

THE UK COVID-19 INQUIRY

TRADES UNION CONGRESS: OPENING SUBMISSIONS FOR MODULE 8 (CHILDREN AND YOUNG PEOPLE)

INTRODUCTION

1. The Trades Union Congress (**'the TUC'**) brings together over 5 million working people who make up its 48 affiliated unions. In this Inquiry, the TUC is working in partnership with TUC Cymru (formerly the Wales TUC), the Scottish TUC, and the Northern Ireland Committee of the Irish Congress of Trade Unions.
2. Those affiliated unions with a particular interest in Module 8 are: The Association of Educational Psychologists (**'AEP'**): a trade union and professional association representing registered educational psychologists practising in the UK; The Community Practitioners and Health Visitors' Association (**'CPHVA'**): a professional body and trade union that represents health visitors, school nurses, community nurses, community nursery nurses, district nurses, and other relevant health professionals working in a community setting; The Educational Institute of Scotland (**'EIS'**): Scotland's largest education union, representing over 80% of Scotland's teaching professionals, across all sectors, from early years to Higher education; **GMB Union**: a general union representing over 100,000 workers in schools, academies and further education organisations; The National Association of Head Teachers (**'NAHT'**): a trade union and professional association representing over 38,000 senior leaders in education in England, Wales and Northern Ireland; **Napo**: representing those working in the criminal and civil justice system, including in prisons and secure facilities; **NASUWT**: representing teachers and headteachers in all sectors, from early years to FE, with more than 260,000 members; The National Education Union (**'NEU'**): representing the majority of teachers and education professionals in the UK, with around half a million members; **POA**: with members working in the criminal and civil justice, including in prisons and secure facilities; Undeb Cenedlaethol Athrawon Cymru (**'UCAC'**): representing teachers, head-teachers, lecturers and tutors in Wales; the University and College Union (**'UCU'**): representing over 120,000 workers across all roles in universities, colleges, prisons, adult education and training organisations throughout the UK; **UNISON**: a general union whose representation includes over 250,000 support staff

in schools (for example: teaching assistants, pupil welfare, IT, school meals, and estates); **UNITE**: a general union representing school support staff, including teaching assistants, catering staff and lunch time supervisors across all school designations.

3. A joint statement has been provided by the TUC, NEU, the NASUWT, UNISON, GMB, and Unite (**'the joint statement'**). One of the co-signatories – Kevin Courtney (former Joint General Secretary of the NEU and former member of the Executive Committee of the TUC) – is to give oral evidence during Module 8 hearings. Statements have also been provided by UCU, UCAC, CPHVA, and NAHT.
4. The focus of this opening submission will be predominantly on issues relating to primary and secondary school education. In particular: (a) the experiences and challenges faced by community practitioners and health visitors, (b) preparedness and resilience in education, (c) education staff in the pandemic, (d) the role of unions and engagement with government, (e) restricting attendance at schools, (f) non-pharmaceutical interventions (**'NPIs'**) in schools, (g) minimising the harms of restricted attendance, and (h) conclusion and recommendations regarding education.
5. It is also relevant to note that, although on many issues the views and representations of education unions aligned, there were, at times, differences and nuance. It is not possible, given the breadth of the issues and the scope of this submission, to reflect that nuance, but these submissions attempt to reflect the key points.

A. EXPERIENCES AND CHALLENGES FOR COMMUNITY PRACTITIONERS AND HEALTH VISITORS

6. During the pandemic, demand for community services provided by the members of CPHVA increased.¹ This was a particular challenge in a service which was already facing a significant workforce shortage crisis, particularly in respect of health visitors and school nurses. This was exacerbated by pandemic-related absences, non-availability of PPE needed for in-person visits, and the redeployment of CPHVA members to Covid testing and vaccination centres or hospital-based working.²
7. CPHVA consider that the health needs of children were not given sufficient priority during the pandemic; they became secondary to the health needs of adults being cared for in hospital settings, leading to an inadequate level of service delivery, despite the best efforts of community practitioners and health visitors.³

¹ INQ000588007_0003 para 11.

² INQ000588007_0004 paras 12-16.

³ INQ000588007_0007 para 25.

8. CPHVA also wish to draw attention to a safeguarding issue which arose in respect of restrictions on school attendance. As the Inquiry is aware, schools stayed open to support vulnerable children. However, due to fear of infection, many pupils did not attend school for this purpose, and vulnerable children lost contact with community services and their teachers; leaving them without the important and consistent input of adults outside their families.⁴ It quickly became clear that there was no strategy in place to address this situation and to safeguard vulnerable children.
9. The recommendations which CPHVA would commend to the Inquiry are as follows:
 - a. Specific ring-fenced funding to restore health visitor and school nurse numbers.
 - b. Any plans to redeploy school health services to the pandemic response should be approached cautiously, and balanced with the need to maintain services for children.
 - c. The development of child health emergency situation impact assessments, to include a recovery plan considering: risk assessments; safeguarding; workforce protection; maintenance of pre-identified services; early availability of mental health support for staff; and availability for mental health support for families, children and young people.
 - d. Clear plans to be in place for the supply and distribution of PPE to health visitors and school nurses, to be available on the same basis as those working in hospitals.
 - e. Plans should acknowledge the need for face-to-face engagement with all vulnerable or safeguarding contacts, due to the insufficiency of remote contact in these cases.

B. PREPAREDNESS AND RESILIENCE IN EDUCATION

10. In common with the position across the UK – exposed by the Inquiry's Module 1 report – preparedness within education for a non-influenza pandemic was limited. Systems for restricting attendance at school, for alternative means of delivering education, and for maintaining safety within schools had to be developed from scratch, and generally at the eleventh hour. It is striking, for example, that on 3 March 2020 the government published a 'coronavirus action plan' which had but a single paragraph referencing the possibility of restricting attendance at schools.⁵ Plans for restricting attendance appear to have been drawn up overnight on 17 March 2020.⁶ As with other sectors, preparedness is a core lesson.
11. As or more important, however, is the resilience of the system of education. Going into the pandemic, education was under stress. A core problem was a crisis in teacher and leader

⁴ INQ000588007_0004 para 11.

⁵ INQ000587983_0016 para 63.

⁶ See, for example: INQ000588024_25 para 4.42.

recruitment and retention. The NASUWT's annual 'Big Question' survey of members in 2019 found that 67% of teachers and leaders had seriously considered leaving the profession over the preceding 12 months.⁷ The pressures driving the crisis included significant declines in real terms pay combined with a deep-rooted workload crisis. Evidence from 2018 showed that primary teachers' average working hours had reached 52.1 per week.⁸

12. Schools were also facing significant challenges in funding. The number of children and young people with EHCPs had increased by 65% between 2014 and 2020, but without a corresponding increase in funding. In 2019 the LGA identified a funding gap of £806million. Schools were also finding it increasingly difficult to allocate resources towards supporting families and attendance.
13. At the same time, the ability of schools to secure assistance from outside agencies was decreasing. Schools were frequently expressing major concerns about getting access to crucial support services such as speech and language therapists and educational psychologists. Significant and growing pressures on both children's social care and mental health services were such that the thresholds for obtaining input from either service were increasing.
14. These issues of resilience of the system of education are crucial both to minimising the harms of a pandemic as it hits, but also the subsequent recovery. As the expert report to this module, entitled: *'Lessons in Learning: The Impact of Covid-19 on Educational Provision, Support and Progress'*, observes targeted interventions are less effective overall than an existing, resilient system for education: what is essential is that schools are adequately funded and supported, including with issues wider than academic learning, to ensure that children have the best possible support for the long-term. Per the *Lessons in Learning* report:

'Schooling provides a uniquely powerful point of intervention through which to tackle the impact of poverty and inequalities more generally. Unless the crisis in education, now deepened further by Covid-19, is tackled with energy and honesty, schools will be unprepared for any future pandemic, with long-lasting moral, social and economic consequences'.⁹

C. EDUCATION STAFF IN THE PANDEMIC

15. The challenges faced in the pandemic by education staff were immense. Staff implemented entirely new ways of teaching and operating schools, often amid great uncertainty and at late notice. Schools never closed to vulnerable children and many staff continued to attend schools

⁷ INQ000649092_0011.

⁸ The Organisation for Economic Co-operation and Development's Teaching and Learning International Survey in 2018: see INQ000649096_0016-0017.

⁹ INQ000587959_0023 para 583.

as their places of work. Others spent times working and teaching from home whilst also caring for vulnerable relatives or trying to support their own children's learning as well.

16. In addition to school leaders and teachers, support staff made a huge contribution. There is evidence that the vast majority of teaching assistants supported vulnerable and key worker children in school during lockdowns, and approximately half spent time managing whole classes or bubbles, enabling teachers to prepare for delivering online lessons and covering staff absences.¹⁰
17. The context for doing so was a global pandemic in which very many staff would have had concerns for their safety, that of their families and of their pupils. It is a large and diverse workforce, many of whom would have had their own physical vulnerabilities, or family members who were vulnerable. As Professor Whitty observes: *'An important point to make is that thanks to the dedication and bravery of staff working in schools in the face of initial uncertainty about the risks, schools stayed open to care for the children of key workers and vulnerable children. I would like to pay tribute to the school staff who did this especially during the early period when relatively little was known about the potential risk to teachers and other school staff. When I refer to school closures in this statement, it is caveated with this fact. Schools did not close completely but remained open for the children of key workers needed for the response, and for other vulnerable children [...]'*¹¹
18. A similar observation is rightly made in the *Lessons in Learning* report:

*'Schools occupy a unique place in our society. They provide a universal service which, despite its challenges, remains the single best means available to improve life chances for children, post-pandemic, across the UK. **All efforts focused on recovery must recognise first the dedication, ingenuity, and above all, care, which staff in schools brought to their work, but also the costs of doing so in a 'stressed system', which was already under severe and unsustainable strain before the pandemic struck**'*¹²

D. THE ROLE OF UNIONS AND ENGAGEMENT WITH GOVERNMENT

19. The education unions campaign to improve the position at work of their members. That includes pay and conditions of their members at work, but frequently extends to broader matters concerning the best interests of children and young people in education.
20. In the pandemic, an important function of the education unions was to promote and seek to safeguard the safety of its members at work, and also the safety and well-being of the families of its members, of pupils, and the broader community. They sought to assist by bringing the benefit

¹⁰ INQ000649139_0003-0004.

¹¹ INQ000588046_0003-0004 para 2.1.

¹² INQ000587959_0228 para 571.

of the experiences of members to government decision-making, and to provide support and guidance to its members.

21. Unions received frequent contact from education staff throughout the pandemic in relation to how best to support pupils and students to continue to have access to education, and to continue to progress through the education system i.e. to pass from one key stage to another and to be able to undertake examinations and/or receive grading. Unions were therefore involved in the process in relation to qualification bench marking, engaged with government following the issues which arose in the exam awarding process in the summer of 2020, and responded to consultations related to the subsequent examinations. The extent of unions' engagement on this topic is set out in the joint TUC witness statement.¹³
22. Throughout the pandemic, unions were engaged in efforts to maintain food security for children and their families. Many NASUWT members volunteered to support the distribution of food to vulnerable children and their families.¹⁴ The NEU wrote in October 2020 to Boris Johnson and Rishi Sunak outlining five actions to minimise the impact of the pandemic on children and their access to learning, which included extending the free school meals scheme to a wider cohort of children and increasing the provision during school holidays.¹⁵ Unions were involved in lobbying government on issues of food security throughout the pandemic.¹⁶
23. The education unions also frequently urged greater and more effective NPIs within schools, such as in relation to the use of masks, use of larger spaces, and on ventilation. There were times when education unions argued against earlier re-opening of schools, or for earlier closing. That was not, however, a matter of prioritising staff over pupils, or minimising the importance of pupils being in school; it was rooted in seeking government decision making that was founded on the scientific advice and in pursuit of a coherent and well-communicated plan, arrived at with the profession, that promoted safety and minimised harms in the longer term. It was the position of the unions throughout the pandemic that restrictions on attendance should be guided by public health advice on the spread of Covid-19 and the measures necessary to contain it. Further, relaxation of restrictions on attendance should involve the provision of effective measures and support for schools and steps to ensure that staff and pupils were kept as safe as possible. As revealed in Module 2, and no doubt to be returned to in this module, the positions adopted were reasonable if not, in hindsight, proven correct.
24. Unfortunately, the approach of Westminster to social partnership during the pandemic was a needlessly oppositional one. It should however be noted that TUC Cymru's affiliated unions

¹³ INQ000588135_0038-0039 paras 103-108.

¹⁴ INQ000588135_0035 para 91.

¹⁵ INQ000588135_0035 para 92.

¹⁶ INQ000588135_0035-0036 paras 91-95.

reflect that their input and consultation in relation to the education sector was, in the main, warmly received by the Welsh government, especially at the outset of the pandemic when there was a high level of uncertainty and union-government engagement was particularly intense.

25. A striking example of the UK Government's approach to social partnership can be observed in respect of face masks. Education unions considered that a precautionary approach favoured using them in schools. That was informed by an awareness of the limitations within schools of other measures such as ventilation and social distancing, by the view that learning was much more inhibited by missing school for catching Covid-19 or by general restrictions on school attendance, than the use of masks, and by the position adopted by other countries and the World Health Organisation.¹⁷ The DfE took a much more limited approach and even as of Autumn 2020 the DfE guidance simply advised that schools could choose whether to implement face coverings in communal areas.¹⁸ Module 2 disclosure indicates that on 25 August 2020 the Prime Minister, in an exchange regarding the DfE, emailed his Chief Advisor describing that he was *'on a train trying to make sense of our totally fucked up face mask policy'*.¹⁹ The following day, in a WhatsApp group between Mr Case, Mr Cain, and Mr Cummings, the latter asked what is *'the true reason for the u-turn on masks'*.²⁰ Mr Case offered the following explanations:

'[...] weeks ago we recommended to the PM that we create permissive guidance on masks, because we could foresee it was going to be a drama in Sept. Gavin discussed at a Covid cttee mtg. Because as that stage it was Unions pressing for masks (no science back-up), Gavin was in 'no-surrender' mode and didn't want to give an inch to the unions, so said we should hold firm. PM gave him full support in this approach. [...] -at every turn, PM backs bullshit 'no surrender' ideas from Hancock/Williamson/Shapps and then totally regrets it later'.²¹

26. The needlessly oppositional and non-sensical 'no-surrender' mode was typical. It was not until 16 October 2020 that guidance stated that secondary schools had a discretion to require face coverings in indoor communal areas – the guidance did not apply to classrooms, nor to primary schools.²²
27. Similarly, restrictions on school attendance were approached as a battleground with the education profession. On 21 December 2020, Sir Patrick Vallance recorded in his diary that the Secretary of State was *'out there pounding the teaching unions who are saying they don't want to teach anyone anything anywhere – which is why they came into teaching of course'*.²³ The

¹⁷ Quoted in INQ000075472_0001.

¹⁸ INQ000075472_0001.

¹⁹ INQ000283369_0041.

²⁰ INQ000048313_0053.

²¹ INQ000048313_0053.

²² INQ000075765.

²³ INQ000273901_0644.

point made is an important one: teachers, support staff and school leaders, as much as anyone, recognised the importance of school to children; they also were not blind to the need to confront the practical realities of maintaining school attendance amidst a highly transmissible virus. Those practicalities should have been addressed proactively, constructively and collaboratively.

28. The *Lessons in Learning* report gives an example in context of education recovery of the benefit of working in partnership with the profession²⁴ and the importance of drawing on knowledge of profession.²⁵

E. RESTRICTING ATTENDANCE AT SCHOOLS

Some general observations

29. Restricting attendance at schools was predicted to have harmful effects, to be particularly harmful to the most vulnerable, and to exacerbate pre-existing inequalities in outcomes amongst those in education. For example, NAHT's press-release on 16 March 2020 described that '*School leaders and their teams are determined to play their part in the national civic response to this crisis. [...] Vulnerable children and families are uppermost in our minds. For some children a day at school is a place of sanctuary and nourishment as well as a place of education*'.²⁶ Education staff have witnessed first-hand that the actual impacts have been profound.
30. A global pandemic can, however, be a time of 'least-worst' options, in which all options are to some degree unpalatable. The risks of attendance to children, and/or to teacher and other school staff, and/or whether the spread of infection at school is driving transmission across communities, may demand restrictions in attendance. Closing schools (or restricting attendance) may be unavoidable. That appears generally to be acknowledged within the Module 8 evidence.
31. It is also mistaken to assume that, for children and young people, the benefits and harms of restricting attendance point in a single direction. To the contrary:
- a. Covid-19 did have serious physical consequences for children; they had lower risks as compared with adults but higher risks as compared with other infectious diseases. However, as Professor Whitty observes, that was actually an unusual feature of Covid-19 and, in the next pandemic, *'the starting assumption should be that children, and especially very young children, are likely to be at greater risk than young adults. Influenza is an example of a respiratory pandemic which has a relatively high mortality in young children. Many other diseases have disproportionality high mortality in*

²⁴ INQ000587959_0222-0223 para 555.

²⁵ INQ000587959_0229 para 572.

²⁶ INQ000648441.

children'.²⁷ Sadly, in the next pandemic, closing schools may be the easiest of decisions.

- b. It is also false to view children as isolated from the broader harms suffered in the communities in which they live. There is evidencing suggesting that 13,000 children were orphaned by the Covid-19 pandemic, 13,500 lost a primary caregiver, and 15,700 lost a primary and/or secondary caregiver.²⁸ And that may have a particular impact for Black and Minority Ethnic households which are more likely to be intergenerational.²⁹

- 32. The very significant harms of restricting school attendance underline the importance of maximising safety within schools with effective NPIs so as to minimise the need to restrict attendance (considered further below).
- 33. Moreover, those harms should be at the core government decision making when considering the priorities in relation to school closures as against other NPIs across society. A key aspect of facilitating school attendance is keeping the community R-rate below 1. Measures in other sectors that put upwards pressure on the R-rate must be taken in the knowledge that they increase the likelihood of restrictions on school attendance. (A striking example in the pandemic of this done badly was the high-risk return to school in September 2020 following the 'Eat Out to Help Scheme' ('**EOTHS**') of August 2020).
- 34. In the next pandemic, it is of course the case that restrictions on school attendance should be **kept to a minimum** and that the approach taken needs to be sensitive to the importance of maintaining unrestricted school attendance. However, the Inquiry should reject maxims urged upon it, as lessons for the next pandemic, that school closures should be an absolute last resort and only used after all else fails:
 - a. First, it takes as its premise that the virus in the next pandemic will not pose a significant risk of harm to children. As above, that may be incorrect. School closures may be vital to protect children, and starting assumptions to the contrary may be harmful.
 - b. Second, the Inquiry will need to be cognisant of the evidence heard in Module 2 as to the effective management of the exponential spread of a disease and that earlier and more decisive action may result, ultimately, in fewer restrictions and far less harm in the longer term. Similarly, releasing restrictions too early may contribute to the necessity of yet further restrictions. In a pandemic, keeping restrictions on attendance to a minimum may demand precisely the opposite of utilising such restrictions as the last option and at the last moment. Consider, for example, the two-week delay in schools reopening

²⁷ INQ000588046_0064 para 7.4.

²⁸ See: <https://bmjpaedsopen.bmj.com/content/6/1/e001604>.

²⁹ See, for example: INQ000069748.

after the 2020 winter break in Taiwan, as part of a suite of measures that suppressed the virus nationally.³⁰ Schools reopened on 25 February 2020 and prolonged national closures were avoided. Earlier proved to be better, and that may be the optimal approach in the UK in the next pandemic. Certainly, a recommendation encouraging decision makers to set their face against restrictions risks being harmful and counter-productive.

The decisions made in the Covid-19 pandemic

35. Coming out of the first lockdown, the education unions urged caution in releasing restrictions, urging, in particular, that the decision was led by epidemiological advice and in the context of a sustained downward trend in transmission, access to testing for children and staff, and protocols to be followed on identifying a positive case. A joint statement to that effect, on behalf of the NASUWT, the NEU, GMB, NAHT, UNISON and Unite, was sent to the Secretary of State for Education ('SSE') on 7 May 2020. NEU correspondence of 1 June 2020 pointed to the opinions of experts such as independent SAGE on the dangers inherent in a wider opening particularly without a fully functioning test and contact tracing system.³¹ Given the need for caution, a number of unions were resistant to plans mooted in Wales of bringing Autumn term dates forward.³² All of that was wholly consistent with the scientific advice provided by SAGE considered in module 2: that, coming out of the first lockdown, the R-rate was precarious and the scientific advice, very firmly, was that caution was required going into the winter months. There was a need for careful thinking about how schools could be reopened whilst keeping the R-rate below 1.
36. Unions frequently requested access to the data underlying the decisions being made, but engagement was limited. On 15 May 2020, for example, the NEU requested the establishment of a joint union and Department for Education taskforce to examine how safely to release restrictions on school attendance. Access to some of the modelling information was only provided after the NEU had to resort to a pre-action protocol letter.³³
37. In the face of that evident need for caution, the Prime Minister and SSE led an unchecked enthusiasm for re-opening schools. On 19 June 2020, Sir Patrick recorded in his diary: *'Morning PM meeting [...] wants everything normal by September and only deal with things locally and regionally. He is now completely bullish about opening everything - as [Chris Whitty] said it is so inconsistent. It is like "bipolar decision-making"'*.³⁴ Covid-S agreed that day that all children

³⁰ See: <https://academic.oup.com/eurpub/article/35/1/153/7905788>.

³¹ INQ000588135_0023 para 56.

³² INQ000588135_0024 para 58.

³³ INQ000588135_0023 para 54.

³⁴ INQ000273901_0096.

should return to school in September 2020, and that Sir Gavin should use his coercive powers if necessary.³⁵ Sir Gavin announced the plan for a full reopening to Parliament that afternoon.³⁶ On 1 July 2020, the Prime Minister was reported to say *‘very clearly that nothing should be a barrier to full return in September, and that no one should get into the mentality of anything but full return’*.³⁷ The following day, Sir Gavin made a statement that *‘we will bring all children, in all year groups, back to school in September’*.³⁸

38. The enthusiasm was such that steps that were taken by schools were privately deprecated. On 9 September 2020, Sir Patrick reported that the *‘PM [had] heard from Williamson that Eton was testing all pupils before they came back. Pathetic. Head should be kicked in. Absolute outrage’*.³⁹
39. The growing focus on returning pupils to schools appears to have led to scientists’ advice being sidelined, for fear that they would counsel caution. On 23 June 2020 Sir Patrick noted a call with Jonathan Slater (of DfE) to the effect that DfE did not want to ask SAGE about schools because the minutes would be published.⁴⁰ Sir Patrick commented that this was the *‘consequence of transparency!’*.⁴¹ That very day, SAGE noted that there may need to be a change to plans to reopen schools in order to keep R below 1.⁴²
40. At a Covid-O meeting on 6 August 2020 DfE presented an options paper on return to school.⁴³ It should have been more ambitious, in particular, in respect of its consideration of NPIs within schools, but it did sensibly identify *‘substantial operational risks requiring collaborative, cross-government solutions’*.⁴⁴ The considerations set out included: (a) planning for local lockdowns and school closures, including a ‘tier 3’ and ‘tier 4’ envisaging restrictions on attendance at secondary schools, and primary and secondary schools, respectively;⁴⁵ (b) providing a ‘stronger steer’ to schools about the potential use of rotas in secondary schools and colleges in some local lockdown scenarios; (c) the extent to which test and trace capacity might be prioritised for education settings; and (d) implementing NPIs in other sectors in order to keep schools open within the ‘R budget’. An accompanying planning document considered a scenario of the R-rate rising nationally, and suggested actions not only of moving secondary schools to a rota system but taking other NPIs nationally (such as closing pubs and gyms) in order to keep schools open whilst keeping control of the R-rate.⁴⁶

³⁵ INQ000273901_0630.

³⁶ INQ000075718.

³⁷ INQ000075461_0002.

³⁸ INQ000146054_0063.

³⁹ INQ000273901_0171.

⁴⁰ INQ000273901_0100.

⁴¹ INQ000273901_0100.

⁴² INQ000120530_0002 and Sir Patrick Vallance 20 November 2023 85/25-87/9.

⁴³ INQ000088256.

⁴⁴ INQ000088256_0001.

⁴⁵ INQ000088256_0011-0012.

⁴⁶ INQ000088294.

41. The need to consider these contingencies should have been perfectly obvious, and it was consistent with the sort of approach that the education unions had been urging. The Prime Minister's response was an emphatic rejection of them. Sir Patrick noted the Prime Minister's response was: *'Don't want to hear about plan B and C for failure. I just want all pupils back at school [...] We are no longer taking this Covid excuse stuff. Get back to school'*.⁴⁷ The formal minute of the meeting was to the same effect: it recorded the point being made that *'schools should not be told of a fallback plan as it would allow them to have an excuse not to open in September'*.⁴⁸ Further, in summing up the Prime Minister is recorded as saying *'Explicit contingency plan guidance for schools should not be shared in advance to avoid undermining momentum towards a full reopening'*.⁴⁹ It was an utterly hopeless approach, given the obvious need for caution going into the winter. It was also a callous way to treat teachers, support staff and school leaders, who were, as a deliberate policy choice, left guessing as to what any contingency planning might be, and leaving them to respond on the hoof, as and when late changes of the course of action were announced.
42. The approach led to a failure to prioritise schools, including NPIs to improve safety in schools whilst open, within the context of the overall R-budget: that is, if the primary aim is to keep schools open, other decisions about reopening, such as those on EOTH0, would need to be taken considering their effect on the R-rate. They do not seem to have been. SAGE had earlier discussed the proposed full return on 9 July 2020⁵⁰ and advised as to the need for enough 'room' in transmission rates to open schools. The following day, Sir Patrick also counselled caution, advising the Prime Minister not to *'do things that back you into a corner re school openings'*.⁵¹ In the event, that is precisely what happened.
43. The key feature of the full return to schools in September 2020 is not that high (and entirely proper) priority was given to the importance of children attending schools, it is that, against the context of a precariously balanced R-rate, there was a full return to school:
- With other measures (such as EOTH0) already pushing the R-rate upwards;
 - Without an effective test and trace system for schools;
 - With tepid guidance and plans on issues such as use of masks and ventilation;
 - With a complete absence of contingency plans for local or national action in the **likely** event that the R-rate did indeed rise too high as winter approached.

⁴⁷ INQ000273901_0139.

⁴⁸ INQ000088257_0006.

⁴⁹ INQ000088257_0007.

⁵⁰ INQ000075460.

⁵¹ INQ000280061_0086.

That was reckless, and a recipe for very difficult academic year, as transpired.

44. The 'no plan B' approach rapidly came unstuck. As early as September 2020 significant concerns were emerging as to losing control of the R rate. On 16 September, Sir Patrick noted '*complete chaos over schools and what they should do. No one had any answers. The comms are shambolic*'.⁵²
45. Towards the end of the Autumn term there were clear signs that further restrictions would be necessary. Yet there was a resistance to considering restrictions and the absurd position of the government threatening legal action in respect of local authorities and schools closing due to local circumstances. In Module 2, Helen McNamara described the situation as '*particularly confusing*', noting that '*it was very obvious to those who had been round the course before that schools would be kept closed after the Christmas break given how the numbers were going*'.⁵³ Despite that, she says that the decision to issue a notice to RB Greenwich was due to a '*sense that it was not ok for local areas to actually take their own decision and potentially embarrass the government*'.⁵⁴ Days after the direction was given, on 17 December 2020, SAGE advised with '*high confidence*' that transmission was occurring when schools were open and,⁵⁵ as predicted, by early January the government itself recognised that schools would need to apply attendance restrictions. There was, similarly, an unwillingness to consider starting the Christmas holidays early, which Sir Patrick felt made '*total sense*'.⁵⁶
46. The 'no plan B' approach led to the chaotic returning of primary age children to school for a single day on 4 January 2021. In summary:
 - a. Cases continued to surge in the lead-up to Christmas, partly due to the emergence of the Alpha variant.⁵⁷ On 22 December 2020, SAGE concluded that it was unlikely that measures then proposed were sufficient to keep R below 1, and suggested that schools, particularly secondary schools, needed to close.⁵⁸ That view was supported by Mr Gove and Mr Hancock.
 - b. Nevertheless, at a meeting on 28 December 2020, Sir Gavin '*made a strong impassioned plea*' to keep schools open after the Christmas holidays.⁵⁹ The following day, Sir Gavin and Mr Hancock agreed to delay the phased return of secondary schools

⁵² INQ000273901_0183.

⁵³ INQ000273841_0090-0091 para 184.

⁵⁴ INQ000273841_0090-0091 para 184.

⁵⁵ INQ000146054_0091 para 19.2.4.

⁵⁶ INQ000273901_0305.

⁵⁷ INQ000075736.

⁵⁸ INQ000075511.

⁵⁹ INQ000273901_0335.

by one week, to 11 January 2021, except for students in exam years, vulnerable groups, and children of critical workers.⁶⁰

- c. The plan was, apparently, to address rising case numbers by making school attendance contingent on testing. At a Covid-O meeting on 29 December 2020, Sir Patrick recorded that the Prime Minister had said: *'I have a dream where every school becomes a mini Slovakia with testing with totalitarian efficiency'*.⁶¹ He recorded that Sir Gavin said that he had a 'very high' level of confidence that he could do it, and that *'Williamson massively overplays the testing card. Says teachers will do the testing with the help of the army'*.⁶² Dido Harding apparently noted that the government did not have the requisite numbers of tests to achieve that level of testing, and that attempting to conduct testing at that scale would divert tests from the NHS.⁶³ This was (attempted) contingency planning conducted at the last moment, and on the back of a cigarette packet.
- d. On 4 January 2021, as children returned to schools, an 8am meeting with subgroup chairs considered new restrictions that had been *'cobbled together'*.⁶⁴ Sir Patrick noted that *'they have knives out for Williamson'*; and that *'DfE has been proved comprehensively wrong in every judgment over the past week'*.⁶⁵ That afternoon, Sir Gavin affirmed his view that schools should not close, but was overridden by Cabinet.
- e. The decision to finally close schools from 5 January 2021 was based on a Covid-19 Taskforce paper and SAGE advice from 22 December 2020.

47. Incoherence in part resulted from lack of joined up approach between No.10 and DofE. On 11 June 2020, as the phased reopening was underway, Sir Patrick noted: *'Slater basically described keeping Gavin Williamson away from policy development but give him some illusion of ownership'*.⁶⁶ In a meeting of the same day, the Prime Minister was recorded to say: *'I don't know what Gavin's plan for schools is but probably pretty feeble'*.⁶⁷ Later, in a WhatsApp message from Mr Cummings to the Prime Minister, Mr Cummings said *'Don't think sustainable for GW to stay dfe. Think lee needs to brief reshuffle after SR ASAP'*.⁶⁸ Mr Gove (consistent with his apparent inclination to be more positive about colleagues than others) appears to have sought

⁶⁰ INQ000146054_0094.

⁶¹ INQ000273901_0337.

⁶² INQ000273901_0337.

⁶³ INQ000273901_0337.

⁶⁴ INQ000273901_0342.

⁶⁵ INQ000273901_0342.

⁶⁶ INQ000273901_0605.

⁶⁷ INQ000273901_0605.

⁶⁸ INQ000283369_0038.

to garner some support and collaboration and is recorded in a meeting of 19 June 2020 as having '*challenge[d] people to back the Gavster*'.⁶⁹

48. This is more than intriguing gossip when seen against the apparent lack of alignment between Sir Gavin and Number 10 on issues such as school closures. Even by January 2021 the Prime Minister and SSE had not managed to reach any sort of aligned of approach, with the latter still taking an absolutist position against school closures. There was an obvious lack of collaboration and coherence in approach. When asked about the working relationship between Number 10 and the Cabinet Office with Sir Gavin, Sir Patrick said that '*It didn't seem to me that there was necessarily an alignment between what was going on at the political level, and there was attempts by the permanent secretary to try and draw some structure to what was happening in DfE around this area*'.⁷⁰ Sir Patrick remarked that it seemed '*unusual*' for a person in Sir Gavin's position to be kept away from policy development, and that it '*didn't seem like a very good set up*'.⁷¹
49. The decision-making and path through the Covid-19 pandemic is, in fact, a salutary lesson in why a 'close schools only when all else fails' approach is the wrong one: it led to a bullish pursuit of open schools devoid of any sensible contingency planning, to late and chaotic decisions and, ultimately, to further and prolonged restrictions.

The criticism of 'conflicted' unions

50. There are witnesses who are critical of the role of unions in, at times, advocating for restrictions in school attendance. Some witnesses respond to questions put by the Inquiry as to whether the education unions suffered from a '*conflict*' between the interests of staff and of pupils. It is submitted that the criticism is misconceived:
- a. It is a red herring. If the premise is that restrictions on school attendance were driven or influenced by interests of education staff and/or of unions, there is no evidence for it. Restricting school attendance was never conceived to be or explained as a choice between the interests of staff and of children; restrictions were driven by interests across society, predominantly the huge numbers of deaths and hospitals being on the precipice of being overwhelmed. Notably, those witnesses who bemoan the input of education unions, generally also describe the restrictions on attendance as unavoidable. The limited exception to that is the consideration given in Wales of attendance at school during the Summer 2020 school holiday. As above, there were cogent reasons for caution at that time.

⁶⁹ INQ000273901_0630.

⁷⁰ Sir Patrick Vallance 20 November 2023 199/12-16.

⁷¹ Sir Patrick Vallance 20 November 2023 200/18 and /21-22.

- b. It is misconceived, in any event, to suggest that views of education unions were founded either in a misunderstanding of the impacts of restricting school attendance, or on a simplistic prioritisation of the interests of education workers. To the contrary, they were well founded concerns driven by the interests of both staff and pupils which, as is now known, was mirrored by the Government's own scientific advice: both the CMO and CSA considered the re-opening in September 2020 to be high risk, and there to be a powerful case for action before January 2021.
- c. A voice for education staff is, in any event, necessary and right, not least given their dedication in the pandemic response. The notion that a stakeholder view was a problem is a perverse one; it is the job and function of government to consider information, to seek and consider the input and views of appropriate stakeholders, and to arrive at a decision.

51. A linked criticism is the suggested distinction between staff and unions, and the notion that concerns as to safety and a more cautious approach to unrestricted attendance was something pursued by education unions in a manner inconsistent with the wishes of staff. That, too, is misconceived. It is, of course, in the nature of representative groups that it is impossible to represent the views of all members. However, the education unions are in no doubt that there was huge concern among its members. By way of example:

- a. In May 2020, following the announcement that schools were to reopen, 49,000 members responded to a NEU survey, with 85% saying they disagreed with the plans and 92% saying they would not feel safe under the proposed opening.⁷²
- b. GMB correspondence regarding face masks in schools was prompted by the union being inundated with calls from members saying their workplaces were unsafe and they had no confidence it was 'Covid secure'.⁷³
- c. On 3 Sunday January 2021, with the Prime Minister continuing to declare that schools were safe and would open, the NEU held an emergency call for members with which 400,000 members engaged.⁷⁴
- d. In March 2021 a UNISON survey revealed that half of school support staff in England felt anxious and many feared that safety measures were inadequate.⁷⁵

⁷² INQ000588135_0022 para 53.

⁷³ INQ000588135_0025 para 61.

⁷⁴ INQ000588135_0026 para 65.

⁷⁵ INQ000588135_0029 para 73.

F. KEEPING SCHOOLS SAFE: NPIs IN SCHOOLS

52. A fundamental lesson of the pandemic should be the need for a wholly different approach to NPIs within schools. In the Covid-19 pandemic, the approach was unplanned for and generally reticent, with insufficient priority given to the safety of pupils and the education workforce.
53. As above, NPIs within schools should be seen as an important step in reducing or even preventing the need for restrictions on attendance at schools. They are also important in maximising the safety of both staff and pupils. In the Covid-19 pandemic, education unions were frequently concerned that insufficient weight was given in decision making to the risks faced by children. Whilst it was right to say that children faced lower risk than adults, that was only one comparator. Transmission of Covid-19 in children is not risk-free. A national, observational cohort study focussing on the period 1 July 2020 to 31 August 2023 identified 45,203 children in whom SARS-CoV-2 either caused or contributed to hospitalisation (excluding those admitted with ‘incidental’ infection).⁷⁶
54. Robust NPIs are also important in supporting confidence of parents and pupils that schools are safe environments. Attendance at school is not just a government choice – parents will not send their children to school if there is fear of them dying or becoming seriously unwell- or if there is fear of them bringing a dangerous pathogen into the home. Parents not sending children to school prior to government decisions to restrict attendance was a feature in advance of both the March 2020 and January 2021 restrictions.⁷⁷ Claire Louise Lawrence (Marshfield Primary School) explained in her statement that implementing NPIs in schools, such as ventilation, social distancing and staggered school day start and end times, *‘had a positive impact on engaging learners at the school and supporting staff confidence’*.⁷⁸
55. Whilst a detailed examination of NPIs within schools is beyond the scope of this opening, in summary:
56. **Masks:** As is set out at paragraph 25 above, an oppositional approach was adopted to repeated suggestions by unions that masks may assist in limiting transmission in school. Guidance on the use of masks highly inconsistent, with numerous policy reversals throughout the pandemic. Schools were often then responsible for communicating the chaotic changes in guidance to pupils and parents.
57. **Ventilation:** A powerful NPI against airborne pathogen, ventilation in schools did not garner the attention it deserved during the Covid-19 pandemic, and especially during the early phases. As in the evidence of Professor Catherine Noakes in Module 2: *‘Although schools were supporting*

⁷⁶ See: <https://pubmed.ncbi.nlm.nih.gov/39426795/>.

⁷⁷ INQ000587899_0009 para 55 and _0013 para 76.

⁷⁸ INQ000587886_0005 para 39.

in monitoring ventilation through CO2 monitors and access to air cleaners, this was not until late autumn 2021. Putting a greater level of investment into mitigating environments which contribute so much to long term societal equality and long-term economic growth such as schools could be better prioritised'. Some of the challenges with ventilation relate to the poor and outdated fabric of many school buildings.

58. **Social distancing:** Challenges arose both as a result of limited space in schools, and the difficulties encountered in enforcing social distancing with younger children and children with SEND. Unions raised during the pandemic the need for clear and pragmatic social distancing guidance to be in place prior to schools reopening, and for it to be reinforced by mitigations related to the challenges of implementing social distancing in school settings, e.g. by mask wearing.
59. **Vaccines:** A number of stakeholders supported prioritisation of staff for vaccines, including some of the TUC's affiliated unions. For example, in January 2021, the UK Children's Commissioners wrote to the Chair of the JCVI asking for teachers to be given priority, *'in order to ensure that staff, teachers and young people all have confidence in the school system and feel comfortable to return'*. The Commissioners described this as *'a vital first step in limiting the devastating impact of the pandemic on children's rights'*.⁷⁹ In that same month, a number of unions sought clarification on this issue.⁸⁰ Following a meeting with the JCVI on 26 January 2021 during which the scientific basis and practical reasons for not prioritising education staff for vaccination was explained, some unions reconsidered their position on this issue and stopped seeking priority for education staff. A key consideration expressed during the meeting was the risk of slowing overall progress of the vaccination regime; the NHS does not hold good records of occupation and the JCVI was concerned that introducing new categories of occupational priority could impede vaccination efforts. Teaching staff were never prioritised for vaccination, in line with JCVI advice that vaccinating by age was the fastest way to prevent deaths and hospitalisations.
60. The issue is not straightforward. In a future pandemic, there may be significant utility in giving priority to education staff in order to maintain unrestricted attendance in schools for as long as possible. Education settings are unusual in that many of the NPIs which can be effective in other settings, such as physical screens, social distancing and mask wearing, are often more difficult, or impossible, to implement in these settings. This is especially the case in early years settings, primary schools and SEND education settings, where there is frequent physical contact between the children and between the staff and children. There may well be a very clear case in a future pandemic for prioritising education workers for vaccination if: children are more vulnerable to severe disease compared to the general population and there is a basis for believing that the

⁷⁹ INQ000146899_0051 para 197.

⁸⁰ For example: INQ000587899.

vaccine reduces transmission; or education staff at shown to be at high risk from transmission or severe disease. Work to improve the records held by the NHS in respect of occupation would assist in a future pandemic if it is considered important to prioritise based on occupational group.

61. Fundamentally, the TUC considers that a fundamental shift in mindset and approach to NPIs within schools is required; to one of ensuring that schools, as a priority, remain as safe as possible, and reduce the likelihood of restrictions on school attendance being required.

G. MINIMISING THE HARMS OF RESTRICTED ATTENDANCE

62. The TUC considers that there were significant missed opportunities to minimise the harms of restricted attendance. In June 2020, the NEU wrote to Boris Johnson, drawing to his attention the NEU's 10-point plan, which contained 10 measures they had identified as necessary to minimise the impact on children and young people. The 10 measures included provision of free school meals over the summer holidays, the use of public buildings to expand the space available to schools for proper social distancing, the provision of resources for remote learning and the launch of a national plan for children's wellbeing.⁸¹ The letter never received a response, nor was an equivalent coherent plan implemented.
63. In advance of any future pandemic, it is essential that clear strategies are in place – should restrictions on school attendance be required – in order to minimise the harms associated with this NPI.

H. CONCLUSION AND RECOMMENDATIONS ON EDUCATION

64. In the Covid-19 pandemic, the government decision-making in respect of education was chaotic. It was hindered by dysfunction between Number 10 and the SSE, and further hindered by a needlessly oppositional approach to staff and their union representation.
65. At times, Westminster set its face against restricting attendance at school, irrespective of scientific advice and having rejected any notion of planned contingencies in the event of a growth in the R-rate and number of deaths, or more nuanced measures that might have restricted the need for widespread restrictions on attendance. The result was lurching from one policy to another. Though a desire for unrestricted school attendance (shared by the education unions) was no doubt a driving factor for pursuing unrestricted attendance, the strategy pursued was ineffective.
66. A number of recommendations are addressed in the written statements but, in summary, the harm to children in the next pandemic is minimised by:

⁸¹ INQ000587899.

- a. Entering the next pandemic with a more resilient education sector: with good working terms and conditions for staff and high levels of retention; with higher quality and ventilated buildings; with a digitally mature system of education; with narrowing inequalities; and a plan for a variety of pandemics;
- b. An approach to restricting school attendance which is part of a mature and coherent strategy, reached in partnership with the sector, and in which decisions made across society to control the R-rate take account of the importance of maintaining unrestricted school attendance;
- c. A much bolder and more coherent approach to NPIs within schools, making better use of measures such as masks, utilising larger space for social distancing, rotated and staggered attendance, and ventilation.

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