Fund and National Improvement Framework. Oversaw the secretariat for CERG and, more latterly, the Advisory Sub-Group on Education and Children's Issues
Mick Wilson (to Nov 2021) / Jennifer Bradley	Deputy Director for Education Analysis	SCS lead for the development and delivery of analytical work in support of the education and children's services response to Covid-19, including monitoring and reporting of the impact on children, young people and the provision of education services
Malcolm Pentland (to Nov 2021) Laura Murdoch (from Feb 2022)	Deputy Director for Curriculum, Qualifications and Gaelic	SCS lead for pandemic response in relation to qualifications, curriculum, outdoor learning provision/access, subject specific guidance within the Broad General Education (with Education Scotland), provision of remote learning (with Education Scotland) and overall parent/learner engagement policy
Andy Drought and Sam Anson	Deputy Director for Covid-19 Education Strategy and Recovery Division (Joint)	From March 2021, the roles of Deputy Director for Workforce, Infrastructure and Reform and the Deputy Director for Improvement, Attainment and Wellbeing merged to establish new Division called the Covid-19 Education Strategy and Recovery Division. They were

		SCS leads for coordinating advice to Ministers on the ongoing response to the pandemic and education recovery
Katherine Peskett	Deputy Director supporting the Covid-19 Advisory Sub-group on Education and Children's Issues	SCS lead on Covid-19 Advisory Sub-Group on Education and Children's Issues, Covid-19 Hubs and strategy projects
Elizabeth Morrison	Interim Deputy Director	SCS lead for pandemic response in relation to education recovery, health and education programme, guidance on education, digital learning and teacher education and workforce planning strategies
The Directorate for Children and Families (DCAF)		
Name	Role	Key Responsibilities
Michael Chalmers	Director for Children and Families (Seconded as Director, Shielding, Health and Social Care Directorate from March – September 2020)	Responsible for DCAF policy areas and decision making described above. Co-Chair of the Covid-19 Children and Families Collective Leadership Group from September 2020 until November 2022
Iona Colvin	Chief Social Work Advisor	Professional advisor on social work services and practice across children and families, adult social care and justice social work. Co-Chair of the Covid-19 Children and Families Collective Leadership Group from May 2020 until August 2020. Member of the Advisory Sub-Group on Public Health Threat Assessment and Advisory Sub-Group on Education and Children's Issues
William Scott-Watson	Deputy Director (temporary appointment) for Care, Protection and Justice	Provided advice to Ministers on Children in Care (with the Care Inspectorate); Looked After Children; Youth Justice and Children's Hearings
John Froggatt	Deputy Director, Child and Maternal Health Division	Provided advice to Ministers on baby, infant and child health issues

Directorate for Advanced Learning and Science (ALS)		
Name	Role	Key Responsibilities / Time in post
Lorna Gibbs	Interim Director	Final clearance on advice to Ministers to support decision making for ALS Covid-19 Response: February 2020 to April 2021
Stephen Pathirana and Katherine Peskett	Director (Joint)	Final clearance on advice to Ministers to support decision making for ALS Covid-19 Response: April 2021 – April 2022
Linda Pooley	Deputy Director	Delegated clearance on decision making for ALS Covid-19 Response: January 2020 – February 2021
Roddy MacDonald	Deputy Director for Education Analysis	Delegated clearance responsibilities on Covid-19 Response: January 2020 - February 2021
Craig Robertson	Interim Deputy Director	Delegated clearance on decision making for ALS Covid-19 Response as Head of Covid-19 Response Division: February 2021 – April 2022
David Robb	Deputy Director	Chief Executive SAAS with delegated clearance decision making for ALS Covid-19 Response: January 2020 - March 2021
Lauren McNamara	Interim Deputy Director	Chief Executive SAAS with delegated clearance decision making for ALS Covid-19 Response: March 2021 – April 2022

41. Officials within all four Directorates provided advice to Ministers on policies, programmes and interventions, in line with the Civil Service Code, seeking expert and public health advice. Officials also provided the secretariat support and leadership on a number of governance and advisory groups, which are discussed later in this statement. Officials also represented their respective sectors and policy responsibilities at wider Scottish Government Covid-19 related groups, also outlined later in this statement.

42. Officials in the Directorate for Early Learning and Childcare, the Learning Directorate and the Directorate for Advanced Learning and Science provided advice to Ministers and the relevant governance groups (CERG/CRG and Advisory Sub-groups) to support consideration and decision making on key issues.

43. Central to the decision-making process was the expert advice of the Chief Medical Officer (CMO), Deputy Chief Medical Officers (DCMO) and Public Health Scotland (PHS). The CMO was responsible for providing policy advice to Scottish Ministers on matters relating to public health. PHS supported the decision-making process as part of its role in responding to Scotland's health challenges by providing data and intelligence on the spread, prevalence and impact of Covid-19, and advice on the pandemic response. The decisions taken through the wider Scottish Government structures established to respond to the pandemic were consistent with the advice and evidence provided by CMO, DCMO, PHS, clinicians and public health experts.
44. In terms of the wider structures established to respond to the pandemic, the publication of the *'Coronavirus (Covid-19): Framework for Decision Making'* in April 2020 [JG/005-INQ000182846] and the introduction of the four harms approach in December 2020 were a significant part of the process officials followed in providing advice to Ministers.
45. At a local level, senior officials (Directors and Deputy Directors) had delegated authority to make decisions about the delivery of budgets, projects, and programmes but not to make key decisions relating to the pandemic response or any significant change in policy or approach.
46. During the pandemic, the main areas which the Directorate for Early Learning and Childcare and the Learning Directorate provided advice on were:
- advice, information and evidence relating to asymptomatic testing for pupils and staff working/learning in schools and early learning and childcare settings
 - critical childcare provision for key workers
 - guidance to local authorities on how to define key workers
 - guidance on the provision of informal childcare
 - proposed legislation as it related to education and early learning and childcare
 - engagement and communication with key stakeholders on covid safety measures, including the implications of wider public health policy (e.g. changes to policy on social distancing or self-isolation)
 - school and early learning and childcare settings closures
 - advice on the development of an alternative certification model for learners undertaking national qualifications
 - workforce concerns (including sickness absence rates and self-isolation)
 - remote learning

- Covid-19 guidance for schools and early learning and childcare settings
- the impact on vulnerable groups
- return to schools and reopening of early learning and childcare settings
- other non-pharmaceutical measures in schools and early learning and childcare settings, including physical distancing and wearing masks
- the cancellation of exams
- attainment
- in-person learning for vulnerable children and children of key workers
- CO2 monitoring/ventilation in schools and early learning and childcare settings
- communications efforts to support vaccine up-take amongst staff
- financial support for the early learning and childcare sector (Directorate for Early Learning and Childcare only).

47. During the pandemic, the main areas which the Directorate for Advanced Learning and Science provided advice on were:

- identifying possible public health risks which emerge or may impact on the Higher Education/Further Education/CLD sector
- specific support which may be required for students, institutions, representative bodies and student accommodation providers in response to the Covid-19 pandemic
- input into broader Scottish Government Covid-19 guidance and, development and maintenance of Education /Further Education /CLD sector specific guidance, to ensure the safe return to in-person learning for student, staff and the wider community. This included providing advice to Ministers on how wider Scottish Government Covid-19 guidance interacted with the sector
- supporting ministerial and official engagement with stakeholders to maintain the partnership approach to developing sectoral Covid-19 guidance. Throughout the Covid-19 pandemic, Education /Further Education /CLD sectoral guidance was developed through a partnership approach with colleges, universities and CLD providers and Unions. The sector agreed to comply with the guidance (in addition to complying with legislative requirements and wider national guidance)
- development and provision of advice to Ministers on what outward messaging should be in place in relation to student travel at the beginning and end of terms
- working with Scottish Government testing policy colleagues, PHS and institutions to put in place appropriate measures to allow for testing of students and staff.

48. The Directorate for Early Learning and Childcare was responsible for providing advice and guidance to local authorities, and to private, voluntary, independent (PVI) childminding services, to support the continued delivery of early learning and childcare, school age childcare and childminding during the pandemic. This was achieved by engaging with representatives from Local Authorities, PVI services, childminding services, inspectorate bodies and unions, including through the relevant stakeholder groups (CCELC and CRG), and through the publication of Covid-19 guidance.
49. The Learning Directorate was responsible for providing advice and guidance to Local Authorities to support the continued delivery of school education during the pandemic, including in relation to how they should approach the provision of learning to children of key workers and vulnerable children. This was achieved by engaging with local authorities through the relevant stakeholder groups (CERG and Advisory Sub-group) and through the publication of the Covid-19 schools' guidance.
50. Within the Directorate for Early Learning and Childcare, Learning Directorate and Directorate for Advanced Learning and Science, the Education Analytical Services Division had responsibility to lead the development and delivery of analytical work in support of the education and children's services in response to Covid-19, including monitoring and reporting of the impact on children, young people, and the provision of education services.
51. Several bodies were important points of contact for the Directorate for Early Learning and Childcare and the Learning Directorate during the pandemic, the details of these bodies have been listed below. These bodies were important points of contact because they were all either involved in, or had an interest in, the delivery of education and associated services and / or the provision of clinical or public health advice relevant to those services:
- Convention of Scottish Local Authorities (CoSLA)
 - Association of Directors of Education in Scotland (ADES)
 - Scottish Qualifications Authority (SQA)
 - Education Scotland
 - Association of Headteachers and Deputies in Scotland
 - School Leaders Scotland
 - National Parent Forum of Scotland (NPFs)
 - The Scottish Council for Independent Schools (SCIS)
 - General Teaching Council for Scotland (GTCS)

- Educational Institute of Scotland (EIS)
- UNISON
- Scottish Youth Parliament
- National Association of Schoolmasters/Union of Women Teachers (NASUWT)
- Scottish Secondary Teachers' Association
- Care Inspectorate
- Public Health Scotland
- Improvement Service
- Scottish Futures Trust
- Early Years Scotland
- Scottish Out of School Care Network (SOSCN)
- Care and Learning Alliance (CALA)
- National Day Nurseries Association (NDNA)
- Scottish Childminding Association (SCMA).

52. The Directorate for Advanced Learning and Science engaged with the following bodies during the Pandemic:

- Scottish Funding Council (SFC)
- Scottish Qualifications Authority (SQA)
- Skills Development Scotland (SDS)
- Student Award Agency Scotland (SAAS)
- Colleges Scotland
- College Development Network
- Universities Scotland, Universities UK and Universities UK international
- All Scottish universities and colleges
- Educational Institute of Scotland (EIS)
- University and College Union (UCU)
- National Union of Students Scotland (NUS)
- UNISON
- The Employers Association of Colleges Scotland
- Community Learning and Development Standards Council
- British Council
- Representatives of key CLD stakeholder groups
- National Health Service (NHS) National Services Scotland (NSS)

- Public Health Scotland (PHS)
- UK Department for Education
- Welsh Government
- Northern Ireland Executive.

Section B: Key Decisions, Groups and Meetings

53. During the specified period, the Directorate for Early Learning and Childcare, the Learning Directorate, and Directorate for Advanced Learning and Science provided strategic policy input and advice to Ministers in order to inform key decisions made. A chronology of this has been provided however, some key advice and decisions are provided below for completeness [JG/006-INQ000182825]. DG Education officials provided advice to aid key decision making, which balanced all available evidence at the time, including clinical and scientific advice.

54. In March 2020, the Deputy First Minister took the decision that schools, and early learning and childcare settings should close, with the exception of any critical provision to protect some key groups, including the children of key workers, vulnerable children and pupils completing coursework for national qualifications [JG/007-INQ000182844] [JG/008--INQ000182845] [JG/009-INQ000182846]. The decision was also taken to cancel exams. This decision was effective from 5pm on 20 March 2020. Officials provided advice and guidance to schools and early learning and childcare settings on these measures. Following the decision by Ministers to cancel exams based on public health advice, the SQA was asked to develop an alternative approach to certification.

55. Following the decision to close schools and Early Learning and Childcare settings, the Scottish Government provided guidance to councils on how to define key workers, which included health and care workers directly supporting Covid-19 response, life threatening emergency work, critical primary and community care; energy suppliers and teachers and those providing childcare for those at the frontline of the response; all other health and care workers, emergency service and critical welfare workers and those supporting critical national infrastructure; and workers in the public, private and third sectors without whom there would be a significant impact on Scotland.

56. When considering the potential closure and reopening of schools, officials based their recommendation on the evidence available at the time and the advice from experts and

clinicians, including SAGE. The advice from experts included considering the additional benefits school closures would bring on top of social distancing measures already announced, what timing would give most benefit, what the impacts of partial school closures would be, and whether the benefits would be outweighed by the impact of children being looked after by grandparents/childminders or students gathering in other locations. The impacts on NHS capacity and potential impact on parents/carers, their ability to work and balance childcare, taking into account the four harms approach, all have formed a key part of this analysis also.

57. On 21 May 2020, the *Strategic Framework for Reopening Schools and Early Learning and Childcare Provision* was published [JG/010-INQ000182826]. At the time of publication, the Framework discussed the potential requirement for a blended model of in-school and at-home teaching. This reason for this was the potential need for physical distancing in schools, based on the rate of infection at that time and projections. A request was made to the Advisory Sub-Group on Education and Children's Issues for advice on the need for physical distancing in schools (as this would be the main factor in deciding whether to have a blended approach) and it advised that the rate of infection was lower than when the strategic framework had been published.
58. The sub-group advised that "subject to continued suppression of the virus and to surveillance and mitigations being in place - the balance of the evidence suggests that no distancing should be required between children in primary schools. The evidence is less clear for secondary schools but at present we would support the same approach being taken in secondary schools on the basis of the balance of known risks and the effectiveness of mitigations". The decision to fully re-open schools without physical distancing took that advice into consideration and guidance was provided for schools to support them in preparing for the new term in August 2020 [JG/011-INQ000182852].
59. In relation to additional school closures in January 2021 additional evidence was available to help understand transmission of Covid-19, including a systematic review of studies on transmission reported that transmission of Covid-19 was higher in household settings than in other community settings, including schools. All of this contributed to the evidence that children and young people are not drivers of infection, but that their infection rates follow community prevalence quite closely, which was central to decision making around the extension of school holidays in January 2021 and the phased reopening of schools in February 2021.

60. In April 2020, various advisory groups were established to support Ministers, officials and education providers. This included CERG, Covid-19 Further and Higher Education Ministerial Leadership Group and the Critical Childcare and Early Learning and Childcare (CCELC). In addition, the legislation which would have increased the funded entitlement to early learning and childcare for 3–4-year-olds from 600 to 1,140 hours from 1 August 2020 was revoked (this increase to the entitlement was then done a year later), and the SQA announced the alternative model for certification of the 2020 qualifications.
61. In June 2020, officials provided advice on physical distancing within schools, and input to the Deputy First Minister's statement in Parliament on the full re-opening of schools in August 2020. Guidance was published to support the reopening of all childminding services and fully outdoor nurseries from 3 June 2020, further to the advice provided by Directorate for Early Learning and Childcare officials to Ministers in May 2020. Officials provided advice and guidance on the reopening of all registered childcare services from July 2020, as well as advice on options for allowing informal childcare to restart. In addition, advice was provided on the publication of university and college specific guidance aimed at minimising the risk of transmission of Covid-19. The Advisory Sub-group on Education and Children's Issues was also established at this time. The role of this group is explained later in this statement at paragraph 78.
62. In July 2020, the National eLearning offer was announced, as were various funding announcements including; Education Recovery Funding (£400m), Childminding Workforce Support Fund (£60,000) and the Transitional Support Fund (£11.2m). Advice was also published on school transport and physical distancing within schools. All registered childcare services could reopen from 15 July 2020, based on advice from Early Learning and Childcare Directorate officials to Ministers provided in June.
63. In August 2020, schools re-opened and advice was provided on overnight school trips, and the Advisory Sub-Group on Education and Children's Issues published advice on the use of face coverings in schools and school trips (where they include an overnight stay). Following public reaction to the moderation of the SQA results for the National Qualifications and perceptions of unfairness, Ministers gave a direction to the SQA under section 9 of the Education (Scotland) Act 1996 on 11 August 2020, which required the SQA to revert awards of National Qualifications to the teacher estimate alone where this was higher than the certificated grade, and to re-certify those awards.

64. In October 2020, the *Strategic Framework for Reopening Schools, Early Learning and Childcare Provision in Scotland* [JG/012-INQ000182896], [JG/013-INQ000182828], [JG/014--INQ000182830] was updated to reflect the Scottish Government's five-level approach to the pandemic response. Scottish Government officials worked with CERG on this. In addition, updated guidance for universities, colleges and student accommodation providers was published, advice was provided to Ministers on university students returning home for the Christmas break and term two, and advice on the use of face coverings in schools was published. The decision to cancel National 5 exams for 2021 was announced with an alternative certification model to be developed by the SQA. This was extended in December to include Higher and Advanced Higher exams.
65. In December 2020, schools closed as planned for the Christmas holidays. On 19 December, the First Minister announced the extended holiday period for most children until 11 January 2021 and that learning would then be online until 18 January (other than for the children of key workers and the most vulnerable), at which point this ambition was for pupils to return to school in person. On 4 January 2021, the First Minister announced that all schools were to use remote learning until at least the end of January, except in the case of vulnerable children and those of key workers. From 16 February 2021, a phased re-opening of schools was announced, starting with early learning and childcare and Primary 1 to 3 returning to classroom full time from 22 February 2021.
66. It should be noted that the decisions outlined here and earlier in this statement in relation to the closing and reopening of schools during the pandemic applied to those schools under local authority control. Independent schools, including boarding or residential schools generally followed the decisions taken by local authorities. The Scottish Government also published additional guidance for boarding schools regarding international pupils arriving in Scotland from outside the Common Travel Area to isolate in their boarding houses ahead of the summer term, and mitigations and arrangements required to be put in place by schools to facilitate this.
67. From 26 December 2020, there were also temporary restrictions placed on early learning and childcare, school age childcare and childminding services. Early learning and childcare services were only available to children of keyworkers and vulnerable children. Childminding services with a registered capacity of fewer than 12 could continue to operate their setting for all children. There was an announcement of a planned phased reopening of services in January. The guidance was based on advice provided by Early Learning and Childcare

Directorate officials to Ministers. Self-isolation guidance for students was published, along with guidance for students returning to Higher or Further Education after the winter break and advice to providers on the setting up of on-campus testing facilities. Advice was also published by the Advisory Sub-group on Education and Children's Issues in relation to the use of face coverings in college and university, and a return to school after the winter break.

68. In January 2021, schools and early learning and childcare settings reopened for children of key workers and vulnerable children only. Childminding settings with a registered capacity of fewer than 12 could continue to operate. In February 2021, there was a phased return to full time in-school learning from 22 February for all children in early learning and childcare, and Primary 1 to 3, as well as senior pupils who needed to complete in-school practical work for their National Qualifications. There was also an expansion of testing for those in education settings, with staff in schools and early learning and childcare settings, and senior phase pupils offered twice weekly home testing kits.

69. In March 2021, there was a phased return to full time in-school learning for remaining Primary pupils (Primary 4-7) and remaining secondary school pupils (priority for in-school time was given to senior phase pupils. Following the Spring break in April 2021, there was a full time return for almost all pupils. Advice for colleges and universities moved back to a 'levels system'.

70. A comprehensive list of all advice provided and decisions taken is detailed within the document referred to in paragraph 53.

71. DG Education and Justice's role in advising and decision making should be read as applying to NPIs throughout this statement.

Key Groups

72. The meetings and forums described below were the official routes for discussing and considering the evidence available to inform the preparation of advice and recommendations for Ministers, and to enable Ministers to make the significant decisions relating to Covid-19 safety and the provision of essential services, informed by expert clinical and public health advice, as set out in the timeline provided.

73. During the specified period, the CERG and the Covid-19 Advisory Sub-group on Education and Children's Issues (the Advisory Sub-group), were responsible for providing advice to

support Ministers in making key decisions in relation to education (including early learning and childcare and school age childcare). Senior officials attended these meetings as members and provided support by supplying advice, data, and the secretariat functions.

Covid-19 Education Recovery Group (CERG)

74. The CERG met 82 times between 24 April 2020 and 10 March 2022. The group brought together public health experts, decision makers and key influencers, to ensure that the delivery of early learning and childcare and education maintained a strong focus on the needs of children, young people and families, and met key policy objectives, within the necessary constraints of the Covid-19 response and the need for public safety. The group was chaired initially by the then Deputy First Minister and Cabinet Secretary for Education and Skills, then latterly by the Cabinet Secretary for Education and Skills.
75. The group was established to provide leadership and advice to Ministers and local government leaders in developing the strategic approach to the Covid-19 pandemic response and recovery of the early learning and childcare and education system. They worked across organisational and structural boundaries to support the response and recovery efforts, considering, and providing advice on any proposed changes in Scottish education strategy, taking into account the four harms model latterly developed by the Scottish Government to weigh and consider options.
76. CERG focused its work on the following workstreams in the initial stages, although the work of these workstreams was ultimately merged so that key issues were usually considered holistically via CERG structures:
- term four learning 2019/20
 - preparing for 2020/21
 - curriculum and assessment
 - supporting learners from disadvantaged backgrounds
 - pastoral care for children and young people
 - workforce support
 - workforce planning
 - school improvement in a new context
 - critical childcare and early learning and childcare.

77. The terms of reference, membership, agendas and minutes have been provided to the UK Inquiry. This Group was advisory rather than a decision-making group, however all outcomes of discussions are documented in the minutes.

Advisory Sub-group on Education and Children's Issues

78. The Advisory Sub-group on Education and Children's Issues was established in June 2020, in recognition of the need for additional scientific analysis of the impact of Covid-19 in Scotland, based on regularly updated advice and modelling from SAGE, and other emerging scientific evidence. The group met 43 times. The group provided advice and recommendations to Ministers to support their decision making.

79. The sub-group was tasked with giving detailed consideration of how public health advice can be applied to operational implementation. It supported Ministers and relevant Scottish Government senior officials to interpret SAGE and Covid-19 Advisory Group outputs, and other emerging scientific and public health evidence, in relation to education and children's issues, in the context of Scotland. The sub-group also provided expert advice spanning the disciplines of public health, clinical advice, behavioural sciences and statistical modelling, combined with expertise in education, early learning and development, and children's services. Furthermore, the sub-group advised on the strategic approach to identifying, accessing, and using data, to support the Government's understanding of managing Covid-19 risks in educational, early learning and childcare and children's services settings. Advice was also provided to support and inform the development of iterative operational guidance for providers of learning, early learning and childcare and children's services. The Advisory Sub-group on Education and Children's Issues' final meeting was 8 March 2022.

80. The terms of reference, membership, agendas, minutes and papers (which includes any advice or recommendations made by this Group) were provided to the Inquiry on 11 November 2022. The key recommendations made by this Group are included in the timeline provided at paragraph 53.

81. The DCMO, Professor Marion Bain, was a member of the Advisory Sub-Group and officials had contact with the CMO or DCMO when expert advice was required on specific issues relating to the formulation of advice to Ministers, guidance for the various education settings, etc.

Critical Childcare and Early Learning and Childcare group and the Covid-19 Reference Group (CRG)

82. The Critical Childcare and Early Learning and Childcare (CCELC) group and the CRG were the key advisory groups for the pandemic response in Early Learning and Childcare. The terms of reference, agendas and minutes have been provided to the UK Inquiry.

83. The CCELC group was established in April 2020 as a workstream of CERG and brought together decision makers and key influencers to ensure that the provision of early learning and childcare and wider childcare was available to those who needed it, within the necessary constraints of the Covid-19 response. The group was established to provide advice to officials, in line with the Scottish Government's strategic approach to Covid-19 response and recovery. It focused on compliance, outbreak management, and guidance changes. The group worked across organisational and structural boundaries to support the response and recovery efforts, considering and providing advice on any proposed changes in Scottish education strategy, taking into account any long-term effects of the Covid-19 response.

84. The remit of the CCELC group was as follows:

- to consider assurance on critical childcare provision, particularly with regard to the sufficiency and scope of provision
- to consider policy and operational issues relating to the provision of critical childcare during the period of the Covid-19 response
- to anticipate and resolve policy and operational issues relating to moving to recovery for childcare and future early learning and childcare expansion
- to oversee workstream 9 and 10 of the CERG.

Workstream 9 remit - Critical childcare:

- ongoing childcare needs children (all ages) of key workers and vulnerable families
- summer holidays provision for vulnerable pupils and children of key workers
- role of schools, local authority and PVI nurseries, childminders and out of school care providers
- funding and charging arrangements

Workstream 10 remit - Early Learning and Childcare:

- admissions
- delivery of learning and care
- workforce development
- partnership arrangements with PVI providers including childminders
- family wellbeing and support
- transition into Primary 1

85. In May 2021, the CCELC group was formally stood down and replaced with the CRG. This was based on the principle that early learning and childcare and wider childcare services were fully open, meaning the 'critical childcare' provision was no longer being provided. The remit of the group shifted away from supporting the emergency critical childcare provision established in March 2020 towards ensuring that the experience and views of all early learning and childcare providers and the workforce were reflected in the pandemic response. Although the CRG had a revised terms of reference (to remove the reference to 'critical care' provision), the attendees were largely unchanged. The CRG was formally stood down in May 2022, with members advised that should the response to Covid-19 intensify, the group may be reconvened.

86. The remit of the CRG group was as follows:

- to ensure that the experience and views of all sectors of the early learning and childcare workforce are reflected in decisions about how childcare policy responds to the pandemic
- provide feedback to the Scottish Government on staff confidence and safety within the sector during the pandemic and advise on how to maintain this
- help to provide feedback on draft Covid-19 guidance for the sector to ensure that it is clear and comprehensive
- to identify any additional support that the sector needs to help promote understanding and compliance with the guidance
- to consider policy and operational issues relating to the provision of critical childcare when this is necessary, particularly with regard to the sufficiency and scope of provision
- to anticipate and resolve policy and operational issues relating to moving to recovery for childcare and future early learning and childcare expansion.

Learning Directorate - Other Forums

87. There were several working groups and task forces put in place during the pandemic, including:

- Scottish and local government schools' group – a regular informal meeting between Scottish Government, COSLA and ADES chaired by the Director for Learning
- NQ21 group – the group was chaired by the SQA Chief Executive and brought key partners directly involved in, or with significant interest in, delivery of qualifications during the pandemic to provide advice on the development of the alternative certification models and related matters
- Workforce Issues Group – this group was chaired by COSLA and included representation from the main trade unions who represent school and Early Learning and Childcare practitioners
- STUC Roundtable – this group was chaired jointly by STUC and the then Minister for Business, Fair Work and Skills. The group covered a range of issues. Officials from the Learning Directorate attended when issues relating to education were on the agenda
- Schools Asymptomatic Testing Programme Board – this group was chaired by Scottish Government and helped provide advice/challenge around the implementation of the schools testing programme. It was not a decision-making group. It included representation from ADES, COSLA and health colleagues. Periodic updates from the group were provided to CERG.

Directorate for Early Learning and Childcare Other Forums

88. The Covid Impact Group was chaired by Directorate officials and brought together colleagues in the Directorate for Population Health, as well as partners from the Care Inspectorate, Public Health Scotland and Health Boards. The group discussed the latest data on Covid-19 cases and outbreaks in childcare settings, as well as vaccination levels across staff in the sector. Feedback from the group was used to inform guidance and communications activity.

Covid-19 Further and Higher Education Ministerial Leadership Group

89. The Covid-19 Further and Higher Education Ministerial Leadership Group, met for the first time on 2 April 2020. The Ministerial Group was chaired by the Minister for Further and Higher Education, Richard Lochhead MSP, and was intended to provide an action focused

leadership forum for Scottish Government and its agencies to come together with the sector and:

- share information, gather intelligence and discuss the response to key challenges across the tertiary sector as a result of the Covid-19 situation
- unblock any issues where Government could help do this
- enable the Directorate for Advanced Learning and Science to progress, align and support the communication of the response across the tertiary sector
- corral the sector's contribution to the economic and broader civic response
- begin planning beyond the immediate term for recovery.

90. The group's terms of reference set out that it would cover the following areas:

- teaching, qualifications, admissions
- student wellbeing (financial and other)
- staff/worker wellbeing (financial and other)
- institutional financial sustainability
- supporting economic and civic society recovery
- indirect impacts and contributions.

91. The Terms of Reference also made clear that the Ministerial Group did not replace existing governance and decision-making mechanisms at Government, agency and individual organisation level.

92. This group met 17 times, between 2 April 2020 and the final meeting of 11 March 2021.

93. The papers from this Group have been provided to the UK Inquiry.

Coronavirus (COVID-19): Advanced Learning Recovery Group

94. In May 2021, the Coronavirus (Covid-19): Advanced Learning Recovery Group was formed as one of the two specific groups to continue to sit alongside the CERG and Covid-19 Advisory Sub-Group on Education and Children's Issues to provide the university, college and community learning sectors specific support in the response to and recovery from the pandemic.

95. The Group met for the first time, in line with the agreed terms of reference, on 28 May 2021 and held its final meeting on 4 October 2022. The group's purpose was to help develop guidance on the operation of colleges, universities and community learning and development (CLD) providers for academic year 2021/22.

96. The group:

- brought together decision makers and key influencers to ensure the delivery of the work set out in the terms of reference
- provided leadership and advice to ministers in developing their strategic approach, through considering advice from the Covid-19 Advisory Sub-Group on Universities and Colleges
- worked across organisational and structural boundaries to support the response and recovery efforts
- was a forum for frank and open discussion about what is working, and what and where improvement is required.

97. It was chaired by the Minister for Higher Education and Further Education, Youth Employment and Training. The group met bi-weekly, a total of 25 times between 28 May 2021 – 4 October 2022.

98. The papers from this Group have been provided to the UK Inquiry.

Coronavirus (Covid-19): Advisory Sub-Group on Universities and Colleges

99. The Coronavirus (Covid-19): Advisory Sub-Group on Universities and Colleges was formed in May 2021 and concluded its work on 15 June 2022.

100. The Group considered how public health and related scientific advice can be applied to operational implementation. It supported Scottish Ministers and relevant Scottish Government senior officials by:

- interpreting SAGE and Covid-19 Advisory Group outputs as well as other emerging scientific and public health evidence, in relation to university and college issues in the context of Scotland

- providing expert advice spanning the disciplines of public health, clinical advice, behavioural sciences, economics and statistical modelling, combined with expertise in educational and other issues relevant to universities and colleges
- advising Scottish Government, relevant Directorates, and Analytical Services colleagues on taking a strategic approach to identifying, accessing and using data to support our understanding of managing Covid-19 risks in university and college settings
- providing expert advice, recognising the four harms, to support and inform the development of guidance for universities and colleges, and as an aid to forward planning for both sectors
- developing links with other Scottish Government Covid-19 Advisory sub-groups, as appropriate.

101.DCMO, Professor Marion Bain, attended this meeting. Officials had contact with senior clinicians when expert advice relating to Further and Higher Education, and Community Learning and Development settings was required to formulate advice to Ministers. Any advice to Ministers would have been appropriately reflected in formal advice (in the form of Ministerial submissions or Cabinet papers) for decision-making.

102.The terms of reference, membership, agendas, minutes and papers (which includes any advice or recommendations made by this Group) were provided to the Inquiry on 11 November 2022.

Other Working Groups

103.Other operational and delivery groups and task forces put in place during the pandemic with no decision-making function include:

- Student Accommodation Group
- International Students Action Plan Group
- Coronavirus (Covid-19) Learner Journey Ministerial Task Force
- Coronavirus (Covid-19): Further Education/Higher Education Student Hardship Task Force
- College Covid-19 Leads
- University Covid-19 Leads.

Key Meetings

Four Nations Meetings

104. Officials attended regular meetings with the UK Government and Devolved Administrations. These were hosted at official level by the Welsh Government and then the UK Government and Northern Ireland Executive. These meetings, which were weekly at some stages of the pandemic and less frequent at others, were not minuted by the Scottish Government as they were hosted by other administrations. They were not decision-making groups, instead they allowed information exchange between the four nations. A sample of the read-outs from these meetings are provided [JG/015-INQ000182841] [JG/016-INQ000182842] [JG/017-INQ000182843].

Cross Government Scholarships Group

105. Officials met regularly with their counterparts in the UK Government, responsible for funding international scholarships. This included Home Office, Foreign and Commonwealth Office (Chevening/Commonwealth scholarships), Department for International Development (DFID), Department of Education, Business, Energy and Industrial Strategy (BEIS), together with the US-UK Fulbright Commission and British Council to share information on the impact of the pandemic on students on international scholarships. This was an information sharing forum and did not constitute decision-making.

International Student Managed Quarantine Working Group

106. Officials met with their UK Government counterparts (Department of Health and Social Care, Cabinet Office, Home Office, Department for Transport and Department for Education), Welsh Government and the Northern Ireland Executive, Public Health England, Universities UK and Universities UK International to consider how to accommodate international students returning to the UK from countries which were designated as high risk for Covid-19 and so needed to isolate for 14 days. This was an information sharing forum and did not constitute decision-making.

Scientific Advisory Group for Emergencies (SAGE)

107. Officials from the Advanced Learning and Science Directorate attended the SAGE sub-group on Higher and Further Education on 5 and 26 August as observers only. These

meetings were therefore not minuted by the Scottish Government. The expert advice discussed in these meetings would have been appropriately reflected in formal advice to Ministers for decision-making.

108. Officials in the Learning Directorate have noted attending the following meetings on an occasional basis. It should be noted generally officials from the Learning Directorate attended these meetings as an observer for policy interests and did not feed into the decisions made by these groups.

Ministerial Implementation Group (MIG) meetings

109. Officials provided briefing for the Deputy First Minister for his attendance at the General Public Service (GPS) MIG twice in April 2020 to discuss provision in schools over the Easter and Bank holidays. A sample of minutes of MIG meetings have been provided to the Inquiry [JG/018-INQ000182839] [JG/019-INQ000182841]. Officials also joined these meetings to provided policy input if the Deputy First Minister required it and take note of any follow up actions. For further detail, please see the Module 2A DG Strategy and External Affairs corporate statement provided on 23 June 2023.

Scottish Government Covid-19 Advisory Group and its sub-committees

110. Attendance and information about officials' attendance at this group was provided to the Inquiry on 30 March 2023.

Section C: Governance

111. To support decision-making across all public bodies, the Scottish Government published its 'Right First Time' guidance in 2010, to support colleagues in making decisions in accordance with the law. The guidance was refreshed in January 2021, during the pandemic [JG/020-INQ000182829]. This was supplemented with sector specific guidance.

112. When it was first published in Scotland in 2010, the 'Right First Time' guidance was intended to assist decision-makers to make relevant decisions, and to do so in a fair, efficient, accessible and non-arbitrary way. It also intended to become an important part of the public administrators' toolkit, helping them to make sound decisions. The guidance aims to help officials assess what can, and cannot, be done in the decision-making process and set out the process of how to make the decision.

113. Additionally, to support decision making in relation to the pandemic response, the ‘*Coronavirus (COVID-19): framework for decision making*’ was published in April 2020 and the ‘*Coronavirus (Covid-19): framework for decision making - assessing the four harms*’ was published on 11 December 2020 [JG/021-INQ000182848]. The frameworks set out the four harms process for assessment used to establish when coronavirus restrictions could be safely lifted after lockdown and the scientific evidence underpinning the decisions. The Framework outlines how the four harms are related (health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing). Navigating the right course through the crisis involved considering the scientific and clinical advice available at the time and taking difficult decisions that sought to balance these various, inter-related harms to minimise overall harm.

114. In line with the overall approach to decision-making during the pandemic, the relevant data and evidence was provided to Cabinet, supported by advice from the CMO and Public Health Scotland, and the Four-Harms Framework for Decision Making. Officials would not make recommendations that went against public health or clinical advice. An evidence-based approach was taken to decision making. For further detail, please see the Module 2A DG Strategy and External Affairs corporate statement provided on 23 June 2023.

Records Management

115. For formal meetings, the secretariat was responsible for liaising with the Chair and other members, to agree the agenda in advance of the meeting. Agenda items came from the Chair, members, and outstanding actions to be considered. Normally, for regular formal meetings, agendas and papers should be issued a week before the meeting date, to allow members adequate time to consider them. During the pandemic, it was necessary to have more frequent meetings, (sometimes days apart) therefore the lead in time to provide agendas and papers was shorter. However, there was still an ambition to give members advanced sight of any relevant documentation where possible.

116. When a Minister was due to attend a meeting, they would be provided with briefing in advance. The Ministers would be provided with a briefing pack, which would include background information on the meeting, agenda, sensitivities and any relevant policy briefing.

117. Meetings where key decisions were made during the pandemic, would either be chaired by a Minister or by a senior civil servant. Generally, they would also be provided with a Chair's

Brief to support them in running the meeting. The content would vary slightly depending on individual preferences but would usually include information on the timings of the agenda, additional information on each agenda item, any points the Chair may wish to highlight and any sensitivities the Chair should be aware of.

118. In terms of competing views or advice, generally, meeting attendees were presented with all the relevant information and evidence available to support them in reaching a decision.

Where members had differing views, the Chair was responsible for facilitating a constructive discussion and helping to identify any actions needed to aid decision making. All key comments and feedback on agenda items were recorded in the minutes. In some instances, members were able to reach a decision and on others they requested further advice or data to allow them to reach a consensus.

119. In accordance with the Scottish Government's Record Management Plan and Information Management Principles, decisions made by both Ministers and officials which form part of the Scottish Government corporate record are recorded. In addition, governance group meetings will normally have a formal minute taken and a note of any actions arising from the meeting. The minute will provide a collective summary of the discussion which took place at the meeting, and record key decisions and actions. Other types of meetings will not necessarily have a formal minute, although if there are actions arising from the meeting or decisions taken at the meeting then it is usual for these to be recorded. In responding to the Covid-19 pandemic, the Scottish Government was acting at pace with many meetings convened at short notice and actions being commissioned in real time, a record may therefore not exist. Generally, meetings within Scottish Government are not recorded either verbatim or via digital recordings.

120. *The Scottish Governments Records Management Plan* is published online and was updated in September 2022. Documents that form part of the corporate record of Scottish Government business are required to be saved in the electronic record and document management system (eRDM).

121. Officials within the Directorate for Early Learning and Childcare have noted the following gaps in the use of eRDM that the Inquiry should be made aware of. These gaps in the corporate record are a result of the fast-paced nature of policy making during the Covid-19 pandemic:

- records of official support on the development and publication of the Scottish Government and Scottish Childminder Association (SCMA) Childminding Workforce Support Fund in July 2020
- records of a response from Ministers on the details for the Transitional Support Fund on 29 July 2020
- records of official support on the expansion of the Scottish Government and Scottish Childminder Association (SCMA) Childminding Workforce Support Fund in September 2020
- records of a response from Ministers requesting their approval to begin Covid-19 outbreak monitoring in early learning and childcare and wider childcare services – December 2020
- records of a response from Ministers confirming they have noted changes to Covid-19 guidance for the regulated childcare sector – 3 August 2021.

122. Officials in the Learning Directorate have noted that, with regard to the final version of an internal update provided to Directors regarding work within the portfolio on Coronavirus planning on 17 February 2020, a draft version of the note has been provided to the Inquiry, but the final version cannot be located.

123. Officials used informal meetings to formulate ideas which would then be presented to the governance groups or reflected in formal advice to Ministers. A substantial number of these meetings were held, especially at the onset of the pandemic when these may have been daily. Minutes of informal meetings were not recorded.

124. The use of messaging applications such as 'text' or 'WhatsApp' is permitted to support the delivery of business. These applications are used for the quick exchange of information. There is Scottish Government guidance on the use of such applications, which requires key points and any decision to be recorded in an email or text document and saved in eRDM. The Scottish Government's approach to minuting and use of messaging applications is set out in detail in the Module 2A corporate statement provided by DG Corporate on 23 June 2023.

125. Officials in DG Education and Justice did not use WhatsApp to formulate policy or to make decisions.

Section D: Use of data, consideration of equalities and public health communications

126. From the outset, information flows to colleagues in DG Education and Justice, were established via the SGoRR structures. This meant that key information from the UK Government (for example, SAGE advice) to SGoRR was shared with DG Education colleagues where appropriate.
127. DG Education and Justice drew data from a range of sources. For example, Covid-19 data on testing and cases was provided by Public Health Scotland (PHS). Existing data was also interrogated to draw new intelligence relevant to policy, modelling and testing, for example, numbers of students travelling across Scotland for university provision. Data was also published by DG Education and Justice, either stand-alone or as part of wider Scottish Government data releases on Covid-19.
128. Education providers, local authorities and public bodies provided data that allowed officials to understand the real-time impact of Covid-19 on education. In addition, data on the direct and indirect effects of Covid-19 on child health and paediatric service use was monitored and a regular briefing was provided on this weekly from May – July 2020, and then monthly from July 2020 to October 2021.
129. The frequency of data collection differed between each area and depending on the number of restrictions in place. For universities as an example, some data was collected weekly and others bi-weekly, and frequency depended on whether it was during term-time. Data collected included; known Covid-19 cases, numbers self-isolating and of those, how many were staying in university halls. Daily data on pupil attendance was provided by local authorities and weekly data on teacher (and staff) absence was provided by the local authorities.
130. Routine data was provided by the Care Inspectorate on the impact of the pandemic on the sector, including details of settings closures. Data from childcare providers was collected on child attendance and absence at childcare settings, initially daily, with the frequency reducing throughout the pandemic.
131. Local authorities and Police Scotland initially provided data on child protection registrations and children entering care on a weekly basis, though the frequency later reduced to fortnightly.
132. Statistical modelling was carried out by a centralised Scottish Government resource, the Central Analysis Division. Information from this modelling was considered by the relevant

governance groups alongside other sources of data and evidence, to inform recommendations. Some specific education scenarios or options were modelled when relevant. Modelling was also used to provide wider understanding to local policy teams and wider stakeholders.

133. The principal sources of data included:

- PHS weekly data that included testing and Covid-19 cases. This included weekly data and analysis for Education and bespoke analytical contributions (e.g., specific analysis on outbreaks on student halls in Dec 2020 and Oct 2021)
- PHS data on child health and paediatric service usage
- HESA University and SFC College student data (various years)
- ALSA (SG) University and College Covid-19 Data Collection (biweekly, weekly, ad hoc)
- university LFT Testing Site data and survey feedback from testing leads
- ONS Student Insight Survey
- student hardship case studies research work
- Care Inspectorate data on impact of the pandemic on operation of Early Learning and Childcare services
- data provided by local authorities and childcare settings on attendance and absence at childcare
- school attendance data
- the school's collection and the childcare monitoring survey
- child protection and looked after children data gathered from local authorities and Police Scotland, including new data on contact between professionals and children with a child protection or multi-agency plan whilst Covid-19 restrictions were in place.

134. As the pandemic developed, the Covid-19 Health Protection Measures also changed, so data collection also changed to collect the most appropriate data for monitoring and developing policy. For example, the university collection originally ran twice weekly during the start of the 2020-21 academic year due to increased number of Covid-19 cases in student halls. It collected known cases, numbers in halls and halls affected by new outbreaks amongst other data. The collection evolved at the start of 2021 as limited numbers were on campus and hence started collecting additional information on those returning and why. The collection changed again in 2021-22 with more students on campus to concentrate on new outbreaks and known issues. Similarly, the vulnerable children collection reduced frequency and ceased collecting data about contact after these data had stabilised at a later stage of the pandemic. Data on childcare attendance and absence adapted throughout the pandemic,

e.g. initially focussing on attendance at critical children among vulnerable children and children of keyworkers, to focussing on the impact of the pandemic on the sector (including data on absence rates due to Covid-19, and the risk of closure to settings). There were further changes to this data collection when widespread testing ceased.

Equalities considerations

135. As part of the work of the Advisory Sub-group on Education and Children's Issues, the Group considered support for children in residential respite care and the risks associated with their re-opening.

136. In relation to pupils with Additional Support Needs (ASN), in September 2021, the Group found that there was no statistical evidence of increased transmission in ASN settings compared to mainstream settings in Scotland. However, this analysis did not include staff. As a result, the sub-group suggested that it could be plausible that close working in these settings could result in an increased transmission risk for staff. The sub-group raised an action for Public Health Scotland and ASN policy colleagues to work further with sector representatives to address the issues raised and improve the advice offered in existing guidance as necessary. Separately, a number of impact assessments were carried out to help inform decision making in relation to Non Pharmaceutical Interventions (NPIs) and their impact on at risk or vulnerable groups. A sample of these impact assessments has been provided. In addition, officials contributed towards the Impact Assessment that was published by the Department of Health and Social Care alongside the UK Coronavirus Act 2020.

137. A sample of Equality Impact Assessments, Children's Rights and Wellbeing Impact Assessments and Business and Regulatory Impact Assessments are provided [JG/022 - INQ000182758] [JG/023-INQ000182887] [JG/024-INQ000182740] [JG/025-INQ000182746] [JG/026-INQ000182886] [JG/027-NQ000182763] [JG/028-INQ000182889] [JG/029-INQ000182764] [JG/030-INQ000182890] [JG/031-INQ000182891] [JG/032-INQ000182892] [JG/033-NQ000182894] [JG/034-INQ000182895] [JG/036-INQ000182893].

Public health communications in Scotland during the Covid-19 pandemic

138. The Learning Directorate was responsible for the development and publication of the Covid-19 guidance for schools. The publication of this guidance was informed by but separate to the main public health messaging coming from Scottish Government more generally. This guidance always mirrored the wider public health guidance but also included

some guidance that was specific to the school setting. The role of Learning Directorate was to liaise with all the relevant experts, to keep up to date on general public health advice and to draft the schools guidance, ensuring that the public health advice was reflected. The Learning Directorate then liaised with CERG to obtain feedback from key stakeholders to allow them to refine the guidance further (often to ensure it was operationally practicable). The Learning Directorate was also responsible for sharing the draft guidance with Ministers for their final approval before publication.

139. The Directorate for Early Learning and Childcare was responsible for the development and publication of the Covid-19 guidance for early learning and childcare, school age childcare, and childminding services. This guidance always mirrored the wider public health guidance but also included some guidance that was specific to early learning and childcare, school age childcare care, and childminding settings. The role of the Directorate for Early Learning and Childcare was to liaise with all the relevant experts, to keep up to date on general public health advice and to draft the guidance, ensuring this was reflected. The Directorate for Early Learning and Childcare then liaised with CERG, the CCELC and the CRG to gather feedback from key stakeholders to ensure that the guidance was comprehensible for practitioners and reflected operational delivery of services. The Directorate for Early Learning and Childcare was also responsible for sharing the draft guidance with Ministers for their final approval before publication. The Directorate was also actively involved in promoting the up-take of the Covid-19 vaccination to staff and routine testing, in line with wider public health communications activity.

140. The Directorate for Advanced Learning and Science was responsible for the development and publication of Covid-19 guidance for colleges, universities and student accommodation. The publication of this guidance was informed by but separate to the main public health messaging coming from Scottish Government more generally. This guidance always mirrored the wider public health guidance but also included some guidance that was specific to the college, university and student accommodation settings. The role of the Directorate for Advanced Learning and Science was to liaise with all the relevant experts to keep up to date of general public health advice and ensure this was reflected in drafting the sectoral guidance. Officials in the Directorate for Advanced Learning and Science, then liaised with key stakeholders to seek feedback and to further refine the guidance before sharing the draft guidance with Ministers for their final approval before publication. Officials in the Directorate for Advanced Learning and Science encouraged institutions to relay and amplify current public health messaging to students and staff. ALS officials also worked with SAAS to create and maintain a suite of student-facing FAQs on SAAS' Student Information Scotland website.

These FAQs were based on current national and sectoral guidance but focussed on a student audience.

141. The Directorate for Advanced Learning and Science worked with Scottish Government communications specialists to develop bespoke campaign and social media materials to promote public health messaging specifically targeting college and university students. The Directorate for Advanced Learning and Science funded this communications activity and facilitated collaboration between communications specialists with Scottish Government, Scottish Funding Council, SAAS, Colleges Scotland, Universities Scotland and student representatives, to co-produce and refine messages and content that was distributed through Scottish Government and stakeholder channels.

142. The Directorate for Early Learning and Childcare was responsible for the development and publication of communications relating to Covid-19 guidance for early learning and childcare, school age childcare care, and childminding services and financial support to the sector. Communications to the sector usually followed key public announcements from the FM, DFM and CMO, the publication of any updates to national or sectoral guidance and the introduction of financial support for the sector. Methods of communication were as follows:

- directors of education, local authority leads, and key stakeholders were notified of any policy updates via formal letters, with updated guidance attached
- services providing early learning and childcare, school age childcare care, and childminding services were notified of developments via 'Provider Notices' which, although authored by senior officials from the Directorate, were issued by the Care Inspectorate
- services were also provided with information via a monthly Directorate newsletter '*Coronavirus (Covid-19): Early learning and childcare expansion monthly update*', which was subsequently published on gov.scot
- practitioners, parents, carers and other service users were notified via the Parent Club website (including FAQs) and via a dedicated Early Learning and Childcare social media channel on Twitter
- officials in the Directorate worked with Marketing colleagues to produce free resources for services to use to support the implementation of protective measures, including LFD testing and vaccination. These were stored in a Dropbox location which was accessible to the sector
- dedicated virtual events, including experts such as DCMO and Public Health Scotland officials, were organised to communicate key messages to the sector

- posters were developed and issued to settings on how to stay safe over the pandemic.

143. A list of key announcements has been provided to the Inquiry [JG/037-INQ000182831]

144. The effectiveness of the early learning and childcare, school age childcare, and childminding guidance was monitored through engagement with key stakeholders, particularly through the CERG, the Critical Childcare and Early Learning and Childcare group and the CRG. These groups supported the development of the guidance which was regularly updated both to reflect changing public health messaging and feedback from the sector, and to make changes where it became clear that messaging was not having the desired effect. For example, ELC Directorate undertook targeted engagement activity with the ELC sector on vaccination and LFD testing when data showed that vaccination and testing rates among ELC staff were lower than in other parts of the education sector.

145. The effectiveness of the schools' guidance was monitored through engagement with key stakeholders, particularly through the CERG who supported the development and maintenance of the school's guidance. The guidance was regularly updated both to reflect changing public health messaging and feedback from the sector, and to make changes where it became clear that messaging was not having the desired effect. For example, following publication of the guidance there were representations from stakeholders in schools, including SQA, highlighting a particular challenge from restrictions for young people preparing for qualifications, suggesting that the guidance should be amended to be clearer for these young people. The guidance was updated for learners preparing for qualifications based on advice from clinicians.

146. The Directorate for Advanced Learning and Science developed and maintained close relationships with sectoral stakeholders, including National Union of Students, institutions and other representative groups to ensure communications were clear and made as relevant to students as possible in communicating any Scottish Government advice.

147. The Learning Directorate, the Directorate for Early Learning and Childcare and the Directorate for Advanced Learning and Science have not to date undertaken a formal assessment of the success, or otherwise, of the public health messaging.

148. Officials are unaware of any instance where incorrect information was provided as part of the guidance for schools, early learning and childcare, school age childcare, childminding

services, universities and colleges. However, there were concerns amongst staff in the Early Learning and Childcare sector about the effects of Covid-19 vaccination when pregnant or for those trying to become pregnant. A leaflet including information on pregnancy and breastfeeding from Public Health Scotland was shared with the sector as reassurance.

149. Officials are not aware of any challenges in respect of divergence between the four nations and the impact of this on clarity of messaging.

150. Further narrative on communication activity generally is provided in the Module 2A corporate statement provided by DG Corporate on 23 June 2023. Specific advice on behavioural management was not commissioned by DG Education during the pandemic. Communications surrounding schools and Covid-19 was supported by SG communications colleagues. The Advisory Sub-group on Education and Children's Issues, advice from which has been provided to the inquiry, included a member with expertise in behavioural change. The issue of how to sustain behavioural change was discussed at meetings of the Sub-group e.g. on 1 December 2020.

Section E: Lessons Learned

151. Overall, teams involved in the education sphere worked very effectively together during the pandemic. The teams were able to pivot, deprioritise non-essential activity if required, and work at pace across organisational boundaries to create a supportive and collaborative working environment under intense pressure. This was the case both within the Directorates, across other areas of Scottish Government and with officials from PHS. Within the Scottish Government, the SGoRR structure was an important way of ensuring good cross-Government coordination throughout the pandemic. Given the cross-cutting nature of the issues being addressed, the collaborative environment meant officials could usually provide Ministers with the information, advice and support required at critical moments. This effective joint working was beneficial at all stages of the pandemic. One example from the early stages was the role Education Scotland played in providing rapid intelligence on what was happening in schools as the pandemic took hold.

152. The final recommendations from the Advisory Sub-group on Education and Children's Issues, made clear that they were keen that Scottish Government maintained the excellent, collaborative working relationships that had been built up during the pandemic.

153. While scientific advice was central to decisions from the very start of the pandemic, the approach to this matured and improved over time. The decision to establish the Advisory Sub-group on Education and Children's Issues, and subsequently the Advisory Sub-group on Universities and Colleges, ensured that high quality scientific advice with a particular focus on education was available to policy makers and Ministers. The decision to publish proactively the scientific advice on which key decisions were based helped both key stakeholders and the general public better understand the reasoning behind decisions. Furthermore, the introduction of the four harms approach was a positive development. This clear framework helped officials consider all the relevant factors and helped them balance the various considerations when providing advice to Ministers.

154. The opportunity to observe key strategic meetings, such as SAGE, was very helpful for officials involved in the pandemic response. While they were not involved in the discussions or decisions made at these meetings, the opportunity to observe helped officials understand their approach and informed briefings that went to the relevant governance and advisory groups.

155. Learning Directorate began engaging with local authority partners and unions early in the course of the pandemic, when it became clear how significant it might be in scale. This put the Scottish Government in a position to develop and issue early advice to local authorities and staff when it was required. The subsequent establishment of CERG, with a Ministerial chair, helped bring together key stakeholders regularly throughout the pandemic, ensuring that their voices were heard as part of policymaking. The CRG for early learning and childcare worked effectively, ensuring the range of interests relating to early learning and childcare were reflected in the development of guidance. More generally, the ability to have senior scientific advisers meet directly with a range of education stakeholders in different fora, to explain the science and give people an opportunity to ask questions, led to valuable and constructive engagement. It also allowed those stakeholders involved in meetings to be able to share the explanations with their own networks, helping ensure that stakeholders had access to accurate information that they could understand.

156. Once established, the regular four nations information exchange meetings, as noted at paragraph 104 also worked well. These meetings were a useful opportunity to share insights and understand whether and how approaches in key areas aligned.

Challenges

157. While every effort was made to deprioritise non-essential work and move staff to where they were needed, the effectiveness of the Covid-19 response nonetheless often relied on staff working long hours (often including weekends) for almost two years. This inevitably had an impact on individual wellbeing. One of the lessons identified is the need for resilience and flexibility to be better embedded systematically into the organisation, to support a sustainable response to future crises. Some teams were restructured meaning that new roles and responsibilities across teams in Early Learning and Childcare Directorate were created, including previously unregulated activity, like informal childcare.

158. A significant challenge for decision-making at the outset of the pandemic was the lack of deep scientific knowledge about the impact and effect of the virus (much of the original contingency planning had been done on the basis of pandemic influenza scenarios). The data and evidence available in the early stages was incomplete at times, but decisions still had to be taken based on the evidence at the time. For instance, the significantly lower likelihood of harm to children was not well understood at the outset of the pandemic, which meant that a precautionary approach had to be adopted. As more robust evidence and data informed information became available, it was possible to provide more risk-based advice to Ministers.

159. Officials believe that the optimal structures were not initially in place to provide targeted scientific evidence and advice to underpin our approach to school and setting closures/reopening. The scientific advice received via SAGE in the very early days of the pandemic was vital to inform our approach, but the formation of the advisory sub-group on education and children's issues at a slightly later stage in the pandemic (which was able to consider a wide range of scientific advice and evidence, including SAGE advice) was fundamental to our ability to provide high quality advice to Ministers on these issues.

160. Another challenge highlighted was the understandable but increased external pressure and media focus on decisions. This included public perception, where opinions varied greatly. Officials endeavoured to support Ministers to make the best decisions with the information that was available at the time, but these decisions were often polarising regardless. There are no specific examples that officials are aware of where a Minister went against or disagreed with officials' advice.

161. Much of the above also covers the experience of those officials working in the Directorate for Advanced Learning and Science. The staffing and information sharing situation progressively improved from early 2021, allowing for a more systematic approach to seeking tailored

advice from experts (through the sub-group on universities and colleges) and in using that advice with stakeholders (through the Advanced Learning Covid-19 Recovery group) to help inform Ministerial decision-making.

162. In April 2022 the Directorate for Early Learning and Childcare hosted an internal, interactive session for the Directorate to gather feedback from colleagues on their experience of working during the pandemic. The discussion was focused on three key areas regarding our ways of working across the directorate; what went well, what worked less well and what colleagues have learned. This has been provided [JG/038-INQ000182827].

163. Contributions were anonymous and allowed colleagues to write openly about their experiences. The session was attended by around one third of the Directorate and the responses were captured, distilled and shared with senior leaders. This exercise found that every colleague's experience of working during the pandemic was unique. Some colleagues had flourished during this period, whilst others found remote working and the pace of work very challenging. Although the fast-paced reactive Covid-19 work has come to an end, we understand that some colleagues found it challenging to work on high-profile pieces of work remotely. Staff are now able to adopt hybrid working practices and workloads are continually reviewed by managers. The Directorate has set up various working groups to support staff, such as the wellbeing, diversity and inclusion group, hybrid working group and learning and development group.

164. A further 'lessons learned' session was held with Deputy Directors in January 2023. The findings have informed the development of the Directorate's winter contingency plan, which outlines the arrangements for standing up the Directorate's pandemic response again should this ever be needed in future.

165. Professor Mark Priestley of the University of Stirling was commissioned by the Learning Directorate to lead an independent review of the processes through which National Qualifications were awarded in 2020 after exams were cancelled due to the pandemic. Professor Priestley's review was published on 7 October 2020 and is provided [JG/039-INQ000182832]. The key recommendations were:

- suspension of the National 5 examinations diet in 2021, with qualifications awarded on the basis of centre estimation based upon validated assessments
- the development of a nationally recognised, fully transparent and proportionate system for moderation of centre-based assessment

- the development of more extensive approaches to collaborative decision making and co-construction by professional stakeholders of assessment practices related to National Qualifications
- a commitment to embedding equalities in all aspects of the development of qualifications systems
- the development of more systematic processes for working with and engaging young people, as stakeholders and rights holders in education
- the development of a clear communications strategy, co-constructed with stakeholders, to ensure that the extraordinary arrangements for 2021 are as fully as possible understood by all parties
- a review of qualification appeals systems, including consideration of the rights and roles of young people, in the context of the incorporation of the UNCRC into Scottish law
- the commissioning of independent research into the development and application of the 2020 ACM, involving full access to anonymised attainment data and the statistical algorithms used to moderate grades
- the development by SQA and partners of digital materials and systems for producing, assessing and moderating assessment evidence, to ensure that operational processes for gathering candidate evidence for appeals is less reliant on paper-based systems.

166. The Scottish Government responded to the rapid review of *National Qualifications Experience report* on 7 October 2020, broadly accepting the recommendations while committing to consider one as a future project as part of our research strategy in education. A copy of the formal response has been provided [JG/040-INQ000182833].

167. As part of their role HM Inspectors undertook a suite of national reviews of the response to the pandemic to further support and improve the delivery of high-quality and effective remote learning. The recommendations from each national review are outlined below:

Local authorities

- ensure local authority planning, guidance and delivery for remote learning is updated to reflect the entitlements and expectations published on 8 January 2021
- provide further professional learning for staff in local authorities and schools with a particular focus on the pedagogy of remote learning

- continue work to ensure equitable access to digital devices and online access for learners and staff
- provide ongoing communication and engagement with parents about what remote learning is and the approach being taken by local authorities and schools to ensure a shared understanding
- continue to provide health and wellbeing support to learners, parents and staff
- develop and implement, at pace, approaches at local authority level to assure the provision of high-quality remote learning delivered by individual schools.

Schools

- ensure school planning and guidance for the delivery of remote learning is updated to reflect the entitlements and expectations published on 8 January 2021
- ensure children and young people experience high quality remote learning across the breadth of the curriculum
- continue to review approaches to learning and teaching to ensure learners receive an appropriate balance of live, recorded and independent learning
- ensure learners are aware of the progress they are making in their learning and what they need to do to improve
- build on existing good practice to continue to support the health and wellbeing of learners and their families, staff and the school community
- develop and implement approaches to continually review the quality and impact of remote learning to ensure all learners receive consistently high-quality experiences.

Parents, Carers and Learners

- provide regular check-ins and opportunities for learners to meet up online with peers in order to support wellbeing, and collaboration
- ensure plans and guidance for remote learning are shared with learners and parents, including the balance of live learning and independent activity
- engage with learners and parents to gather feedback on remote learning to identify what is working well and what needs to improve
- continue to place an emphasis on supporting the health and wellbeing of learners, parents and practitioners

- provide learning that is responsive to learners' needs, including for those children and young people who require additional support for learning or may be disadvantaged
- provide parents and learners in the senior phase with information and support to help alleviate any concerns and worries over arrangements for assessment and National Qualifications.

Schools: a focus on meeting learning needs, including those with additional support needs

- provide tasks and activities that provide the right level of challenge for all learners, including those with additional support needs
- further develop approaches to monitoring and tracking children's and young people's progress so that teachers can build on what children and young people already know
- ensure support planning is reviewed regularly in partnership with learners and parents to help meet the needs of children and young people
- share approaches taken by schools to provide personalised support for those children and young people with complex additional support needs.

Schools: a focus on learning entitlements for children and young people

- ensure the curriculum provides all children and young people with breadth and depth in their learning
- support all children and young people to receive their entitlements to, and engage in, remote learning
- provide all children and young people with opportunities to revisit learning when required
- ensure that all children and young people receive regular feedback on their learning and the progress they are making
- provide support for parents to help children and young people engage in remote learning.

Local authority approaches to assuring the quality of remote learning

- the clarity with which local authorities consistently share their expectations of remote learning with stakeholders, for example ensuring key features of the entitlements

expressed in national advice including a clear commitment to 'live' interactions between staff and learners

- quality assurance processes for remote learning materials and approaches, including collegiate moderation of teaching materials and innovative systems for monitoring the quality of learners' remote learning experiences
- further progress in securing resourcing to enable every learner to have access to digital learning, including appropriate supply of devices and access to online learning.

Supporting pupil engagement, participation and motivation

- maintaining a focus on meeting the needs of all children and young people to support their motivation, participation and engagement learning during delivery of remote learning.

Support for the health and wellbeing of learners and their families, staff and the school community

- continue to have a strong focus on supporting the health and wellbeing needs of children, young people and staff in order to help address any impacts for them in the long term
- through well-established communication and support channels, schools should continue to work with learners, parents and the school community to help maintain positive approaches to health and wellbeing, including learning outdoors
- build on supportive arrangements being put in place for learners at key points of transition. Staff should continue to offer support to all children and young people, with a particular and immediate focus on those moving into P1, S1 and post-secondary stages
- as more children and young people physically return to school, staff should continue to support the health and wellbeing of children and young people and recognise that transition back to school will be challenging for some.

Approaches to providing learning for children and young people with complex learning needs

- continue to improve approaches to assessing learning and evaluating the progress of learners with complex needs
- ensure a focus on planning for transitions to reduce any anxiety and support change

- learn from their experiences of remote learning to identify what has worked successfully that could be continued post-pandemic to support learners with complex needs.

Using feedback from learners and parents to adapt and make improvements to the delivery and quality of remote learning

- continue to build on the range of approaches used during the period of remote learning to gather feedback from learners and parents when all children and young people return to in-school learning
- continue to use children's, young people's and parents' views in shaping how learning is delivered so that the needs and interests of individuals are being met.

Assessing Learning and Providing Feedback to Learners on Progress Within Secondary Schools

- continue to build on new ways of assessing learning and providing feedback for when young people return to in-school learning
- build on existing approaches to identify other ways to assess young people's practical skills in a remote learning context
- consider how monitoring and tracking can be used better to inform next steps in learning, teaching and assessment.

168. Education Scotland also jointly published an *e-Sgoil impact report* in June 2021 [JG/041-INQ000182834], which attempts to reflect on and learn from the experiences of online education during the pandemic. e-Sgoil is an eLearning platform launched in the Western Isles which developed into a nationwide community for online teaching and learning. There was no formal response from DG Education and Justice to this impact report. As a result of the evaluation carried out throughout the impact assessment, the following next steps were agreed:

- maintain the online school ('live') option as part of National e-Learning Offer (NeLO) and the Covid-19 contingency plans
- continue to offer a range of programmes and opportunities for learners from Early Years to Senior Phase
- continue to widen the curriculum offer for learners

- increase personalisation and choice in the Senior Phase to include niche subjects and delivery on the Northern Alliance Collaborative Online Curriculum Opportunities (COCO) project
- enrich the curriculum offer for Primary and Secondary which includes working with partners
- increase the e-Sgoil provision
- develop the Gaelic Medium Education offer
- continue our core business of providing supply cover and resilience for schools
- develop links to partners across the Northern Alliance to help support and supplement learner transitions from P6- S1
- align our offers to coincide with a school calendar i.e. offers for Senior Phase (COCO and Developing the Young Workforce) needs to be with schools before the timetabling exercise begins to maximise engagement
- continue to work in partnership with Education Scotland to support curriculum innovation, design and pedagogy.

169. In April 2022, the Directorate for Advanced Learning and Science, remained in a Covid-19 response space and as such, were not actively undertaking any internal or external reviews, or lessons learned exercises at that time. However, the Directorate did hold lessons learned sessions with internal and external stakeholders in Autumn 2022, which resulted in the production of a *Covid-19 Recovery Playbook* [JG/042-INQ000182835]. This, along with the preparation of a set of guiding principles for external stakeholders, can be used in the event of a similar emergency in the future.

170. As a result of DG Education's role in the Covid-19 response, the Directorate for Early Learning and Childcare has prepared a winter contingency plan (including Covid-19 response measures) reflecting lessons learned from the pandemic. This includes details of roles and responsibilities in decision-making and delivery, and links to previous guidance and communications, should the Directorate ever be required to manage a threat like Covid-19 in the future.

Statement of Truth

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

Personal Data

Signed: *J F Griffin*

Dated: 22 June 2023