

UK COVID-19 INQUIRY

MODULE 8

WRITTEN SUBMISSIONS FOR THE SECOND PRELIMINARY HEARING ON BEHALF OF THE CHILDREN'S COMMISSIONER FOR WALES

Introduction

1. The Children's Commissioner for Wales ("CCfW") thanks the Inquiry for allocating her core participant status in this important Module considering the impact of Covid-19 on children and young persons across the UK and for the opportunity to submit these written submissions ahead of the second preliminary hearing
2. The CCfW considers and hopes that the Commissioner and her Office can assist in understanding the impact and challenges brought by Covid-19 for children and young people in Wales, as well as the processes for assessing and mitigating such impact (a proper, key focus of the Inquiry as set out in the proposed list of issues at paragraph 2).
3. The CCfW anticipates and hopes that the Inquiry will also benefit from the learning and experience of the CCfW on some of the practical arrangements, legislation, and guidance which Wales has in place to protect the rights of young people, and which may have benefitted children and young persons across the UK were the same measures in place. Equally, the Inquiry will, properly, consider whether such arrangements, had they gone further or been followed more carefully, would have provided greater protections to children and young people and minimised the harm they experienced.
4. The Inquiry has received written and oral opening and closing submissions from the CCfW when it heard Module 2B in Cardiff. Much of the impact on children and young persons in Wales was discussed in those submissions. Those submissions were also summarised in writing and orally for the first preliminary hearing in this module and, as such, the CCfW does not repeat those points in this submission, which focuses only on matters arising from information and requests since the first preliminary hearing.

List of Issues – The CCfW’s Overall Position

5. The CCfW is grateful for the proposed list of issues. The CCfW agrees the list contains the points which she would propose the Inquiry consider and has no substantive amendments to the proposed list.

List of Issues – The Impact of Language

6. The one caveat to the above submission is a discrete observation. The list of issues includes, at paragraph 3A(viii), the issues of “*Inequality of access to education within the home and the types of factors which affected this (for example, access to devices; to the internet; the availability of parental support and conditions within the home).*”
7. The CCfW understand that the examples are unlikely to be seen as exhaustive list of examples. On that basis the CCfW would invite the Inquiry, preferable by way of express insertion of an additional example, or at least by way of taking it forward as an issue under active consideration, to consider the inequality of access to education brought about by language. The CCfW would suggest that this point raises its head in two ways.
8. Firstly, during the periods of school closures, the CCfW became conspicuously aware of the barriers to receiving an education at home for learners usually attending a Welsh medium school. Welsh is, in Wales, of equal status to English by virtue of s.1 of the Welsh Language (Wales) Measure 2011. The CCfW is aware of a number of Welsh medium learners who were required to or felt they had no option but to switch to learning in English when schools closed due to their parents not speaking Welsh or Welsh not being the language of their home environment. Further, there were fewer educational resources available online through the medium of Welsh so families would have been solely dependent upon the provision from their school. For those whose first language was not Welsh but whom attended a Welsh Medium school, the impact was a loss of their wish and right to learn in their first or preferred language as well as a general detriment to their access to education and ongoing development and maintenance of their Welsh language competence. It has been reported to the CCfW that the impact is that a number of learners have continued their education in English after restrictions ended as they had learnt in English for so long. This resulted in them having to choose between a step back in their education or the loss of education in Welsh and the cultural and future

employment benefits of the same.

9. Secondly, during the pandemic, the CCfW became conspicuously aware that children whose first language was not Welsh or English were also being more adversely impacted by the educational arrangements put in place. As raised in Module 2B and in the CCfW's earlier submissions in this module, they experienced difficulties in following online lessons and faced a setback in language development. Further, in the foundation phase of return to schools there was a lack of clarity on when face coverings should be used in the Welsh Government's operational guidance; face coverings in turn presenting an additional barrier to learning for these students.
10. The CCfW fears that the measures put in place or lack thereof relating to language has resulted in an ongoing educational and cultural negative impact for students who do not have English as a first language or who wished to be educated in Welsh. This is an impact to which the Inquiry, it is respectfully submitted, should devote some time and attention.

Evidence

11. The CCfW has considered the provisional list of issues and the list of persons and bodies to whom a r.9 request for evidence has been sent. Understandably and properly, evidence will come from the Welsh Ministers.
 12. The CCfW also understands and agrees with the point which is clear from both the provisional list of issues as well as CTI's note for this preliminary hearing that education and school closures are a key area of concern for the Inquiry.
 13. The CCfW notes the written note of CTI at paragraph 16, that "*Module 8 will not replicate the same evidence in respect of each part of the UK. Rather it will seek to integrate evidence about children across the UK in a way which is proportionate and which best meets the scope of the module.*"
 14. CTI's note also makes the point, at paragraph 17, that "*Although Module 8 is an impact module, its provisional outline of scope indicated that it would consider decision-making in the areas set out therein. It was made clear at the first Preliminary Hearing that the former Secretary of State for Education (Sir Gavin Williamson) would be called as a witness. It is intended that the oral evidence in Module 8 will be structured in a way that*
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- enables consideration of how the decisions to close schools were made and other*

decisions related to the consequences of school closures and lockdowns which particularly impacted children and young people.”

15. The CCfW entirely understands and agrees that it is necessary to require evidence from, and to hear directly from, the person who occupied the role of Secretary of State for Education in the UK Government during the pandemic to analyse the decisions made relating to school closures and education at that time.
 16. The CCfW also notes the point made in paragraph 19 of CTI’s note, that “*Although some Ministers from Devolved Administrations gave evidence about school closures in Modules 2A, B and C, further evidence has been sought from individuals in the Devolved Administrations, where necessary, about decisions to close schools and impacts.*”
 17. It is not clear to the CCfW from the information on r.9 requests available to date what further specific evidence has been requested and from specifically whom, in order to satisfy the line of inquiry set out in paragraph 19 of CTI’s note.
 18. It may be that the point is being adequately addressed in the requests for evidence that have been or will be made, but for completeness and certainty, it must not be lost that in relation to Wales, members of the UK Government’s cabinet were not the relevant decision makers. Education is a devolved matter, and decisions relating to school operations and ongoing education provision were made by Welsh Ministers through the Minister for Education, in conjunction or partnership with Welsh local authorities.
 19. If the Inquiry is to have before it evidence which “*enables consideration of how the decisions to close schools were made*” then the CCfW would make the point that, with regards to Wales, it may risk looking in the wrong place or not having key, relevant evidence before it if express and specific requests for evidence from Welsh Government decision makers who were in post at the time are not made.
 20. It is not lost on the CCfW that the Inquiry will only sit for four weeks and it has a large amount of information and evidence as well as a long list of issues to consider. Accordingly and inevitably, it must be focused and proportionate in the evidence it requires and it will be even more focused in the oral evidence it will hear. The CCfW simply asks the Inquiry to pause and consider whether the current requests for evidence
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- are sufficient to succeed in the task it has, properly, set itself or whether it would be wise to seek a small amount of additional evidence from those on the ground in Wales, making

the decisions at the time.

Conclusion

21. Once again, the CCfW thanks the Inquiry for the opportunity to provide evidence and to act as a core participant. She hopes the discrete issues she raises will assist the Inquiry in its direction, evidence gathering, and ultimately leads to positive recommendations to improve the lives of children in Wales and the rest of the UK.

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For and on behalf of the Children's Commissioner for Wales