

Witness Name: Kirsty Williams

Statement No: 1

Exhibits: 297

Dated: 5 December 2023

UK COVID-19 PUBLIC INQUIRY

WITNESS STATEMENT OF KIRSTY WILLIAMS

I, Kirsty Williams, will say as follows:

Preface

1. At the beginning of my statement I would like to extend my deepest sympathies to all those who lost loved ones during the pandemic, and to those who were affected in other ways as a result of Covid-19. The inquiry has been set up to examine the UK's response and to learn lessons for the future, and I sincerely hope my statement assists the inquiry in its work.

Introduction

2. I was elected as an Assembly Member for the constituency of Brecon and Radnorshire in May 1999. I was re-elected to the Assembly (subsequently the Senedd) at each election until I stood down at the May 2021 election. I became leader of the Welsh Liberal Democrats on 08 December 2008 and held this position until May 2016.

My position in Government

3. In May 2016 I was appointed as Minister for Education in the Welsh Government. Following the election in May 2016, I was the only Liberal Democrat member of the Senedd. The Labour Party did not have an overall majority, and Carwyn Jones, then the Leader of Welsh Labour, asked me to join his Government. He was then confirmed as

First Minister for Wales. I served as Minister for Education for the full Senedd term until May 2021.

4. I was in an unusual position, as the sole Liberal Democrat Minister in a Labour-led Government. This was not a Coalition Government as such. However, before I took up the role, I agreed key policies with Carwyn Jones that would be implemented by his Government. We entered into a “Progressive Agreement” which contained our agreed policy programme and ways of working. We agreed to these common and education priorities, maintaining our distinct party identities and policies, whilst reflecting our range of shared values and ambitions.
5. Carwyn Jones stepped down as First Minister in December 2018. Mark Drakeford was elected as Leader of the Welsh Labour Party, and he invited me to continue as Minister for Education as part of his Government. When he became First Minister, we entered into a further agreement, reconfirming our commitment to the 2016 agreement, and setting out our priorities for Government. We agreed to work together, and across Government, in the best interests of citizens and our country, to reduce inequality, promote fairness for all, and to create a just society fit for the challenges and opportunities ahead.
6. The First Minister and I agreed to meet weekly to ensure that the terms of the agreement were being met, and to discuss other issues as they arose. Civil servants were responsible for monitoring the implementation of our agreement. As a member of the Government, and the Cabinet, I was bound by the principle of collective responsibility in respect of all devolved matters. However, in recognition of our distinct party identities, we agreed that I was free to express an alternative position on reserved matters. This happened occasionally on Brexit related issues, where I voted differently in the Senedd to my ministerial colleagues.

My role as Minister for Education

7. Responsibility for education has been devolved in Wales since the first days of devolution in 1999. The Welsh Ministers have policy responsibility for children and education in a range of sectors: childcare, primary education, secondary education, further education and higher education, as well as work-based learning and training.

8. The Education Act 1996 (“the 1996 Act”) remains the consolidating Act for much of the earlier legislation in England and Wales in relation to education provision in Wales. All children should receive full-time compulsory education between the ages of 5 and 16. The 1996 Act defines three main stages of education:
 - a. Primary education, usually from the ages of 5 to 11
 - b. Secondary education, usually provided between the ages of 11 and 16 (although can extend to 19 for schools with sixth forms);
 - c. Further education, education for those who are over compulsory school age.
9. Other stages of education include nursery education (usually for 3-4 year olds) and higher education.
10. The statutory duty to secure primary and secondary education falls upon local authorities in Wales. The overwhelming majority of schools in Wales are maintained by local authorities, although there are also a relatively small number of independent schools. There are no Academies or free schools in Wales. Funding is provided to local authorities by the Welsh Ministers for the provision of education.
11. Further Education (FE) covers both the statutory Further Education sector, namely ‘institutions within the further education sector’ within the meaning of section 91(3) of the Further and Higher Education Act 1992 and also any provider of post-16 education or training in respect of which funding is provided by, or under arrangements made by the Welsh Ministers, or a local authority. This includes, for example, apprenticeships and employability programmes delivered by organisations including independent training providers, and adult learning in the community delivered by local authorities.
12. Under the Higher Education (Wales) Act 2015, the Welsh Ministers’ powers essentially relate to our relationship with the Higher Education Funding Council for Wales (‘HEFCW’), which in turn regulates certain higher education providers in Wales. This means that the Welsh Ministers do not generally have a direct relationship with higher education providers themselves. In large part this is because of the long-standing principle of institutional autonomy of universities.
13. As education is devolved, the Senedd has power to enact primary legislation in this area. There is considerable bespoke Welsh legislation in this field, including, for example, the Curriculum and Assessment (Wales) Act 2021 and the Additional Learning Needs and

Education Tribunal (Wales) Act 2018 (as well as the Higher Education (Wales) Act 2015 that I have already mentioned). A wide range of statutory powers are conferred upon the Welsh Ministers in the education field, either under Welsh legislation, or under legislation passed by the UK Parliament. Policy responsibility for education in Wales rests with the Welsh Ministers.

14. My ministerial responsibilities as at February 2020 are set out in exhibit **KW/01-
INQ000066139** and included:

- a. School governance, organisation, and admissions;
- b. School standards;
- c. Funding of schools;
- d. Foundation Phase;
- e. Additional learning needs;
- f. Safeguarding and inclusion in schools;
- g. Sponsorship of Qualifications Wales;
- h. Teachers' Pay and Conditions;
- i. Further Education;
- j. Further Education student support;
- k. Adult community learning;
- l. Higher Education policy, strategy and funding;
- m. Science: development of science policy, including day to day liaison with the Chief Scientific Adviser for Wales and the National Science Academy;
- n. Research and Innovation, including research and development, knowledge transfer and commercialisation; maximising research and innovation incomes; and Research Centres of Excellence.

15. I met Professor Halligan, the Chief Scientific Officer, occasionally to discuss certain scientific matters, which were usually concerned with research in universities. During Covid-19, I did not receive advice from the Chief Scientific Adviser for Wales as public health sat outside his primary responsibilities. I understand this is outlined in his witness statement [M2B/CSAW/01]. As I explain further below, my advice came from Dr Frank Atherton (the Chief Medical Officer for Wales), Dr Rob Orford (the Chief Scientific Adviser for Health) and their teams.

16. During my time in Government, policy responsibility for education sat with me. Responsibility for childcare and play, our vision for early childhood play, learning and

care, and the operation of the Childcare Offer for Wales and Flying Start programmes sat with the Deputy Minister for Health and Social Services. During the pandemic, we wanted to maintain simple and clear messaging: I would often announce decisions about childcare at the same time as decisions on education. However, decisions on childcare were not my policy responsibility and decisions were primarily taken by the Minister and/or Deputy Minister for Health and Social Services.

17. In my role, I worked closely with a dedicated team of policy officials, working across two Welsh Government directorates – the Education Directorate and the Skills, Higher Education and Lifelong Learning (SHELL) Directorate. The key officials involved have been outlined in the witness statement of Tracy Burke [M2B-EPSSG -01].
18. I was also supported by a Special Adviser and a Specialist Policy Adviser for education, during the relevant period. Special Advisers are political appointments, and part of the team of special advisers within the Welsh Government. Specialist Policy Advisers are civil service appointments, providing advice and expertise on matters of policy and do not provide political advice.
19. I was strongly aware of the impact the closure of schools, colleges and universities would have on all learners. The link between education and life chances meant the effects of disruption to education were always in my mind. Beyond this, I knew our education system played a vital role in a number of other ways, including supporting learner's mental health, delivering free school meals for children who needed them, and providing a safeguarding role for vulnerable children.
20. Throughout the pandemic the Welsh Government worked collectively to mitigate the impact of closures on children, young people and all learners. When closing schools we maintained face to face provision for children of key workers as well as vulnerable children, for example those with safeguarding needs and supported by social care, children on the child protection register, looked after children, young carers, disabled children and those with statements of special educational needs. For others, we quickly expanded the provision of remote learning, particularly through the online learning platform Hwb, and worked with local authorities to support digitally excluded learners. We also supported families with learners who received free school meals and provided increased funding for mental health support in the education system.

21. The closure of schools, colleges and universities was, of course, something I never could have envisaged happening when I was appointed as Education Minister. While it became necessary as part of our wider efforts to protect public health, I worked with colleagues across government to minimise disruption as far as was possible.

Structures and bodies involved in the Welsh Government's emergency response to the pandemic

How did the Welsh Government make core decisions in response to the pandemic?

22. The Cabinet was the main strategic decision-making body during the pandemic, chaired by the First Minister. We met regularly, usually once a week while the Senedd was in session. During the initial period covered by this witness statement, we met in person in the Cabinet meeting room at Cardiff Bay. Once home working was established, we met on a hybrid basis (with some Ministers usually present in the Welsh Government's offices in Cathays Park and others joining virtually). When urgent decisions needed to be taken, we met more frequently. Once we had established a regular cycle for reviewing regulations imposing Non-Pharmaceutical Interventions ("NPIs") all strategic decisions were taken at Cabinet. A Ministerial Advice reflecting that decision was then submitted to the First Minister, who formally took the decision and made any required amendments to regulations. Detailed papers and advice would usually be prepared before Cabinet, which were then discussed at the meeting. Senior officials and Special Advisors also attended Cabinet, and we would regularly receive oral briefings during the meeting. Formal minutes of these meetings were taken by officials. I understand that all of these minutes and the Cabinet papers have been provided to the Inquiry.

23. On 11 March 2020 the First Minister established the Covid-19 Core Group ("the CCG") which was a Cabinet sub-group. I was a member of this group, along with the First Minister, the Minister for Health and Social Services ("the MHSS"), the Minister for Housing and Local Government, and the Deputy Minister for Health and Social Services. The First Minister made clear that other Ministers and Deputy Ministers were free to attend this group, and most attended regularly. The point of these meetings was to share information and updates on Covid-19, to identify the challenges we were facing, and to coordinate issues. The Covid-19 Core Group was not a decision-making body or a formal Cabinet sub-committee, as external members were often invited. Decisions were taken in Cabinet. The Covid-19 Core Group usually met on Wednesday mornings. The

Group stopped meeting in or around August 2020. Papers would often be circulated in advance for consideration before the meeting, and minutes were taken, summarising our discussions. I understand that a full set of minutes and papers have been provided to the Inquiry. The First Minister invited the Leaders of the two Opposition Parties to attend, along with the Chair of the Welsh Local Government Association. Other third parties were regularly invited, to provide us with information about their work – for example the Chief Constable of North Wales Police, representatives from the Wales Council for Voluntary Action and on occasion, the Secretary of State for Wales. I exhibit as examples the minutes of meetings on 11 March as **KW/02-INQ000216471**, 18 March as **KW/03-INQ000216472** and the 25 March as **KW/04-INQ000216473**. I also exhibit a letter setting out the purpose of the group as **KW/05-INQ000349225**.

24. I also attended daily Ministerial calls, which started in early April 2020. The calls were crucial for keeping up to date with what was going on outside my portfolio and allowed me to keep fellow Ministers informed of education related matters. These discussions would be summarised in an email after the call, which was circulated to each Private Office.
25. Until mid-March 2020, all Ministers would primarily be working from our offices in Cardiff Bay. We were able to meet face to face to discuss urgent matters, and frequently did so during this time. Once we moved to working remotely, those discussions tended to take place over Teams.
26. When decisions did not go to Cabinet, policy decisions relating to education were taken by me. Officials would usually prepare a Ministerial Advice, which would be signed off by the relevant Deputy Director within the Education Directorate and submitted to me for approval. After the establishment of the Star Chamber, which is further described elsewhere in this statement, if any Ministerial decision required funding, it would be submitted to the Star Chamber first for approval from a funding point of view before being sent to me for a decision.
27. Guidance documents, more often or not, would come to me for approval prior to publication, via Ministerial Advice, rather than Cabinet. They would have been cleared by the Minister for Health and Social Services if there was an overlap. If it related to social distancing, it would usually be cleared by the First Minister. In the education field, guidance documents were usually informed by engagement with stakeholders including education trade unions and local authorities. I understand this is covered in more detail

in the witness statement of Tracey Burke (M2B-EPSP -01), and I do not repeat that here.

28. During the pandemic, I held regular “stand up” or “bird table” meetings between myself, my policy and communication officials and my advisers. These meetings took place daily at the peak of decision making, and later moved to three times a week. They would be held over Microsoft Teams. My officials were also holding regular meetings with stakeholders in the sector, which I understand have been detailed in the witness statement of Tracey Burke (M2B-EPSP – 01). I was provided with regular briefings on the work carried out by officials. I refer to key briefings below.
29. I was in frequent contact with my advisers every working day and many weekends, either via Teams or by email. When we were permitted to work at Cathays Park, we would often be in the building together and so our discussions would take place face to face.
30. I held regular meetings with local authorities in Wales. Discussions also took place with their representative bodies, e.g. the Welsh Local Government Association (“the WLGA”). I had frequent discussions with education trades unions in Wales: with the Association of Schools and College Leaders (ASCL); National Association of Head Teachers (NAHT); NASUWT; National Education Union (NEU); Undeb Cenedlaethol Athrawon Cymru (UCAC); GMB Union; Unite, Unison; and Voice. I also had regular meetings with Qualifications Wales and the Welsh examination board, the Welsh Joint Education Committee, as well as ESTYN, Colegau Cymru, the Higher Education Funding Council for Wales (HEFCW), Universities Wales and University Vice Chancellors.
31. In July 2020, the Welsh Government created a School Social Partnership Forum to enable a discussion of school workforce matters that would benefit from a national approach. It was intended to facilitate discussions between social partners and the Welsh Government and deployed a partnership approach. Schools and local authority employers were represented by designed Welsh Local Government Association Elected Member representatives, by the Association of Directors of Education (Wales), Diocesan, Solace and HRD Network representatives, and by senior Welsh Local Government Association officials. Trade unions were represented by a representative from each of Association of School and College Leaders, GMB, National Association of Head Teachers, NASUWT, National Education Union, Undeb Cenedlaethol Athrawon Cymru, Unite, Unison and Voice. The Welsh Government was also represented. I exhibit the terms of reference for the School Social Partnership Forum as **KW/06-**

INQ000349708. Issues raised at these meetings could be fed into the Shadow Social Partnership Council usually chaired by the First Minister. I would only attend the Shadow Social Partnership Council if there was a specific agenda item on education which required my attendance – I attended on 7 September 2020 and exhibit the minutes as **KW/07-INQ000310411**.

32. I met with the Welsh Language Commissioner on 6 May 2020 and 13 October 2020. I met with the Children's Commissioner for Wales on 4 June 2020 and 7 October 2020. I also attended a group discussion with young people across Wales facilitated by the Children's Commissioner for Wales on 5 November 2020, and met with young people in a meeting chaired by the Children's Commissioner for Wales on 14 January 2021.
33. The Joint Ministerial Task and Finish Group on a Whole-School Approach to Mental Health and Wellbeing was established by the Welsh Government to help ensure policy and practice across government supported positive physical and mental health and wellbeing for children and young people. It met for the first time in October 2018, and I exhibit its terms of reference as **KW/08-INQ000300007**. During the time period specified by the Inquiry, I attended meetings of this group on 27 January 2020, 12 October 2020, 14 December 2020, 25 January 2021, 22 February 2021 and 22 March 2021 – minutes are exhibited as **KW/09-INQ000350777**, **KW/10-INQ000350762**, **KW/11-INQ000350761**, **KW/12-INQ000350752** and **KW/13-INQ000350757** and **KW/13a-INQ000350763**. I felt it was important to continue the work of the group during the pandemic because of the obvious impacts on mental health and wellbeing.
34. I understand that the roles of the Technical Advisory Cell ("TAC") and the Technical Advisory Group ("TAG") have been described in the statement M2B/TAC/01/M2B/TAG/01 and I do not repeat that here. I was provided with scientific advice prepared by TAC and medical advice provided by the Chief Medical Officer for Wales ("the CMO(W)) and the Chief Scientific Adviser (Health) (CSA(H)). This advice would be provided in meetings, where the advice was given orally (such as Cabinet and Covid-19 Core Group). Advice would be included, when relevant, in any Ministerial Advice sent to me. Once the 21-day review process was established in May 2020, the CMO(W) and TAC had a heavy input into the papers for the review.
35. TAG established the Children and Education Sub-group on 11 May 2020, which specifically focused on children and young people, education and childcare. The Group was used extensively as the main source of scientific and technical advice in relation to

the safe operation of education settings. The Deputy Director for Operation of Schools from the Education Directorate was a member of the TAG Children and Education Sub-group. I exhibit the group's Terms of Reference and the minutes of this first meeting as **KW/14-INQ000300170** and **KW/15-INQ000349415**. This group was chaired by Dr Heather Payne (Child Health Senior Medical Officer in the Welsh Government). I received regular oral updates from this group, in particular from Heather, on at least a weekly basis. If I needed advice on a particular matter, my office would contact Heather Payne or the Chief Scientific Adviser (Health) (who was the co-Chair of TAG), to brief me. Additional advice was also sought and received from Professor Chris Jones, the Deputy CMO(W).

36. TAC had access to data collections by Welsh Government's Knowledge and Analytical Services (KAS) of children's attendance at 'repurposed' schools and settings from local authorities (organised by Data Cymru, which is a Welsh local government company which offers specialist support in finding and using data effectively). I asked for this data to be collected and it helped inform decision-making around schools. I exhibit an example as **KW/16-INQ000300062**. As outlined in M2-WG-KAS-01 the SAIL databank included education attendance data and the School Workforce Annual Census. A number of other datasets that were already available in SAIL were refreshed throughout the pandemic, including the Pupil Level Annual School Census which has been used extensively in pandemic-related research, staff school vaccination update in addition to data on shielding staff and teaching assistants. I exhibit examples as **KW/17-INQ000299967** and **KW/18-INQ000300009**.
37. I was part of a Ministerial WhatsApp group that was used to exchange information and provide mutual support. It was not used by me (or anyone else) to take decisions. I have also located WhatsApp messages with ministerial colleagues, special advisers and officials, as well as a few messages that were exchanged with a councillor who was a member of the Schools Social Partnership Forum. These messages will be made available to the inquiry. I am also aware of an exchange of text messages I had with the First Minister, again this was not a form of decision-making. I no longer have access to these messages as I regularly delete text messages after reading them but understand they will be made available to the Inquiry.
38. Overall, I think that the Welsh Government developed good structures, bodies and processes to take core decisions in respect of Covid-19.

39. However, in the early days, not all of these were fully operational. I will refer to the decision to close schools in more detail below but at that point (18 March 2020) the situation was changing on an almost hourly basis, we still knew relatively little about the virus and not all the systems and processes were in place.
40. Across the Welsh Government we always tried very hard to ensure decisions were taken in a timely way following a proper process of advice and consultation. The pandemic regularly moved quickly and sometimes made this very difficult, for example when new variants emerged, but it is always something we aimed for. The establishment of regular review cycles did make it easier to achieve this. There was always regular consultation between Cabinet members, and within education we worked incredibly hard to communicate with stakeholders.
41. When advice was presented to us it was explained that there were different interpretations. Nuances were presented and different schools of thought were discussed, even where a consensus view existed it was not the case that only one definitive opinion existed.
42. There were times when I would have liked better access to scientific and medical advice and modelling which was specific to the situation of educational establishments in Wales. At some of the crunch points for schools I did not always feel that I had ready access to specific scientific and medical advice and modelling for education. I am conscious when writing this that those providing such advice (primarily the CMO(W) and the CSA(H) via TAC/TAG) were under enormous pressure and had many different competing calls on their time and energy. I know how hard they were working. I don't have an easy solution to suggest but it remains the case that I occasionally felt that I was unable to call on the scientific/medical and technical advice on an urgent basis as the Welsh Government was heavily reliant on a relatively small number of individuals with the required expertise.
43. I had no concerns regarding the performance of the First Minister, any Welsh Minister, senior civil servant, or special advisor or individual in charge of a significant aspect of Wales' response to the pandemic. Everyone was working in extraordinarily difficult circumstances, with huge pressure across the whole of government, but I have full confidence people did the very best they could.

44. I am not aware of any criticism of my performance by core decision makers including the First Ministers, ministerial colleagues or senior advisors regarding my role in the response to Covid-19.

Cooperation and Communication with the UK Government and the Devolved Governments

45. I did not attend COBR. These meetings were usually attended by the First Minister and the Minister for Health and Social Services, together with senior officials. The discussions at COBR were then fed back to Cabinet.
46. On or around 17 March 2020, the UK Government set up a four new Ministerial Implementation Groups (“MIGs”): Healthcare, Economic, International and a General Public Sector MIG. The General Public Sector MIG was chaired by the Chancellor of the Duchy of Lancaster, Michael Gove. The group focused on preparedness across the public sector (outside of healthcare) and critical national infrastructure. I attended the General Public Service Ministerial Implementation Group when an education related item was on the agenda. I found that the General Public Sector MIGs were “Anglo-centric”. The agenda was set by the UK Government, and discussion would be dominated by decision-making for England. We were often given very little notice of what was to be discussed – sometime less than an hour, making it difficult for the relevant Minister to attend. They were information sharing, not decision making meetings. The UK Government decided to stop Ministerial Implementation Groups in June 2020 – without any advance consultation or notice with the Welsh Government. I attended Ministerial Implementation Groups on 1 April 2020, 7 April 2020, 16 April 2020, 30 April 2020 and 01 May 2020, and exhibit **KW/19-INQ000349235** and **KW/20-INQ000215213** to illustrate meeting actions. The Ministerial Implementation Groups were subsequently replaced with Covid-19 Operations Committee meetings, which I attended on 22 October 2020 and 5 November 2020. We noticed no appreciable difference in what benefit we took from the meetings.
47. I also participated in what became known as Ministerial “Quadrilateral” meetings with the other Education Ministers across the UK. These meetings took place fortnightly from 24 March 2020. I also participated in similar calls with higher education ministers. From around April 2020, I also recall having weekly calls with Michelle Donelan MP, Minister of State for Universities.

48. Prior to the pandemic, I had a closer working relationship with John Swinney, the Scottish Cabinet Secretary for Education and Skills. This was partly because Wales and Scotland were both part of the Atlantic Rim Collaboratory (a group of education systems across the world) and John and I would often discuss areas of mutual concern and ideas. During the pandemic, the four Ministers across the UK spent a great deal of time discussing issues, identifying areas of challenge and the way forward. These discussions were information sharing, rather than decision making. When I spoke to other Ministers, they were generally open and honest with me about the decisions they had made, and their future plans. However, my officials reported that they found it more difficult to discuss operational matters with colleagues in the UK Government Department for Education. My understanding is that generally, officials in Scotland were much more open about their plans with us. When I spoke to the Secretary of State, he was often candid and I felt he was telling me what he knew.
49. Each of the four nations operated in a different context, with different circumstances and challenges, so within the structures of devolution it was to be expected that some differences in decision making occurred. Sometimes different timelines led to differences in approach – for example, I recall that when the Welsh Government was seeking to support for families in receipt of free school meals we were able to learn lessons from the voucher approach taken in England, which informed the broader approach we took in Wales. I cover this support in more detail later in my statement.
50. Where possible, the Welsh Government tried to find common “four nations” approaches. But I was also clear our decision making was to be taken first and foremost in the interests of the people of Wales, who I was democratically accountable to. Within government we endeavoured to be guided by the best possible scientific and medical advice. We were also explicit that we took a cautious approach to Covid-19 restrictions.
51. Inter-governmental relations between the Welsh Government and the UK Government were not as strong as they could have been. My feeling was the UK Government often seemed reluctant to share information, it didn’t always feel like a mutually respectful or trusting atmosphere. Officials would sometimes report that their counterparts wouldn’t share information on announcements or policy developments. It didn’t always feel like a free flow of information.

Initial Understanding and response to Covid-19 in Wales during January to March 2020

52. I cannot now recall how familiar I was with Wales' preparedness plans in the event of a pandemic prior to January 2020.
53. The Welsh Government's main priorities at the start of this period were preparing for Brexit. Planning for Brexit took up a huge amount of time and effort, as well as legal resource. The opportunity cost of Brexit for the Welsh Government was huge: civil servants, lawyers and Ministers were taken away to deal with the consequences of Brexit, rather than progressing the Government's agenda. Wales had also suffered bad flooding as a result of two serious storms, and considerable resources were involved with relief efforts. Within education, our main regulatory priorities were preparing for the Curriculum and Assessment (Wales) Bill, as well as the Tertiary Education and Research (Wales) Bill.
54. I first became aware of the emergence of Covid-19 in China in or around late January 2020. On 24 January 2020, the Minister for Health and Social Services issued a Written Statement to the Senedd to the effect that the Welsh Government was closely monitoring the emergence of a novel coronavirus originating in Wuhan, China. The Minister stated that the risk to the UK was currently assessed as low, which I exhibit as **KW/21-INQ000320707**. On 28 January 2020 all Ministers, senior officials and special advisers began receiving daily updates by email on what was termed the "Wuhan Novel Coronavirus" from the Public Health Division in the Health and Social Services Group. I exhibit examples as **KW/22-INQ000320708**, **KW/23-INQ000349146** and **KW/24-INQ000349150**. There were no imported cases of coronavirus to Wales or the wider UK. The four UK CMOs increased the risk to moderate on 31 January 2020. The Minister for Health and Social Services continued to issue Written Statements weekly which are outlined in more detail in his witness statement (M2B/WG/VG/01).
55. My initial reaction was that we had seen outbreaks of Covid-19-type illnesses in Asia before. They had been very serious, but the UK had never really been significantly affected. In the earliest days, I thought this was a repeat of one of those circumstances. Looking back, I think it was only when we saw what was happening in Italy that I began to understand how serious it potentially could be in the UK.
56. In February 2020, I was aware that the UK Government was planning a new Coronavirus Bill, based on a draft of the Pandemic Flu Bill that had been produced in 2018. The draft Bill contained a number of new powers within areas of devolved competence, including powers to close schools and childcare settings, powers to disapply requirements in

current education legislation (such as requirements to follow the National Curriculum) and powers to require education and childcare settings to take on additional functions. My officials were liaising with counterparts on aspects relating to education, for example the provision for temporary closure of educational institutions – I exhibit an update I received as **KW/25-INQ000349154**.

57. Throughout February, I was kept informed by officials about public health communications (with Public Health Wales working closely with the other UK nations and the wider NHS in Wales). This included public health information about the symptoms of Coronavirus, public health advice on how the public could protect themselves from coronavirus (using and binning tissues, washing hands etc), and advice for travellers from China. I exhibit an example from early February as **KW/26-INQ000349148**. At that point there were no known cases of the novel coronavirus in Wales. Schools were advised to follow the latest Public Health Wales advice on coronavirus, which was made available on the Public Health Wales website.
58. Cabinet met on 25 February 2020, and discussed Covid-19 for the first time. I exhibit the minutes as **KW/27-INQ000129852**. The Minister for Health and Social Services confirmed that he was issuing weekly Written Statements on Covid-19 (they were circulated to all Members of the Senedd). The CMO(W) told us that he was providing regular updates to the public and had issued guidance for those suffering symptoms who had arrived from abroad. The Foreign, Commonwealth and Development Office had updated travel advice, to reflect the increase in cases from other countries, including Italy. We were advised that the worldwide response was still in the containment stage, and the risk was moderate. However, this might change rapidly if there was sustained transmission in Europe or in other countries with close connections to the UK.
59. After that meeting, the First Minister asked me, the Minister for Health and Social Services and the Minister for Housing and Local Government to meet with him to receive a briefing from the CMO(W) on the developing situation in China. That meeting took place during the afternoon on 26 February 2020. I remember coming out of that meeting thinking there was a good chance Covid-19 would have a significant impact in Wales. I immediately began considering the impact on my portfolio, and the impact on schools, colleges and universities – I exhibit emails on contingencies around exams as **KW/28-INQ000349155**.

60. The first Covid-19 case in Wales was confirmed on 28 February 2020. I was informed that the case involved an individual who had returned from skiing in Italy. Their children had attended school before it was confirmed they had the novel coronavirus. Public Health Wales were contacted, who advised that there should not be any risk to most pupils, and contacted those who came into direct contact with the children in question. I exhibit an email notifying me as **KW/29-INQ000349156** and a message to headteachers and parents as **KW/30-INQ000349157**.
61. Cabinet met again on 2 March 2020, I exhibit the minutes as **KW/31-INQ000048787**. The First Minister and the Minister for Health and Social Services provided an update on recent COBR meetings. We were told that the latest evidence showed that the mortality rate from Covid-19 was closer to 1% of those infected, rather than 2-3% initially expected. However, as the virus was very contagious, even a low mortality rate could be significant. We were told about the four nations UK Covid-19 Action Plan, which was to be published the next day. We also discussed the draft Coronavirus Bill, which was being prepared by the UK Government. It was noted that the four Governments of the UK and the four Chief Medical Officers were working together, and information was being shared, although there was still room for improvement. We agreed that a communications plan should be put in place, to provide public health information and reassurance to the public. The Minister for Health and Social Services would continue to provide weekly statements in the Senedd.
62. The Coronavirus Action Plan was duly published the next day which I exhibit as **KW/32-INQ000298976**. This set out the UK's phased response to the virus, including Contain, Delay, Mitigate and Research to inform policy development. The Plan noted that "so far the data we have suggest that the risk of severe disease and death increases among elderly people and in people with underlying health conditions (in the same way as for seasonable flu)". The Action Plan stated that children could be infected and could have a severe illness, but based on current data overall illness seemed rarer in people under 20 years of age. As far as I can recall, this was the first time that I was aware of the groups that were most at risk.
63. On 4 March 2020, Cabinet met for the sole purpose of discussing Covid-19. I exhibit the minutes as **KW/33-INQ000048789**. The CMO(W) provided the latest risk assessment and advice. In the 8 weeks since the first reported case in China, there had been over 87,000 cases worldwide, with around 3,000 fatalities reported in China. There were also serious outbreaks in South Korea, Iran and Northern Italy. We were told that 51 cases

had been identified in the UK, most had returned from infected areas, but two had contracted the virus from within the UK and more were expected. So far, there was only one reported case in Wales. I vividly recall being told about the SAGE modelling for the reasonable worst-case scenario: 80% of the population would be infected and 20% hospitalised, equating to 160,000 people in Wales requiring hospitalisation and 25,000 deaths. An increase in cases was expected over the coming weeks, with significant escalation in April and possibly intensification into May and June before the number of new infections started to drop. Multiple peaks could not be ruled out, given the summer travel season and the spread of the virus across the world. As I have said above, the meeting with the CMO(W) on 26 February 2020 had already brought home to me the fact that this was going to impact on Wales, but this meeting reinforced my concern that we needed to be taking steps to prepare the education community in Wales for what was coming.

64. Cabinet approved the Welsh Government Covid-19 Operating Model, which outlined cross-government activities and the support that would be provided to Ministers and Cabinet.
65. We were provided with a UK Government reasonable worst case scenario planning document. Within education, my officials were already planning for potential school closures if they were needed and the impact on the examination system. Cabinet all agreed that there would need to be clear internal and external communications on any policy on school closures. I explained that contingency planning for qualifications was in place, should there be a need to cancel examinations. UCAS was also considering any potential impact on the university application process. We also emphasised the need for a clear communications policy and approved the communications plan.
66. The Covid-19 Core Group was established after this meeting and I was invited to attend. It met weekly from 11 March 2020. I understand that minutes of all meetings of the Group have been disclosed to the Inquiry.
67. On 6 March 2020, Public Health Wales published guidance to assist schools and other educational establishments and to advise parents, carers and staff on Covid-19. My officials had worked with Public Health Wales to produce the guidance which I exhibit as **KW/34-INQ000349159**.

68. Cabinet met again on 10 March 2020 and I exhibit the minutes as **KW/35-INQ000129909**. To the best of my recollection, I think that I was aware by this point that SAGE had met on the same date and noted that there was limited evidence that children were at risk, but that they could have mild symptoms and they probably transmitted the virus. I think I also knew by this stage that COBR had ruled out school closures at this point in time as there was no strong scientific case for them. The First Minister provided an update on the COBR meeting held on 9 March 2020. The key message was around the spread of the virus within the UK, and when more restrictive measures on movement, such as self-isolation and safeguarding the elderly, should be introduced. However, at present, there were only six cases in Wales, and Cabinet agreed that now was not the time to introduce such measures. If they were used prematurely, it would likely lead to the population being less receptive to messages at a time when the spread of the virus was more virulent. The minutes recorded the importance of Ministers discussing resilience planning matters with their stakeholders.
69. At this point in time, our position was that schools should remain open and try to operate as normally as possible, while taking recommended public health measures, such as regular hand washing. Contingency planning was ongoing in the event that schools did need to close – e.g. consideration was given to how free school meals would be delivered if schools were closed and how the Welsh Government’s Hwb digital learning platform could be used to support learners who could not attend school.
70. On 11 March 2020, I was informed that the WHO had now declared Covid-19 a global pandemic. I was also told that schools and universities across Poland were closing from Monday. I found this update email helpful and I also considered that given how fast moving the situation was becoming it would be a good idea to set up proper processes within the Education Directorate for receiving updates and advice. I asked for daily conference calls in the mornings, a daily update email, clarification on the processes that were in place with key stakeholders and confirmation of which education officials attended TAC– I exhibit this as **KW/36-INQ000349162**.
71. Around this time, I became aware that the UK Government Department for Education had published guidance about cancelling school trips abroad. I asked officials to locate the advice being relied upon by the Department for Education in publishing this guidance. I was later informed that it had been discussed at COBR that the Foreign and Commonwealth Office would be advising against overseas trips for under 18 year olds. We were then informed that the Foreign and Commonwealth Office would not be issuing

guidance in that form. It was frustrating for my officials and I because we had no direct access to the COBR read-outs at this point, or to the Foreign and Commonwealth Office advice. We did not know what the position was in order to be able to take a view on the situation in Wales – I exhibit discussions on this as **KW/37-INQ000349164**.

72. The Covid-19 Core Group met in the morning of 11 March 2020 and I exhibit the meeting note as **KW/38-INQ000215171**. The CMO(W) and the CSAH attended to provide updates. We were informed there were now 15 Covid-19 cases in Wales, and there was evidence of community transmission. It was for COBR to decide whether to move to the delay phase, and COBR was meeting that afternoon. Given the spread of the virus, and the number of fatalities in Italy, we knew the Welsh Government had to continue preparing for the Reasonable Worst Case Scenario. We were advised that under the Reasonable Worst Case Scenario, the number of people with the virus would peak in around 10 to 14 weeks. There were likely to be 1.6 million symptomatic people in Wales, and without behavioural interventions, most cases would occur in a 9-week period.

73. The CMO(W) and the CSAH provided us with a copy of the latest TAC report which I exhibit as **KW/39-INQ000349161**. They talked us through it and explained the latest SAGE modelling on different behavioural and social interventions. I knew that this was a novel virus: scientific understanding was developing rapidly and no one could give us any guarantees about its effects, about transmission, the progress of the pandemic and the effect of behavioural and social interventions. This paper summarised the limited evidence that was available from Wuhan, Hong Kong and Singapore, as well as in Italy. We were advised that while stringent measures had been introduced in Wuhan that may have reduced the reproduction number below 1, there was speculation that this might result in a subsequent second larger peak. The measures considered to have the greatest impact, whilst not shifting the outbreak into the next winter season, were:

- (1) self isolation for 7 days,
- (2) household quarantining for 14 days, and
- (3) social distancing of vulnerable groups and the over 70s.

74. We were presented with a range of behavioural and social interventions, together with Professor Ferguson's analysis of the likely effect on transmission. TAC's advice was that the timing of interventions would be critical, and that a clearer understanding of when to turn on interventions was emerging from SAGE and was linked to cases identified in Intensive Care Unit surveillance. The modelling for the interventions

assumed compliance levels of 50% or more over long periods of time, and we were warned that this may be unachievable. We were advised that if behavioural interventions were too stringent, it risked pushing the epidemic into the next period of NHS winter pressures. When lifted, a large “second wave” would likely follow.

75. Three delay options were being considered: self-isolation of individuals infected for 7 days after symptoms developed; household quarantine for 14 days after the last person becomes symptomatic, and the “cocooning” (or shielding, as it became known) of the elderly and vulnerable. We discussed that there was a need to avoid the premature closure of schools. I reported that Qualifications Wales had plans in place to manage the forthcoming examinations and the awarding of qualifications.
76. COBR met again on 12 March 2020. I was informed later that day of the outcome of discussions on school closures which was that no school closures were to be implemented – exhibited as **KW/40-INQ000349163**. The outcome of COBR discussions was that school closures should be kept under review, but given the social and economic impact, this was very much a last resort. Schools might need to be closed for 13-16 weeks to be effective, with a very low scientific base for flattening the peak. It was also noted that children would congregate themselves anyway during this time, which could result in transmission, further reducing effectiveness.
77. On 12 March 2020 the Irish Taoiseach, Leo Varadkar, announced the closure of all schools, colleges and childcare facilities across Ireland until at least 29 March 2020.
78. On 13 March 2020, I recorded a video message for schools with the clear message that they should remain open but that people who had a raised temperature or a persistent new cough should stay at home for 7 days. I exhibit this as **KW/41-INQ000349165**. On the same day, all Ministers received an update on Coronavirus from the First Minister’s office. These papers included (1) the Written Statement made by the Minister for Health and Social Services to the Senedd that day, announcing that Wales was moving from the Contain to Delay phase, and that health preparations were being stepped up; (2) a joint letter from Welsh Government and Welsh Local Government Association, to all local authority leaders, following on from the previous day’s meeting of all leaders to coordinate activities; (3) an economic update; and (4) a Welsh Government “read out” of the discussions at COBR the previous day (12 March). These are exhibited as **KW/42-INQ000226942**, **KW/43-INQ000226940**, **KW/44-INQ000226941**, and **KW/45-INQ000226939**. The joint letter set out our current position on school closures: namely

that on current scientific advice and modelling, we did not believe that closing schools or childcare settings would have sufficient impact on delaying the spread of the virus to outweigh the substantial impact on the public and private sector workforce. To have any impact, closures would need to last for a number of months, and children and young people would in any case come together during this period of closure.

79. On 13 March 2020 the Welsh Government published education travel guidance adapted from guidance published by the UK Government Department for Education, exhibited as **KW/46-INQ000349166**. It advised against all overseas travel for schools and gave additional guidance for educational establishments planning travel.
80. On 14 March 2020 I was informed that a Head Teacher based in my constituency had tested positive for coronavirus and sought advice about what needed to be done – exhibited as **KW/47-INQ000349167**. From this date we started receiving information that schools and other educational institutions were closing because there had been a confirmed positive case.
81. A further Cabinet meeting was held on 16 March 2020, I exhibit the minutes as **KW/48-INQ000048797**. The First Minister had to leave part way through to attend a COBR meeting. We were provided with an update on the previous COBR meeting, and that the Welsh Government was moving to routine testing of key workers for Covid-19. There would be daily press briefings usually led by Ministers. We agreed the need for specific, clear, Welsh communications, as most of the population followed UK lead media outlets. We discussed a number of issues arising out of the spread of the virus, including shielding (and a need to consider how this would lead to further isolation and increased loneliness, as well as the impact on multi-generational households), testing, the impact on businesses/those being laid off and the use of volunteers to assist those who were shielding/were vulnerable. When it came to schools, the minutes record our agreement that *“Clear advice from health professionals was required to help inform the policy on whether schools should close. In taking this decision, there would be a need to consider the impact on exams, vulnerable students and those in receipt of free school meals.”*
82. By 16 March 2020, Estyn inspections were suspended, exhibited as **KW/49-INQ000349168**. I met with Qualifications Wales who informed me that various options were being discussed for the exams in the summer term. Qualifications Wales and the Welsh Joint Education Committee had drawn up an options paper if exams had to be cancelled, I exhibit the meeting note as **KW/50-INQ000349179**. As the situation was

worsening, I asked my officials to place an increased emphasis on planning for potential school closures. Queries and concerns about schools continued to be raised by trade unions, some local authorities and parents on social media.

83. COBR met that day at 3.15pm. I was informed that COBR had agreed a series of further measures, in light of advice received from SAGE. These further measures are summarised in the briefing paper provided to the Health & Social Care Committee of the Senedd on this date which is exhibited as **KW/51-INQ000349175**. These were that:

(1) household stay at home: when any member of the household has a new continuous cough or high temperature, the whole household should self-isolate for 14 days and stay home in that time;

(2) social distancing: all non-essential contact and unnecessary travel should stop. The whole population should reduce social contact where they can, by working from home, advising against social mixing etc. Advice to specific groups in a more vulnerable category is to follow this social distancing guidance more rigorously;

(3) shielding: those with the most serious health conditions should be shielded from social contact for around 12 weeks

(4) mass gatherings: in light of the social distancing measures, large gatherings should not take place in order to alleviate pressure on public services

84. COBR maintained the previous position that schools should not be closed immediately, and that schools were crucial for maintaining the front-line workforce in the NHS/social care. They noted that if schools closed, many parents would not be able to attend work.

85. At this point in time our understanding of the scientific advice about schools was that schools and children play an important role in flu outbreaks, as well as the transmission of other communicable diseases. But at this point in time, we did not know – and scientists could not tell us, as they did not know – the part that schools and children would play in the transmission of Covid-19. Sage modelling suggested that closing schools would result in no more than a three week delay to the peak, and possibly much less than 10-20% reduction in peak hospital demand, even if schools were closed for 8-13 weeks - this is exhibited as **KW/52-INQ000309727**. This was if children had a similar role in transmission as in pan flu. The CSAH confirmed to me that there was emerging

evidence to suggest that children often experience milder symptoms of Covid-19 compared with other age groups, particularly older people. The concern was that older family members often care for children during school holidays. If schools were closed for significant periods, that might increase exposure of more vulnerable adults, who may then require hospital care. We were also concerned about the impact on children who received free school meals and the impact on staffing within health and care providers if front line staff were unable to send their children to school. The note confirmed that further modelling was being undertaken to consider each of these points and would report back to Welsh Government decision makers in the coming days.

86. On 16 March 2020 the WHO declared Covid-19 a pandemic. Our position was that the scientific and medical advice remained that closing schools at this time was likely to do more harm than good. Other measures were intended to be used to mitigate the spread of the virus first. However, this position was being kept under review. My officials continued contingency planning for different scenarios for the provision of education in Wales. The Education Department started sending daily email updates to external education stakeholders, I exhibit an example as **KW/53-INQ000349169**. We also published "Coronavirus (Covid-19): educational settings guidance", providing guidance for schools and other educational settings, which is exhibited as **KW/54-INQ000080854**.
87. Over the next 48 hours, I had a series of face to face meetings with the CSAH, the First Minister and the Minister for Health and Social Services to discuss the latest scientific advice and what our policy on school closures should be. I remember asking the CSAH a number of questions about the Imperial report from Professor Ferguson. I also wanted more information about the risks to children: how they would be affected if they got Covid-19, and what role children played in transmission of the disease. I was also concerned to understand the risks to teachers/school staff. We were also trying to understand what the other governments in the UK were planning about schools and trying to co-ordinate decision-making if at all possible. We did not want to create confusion with different public health messaging across the UK.
88. On the morning of 17 March 2020 my focus was still on reducing the burden on schools so they could stay open for as long as possible. My officials continued to liaise with their counterparts in England and Scotland. I was told by the CSAH (and my officials were told by UK Government Department for Education officials) that the scientific advice from SAGE was being updated to model the potential impacts of school closures. I had a telephone call with the then Secretary of State for Education (Gavin Williamson) on the

morning of 17 March 2020 to discuss potential school closures and the impact on exams. I met with the First Minister in his office after this call, to discuss the way forward.

89. We began to receive reports of schools in Wales taking the decision to close, with no notice to parents. Schools were understandably finding it difficult to operate safely and to staff schools: there was a shortage of teachers due to self-isolation/shielding. Pupil attendance was also beginning to decline rapidly (either due to household isolation or because parents were fearful and were removing their children from school). Initially, my intention was to write to schools, providing advice on how to operate under the new guidance.
90. At about 1.30pm on 17 March 2020, the First Minister responded to a series of questions regarding school closures during First Ministers' Questions in the Senedd. In one of the First Minister's responses he stated that "*The current position is clear: schools are remaining open in Wales, partly to make sure that key workers who otherwise would have to be diverted into caring for their own children are available to be in clinical settings; partly because a sudden decision to close schools would leave those many pupils who depend upon a free school breakfast and a free school meal vulnerable if schools were to remain closed over an extended period of time.*" This reflected our position at the time. However, it was a rapidly changing situation, as we were obtaining more information about the public health risks, and about the situation on the ground.
91. Even at 4pm on 17 March 2020, the Welsh Government was still working on the assumption that the best thing to do would be to keep schools open. However, as the position was changing so rapidly, I did not ultimately send the letter to schools. I had further discussions with the First Minister about schools on the evening of 17 March. We considered bringing forward the Easter holidays for schools in Wales by a week, so that schools would close for the holidays on 30 March 2020. Before taking any final decisions we asked for further information about how to ensure free school meal provision during that time, and what holiday childcare could be provided for key workers. I recall that I also spoke to the Cabinet Secretary for Education in the Scottish Government, John Swinney, by telephone that evening so that we could discuss how each Government was intending to proceed.
92. By the morning of 18 March 2020, even more schools in Wales were taking the decision to close.

93. The Covid-19 Core Group met again early the next morning, on 18 March 2020 at 8.30, and schools were item 3 on the agenda. Minutes and the agenda are exhibited as **KW/55-INQ000215172** and **KW/56-INQ000309843**. Papers were circulated in advance, including the detailed briefing paper that had been prepared for the Senedd's Health and Social Care Committee, summarising the Welsh Government's Response to the Covid-19 pandemic to date. The CMO(W) provided us with the latest update at the meeting. We were told that Covid-19 was circulating rapidly in the community, there were 136 confirmed cases, and 2 fatalities. The CMO(W) expressed concern that not everyone was following the advice on social distancing. He gave us the latest modelling on the peak of the pandemic, which was thought to be 11 weeks away. We were advised that the NHS was some 4/5 weeks away from capacity.
94. We discussed the policy on school closures and the fact that SAGE was in the process of updating its advice for COBR. I provided an update on the current position on the ground, i.e. that some schools were already closing or partially closing because of staff and pupils needing to self isolate. If schools were asked to close, we would have to make decisions on afterschool and private nursery provision, as well as how to support families whose children were in receipt of free school meals. It was also crucial that we maintained some provision for children whose parents were key workers, particularly NHS staff. Officials were working on these issues and papers on continuity of learning, childcare for key workers and mitigating the impact of school closures on pupils who are eligible for free school meals were in advanced draft form in the early hours of 18 March 2020 - they are exhibited as **KW/57-INQ000349171**, **KW/58-INQ000349172** and **KW/59-INQ000349173**. We also needed to consider the impact on exams, because once schools closed it was difficult to envisage when they could reopen. I told the Covid-19 Core Group that a policy decision on school closures was expected later that day.
95. The First Minister and I attended a meeting with Qualifications Wales and Welsh Joint Education Committee at 9.30am on 18 March 2020 to discuss what was to happen with exams. The conclusion was that the exams could not go ahead. By this point, my officials had been working closely with the UK Government Department for Education, and the three exam regulators in Wales, England and Northern Ireland that share the GCSE and A-level brands, and the main awarding bodies to consider the impact of Covid-19 on the summer exam series and to plan viable contingency arrangements.
96. We continued to receive reports from local authorities that schools were "falling over" and the position was quickly deteriorating. An increasing number of schools were having

to close, as there was a shortage of teachers. Decisions to close schools/keep them open were being taken on an individual base by governing bodies and local authorities. Pupil attendance was declining rapidly (either due to self isolation or because parents were understandably afraid to send them to school). I was told that Neath Port Talbot local authority had taken the unilateral decision to close two-thirds of its schools. We were being pressed by local authorities and trade unions to make a national decision to bring order to a quickly unravelling situation.

97. I discussed the position with the First Minister again at around 11am on 18 March 2020 to decide on a way forward. The First Minister and I decided that it was not practically possible to keep schools open even until 30 March 2020, and that we should therefore advise schools to close from Friday 20 March 2020. I was also aware by this point in time that the SAGE direction of travel was that schools should now close. I do not recall seeing any formal document from SAGE to this effect, as SAGE did not meet until later that day. However, to the best of my recollection, SAGE's likely position had been communicated to us by CSAH, who was attending SAGE on behalf of the Welsh Government.
98. I spoke again to the Secretary of State for Education at about 12.15pm. I told him that Wales had taken the decision that schools should be advised to close from this Friday or possibly sooner depending on the advice given by SAGE later in the day. I was due to attend the Senedd for Oral Questions at lunchtime on 18 March 2020. I wanted to make the decision before that point, so that I could inform the Senedd of our policy position and take questions on it.
99. The Welsh Ministers do not run individual schools in Wales (as noted above, the vast majority are run by local authorities), and I did not have the power to direct schools to close at this time. I was announcing our policy decision that schools should close, and the Welsh Government relied on local authorities and school proprietors to implement that policy.
100. On 18 March 2020, I issued a statement confirming policy position – exhibited as **KW/60-INQ000349180** - and at around 1.30pm answered questions from Senedd members in plenary. I reiterated my commitment that the continuity of education and the well-being of learners would continue to be at the heart of my decision making. I announced that the Easter break for schools in Wales would be brought forward, and that schools across Wales should close for statutory provision of education at the latest by 20 March 2020.

From 23 March 2020, schools would have a new purpose: supporting those most in need, including people involved in the immediate response to the coronavirus outbreak. I confirmed to the Senedd that I was working with colleagues in Cabinet, with government officials and with our partners in local government to develop and finalise these plans. The key areas we were looking at were supporting and safeguarding the vulnerable, and ensuring continuity of learning, including all those who benefited from free school meals and children with additional learning needs. I promised to keep the Senedd updated. I informed the Senedd that one of the critical decisions that I would clarify with urgency was the forthcoming examinations. I had hoped to be able to make an announcement on examinations at the same time, but it had not been possible to coordinate that announcement with the other Education Ministers across the UK. This announcement was intended to ensure an orderly closure for schools, so that they had time to prepare and give notice to parents. However, as I told the Senedd, SAGE and COBR were meeting that afternoon. If any advice changed, I would of course consider that advice and our policy.

101. I knew that there was considerable anxiety about what would happen with exams if schools were to close, and a number of pupils were due to submit coursework the next week. It was imperative that the Welsh Government made a swift decision on exams. We had been working on contingency planning for exams for many weeks. A Ministerial Advice was sent to both the offices of both the First Minister and I on this issue on 18 March 2020, this is exhibited as **KW/61-INQ000145227**. The recommendation was that the summer GCSE, AS and A level exams for Wales be cancelled, and grade estimates be used instead. The advice outlined what was being proposed in Scotland and England. I could see no other way forward: the only fair thing to do for learners was to cancel these exams and to work with Qualifications Wales and Welsh Joint Education Committee to develop a robust and credible methodology for the award of qualifications. The First Minister and I both confirmed our agreement with the recommendation shortly before 4pm. My officials received confirmation from officials in the UK Department for Education that the Secretary of State had reached the same decision and would shortly be announcing that exams would be cancelled in England as well.
102. At around 4.30pm, I issued a Written Statement to the Senedd which is exhibited as **KW/62-INQ000350745**. I recognised the worry and anxiety that uncertainty around exams was causing. I stated that I had met with Qualifications Wales and the Welsh Joint Education Committee on that day to consider options that were in the best interests of our learners, and that we had all agreed that the best way forward was not to proceed

with summer exams. Learners who were due to sit their GCSE and A levels in the summer would be awarded a fair grade to recognise their work, drawing on the range of information available. I stated that we would be working with the sector to announce further details shortly. On 27 March 2020, I made a further announcement about exams for those in year 10 and year 12.

103. I then held a series of press conferences/interviews to explain the decision we had taken directly to the public. I also spoke to trade unions (the National Association of Head Teachers, the National Education Union and the NASUWT that evening or early the next morning), as well as holding a conference call with Universities Wales (shows 19 March, 12.30-1.30).
104. I understand that SAGE met that afternoon at about 2.30pm and COBR met at around 4pm on 18 March 2020. The First Minister attended COBR, I was provided with a “read out” of the COBR meeting shortly after it had concluded which I exhibit as **KW/63-INQ000256807**. At this meeting, SAGE’s latest advice was that school closures could reduce cases by 10-15%. The minutes record that social distancing measures were not having the desired effect, and additional measures were required, including school closures. COBR then agreed that schools in England would close from Friday evening, effectively bringing forward the Easter holidays. The latest SAGE advice indicated that if schools were to remain open for the children of key workers/vulnerable children, so that 10-20% of children still attended school, there would still be public health benefits in terms of the impact on the spread of coronavirus. That reflected the advice that I had received earlier in the day.
105. In my discussions with the Secretary of State for Education and Scotland and Northern Ireland, we all agreed that we would work together to keep schools open for the children of key workers and vulnerable children, albeit that they would not be delivering statutory education.
106. The next day, 19 March 2020, I appeared before the Senedd’s Children, Young People and Education Committee to give evidence about these decisions. I exhibit the transcript as **KW/64-INQ000350646**. I made it clear in that evidence session that the Welsh Government did not have the power to close schools but that we were communicating our expectations.

107. I sent a letter to all schools on 19 March 2020, confirming the Welsh Government's policy decision and providing links where staff could find up to date trusted information. We also published a series of education "Frequently Asked Questions" which were available throughout the pandemic on the Welsh Government website. These Frequently Asked Questions were updated regularly. I explain in the section below headed "Covid-19 public health communications" how this information was publicised: in short, through press conferences, press statements, publication on the Welsh Government website, and social media. My officials and I had regular contact with trade unions and local authorities as the arrangements were put in place.
108. On 17 and 18 March 2020, matters were moving so quickly that there was no time for officials to prepare a formal Ministerial Advice for my consideration, and no time for legal advice to be obtained. In order to create a formal record of the decision, Ministerial Advice was drafted on 20 March 2020 and sent to me on 23 March 2020, which I exhibit as **KW/65-INQ000145342**. This set out the information and advice that I had considered at the time and summarised the meetings and discussions that had taken place over the two days in question. The Ministerial Advice noted that no legal advice had been sought before these decisions were announced. It queried whether I had the power to vary the dates of school holidays and whether I had the power to cancel examinations. As I indicated above, my intention was to set out the Welsh Government's policy on school closures and it was then for individual schools or local authorities to act in accordance with that policy if they saw fit.
109. In respect of examinations, I received a Ministerial Advice about the formal steps I needed to take to cancel exams on 2 April 2020 which I exhibit as **KW/66-INQ000145228**. On 6 April 2020, I issued a direction under section 53 of the Qualifications Wales Act 2015 requiring Qualifications Wales to have regard to the Welsh Ministers' policy regarding the cancellation of exams and the subsequent determination of grades – exhibited as **KW/67-INQ000349262**.
110. At the time, I felt that we had no choice but to advise schools in Wales to close. Everyone in the Welsh Government tried their hardest to keep schools open as long as possible, in line with the scientific advice. This was an extremely difficult decision. Things were changing on an almost hourly basis: both the scientific advice and the operational position on the ground. My main concern as Minister for Education was to protect all staff and pupils in our schools and in other educational settings. I also had a duty to ensure the continuity of education. My overarching policy was that no child or young

person should miss out on education, unless absolutely necessary. Both the First Minister and I decided that it was necessary, and that public health had to be the priority. The reality was that, because of the impact of Covid-19, many educational settings were not functional. They did not have the staff to open schools, and in many cases, did not have the learners to teach. Staff were shielding, self isolating or were worried about risks to their health if they attended schools. Pupils were in the same position, and many parents were reluctant to send their children to school given the uncertainties about Covid-19. By 5.30pm on 18 March 2020, COBR took the same decision in England. I still think our decision was the correct one, based on the scientific advice we received at the time, and what was happening with schools at the time.

111. Looking back now, I do not see what else we could have done. I have agonised over whether this policy should have been adopted earlier. But before this date, the scientific advice was that school closures would not reduce the public health risk enough to make any perceptible difference to transmission. On the other hand, I was fully aware of the harm that closing schools would cause to children: the impact on lifelong educational attainment, on mental health and on safeguarding, as well as to those reliant on free school meals. I was also aware of the consequential impact on the NHS and other crucial public services if workers had to find urgent alternative childcare for their children.
112. I have also asked myself whether we should have done more to try to keep schools open for longer. But again, I do not see what we could have done. By 18 March 2020, the situation “on the ground” was that schools were struggling to operate. Some had already closed their doors. By the end of that day, COBR had confirmed the ever worsening public health situation, and that more stringent measures had to be taken to reduce transmission.
113. Discussions had also been going on with the Further Education sector and universities. My officials met with Further Education institutions principals and CollegesWales on 18 March 2020, to discuss the sector’s response to Covid-19. I received a letter from Colleges Wales, on behalf of Further Education institutions in Wales, on 18 March 2020, I exhibit that letter as **KW/68-INQ000350756** and my response as **KW/69-INQ000350780**. From 20 March 2020, colleges in Wales decided to end or minimise face to face teaching and moved to remote and digital learning wherever possible.
114. My officials had also been in discussions with the higher education sector. On 19 March 2020, I had a conference call with Universities Wales to discuss the implications of

Covid-19 for universities. They outlined the financial challenges they were facing, and I confirmed that we would do everything we could to help and support universities and safeguard them for the future. Several Vice Chancellors indicated that they would be closing their institutions for face to face teaching, to be replaced by remote learning.

Immediate Steps to protect vulnerable children and young people

115. Once I had announced our policy position that schools should be repurposed, my priority was to operationalise a practical response to mitigate as best we could the impact of these decisions on children and young people. This was a cross-Government effort, and we worked closely with local government and with schools to implement it. There were four key streams of work.
116. First, to protect vulnerable children: to ensure that children who were vulnerable for safeguarding reasons (e.g. were on the child at risk register), or because they had additional learning needs should continue to attend school and to have contact with teaching staff to help protect their welfare.
117. Second, to support the children of key or critical workers: to ensure that they could access activities in schools to enable their parents to continue working.
118. Third, to ensure that families who were eligible for free school meals continued to receive food or financial assistance to feed their children. On 20 March 2020, I agreed an additional £7 million in funding to local authorities so that they could urgently provide direct financial assistance to the families of pupils who rely on free school meals and who are unable to receive them, exhibited as **KW/70-INQ000349194**. Further work was ongoing to produce a more sustainable position going forward. Guidance was issued to local authorities to make arrangements to ensure children and young people eligible for free school meals would receive access to alternative provision. On 22 April we announced guaranteed ongoing funding for children to continue to receive free school meals, and local authorities were able to choose the most appropriate method of provision in response to locally identified need - the MA is exhibited as **KW/71-INQ000116769**. Most chose to provide either a cash payment to families, or to offer vouchers. Some provided food parcels directly. I published guidance on options available on the same day, exhibited as **KW/72-INQ000300025**. Local authorities were able to choose the most appropriate method of provision in response to locally identified need, but most chose to provide either a cash payment or voucher, with a limited number providing food parcels.

119. Fourth, to ensure continuity of learning: to make remote learning available for those children who could not attend school. We already had a pre-existing digital learning platform, known as the Hwb, which included virtual classrooms and video conferencing facilities. These tools allowed teachers and learners with suitable internet connected devices to continue their classroom activities outside of school. It provided tools to help education practitioners create and share their own resources and assignments, together with purchased/commissioned resources, including bilingual material. As I explain further below, the Welsh Government acted swiftly to address the effects of digital exclusion. We took urgent steps to support learners in accessing the appropriate technology for learning. Access to the Hwb was also rolled out to independent schools and Further Education institutions. I exhibit the Ministerial Advice for the Continuity of Learning Project, dated 24 March 2020, as **KW/73-INQ000116628**.
120. We liaised with the UK Government to agree a common approach to the identification of critical workers and vulnerable children who would be able to attend school. We estimated that around 20% of children would be attending educational settings across each local authority area. My officials were also working closely with directors of education in local authorities to finalise the list of children who could attend.
121. On 20 March 2020, the Deputy Minister for Health and Social Services and I made a decision as to which children should be eligible for the ongoing provision in schools. The decision was made after considering a joint Ministerial Advice which is exhibited as **KW/74-INQ000349189**. The Ministerial Advice noted the latest scientific advice, which was that numbers in the vulnerable and key worker provision should be kept as low as reasonably practicable. I announced this decision in a Written Statement to the Senedd (jointly with the Deputy Minister for Health and Social Services) on 20 March 2020, exhibited as **KW/75-INQ000299030**. This statement set out the eligibility for ongoing provision for children who were vulnerable or whose parents were critical to the Covid-19 response. We explained that the most recent scientific advice on how to further limit the spread of Covid-19 was clear. It was imperative that, as far as possible, social contact should be minimised. If children could stay safely in their home, they should, to limit the chance of the virus spreading. Therefore, from Monday March 23:
- If it was at all possible for children to be at home, they should be;

- If a child needed specialist support, was vulnerable or had a parent who was critical to the Covid-19 response, then provision in an educational or childcare setting should be made available for them;
- Parents should not rely on anyone who had been advised to follow social distancing guidance, such as grandparents, friends, or family members with underlying conditions, for childcare;
- Parents should do everything they could to ensure children were not mixing socially in ways which could contribute to spreading coronavirus. Children should observe the same social distancing guidance as adults;
- Residential special schools and special settings should continue to care for children wherever possible.

122. I confirmed that vulnerable children included those with safeguarding needs and supported by social care, which included children with care and support or support plans, children on the child protection register and looked after children, young carers, disabled children and those with statements of special educational needs. The statement contained a list of critical sectors, so as to determine which work was critical for the Covid-19 response. The Written Statement also confirmed that we would continue to provide for all pupils who were entitled to free school meals. I have explained above how that support was provided.

123. From 20 March 2020, all Further Education institutions decided to close for face-to-face learning. A move to remote and digital learning was in place wherever possible. Learners were being supported to continue their studies and work towards completing courses and assignments where possible, with a particular emphasis on vulnerable learners who needed additional support. Hwb accounts were rolled out to Further Education staff, to assist in digital learning. After considering Ministerial Advice, exhibited as **KW/76-INQ000145388**, I confirmed that funding for Further Education institutions would continue and that no claw back would be made for failing to meet delivery targets. I also confirmed that Further Education institutions could continue to make Education Maintenance Allowance, Training Allowance and Financial Contingency Fund payments to students. Discussions were ongoing with Qualifications Wales and other Governments about the approach to vocational qualifications. I authorised officials to agree appropriate expenditure from the £2 million Further Education mental health and wellbeing fund to help support staff and learners through the pandemic.

The first national lockdown

124. I had limited input into the decision-making process leading up to the first national lockdown. I was aware that decisions had been taken to close certain businesses on 21 March 2020 and that concerns had been raised about pressure on tourist spots and a resulting need to close footpaths and certain leisure businesses over that weekend. However, my focus at this time was primarily on the education sector and steps the Welsh Government was taking to manage the partial closure of schools and colleges.
125. Cabinet met on 23 March 2020 at 10am and I exhibit the minutes as **KW/77-INQ000048923**. We discussed the budget for responding to Covid-19, Ministers had been asked to identify resources that could be redirected to support the public sector and respond to the needs of the economy. The paper that I submitted, exhibited as **KW/78-INQ000048819**, set out that that due to school closures and ensuring continuity of learning the department hadn't yet identified resource that could be released. It also notes it was likely that Education would need more financial support, rather than being able to release resource.
126. We were told that the UK Government had cancelled the COBR meeting scheduled for the previous day. We were advised that the rate of transmission in London was increasing a lot faster than anticipated and the risk of the NHS becoming overwhelmed was very real. We were told to expect further advice and guidance after the COBR meeting later that day. The minutes record that officials were working on plans for a lockdown in Wales to enable the Welsh Government to mirror any decision of the UK Government, or to move separately if required. I hadn't seen any plans for lockdown at this point but it was becoming increasingly clear that it was likely. Unfortunately, some pubs and bars had not followed the advice from last Friday to close and so Cabinet decided that there was now a need to enforce closures with local authorities taking the lead on enforcement. We also decided to close non-residential caravan parks and tourist attractions due to concerns about the number of people who had travelled to Wales (or within Wales) that weekend. This activity threatened to overwhelm health services in those areas. I understand that the First Minister subsequently made regulations to implement these decisions.
127. At the same meeting, Cabinet also agreed to adopt a shielding plan. I do not recall having any involvement in the development of that plan or of seeing any documentation

about it. I would not expect to have done so, as it wasn't within my portfolio area. I was informed at Cabinet that shielding letters were to be sent to around 150,000 vulnerable people in Wales to self-isolate. I understand that the letters were sent by the CMO(W), and contained medical advice and social support arrangements. We discussed a wide range of concerns about the impact of these measures on vulnerable groups. This included disabled people and those suffering from domestic abuse, as well as whether the Department of Work and Pensions had capacity to deal with the large increase in benefit claims. I informed Cabinet that attendance levels at schools was being monitored to ensure that buildings were not over capacity. Initial reports indicated that only small numbers of pupils had attended at schools that day.

128. The First Minister attended COBR at 5pm on 23 March 2020. I have now seen the Welsh Government's notes of that meeting. They record that people were not acting in the way expected, and there was not enough compliance with the guidance. The R rate was high, between 2.6 and 2.8. The Prime Minister informed COBR that he was going to announce a lockdown in England at 8.30pm. The First Minister decided that Wales should also enter into a national lockdown at the same time.
129. The First Minister announced this decision later that evening on 23 March 2020, which I exhibit as **KW/79-INQ000350778**. The First Minister announced that all remaining non-essential businesses would close, except for those selling food, pharmacies, banks and post offices. He announced that everyone was being asked to stay at home, and to only go out once a day to shop for basic food and to exercise close to home. The First Minister asked everyone to work from home, if they could. I understand that the First Minister made regulations to give effect to these restrictions a few days later, on 26 March 2020. I was not involved in drafting or approving the detail of the regulations.
130. Once the announcements had been made, I knew I needed to make a statement about the implications for schools and colleges, and whether they would remain open for children of critical workers and vulnerable children.
131. Later that evening, I issued an urgent press release setting out the latest advice on access to schools, in light of the lockdown announcement which is exhibited as **KW/80-INQ000350781**. I confirmed that access to schools had not changed in light of the First Minister's announcement. I asked parents to only use schools or childcare as a last resort. I stated that children should be at home wherever possible, but critical workers would still need to have safe care arrangements for their children. I re-emphasised that

our schools and childcare settings were providing a vital service to support critical workers and our most vulnerable children.

132. I have been asked whether lockdown should have happened earlier. It is absolutely clear with the benefit of hindsight that it would have been beneficial if lockdown had happened sooner. From what I have now read, locking down a week earlier would have saved many lives and I regret that it did not happen. It is hard to remember back to those frantic few weeks at the end of March 2020 when everything was changing so quickly and we went from the first known case in Wales to a full lockdown within a month. I don't feel able to criticise the decision making then. Everyone was working incredibly hard to take the best decisions possible, in light of what we knew about the virus at the time.
133. After the lockdown announcement an ad hoc Cabinet meeting took place the next day. The minutes are exhibited as **KW/81-INQ000048924**. The First Minister provided an update on the events of the previous day, including the COBR meeting. We discussed the immediate implications of the national lockdown and the shielding plan for a number of portfolio areas. So far as education was concerned, an update was provided in the Ministerial Implementation Group about free school meals and the different ways they were being provided across the UK. It was noted that only 4% of pupils attended school on 23 March and that schools needed to be prepared to increase that after Easter.
134. The Coronavirus Bill was passed by Parliament and became law on 25 March 2020. I attended a Covid-19 Core Group meeting remotely on 25 March 2020 and a meeting note is exhibited as **KW/82-INQ000215173**. The CMO(W) told us that the virus was continuing to spread and there had been 16 fatalities in Wales and more were expected to be announced that day. The rate of infection in Wales was around 10-12 days behind Italy. We received an update on NHS provision, on the position in local government (from the Chair of the Welsh Local Government Association) and a contingencies/resilience update. The four key issues for this meeting were the availability of PPE, calls for additional testing, staffing levels in the NHS and increasing the number of ventilators.
135. Over the course of the week following my announcements, I received further advice about qualifications and the summer examinations for pupils in years 10 and 12 who were affected by the cancellation of exams, exhibited as **KW/83-INQ000350595** and **KW/84-INQ000350596**. On 27 March 2020, I announced that I had met with Qualifications Wales and the Welsh Joint Education Committee to consider options and

had decided that Year 10 and 12 students who were due to sit exams that summer would not be required to sit the exams at a later date but would be awarded grades based on a range of evidence, including teacher assessment. This is exhibited as **KW/85-INQ000349222**.

136. I was also concerned about learners in the further and higher education sectors. On 27 March 2020 I wrote to all higher education institutions, exhibited as **KW/86-INQ000300059**. I knew that many students had already travelled home, while others had stayed in their term-time accommodation and might be feeling especially vulnerable. I reminded them that students who remained in university should be observing current Government restrictions. I knew that universities in Wales were carrying out a range of activities aimed at supporting students' mental health and wellbeing. I recognised that universities were responsible for planning and delivery of their provision, however, the letter confirmed that I expected them to consider the needs of students in providing alternative and accessible formats for both teaching and assessment. I asked institutions to communicate clearly with residential students on rents, and to take a fair and transparent approach to the administration of accommodation provision. I welcomed the decision by some institutions to waive some or all accommodation costs. I confirmed that my officials were reviewing student support policies, and were working across Welsh Government departments, with the other UK Governments, key stakeholders and the Student Loan Company to ensure that students and institutions were properly supported during this time. I confirmed that the Student Loan Company would make maintenance loan payments for next term, regardless of whether campuses were closed. I also confirmed that my officials were working with the Higher Education Funding Council for Wales about the regulatory requirements for Higher Education institutions in Wales and it would be in touch shortly to clarify requirements during this time.

137. On 28 March 2020, I asked schools to stay open for vulnerable children and the children of critical workers over what would have been the Easter holidays, exhibited as **KW/87-INQ000349227**. I advised staff to follow Welsh Government guidance on making school settings safe, and the latest public health advice I confirmed that assistance for families of children in receipt of free school meals would continue over the Easter school holiday period. Headteachers, teachers and support staff all across Wales ensured that the provision for critical workers and vulnerable children continued across Wales, for which I was very grateful.

138. On 29 March 2020, the First Minister made a declaration under the Coronavirus Act that there was a threat to public health in Wales. That enabled the Welsh Ministers to use various powers under the Act if those powers were needed.
139. Cabinet met again on 30 March 2020, I exhibit the minutes as **KW/88-INQ000048931**. Budgetary arrangements were agreed, and the Star Chamber was set up to coordinate the redeployment of funds to support the Government's Covid-19 relief efforts. We were told that shielding letters had been issued to around 81,000 people, and discussions were taking place on supply arrangements for shielded and vulnerable people. I informed Cabinet that some universities were experiencing cash flow problems. On 15 April 2020, I wrote to the Higher Education Funding Council for Wales to outline a provisional grant in aid budget for higher education to address those issues, exhibited as **KW/89-INQ000300161**.
140. On 6 April 2020, before the Easter holidays were due to come to an end, I agreed in principle to make a Temporary Closure Direction under section 37 of the Coronavirus Act 2020 in respect of all schools in Wales other than for the care of the children of critical workers and vulnerable children. I also agreed that in principle, local authorities be authorised to give Temporary Continuity Directions to schools in their area on behalf of the Welsh Ministers – the Ministerial Advice document is exhibited as **KW/90-INQ000097631**. I considered that it was necessary and proportionate to take such steps, given the current public health emergency. I did not ultimately need to make any such directions or to authorise local authorities to take those steps on my behalf. This was because local authorities and schools continued to cooperate and to act in accordance with our policy, and so there was no need for me to direct them to close schools.
141. On 8 April 2020 a press statement was issued confirming that I did not plan to reopen schools more generally in the immediate period following the end of the Easter holidays (which were due to end on 20 April 2020). This is exhibited as **KW/91-INQ000349303**. I was conscious that we would need to be guided by scientific advice, and balance all the potential harms of schools remaining closed. At this point in April 2020, the public health situation was incredibly difficult in Wales and it did not seem likely that we would be in a position to open schools after the Easter holidays.
142. Throughout this period, my officials and I were in regular contact with local authorities and trades union to discuss schools, with Colleges Wales and Further Education institution principals to discuss further education and with Universities Wales, the Higher

Education Funding Council for Wales and university Vice-Chancellors to discuss universities.

143. My officials continued monitoring attendance at schools, and to gather information from local authorities about how the provision was being operated. I also met with the Welsh Local Government Association on 2 April 2020. Some local authorities were operating “hubs”, where children from a number of different schools would attend at one location. By early April, it had become apparent that the majority of children still attending school were children of critical workers and that vulnerable children were largely being kept home to reduce the risk of catching the virus. We were also concerned that safeguarding referrals had reduced.
144. On 6 April 2020, I agreed (together with my colleague, the Deputy Minister for Health and Social Services) to set up a “Vulnerable Children, Young People and Safeguarding” workstream. I exhibit the Ministerial Advice as **KW/92-INQ000116756**. We were both concerned with this cohort of children, who often had overlapping education, health and social care needs. The Ministerial Advice contained a detailed analysis of the safeguarding issues that were arising in relation to vulnerable children, and the systems that had been put in place by local authorities to meet those concerns. Welsh Government officials were monitoring these measures on a weekly call. We were concerned that attendance at childcare and school “hubs” during lockdown was lower than expected, and that safeguarding referrals had fallen. I suspected this was because our guidance was being interpreted too strictly, and that local authorities and schools were anxious to limit the number of children attending to limit social contact as much as possible. We wanted to ensure that all children who fell within this category were attending school. The advice had also included a series of ‘Frequently Asked Questions’ which my colleagues and I also approved to help correct some of the misunderstandings, exhibited as **KW/93-INQ000081386**. Later in April (see below) I approved a more detailed guidance document for schools and hubs who were open to vulnerable children and children of critical workers.
145. The work we requested covered a number of areas, including: outreach; emotional well-being; parenting; improving outcomes for care experience children; 16+ work; special schools and additional learning needs and safeguarding. The terms of reference for the group (which provided oversight) are exhibited as **KW/94-INQ000300064** and the terms of reference for the working group are exhibited as **KW/95-INQ000282126**. An external stakeholder group was also established which included representatives from the

Children's Commissioner, the Inspectorates, the third sector, the Youth Board, the National Safeguarding Board, Directors of Education, Directors of Social Services, the Police, Public Health Wales, the Adverse Childhood Experiences Hub, and Child and Adolescent Psychology.

146. The workstream was in two phases: phase one from April to September 2020 and phase 2 from September into 2021. I exhibit as **KW/96-INQ000350609** a Ministerial Advice I received in February 2021 here as it contains a helpful summary of the first phase of the workstream. It notes progress including the opening of childcare hub places to vulnerable children and children of critical workers, the creation of the Young Person's Mental Health Toolkit on Hwb, and work to support digitally excluded families.
147. On 16 April 2020 I received urgent advice seeking approval for guidance to be published the next day for schools and hubs providing care for vulnerable children and children of critical workers, exhibited as **KW/97-INQ000350588**. I agreed that it should be published the next day to provide guidance to those providing care and education to these pupils. The document, "Guidance for hubs and schools: provision for children of critical workers and vulnerable children" was published the next day, exhibited as **KW/98-INQ000081020**.

Initial Reviews of the NPIs

148. Cabinet met on 6 April 2020, where we discussed and approved a paper on social distancing in the workplace. The minutes are exhibited as **KW/99-INQ000048791**. The First Minister had made the Health Protection (Coronavirus Restrictions)(Wales) (Amendment) Regulations 2020 a few days earlier, which made clear that the requirement to socially distance by keeping a distance of 2 metres away from other people applied in the workplace. Employers were under a duty to take all reasonable measures to ensure that distancing was put in place. We were asked to consider and approve guidance about this requirement, which contained guidance for different sectors, and is exhibited as **KW/100-INQ000049002**. Education and childcare, especially where young children were concerned, were given as examples of where it might not be reasonable to keep a 2 metre distance. We agreed the use of a Covid-19-dashboard (to coordinate our response to the pandemic) and a new Data Monitor (providing key data across Wales). My key priorities are listed in Section F of the dashboard. The key data recorded from an education perspective was the number of school settings open, and the number of children attending school, as well as those

receiving free school meals. The Covid-19 Core Group met again on 8 April 2020, where a further update was provided. Cases and hospitalisations were continuing to rise as expected, and cases of the virus were spreading from east to west and south to north across Wales. We were advised that the social distancing measures were continuing to have significant impact in Wales, and the rate of infection was somewhere between 0.6 and 0.9. The CMO (W)'s team was considering the sequencing of lifting the restrictions, when the time was right, and would consider the experiences of other nations, such as South Korea.

149. The first 21 day review was due by 16 April 2020. The Counsel General was asked to oversee the coordination this review. COBR met again on 16 April 2020. The First Minister informed us on the Ministerial call the next day that, based on the latest SAGE advice, COBR agreed that the current restrictions would remain in place for at least a further 3 weeks. This is exhibited as **KW/101-INQ000349338**. During that time, a framework for decision making for the next review would be prepared, along with a recovery plan. The intention was that there would continue to be a four nations approach.
150. This first formal review of the restrictions was not discussed in a Cabinet meeting (as all subsequent reviews were), but a copy of the Ministerial Advice that was sent to the First Minister was copied to all Ministers and Deputy Ministers – exhibited as **KW/102-INQ000145553**. During the Ministerial call on 16 April 2020 the First Minister indicated that it seemed likely that at the COBR meeting later that day the scientific advice would be that the restrictions should continue for a further 3 weeks. The First Minister made a statement to the Senedd on 16 April 2020, confirming that in light of evidence from SAGE and on the advice of the CMO(W), the restrictions must remain in force, but that minor amendments would be made to the regulations.
151. We continued to be provided with updates at the Covid-19 Core Group meetings, and in the daily Ministerial calls. Between the 21 day reviews, I continued to make decisions within my portfolio to do all we could to limit the adverse impact of NPIs on children and young people, and particularly on vulnerable groups. Key decisions at this time included:
 - (1) To confirm the investment of £30 million in the Hwb EdTech programme during the current financial year. I agreed that up to £3 million of this would be made available to local authorities to meet all software license, hardware and connectivity costs for their digitally excluded learners. The Ministerial Advice is exhibited as **KW/103-**

INQ000103897. A digitally excluded learner was defined as a learner who did not have access to an appropriate internet-connected device to engage in online learning activities from home. Data indicated that there are 2% of households in Wales with at least one child under 16 with no internet access. Indicative numbers suggested there were between ten and twenty thousand eligible learners across Wales.

- (2) Additional funding for free school meals, and work to ensure maximum take up of this support. On 22 April 2020, I decided to guarantee funding for children in Wales to continue receiving free school meals throughout the summer holidays. With the support of the Welsh Local Government Association, the Welsh Government made £33 million available to help local authorities continue to provide free school meals.
- (3) Refining our guidance on who could attend school: we updated our Guidance to refine the definition of vulnerable children. Local authorities had been reluctant to prioritise all children with statements of special educational needs. We agreed to refine the definition so that all children with a statement of special educational needs should be risk assessed. This would usually be undertaken by the school and parents, but a multi-agency approach would be used where appropriate. The assessment was to focus on determining whether there is a need to offer a childcare, school or hub place to meet the needs of the child, or whether they could safely have their needs met at home with support provided remotely. I exhibit a letter from the Director of Education and Deputy Director General setting this out in more detail as **KW/104-INQ000349379**.
- (4) On 16 April 2020, I announced an additional £1.25 million funding to provide mental health support for children who were experiencing additional stress or anxiety as a result of the pandemic. I then extended counselling and mental health support to primary, Further Education and Higher Education settings. I approved an additional £3 million of funding to develop mental health support in these settings, which would complement existing support in secondary schools. Ministerial Advice is exhibited as **KW/105-INQ000097674**.

152. Cabinet met again on 20 April 2020, where we agreed a paper setting out the Welsh Government's general approach to the work of preparing for future. Minutes are exhibited as **KW/106-INQ000048804**. The Counsel General was to coordinate this work.

153. Children would ordinarily have been returning to schools after the Easter holidays on 20 April 2020. As stated above, I had indicated on 8 April 2020 that I did not expect schools to return immediately after the Easter holidays. On 20 April, I published new guidance

entitled “Stay Safe, Stay Learning”, which set out our Continuity of Learning policy statement, exhibited as **KW/107-INQ000350616**. I explained that the key priorities of the Welsh Government, and all our partners across the education system, were to support the safety of all our learners and our education workforce, the physical and mental health and well-being of our learners and our education workforce, the ability of all our learners to keep learning and learners’ transition back into school and onto the next phase of learning when the time came. I set out our commitment to working with our partners in collaboration to achieve those objectives. We had to balance two crucial imperatives: the need to keep our children safe and to help our children keep learning. Our overarching objective was to ensure as far as possible that no learner was disadvantaged because of access to technology, where they live, their age, their special educational needs, the language of their school or home or their demographic profile. We all worked tirelessly to ensure that the needs of vulnerable and disadvantaged learners and the principles of inclusion were central to the programme.

154. One of our most important priorities was to address digital exclusion by working with local authorities and schools to make access to Hwb and its learning opportunities more widespread and addressing equipment and connectivity issues. On 21 April 2020 I received advice about supporting digitally excluded learners, which I exhibit as **KW/108-INQ000103897**. I decided that the further capital investment should be made and on 29 April 2020, I announced £3 million in funding to support ‘digitally excluded’ learners, exhibited as **KW/109-INQ000300046**. Local authorities, working closely with their schools, used the funding to provide digitally excluded learners with repurposed school devices and 4G MiFi connectivity where required. Replacement devices were then funded for schools out of the wider Hwb infrastructure programme.
155. On 23 April 2020 I had a meeting with the Welsh Local Government Association to discuss a strategy to consider reopening schools. I explained that two focus groups had been set up to inform the process, one from middle tier organisations and one drawn from headteachers from primary, secondary and special schools. The groups were meeting that week and then twice weekly. A meeting note is exhibited as **KW/110-INQ000349381**.
156. Draft regulations were discussed in the Ministerial call on 24 April 2020, and these amendments were then made by the First Minister. The main changes were to permit exercise more than once a day for people with autism, learning disabilities and dementia, and that leaving home to support someone with mental health needs would be permitted.

157. On 24 April 2020, the First Minister published *Leading Wales out of the Coronavirus pandemic: A Framework for Recovery*, exhibited as **KW/111-INQ000349353**. This document set out the evidence, principles and public health approach that the Welsh Government would apply when considering whether/how to lift non-pharmaceutical restrictions. First, it set out the measures and evidence by which the Welsh Government judged the current infection level and transmission rates in Wales. Second, it set out the series of principles that we would use to examine proposed measures to ease the current restrictions, grounded both in scientific evidence and wider social and economic impacts. Third, it set out how we would enhance our public health surveillance and response system to enable us to closely track the virus as restrictions were eased. We confirmed in the Framework that our preference as a Government was that all four nations retained a common approach to lifting the restrictions. But our overarching commitment had to be to take the right decisions in the interests of the people of Wales.
158. Cabinet met again on 27 April 2020 and I exhibit the minutes as **KW/112-INQ000129868**. The CMO(W) provided an update. The rate of transmission amongst the public had reduced significantly, which demonstrated that lockdown restrictions were effective. However, there was some evidence, particularly in urban areas, that some people were becoming dissatisfied with the constraints. He also highlighted the indirect or hidden harms of Covid-19, as the public was not accessing usual medical services because of the pandemic. There was a brief discussion on the use of face coverings by the general population. The CMO(W) had not been asked in advance to provide advice on this, but he told us that his initial view was that they were of marginal value. He told us that the downside was one of mixed messaging (people with mild symptoms may choose to avoid self-isolating by using masks), and supplies would be diverted from health and social care sectors. We were told that SAGE was considering the science behind the use of face masks and advice would be submitted in due course.
159. On 28 April 2020, I made a Written Statement to the Senedd on Covid-19 Recovery Phase Planning for the operation of schools, exhibited as **KW/113-INQ000350746**. This statement updated Members on the planning work for the next phase for schools. I explained that our latest understanding of the rate of transmission of Covid-19 allowed us to be hopeful, but still required us to be cautious. I confirmed that school provision would adapt and extend further in the next phase, in line with Welsh Government changes to the current restrictions. I set out a set of five key principles for decision making in planning for that next phase:

- (1) The safety, and mental, emotional, physical wellbeing of students and staff
- (2) Continuing contribution to the national effort and strategy to fight spread of Covid-19
- (3) Having the confidence of parents, staff and students – based on evidence and information – so that they can plan ahead
- (4) Ability to prioritise learners at key points, including those from disadvantaged backgrounds
- (5) Consistency with the Welsh Government’s framework for decision making, to have guidance in place to support measures such as distancing, managing attendance and wider protective actions.

160. The Welsh Ministers applied these principles whenever we were considering lifting or imposing restrictions relating to schools and sought to balance the different harms in play. The principles had gained support from a wide range of varying stakeholders and helped provide a level of confidence and transparency in our policy making process. I have been asked by the Inquiry whether on reflection there were any other principles I would have added to the list. I don't think I would have added any more principles to the list. Inevitably, these principles did not all point in one direction at any one time. There was always a balancing exercise to be carried out when considering whether to reopen educational settings fully. On the one hand, face to face learning best promoted the mental, emotional and physical wellbeing of students and staff, as the impact on children and young people of not being in education was obvious: the impact on educational attainment, on mental health, on safeguarding, and on access to free school meals were all well recognised. On the other hand, we were advised that closing schools did make a contribution to the national effort and strategy to reduce transmission of Covid-19. Also, I thought and still think that these principles were sound but as became apparent at certain stages when we were dealing with the virus, we were still operating within the broader system in Wales and there were sometimes overarching issues such as the NHS being able to function which meant that we were unable to simply apply these five principles.

161. In the Written Statement, I explained that we had, and were developing, a broad evidence base to inform our decisions on schools. This drew on the latest health evidence from our medical and scientific advisers. It also drew on wider international

experience. Wales was a member of the Atlantic Rim Collaboratory, which publish various reports that draw on their own research and are informed by multilateral conversations. I was able to discuss approaches with other members of that body, including Ministers in Iceland, in other parts of Europe, North America, South America and Australia. I was also in regular contact with my counterparts in Northern Ireland, Scotland and England. It drew on our understanding of the workforce's current capacity and health and well-being impacts on all staff and children in schools. I described this as planning for a "new normal". I emphasised that many school settings were still open, providing a vital service for children of critical workers and vulnerable children.

162. Later that day, I appeared before the Children, Young People and Education Committee to discuss the impact of Covid-19 on pre and post 16 education, and exhibit the transcript as **KW/114-INQ000350647**. I confirmed that the framework would apply to both schools and Further Education colleges. It did not strictly apply to universities, as they were independent institutions and the Welsh Government had no role in setting their policies. However, we were working with Universities Wales and university vice-chancellors, and they were very keen to be kept apprised of our approach, because they might wish to implement something similar in their own institutions.

May 2020 onwards: gradual relaxation of restrictions

163. From early May, we began to hear suggestions that the UK Government was considering opening schools from 1 June 2020. In advance of the next 21 day review of the Regulations (due on 7 May), I asked for advice from the CSAH on the phased reopening of schools. I met with the CSAH on 4 May 2020. I wanted to better understand the latest assessment of the R rate and the impact on R if schools were reopened. I asked for a consensus statement from TAC on what forms of relaxation of controls of pupils' attendance at school it might be prudent to take now and in the light of possible future rates of transmission. It was important to me that these decisions were informed by the most up to date scientific evidence and I wanted the chance to discuss this evidence with the CSAH directly. I understood that at a TAC meeting on 1 May 2020, the view had been that a return to school for early years' children would lead to an increase in the rate of transmission of between 2-4% and the return of pupils in older years would lead to an increase in the rate of transmission of 11%. I was also shown a paper by SAGE on children and young people – exhibited as **KW/115-INQ000349382** – which set out that, for a variety of reasons, opening settings for younger children was a

lower risk than opening settings for older children. TAC then provided advice on the implications of reopening schools as part of the papers prepared for Cabinet on 7 May 2020, which I exhibit as **KW/116-INQ000349396**. TAC's advice was that reopening schools at this point in time would markedly decrease the effectiveness of the current measures that were keeping R below 1.

164. There was a four nations Education Ministers conference call on 6 May 2020. All 4 Education Ministers had concerns at this point about opening schools. We also had a discussion about the financial position of universities, and I raised the issue of the Treasury intervening.
165. I received a letter from Dr Patrick Roach (NASUWT) on 6 May 2020 setting out the union's concerns on behalf of its members that schools should not open prematurely, which is exhibited as **KW/117-INQ000349387**.
166. The next review of the Regulations was due on 7 May 2020. This review, and all others from this point forward, was considered in Cabinet. In advance of that meeting, all Ministers were asked to submit a paper summarising the work underway to prepare for easing lockdown. I exhibit a copy of the submission for education as **KW/118-INQ000336495**. This confirmed that two stakeholder groups had been established, including a head teachers' group and a wider group (containing representatives from local authorities, regional education consortia, Estyn, Qualifications Wales, further and higher education and childcare). Officials had also been liaising with trade union representatives.
167. It was important that decisions on reopening educational settings fully in Wales were taken in light of the public health position in Wales. Even if England was going to open schools to some pupils on 1 June 2020, I was not prepared to automatically follow that approach. The Welsh Government had committed to giving educational settings a 3-week lead time to prepare to reopen and to put measures in place to reduce transmission. The public health position meant that we were not yet in a position to commit to reopening fully and so a reopening date of 1 June was ruled out. My view was that we should state the position in Wales clearly (whatever the decisions of the UK Government) and say that we were not going to open schools on 1 June 2020 but that we were working with local authorities and the unions in partnership and would base the decision on the five principles I had outlined.

168. On 7 May 2020 Cabinet met at 9am and I exhibit the minutes as **KW/119-INQ000048792**. Four proposals were recommended, in line with the priorities we had set, and in light of the assessment from SAGE on where activity could resume without materially affecting the rates of transmission.

- (1) To improve the health and wellbeing of individuals, greater use of outside spaces for the purposes of exercise, health and wellbeing should be allowed.
- (2) There should be increased economic activity in areas already allowed to open, but not choosing to do so, and some closed outdoor economic activity should resume, such as outdoor markets and garden centres.
- (3) Some limited public services, starting with libraries and household waste and recycling centres, should be allowed.
- (4) There should be a continued and gradual increase of essential non-Covid-19 activity in the healthcare system.

169. We were advised that the current evidence on the effect of ongoing restrictions and requirements was that the key indicators, which related to direct harm from the virus were either stable or stabilising. However, too early or extensive easing of restrictions could lead to a return of exponential growth of viral transmission, and there would be a need to closely monitor the experiences of other nations. We had to balance these harms against the indirect harms that arose from lockdown measures, and the potential for disproportionate harms to both socio-economically disadvantaged and younger people. We were informed that there had been a reduction in compliance with the restrictions with some behavioural psychologists suggesting that offering easing of certain restrictions may lead to improved compliance with others. However, any changes to the restrictions should be complemented by continued strong messaging around personal hygiene, social distancing and expected behaviour.

170. The CSAH informed Cabinet that the average rate of transmission (R) was below one and when the rates with the health and care settings were taken into account the 'R' rate was considerably lower in communities. The proposed changes were unlikely to lead to significant increase in the R number should people continue to comply with the social distancing rules.

171. I made the points that I had previously discussed with my team about needing a 3 week lead time to fully reopen educational settings, and the need to take decisions based on the 5 principles we had set out. Cabinet agreed that schools would not re-open on 1

June 2020 and the announcement would be made later in the day. We all agreed that it was important to make it clear that schools remained open for those with Additional Learning Needs and the children of key workers.

172. We understood that there had been no time to prepare a full equality impact assessment before this review was carried out. However, a summary of the initial evidence gathered to support the assessments of the economic, social well-being and equality impacts of the proposals was attached. We all recorded our concerns about the indirect harms that arose from lockdown measures, and the potential for disproportionate harms to both socio-economically disadvantaged and younger people. We were all concerned about the impact of the policy on school closures on children and young people.
173. Before Cabinet reached a final position, we asked for further advice from officials including more up to date information on the rates of infection. We adjourned for that advice to be obtained and reconvened at 6pm that day. This updated advice reassured us that we could agree the modest package of adjustments to the Regulations without taking the R rate over 1. We agreed a series of “trigger points” whereby, if these were met, we would reimpose the original regulations. We also approved a new core message of “Stay safe, Stay local”. The Regulations were subsequently amended by the First Minister on 11 May 2020.

Increasing Operation of Educational Settings

174. In my weekly meeting with officials, re-opening educational settings fully was the key priority at this time. I asked for further urgent advice on a framework for the approach to reopening of schools, including the proposed testing and tracing infrastructure in schools. We also discussed a number of issues about the Further Education and Higher Education sectors.
175. On 12 May 2020 the Welsh Government established the Higher Education Task and Finish Group to ensure issues affecting the sector were being properly considered. The first formal meeting of the group took place on 1 June 2020, minutes are exhibited as **KW/120-INQ000300035** and the Terms of Reference (draft as they were on the date) as **KW/121-INQ000300007**. The group set about work on a guidance document for the higher education sector and recognised the need to feed into the guidance on Test, Trace and Protect.

176. On 13 May 2020, the online survey, “Coronavirus and Me” was launched. This was an online survey asking Wales’ children and young people for their views and opinions during the pandemic. It was launched by the Deputy Minister for Health and Social Services, in conjunction with the Children’s Commissioner for Wales, Children in Wales and the Welsh Youth Parliament. The Children’s Commissioner project-managed the survey. The headline data from the survey was published on 8 June. The Children’s Commissioner then published reports on key findings, including reports on the experience of Black, Asian and Minority Ethnic children (29 September 2020), young people aged 15-18 (6 October 2020) and disabled children (13 October 2020). The data from the survey was used by officials to inform decision making throughout the pandemic, including informing decision making about the phased return of children in the summer term 2020.
177. On 14 May 2020 I had a meeting with the Welsh Local Government Association. There was only one item on the agenda – the next phase of operation/recovery of schools.
178. On 15 May 2020, the First Minister published “Unlocking our society and economy: continuing the conversation”, which is exhibited as **KW/122-INQ000299281**. The importance of keeping the R rate below 1 was emphasised. The document included a traffic light guide for moving out of lockdown. We were currently at “Red” in education. Amber included priority groups of pupils to return to school in a phased approach and green was “All children and students able to access education”. The same day, I issued a Written Statement publishing “The Decision framework for the next phase of education and childcare” – I exhibit the Ministerial Advice as **KW/123-INQ000235735** and the framework as **KW/124-INQ000299284**. This document built on the five principles I had announced the previous month and set out our current thinking for how we changed the operations of schools and other providers over time in response to Covid-19. I confirmed that we were working with scientists, public health experts, teachers, education providers, trade unions and local authorities to consider the options for the next phase for schools and further education colleges. The UK Government’s guidance had been considered and there had been discussions with the other Devolved Governments. We began consulting on operational guidance across a number of sectors, including schools, childcare, further education and higher education.
179. On 20 May 2020, I approved a Ministerial Advice – exhibited as **KW/125-INQ000103909** - recommending that £50 million be allocated from Welsh Government Covid-19 reserves to support the Higher Education sector, to maintain critical capacity, jobs and

student services. The Star Chamber raised some concerns and asked for further evidence to be submitted. I made a further request for funding of £27-30 million in early July 2020, and that request was granted.

180. The Covid-19 Core Group met again on 20 May, where it was confirmed that infection and community transmission rates were continuing to reduce.
181. On 27 May 2020 Cabinet met and I exhibit the minutes as **KW/126-INQ000048926**. The focus of the meeting was the next 21-day review of the Health Protection (Coronavirus Restrictions) Regulations 2020. A draft Ministerial Advice and associated documents had been circulated. A number of proposals were under consideration, including whether schools and childcare settings could safely reopen at this time and whether the regulations could be amended to allow two households to meet outside. Detailed advice had been prepared examining the impact of each of the easements under consideration. This included Document 7 (a detailed assessment of the implications of widening access to education settings, incorporating TAC advice and exhibited as **KW/127-INQ000349484**), Document 8 (a detailed assessment of restrictions on working and running a business) and Document 5 (a detailed assessment of restrictions on movement/gatherings). While no formal impact assessment was produced, these documents contained a detailed consideration of the equality implications of the proposals. The recommendation was to open schools no earlier than 22 June 2020.
182. Document 7 concluded that there was insufficient headroom in the transmission rate and the risk associated with schools was too high to consider easements at this stage. The role of children in transmission was not yet clear, and schools were also associated with increased social contact as between adults in any event. Mitigation and the proportionality of the restrictions on schools was considered in detail. It considered the evidence of an association between lockdown and loneliness in children, adverse well-being and anxiety; and evidence from the Sutton Trust on the widening of the attainment gap. Much the same was considered in relation to childcare, as well as the effect of adverse home conditions on development. The paper considered the economic impact of the closure of schools and childcare. On equality impacts, they were being considered and collated by policy leads and it was anticipated that an integrated impact assessment would be carried out on the approach to be adopted to the return to school. An integrated impact assessment was also being finalised in respect of key decisions in relation to childcare. The advice then set out the known impacts on age, disability, gender reassignment, maternity, race (and the susceptibility of Black, Asian and Minority Ethnic

people to Covid-19), religion, sex (and the fact that women were more likely to be carers) and sexual orientation. It referred to provisions of the United Nations Convention on the Rights of the Child.

183. All of this advice was carefully considered at Cabinet. We accepted the advice from SAGE and the CMO(W) that although we had passed the first peak of infection and rates continued to fall, this was gradual, and it was still too early for significant lifting of restrictions. We also accepted the advice from SAGE and TAC that modifications to lockdown measures can have a cumulative effect and should therefore be incremental and carefully monitored. We concluded that the area where changes could be made most safely were those that took place outdoors, where the risk of transmission was substantially reduced, particularly when well-ventilated and in sunshine. We decided to amend the regulations to permit members of two households to meet up outdoors from 1 June 2020. We also amended the requirement to stay home to one to “Stay local” (with a guide of 5 miles from home).

184. Cabinet discussed whether schools and childcare settings could safely reopen at this time. However, we decided that a critical factor here was having an effective Test, Trace and Protect system in place. This would be possible by the next review period. There was a specific issue of Further Education learners needing to complete practical assessments on site. We noted that this was already permissible under the Regulations, and so institutions should be supported to enable those learners that needed to complete practical components of study, to do so safely. I advised Cabinet that I was exploring with trade unions whether it would be possible to vary planned term dates for schools for the remainder of the academic year and the next. The proposal was that the summer holidays would be brought forward to begin on or around the 22 June, with schools returning at or around the beginning of August, as Test, Trace and Protect was likely to be more embedded by this point. The risk of schools returning in summer was likely to be lower as the virus was believed to be transmitted less in sunlight and outdoors, while good weather allowed schools to maximise use of outdoor spaces, which was safer for learners and staff. This change would guarantee that learners would have had at least some face to face learning should there be a need to decrease operations due to a second peak. These were proposed changes that I would not be able to deliver unilaterally. Regrettably, those discussions with trade unions did not bear fruit as none were willing to consider a significant change to any term dates.

185. The First Minister announced the outcome of the 27 May review in a Written Statement made on 29 May 2020, exhibited as **KW/128-INQ000349508**. He stated that further information on the next phase for schools and further education would be published next week. The detailed planning for whether / when to reopen educational settings fell to me and my officials.
186. On 28 May 2020, I published the Covid-19 Resilience Plan for the post-16 sector, which had been developed in consultation with the Further Education and work-based learning sectors, their representative bodies and teaching unions. Ministerial Advice is exhibited as **KW/129-INQ000349390** and the plan is exhibited as **KW/130-INQ000349391**.
187. Further scientific and public health advice on children and education was provided by TAG on 1 June 2020 and 2 June 2020. These are exhibited as **KW/131-INQ000300169** and **KW/132-INQ000145230**. On 2 June 2020, I considered a detailed Ministerial Advice setting out different options for increasing the operation of schools before the end of the summer term. This is exhibited as **KW/133-INQ000145229** along with an accompanying SAGE summary exhibited as **KW/134-INQ000145230**. This contained a detailed analysis of the options, benefits and risks, by reference to the latest scientific advice and my decision making framework. A number of options were presented, which had been formulated after close work with the Association of Directors of Education Wales, the middle tier and headteachers group, trade unions, the CSAH, the CMO (W), Public Health Wales and the TAG. Work had also been carried out with parents, children and young people. First, I had to decide on the timing of the return. As I have already explained, I had hoped to be able to bring forward planned term dates, so that the autumn term started from 1 August. However, trade unions were opposed to changing these dates, and it was not feasible for local authority employers to insist on changes to teaching staff terms and conditions. Instead, I decided to extend the summer term to 1 27 July, and then redistribute one week of the summer holiday to around the autumn half term. Second, I had to decide on which groups of children/learners should attend. The first option was to target specific year groups to attend (e.g. Years 6, 10 and 12 to prepare for transition and exams). The second option was to give all learners the opportunity for some contact time before the end of the summer term, continuing into the next year. This contact time would be to support the health and well-being of learners and a “check in” to support them in their preparedness for learning. I concluded that the second option was fairer, as it guaranteed some contact/learning for all learners. My view was that every child’s education and wellbeing was important. From a safeguarding perspective, it was important that every child had the opportunity to attend school in

person, as I did not want any child to have been out of school for half a year before the start of term in September.

188. I discussed these options and my proposed way forward on the Ministerial call on 2 June 2020, exhibited as **KW/135-INQ000349519**. I had further discussions with the Welsh Local Government Association that day. By this point in time, I was satisfied that the level of risk posed by increasing the operation of schools could be tolerated as part of the wider lockdown restrictions. The adverse effects on well-being of children and young people not going to school outweighed the risks of Covid-19 for both learners and staff. Those risks were reduced as much as possible by the operational guidance that was put in place, which I refer to below.

189. On 3 June 2020, I made an Oral Statement to the Senedd on the future operation of schools, setting out the decisions I had made, exhibited as **KW/136-INQ000350747**. All schools would start a phase of reopening on 29 June, with the term extended by a week, therefore ending on 27 July. In each school there would be a phased approach. Year groups would be split into cohorts with staggered starts, lessons and breaks. It was expected that this would mean, at most, a third of pupils present at any one time, though schools may need time to reach this level of operation. There would be much smaller classes, providing secure dedicated time with teaching staff and classmates. This time would include online and personalised classroom experience, getting children and staff ready for a similar experience in September. This announcement gave schools three and a half weeks to continuing preparing for this phase.

190. My officials had been working with all education stakeholders to draw up a number of guidance documents to assist in the move back to face to face learning. I approved the following guidance documents:-

(1) *Operational guidance for schools and settings: Keep Education Safe (COVID-19)* – exhibited as **KW/137-INQ000350773** with the Ministerial Advice as **KW/138-INQ000145232**.

(2) Covid-19: Guidance on recommencing face to face further education and work based learning – exhibited as **KW/139-INQ000081213** with the Ministerial Advice as **KW/140-INQ000349587**. Colleges and training providers were starting to reopen from 15 June onwards for priority groups of learners, including those who

needed to complete vocational assessments, and “at risk” learners who needed additional support.

(3) Guidance for Higher Education – exhibited as **KW/141-INQ000253615** with the Ministerial Advice as **KW/142-INQ000349552**. Universities had indicated that they did not intend to resume face to face teaching until the next academic year, in September 2020. This guidance was drafted in consultation with the Higher Education Guidance Task and Finish group.

191. Face coverings were discussed at the Ministerial call on 9 June 2020 and two papers were circulated: one from the CMO(W) exhibited as **KW/143-INQ000349541** and one from TAG exhibited as **KW/144-INQ000349542**. In summary, although the health advice had not changed the context had changed and we were now advised that face coverings should be recommended (but not mandated) in certain circumstances. The Minister for Health and Social Services issued a press release confirming this decision on 9 June 2020. Education unions had been pressing for risk assessments to be carried out in order to decide whether teachers should wear face coverings in schools. This was addressed in the guidance I have referred to above.

192. At the Covid-19 Core Group meeting on 10 June the CMO(W) provided an update on community transmission and deaths, exhibited as **KW/145-INQ000314525**. The CMO(W) referred to revised guidance from the WHO on the use of face coverings. His own advice on the use of face coverings had been updated. He advised that face coverings should be of three layers, and it was recommended that they should be worn in situations where social distancing was not possible, such as public transport. However, the use of face coverings would not be mandated, and the use of coverings by the public was a matter of choice. We accepted this advice. The use of face coverings was not mandated at this time, but we recommended the use of three layer face coverings on public transport. The MHSS made a statement to this effect on 18 June 2020 which is exhibited as **KW/146-INQ000350561**.

193. The next 21-day review took place on 17 June 2020 and I exhibit Cabinet minutes as **KW/147-INQ000048799**. Cabinet confirmed the position I had announced on 3 June, i.e. that schools should restart more activity from 29 June 2020. The paper on education, exhibited as **KW/148-INQ000048843**, contained the TAC advice that led to the announcement on 3 June. It also considered the economic impact of school closures. It also set out a full range of equality impacts, including the adverse consequences of

remote learning, particularly for pupils who were already disadvantaged, the impact on pupils' social and emotional development, the impact on children with Special Education Needs and impairments, and safeguarding issues. Cabinet also approved a number of other measures, including permitting non-essential retail to open (along with social distancing) and to phased opening of housing market. We also agreed to permit private prayer in places of worship, where social distancing was maintained.

194. As the phased return to school became closer, I made a series of Notices under the Coronavirus Act, disapplying parts of education legislation to give effect to the policy on returning to schools. This included notices disapplying requirements to teach the National Curriculum and disapplying provisions about school start/finish times to enable staggered days for pupils. I exhibit the Ministerial Advice as **KW/149-INQ000145231**.
195. Around this time we had to revise our original expectations, announced on 3 June, that the summer term would be extended until 27 July. This followed objections from some trade unions relating to what they perceived to be altering the terms and conditions of their members. Three local authorities decided to implement to original policy of extending the term dates for a week, while the nineteen others did not. I issued a video statement on 20 June, exhibited as **KW/150-INQ000349641**, and discussed it during a press conference on 24 June – the readout is exhibited as **KW/151-INQ000349643**.
196. The TAG Children and Education Sub-group continued to meet, and regular updates were provided on the latest understanding of evidence on children/transmission in schools and on testing in schools. TAC advised against reducing social distancing to 1 metre. I exhibit a meeting note from 19 June as **KW/152-INQ000299986**.
197. On 24 June 2020 a joint statement was issued by the Welsh Government, Welsh Local Government Association and the support staff trade unions about the return to schools, exhibited as **KW/153-INQ000349645**. Reassurances had been sought by those trade unions who represented support staff in relation to risk assessments; cleaning and Test, Trace and Protect. In relation to risk assessments, the Welsh Government guidance stated:
 - a. Employers had a duty to consult their workforce regarding health and safety matters and should involve them in the assessment and development of relevant control measures;

- b. Head teachers and school governors were responsible for ensuring that there was a risk assessment which informed the actions necessary to maintain safety in the school;
- c. The health and wellbeing of learners and the education workforce would be at the forefront of any planned increase in operation for schools. Work was underway to adapt the All Wales Covid-19 Workforce Assessment tool specifically for education staff thought to be vulnerable or at risk. This would be shaped and informed by a working group which would include representatives from schools known to support Black, Asian and Minority Et communities.

198. I agreed to a process whereby concerns could be escalated to Ministerial level regarding the content and implementation of risk assessments if they were unable to be resolved either in a school setting or at a local authority level. I also agreed that the Welsh Government would meet unmanageable costs due to necessary increased expenditure on school cleaning through the Welsh Government Local Government Hardship Fund. We produced a full explanation of Test, Trace, Protect, antibody and antigen testing specifically designed for all school-based staff. We were aiming to provide confidence for all staff that appropriate testing and processes were in place to respond quickly to cases in schools and stop the virus spreading.
199. On 26 June 2020 the Minister for Health and Social Services made an announcement setting out the action the Welsh Government was taking to ensure the safety of children and school staff. I exhibit this as **KW/154-INQ000299393**. The announcement addressed the rapid deployment of antigen testing and antibody testing. On the same date, a TAG Consensus Statement on repeat antibody testing of school staff was published, exhibited as **KW/155-INQ000299391**. It stated that there was value in repeating the antibody testing of school staff for the purpose of understanding historical levels of infection in this cohort over time.
200. On 29 June 2020, schools across Wales opened to pupils from all year groups for limited periods during the week, with only a third of pupils in school at any one time (save for Anglesey who postponed after a local outbreak). I informed schools that my intention was that children attending hubs provision would move back to their own school or setting, and additional provision should be made for them there. I was proud that Wales was the only UK nation where all pupils had the opportunity to attend school before the summer break.

201. On 4 July 2020, the UK Government changed its advice on social distancing, from 2 metres to 1 metre. I have been asked by the Inquiry why the Welsh Government did not follow the UK Government and did not change our advice on social distancing. We discussed social distancing on a Ministerial call on 11 June 2020 which is exhibited as **KW/156-INQ000349584**. The First Minister conveyed the latest SAGE advice. SAGE recommended keeping social distancing at 2 metres, advising that if the distance was halved, the risk of transmission doubled. If the scientific advice changed, we agreed to review our policy. The scientific advice on social distancing did not change. We discussed social distancing further at the CCG on 17 June 2020, where the DCMO (W) advised that the science supporting the 2 metre social distancing rule demonstrated that it was an effective barrier against the spread of the virus. A lesser distance of 1 metre might be acceptable during periods of very low community transmission, but there would be a need to quickly move back to the 2 metre rule should the infection rate begin to rise. After the UK Government's announcement, the CMO(W) issued a statement on 8 July 2020, explaining the scientific rationale for 2 metre social distancing over 1 metre. We agreed with that position. Children under 11 (i.e. children in primary schools) were not required to socially distance. Younger children would inevitably find it more difficult to maintain social distancing, and evidence was clear that younger children were less likely to transmit the virus. In a school setting, our Operational Guidance made clear that it was not practicable to expect primary school pupils to maintain consistent social distancing of two metres. For secondary aged children, we recommended that wherever possible, schools and settings should seek to ensure social distancing of two metres.
202. The public health position in Wales continued to improve over the summer months, and we agreed at Cabinet to lift restrictions on a gradual and phased basis. Decisions continued to be made at 21 day reviews, following a careful consideration of scientific / health advice, consideration of the socio-economic and equality implications and a balancing of the four harms. Given the likelihood of a second wave later in the year, we wanted to relax the restrictions as much as possible during the summer months, while conditions were more favourable. I understand that the detail of the decisions taken at each 21 day review are set out in Annex 1 to the witness statement of Andrew Goodall M2B/WG/01 and I do not repeat that here.
203. The Welsh Government continued to take steps to try to mitigate the impact of lockdown on children and young people. Evidence suggested that the loss of learning and engagement in school was a significant impact of lockdown, with potential long term issues for all learners. There had been a variation in the quality and range of learning

resources available, and variation in engagement by individual learners. Disadvantaged and vulnerable learners may not have engaged fully with digital learning, and the evidence suggested that this would have widened the existing attainment gap with disproportionate impacts on this group. On 1 July 2020, I submitted a bid for £29 million in funding for the next academic year to support learners who had lost out during Covid-19. This funding was to provide 600 new teachers and 300 new teaching assistants in schools to provide direct catch-up support to those who were taking GCSE and A level exams in the summer of 2021, and to disadvantaged and vulnerable learners. The advice was supported by an integrated impact assessment which drew upon consultation with Estyn, schools and the Children's Commissioner for Wales. It also identified that disadvantaged and vulnerable learners might not have engaged fully with the digital learning with a consequential impact on the attainment gap. The funding bid was approved, and I announced this additional funding on 8 July 2020 – I exhibit Ministerial Advice as **KW/157-INQ000349657** and the announcement as **KW/158-INQ000299444**. I made a further bid for funding from the Covid-19 resource reserve to support learners in further education and in higher education.

204. Work was ongoing to plan for the next academic year, and our scientific advice continued to develop. I met with Dr Tuthill, the Officer for Wales at the Royal College of Paediatrics and Child Health (RCPCH), on 2 July. Dr Tuthill set out the latest evidence known to the Royal College relation to transmission amongst children and advised current evidence suggested children were not spreading the virus. Those children who did catch the virus were likely to have picked it up from an adult. This is different to the transmission of flu where children do transmit the virus. Dr Tuthill also suggested shielding children was no longer useful, and reassuring staff and parents was a real challenge.
205. On 7 July 2020, the TAG Children and Education Sub-group produced a paper, which I exhibit as **KW/159-INQ000299446**. The paper provided advice on the return to school in September. TAG recommended that schools in Wales should plan to open in September with 100% of pupils physically present on school sites, subject to a continuing, steady decline in the presence of Covid-19 in the community, and appropriate measures to protect staff and children. These measures included (a) contact tracing programme to be tracing an estimated 80% of contacts; (b) every school should be Covid-19 secure, having carried out a risk assessment and mitigated risks with a combination of controls, such as social distancing, hand and surface hygiene, one way systems etc; (c) if there was a local incident or outbreak, schools should implement

appropriate restriction measures; and (d) plans should always be in place to teach up to 100% of children remotely if needed. TAG provided a summary of the key evidence at para 1-9. In short, TAG advised that children under the age of 18 made up 22-25% of the population, but less than 2% of the caseload in every country. Infection with Covid-19 appeared to take a milder course in children than in adults. While there remained some ongoing uncertainty in transmissibility, real world observation of the reopening of schools in England demonstrated little evidence of transmission by children. International comparisons also corroborated this. Transmissibility in children under 12 was particularly low, and so social distancing for this age group could be reduced. Secondary age children were likely to need to reduce overall daily contacts by 40-60% to maintain Covid-19 security - this could be achieved by 2m social distancing and/or maintaining class 'Covid-19 secure groups' with avoidance of mixing. Bubbles / limited groups were not straightforward in secondary schools given the movement between different classes and behaviour associated with this cohort. A circuit breaker methodology was developed to monitor the impact of schools reopening on transmission. The paper also raised certain issues with universities: about accommodation and movement. The Further Education sector, particularly for the post-19, had many different courses and teaching types and much of the teaching was practical.

206. The paper also contained a summary of the positions being taken in England, Scotland and Northern Ireland (which were driven to a large extent by differences in the usual school terms). I met with the co-Chairs of TAG and the Deputy CMO(W) to discuss that advice.
207. On 7 July 2020 I appeared before the Children, Young People and Education Committee focusing on the impact of Covid-19 on children and young people. I exhibit a copy of the transcript of my evidence as **KW/160-INQ000350648**.
208. On 8 July 2020, I received a Ministerial Advice on return to school in September which I exhibit as **KW/161-INQ000145233**. My officials had worked closely a range of partners to plan for this next phase, including the Association of the Directors of Education Wales, the middle tier/head teachers group, trade unions, the CSAH, the CMO(w), Public Health Wales and TAG. The advice summarised the latest advice from SAGE and TAG, which was that it was reasonable to expect all learners to return in September, with appropriate controlled measures in place to ensure the risk of transmission was minimised as far as possible. The measures included familiar strategies of contact tracing, good risk

assessments of school sites, early warning information and plans in place to go back to remote teaching if needed. Test, Trace and Protect had been adapted for schools and Public Health Wales guidance was in place for dealing with outbreaks in schools. I considered each of my five principles in my decision making framework, including the scientific advice and the potential harms caused to children's mental health and well-being by not being in school. An Integrated Impact Assessment was prepared and is exhibited as **KW/162-INQ000350779**. I accepted the recommendation and decided that all learners should return to educational settings in the autumn term, with control measures in place. I issued a Written Statement the next day, 9 July 2020 which confirmed my decision. I confirmed that Autumn term would start on 1 September and schools that could accommodate all pupils from the start of the term should do so. Schools were allowed time, up to a fortnight at the start of term, for any planning and reorganisation. I exhibit this statement as **KW/163-INQ000300049**.

209. Also on 8 July, the Children, Young People and Education Committee of the Senedd published an interim report on the Impact on Covid-19 on children and young people, exhibited as **KW/164-INQ00066483**. This report includes copies of the written evidence I had submitted to the Committee. The final report was published on 24 March 2021, which I refer to further below.
210. On 22 July 2020, I announced £50 million in additional funding for universities and colleges, to provide support to universities and colleges in recovering from the pandemic. I exhibit this as **KW/165-INQ000299526**. This was the result of my funding bid that I have referred to above. £27 million was provided to higher education institutions, to assist them in their preparations for the autumn, and to support students suffering financial hardship. £23 million was provided to support students in further education colleges and sixth forms. £15 million was provided for 16-19 year old learners beginning courses at FE colleges, to increase support following the closures of schools and to help with their transition to post-16 learning. £5 million was provided to support vocational learners to return to college to complete licence to practice qualifications, without needing to re-sit the full year, and an additional £3.2 million was used to provide digital equipment to FE students. Further sums were provided to support students undertaking Independent Living Skills programmes and mental health and wellbeing projects.
211. The public health position continued to improve over the summer, and Cabinet decided at 21 day reviews to relax the rules as much as possible. Outdoor activities

(playgrounds, outdoor gyms etc) were re-opened at the end of July, and swimming pools, gyms, leisure centres and indoor play areas were reopened from 3 August 2020. Pubs, bars, cafes and restaurants were reopened for indoor customers on the same date. Four households were permitted to form an extended “bubble” and to meet up indoors from 22 August.

212. Further discussions took place in August about face coverings for children and young people in education settings, I exhibit a note of the Ministerial call on 13 August as **KW/166-INQ000349767**. On 21 August 2020, the WHO published an Annex on mask wearing by children. The Children and Schools TAC and TAG published advice on face coverings for children and young people (under 18) in education settings on 25 August 2020, which I exhibit as **KW/167-INQ000349842**. The report itself acknowledges that there was a range of opinion on wearing face coverings to reduce virus transmission in different settings. I met with the Minister for Health and Social Services and the First Minister to discuss the way forward. We issued a Written Statement on Face Coverings in Schools on 26 August 2020, which I exhibit as **KW/168-INQ000300223**. We were advised that face coverings were likely to be of little value in children under the age of 11. However, the rates of infection and transmission increased after that age, and face coverings could have a role in risk mitigation. The advice from the CMO (W) was that face coverings were recommended for all members of the public over 11 years in indoor settings in which social distancing could not be maintained, including schools and school transport. As social distancing was still required in secondary school classrooms, face to face teaching without coverings could continue. I amended the operational guidance for schools and Further Education to require settings and local authorities to carry out risk assessments of their estates to determine whether face coverings should be recommended for staff and young people in communal areas. We confirmed that the guidance would be kept under review and might change if community prevalence changed in Wales. On 7 September 2020, I announced additional funding to fund face coverings in these settings which I exhibit as **KW/169-INQ000300227**. I considered that our decision making around face coverings was consistent with advice given by the CMO (W), TAC/TAG, SAGE and the WHO.

213. On 18 August 2020, the Welsh Government published our Coronavirus Control Plan, setting out how people and organisations across Wales should work together to manage the risks of coronavirus as we head into autumn and winter. I exhibit this as **KW/170-INQ000349796**. This confirmed that the Welsh Government’s approach to controlling coronavirus was based on the principles of caution, proportionality and subsidiarity. We

stated that coronavirus has not gone away, and that we had to be increasingly vigilant as we moved into autumn and winter. The control plan set out the indicators for imposing local or regional measures to protect public health, that apply to a specific geographic area. If local or regional measures were not found sufficient, then further all Wales measures might need to be reintroduced.

214. On 21 August 2020 the TAG Children and Education Sub-group considered the paper by PHE 'Transmission of Covid-19 in school settings and interventions to reduce the transmission: a rapid review' and noted that the evidence was weak and did not change previous advice. I exhibit the meeting note as **KW/171-INQ000299982**.
215. On 23 August 2020, the UK 4 CMOs made a joint statement on the risks of non-Covid harm to children and young people from societal restrictions.
216. On 26 August 2020 I approved a contingency fund for free school meals in the event there were any more school closures. Ministerial Advice is exhibited as **KW/172-INQ000103954**.
217. In or around September 2020, officials published a number of Integrated Impact Assessments that had been carried out since March 2020. I cannot now recall if I saw these impact assessments at the time, but they provide a helpful summary of the work that was being done and the impact on different protected groups and on children's rights. I exhibit an Integrated Impact Assessment assessing the actions taken from early March to mid June 2020 as **KW/173-INQ000087154**, together with a Children's Rights Impact Assessment as **KW/174-INQ000299535**. An Integrated Impact Assessment was also carried out in respect of the increasing operations in schools and educational settings from 29 June 2020, which I exhibit as **KW/175-INQ000350751** together with a Children's Rights Impact Assessment as **KW/176-INQ000350750**. I also exhibit the Integrated Impact Assessment that assessed the impact of decisions to allow all learners to return to educational settings in September as **KW/177-INQ000350779**.

Autumn 2020 and the Firebreak lockdown

218. I was aware that we were likely to see a "second wave" of coronavirus in the autumn/winter. The Welsh Government's commitment was that schools would be the last to close, and that schools and childcare should remain open and operational for as

long as possible. However, I asked officials to plan for a range of potential scenarios for the autumn.

219. Children and young people returned to schools and Further Education institutions from 1 September 2020. On 2 September 2020 we published amended operational guidance in respect of face coverings in schools. The advice for classrooms was that as contact groups and other controlled measures existed, the marginal benefit of face coverings should be balanced against the likely negative effect on learning. The CMO(W) recommended, but did not mandate, the risk assessed use of face coverings in other communal areas in secondary schools where measures such as contact groups could not be maintained. This could include communal areas of schools where the physical layout meant that contact groups could not remain separated to the same degree.
220. I attended the Shadow Social Partnership Council on 7 September 2020 to discuss the approach being taken to safely re-open schools for the new term with our social partners. I exhibit the meeting note as **KW/178-INQ000310411**.
221. I held a meeting with Public Health Wales to discuss the return to school and Covid-19 cases in schools across Wales on 8 September 2020. I also had a meeting with the Minister for Health and Social Services and the First Minister to discuss schools and Higher Education. We discussed the SAGE advice that universities were good locations to pilot approaches such as population case detection and whether school/college staff should be in a priority group to access testing (once there was better availability of tests) to avoid the situation where hundreds were self-isolating but unable to test.
222. As expected, cases of coronavirus began to increase in the autumn. Initially, we saw a significant rise in cases in Caerphilly over a short space in time, which were linked to holiday travel abroad and people socialising indoors without following social distancing guidelines. Under the Coronavirus Control Plan, the Minister for Health and Social Services introduced local restrictions for Caerphilly County Borough Council area.
223. Cabinet met on 8 September 2020 to review the principal Regulations. I exhibit the minutes as **KW/179-INQ000048867**. We agreed that ensuring schools could remain open was the Government's priority. Cabinet confirmed that it would consider reimposing restrictions, if necessary, in other areas, to ensure that schools could remain open. There was no headroom to relax any of the existing restrictions given the

reopening of schools and the developing issues in Caerphilly, and so the existing restrictions were maintained.

224. The Welsh Government Cabinet (remote) “awayday” took place on 9 September 2020, where we discussed a Winter Preparation Plan for coronavirus, as well as Continuity Planning and Prioritisation work.
225. I met with the Welsh Local Government Association on 10 September to discuss the return to school and operational matters that had arisen. I was concerned about whole year groups being required to isolate following a positive test. I exhibit minutes as **KW/180-INQ000349885**.
226. Following the Ministerial call on 10 September 2020, the First Minister informed us of a number of urgent additional measures to be taken to respond to the deteriorating position in Wales. These included further limits on people meeting indoors: a maximum limit of six, and they had to be from the same exclusive household group or bubble (made from four households joining together). Children under 11 were exempt. The Welsh Government also agreed to introduce a requirement for all residents over the age of 11 to wear face coverings in indoor public spaces, with an exemption for pubs/restaurants for the time being. Children under 11 would be exempt, as would people who were unable to wear a mask due to a health condition or impairment. These restrictions were announced on 11 September 2020. This requirement did not apply to schools at that time, and the risk assessment required by our operational guidance remained in place. An update from the First Minister’s office is exhibited as **KW/181-INQ000349851**.
227. At Cabinet on 14 September 2020 we approved the Government’s 8 key priorities for Covid-19 reconstruction work. I exhibit these priorities as **KW/182-INQ000349861** and minutes as **KW/183-INQ000057744**. Our approach to reconstruction was to be driven by the existing vision of a more prosperous, equal and greener Wales. Our primary objective was that, in everything we did, we would focus our efforts on supporting those who had been most adversely affected by Covid-19, notably children and young people, those in low paid and insecure employment, Black, Asian and Minority Ethnic people and disabled people. The first two objectives related to my portfolio. First, doing everything we could to reduce unemployment and give everyone the best chance to find and keep decent work. We agreed to work with schools and colleges to provide opportunities for people to develop their skills and acquire new ones. Second, to make

sure that our young people did not lose educationally or economically through the effects of Covid-19 or because of any economic downturn that was not of their making. We agreed to support all of our young people to stay in education and to catch up in school and college. We agreed to make sure that particularly disadvantaged groups, including Black, Asian or Minority Ethnic learners, received the additional help that they needed.

228. On 14 September 2020 I had a call with the Secretary of State for Education. We were both concerned about how the rules on self-isolation were affecting schools. The Secretary of State told me he was intending to issue a joint letter with the Secretary of State for Health to public health officials and issue schools with case studies on self-isolation. We also discussed an approach to examinations for the year.
229. Further Ministerial calls took place daily. The Ministerial call on 15 September – exhibited as **KW/184-INQ000349865** - discussed a TAC paper which had highlighted that the R number was now over 1 across the UK as a whole, and TAC believed the Wales number was also above 1. The TAC report stated that we were in an equivalent position to early February. We knew that decisions would need to be made soon as to whether local action was working, or whether wider measures were needed.
230. During the Ministerial call on 17 September, exhibited as **KW/185-INQ000349866**, I provided an update on the first few weeks of the school term. Data suggested that 80% of children were attending schools, down from previous years of 94%. Approximately 60 schools were affected by Covid-19, but there was no evidence of transmission within schools, and most schools had only a single case.
231. On 21 September 2020, the four Chief Medical Officers for Wales, England, Scotland and Northern Ireland recommended that the Covid-19 Alert Level should increase to Level 4 – i.e. that the virus was in general circulation and transmission was high or rising exponentially. Cabinet met again on 21 September 2020 and I exhibit the minutes as **KW/186-INQ00022495**. The First Minister informed us that further local restrictions were put in place in Rhondda Cynon Taf. There had also been a need for urgent action to combat the spread of the virus in four more local authority areas: Blaenau Gwent; Bridgend; Merthyr Tydfil; and Newport. Accordingly, from 6pm the following day, residents within these local authority areas would be subject to more stringent restrictions. All those living in our Local Health Protection Areas were not allowed to leave their local areas without a reasonable excuse, thereby reducing the risk of spreading the virus.

232. I attended Cabinet when the local restrictions approach was discussed, and I endorsed this approach as a sensible one to try and strike the right balance between keeping people safe and protecting the NHS, with allowing people to live with fewer restrictions where possible (in areas where coronavirus rates were not as high). However, I was not involved in the individual decisions to impose, amend or remove local restrictions. I was kept informed of these decisions at Cabinet or via Ministerial calls.
233. COBR met for the first time in months on 22 September 2020. A read out was circulated to my office which I exhibit as **KW/187-INQ000349879**. The Prime Minister is recorded as stating that cases were increasing with a doubling rate of 7 days, and that he would be announcing tougher social distancing measures and new measures on hospitality in an attempt to get R below 1. The First Minister said the picture in Wales was mixed but that the proposed measures were broadly endorsed albeit they might be implemented slightly differently in Wales. He asked for regular COBR meetings, which did not occur.
234. On 8 October 2020 the Deputy Minister for Health and Social Services and I jointly approved the 'Coronavirus Control Plan for Wales: Education and Childcare settings' document. I exhibit Ministerial advice as **KW/188-INQ000136821** and the plan as **KW/189-INQ000349932**. This document was prepared to support education and childcare settings in planning for their operations, and for movement between the stages of the hierarchy of escalation set out in the overarching control plan. As we had seen since the return to face to face learning in September 2020, the issue was that these settings were likely to see absences from staff, children, young people and learners. This was likely to occur both when people were diagnosed with Covid-19 or identified as a close contact and required to self-isolate and could involve small numbers or quite large numbers missing education, depending on circumstances. We had already seen some examples of schools asking full year groups to isolate, or restricting access where the number of teachers absent were such that it impacted safe operations. It was important in those circumstances that education settings had plans in place to support continuity of learning. The plan applied to all childcare and education settings, except for higher education institutions, who already had their own operational plans in place. We made clear in this Plan that schools and other educational settings would be the last things to close, and the first to open. Closure in their entirety was unlikely in all but the very worst circumstances.

235. COBR met again on 12 October 2020. I understood that SAGE had been recommending a planned “circuit breaker” period where strict non-pharmaceutical interventions would be reintroduced for two weeks around the October half term, to reduce prevalence and prevent hospitalisations and deaths. During the Ministerial call of 13 October 2020, exhibited as **KW/190-INQ000349943**, the First Minister provided an update on the COBR meeting held the previous day. The public health situation was still concerning, and three options were under consideration: (1) strengthen local measures; (2) introduce a set of Wales-wide measures, building on and strengthening the local measures already in place; and (3) invoke a circuit breaker mechanism in Wales.
236. On 15 October 2020 the First Minister called an emergency meeting of Cabinet to discuss a circuit breaker to reduce the significant increase in transmission. Minutes are exhibited as **KW/191-INQ000048796**. We were provided with a number of papers to review, including (a) a Fire Break Options paper; (b) an equality impact assessment, (c) Legal Advice; and (d) a detailed set of lockdown proposals for the circuit breaker. SAGE had recommended that a firebreak was needed to bring the R rate below 1. TAC’s conclusions were clear that, without a firebreak, the continued increase of cases in Covid-19 in Wales would be too high for the NHS to sustain, which would inevitably result in a significant loss of life. Scientific advice was that a minimum of two weeks was needed, but three weeks or longer would be preferable. TAC recommended an urgent national firebreak in order to balance the four harms effectively. The purpose of a firebreak was to bring R below 0.9, and to use the time to refresh the national rules and public messaging for the winter period. This was to be done in a way that best protected lives and livelihoods, while recognising the need to minimise longer term social, economic and health harms.
237. The CMO(W), the CSAH and TAC all agreed with the SAGE advice, and all supported a firebreak. New modelling from Swansea University suggested that a two-week lockdown had the potential to reduce the ‘R’ rate from around 1.4 to 0.8. The report considered the impact on the economy. We all agreed that the Government’s main priority would be to keep schools and childcare settings open. The first week of the lockdown was proposed to cover half term, so as to minimise the impact on children and young people missing face to face learning. Three local authorities would be on half term for both weeks of the lockdown (as they had stayed open for an extra week over the summer, and so were having a two week half term in October). For the second week, it was proposed that primary schools would remain open, because they had a lower impact on transmission and were necessary to enable front line workers to remain in

work. The initial proposal was that all secondary schools would do one week of online learning. There would still need to be face-to-face and blended learning at universities to avoid a mass movement of people. We all considered the equality impact assessment, which highlighted the key potential impacts. On 15 October, we agreed in principle that a 2 week firebreak would start on 23 October.

238. We had a further emergency Cabinet meeting on Sunday 18 October 2020, where we discussed the firebreak again to decide on what restrictions would be put in place. Minutes are exhibited as **KW/192-INQ000048801**. Further advice was provided from officials which I exhibit as **KW/193-INQ000048887**, and TAC produced an updated paper for consideration on this day which I exhibit as **KW/194-INQ000048877**. The major issue we had to resolve was how to apply the restrictions to schools. TAC advised that any school that remained open would erode the impact of the firebreak, and that closing all educational settings would have a significant impact on the R rate. My concern was that children and young people had already faced significant disruption and harm from not being able to attend school. Local authorities wanted all schools to stay open. Perhaps unsurprisingly, as the Minister for Education, so did I. However, there was a risk created by social contact by adults at schools if they remained open. But there was also a risk if schools closed of children continuing to mix in an unregulated environment. We asked for further advice on this. There was a children's rights assessment in the papers for the meeting, exhibited as **KW/195-INQ000048882** and further equalities impact assessment exhibited as **KW/196-INQ000048883**.

239. At Cabinet the following day we decided that the balance of harms came down in keeping primary and special schools open, but secondary schools should be open only to years 7 and 8 after the half-term, plus those taking exams during that week. I exhibit the minutes as **KW/197-INQ000048802**. The balance was struck in this way because of the impact on transmission from older children, and that secondary children in year 9 upwards were more mature, and were more able to engage with remote learning for one week. I had already made provision for free school meals during any future lockdown, and this would now need to be implemented. The remainder of the firebreak measures were agreed, including the "Stay Home" message: working from home wherever possible, the closure of non-essential retail, and the closure of hospitality (as per the first national lockdown).

240. We were also concerned about the impact on higher education and further education. There was a risk of mass migration of students, which could undermine the purpose of

the firebreak. We explored whether the firebreak would coincide with reading weeks for universities. We considered that the best option was to ask Higher Education and Further Education institutions to provide blended provision where there were plans in place to do so. If students left Higher Education institutions to return home, that risked an uncontrolled mass migration of students, with corresponding increase in transmission.

241. The announcement was made by the First Minister on 19 October with effect from 23 October for two weeks which I exhibit as **KW/198-INQ000350618**. An integrated impact assessment was also prepared. It identified that:

- a. Closing schools in the week after half term would have a disproportionate impact on children living in poverty, many of which were from Black, Asian and Minority Ethnic communities, who may have less space, quiet and be digitally excluded although as noted above schools would be in receipt of remote learning;
- b. With schools closing, looking after children and supporting them to learn tended to fall more to women than men which impacted on some women's ability to work and their health and wellbeing; and
- c. Stay at home measures could increase demand for support from women or children experiencing abuse.

242. We had all been aware of these factors before taking the decision.

243. The Welsh Government learned a number of lessons from the first national lockdown that we applied to decision making here. We had learnt that the more rapidly measures were put in place, and the more stringent they were, the faster the reduction in incidence and prevalence, and the greater the reduction in Covid-19-related deaths. We knew that a large number of individual restrictions was necessary to reduce the R rate, and wide-ranging restrictions were put in place. We also knew that we needed a simple, clear set of rules that were comprehensible to all, which would increase compliance. However, we were also even more aware then how significant the impact of lockdown had been on children and young people. Unsurprisingly, as the Minister for Education, I was determined to do my utmost to keep schools open to the greatest extent possible. Ultimately, we had to balance the four harms I have described above. In the end, for the week after half term, that balance came down in favour of keeping primary schools open, along with Year 7 and 8 in secondary schools. The remainder of secondary schools were closed (and as I mentioned above, schools in three local authorities were due to

be closed that week anyway as they were having a two week half term). The fact that the firebreak was planned to include the half-term holidays mitigated the effects on education to a degree.

244. The approach taken to children of key workers and vulnerable children was different during the firebreak than the first lockdown. This is demonstrated by the Ministerial Advice sent to me on 20 October 2020, exhibited as **KW/199-INQ000235915**. There was no provision for the children of critical workers to attend school during the firebreak, and only those with exceptional needs were provided for. The definition adopted for vulnerable children was wider in scope than the one we had used in the lockdown in March. This took account of the lessons learnt about the impact of the lockdown on different groups of children and the different vulnerabilities ranging from their educational, emotional, mental and physical health needs, as well as the safeguarding needs. This time, we did not define specific categories of children and young people as being vulnerable (e.g. if they had social workers or Statements of Special Educational Needs). This was to enable schools and local authorities to determine on a case-by-case basis who their most vulnerable learners were without restricting access to specific groups. Special schools were to remain open.

245. Given the discussions we had at the time, I am confident that if funding had been available from the UK Government, the Welsh Government would have sought to have a three week firebreak rather than a two week firebreak. The scientific and medical advice was clear that three weeks would have been more effective. My perspective was always on how restrictions would affect those in education and my main focus was on ensuring that it happened over half term and ensuring that primary and special schools should remain open. One of the key learning points from the first closure of schools was that children with statements and children from poorer backgrounds were particularly disadvantaged. My team and I concentrated at this time on how we could mitigate the disadvantage as far as possible.

246. I thought that the firebreak did achieve its purpose. It was successful in bringing the R rate down below 1, and meant that, when numbers started to rise again, we were starting from a much stronger position.

Firebreak lockdown to Christmas 2020

247. Cabinet met again on 29 October 2020 to consider what restrictions should be put in place at the end of the firebreak. I exhibit the Cabinet minutes as **KW/200-INQ00048929**. I understand that copies of the Cabinet papers have been provided to the Inquiry and so I do not exhibit those again here. We carefully considered all of the science and policy advice and agreed to adopt a principle of lifting the firebreak restrictions in a graduated way. We adopted measures to ensure that people had less contact with others, that encouraged social distancing, and, when that was not possible, that stringent risk management approaches were in place to prevent further spread. We agreed that all schools post-firebreak should return to full operations from 9 November, with blended learning provided for those required to self-isolate. It was agreed that there should be a greater emphasis on remote working, and mitigation measures put in place to counter any adverse impact on women, disabled people and Black, Asian and Minority Ethnic people. We were advised that household mixing was the source of most transmissions and further restrictions were imposed: households would only be able to form a bubble with one other household. We confirmed the detailed post-fire break restrictions on 1 November 2020, and new regulations were made.

248. The firebreak ended on 9 November 2020. On that day, TAG published an evidence review on Children and Young People under 18 in Pre-School, School or College following the firebreak. I exhibit a copy of this paper as **KW/201-INQ000299692**. The paper reviewed primary data sources, peer-reviewed papers and international sources. The review indicated that additional modelling and empirical data from the ONS' Covid-19 surveillance study now indicated that there was evidence of higher levels of infection and transmission in school-based age groups than previously recognised, especially in 11-17 age groups, a higher rate of asymptomatic transmission, and that children were more likely to be the first case in a household. This new evidence indicated that schools being open was associated with higher risks of infection in the population, although the causative mechanism for this was unclear (it could include many factors such as reopening workplaces, parents returning to work, shops and hospitality etc). However, TAG confirmed that school closures were very likely to affect the mental health of adolescents, were moderately likely to impair students' cognitive, social and emotional development and might also have an effect on children's wellbeing. TAG recommended that school-based controls and existing recommended NPIs were essential to maintain infection control and limit transmission rates in educational settings. They recommended that additional mitigations should be considered, including ways of reducing daily face to face contacts to reduce exposure risk, and the possibility of wearing face coverings for older age groups in more circumstances, including on public and dedicated transport

and even in the classroom on a risk assessed basis where effective social distancing could not be maintained. TAG also recommended that we should explore the possibility of using mass asymptomatic testing in schools, and the logistical viability of such a programme. This advice was discussed with the School Social Partnership Forum on 17 November.

249. On 10 November 2020 I announced that there would be no GCSE, AS and A-level qualification exams in 2021 due to the fact that the time learners would spend in schools and colleges would vary and it would not be possible to ensure fairness, exhibited as **KW/202-INQ000350748**. I issued a Direction to Qualifications Wales in this regard on 18 November 2020.
250. On 11 November 2020, I announced a set of principles that had been agreed with the university sector to allow all students living in term time accommodation to move home if they wished at the end of the current term, which I exhibit as **KW/203-INQ000300000**. Universities had agreed to conclude the majority of in person teaching in the week leading up to 8 December 2020, so that a phased exit could take place. I also published guidance for students to follow. This guidance was adopted after the First Minister and I considered a joint Ministerial Advice on 5 November 2020 which I exhibit as **KW/204-INQ000145404**. The advice contained modelling on asymptomatic transmission amongst the student population. The announcement was co-ordinated with the UK Government. The Welsh Government had worked with the other governments across the UK to ensure that all students, no matter where they lived or studied were treated fairly. It included an opportunity for all our universities to take part in an asymptomatic mass testing pilot that explored the use of new lateral flow devices within higher education settings. The Ministerial Advice is exhibited as **KW/205-INQ000349985**. The announcement identified that the evidence showed that transmission was not taking place in the teaching and learning environment at that time.
251. Cabinet met again on 16 November 2020. I exhibit the minutes as **KW/206-INQ000048798**. We were informed that the firebreak had been successful in reducing the transmission rate to 0.8. Thoughts turned towards potential restrictions over the Christmas period. In terms of schools, there would be a need for further discussions with local authorities and trades unions on any proposals to curtail the current term or for children to return later after Christmas, although there would be a need to avoid any further harm to children.

252. On 17 November 2020, I agreed to changes to operational guidance for schools to reflect the TAG advice, so as to strengthen the position on face coverings in schools and on dedicated school transport. The amended guidance stated that face coverings should be used in communal areas of secondary schools and colleges, by staff and learners where social distancing and contact groups could not be maintained, and face coverings should also be worn on dedicated school transport for year 7 and up. I exhibit Ministerial Advice as **KW/207-INQ000176813**. Our policy position on the use of face coverings in the classroom remained the same: in classrooms where contact groups existed and other control measures were in place the marginal benefit that may be gained by the use of face coverings had to be balanced with the likely negative impact on the learning experience, including hearing and social communication. I approved the amendments to the guidance and it was published on 23 November 2020. Our position on face coverings in schools and education settings changed over time, to reflect the changing advice that we were receiving. I sought to follow that advice and updated relevant guidance where necessary.
253. Consideration was also being given to mass testing (using lateral flow tests). On 19 November 2020 it was agreed in Cabinet that the First Minister, the Minister for Health and Social Services, the Minister for Housing and Local Government and I would need to meet urgently to discuss lateral flow testing in secondary schools. I exhibit minutes as **KW/208-INQ000129889**. TAG's Children and Schools Sub-group produced a paper on this issue in early December, which I exhibit as **KW/209-INQ000350037**. We were learning from the experience of asymptomatic testing we were doing in higher education institutions, and we were also working with Merthyr Tydfil, piloting asymptomatic testing in various education settings there. We needed to understand the lessons about how it was working and understand any issues with asymptomatic testing in a school setting before we could roll it out further. Alongside the MHSS I later confirmed details of a testing programme in schools and further education, exhibited as **KW/210-INQ000350090**.
254. On 24 November 2020, UK wide rules for Christmas were agreed at COBR. These included relaxing travel restrictions across the four nations and between tiers to provide a window for households to come together to celebrate Christmas.
255. I had a meeting with the Minister for Housing and Local Government, the Minister for Health and Social Services and members of the Welsh Local Government Association to discuss Covid-19 pressures on schools over the next few weeks. We agreed that

schools would stay open, and I exhibit the statement that later issued to confirm this as **KW/211-INQ000350776**.

256. On 26 November 2020 I appeared before the Children, Young People and Education Committee focusing on the impact of Covid-19 on children and young people. I exhibit a transcript of my evidence as **KW/212-INQ000350649**.

257. At a Ministerial call on 25 November 2020, we received an update on the current public health position from the CMO(W), the CSAH and the Chief Executive of NHS Wales. I exhibit the note as **KW/213-INQ000350028**. We were also provided with case projections which I exhibit as **KW/214-INQ000350029**. Cabinet met again on 26 November and the First Minister referred to the presentations received the previous day, I exhibit the minutes as **KW/215-INQ000048925**. We were advised that the firebreak had had the intended impact of a short, sharp early intervention to push back the epidemic by three weeks; however, the benefits of this period of negative growth had now largely been lost. The most recent estimate placed the R rate at 1.4, which would suggest Wales was entering a period of significant growth of the virus. Hospital admissions were rising and there were over 1,700 Covid-19 patients now being treated. We were advised that without action, the number of patients in hospital by Christmas Day could be at its highest level since the pandemic began in March. We agreed in principle to impose further restrictions and to adopt a tier system. Cabinet agreed that childcare, schools, further and higher education would remain open. Before the meeting was an options appraisal for the Christmas period which addressed the option of school closures, exhibited as **KW/216-INQ000048897**.

258. On 2 December 2020 a Ministerial Advice sent to me and the First Minister, copied to the Minister for Health and Social Services, recommended action to deal with the movement of students from home to universities at the start of the next academic term in January. They included: (i) staggered starts at universities; (ii) asymptomatic lateral flow testing pilot; (iii) communication and messaging regarding personal responsibility and risk management. The approaches of both England and Scotland were considered. Data on daily case numbers at Welsh universities were included in the advice. I agreed with the advice and made an announcement on 7 December 2020 - students were asked to return to campus over a four-week period, starting from 11 January 2021, with a phased return to in-person teaching. The lateral-flow testing pilots for asymptomatic students was to continue. I exhibit this as **KW/217-INQ000177019**.

259. On 4 and 5 December 2020, I was sent drafts of a TAC paper called “Statement on NPIs in the pre-Christmas period”, exhibited as **KW/218-INQ000350039**. I was told that it was due to be published on the morning of 7 December 2020. The paper put forward different models based on schools being open for 14 – 18 December 2020, and recommended moving to a ‘blended learning’ approach (i.e. online learning). I was dismayed reading the paper and sent an email on 6 December 2020 setting out my concerns, exhibited as **KW/219-INQ000350044**. I was frustrated that the data in the paper seemed to contradict the position that I had agreed only a week earlier with the Local Government Minister and Welsh Local Government Association. Local authorities had then started planning on the basis that schools would remain open for the rest of term and had confirmed that position to parents. It also seemed contrary to the Government’s stated position that education would be disrupted only as a last resort. I set out a number of concerns, including that (a) the paper did not consider the impact of school closures on pupils, (b) the paper assumed that all schools would close, and did not differentiate between primary, secondary and special schools; (c) the paper did not draw a comparison with the impact of other sectors remaining open (e.g. restaurants, personal services); and (d) the paper did not appear to take into account what pupils would be doing if schools were closed. The assumption was that they would stay at home if there was distance learning rather than what they would be likely to be doing: socialising, shopping and going to restaurants.
260. On 7 December 2020 the First Minister decided that the report should not be published until my concerns and the concerns of other ministers had been addressed. We were informed that the schools modelling section was being revisited. The Deputy Minister for Health and Social Services also expressed her concern about the possibility of schools closing a week early. I received a further iteration of the paper later that day, which took on board some of my concerns. This version of the paper was published that day, exhibited as **KW/220-INQ000350057**. I did not at this stage think it was necessary to close schools: the significant wider harms caused by school closures outweighed any contribution that schools might play in wider transmission. I was also conscious of how difficult it had been to re-open schools when we had closed them in March.
261. I also had a meeting with Councillor Joanne Collins, Education Lead from Blaenau Gwent on 7 December 2020, and set out my concerns about Blaenau Gwent’s proposal to close all their schools for face to face learning from 10 December 2020.

262. I made an announcement about the safe return of university students in the new year, which I exhibit as **KW/221-INQ000350035**. This announcement was made possible by the lateral flow testing programme that university students in Wales had been part of since the end of November 2020.
263. On 8 December 2020 I had a meeting with the Minister for Health and Social Services, the CMO(W) and the CSA(H). There were increasing concerns from a public health perspective about numbers with the virus in Wales and the situation in schools. It was clear from the Ministerial call on 8 December 2020 that the situation in Wales was difficult, and that the Welsh Government would need to put further restrictions in place in the post-Christmas period, as well as in the lead up to it. I exhibit the note as **KW/222-INQ000350061**.
264. The briefing paper that I received in advance of the Cabinet meeting on 9 December 2020 illustrates how reluctant my officials, advisers and I were to increase restrictions on schools, given the harms that this would cause to children and young people. I did not think it was necessary at this point. I exhibit that briefing paper as **KW/223-INQ000350060**.
265. Cabinet met on 9 December 2020 and I exhibit the minutes of the meeting as **KW/224-INQ000048793**. We considered a paper on new Alert Levels in Wales. The detail of the proposed levels was discussed, including where school closures would fit in these levels. Plans had been made to mass test children in January 2021, and I made a joint announcement about this a few days later, previously exhibited as KW/210-INQ000000. Cabinet requested updated advice on asymptomatic transmission in children. The CMO(W) recommended that we should agree, in principle, that Wales should enter Alert Level 4 restrictions from 28 December if transmission rates had not improved significantly by then. We adjourned decisions on the Alert Levels until the next day, in order to discuss proposals with stakeholders first.
266. At 10am on 10 December 2020 the Minister for Health and Social Services sent an email asking if we could speak that day. In a later email he said that he thought that schools needed to move to distance learning from the next week and that he was 'more worried than ever before'. I had a meeting with the First Minister at 11am that day. My team asked the Minister for Health and Social Services if he could attend but he was in a COBR meeting. The First Minister and I discussed the situation in schools. The First Minister had seen advice from the CMO(W) recommending that secondary schools

KW/298 - INQ000396433

should move to online learning from Monday 14 December 2020 (I had not seen this advice at that point). I was disappointed that this was the situation. However, given what I was told about the rapidly deteriorating public health situation and the unambiguous advice of the CMO(W), the First Minister and I agreed that the only possible decision we could take was that secondary schools and further education colleges would need to move to online learning from Monday 14 December 2020. I exhibit confirmation as **KW/225-INQ000350063**.

267. At around midday my private office received a written copy of the advice from the CMO(W) that the First Minister had told me about when we met, exhibited as **KW/226-INQ000350065**. It set out that rates of Covid-19 had further increased across Wales and were now exceeding 370/100,000 with a test positivity of 17%. R had increased to 1.27, with a doubling time of only 11.7 days. These metrics were said to be even worse in the highest prevalence area of South Wales.
268. Accordingly, on 10 December 2020, I made a Written Statement announcing that secondary schools and colleges in Wales would move to online learning from 14 December 2020, as part of the national effort to reduce coronavirus transmission. I encouraged primary schools and special schools to stay open. I exhibit a copy of that statement as **KW/227-INQ000350067**.
269. Cabinet met again later that day, on 10 December 2020. I exhibit a copy of the minutes as **KW/228-INQ000048794**. We agreed to adopt the new Alert Levels, and decided in principle that Wales would move to Alert Level 4 on 28 December 2020. I informed colleagues of my decision to move secondary schools and colleges to online learning from 14 December, with the exception for vulnerable children and those taking examinations. Cabinet was concerned that local authorities would take unilateral decisions to close primary schools and was concerned about when schools would return after Christmas if the country was still in Alert Level 4.
270. The First Minister made the Health Protection (Coronavirus Restrictions) (School Premises and Further Education Institution Premises) (Wales) Regulations 2020 to give effect to our decisions on 11 December 2020. The First Minister also made the Coronavirus Act 2020 Temporary Continuity (Local Authorities) Direction 2020 on the same day (which required local authorities to make arrangements for primary pupils, children of critical workers and vulnerable children to attend school). These were made

after the First Minister considered a Ministerial Advice on the issue, which was also copied to me. I exhibit a copy of that Ministerial Advice as **KW/229-INQ000350579**.

271. An updated Coronavirus Control Plan was published on 14 December 2020 (exhibit). This set out the four Alert Levels, aligned with the measures which would be put in place to control the spread of the virus and protect people's health. I exhibit it as **KW/230-INQ000350093**.

272. On 14 December 2020, the Minister for Health and Social Services and I made a joint Written Statement about Covid-19 testing of staff and pupils, previously exhibited as KW/210-INQ000000. We acknowledged that it had not been easy for pupils and staff who had been required to self-isolate as a result of having been identified as a close contact of somebody who had tested positive for Covid-19, and the impact that this had had on face to face learning. On 9 December, we had announced the reduction in the period of time for which a person needed to self-isolate from 14 days to 10 days. We were committed to taking further steps to reduce asymptomatic transmission, and to ensuring that education continued with minimal disruption. Following discussions with Public Health Wales and the Children and Schools Technical Advisory Cell, we decided to introduce a serial testing programme (using lateral flow tests) in schools and further education settings from January 2021. They would then be offered the ability to perform serial testing of close contacts, to reduce the need to self-isolate within the setting. Pupils and staff identified as close contacts of a positive case would be asked either to self-isolate, or to take lateral flow test at the start of the school day for the duration of the self-isolation period. Those who tested negative could continue with their normal activities. Those who tested positive had to self-isolate and book a confirmatory test.

273. Meanwhile, we were advised that the public health position was worsening. The CMO(W) advised a move to Alert Level 4 and a change to the planned Christmas easing of restrictions. We had Ministerial calls to discuss this on the evening of 15 December, on 16 December 2020 and 17 December 2020 – exhibited as **KW/231-INQ000350095**, **KW/232-INQ000350127** and **KW/233-INQ000350128**. On 16 December 2020, the First Minister announced that Wales would move to Alert Level 4 (the highest level) from 28 December and that certain businesses would close at the end of trading on Christmas Eve, with hospitality premises closing from 6pm on Christmas Day. I exhibit this as **KW/234-INQ000350576**. We advised that Christmas mixing should be limited to two households. A joint statement was issued with the UK Government and the Scottish Government on the approach to staying safe at Christmas.

274. We had to decide whether our position that the Christmas bubble should be two households only, rather than three, would remain guidance or would form part of the Regulations. We discussed this in detail, but there remained some difference of opinion with the Cabinet pretty evenly split. As the Cabinet had not reached a clear view, and in view of the need to make the decision urgently, the First Minister decided that the change be made in Regulations. I agreed with this approach and expressed the view that we needed to be bold in explaining why the decision was the right decision.
275. On 17 December 2020, I held a meeting with the Welsh Local Government Association. The joint statement on the return to schools in January 2021 had been agreed. This set out that there would be some flexibility for local authorities in the return to school in January 2021 with some blended learning in the first week but the expectation that all schools would be back to face to face learning by 18 January at the latest. I exhibit the meeting note as **KW/235-INQ000350167**.
276. On 18 December 2020, the First Minister made the Health Protection (Coronavirus Restrictions) (No 5) (Wales) Regulations 2020, which came into force that evening. These consolidated all the new restrictions including reducing the number of households in a Christmas bubble (from three households to two, although single adult households were still permitted to join these bubbles). The regulations governing schools were incorporated into Part 6 of these regulations, which became the new principal set of regulations.
277. There was a further significant Cabinet meeting on 19 December 2020 at which the Deputy CMO(W) gave oral advice to Cabinet. I exhibit the minutes as **KW/236-INQ000048803**. The 'Kent' strain of Covid-19 had been discovered which was significantly more transmissible and infections rates in parts of Wales were the highest in the UK. The NHS in Wales was now moving ahead of reasonable worst-case modelling. We had to decide whether to bring forward the level 4 restrictions from 28 December to midnight on 20 December. This decision was a difficult one for all of us. I think this was because of the impact on Christmas celebrations and the importance of spending time with family. We discussed it at length but the public health situation was dire and deteriorating rapidly and we all agreed that immediate steps needed to be taken. We decided to move to Alert Level 4 restrictions from midnight that night, instead of from 28 December. This amounted to a lockdown similar to that imposed in March

2020. The First Minister made an announcement about those changes that afternoon, and the new Principal Regulations were amended.

Christmas until May 2021

278. Cabinet met again on 29 December and I exhibit the minutes as **KW/237-INQ000129908**. The new variant had been identified as a factor in the rapid growth in the number of cases, which was a real threat to the NHS in Wales and its ability to respond. Critical care was under the greatest pressure and had seen the number of Covid-19 patients increase by 24% since 21 December and was likely to increase over the next two weeks.
279. A Ministerial call took place on 31 December 2020, exhibited as **KW/238-INQ000350151**, and I reported on plans for schools. I explained that we had always planned for a staggered start over the first two weeks of term. Face to face teaching would not start in any school or college until the Wednesday of the next week and there was flexibility for schools and colleges to take a blended learning approach until 18 January 2021 when all were expected to return to face to face teaching. There was to be face to face learning for vulnerable children and the children of key workers from the start of term. Further Education colleges were delaying their return to face to face learning until 11 January 2021. We were also in close discussion with universities about their plans. We discussed testing in schools, as well as access to vaccines for education staff. We all agreed that we needed further advice on Covid-19 security in schools in light of the new variant, as we did not yet have reliable evidence on the impact of the new strain on children.
280. It was apparent at the beginning of the New Year that the public health situation was not improving. The Minister for Housing and Local Government and I met with representatives of local authorities in Wales (Cllr Andrew Morgan and Cllr Anthony Hunt) on Sunday 3 January 2021. I asked Heather Payne for clarification whether the new Covid-19 variant was more infectious in children than adults. I was sent the latest information (which included the latest SAGE data), exhibited as **KW/239-INQ000350147**. There remained some uncertainty, but there was no clear signal that children were more infectious. The key message was that everyone was more infectious and so NPIs needed to be tightened.

281. The situation became even worse over the next few days. On 4 January 2021, after receiving advice from the Joint Biosecurity Centre, the four CMOs recommended that the UK Alert Level should move from Level 4 to Level 5. This meant that there was a material risk of healthcare services being overwhelmed.
282. I requested advice and received an urgent Ministerial Advice on 4 January 2021 which recommended that all schools move to online learning until 18 January 2021 whilst further scientific evidence on the new variant was gathered. I exhibit this as **KW/240-INQ000350149**. This would allow time for additional evidence to be gathered and would help support the national position in reducing the R rate. I agreed with that advice and issued a Written Statement that all schools and colleges should move to online learning until 18 January 2021, exhibited as **KW/241-INQ000300065**. Face to face learning continued to be made for vulnerable learners, children of critical workers, as well as for learners who were due to sit examinations. I was advised that officials had been in regular dialogue with local authorities, colleges and unions. The Welsh Local Government Association and Colleges Wales agreed that education settings should move to online learning and so there was no need to legislate. The advice also summarised the equality implications, including (a) that moving to remote learning would have a disproportionate impact on children living in poverty, many of whom were from Black, Asian and Minority Ethnic communities; and (b) that as childcare tended to fall more to women than men, any move to remote learning would impact on some women's ability to work.
283. On 5 January 2021 there was a Ministerial Call when I updated my colleagues on the position for schools and further education institutions, which I exhibit as **KW/242-INQ000350154**. We considered a comparison table of measures in the four nations, which was circulated after the call. At this point schools and Further Education colleges were due to open earlier in Wales than elsewhere.
284. Cabinet then met on 6 and 7 January 2021 to carry out the 21 day review, and I exhibit the minutes as **KW/243-INQ000057757**. The public health position remained difficult. The CMO(W) informed us that cases of Covid-19 were very high in most parts of Wales, and we were facing increased risk because the new variant was more infectious. Even with Alert Level 4 restrictions, the new variant was driving an increase in cases across the whole of the UK. We were advised that the NHS in Wales was under real pressure, with almost 2,800 patients with Covid-19 symptoms admitted to hospital. We agreed to maintain Alert Level 4 restrictions, and tightened them where we could.

285. On 7 January 2021, TAG published a briefing paper entitled “Variant of Concern (VOC 202012/01) and Education in Wales”. I exhibit a copy of this paper as **KW/244-INQ00066357**. The paper confirmed high confidence that the new variant of concern was more transmissible and was likely to become the dominant variant in Wales in a matter of weeks. There was also a high confidence that reaching and maintaining R below 1 as this occurred would require more widespread adoption and high levels of maintenance of risk reducing behaviour and regulations in every sector and part of life. The paper set out detail on modelling around schools and the R number, suggesting increased transmission when schools were open, especially amongst secondary school age children. We were advised that it was unlikely that existing NPIs would be sufficient to maintain R below 1 if primary or secondary schools were open fully. We were also advised that there was no evidence that the new variant increased the likelihood of worse health outcomes for individual children or adults (medium confidence).
286. The TAG paper was discussed in a Ministerial call on 7 January 2021, and then again in the reconvened Cabinet on 7 January 2021. I circulated a proposal for schools/colleges, exhibited as **KW/245-INQ000350155** and **KW/246-INQ000350156**. There was a body of evidence that demonstrated higher transmission amongst children when the virus was circulating more within communities. Schools remained safe, but the fact that the variant was more easily spread made contacts in unregulated settings outside the school environment the main risk. This applied equally to teachers and students. There was a need for further data to analyse the implications of the spread of the virus as a result of schools not being fully open. I informed Cabinet that following discussions with local authorities it was clear that it would not be possible to fully re-open schools on 18 January. Cabinet decided to align decisions on schools with our regular 21 day review process for the main Regulations. However, the next review was scheduled for 29 January, and it would not be possible to wait until that date to confirm whether education settings would open or close, as they would not have time to prepare. Therefore, we decided to announce that it was unlikely that normal face to face schooling would return before half term in mid-February, unless there was a significant improvement in the R rate. We then used that period to consider whether it was possible to bring pupils back in on a phased basis. We confirmed that all schools would remain open for children of critical workers, those with special educational needs, vulnerable children and anyone who needed to complete essential exams or assessments. Special schools and pupil referral units remained open. We discussed the importance of mitigating measures: I reported that the quality of online lessons had improved since the

first lockdown, extra IT equipment for online learning was being distributed, and schools would contact vulnerable children and those with special educational needs and encouraging them to attend school for face to face learning. The importance of signposting young people to mental health support services was emphasised, and I noted that financial support for free school meals was still available. On 8 January 2021, the First Minister announced that unless there was a significant reduction in cases of coronavirus before 29 January, school and college students would continue to learn online until the February half term.

287. On 8 January 2021 I issued a Written Statement providing an update on the delivery of Higher Education in Wales, which I exhibit as **KW/247-INQ000299750**. Our message to students, staff and universities was the same as to the rest of the population: stay home, and work or study from home if they can. Students and staff were to attend their place of study or work only if they could not work from home. In light of the new variant, I had asked universities to review their plans and review their risk assessments. Universities were making difficult decisions on which courses and students were prioritised in the return to campus over coming weeks, and which were delivered online only until later that term. Priority was to be given to students who need access to facilities to meet course learning outcomes effectively, who needed to complete professional accreditations or who needed additional support. I confirmed that I had met regularly with the NUS throughout the pandemic, and the Welsh Government had provided over £10 million in support for student hardship, mental health provision and student union funding.
288. I received TAC summaries on 13 January 2021 which I exhibit as **KW/248-INQ000350161**. Sage had predicted that the R number in Wales on 6 January 2021 was between 0.8 and 1.1 with the epidemic estimated to be shrinking/growing by between -4% and 1% per day.
289. I attended a Welsh Local Government Association meeting on 14 January 2021 and exhibit minutes as **KW/249-INQ000350198**. I provided some updates including that the average numbers of pupils in school was 4.4% (this varied from 0.1% in Blaenau Gwent to 20% in Flintshire). The CMO(W) had agreed that school staff who provided intimate personal care to learners with complex medical needs would be in the priority group for vaccination. We also indicated that we were waiting for further scientific/ health advice on face coverings before updating the operational guidance the following week.

290. On 15 January 2021, I was asked to approve the updated guidance for schools to cater for the new variant. The guidance on face coverings was modified to require them in classrooms in secondary schools where social distancing could not be maintained. I approved the recommendations in the advice, which I exhibit as **KW/250-INQ000145255**, on 21 January 2021.
291. On 18 January 2021, the First Minister and I were sent a Ministerial Advice on the issue of extending the school closures beyond 18 January, which I exhibit as **KW/251-INQ000116801**. The First Minister and I both approved the recommendations, which were that schools should remain closed for the time being (except for the children of key workers and vulnerable pupils) and these restrictions would be inserted into the main Coronavirus Regulations. These amendments were inserted as part of the Alert Level 4 restrictions (imposing restrictions on certain pupils attending the premises of school). As the restrictions became part of the main Regulations, this meant that they would have to be reviewed by 29 January 2021 at the latest. Both the First Minister and I were assured that if it were possible/desirable for some learners to return to school before half term, there would not be a delay due to the need to amend the regulations.
292. During the Ministerial call on 19 January I gave an education update, which I exhibit as **KW/252-INQ000350182**. We had published updated guidance on blended learning to focus on the need for live lessons for children learning remotely – this proved unpopular with NASUWT who believed live lessons should only be voluntary for teachers, and I exhibit a letter received from them as **KW/253-INQ000350774**. We had ordered a further 35,000 pieces of equipment on top of the 120,000 pieces that had been distributed in 2020 to local authorities to help those at risk of digital exclusion.
293. On 20 January I received a note on restrictions which posed the question of whether there would be sufficient headroom when the Cabinet met on 28 January to allow schools to reopen to some learners, which I exhibit as **KW/254-INQ000350171**. This was against a background of indicators looking better overall but there still being significant pressure on the NHS. I also received the TAC summaries - exhibited as **KW/255-INQ000350174** - which were broadly positive, the R rate having fallen from the week before based on estimates from SAGE and Public Health Wales. At this point though it was not clear if the data had been affected by changed testing patterns over Christmas. Intensive Care Unit occupancy was still high and close to the April 2020 peak. I was informed that Unison had called for schools to remain closed beyond 29 January 2021 – I exhibit this email as **KW/256-INQ000350181**.

294. I gave evidence to the Children, Young People and Education Committee of the Senedd on 21 January 2021, where I discussed the current restrictions, improvements to the remote learning experience, and the steps taken to ensure that all pupils had access to hardware to enable them to participate in remote learning. I also gave evidence about our approach to a return to face to face learning. I exhibit a transcript of my evidence as **KW/257-INQ000350772**.
295. I had sight of the TAC paper on considerations for changing the operation of schools to allow more face to face learning on Sunday 24 January, the day before Cabinet and I had sight of a Public Health Wales paper on schools returning on 25 January. The paper also set out suggested mitigations when schools returned. I exhibit these as **KW/258-INQ000350189** and **KW/259-INQ000350192**. Having considered the scientific advice, it was my view that there would not be sufficient headroom for a full return to school after half term but that we should start with a phased return.
296. Cabinet met again on 25 January 2021 and I exhibit the minutes of this meeting as **KW/260-INQ000129912**. As public health indicators remained high across Wales, and the capacity of the NHS was still causing concern, we agreed that Wales should remain at Alert Level 4. We discussed the approach to reinstating face to face education. Cabinet agreed that schools would remain closed until 22 February 2021 (after half term), and any headroom available in the next review period would be used to prioritise making available more face to face education. Modelling would be undertaken to ascertain whether there was scope to start a phased re-opening at that point, with priority being given to the Foundation Phase, remaining primary year groups and years 11 and 13. Local authorities were keen to have all schools open from 22 February, but there needed to be discussions with trade unions about the safety of staff. Further Education was to be considered separately, and it was agreed that there could be a return to face-to-face learning after half-term, but settings were to restrict numbers on site. These decisions took into account the Children's Rights Impact Assessment – exhibited as **KW/261-INQ000129918** - and the Equality Impact Assessment – exhibited as **KW/262-INQ000129917** - and what they said about deepening inequality. There was a paper before Cabinet on higher education – exhibited as **KW/263-INQ000129915** - which outlined that universities had agreed a staggered return before 22 February for those who it was essential to receive face-to-face learning. There was a collaboration with Test, Trace and Protect for returning students. The asymptomatic testing pilot before Christmas revealed a low positive test rate. There was also a paper before Cabinet

which contained a summary of research carried out by Welsh universities on the impact on schools, which I exhibit as **KW/264-INQ000129921**. It concluded that the delivery of remote learning varied across schools and some provision was problematic, and some parents were not able to adequately support remote learning. The paper discussed options for a return of schools prior to 15 February. This option was rejected by Cabinet because the scientific advice at that point was that there just was not enough headroom to allow it, i.e. opening at this point would push the R rate over 1. The variant of concern was still circulating, and we were mindful that the NHS in Wales had been, and still was, under considerable pressure. My team and I were really keen to get children back to face to face learning but the advice was that the earliest that a phased return should start was after half term.

297. On 27 January 2021 the Prime Minister announced that schools in England would not be opening immediately after half term. He suggested that 8 March might be the date they could start to reopen. We were not given any advance warning that this statement would be made. This announcement made our discussions with the teaching unions more difficult, but we maintained the position that we should be opening schools as soon as it was safe to do so in Wales.
298. I met with the WLGA again on 28 January 2021, to discuss a return to face to face learning. Discussions were also ongoing with trade unions.
299. On 28 January 2021, I received advice (along with the Minister for Health and Social Services and the Deputy Minister for Health and Social Services) about the testing approach in education and childcare sectors. I exhibit this as **KW/265-INQ000350207**. The recommendation was that daily contact testing in schools and childcare settings should be paused, there should not be any mass asymptomatic testing, but that twice weekly LFTs should be offered in schools. I agreed the recommendations on 1 February 2021. I agreed that the proposed approach was a proportionate approach which balanced the need to manage positive cases along with the need to keep settings able to function. We made a joint Written Statement announcing this decision on 5 February 2021, which I exhibit as **KW/266-INQ000350232**.
300. On 1 February 2021, I received three draft TAG papers, including one entitled 'Considerations for changing the operation of schools to allow more face to face learning' and two modelling updates. I exhibit this as **KW/267-INQ000350225**. I had a number of concerns about the paper on schools including what seemed to me to be the use of out

of date rates of infection and an emphasis on physical health rather than the mental health issues that remote learning was causing. The CSA(H) addressed some of my points in an email on the evening of 1 February 2021. These can be seen at exhibit **KW/268-INQ000350227**. He confirmed that TAC would update the paper with any the most recent evidence, as well as a better explanation of the impact on R of opening schools. He agreed to look at face coverings in more detail, and that there would be more granular modelling on schools reopening later in the week.

301. On the same day I had a meeting with the Deputy CMO(W) about the use of face coverings in school, to address trade union concerns about a return. The Deputy CMO(W)'s advice was that there were no public health grounds to mandate or recommend surgical mask wearing by staff, as there was no evidence that they reduced transmission in schools or reduced the risk to teachers, who were not a high risk group. However, a permissive approach could be supported based on local risk assessments. In the context of getting pupils back to school, the recommendation for good quality face coverings should be strengthened, teachers should be permitted to wear surgical grade face masks if they wished to do so, and visors should be permitted after a risk assessment. I then had a meeting with the unions to discuss reopening further on 3 February 2021. Modelling that I had asked for was not yet available, but Public Health Wales provided some more information on infection rates among teachers to reassure unions that schools were safe. Health colleagues also attended this meeting to discuss the most recent information.
302. On 4 February 2021, I received two Ministerial Advices, containing advice on (a) a phased return to face to face learning for prioritised learners in further education; and (b) a phased return to face to face learning for primary aged children, starting with foundation stage learners. I exhibit these as **KW/269-INQ000104027** and **KW/270-INQ000350230**. The recommendation was for these cohorts to return to educational settings from 22 February 2021 (after the February half term).
303. The first MA recommended a phased return for prioritised learners to face-to-face learning in further education. Apprentices were to be prioritised. The advice identified that decisions needed to be made on limited scientific information or modelling because the prioritised group was so narrow. The advice candidly accepted that almost all of the evidence base around transmission and infection rates in education settings was based on the schools sector, and to a lesser extent, and we were not aware of a specific body of research relating to the Further Education sector. Officials had been working with

Colleges Wales, Joint Trade Unions (JTU), the National Training Federation for Wales (NTfW) and adult learning providers to identify priority groups who should return to face-to-face learning as soon as possible. Available data for the last re-opening did not indicate transmission was particularly problematic in colleges. It was believed that the relatively low transmission rates within colleges could, in part, be put down to students complying well with rules around social distancing, hygiene and face coverings, and colleges having established good relationships with local health boards and Test, Trace, Protect teams to ensure that they responded rapidly to any new cases. In preparing this advice, the proposal was shared with TAG and Public Health Wales to ensure that implications for transmission rates were understood and mitigated. Three options were set out for my consideration. I decided to adopt Option 1, which would lead to a return of licence to practice vocational learners including apprentices immediately after half term (from 22 February 2021). The other two options would have further delayed such learners going back into colleges.

304. The second MA recommended the return of Foundation stage learners to schools after 22 February 2021 (i.e. children aged 3 to 7). The MA included the advice from the CMO(W), which recommended that there should be a phased return to school for primary school children, beginning with those in the Foundation Stage who had a lower rate of infection and secondary school children in small cohorts and employing a blended learning approach. I agreed to the approach which seemed to me to be a way to start getting children back to face to face learning.
305. I provided an update to Ministers on the approach to learners returning to school at the Ministerial call on 4 February 2021, which I exhibit as **KW/271-INQ000350277**. I told Ministers that there were ongoing discussions with trade unions about schools returning. I held a press conference with the Deputy CMO(W) on 5 February 2021 to announce my decisions, and exhibit the readout as **KW/272-INQ000350234**. On the same day the CMO(W)'s advice on the return to face to face learning for children and young people was published, which I exhibit as **KW/273-INQ000350276**.
306. On 9 February 2021 I attended a Schools Social Partnership Forum meeting to discuss plans for reopening. The plans were not supported by all trade unions - the National Association of Headteachers sent a letter indicating that it would take legal action unless the Welsh Government revised our advice that schools should open to 5–7-year-olds after half term or acknowledged that Headteachers and governing bodies retained the power not to open schools if they did not consider it to be safe to do so. I exhibit this as

KW/274-INQ000350273. The letter suggested that the scientific and medical advice underpinning our decision did not support a return for pupils. I also received a copy of a letter from the NASUWT raising concerns about reopening, which I exhibit as **KW/275-INQ000350281.** I understand that the First Minister had received a letter in the same terms. I did not agree. I have summarised the scientific and medical advice relied upon above. It was imperative that educational settings returned to face to face learning as soon as possible, and the advice we had received was that this could be done safely. I exhibit the response to the NAHT as **KW/276-INQ000350775** and the response to the NASUWT as **KW/277-INQ000350287.**

307. The next review was due to take place at Cabinet on 16 February 2021. I received a note on options for the review of restrictions on 13 February 2021, exhibited as **KW/278-INQ000057771.** This made clear that returning the first cohort of children and young people to face to face education was the priority for this review, with any other relaxations therefore needing to have a very limited impact on transmission rates. I had sight of a SAGE paper on the impact of re-opening schools on 15 February 2021, exhibited as **KW/279-INQ000350279.** The study estimated that the effect of reopening schools would move the R number from a baseline of 0.8 to between 1.0 and 1.5 or between 0.9 and 1.2 based on opening primary or secondary schools alone.
308. Cabinet met to carry out the next review of the Regulations on 16 February 2021 and I exhibit the minutes as **KW/280-INQ000057770.** The papers have already been provided to the Inquiry and so I do not exhibit them again. We decided that the stay at home lockdown measures under Alert Level 4 should remain in place, but if conditions improved by the next review, it might be possible to begin moving out of lockdown. We decided that the Regulations should be amended to provide for schools and colleges to reopen for the priority category of learners that I had announced on 5 February 2021. If conditions continued to improve over the following three weeks, the intention was to allow a phased return of the remainder of primary school children from 15 March, along with those that would ordinarily be facing examinations this year to allow for face-to-face learning to help in the assessment of grades. There was some discussion about whether it would be possible for these children to return one week earlier. However, Ministers were reminded of the recommendation from TAC to allow three weeks to fully assess the impact on transmission rates of the Foundation Phase returning. The reasons for these decisions are contained in the paper for the 21-day review, previously exhibited as **KW/278-INQ000057771.**

309. The First Minister announced the outcome of this review on 19 February 2021, and the Regulations were amended to give effect to Cabinet's decisions. On 19 February 2021 the Welsh Government published an update to the Coronavirus Control plan: alert levels in Wales (coming out of lockdown), which I exhibit as **KW/281-INQ000350284**. This set out our understanding of the impact of the new variants, as well as the systems we had put in place to respond to the current challenges, and our approach to coming out of lockdown. The public health position was slowly improving across Wales, as vaccine roll out increased. There was a note of caution, however, as the new variants had created uncertainty about how swiftly cases could rise if restrictions were lifted too quickly, and as such, the Scientific Pandemic Influenza Group on Modelling was recommending a slower relaxation of the lockdown measures. Restrictions were gradually removed over time as part of the 21 day review process.
310. On 20 February 2021 I decided to include years 11 -13 in the twice weekly lateral flow testing programme that the Minister for Health and Social Services and I had announced earlier in February, exhibited as **KW/282-INQ000350288**.
311. On the Ministerial call of 2 March 2021, the First Minister confirmed that the return of children, young people and students back to schools and education was our main priority, and any other easements needed to be considered in that context. I exhibit the note as **KW/283-INQ000350297**. I updated Ministers about the return to school during the Ministerial call. I said that pupils aged 5-7 and some college students whose course had vocational elements had gone back last week which had gone well. The remainder of primary school children and years 11 and 13 were due back on 15 March 2021, with some flexibility to schools to allow years 10 and 12 back at the same time and offer some days in school to years 7, 8 and 9. On 3 March 2021 I announced that more children would be given the opportunity to return to school before the Easter holidays, which I exhibit as **KW/284-INQ000350293**. The position had been that children in years 11 – 13 should return from 15 March and I announced that schools would be given the chance to also welcome learners in years, 7, 8 and 9 ahead of their return on 12 April 2021.
312. Two papers were circulated in advance of the Ministerial call on 4 March 2021. The vaccines were having an effect and the paper set out an initial hypothesis that given the effect of the vaccines and the restrictions the balance of harm was changing and the balance between the numbers of cases in Wales and the restrictions in place would also need to change. I exhibit this as **KW/285-INQ000350295**. There was also a roadmap or

series of options to get us to Alert level 3, which I exhibit as **KW/286-INQ000350296**. We discussed a number of easements on the call including lifting the stay at home requirement, allowing people to meet in gardens, re-opening non-essential retail and close contact services.

313. Cabinet met to carry out the 21 day review on 7 and 8 March 2021. I exhibit the minutes as **KW/287-INQ000022529**. Cabinet confirmed that from 15 March, all primary school children and years 11 and 13 should return to face to face education. There would also be flexibility offered to provide for some years 10 and 12 to return and for learners in years 7, 8 and 9 to have the opportunity of a check-in, focused on support for wellbeing and readiness for a return after the Easter holidays. A full return to education settings for all learners was envisaged for 12 April 2021. The reasons for these decisions are contained in the paper for the 21-day review, exhibited as **KW/288-INQ000057783**. This also explained that universities were considering options for catch-up and check-in opportunities for students over the Easter holiday (22 March – 12 April). The full re-opening of schools was confirmed by Cabinet on 29 March 2021, and I exhibit the minutes as **KW/289-INQ000022532**.
314. During the Ministerial call on 11 March 2021 the First Minister updated us on the four nations call the day before in which the four nations had agreed to share information on public health and the return of children to school. I exhibit the note as **KW/290-INQ000350303**.
315. On 12 March 2021 the First Minister and I were asked to agree the return of face-to-face teaching in Higher Education campuses from the beginning of the summer term, which I exhibit as **KW/291-INQ000145407**. We both agreed with the proposed approach and I made the announcement at a press conference on 15 March 2021, which I exhibit as **KW/292-INQ000350305**.
316. I gave a further Oral Statement to the Senedd on 23 March 2021 on Mental Health and Wellbeing Support in Educational settings, which I exhibit as **KW/293-INQ000350749**.
317. On 24 March 2021, the Children, Young People and Education Committee of the Senedd published its final report on the Impact of Covid-19 on Children and Young People, which I exhibit as **KW/294-INQ000066509**. The Government's response to this report was published by my successor as Minister for Education, Jeremy Miles MS, on 12 July 2021. I exhibit this as **KW/295-INQ000066510**.

318. On 26 March I decided to make lateral flow test kits available for home testing for all secondary school pupils, which I exhibit as **KW/296-INQ000350311**.
319. Thankfully, the public health position continued to improve as more and more of the Welsh population were vaccinated and restrictions were soon eased. The Welsh Government moved to Alert Level 3 in early May 2021. Incidence rates in Wales had dropped below 12 per 100,000, and good progress was being made with the vaccine programme.
320. I have already explained that I did not seek re-election to the Senedd at the May 2021 elections. As such, I was no longer a member of the Senedd after 6 May 2021. I left the Government and ceased to be Minister for Education from that date.

Covid-19 public health communications in Wales

321. As set out in the statement of Tracey Burke M2B/WG/ED/01, the communications teams for Health, Education and Childcare worked closely together throughout the pandemic to ensure that messaging to parents and the public was clear and consistent. Long-standing links with wider public sector communications teams helped ensure there were networks in place to disseminate information to parents clearly through various channels, networks and methods. In particular, strong working relationships were developed with local authorities via the Welsh Local Government Association, who would share and amplify our messaging via their communication channels.
322. A range of techniques were used to ensure a clear flow of consistent messaging to the childcare and education sector, who engaged more directly with parents/carers on a daily basis, and also directly with parents. Examples include:
- Setting up a childcare and education stakeholder bulletin to ensure stakeholders were briefed and had access to consistent messaging for parents.
 - Use of Dysg, the Welsh Government's newsletter to schools and colleges, to communicate with the workforce (40,000 + subscribers).
 - An increasing use of social media, especially Twitter to share announcements and to engage with parents. My "Minister for Education" Twitter account increased from 29,000 to 40,000 followers during this time.

- I held “live” Q&A sessions on Twitter for parents, as well as taking part in Welsh Government press conferences to make childcare and education related announcements.
- Developing good working relationships with University Communications teams and the UK Department for Education Higher Education communications team to ensure messaging to students, especially around start and end of term travels, was consistent across Wales and England. We ran a Keep Wales Safe campaign targeting students and families at key times in the year. We also supported the health communications team who worked with Public Health Wales to amplify vaccination campaigns targeting students.
- Information was also shared via UCAS channels direct with students and provided communications materials to universities and their students’ union for them to adapt as they considered students would listen to messaging which came direct from their institutions.
- Further Educations colleges were also provided with communications materials for them to share via channels that were trusted by their college community.

323. Throughout the pandemic I tried as hard as possible to be open and accessible to the wider education sector. The fast moving nature of events of course caused challenges with communication but in general terms I believe we were effective in getting up-to-date information to people who needed it. As well as direct stakeholder engagement my use of social media facilitated direct engagement with teachers, parents and learners. I also took an open approach to the media including holding televised press conferences.

Breaches of rules and standards by Ministers, officials, and advisers

337. I was not aware of any alleged breaches of social restriction and lockdown rules other than those which were reported in the media.

338. I was aware that the Sun newspaper reported that Vaughan Gething had allegedly broken the rules by eating chips with his family in a park. As far as I can remember from the discussion of this at the time, Vaughan and his family were acting within the rules which allowed them to leave home once a day for exercise and allowed the purchase of food. I have now seen contemporaneous documents which make clear that the change to the guidance had nothing to do with this incident.

339. The behaviour of Dominic Cummings and the then Secretary of State for Health and Social Care (Matt Hancock) does not bear comparison with Vaughan Gething's walk with his family. These incidents were blatant and obvious breaches of the rules and guidance.
340. I recognise there was public anger, frustration and contempt following the Dominic Cummings and Matt Hancock incidents. I am not personally aware of evidence that suggests these incidents had an effect on the observance of rules.

Reflections: Key Challenges and Lessons Learned

Coordination and communication with other public bodies

341. I have been asked to comment on coordination and communication between the Welsh Government, the UK Government and other Devolved Governments, as well as with local authorities in Wales.
342. I have outlined the structures that were in place earlier in my witness statement. My relationship with the Secretary of State for Education was good and when we did discuss matters directly, whether at formal discussions with officials or less formal private discussions, he would provide what information he could. However, at an official level, there were many instances when my officials were trying to obtain information from the UK Government on future decision-making or available advice and it would not be shared. There were a number of occasions when we learned of Department for Education decisions at the time they were announced, as an example I recall difficulties around university offers in March 2020 that was raised ahead of a Ministerial quadrilateral – I exhibit emails as **KW/297-INQ000349213**. That was regrettable and led to feelings of distrust and a lack of a professional respect. Closer collaboration would have improved decision-making. Advance notice of anticipated decisions would have allowed both Governments to learn from each other, and to better prepare, and consider the communication requirements around such announcements.
343. In April 2020 my view was that we should be having weekly meetings at Ministerial level but it was decided that the meetings should be fortnightly. As I said, these meetings were a useful way of sharing information with my counter-parts and worked well.

344. I had regular contact with local authorities in Wales throughout the pandemic. The overwhelming majority of schools in Wales are maintained by local authorities. Local authorities are therefore both responsible for maintaining their schools, but also employ teaching staff working in those schools. We therefore had extensive contact with local authorities whenever we were considering decisions about schools and educational settings. This was often coordinated through the Welsh Local Government Association, but I also had meetings with local authority leaders and education portfolio holders. I attended the Shadow Social Partnership Council when an education matter was on the agenda, as well as attending the Schools Social Partnership Forum when required. There was also extensive contact on an official level, both through the Schools Social Partnership Forum and on an ad hoc basis.
345. I think that there was a good level of coordination and communication between the Welsh Government and local authorities between January 2020 and May 2021 when I left office. Examples of where this worked particularly well was in relation to provision of support for free school meals for learners away from school, discussions about operational guidance for schools, and assistance in providing technical equipment to learners to participate in remote learning.
346. I did not use WhatsApp, texts or other messaging systems to communicate with Ministers in other Governments. I did not typically use WhatsApp, texts or messages to communicate with local authority representatives, although as I have indicated above, I have located a small number of texts with a local authority leader who sat on the Schools Social Partnership Forum.

Wider Reflections and Lessons Learned

347. I have spent some time reflecting on what worked well during the pandemic, and what we could have done better, as well as the challenges and the lessons we learned. I have addressed the timing and effectiveness of decisions that we took in earlier sections of this statement.
348. One of the key challenges and something I think it would be useful to reflect on in advance of another crisis of this kind is how the scientific and medical advice can be more readily accessible to decision makers and more targeted to the reality of how decisions needed to be made on the ground. I am aware that much of the evidence is nuanced and not susceptible to easy and quick answers but at some of the crunch

moments when we needed to tell schools to close or open again, I felt it was difficult to get clear advice. In some cases, perhaps it was a case of better explanation from us of what we needed and an understanding of what was possible from those providing the advice. I certainly remember a level of frustration in respect of modelling for the return of schools and I think it is possible that this could have been better handled.

349. I recognise that frustration within the sector did happen when sometimes guidance did not follow an announcement in a timely manner. This was a result of the fast moving nature of events, as well as capacity within the department.
350. In terms of what we learned. We learned how important it was to support learners who were not accessing face to face education, and that it was crucial to get this support in place quickly – for example, with access to free school meals, with technical equipment to participate in remote learning, and to encourage vulnerable learners to attend school. I think perhaps we could have put in more guidance and professional learning opportunities for staff on remote learning to try and improve the quality: this improved significantly during the second lockdown. In addition following the grading decisions of the summer 2020 exams series, and the upset caused to students, we learned from that experience to put in place a system for the following year that could better command public confidence.
351. Perhaps we should have been stronger on guidance about which children should be in school, being stronger with local authorities to ensure more vulnerable children were in school. I think we did well on access to digital equipment and free school meals, getting support to people in a short space of time by working closely with schools and local authorities.
352. My biggest regret is the significant disruption to learners in schools, colleges and universities. It proved very difficult to get learners back in to face to face education earlier after settings had closed. Overall, I wonder if we could have been bolder about getting children and young people back to face to face education. I wish that it had been possible. The constraints of the traditional academic calendar was an added complicating factor, which other sectors did not have.
353. But then I remember back to what it was actually like at the time, when transmission rates were rising exponentially, when death rates were rising and when the NHS was often on the brink of being overwhelmed. Or when we thought that we understood more

about the virus, and what NPIs worked in educational settings to restrict transmission, but then a new variant occurred, which meant that we were once again unsure of how to act. In amongst all this, it was never a matter of Government taking decisions that educational settings would or would not open: we had to ensure that staff and parents/pupils were confident that settings were safe before they would return. My officials, advisers and I devoted our time to not only understanding the scientific and medical evidence ourselves, but ensuring that it could be explained, shared and disseminated widely.

354. The inquiry has asked whether there were any occasions where I considered resigning during the pandemic. Despite looking back on all of this with hindsight, and inevitably questioning some of my decisions, during the pandemic itself there was only one occasion where I considered resigning and that was in response to my handling of the 2020 qualifications series.
355. On 18 March, I announced that the 2020 exam series would be cancelled. This was a decision made in recognition that, due to the pandemic, it would be difficult for them to physically take place, but also in recognition of the level of disruption pupils had faced. Working with Qualifications Wales, the independent regulator, we worked at pace in efforts to reduce the worry and anxiety that uncertainty was putting onto young people. All four nations in the United Kingdom came up with similar awarding systems, where pupils would receive grades from their teachers based on their previous work, but that schools would also be asked to rank the pupils within each grade. The purpose of the ranking system was to ensure qualification standards were maintained and that the distribution of grades followed a similar profile to previous years. Essentially, it was to protect the currency of the qualification for the learners. However, it was quickly clear on results day that this system had lost the confidence of the general public as there was an understandable feeling of unfairness on those learners who received grades lower than what their teacher had provided for them. We responded quickly to move to a system where learners received the grades they were originally allocated. Following this, as the Minister responsible, I felt it was right that I offer my resignation to the First Minister. I drafted a letter on the 17 August and discussed my plans with advisors and also some Ministerial colleagues. The First Minister, amongst others, convinced me to stay on and carry on the with task at hand to ensure a better outcome for the following year. I believe that I put the foundations in place for this to happen, and the system worked much more smoothly the following year.

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:

Dated: 5 December 2023.