

**SUBMISSIONS FOR THE SECOND PRELIMINARY HEARING OF MODULE 8  
(CHILDREN AND YOUNG PEOPLE)**

**11<sup>th</sup> JUNE 2025**

**ON BEHALF OF THE CHILDREN’S RIGHTS ORGANISATIONS:  
SAVE THE CHILDREN UK, JUST FOR KIDS LAW,  
THE CHILDREN’S RIGHTS ALLIANCE FOR ENGLAND,  
THE CENTRE FOR YOUNG LIVES, AND THE CHILD POVERTY ACTION  
GROUP**

**Introduction**

1. The Children's Rights Organisations (“CROs”) are grateful to the Inquiry for provision of the detailed and helpful note from Counsel to the Inquiry (“CTI”) dated 16th May along with the proposed List of Issues, also for the detailed monthly update notes that have been provided since the first preliminary hearing.
2. The CROs seek to address the following issues in written submissions for the preliminary hearing:
  - a. Scope of the module and the List of Issues;
  - b. The Inquiry’s focus on school closures;
  - c. Consideration of children in different parts of the UK;
  - d. Impact on children in families with a low income;
  - e. Rule 9 requests;
  - f. Expert evidence;
  - g. Children and Young People’s Voices Report;
  - h. Impact Videos / Children’s voices; and
  - i. Further preliminary hearing.

**Scope of the Module and the List of Issues**

3. The CROs acknowledge the need, as set out in CTI's note, for the Inquiry to refine the

scope of this module and to focus on key issues for children. We accept it is simply impossible for the Inquiry to consider every issue concerning children within the pandemic. We are grateful that CTI has been transparent about this and recognise that simply identifying gaps in the issues raised is unhelpful. We have not sought to do so. We broadly agree with the specific refinements identified in CTI's note at paragraph 26, save for the following points:

- a. The CROs accept that the physical health impacts of COVID are unlikely to be a priority focus for this module, given the various ways the impact on the physical health of the entire nation has been explored elsewhere by the Inquiry.
- b. However, when considering early years development there are three primary areas that are foundational: Language and communication, social and emotional development and physical development. When considering the impact on childhood development, that should obviously include children's physical development.
- c. The CROs note but respectfully disagree with the proposed approach in relation to migrant children. The CROs consider that the impact of COVID on both Unaccompanied Asylum-Seeking Children and those with No Recourse to Public Funds are important issues, that of course may be appropriately explored within other contexts but ought not be subsumed within them. For example, there are distinct risks faced by unaccompanied and separated children in the asylum system due to their immigration status, including being at heightened risk of going missing.<sup>1</sup>
- d. There were other important and specific issues for migrant children during the COVID pandemic, for example the delays in decision-making for asylum and other immigration claims; as well as the length of time that families stayed in hotels and the conditions in those hotels. These are not areas that the CROs have done direct work on, and do not therefore intend to make detailed submissions on, however migrant children are some of the most vulnerable children within the UK, and given the Inquiry's focus on inequalities and desire to consider the most marginalised children it would not be appropriate to sideline these matters.

<sup>1</sup> <https://www.childrenssociety.org.uk/sites/default/files/2021-01/the-impact-of-covid-19-on-children-and-young-people-briefing.pdf>

4. It will be important that the same transparency as is present in the CTI note is found in the final report. Given the need to focus only on the key issues identified the final report

will not be a complete record of the full impact of the COVID pandemic on children, and as an important historical record, the report will need to acknowledge this and set out clearly the parameters under which this module chose to operate.

5. The CROs have identified the following key issues which we do believe to be of paramount importance for the Inquiry to consider in this module and invite the Inquiry to consider adding them to its List of Issues. In particular we note the Inquiry's stated focus on marginalised groups and the importance of keeping inequalities at the heart of the Inquiry. All the issues below are fully consistent with this focus:

- a. Babies and antenatal care; there were particularly stringent pandemic measures in health settings where most babies are born. Such restrictions can impact both on the development of secure attachment which is foundational for long term social and emotional development, and for example early years practitioners have noted that some babies struggled to respond to facial expressions<sup>2</sup>. We ask that under paragraph 2 of the List of Issues, babies and antenatal care is specifically referenced, so that it is clear that "children" means from birth.
- b. Children's interactions with the Criminal Justice System should include interactions with the police, arrests and detention at police stations. The Criminal Justice System was not limited to those in youth detention, the CROs have concerns about children in police cells, and whether there was a proportionate approach to arresting children. Examining the conditions in youth detention is important but so is examining the length of the stays in prison due to court delays, remand times becoming longer, and that initially Custody Time Limits were increased. Children on remand are significantly more likely to come from an ethnic minority background compared to the general population<sup>3</sup>, presenting another key issue of unequal impact of the pandemic. We therefore ask that

<sup>2</sup> <https://i.stci.uk/dam/ioc-common-challenges-impact-on-babies.pdf>  
ch11220819.pdf/32pcts70is4mr425u257l20v76v1r32y.pdf

<sup>3</sup> In year ending March 2021 417 children from ethnic minority backgrounds were held in youth detention on remand, compared to 339 white children: [Youth Custody Population Report - Mar - 25.ods](#)

paragraph 6C be amended to read: "How the pandemic impacted delays in the youth justice system, including longer times on remand for those in custody..." c. The policing of the pandemic on children: in areas where there was over-policing

this led to further reductions in children's ability to play outside<sup>4</sup> due to being sent home by the police or concerns about being sent home, which also exacerbated the inequalities of the pandemic as those children without gardens had a greater need to access outdoor public space, but there were also issues with some parents being afraid of being judged or fined for taking their children out to play.<sup>5</sup>

- d. We have suggested that the title of Provision of education under paragraph 3A be amended to read "Provision of education and other support". The CROs are concerned that the whole section focuses heavily on education during the school closures but does not cover the wider services and support that children and families access through schools and therefore missed out on during this period. This was particularly true for children with SEND, and also lower income families that were most affected by the missing pastoral support.
- e. We suggest that an extra sub-paragraph be added to the list to question "How free school meals were provided (having regard to the differing approaches of the Devolved Governments)". Free school meals were and are a vital issue for low income families.
- f. We ask that under paragraph 3A there be a further heading to deal with school re-openings as well as closures, and that the Inquiry should consider both the decisions on when to re-open, and also the decisions on how to re-open, to which pupils and with what mitigation measures in place. There were a number of changes to the usual school activities when schools did re-open, for example the reduction in after-school activities, clubs, trips and other extra-curricular activities that impacted lower income families most heavily.
- g. In the "Overall Impact" section of paragraph 3A there is a sub-heading of "school readiness"; we invite the addition of a heading of "readiness to leave school" or the equivalent. The CROs are aware that secondary school pupils living in poverty experienced particular stress and worry about schoolwork and the

<sup>4</sup>For example children being sent home for paddling in rivers, or climbing trees: INQ000099722 <sup>5</sup>  
<https://playingout.net/blog/playground-closures-just-tip-of-the-iceberg-for-children/>

barriers they faced e.g. lack of resources. Many felt they were falling behind at a crucial period in their education and were worried about their future, in terms of obtaining a place at university or a job. This was evident in areas of entrenched disadvantage and also led to a disproportionate impact in many areas in the North

of England.

- h. School exclusions including off-rolling in schools, and primarily the process by which school exclusions were dealt with in the pandemic which was changed by regulations (which were subject to a successful legal challenge by Just for Kids Law); this was an example of government concerns focusing on how the service would operate over and above the needs of the child. We ask that there be a further paragraph 3A xiv: “The changes to the “Exclusion Guidance” and whether these allowed for a fair process for children.”
- i. The impact of COVID on children and their behaviour is ongoing, and it is noted that school exclusions are currently at a record high. We ask that in the Overall Impact section of paragraph 3A the Inquiry notes the ongoing harms to children and considers under “measures to address and mitigate the impact” whether schools’ approach to challenging behaviour has taken into account the additional needs of children caused by lockdown and the pandemic.
- j. We ask that there be a specific reference to inequalities, such as race and/or racial disparities, and socio -economic disadvantage, to ensure that is kept at the heart of the Inquiry’s decision-making.
- k. We have suggested that in considering the impact at paragraph 4 that the Inquiry further consider how the pandemic affected the living standards and quality of life of children during the pandemic and ask that the distinct challenges faced by children in low-income households be added to the list.
- l. In terms of online harms, there was an increased risk of children becoming victims of criminal exploitation and grooming for criminal exploitation purposes. We ask that this be added to the list at 8A, where it references Child Sexual Abuse and Exploitation.
- m. Issues with mental health should include those children in mental health hospitals.
- n. 4E on the List of Issues states: “Access to play and to family including the Rule of Six”, we suggest that this be amended to “Access to Play and to family including the restrictions on social distancing and interhousehold mixing” as it  

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was not only the rule of six, but all the rules on interhousehold mixing that impacted children. For instance, from January 2021 only two people could congregate from different households.
- o. As set out above, other issues concerning migrant children, including the length of time and conditions in hotels, and the delays to the asylum decision-making

process, should be listed at paragraph 7. We have proposed amendments to the subparagraph dealing with No Recourse to Public Funds and note that this condition is not limited to those here who do not have Leave to Remain and asylum seekers. We have made amendments to ensure all families whose access to benefits was restricted due to their immigration status are captured by this paragraph.

- p. The impact on Children's Rights specifically should be considered within the list, particularly by reference to those rights listed within the UN Convention on the Rights of the Child.

- 6. Further we have provided our comments directly on the List of Issues, which is attached, so that CTI and the Inquiry can see where we think useful changes could be made.

### **Focus on School closures for most children**

- 7. The CROs recognise that the Inquiry needs to be realistic about what can be achieved given the relatively short hearing timetable, and further that the closure of schools both fed into and exacerbated other negative impacts, for example it was school closures for most children coupled with the rules on inter household mixing that led to so many children being trapped at home in unsafe environments. The closure of schools compounded other negative effects and impacted on the vast majority of children over the age of five. It is rightly the biggest issue for this Module to consider. Children's lives need to be considered in the round, and we hope that the Inquiry intends to do this when considering school closures and look at how all the different impacts on children interacted and compounded.

- 8. However, the CROs respectfully disagree with the statement in CTI's note that: "There is very little in Module 8 which can be decoupled from the closure of schools: very many impacts on children stem from them."

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- 9. Module 8 set out to focus on the most marginalised children, it is therefore important to acknowledge that many of such children were not in school or able to access school at the start of the pandemic.

- 10. Ministers often conflated issues concerning children during the pandemic with the closure of schools, therefore children were only considered when schools or education during school closures were on the agenda.<sup>6</sup> We are concerned that it was this narrow

focus that contributed to the invisibility of children in much of the decision-making. Children were discussed within the remit of school closures, but they were ignored or forgotten when making broader decisions that also impacted them. We urge the Inquiry not to do the same, and to recognise the importance of considering the whole child, and all the services and forms of support that children need throughout every stage of their development including acknowledging the earliest years of a child's life lay the foundations for their health, wellbeing and future outcomes.

11. The CROs do recognise that schools are about more than just education, and that what the pandemic showed was how by closing schools children spent even more time indoors, and invisible to services. However, it is important to note that:

- a. Whilst the closure of schools exacerbated the isolation of children, it would be wrong to assume that had schools been kept open that would have resolved the problems with the “stay at home” message and the right to play. Those issues need to be examined in addition to the decision to close schools.
- b. Some children were home-schooled<sup>7</sup>, and in a pandemic situation, even if the government had made different decisions on schools, inevitably more children than usual would have been at home due to increased rates of illness, or due to

<sup>6</sup> “The lack of consideration of children in the UK Government's pandemic response reflects a deeper underlying problem - children are simply not considered in policy and decision-making outside of Education. And even within Education, there seems to be little consideration of children as “whole people” - of their physical and mental wellbeing, social and emotional development, rights or existence as citizens.”

**INQ000099722**

<sup>7</sup> “In 2019, 54,7000 children were registered as home educated. It is currently voluntary for parents to register home educated children, so these numbers are likely underestimates.” **INQ000569769** (The Annual Report of His Majesty's Chief Inspector of Education, Children's Services and Skills 2021/22, Ofsted

parental concern about the virus (whether about children who were more susceptible to the virus or about the risk of children passing on the virus to family members who were clinically vulnerable) and therefore relying solely on opening schools would not have been sufficient.

- c. A number of decisions were taken about social care that the Inquiry intends to explore in its List of Issues and it is not appropriate or effective to assume that sending children to school would have resolved the lack of access to other services, which needs to be examined separately.

- d. There are a number of issues that have no or little relevance to school closures, which are important to examine, including but not limited to: children's interactions with the police during lockdown; children who were incarcerated; the impact of children of the rules on social distancing and interhousehold mixing; the guidance on exercise; the closure of playgrounds.

### **Consideration of Children within different parts of the UK**

12. At paragraph 16 in CTI's note, it is recognised that there were some regional variations in the approaches taken to children. The note references the use of Child Rights Impact Assessments in both Scotland and Wales. The note goes on to say: "However, the principal impacts on children of the pandemic and the increased prevalence of children being harmed during this period and, or the significant measures taken to counter it, do not appear to vary to a significant degree across the UK."
13. The CROs respectfully disagree with this statement. Following the aforementioned Child Rights Impact assessment in Scotland, the Scottish Government took the decision to exempt children under the age of 12 from the social distancing measures and later exempted all children. Scotland also exempted children under 12 from the so-called "Rule of Six" and other restrictions on inter household mixing. This was a significant difference in treatment. It meant that the restrictions in England between late December 2020 and March 2021 which prevented many children from seeing any other child at all<sup>8</sup> did not apply north of the border.

<sup>8</sup>Playing Out's Rule 9 Response INQ000099722 highlighted some of impacts this had on children, describing children as becoming anxious, isolated and withdrawn. One parent described her child as bed-wetting and sleep being disturbed due to anxiety and frustration.

14. Also in Scotland, the First Minister took questions directly from children, helping them feel valued and listened to and allowed them to ask the government things that were most important to them. Communication is key in a crisis, and understanding the different approach taken by the UK government is important.
15. These were not the only important regional variations - for example in Wales there were also exemptions from restrictions on interhousehold mixing for children under the age of 11; across England there were significant differences in the length of time children were isolated from peers, due to variations in the length of different regional lockdowns.



Many of these variations raise important issues for this Inquiry to consider, in particular:

- a. the reasons behind the different approaches taken across the UK; b. whether the different approaches were considered or assessed by the UK government with a view to determining which approach was the most appropriate at different stages of the pandemic;
- c. whether the less restrictive approaches in Scotland did benefit children in terms of their development and well-being, to the extent that can be assessed; and d. whether the more restrictive approaches in England were instrumental in preventing the spread of the virus.

16. The CROs believe that it is particularly useful to analyse different approaches across the UK governments, as that allows the Inquiry to consider the impact of different measures operating at the same time. The CROs will also submit to the Inquiry that they clearly demonstrate the benefit of having a specific and tailored approach to considering children's rights.

17. Regional differences are not just about the different rules in different regions. Often the same rule impacted different regions or areas of the country differently. This is particularly true for areas in the north of England or the Midlands, where children were already disproportionately worse off prior to the pandemic and then were disproportionately hit by COVID and lockdown restrictions. Children in poor areas may have had parents more likely to have public facing jobs and risk getting sick, and in some cases may have been at greater risk of having a parent die of COVID.

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18. The CROs accept that the Inquiry is capable of assessing such differences without replicating the same evidence in respect of each part of the UK throughout the entire module. There is therefore no objection to the proposal at paragraph 16 that the Inquiry will seek to integrate evidence about children across the UK rather than hearing the same evidence on each issue mechanistically for different parts of the country, as long as that does not become an England-centric approach, and that differences are appropriately identified explored and understood where relevant.

19. The CROs do not, therefore, disagree with the proposed approach to the evidence insofar as it does allow the Inquiry to consider some of the important differences and to ensure the Inquiry is able to explore those where relevant.

### **Impact on children from families with a low income**

20. The CROs have made some suggested amendments to the List of Issues, as outlined above, to further ensure that this group of children and the impact on them are separately and properly considered.
21. We welcome confirmation that the Inquiry remains committed to examining the differential impact of the pandemic on different groups of children, which includes children in poverty, where relevant under each item in the List of Issues. We have not recommended substantial changes to the list to create a sub-heading under each point.
22. In particular, given the proposed focus on school closures and the decision-making around school closures, we consider that it will be important to examine the extent to which the potential differential impact on poorer children was factored into that decision-making. This includes the decision-making around provision of replacements for Free School Meals, along with other similar decisions such as the provision of computer equipment to access remote learning.

### **Rule 9 Requests**

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23. The CROs in their letter dated 4 December 2024 requested that the Inquiry consider issuing Rule 9 requests to the following organisations or individuals:
  - a. Robert Halfon, previously a member of parliament and chair of the Education Select Committee during the pandemic (27 January 2020- 27 October 2022)
  - b. Professor Brooke-Rogers, who was involved in SPI-B, the modelling group for the coronavirus, and in particular the modelling group that was colloquially known as “SPI-Kids”
  - c. Justin Tomlinson, former Minister of State for Disabled People, Work and Health as he can address disability and work-related issues.
  - d. Will Quince, former Parliamentary Under-Secretary of State for Welfare Delivery (from 4 April 2019 – 17 September 2021) as he can speak to the impact of welfare delivery insofar as it had an impact on children and young people and because he was additionally Vicky Ford MP's successor as former Parliamentary Under-

Secretary for Children and Families (from 17 September 2021 and 6 July 2022). For example, he provided a statement on the programme of work undertaken by his officials to consider access to Free School Meals and various entitlements of children with No Recourse to Public Funds (INQ000541055).

- e. David Rutley, Parliamentary Under-Secretary of State for Welfare Delivery (17 September 2021 - 20 September 2022), as he succeeded Will Quince
- f. Dame Angela McLean – who authored a paper on transmission in school<sup>9</sup>
- g. The Children and Young People’s Mental Health Coalition
- h. Department for Work and Pensions

24. Whilst other suggested Rule 9 requests have been made, for which we are grateful, it is understood that none of those in the list above have yet been issued with Rule 9 requests. The CROs understand that they may have been issued with such requests in other modules, and that the process is an iterative one. We have not had any disclosure of previous Rule 9 requests or witness statements from these individuals or organisations from other modules in the material thus far, and therefore the CROs respectfully request that further consideration is given to whether the Inquiry might benefit from such requests.

### **Expert evidence**

25. The CROs are grateful to have received a draft of the first expert report, which they have commented upon and hope that their commentary is of assistance in finalising the report. It is clear that, along with the List of Issues, the Inquiry has, understandably chosen to focus its attention on key areas, rather than instructing experts to cover every possible issue regarding the pandemic and children.

26. However, the CROs have raised in their comments on the first expert report that there is no consideration of babies, maternal or antenatal care. We raise that in these submissions as well, as it is not clear whether that is a deliberate omission by the Inquiry, or whether that might now be resolved by our comments on the report. We urge the Inquiry to ensure that it has evidence in front of it that covers the impact on babies as well as young children attending early years services and those at home.

27. Further, the CROs are concerned that the report on older children appears to focus on education. While this report has yet to be disclosed in draft, we hope that the report will also cover aspects of child development, including specifically social and emotional development for those five years and above, not just focus on academic attainment and lost learning.

### **Children and Young People's Voices Report**

28. The CROs are grateful for the indication that the Children and Young People's Voices Report will be disclosed confidentially prior to the hearings. We ask whether it will, like the expert reports, be disclosed in draft format so that the CROs can have an opportunity to comment on it before it is finalised. We raise this because a number of CROs are part of the Covid-19 Children and Young People Forum, but they have not to date had disclosed to them a draft copy of the report. Given the expertise in voice and participation which the CROs possess, we would be grateful for an opportunity to raise any issues prior to the report being finalised.

29. The CROs who were Core Participants in Module 2 asked the Inquiry then to ensure that children's voices were heard and allow their views to influence the scope and issues

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explored in Module 8. We have had no information as to whether this recommendation was taken on board, and without disclosure of the Children and Young People's Voices Report cannot comment on whether the List of Issues reflect what has been learnt from it.

30. We consider it of paramount importance in an Inquiry run by adults that children have direct input into what the most important issues were when assessing and determining the impact on children. This also reflects their right to have their views taken into account under Article 12 UNCRC. We hope that the Children and Young Persons Report has canvassed children's views on the scope of this module and taken those views, and the lessons learnt from listening to children into account in the determining where the scope and focus of this module lies. We would welcome confirmation if this has been done, and such details as are appropriate to share.

31. In the alternative we invite the Inquiry to now consider the views of children as set out in the report and consider whether the scope of the module should or could be modified

to incorporate their views. We also urge disclosure of the report as early as possible to allow us to make representations on this point if appropriate.

### **Impact Videos**

32. The CROs were very impressed by the impact videos played at various points during Module 2 and found this to be a powerful way to recognise individual experience, give voices to those who had suffered and allow both the Inquiry and the public to hear a snapshot of others' experiences. We are pleased that similar films are being produced for Module 8.

33. We consider the anonymous quotes from children will be especially powerful but in our view, having them voiced by adults will significantly lessen their impact. We do not see why it would be inappropriate for the children themselves to voice their own words and imagine many would be happy or even keen to do so. There is no reason that their faces or names need to be released, but do not consider that this would be inappropriate for those happy to do so. Quite the opposite, we consider it unnecessarily disempowering to prevent children from having the opportunity to speak of their own experiences. Where there may be a child who does not want to do this, we invite the

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inquiry to use child actors to speak the words to ensure the impact is not reduced and to prevent the artificial sound of adults speaking the words of children.

### **Further preliminary hearing**

34. We are grateful for the indication that we will soon be provided with a draft list of witnesses for the main hearings commencing in September.

35. The CROs ask the Inquiry give consideration to listing a further preliminary hearing in order to ensure that the hearings run smoothly. The CROs are grateful to CTI for the transparent and cooperative approach taken thus far, but consider that a lot has been raised at this preliminary hearing, that the List of Issues is yet to be finalised, we have not seen and have therefore not been able to comment on the provisional list of witnesses, and there is still significant evidence to disclose, including two of three expert reports, and the Children and Young People's Voices Report. We therefore anticipate further matters will arise that we will be grateful for an opportunity to raise prior to the start of the hearings at the end of September.

## **Conclusion**

36. We would be grateful for the opportunity to supplement these written submissions with oral submissions at the hearing on 11 June 2025, in order to supplement these submissions and to respond, where appropriate, to oral submissions made by CTI and other Core Participants. We do not intend to repeat what is contained within this written document, and it may be that certain issues we intend to address will not need addressing depending on what is said by CTI. We intend to keep any oral submissions succinct and relevant to any remaining issues.

37. Subject to the above caveats, the topics we intend to cover in oral submissions are likely to include:

- a. The scope of the module 8, including the focus on school closures, and how issues of poverty and other inequalities are addressed and interwoven with the List of Issues;
- b. The consideration of children across the different parts of the UK;

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- c. Children's voices, including the Children and Young People's Voices Report;
- d. Other matters arising from other submissions.

Dated 30 May 2025

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