



Ein cyf/Our ref KW/07180/20

Sally Holland
Children's Commissioner

Name Redacted

30th December 2020

Dear Sally,

Thank you for your letter dated 16th December to the First Minister regarding the recent decision to move secondary schools to online learning from the 14th December until the end of term. I understand that you have also written to the Chief Medical Officer (CMO). This response incorporates advice from the CMO.

Following data from Public Health Wales (PHW) which showed the rates of Covid-19 increasing rapidly across Wales the advice from the CMO pointed to the likelihood of an unsustainable demand on the health care service in late December and January. As well as recommending strong messaging on the avoidance of household mixing especially for those who were over 70 or Clinically Extremely Vulnerable in the lead up to the Christmas relaxation period, the CMO requested that local authorities do everything in their power to prevent congregating in public places, and moving schools to online learning as a way of reducing the wider risks associated with travel to and from school and mixing outside the school premises.

On the advice of the CMO, the decision was taken that secondary schools in Wales would move to remote learning from 14th December until the end of term. In doing so, I was also clear that during this period I expected provision for vulnerable children and the children of critical workers to continue to be available on the school site. Please be assured that this decision was not taken lightly and that our absolute priority remains in ensuring that education continues for all our children and young people with as little disruption as possible.

In terms of primary and special schools we know that it is more difficult for these children to undertake self-directed learning. Taking this into account, we encouraged both primary and special schools to continue to stay open until the last day of this term but recognised that for exceptional local public health and safety reasons they may need to move to remote learning. However, following the subsequent decision by some primary and special schools to close their school premises to learners ahead of the end of the school term I moved quickly to put in place emergency legislation that directed the relevant local authorities to

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

make 'on the premises' education provision available for the children of critical workers and vulnerable children affected by the decision of those schools.

Equally we must be mindful of all the evidence available to us on the long term detrimental impact to learners not receiving face to face learning. That is why post-Christmas I have been clear that our aim is for all schools to return to full operations from 4th January.

However, the Technical Advisory Group (TAG) has brought new analysis to the attention of the CMO and I about a new variant of Covid which seems to have a higher transmissibility in children. Although there does not seem to be evidence that children suffer more severe health outcomes with this new variant, the greater the risk of children becoming infected, the greater the risk that they will come to harm. Commitment to reducing the harm to all children as a result of this pandemic includes both reducing the mental and social harm that isolation can bring and also reducing the mental, physical and social harm that can come if a child is harmed directly or indirectly by Covid infection. For this reason, if it is not possible to let all children attend school physically and control Covid in Wales, it may well be that the lesser harm will come from reducing the infection in the community.

As you have indicated, the 4 Tier system is clear that schools will continue to remain open, however, we must accept that in certain circumstances, for public health and safety reasons there may be occasions where schools will need to close because they are unable to operate without sufficient staffing capacity. As part of Amendments to The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, in these circumstances schools and settings will have to make available education provision for vulnerable children and the children of critical workers on a school site.

Due to this being emergency legislation, formal consultation was not possible. The decision to introduce regulations was informed by the advice from the CMO and PHW. In formulating the regulations we were able to draw on feedback and previous discussions with key stakeholders on the operation of schools during the pandemic. This included feedback from parents, learners, local authorities, third sector and education unions. I was also aware that you have previously raised specific concerns about provision of education for vulnerable children and the children of critical workers during any such decisions; the Legislation addresses these points of concern.

You will be aware that an Integrated Impact Assessment was completed and published as part of the firebreak arrangements and as part of the HUB provision in April which fully explored the impact of the approach. An updated Impact Assessment will also be published in relation to the latest control plan.

I continue to work closely with local authorities, school leaders and Unions to ensure we learn the lessons from our collective experiences. In addition, the operational guidance for schools is kept under constant review and will continue to reflect the latest scientific and medical advice. Of course, we have to be clear that schools are not risk free, as with any workplace environment. We are working through what truly are unprecedented circumstances, but continuing to keep schools open remains our top priority and we will do everything possible to ensure the school environment is as safe as possible.

On 11th December I issued a joint statement with the Minister for Health and Social Services announcing our plans to introduce a serial testing programme in schools and further education settings from January 2021. This will also go some way to reducing the number of children having to self-isolate whilst testing alone cannot eradicate the risks associated

with contracting and transmitting Covid-19. Testing will help to mitigate the risk but it needs to be taken alongside other infection prevention control measures, including appropriate social distancing and hand hygiene measures.

Yours sincerely

Personal Data

Kirsty Williams AS/MS

Y Gweinidog Addysg
Minister for Education