

**Witness Name:** Neil Rennick

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

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**WITNESS STATEMENT OF THE DIRECTOR GENERAL EDUCATION AND JUSTICE**

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**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 27 September 2023 served on the Scottish Government, in connection with Module 2A, the Director General Education and Justice will say as follows, in relation to advisory groups: -**

**Introduction**

1. This statement covers three advisory groups which fall under the remit of DG Education and Justice. The groups are:
  - The Covid Education Recovery Group (CERG) - advisory
  - Advisory Sub-group on Education and Children's Issues - advisory
  - Advisory Sub-group on Universities and Colleges - advisory

**Advisory systems**

2. Before the COVID Education Recovery Group (CERG) and the Advisory Sub-group on Education and Children's Issues were established, officials in education received data and expert advice through the established channels as explained in the Module 2A corporate statement provided by DG Education and Justice (Education) on 23 June 2023. This advice came primarily through the Scottish Government Resilience Room (SGoRR) structures. This allowed officials access to the most up to date

evidence and advice from the Scientific Advisory Group for Emergencies (SAGE), Chief Medical Officers and other relevant experts who were providing advice through SGoRR.

3. In addition to SGoRR, officials in education also received relevant advice and evidence through existing structures and relationships specific to schools and early learning and childcare (ELC). 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. Existing channels were also utilised to gather data from education providers, local authorities and public bodies that allowed officials to understand the real-time impact of Covid-19 on education.

### **COVID Education Recovery Group**

#### **Administration**

4. The CERG was established in April 2020. At that stage of the pandemic, the majority of schools and ELC settings in Scotland were closed, with a small number of settings open only for vulnerable children and children of key workers. This was an advisory group and as such, the papers have been provided.
5. The CERG was co-chaired by the Cabinet Secretary for Education & Skills and COSLA spokesperson for Children and Young People, and brought together public health experts, education decision makers and key influencers to consider the latest data and circumstances of the pandemic and to provide advice on how best to ensure that the delivery of early learning and childcare, and school education maintained a strong focus on excellence and equity for all, within the necessary constraints of the Covid-19 response and wider public health objectives. The Group also provided leadership and advice to Ministers and local government leaders in developing the strategic approach to the response and recovery of the ELC and education system. Members considered and provided advice on any proposed changes in Scottish education strategy, taking into account the latest data and the potential long-term effects of the Covid-19 response. The CERG acted as a forum for frank and open discussion about what was working and / or what adjustment to policy

and operational direction was required. It also received advice from a number of subsidiary workstreams and time-limited working groups.

6. As stated in the Module 2A corporate statement provide by DG Education and Justice (Education) on 23 June 2023, the CERG met 82 times between 24 April 2020 and 10 March 2022. The minutes of these meetings have been provided under general disclosure. Initially it was decided that the CERG would meet on a weekly basis. The reason for this frequency was to ensure regular and frequent oversight of the emerging picture and to ensure that the necessary advice and guidance needed for the safe re-opening of schools could be developed and was ready for when that decision was taken. After schools reopened in August 2020, it was agreed that regular meetings would be held fortnightly. It was agreed by CERG members at that time that the immediate need for urgency had reduced and given the availability of guidance for schools and the increased experience and understanding of the virus, less frequent meetings were appropriate. The group also agreed that they would meet at short notice, or more frequently, if and when required; for example extraordinary meetings were held to deal with urgent and emerging issues, such as the emergence of the Delta and Omicron variants.
7. The final meeting of the CERG was on 10 March 2022. Following discussion with members, it was decided at that stage to move to approximately monthly meetings to be held at official level for those that wished to participate. This allowed members to continue to monitor data and share local intelligence. There was an agreement that the CERG would be reconvened at short notice if there was a need to do so and members were aware of this. The change in frequency of meetings was informed by the state of the pandemic at the time, the increased experience and understanding of ELC settings and schools in dealing with the virus and the consequent reduction in need for advice and guidance to be updated regularly. It was agreed that the CERG had become focused on practical aspects of the pandemic, and the current phase of the response required a more strategic forum to provide advice to Ministers. As a result, it was decided to reconvene the Scottish Education Council (SEC) to consider these strategic issues.

## Existing Structures

8. In terms of the pre-existing advisory structures, the SEC had been the key forum for oversight of the improvement of education in Scotland. The SEC was chaired by the Deputy First Minister and Cabinet Secretary for Education and, at the start of the pandemic, Ministers felt that this group had too wide a remit and too wide a membership to provide the urgent advice that would be needed for the management of Covid-19 in schools and ELC. In addition, its remit was more focused towards education outcomes without a balance of public health expertise. It was, therefore, agreed that supporting governance structures would be developed in consultation with delivery partners. Further to discussion between Ministers, senior officials and local government, it was agreed that a new group should be established to provide practical and focused advice to Ministers on how to support Scottish education through the pandemic. As they were the key decision makers in Scottish education, several SEC members also joined CERG, but the group had an adapted remit focused on schools and ELC and an enhanced and expanded membership, with health experts, non-teaching unions and others invited to join.
9. Given the pace at which the CERG had to be established, there was limited opportunity for wide consultation, but officials engaged closely with the Convention of Scottish Local Authorities (COSLA) when considering the approach and membership of the CERG. The Association of Directors of Education in Scotland (ADES) was involved in membership discussions too. When the initial membership was agreed, the role, remit and terms of reference were subject to consultation with members.

## Membership

10. Following initial versions, officials then worked closely with partners to consider if there were ongoing gaps in expertise and experience. Membership was subsequently expanded to include the non-teaching unions to ensure their perspectives were taken into consideration. It was ultimately for the two co-Chairs to jointly agree the final membership. The membership also evolved throughout the lifetime of the Group, with an increasing number of public health practitioners and experts, including officials from Public Health Scotland, attending the CERG on a regular basis.

11. The minutes and membership for the CERG were published on the Scottish Government website in the interests of full transparency and have also been provided to the Inquiry under general disclosure. Publication also allowed public debate to be better informed and more productive, as well as seeking to improve public confidence and trust.
12. The CERG was initially co-chaired by the Scottish Government's Deputy First Minister and Cabinet Secretary for Education and the COSLA spokesperson for Children and Young People. The DFM, in particular, was also integral to a number of other advisory and ministerial groups given his broader remit. Shirley-Ann Somerville, as the newly appointed Cabinet Secretary for Education and Skills, took over as Chair on 27 May 2021. Other Ministers with relevant portfolio interest also attended the CERG as members including Clare Haughey as Minister for Children and Young People. Further, a number of senior civil servants in both Learning Directorate and those dealing centrally with the Covid-19 response attended the CERG, either as members or to input for their policy interests. This group therefore had regular interaction with both Ministers and senior civil servants. Advice emanating from the CERG was fed into discussions at other fora, such as the Scottish Government's Four Harms Group and Cabinet deliberations. There were also informal connections within the Scottish Government connecting the output of the group with senior clinicians and other policy areas.
13. The Chief Social Policy Advisor regularly attended the CERG, as the Chair of the Advisory Sub-group, to provide updates from the Sub-group and insight on the advice provided by the Sub-group. The Deputy Chief Medical Officer (DCMO), who was also a member of the Advisory Sub-group, also regularly attended the CERG, to provide updates to the group on particular issues and provide context on specific items on the agenda. The group did not engage directly with the CMO.
14. In addition, officials regularly observed SAGE meetings to ensure that the advice from SAGE was reflected in the advice from the CERG. The Group also worked closely with key experts, such as PHS so that members could fully consider the evidence and data available and understood the implications when giving their advice.

## Remit and Advice

15. The CERG was responsible for developing and agreeing guidance to support schools and providers when schools reopened. In the early stages, various iterations of this guidance were shared with Cabinet for their views to ensure that the approach advised by the CERG was informed by the wider context of the pandemic and that the guidance was aligned with Ministers' expectations. The CERG secretariat also regularly shared updated guidance with the First Minister and relevant Cabinet Secretaries and Ministers to keep them up to date. Ultimately, it was the decision of Scottish Ministers to approve all updates to the guidance, taking account of the views of the CERG and other advisory groups. Because of the evidence-led and partnership nature of this approach, this process was generally both efficient and effective. The wider response to the guidance for ELC settings and schools was largely positive throughout the pandemic, given that it was based on the science and data available at the time. Specific focus was also applied to ensuring impactful communication and dissemination of policy, noting the wider variety of viewpoints that existed. As policies were based on the available evidence at the time, they regularly changed and developed as new evidence emerged throughout the pandemic.
16. The CERG was informed continuously about Scottish Government policy decisions related to the advice provided by them. This was either done through updates during meetings or via communications which were shared with members and other stakeholders outlining changes to Covid-19 restrictions or guidance.
17. A lot of communication with Ministers and senior civil servants was done formally through the CERG meetings and the respective papers. There was regular contact between Mr Swinney (and thereafter Ms Somerville) with the COSLA spokesperson, Cllr Stephen McCabe in their role as co-chairs. In addition, there was frequent informal communication between Ministers / officials and individual members via email or telephone, generally in relation to, for example, logistics ahead of meetings.
18. As well as providing advice to the Scottish Government and Ministers, the CERG also had a role in providing advice to local government in the development of the strategic approach to the response and recovery of the ELC and education system. A number of other key organisations were represented on the CERG - including Education Scotland, COSLA, ADES, Scottish Qualifications Authority (SQA), the

professional associations and trade unions, Early Years Scotland, National Parent Forum of Scotland, the General Teaching Council for Scotland (GTCS) and Scottish Youth Parliament – ensuring that advice benefited from a multi-disciplinary and cross-sector perspective. While initial positions were not always aligned, a key benefit of the CERG was that it allowed those positions to be heard and discussed alongside a range of quantitative and qualitative evidence.

19. The core role and the remit of the CERG remained the same throughout its operation. At various stages of the pandemic, there were a number of short life working groups established to support specific workstreams identified by the group as pertinent to that particular phase. These workstreams allowed the group to focus on issues that were of primary concern in the early stages and then thereafter. The following workstreams were established as part of the initial work of the CERG:

- Term 4 learning
- Preparing for the next academic year
- 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
- ELC

20. In addition, some smaller short life working groups were established to support the work of the group when required. These were on the following topics:

- Communications Working Group – February 2021
- Schools COVID Contingency Planning and Readiness Group – May to July 2021.

21. The Critical Childcare and Early Learning and Childcare group (CCELC) was established in April 2020 as a workstream of the CERG and brought together decision makers and key influencers to ensure that the provision of ELC and wider childcare was available to those who needed it. The group was established to

provide advice to officials, in line with the Scottish Government's strategic approach to the 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.

22. In May 2021, the CCELC group was formally stood down and replaced with the "Covid-19 Reference Group" (CRG). This was based on the principle that ELC 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 wider 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.
23. It is important to note that though the CERG provided advice to Ministers and Scottish Government officials in relation to the strategic approach to school and ELC closures (and reopening), all decisions were taken by Ministers, informed by the wider context of the pandemic at the time and other impacts across the "four harms". As well as consideration of impacts at the aggregate level, the CERG also considered distributional aspects. A suite of equalities assessments were conducted alongside updates to policy and operational guidance. The CERG also played a fundamental role in helping the Scottish Government to develop guidance for schools and early learning settings on the necessary countermeasures and non-pharmaceutical interventions (NPIs), for example on the use of face coverings, enhanced cleaning regimes, ventilation and social distancing. In so doing, it drew on rounded advice and evidence from elsewhere (including the Advisory Sub-group on Education and Children's Issues), and Cabinet then considered this position alongside parallel advice across other policy areas (e.g. clinical advice, economic policy etc) to ensure an appropriate degree of balance and consistency. Guidance for education settings was regularly reviewed by the CERG as the pandemic evolved and was updated accordingly. CERG members also played a key role in the development and dissemination of the guidance and the key messages it contained.



24. A timeline of CERG advice provided to Ministers as well as advice provided on guidance or updates to guidance is provided [NR2/0001- INQ000321348]

#### Lessons Learned

25. The CERG was effective as part of the advisory system to the Scottish Government during the pandemic. The attendance and engagement from members were consistently high throughout the pandemic. The approach taken ensured that partners and stakeholders were involved in the development of advice and abreast of developments.
26. There were no lessons learned sessions held with CERG members or officials following the final meeting of the group. As part of its role in delivering financial and performance audits on public bodies and the management of public services, policies and major projects, Audit Scotland has provided positive feedback on the work of the CERG during the pandemic. This has been provided [NR2/0002- INQ000321349]  
[NR2/0003- INQ000321350]

#### Advisory Sub-group on Education & Children's Issues

27. The Scottish Government COVID-19 Advisory Group (C19AG) was established in recognition of the need for additional scientific analysis of the impact of Covid-19 in Scotland, based on regularly updated advice, modelling and emerging scientific evidence, including from SAGE. A need to increase capacity and capability to provide rapid, regular and more granular scientific advice on education and children's issues to support the iterative development of guidance through the four phases of the Routemap (*Coronavirus (COVID-19): framework for decision making*, May 2020) [NR2/0004-INQ000131072] was identified. To ensure consistency of advice, a sub-group of the C19AG was convened titled the COVID-19 Advisory Sub-Group on Education and Children's Issues ("the sub-group"). This was a time-limited, expert sub-group, chaired initially by Professor Carol Tannahill and latterly by Professor Linda Bauld (both in their role of Chief Social Policy Adviser to the Scottish Government).
28. The sub-group held a focussed remit, covering all issues affecting early learning centres and schools, and linked children's services issues, but not higher and further

education settings. This was an advisory group and as such, the papers have been provided.

29. The sub-group:

- Gave detailed consideration to the operational implementation of public health advice
- Supported Scottish Ministers and relevant Scottish Government senior officials to interpret SAGE and C19AG outputs, and other emerging scientific and public health evidence, in relation to education and children's issues
- Provided expert advice spanning the disciplines of public health, behavioural science and statistical modelling, combined with expertise in education, early learning and development, and children's services
- Advised Scottish Government and relevant Directorates on the strategic approach to identifying, accessing and using data to support the management of Covid-19 risks in educational, early learning and children's services settings
- Provided advice to support and inform the development of iterative operational guidance for providers of learning, childcare and children's services
- Developed links with other Scottish Government Covid-19 Advisory sub-groups, as appropriate.

30. The Advisory Sub-Group on Education and Children's Issues was responsive to policy needs in the provision of its advice, supporting the phases of the Routemap. Like the C19AG, the sub-group did not respond directly to policy questions but provided scientific and public health advice to inform development of policy and guidance, leaving final policy decisions to policymakers and Ministers. The sub-group was not used for other operational reasons, such as legal issues, contractual matters, or financial issues.

31. Initially, the sub-group met weekly for 90 minutes virtually. The reason for this frequency was due to the pace at which the pandemic was developing, and evidence was emerging in the early stages. Weekly meetings allowed members and officials to keep on top of the emerging data and provide the advice that was required at pace. The frequency of meetings was later reduced to fortnightly from September 2020 as at this stage there was a suite of advice and guidance in place so there was no longer a need for weekly meetings. As with the CERG, the sub-group also held extraordinary meetings when it was required to deal with urgent, emerging issues.

32. At the penultimate meeting of the sub-group on 19 April 2022, it was agreed that it would continue to meet monthly until the end of the academic year, to monitor the data and provide any advice required to support the guidance on reducing risks in schools. After this point, it was agreed that meetings of the sub-group would pause, mirroring the approach which had already been taken by the C19AG. Further advice could be sought from the sub-group should this be required in the event of a change in circumstances, such as a new variant. The final meeting was held on 17 May 2022. At this meeting members shared their reflections on the work of the sub-group to help inform future work.

33. Following the establishment and operation of the C19AG, officials believed that more regular and granular advice to support the iterative development of guidance would be beneficial. In addition, there was a recognition that provision should be made to allow for thematic or sectoral scientific advisory time-limited sub-groups to be established as the need arose. These new thematic or sectoral sub-groups provided a vehicle for more detailed consideration of how public health advice could be applied to operational implementation. In addition to a need for a sub-group covering education and children's issues, a similar need was identified to cover economic issues. Officials prepared a submission to Ministers outlining the reasons and rationale for establishing the sub-group. In the submission officials also outlined the proposed role / remit of the sub-group, along with suggested membership. Further information on the appointment of members has been provided below. A copy of the submission has also been provided.

34. In light of this, the Advisory Sub-Group on Education and Children's Issues was set up to reflect the urgent need at the time for rapid, granular scientific advice in this area, and detailed consideration of how scientific and public health advice could be applied to operational implementation. Some examples of issues to be considered by the sub-group included:

- The extent to which physical distancing was required in early learning and school environments
- The role of other preventative practices such as cleaning regimes and hygiene
- A set of issues around use of outdoor spaces for learning
- The impacts on children and young people in terms of mental health and wellbeing

- Other measures that could be used to secure safe return to minimise social harms.

35. The C19AG had acknowledged that there was limited scientific evidence and few data sets around children and young people in the context of Covid-19. The C19AG comprised members with clinical expertise as well as public health, epidemiology, virology, behavioural science, global health, medicine and statistical modelling, but not early learning and schooling.

### Membership

36. Ministers were invited to appoint core members of sub-groups, based on advice from Scottish Government professional advisors. The Chair of the sub-group was able to appoint further members to ensure flexibility to respond to a rapidly changing agenda. The principle was to bring scientific and public health expertise to bear on operational questions, and therefore sub-groups should include sectoral subject matter experts.

37. Scottish Government professional advisors, including the CMO, CSA, Chief Scientist (Health), Chief Social Policy Advisor, Chief Economist, Chief Statistician and Chief Social Researcher took responsibility for identifying the range of science and evidence advice required to support the implementation of the Routemap.

38. In partnership with the Scottish Government's professional advisors, officials recommended that membership of the sub-group should include both scientific and public health experts, as well as sectoral and subject matter experts. The list of proposed members was then shared with Ministers for consideration.

39. The minutes and membership for the Advisory Sub-Group on Education and Children's Issues were published on the Scottish Government website and have been provided to the Inquiry. The minutes were published for transparency and to ensure that the Scottish Government remained accountable for its actions. Publication also allowed public debate to be better informed and more productive, as well as seeking to improve public confidence and trust.

40. The Advisory Sub-Group on Education and Children's Issues was a sub-group of the main C19AG. The sub-group Chair was a member of the C19AG and was, therefore, able to act as a conduit for education and children's issues between the two groups. In addition, the DCMO was also a member of the sub-group which provided another mechanism for the group to feed into the advisory structures. As with the CERG, officials involved in the sub-group observed SAGE meetings when required to ensure that the advice from SAGE was reflected in the advice from the sub-group. Furthermore, the group worked closely with key experts such as PHS to ensure that members could fully consider the evidence and data available through the advisory structures and understood the implications when considering their advice.
41. The Advisory Sub-Group on Education and Children's Issues regularly engaged with the Chair of the C19AG around any issues where there may be questions about consistency of advice. The Chair of the sub-group also obtained input from the CSA, CMO, Chief Scientist (Health), Chief Social Policy Advisor, Chief Economist, Chief Statistician and Chief Social Researcher , who attended the Sub-group as necessary.

#### Provision of advice

42. The Advisory Sub-Group on Education and Children's Issues regularly provided written advice to Cabinet on issues specific to education and children throughout the pandemic. The sub-group also provided a standing update to the Four Harms Group. As policies were based on the available evidence at the time, they regularly changed and developed as new evidence emerged. During the pandemic, officials and ministers considered the expert advice of the sub-group to ensure that policy continued to be evidence based. These interactions were effective in allowing officials to provide high quality advice to Ministers and develop policies based on science and data available at the time.
43. Some issues which the Advisory Sub-Group on Education and Children's Issues provided advice on were:
- Infection routes
  - Potential consequences of infection
  - At risk groups (in relation to schools, early learning and wider childcare settings)
  - School, early learning and wider childcare closures

- The impact of the pandemic and counter-measures taken by Scottish Government on the education sector
- Non-pharmaceutical interventions in schools and early learning settings
- Face coverings in schools
- Public communications (specifically publication of advisory notes and evidence summaries produced by the sub-group)

44. The Advisory Sub-Group on Education and Children's Issues regularly met relevant Ministers to report their advice and explain their approach. However, as the role of the sub-group was to provide advice that was demonstrably independent, it was appropriate that Ministers were not members of the group but instead received advice through the mechanism described. The secretariat to the sub-group was provided by officials who engaged regularly with senior civil servants across the Scottish Government. The sub-group Chair also had regular meetings with the secretariat to discuss the agenda and actions for each meeting. There was occasionally informal communication with individual members via email or telephone, generally in relation to, for example, logistics ahead of meetings.

45. The advice received from the Advisory Sub-Group on Education and Children's Issues was used to inform ministerial decisions and policy, which ultimately influenced the guidance that was issued by the Scottish Government to schools and early years and childcare settings. The sub-group's own advice was published on the Scottish Government's website, and though it did not advise any other organisations directly, it was available for other public bodies to consider in their decision making. PHS was a key member of the sub-group, alongside other organisations including the Care Inspectorate and Education Scotland. Those PHS members provided an additional point of continuity and cohesion between the sub-group and CERG. In addition, wherever appropriate, members of the sub-group (usually the Chair with support of senior clinicians) attended CERG meetings to directly present the group's analysis and conclusions.

46. As with CERG, the Advisory Sub-Group on Education and Children's Issues was continuously informed of ministerial decisions which related to the advice it had provided. This was either done through updates during meetings or via communications which were shared with members and other stakeholders outlining changes to Covid-19 restrictions or guidance.

47. Significant decisions were taken by Ministers taking into consideration the expert advice of the sub-group as well as expert clinical and public health advice. That advice set out the advantages and disadvantages of different options, based on the evidence and data available at the time. Officials did not make recommendations to Ministers that went against public health or clinical advice, although policy decisions were frequently finely balanced and relied upon judgement. An evidence-based approach was taken to decision-making so there are no specific examples that officials are aware of, where a Minister went against or disagreed with expert advice.
48. A timeline of recommendations made by the Advisory Sub-Group on Education and Children's Issues is provided [NR2/0005- **INQ000352943**]

#### Remit

49. Generally the role and the remit of the Advisory Sub-Group on Education and Children's Issues remained the same throughout its operation. There were some small changes in the approach of the group at particular points in the pandemic. For example, the sub-group established a Task and Finish group to allow a specific focus on data during the time of significant disruption caused by the Delta variant. This was in an effort to stay on top of rapidly emerging data which needed consideration by relevant experts within the sub-group. The Task and Finish group met seven times between February and May 2021.
50. There were also some changes to the membership of the sub-group during its time in operation. A decision was made to enhance the membership of the sub-group by inviting a practising head teacher to join. This ensured members were adequately considering the perspective of teaching staff in schools when producing their advice. It also allowed the sub-group to better understand the implications and impact of its advice in schools.
51. For both the CERG and the Advisory Sub-Group on Education and Children's Issues, regular updates were provided to the Scottish Parliament's Education, Children and Young People Committee in writing. The CERG wrote to the Committee to update them on changes to guidance and the protective measures in place in schools and childcare settings. The Scottish Parliament was also regularly updated on the advice of the groups through parliamentary statements made by the First Minister and

Deputy First Minister. Statements were also made on specific topics including the closure of school buildings, cancellation of exams, phased re-opening of schools and early learning and wider childcare settings and the Alternative Certification Model. Furthermore, the work of both groups was proactively published on the Scottish Government website and available for MSPs and Committee members to review.

### Lessons Learned

52. The Advisory Sub-Group on Education and Children's Issues was effective as part of the advisory system to the Scottish Government during the pandemic. The attendance and engagement from members was always high. The approach taken ensured that partners and stakeholders were involved in the development of advice and abreast of developments.
53. To help inform future work, sub-group members were asked to share their reflections. Sub-group members highlighted a range of ways in which the group had worked well together, as well as considering what could be improved for similar groups in future, and for wider work across the public health and the education sector.
54. Members provided feedback and reflections on the scope and remit of the sub-group, its operation and membership, engagement as well as the use of data and evidence and its application to wider work across Scottish Government. Feedback and reflections from members included:
- The robust focus of the sub-group on the interests and wellbeing of children and young people, as well as the balance of the four harms was noted as a key strength
  - However, some members expressed frustration with the relatively tight remit of the sub-group, noting a desire to engage with wider structural and wellbeing issues, which might have benefited from the expertise of the group
  - As well as informing ministerial decisions on education and children's issues, members felt the impact of the sub-group had been felt more widely
  - PHS members noted that they had particularly valued the opportunity presented by the sub-group to hear from those in the sector and other experts



- Some members questioned the need for a separate universities and colleges sub-group, given the overlap in membership with the education and children's issues sub-group
- The friendly and cohesive atmosphere established at the outset of the sub-group had helped to foster a safe space for members to challenge thinking and have robust debate
- Members highlighted the professional approach to confidentiality and high level of trust among members as an asset
- There was also praise for the ways the sub-group had adapted to the changing levels of input required by the circumstances
- The broad range of expertise among sub-group members was a strength, drawing on a range of academic disciplines as well as sector representatives
- The sub-group was cited as an excellent example of scientific evidence and advice being used to inform policy. There was a clear consensus that there would be benefit in establishing a similar group in the event of a significant further wave, or future pandemic which affects children and young people
- The high-quality data and evidence provided to the group, including the regular literature reviews, played an important role in informing discussions
- Opportunities for sub-group engagement with headteachers, professional associations and other practitioners had been well received. More frequent and earlier engagement in this way may have been beneficial, and could have been extended to wider groups
- Sub-group members also highlighted how helpful they found the feedback they received from officials regarding how their advice had informed policy
- While there was benefit to the four nations approach, at times some members found that a lack of understanding of the operational contexts of the devolved nations, for example school timetables and structures, caused difficulties.

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

55. As plans intensified in preparation for academic year 2021-2022 and learning from the positive experiences of the Covid-19 Advisory Sub-Group on Education and Children's Issues, officials provided advice to Ministers recommending that a similar approach be followed for universities and colleges. This recommendation had been discussed and agreed with the C19AG Chair and Secretariat, and Ministers subsequently agreed for the sub-group to be established.

56. As such, the Advisory Sub-Group on Universities and Colleges was established in May 2021 to give detailed consideration to the operational implementation of public health and scientific advice. This was an advisory group and as such, the papers have been provided.

57. It supported Scottish Ministers and relevant Scottish Government senior officials to:

- Interpret SAGE and C19AG outputs, and other emerging scientific and public health evidence, in relation to education and children's issues
- Provide expert advice spanning the disciplines of public health, behavioural science and statistical modelling, combined with expertise in education, early learning and development, and children's services
- Advise Scottish Government and relevant Directorates on the strategic approach to identifying, accessing and using data to support the management of Covid-19 risks in educational, early learning and children's services settings
- Provide advice to support and inform the development of iterative operational guidance for providers of learning, childcare and children's services
- Develop links with other Scottish Government Covid-19 Advisory sub-groups, as appropriate.

58. Meetings of the Advisory Sub-Group on Universities and Colleges were held fortnightly or monthly, depending on matters for consideration. Meetings tended to be more frequent immediately following the establishment of the sub-group. Meetings were held between May 2021 and May 2022, with a total of 21 meetings. The sub-group stood down on 5 June 2022.

59. Advice from the sub-group was used by officials to support and feed into ministerial advice on the strategic approach (and related guidance) for colleges, universities and community learning and development providers.

60. Prior to the establishment of the Advisory Sub-Group on Universities and Colleges, ad hoc advice was sought from the CMO, DCMO, PHS and contacts in universities and colleges, as required, to inform advice to Ministers.

## Membership

61. In order to ensure an appropriate degree of overlap between the work of the two C19AG sub-groups on education, it was agreed that the Chair of the Advisory Sub-Group on Education and Children's Issues would also chair the Advisory Sub-Group on Universities and Colleges. Given that some of the key challenges faced in the tertiary education sector were broadly similar to those in schools, discussions with the Chair led to some of those already members of the Sub-Group on Education also sitting on the Sub-Group on Universities and Colleges, with some additional members identified to bring further relevant expertise. The remit, terms of reference and membership were all agreed by Ministers [NR2/0006- **INQ000326310**]
62. The membership of the Advisory Sub-Group on Universities and Colleges was published on the Scottish Government website along with the minutes. These have been provided to the Inquiry under general disclosure. The sub-group included scientific and public health experts, clinicians and academics, as well as experts in education and issues relevant to universities and colleges. This meant the sub-group had effective working relationships with organisations such as PHS and NHS Boards as the membership came from many of these organisations. The role of the group was to ensure Ministers received advice rather than to offer advice to other bodies involved in the response to the pandemic.
63. The secretariat for this sub-group liaised regularly with the secretariat for the C19AG to ensure flow of information between the two groups. As the work of the C19AG was informed by advice from SAGE, it follows that the work of the universities and colleges sub-group was similarly informed. The DCMO with responsibility for the tertiary education sector was a member of the sub-group. Any draft advice from the sub-group was also shared with the CMO and Chair of C19AG for information. The Chair of the sub-group was the Scottish Government's Chief Social Policy Adviser. The Chief Scientific Adviser and Chief Economist were also members of the sub-group. The sub-group was regularly attended by the Director and Deputy Directors of Advanced Learning and Science Directorate and the Chief Social Researcher and Deputy Director in Charge of the COVID-19 analysis division

64. The four harms approach informed discussions at the sub-group, with papers to aid discussion prepared by the secretariat in advance. These papers drew on evidence from a range of sources, including other policy areas and PHS.

65. This approach was effective in ensuring Ministers were able to base their decisions on rounded advice which took account of various sources of evidence and the four harms approach.

#### Provision of Advice

66. The Advisory Sub-Group on Universities and Colleges provided advice which was discussed by the ministerially-chaired stakeholder group Coronavirus (COVID-19): Advanced Learning Recovery Group, attended by representatives from institutions, trade unions and the National Union of Students (NUS). NUS representatives would routinely contribute to these meetings, ensuring that the views and interests of students were fed into the Group's discussions on Scottish Government advice. Advice produced by the sub-group was made available following each meeting (alongside minutes of the meetings). These have all been provided to the Inquiry.

67. During its operation, the sub-group gave consideration to the following issues, to varying degrees:

- The evolving understanding of the nature of Covid-19, infection routes, potential consequences of infection, at risk groups, the risk of re-infection and death
- The impact of the Covid-19 pandemic and the counter-measures taken by the Scottish Government on the economy of Scotland
- The impact of the Covid-19 pandemic and the counter-measures taken by the Scottish Government on those at risk or vulnerable, whether as a result of underlying medical conditions or protected characteristics in Scotland
- School closures and the impact of the Covid-19 pandemic and the counter-measures taken by the Scottish Government on education
- Testing strategy and roll out
- The mental health impact of the Covid-19 pandemic, both as a result of infection and the counter-measures taken by the Scottish Government
- The role of long Covid
- NPIs
- Face coverings

- The closure of public transport
- Housing and homelessness
- Borders
- The availability or effectiveness of vaccines
- Public communications and
- The use of legislation, regulations, restrictions and guidance in the management of the Covid-19 pandemic including the use of criminal sanctions and the enforcement of Covid-19 rules.

68. As was the case with the other two groups, this sub-group was given regular updates on how their advice was being taken forward. A timeline of the advice published by the sub-group has been provided [NR2/0007- **INQ000352944**]

#### Lessons learned

69. The role of the Advisory Sub-Group on Universities and Colleges in bringing together a range of expert views to provide balanced and considered advice for Ministers was effective in ensuring that guidance to the sector was informed by a clear understanding of the continuing public health risk and the wider impacts of the pandemic. The approach provided a clear structure in providing advice to Ministers in line with the four harms approach.

70. The lessons learned from the effectiveness of this approach, particularly as an important step forward from the ad hoc approach followed in the earlier stages of the pandemic, has been built into the Universities and Colleges Playbook, prepared by officials to facilitate a swift and considered response to any resurgence of Covid-19 or a similar public health emergency [NR2/0008- **INQ000321324**]

## 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.

Signed:

**Personal Data**

**Dated:** 16 November 2023