

**Via email only:**

To: First Minister

16 October 2020

Dear First Minister

Following the letter I wrote to you last week, I am grateful to you and your officials for sharing information and documents that reflect how children's rights considerations have been feeding into the fast-paced discussions in the last week around a 'fire break' measure. I'd like to commend in particular the children's rights paper that was shared with my office on 16<sup>th</sup> October in confidence, as this paper clearly identifies the key children's rights issues, with application to the particular circumstances and decisions you've faced over this weekend.

In particular, I welcome the fact that schools have not all been closed automatically, that parks and playparks for children will remain open and that the need for children to exercise outside has been overtly considered and included within the permissible measures under the fire break. The learning from the first lockdown and the *Coronavirus and Me* survey have clearly had an influence on these particular measures.

However, some significant concerns remain, including the potential mitigating actions the Government would take in response to the key children's rights issues identified by the aforementioned children's rights paper. In my role as independent champion for children's rights, I need to be able to understand how some key decisions have been taken. This is to hold Government to account in their duties to uphold all children's rights of course, but also to ensure I am able to explain to children across Wales the decisions that have been taken and the reasons behind them.

My immediate questions following today's announcement are as follows:

- How and what evidence was used to reach the cut-off point of year 8 for children continuing to attend school? I could not see any reflection of this or any other age based cut-off points within the Technical Advice Group



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Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau  
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paper shared on Twitter by the Health Minister today (beyond reflection of older young people at college and university). It is important that children attending schools feel safe and that those who are not allowed to attend have a clear rationale for this decision. I am also concerned about the cumulative impact of repeat self-isolation requests on older young people, who are more likely to be sent home repeatedly as their subject options mean their 'contact group' is often their whole year group. It isn't currently clear how that cumulative impact is being recognised and/or mitigated against in this or any future decisions.

- How will support for children with additional learning needs be ensured, for those who attend mainstream schools? I really welcome the continued opening of special schools but note the significant impact the lack of school attendance had on many children with additional needs over the spring and summer, as evidenced by the survey and by case work my office has received over the summer. The paper shared with my office acknowledges these needs as a concern for the Government, and whilst it is for local authorities and schools to ensure individual support is provided, we've been discussing with officials for many months now the need for Government to set national expectations for children's educational support to be in place, as part of broader scenario planning that we felt was needed to pre-empt such concerns in future lockdowns or restrictions.
- In addition, how will children sitting exams as part of the November 2020 series be supported, including support with revision in the absence of a suitable home environment or resources, if they are only allowed to present at school premises to take their examinations?
- How will messages be communicated to children about these decisions and the lines that have been drawn? Communication to children needs to be direct, open and honest, but also give them (and their parents/carers) reassurance and clarity about the decisions reached. I welcome, for example, that the Minister for Education has already shared a message to children online, and that the announcement of the decision for the 2021 summer exams will be made when all children have the support that they will need from their teachers. I would like to see further communication to children developed in order to help them understand what is being asked of them over this period.



I acknowledge that there is a significant number of major decisions to make and a myriad of factors that feed in to these decisions, and I do not underestimate how heavily these decisions weigh on individual Ministers and advisers. I hope however that you recognise that I am raising these queries as part of my role as the independent champion for all children's rights across Wales, to ensure that those who were disadvantaged by the first lockdown do not have those experiences further compounded by these or any future decisions.

I would be very happy to arrange to speak to senior officials on your behalf to explore these issues in more depth; I don't expect a lengthy written response if these issues can be more sensibly discussed this week in order to make best use of time and to feed in to any further actions taken this week. I can ensure that myself or senior members of my team are available in order to take these conversations forward this week as a matter of priority.

Yours sincerely

**Personal Data**

Sally Holland  
Children's Commissioner for Wales

CC – Kirsty Williams, Minister for Education  
Julie Morgan, Deputy Minister for Health and Social Services  
Karen Cornish, Deputy Director Children and Families Division

