

Monday, 29 September 2025

(10.29 am)

Opening remarks by THE CHAIR

LADY HALLETT: Good morning.

Today we begin the public hearings into Module 8, investigating the impact of the Covid-19 pandemic on children and young people across the United Kingdom.

The impact was severe, and for many, long lasting. Children and young people lost educational opportunities, they lost social interaction, they lost the protection from abuse they needed, they lost loved ones. Some suffered and are still suffering the debilitating consequences of Long Covid. Mental health issues in children and young people have increased significantly. This module will examine those issues and more.

I know a number of people were concerned about the timing of this module, knowing the effect that the passage of time can have on young memories. I understood that concern and so, in setting the Inquiry's timetable, I sought assurance that we could obtain the evidence we needed for Module 8 and that many memories would not have faded. And so it has proved.

We've gathered the evidence in a number of ways, from witnesses who can speak directly of the impact to

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After the film has been played we shall reassemble and Ms Dobbin, Counsel to the Inquiry, will begin her opening submissions. She will set the scene, provide some background, and explain the issues we shall be examining in the module in more detail.

I will now pause for anyone who wishes to leave the hearing room or press pause on their device at home to do so.

Play the film, please.

(Impact film was played)

LADY HALLETT: Thank you.

Ms Dobbin.

**Opening statement by LEAD COUNSEL TO THE INQUIRY for
MODULE 8**

MS DOBBIN: Thank you.

My Lady, in Module 8 the Inquiry turns its lens to children and young people. Childhood is short. It's the crucible within which all humans are forged, shaping the adults we become and the lives we lead. Five years on from the onset of the pandemic, and with the distance of time, it's possible to forget quite how profoundly the Covid-19 pandemic interrupted the childhood of almost all children in the UK.

Not least, it demonstrated to a generation that there are existential threats and frightening events

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children and young people in their care or for whom they were responsible, from the Children and Young People's Voices research project that the Inquiry commissioned, and from our listening project, Every Story Matters.

Ms Clair Dobbin, King's Counsel, will explain more in a moment, but essentially we shall be hearing from children and young people themselves, albeit not directly. Their voices will be heard.

We shall start, as we always do, with an impact film. This is different from previous films, in that it includes the anonymous comments of children and young people taken from the research project. It is voiced by adults in order to protect the identities of those young people. I'm very grateful to all those who contributed to the project and to the making of the film.

There may be some who find parts of the film distressing. If you're one of those, and following online, may I suggest you pause the live stream and return after about 22 minutes. If you are here at Dorland House and you would find the film distressing, please leave the hearing room in a moment.

The Inquiry's website provides links to organisations which may be able to help, and at the hearing centre we have the Hestia counselling team ready to assist.

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beyond those caused by adults, and beyond the control of any adult. For some children, that threat materialised into the loss of parents, grandparents, and people who they loved. Some children died from Covid-19 across the UK. Other children continue to live with the direct, long-term consequences of it, and their lives have been greatly changed too.

Across the UK, school closures and lockdowns brought an abrupt halt to most aspects of a child's daily life. This went well beyond not being able to go to school. For younger children, it involved the curtailment of play, and of those services which support families in bringing them up.

For school-age children, the pandemic meant that they missed many of the important events and rights of passage that mark out their development, like the transition to primary school or to secondary school, and leaving school. It deprived children of much of the fun that makes a childhood: birthday parties, playing sport, proms, school trips, holidays; all everyday aspects of what it means to be a child but which comprised the very fabric of childhood.

Critically, it interfered with the ability of children to make and sustain friendships. Unable to see each other, children had to find new ways to communicate

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1 and of being with each other. And Module 8 will
 2 consider the rapid way in which children's lives went
 3 online. And, of course, the pandemic also meant that
 4 wider families couldn't see each other, and that
 5 children missed out on the sheer joy of physical contact
 6 with grandparents and other relatives. As one child
 7 told the Inquiry's research project:
 8 "When Boris said grandparents can go and see people,
 9 my gran [came to stay and] jumped into the bed, me and
 10 my sister started crying with happiness and she also
 11 slept with us like one or two nights."
 12 My Lady, that research project is the Inquiry's
 13 Children and Young People's Voices research, which you
 14 mentioned. It culminated in a report which was
 15 published on 15 September of this year and, with your
 16 permission, it will be adduced in evidence.
 17 It was commissioned in response to the frequently
 18 made criticism that during the pandemic, children's
 19 voices were not heard or their experiences not
 20 understood, and that decision making about them suffered
 21 as a consequence.
 22 Of course, that's a matter which will be
 23 investigated over the next four weeks, but it was
 24 vitally important to this Inquiry that Module 8's work
 25 was guided and informed by what children said, not

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1 Another important source of information about
 2 children's experiences is the Every Story Matters record
 3 for Module 8, drawn from the Inquiry's Every Story
 4 Matters project. This comprises the personal accounts
 5 of parents, carers and professionals who worked with or
 6 cared for children across the UK, and it also included
 7 young people who are now 18-25 but who fell within the
 8 Inquiry's definition of a child or a young person during
 9 the pandemic.
 10 The Every Story Matters record for Module 8 draws
 11 upon almost 18,000 stories, and 429 targeted interviews,
 12 specifically documenting impact on children and young
 13 people.
 14 And again, my Lady, with your permission, it will be
 15 adduced in evidence and published online today. And it
 16 will stand as a lasting account of the cost of the
 17 pandemic to children.
 18 It wouldn't be possible for me to do justice to that
 19 record and the multiplicity of experiences that people
 20 shared, or the accounts that children gave to the
 21 research project, in this opening, but what I will try
 22 to do in the course of it is to refer to extracts where
 23 they particularly illuminate the reality of children's
 24 lives. But both documents form an important evidence
 25 base for this module.

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1 mediated through what adults said.
 2 It was also recognised that calling children to
 3 speak about painful experiences in the public forum of
 4 an Inquiry would risk harming them. For that reason
 5 too, the Inquiry commissioned the children and young
 6 people's research.
 7 It was research which was trauma informed and
 8 participant led, and it meant that children and young
 9 people could share their experiences in a way that was
 10 safe and meaningful.
 11 For the purposes of the report, 600 interviews were
 12 conducted with children and young people who were
 13 between the ages of 5 and 18 during the pandemic.
 14 300 of those interviews were with a general sample of
 15 participants who were broadly reflective of
 16 the UK population.
 17 300 were with a targeted sample of specific groups
 18 of children who evidence suggested were particularly
 19 impacted by the pandemic; and of course, some children
 20 fell into multiple groups of disadvantage.
 21 And what those children said in the interviews has
 22 proved extremely important to the Inquiry in terms of
 23 allowing it to see into the reality of children's lives,
 24 and also to understand more about what was helpful and
 25 what supported children during the pandemic too.

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1 And what they demonstrate is the willingness of
 2 children and the strength children showed during the
 3 pandemic in making sacrifices for the benefit of all of
 4 society as well as for their own families.
 5 You're going to hear evidence over the next few
 6 weeks about those children who had serious chronic
 7 illness during the pandemic and who were really scared
 8 about catching Covid-19. You'll also hear about those
 9 children and families to whom Covid-19 posed a real
 10 risk, and the hardships they endured.
 11 As one young person in Wales explained to Every
 12 Story Matters:
 13 "We stuck to it all straight away. As soon as
 14 lockdown was announced, I was in. I didn't see my
 15 friends for close to three months. We were having to
 16 walk almost an hour each way to our local town just to
 17 get the shopping in at that point. We were really
 18 scared. You don't want to catch it yourself, never mind
 19 the fact that we had someone vulnerable living with us."
 20 Or in terms of the more general cost perhaps borne
 21 by children, another from Scotland explained:
 22 "My younger sibling, who pre Covid attended
 23 a plethora of extra curricular activities and thrived in
 24 social situations, was reduced to a near-silent young
 25 person who no longer practised any of his Covid-19

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1 activities, such as music, sport or scouting."
 2 The Children and Young People's Voices report and
 3 Every Story Matters also demonstrate the real difference
 4 that some teachers and school staff made to children,
 5 and you'll hear more about the role that they played not
 6 just in keeping schools open to some children but in
 7 supporting children and their families who were at home
 8 during periods of school closure and in need. In doing
 9 so, those who came into school or who went out to visit
 10 families put themselves and their own families at risk.
 11 So, too, did other professionals who continued to see
 12 families and children in person. And it's important at
 13 the outset of Module 8 to acknowledge the dedication of
 14 these professionals to children, and the contribution
 15 that they made to keeping children safe and supported
 16 during the pandemic in what were often very difficult
 17 circumstances.

18 My Lady, Module 8 will be hard to listen to at some
 19 points, and of course much of its focus is on the
 20 difficulties that children faced, and the concerns that
 21 endure about how hard hit certain groups of children
 22 have been. But, my Lady, the Children and Young
 23 People's Voices report is a reminder that even in the
 24 face of the most difficult of experiences, children have
 25 great capacity for endurance, and that love and support

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1 exposed by this abrupt end to their normal day-to-day
 2 life. Put shortly, the implications were huge, the
 3 announcement on 18 March to herald a period spanning two
 4 school years during which schools would be closed or
 5 subject to serious disruption.

6 By focusing on impacts, I am not, of course,
 7 inviting you to assess decision making through the
 8 perfect lens of hindsight. You may wish, however, to
 9 consider over the following weeks what was foreseeable
 10 about what might happen to children if they could not go
 11 to school, the sorts of infrastructure that might be
 12 required to educate most children in the UK in their
 13 homes, what might be needed to keep at-risk children
 14 safe, or to protect children subject to existing
 15 disadvantage from having their positions made even
 16 worse.

17 A specific example is disabled children, to whom the
 18 evidence will return. Many received specialist support
 19 and therapies in school and some families may receive
 20 support in the home to help them cope. You will hear
 21 evidence that special schools remained open, but you'll
 22 also hear evidence that disabled children faced very
 23 distinct barriers in being able to physically attend
 24 school. And, as I'll explain in the course of this
 25 opening, the pandemic brought into stark focus the

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1 can make a critical difference to a child's life.

2 A principal aim of this Inquiry is to make
 3 recommendations so that children might be better
 4 protected in a future pandemic, and on behalf of the
 5 Inquiry I'd like to express gratitude to everyone who
 6 participated in the Children and Young People's Voices
 7 research and in Every Story Matters for contributing to
 8 that effort.

9 My Lady, may I turn, then, to the structure of this
 10 submission. In this opening, I'll set out first what
 11 was known about the United Kingdom's children on the eve
 12 of the pandemic. Second, the pandemic's impacts on
 13 them. Third, some factual issues. And fourth,
 14 Module 8's approach to the evidence.

15 Turning first, then, to the children of the
 16 United Kingdom. The evidence gathered by Module 8
 17 demonstrates that prior to the advent of Covid-19, there
 18 were concerns about trends and children's lives across
 19 the UK, and about the fragility of many of the services
 20 that care for, support and safeguard children.

21 That starting point is of particular consequence in
 22 Module 8, given evidence of how limited plans were prior
 23 to the first set of school closures, as announced on
 24 18 March 2020, and the subsequent lockdown, to deal with
 25 the consequences and the risks to which children will be

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1 differences in the lives of the poorest children in
 2 society as compared to those who live in relative
 3 comfort.

4 The Child Poverty Action Group from whom you will
 5 hear oral evidence explains, using the Households Below
 6 Average Income data, that in the year 2019 to 2020,
 7 4.3 million children in the UK were living in relative
 8 poverty after housing costs; the equivalent of 30% of
 9 all children in the UK.

10 Citing the Institute for Fiscal Studies, the Child
 11 Poverty Action Group states that 1.8 million children
 12 were living in the deepest level of poverty.

13 That thread of socioeconomic disadvantage, and its
 14 relationship to so many of the other disadvantages
 15 children are subject to, is woven throughout Module 8
 16 and the evidence you will hear.

17 It is, of course, right to say that there are
 18 families for whom the pandemic brought welcome relief
 19 from the day-to-day grind of work, travel, and the
 20 pressures of the calendar, and which enabled them to
 21 spend time together. But children in well-resourced
 22 families encountered loneliness and distress too.

23 The evidence about children's mental health suggests
 24 that its impacts have been felt across all children in
 25 society. Declines in mental health were a concern

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1 before the pandemic, but Dr Elaine Lockhart, chair of
2 the Royal College of Psychiatrists, Faculty of Child and
3 Adolescent Psychiatry, explains in her evidence to the
4 Inquiry how rates of probable mental health disorder
5 increased from 2020 to 2022.

6 But what is of particular concern is her evidence
7 that the most recent data indicates concerning rates of
8 prevalence persisting. In 2023, one in five children
9 and young people between the ages of 8 and 25 had
10 a probable mental disorder (including 20.3% of those
11 aged 8 to 16), 23.3% of those 17-19 years of age, and
12 21.7% for 20-25-year olds.

13 And my Lady, we have that represented on a graph
14 which is at INQ000588191.

15 Which, my Lady, I think gives some idea as to what
16 has changed from 2017.

17 Thank you.

18 My Lady, in relation to that statistic, that almost
19 one in four 17-19-year olds in 2023 had a probable
20 mental health disorder, the expert to Module 8,
21 Professor Newlove-Delgado, from whom you'll hear
22 evidence, notes the age of this cohort during the
23 pandemic, and that they are group that will have
24 experienced major transitions and milestones during the
25 period of restrictions.

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1 makes clear just how important supportive relationships
2 within the family were in terms of equipping children to
3 cope and conversely, how hard it was for children to
4 live in families where there was tensions and conflict.
5 The Young Minds Charity, in its evidence to the Inquiry,
6 makes the point that parents and carers are significant
7 drivers of positive or negative mental health in young
8 people, and they say that providing them with the skills
9 to recognise and engage with the signs of mental health
10 challenges in children is something which could be done
11 to help equip families to deal better in any future
12 national emergencies or pandemic.

13 My Lady, turning to younger children, play is of
14 course an important part of their development and
15 maintaining their wellbeing. In terms of the
16 curtailment of play, children, like all members of
17 society, were prohibited from leaving their homes,
18 unless they had reasonable excuse, which included
19 exercise.

20 The position of children wasn't distinguished. In
21 its evidence to the Inquiry, Save the Children
22 emphasises the equal importance of play and
23 socialisation to a child's development as education. It
24 notes that parks and playgrounds were policed and often
25 closed.

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1 Her evidence also points to how some very specific
2 groups of children were particularly vulnerable to
3 developing mental health conditions too. So, for
4 example, she points to evidence that young carers
5 experienced higher levels of psychological distress and
6 lower levels of wellbeing during the pandemic compared
7 to those who were not young carers.

8 In terms of those working with children, one
9 contributor to Every Story Matters who worked in child
10 and adolescent mental health, said:

11 "When I first worked in CAMHS, I had maybe a couple
12 of young people on my caseload who were displaying risk,
13 whether self-harming or suicidal. When I left in 2024,
14 it was probably more than half my caseload who were
15 either self-harming or suicidal."

16 The extent to which the pandemic caused or
17 contributed to these declines in mental health will be
18 explored in evidence. But it obviously raises the
19 important question of whether there were children at
20 particularly sensitive points in their development that
21 rendered them more vulnerable to developing mental
22 health conditions and whether that's something that
23 should be taken into account in planning for any future
24 pandemic or national emergency.

25 The Children and Young People's Voices research also

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1 One parent explained in Every Story Matters how the
2 restrictions had a cumulative effect:

3 "My first son had just turned three and there was no
4 nursery for him, no playgrounds to let him burn off
5 energy, no walks longer than 30 minutes, no libraries,
6 no play dates, no shopping, no trampoline park."

7 For some parents and children, the difficulties were
8 more acute. A voluntary and community groups
9 professional from England explained that the mothers
10 they supported were usually confined to a hotel or
11 a hostel room. Being able to go out to parks or come to
12 our project, all of these things help with their health,
13 but being in a confined space where some of the young
14 people don't even have space to crawl or move about,
15 I think this affected their walking because if they can
16 get on the floor, that's when they can walk, so delayed
17 walking or crawling, because they're sat in a chair or
18 a cot for long periods.

19 Babies and young children were a source of
20 particular concern during the pandemic because of their
21 distinct vulnerability to deliberate harm within the
22 home and of course, in the pandemic, this was in the
23 context of reduced informal support, but also in the
24 context of reduced health visiting capacity, certainly
25 in parts of the United Kingdom, and the use of remote

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1 assessments by health visitors as well, which evidence
2 suggests some were concerned might impede their
3 safeguarding abilities.

4 And my Lady, you'll hear about a consensus of
5 opinion that now exists that in a future pandemic, ways
6 must be found to maintain health visiting. You'll also
7 hear evidence about the registration of births being
8 suspended in England and Scotland until it was realised
9 that this was putting infants at risk.

10 The position of children under 5 and the particular
11 implications of the pandemic for them and their
12 development will be considered in further detail with
13 the evidence of Professor Catherine Davies, the expert
14 to Module 8.

15 My Lady, turning, then, to education. The defining
16 universal consequence of the pandemic for school-aged
17 children was the closure of schools to most of them.
18 This is a principal and obvious focus of Module 8.
19 School is the central structure, aside family, in most
20 school-aged children's lives. It's not simply a place
21 of education, critical though that might be to a child's
22 life chances. It provides routine; it's where most
23 children find their main friendship groups. It's where
24 they developed important skills and receive support to
25 help them develop.

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1 help during the online school, pretty much myself and a
2 couple of friends, we would just play Roblox 24/7.
3 I remember looking at my screen time and it was
4 17 hours. Like 17 hours daily, every single day.
5 I think I ended up getting over that into 19 hours per
6 day. I thought it was fine."

7 Or the child who said:

8 "People would answer the remote lesson call in bed.
9 People would be in science third lesson and would
10 literally have the camera off and would be posting on
11 their Instagram stories or their Snapchat stories,
12 literally them watching The Only Way Is Essex or
13 something like that. Like, no one was doing anything.
14 I think it's really hard to be motivated when you're at
15 home."

16 Or the child who said:

17 "It was just all online and no one would ... have
18 their cameras or mics on and it was just really weird,
19 so weird. It was just not motivating, like what's the
20 point? So I didn't do much there".

21 My Lady, of course that's not representative of
22 every child's experience, but it is a compelling
23 illustration of how hard it was for some children to
24 stay engaged at home.

25 So in other words, it's the child's voice which

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1 For others, and I will return to this, it serves
2 a far more basic function: it's a place of safety and
3 where basic needs are met. The Children and Young
4 People's Voices report exemplifies why it is so
5 important to listen to children in this regard. You're
6 going to hear evidence about the efforts that the
7 governments of the UK and the devolved nations went to,
8 to provide remote forms of education and devices to
9 children who needed them. But it's children who provide
10 a realistic assessment of what barriers they faced when
11 it came to keeping up with schoolwork. These range from
12 the very basic, like having somewhere to work. A child
13 explains:

14 "Especially because we only had one table, like
15 a good table, so it was very hard balancing who could
16 have a table and who could go on to the floor and work."

17 Other children who did have access to devices were
18 candid about what they were doing. One child explained:

19 "I was sitting there with no school playing Animal
20 Crossing for, like, six months. I literally had no work
21 for six months and no teacher ever called me. I just
22 got to do what I wanted."

23 Or the child who explained:

24 "I was mostly playing video games, just like Roblox,
25 just like 24/7. Because of the fact we didn't have much

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1 demonstrates what the problems were beyond the provision
2 of devices or children theoretically logging on to join
3 a class, and it shows what really needs to be tackled if
4 online forms of education are to be effective in any
5 future pandemic.

6 For children subject to socioeconomic disadvantage,
7 there was already a gap in their educational outcomes
8 prior to the pandemic. This gap refers to the
9 difference in attainment achieved by socioeconomically
10 disadvantaged pupils and their peers.

11 In its evidence to the Inquiry, the Education
12 Endowment Fund explains findings that it made in 2018.
13 These included, importantly, that the disadvantage gap
14 was not a problem found only in schools assessed by
15 Ofsted as performing poorly. The gap was as large in
16 schools rated outstanding as those rated inadequate.
17 And although the attainment gap had reduced over the
18 previous decade, the fund explained in 2018 it remained
19 significant and, as a result of slow progress to close
20 it, it would persist for decades.

21 My Lady, you're going to hear further evidence about
22 this from both Ofsted and the Sutton Trust about this
23 disadvantage gap but, by way of example, in 2018 to
24 2019, based upon Department for Education statistics, at
25 the end of primary school, pupils who were eligible for

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1 free school meals accounted for 42% of pupils with low
2 prior attainment. And if you follow this through to
3 secondary school, prior to the pandemic, disadvantaged
4 children were twice as likely to leave formal education
5 without GCSEs in English and maths than their better-off
6 classmates.

7 And if I may, in terms -- I touch briefly upon other
8 children subject to existing disadvantage, again based
9 upon Department for Education statistics. At the end of
10 primary school, pupils with special educational needs
11 and/or disabilities also accounted for 42% of all pupils
12 with low prior attainment, and I use that term to
13 encompass additional support needs in Scotland and
14 additional learning needs in Wales.

15 My Lady, to provide you with an idea of the scale of
16 special educational needs, at the outset of the
17 pandemic, in England, there were 1.3 million children
18 with such needs, 295,000 of whom had an education,
19 health and care plan indicating a higher level of need.
20 There were 216,000 children in Scotland with additional
21 needs, 104,000 in Wales, and 79,000 in Northern Ireland.

22 My Lady, I should say that the expert to Module 8
23 has concerns about the statistics in Northern Ireland,
24 but I think that nonetheless gives you an idea of scale.

25 And my Lady, I'll address you further about those

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1 School is not, of course, the entire picture, and
2 there are other parts of the state which bear important
3 responsibilities for children, because the reality is
4 there are carers who can't cope or provide their
5 children with inadequate care, or who actively pose
6 a risk to them. The numbers of children who were cared
7 for in 2020 speaks to this.

8 It's important to acknowledge that for those
9 children who had been removed from their families, one
10 hardship caused by the pandemic was the interference
11 with their ability to see their relatives. A particular
12 instance of this described in the Children and Young
13 People's Voices report is powerful because of its
14 understatement. A boy who was cared for by a local
15 authority explains:

16 "They didn't really let [me and my brother] have
17 contact that much. I think we did anyway. We did sort
18 of just on the Xbox and stuff ... But I think during the
19 end of the pandemic they started arranging, like,
20 ten-minute phone calls and stuff ... I guess it helps,
21 but we grew up together so I think we still need more
22 than that."

23 Or the child who explains how the pandemic put her
24 placement in foster care under pressure. She says:

25 "I think we were already heading that way but

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1 children who were entitled to go to school, but for
2 children with special educational needs who were at
3 home, evidence suggests that they faced barriers to
4 accessing remote education too.

5 My Lady, I turn then to children at risk and school
6 as a place of safety.

7 In terms of the framework for safeguarding children,
8 school are the constant eyes on children. It's teachers
9 and other staff in schools who know the children who are
10 hungry or dirty, or who show other signs of neglect or
11 injury, or who know the parents who raise concerns or
12 suspicions. To borrow from what the British Association
13 of Social Workers says in its evidence: schools are the
14 early warning system.

15 And you'll hear evidence about declines in the
16 number of children who were referred to social services
17 during periods of school closure.

18 As explained by Professor Driscoll, Professor of
19 Children's Rights at King's College London:

20 "The pandemic forced the question of the role of
21 schools in local safeguarding arrangements to the fore.
22 Closure of schools starkly highlighted the importance of
23 schools as the agency which knows children and families
24 best, and the significance of school attendance as
25 a protective factor."

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1 I think if we weren't stuck in the house together all of
2 the time it ... might have ended differently if Covid
3 wasn't a thing ... It was a long process [moving
4 out] ... like, when I think about it, two months living
5 with people where ... you're not like, they are your
6 family but you're not family anymore is quite sad and
7 traumatic ... I have, like, talked to social services
8 about going to therapy not because I'm sad but because
9 I feel like when you've been through so many traumatic
10 things your brain locks them away and I'd really like to
11 unlock those things."

12 A community worker from Scotland explained about an
13 11-year-old girl who she was involved with and cared
14 for, that she'd been involved with her foster carer
15 since she was 4. One of her foster carers had
16 a respiratory problem and they asked the girl to leave,
17 and the community worker goes on to explain:

18 "It was a very stable foster care placement that
19 just totally disintegrated within couple of hours. So,
20 her whole life changed from one day to the next because
21 of these reactions by the adults around her. And it was
22 heartbreaking."

23 In March 2020, across the United Kingdom, there were
24 children on a Child Protection Plan in England or on the
25 Child Protection Register in Wales, Scotland or Northern

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1 Ireland. These were the children identified as being at
2 risk of significant harm. But in addition to that,
3 there is a broader cohort of children in each part of
4 the UK who meet the threshold of being children in need,
5 and who are also provided or may be provided with
6 statutory services.

7 My Lady, you'll hear evidence that, for example in
8 England, domestic abuse was the most commonly identified
9 concern after local authority assessment as to whether
10 a child was in need, which you'll recall from Module 2
11 was anticipated to increase during lockdowns, based upon
12 what was known about patterns, for example, during
13 Christmas holidays.

14 The numbers of children in need must also be
15 considered in the context of services which were
16 struggling to meet their statutory objectives. For
17 example, in August 2019, half of all local authority
18 children's services in England were deemed by Ofsted to
19 be neither inadequate or requiring improvement. There
20 were problems in Northern Ireland too. For example,
21 there was evidence of the high numbers of cases which
22 hadn't been allocated to a social worker. And the
23 Department of Health explains that, despite the funding
24 that was provided to meet this concern, at the end
25 of November 2024, the number of unallocated cases was

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1 their carers during the pandemic. The carers of those
2 children bear responsibility for the violence and
3 neglect inflicted on children and these children stand
4 as the starkest examples of what adults are capable of
5 doing to children behind closed doors. And these
6 children are a salient reminder of the different ways in
7 which children are vulnerable too, and of course we'll
8 touch on that in the course of the evidence.

9 And it's important to say now that these cases are
10 distressing to hear details of.

11 They include the death of Kaylea Titford, my Lady,
12 just after her 16th birthday and whose parents were
13 convicted of her manslaughter. Kaylea had spina bifida,
14 used a wheelchair, and died in horrendous conditions.
15 She was identified as a vulnerable child but she stopped
16 attending school in March 2020 because she was shielding.
17 She wasn't subject to a care and support plan. She was
18 due to return to school in October 2020 but she died
19 before that could happen.

20 Mr Justice Griffiths, sentencing her parents,
21 described it as a horrifying case, a case of sustained
22 neglect leading to the death of a completely dependent,
23 bedridden, vulnerable, disabled child at the hands of
24 her own parents.

25 Whilst Kaylea's death encapsulates the very worst of

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1 more than double that there had been in 2019.

2 Whilst there are children who meet the statutory
3 threshold for the provision of social care services,
4 there was a much wider pool of children whose
5 circumstances put them at risk. The vulnerable children
6 and young people's programme, one of the
7 Cabinet Office's priority programmes during the
8 pandemic, prepared slides for a presentation on
9 17 April 2020 which referred to 1.9 million children, in
10 the words of the slide, on a narrow measure, living in
11 "high risk households".

12 That contrasts with the Children's Commissioner for
13 England figures for 2019, which estimated that
14 2.3 million children were living with risk because of
15 a vulnerable family background.

16 My Lady will ask more about these measurements and
17 seek to clarify how vulnerability was being accessed,
18 but it seems accepted on all hands that at the outset of
19 the pandemic, there was a very large population of
20 children in each part of the UK whose circumstances put
21 them at risk but who were unknown to social care
22 services, and who could become invisible in the context
23 of school closures and lockdowns.

24 And, my Lady, the reality is that there were
25 children who suffered grievous harm at the hands of

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1 what can happen by a child going unseen or their
2 conditions going unseen, or their needs unmet by their
3 carers, there are important broader lessons to be
4 considered about the nature of childhood vulnerability,
5 about disability, and how children like Kaylea could be
6 better protected in a future national emergency.

7 In her evidence to the Inquiry, Professor Driscoll
8 explains that serious incident notifications to the
9 Child Safeguarding Practice Review reached a peak in the
10 year to 31 March 2021, the largest increase in the total
11 number occurred between April and September 2020.
12 Professor Driscoll notes that interpreting this data is
13 complicated, and that the Department for Education
14 position is that it's not possible to say whether this
15 peak was linked to the pandemic, but in its annual
16 report, the Child Safeguarding Practice Review panel
17 found that the Covid-19 outbreak continued to present
18 a situational risk for vulnerable children and families.

19 And on the question of the reduced -- the combined
20 reduction in oversight, Professor Peter Green of the
21 National Network of Designated Healthcare Leads, in his
22 evidence to the Inquiry about safeguarding, points to
23 the lack of external oversight by teachers, general
24 practitioners, health visitors and social workers and
25 refers to reports that sales of alcohol went up when

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1 hospitality venues shut down. He states it wasn't hard
2 to predict harm to children on an exceptional scale.

3 For all children at risk of not having their needs
4 met at home or risk of abuse, the critical issue was
5 their lack of visibility. And it leads to one of the
6 first thematic issues which arises in Module 8: the
7 question of whether, in the context of increased risk,
8 standards of care afforded to children diminished.

9 In Module 8 this will be examined in some of these
10 following ways: by considering the relaxation of laws
11 across the UK intended to confer protection on children;
12 the processes by which these relaxations were
13 introduced, for example including criticisms about lack
14 of consultation, and that includes, in England, in
15 relation to the Adoption and Children (Coronavirus)
16 Regulations, which were held to be unlawful by reason of
17 failure to consult the Children's Commissioner for
18 England.

19 In Wales it encompasses the failure to conduct
20 a child's rights assessment for the first set of school
21 closures. In both Scotland and Wales it encompasses
22 criticisms and concerns that rights assessments were not
23 undertaken with sufficient rigour.

24 In Northern Ireland, it includes evidence that there
25 were failures to consult the Children's Commissioner

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1 were left exposed to risks of harm by their parents or
2 other carers.

3 In some situations, especially during the first
4 lockdown, the children and family were only seen
5 virtually by social workers and never in person. This
6 happened less frequently as the pandemic progressed.

7 My Lady, that touches upon the risks children faced
8 within the home, but what about external risks? At
9 a meeting with the Security Minister within the
10 UK Government on 24 March 2020, the then police lead on
11 child sexual abuse and exploitation and former Chief
12 Constable, Mr Simon Bailey, referring to China and
13 Italy, said that you can see there will be increases of
14 all forms of abuse, and that he had seen in his own
15 force areas an increase in the level of domestic abuse
16 and an uptick in offenders online.

17 He explained that there were early signs that more
18 people had viewed indecent imagery in the previous two
19 to three days than had in the previous two to three
20 months.

21 In its evidence to the Inquiry, the National Crime
22 Agency makes the simple point that school closures and
23 furlough caused more children and child sexual abuse
24 offenders to be online. The increased time that
25 children spent online was identified as a threat. The

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1 there on a myriad of issues.

2 And in terms of diminutions in standards for
3 children, you'll be asked to consider changes that were
4 made to the duties to provide for the requirements set
5 out in the plans for children with heightened special
6 educational needs or disabilities. So, for example, in
7 England, education, health and care plans, whereby the
8 duty went from an absolute one in England and Northern
9 Ireland to one of reasonable endeavour to provide, or
10 best endeavours in Northern Ireland, and it's understood
11 that in Scotland these duties were suspended too, but
12 that this didn't happen in Wales.

13 It also includes how changes were made to how social
14 work was provided to children, enabling social workers
15 to see children remotely, which the British Association
16 of Social Workers describes as enabling parents and
17 carers to curate what social workers see.

18 Equally, parents and carers could use Covid-19 as
19 a pretext to prevent social workers entering the home.
20 Professor Harry Ferguson carried out research on social
21 work during the pandemic and he gives evidence that
22 whilst social workers creatively improvised, coronavirus
23 and social distancing imposed limits to child protection
24 that no amount of innovative practice could overcome in
25 all cases. This undoubtedly meant that some children

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1 National Crime Agency attributes boredom, lack of
2 physical peer-to-peer interaction and increases in
3 unsupervised access to an increase in children's
4 self-generated images being circulated.

5 Its conclusion, that is the NCA's conclusion, that
6 the restrictions imposed because of Covid triggered both
7 temporary and accelerated ongoing changes to child
8 sexual abuse offending, for several interrelated factors
9 which contributed to this trend. But it includes issues
10 like a surge in online exposure to harmful content. So
11 for example, lockdowns leading to increased screen time
12 for children, exposing them to inappropriate and harmful
13 online content, including exposure to violent
14 pornography, a rise in peer-perpetrated sexual abuse and
15 the erosion of protected environments.

16 And the Children's Commissioner in Northern Ireland
17 gives a Northern Ireland-specific example of children
18 being exploited and coerced to become involved in drug
19 dealing and rioting in Northern Ireland, in 2021. But
20 he points, in particular, to a huge amount of social
21 media surrounding these riots, and he regards lockdown
22 to have been a factor in this. He describes the
23 pandemic as having "turbocharged" children's online
24 lives and having ushered in a normality whereby children
25 spend large amounts of time online, including babies and

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1 toddlers.

2 My Lady, that evidence about how the pandemic
3 changed or accelerated the way children use this
4 technology, coupled with what appears to have been
5 a weak and ineffectual regulatory framework -- although
6 Ofcom will be asked questions about this -- clearly
7 poses questions as to what children were being exposed
8 to.

9 My Lady, I've touched upon children who were
10 invisible or hidden at home, but there were other
11 children who were largely invisible, as well, for
12 different reasons and you're going to hear evidence
13 about this over the following few weeks, but they
14 include children who were detained in the Children and
15 Young People Secure Estate, a relatively small group of
16 children, but the evidence about their treatment gives
17 real cause for concern. It includes the length of time
18 children were being locked up for and the extremely
19 restrictive regimes applied to them.

20 There's also evidence about the regimes, or the
21 conditions within which children detained in hospital
22 were subject to, and children who arrived in the UK as
23 unaccompanied migrants. These were all children at risk
24 of suffering from more heightened forms of isolation and
25 thematic questions arise as to whether decision makers

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1 a discombobulating 24-hour sea change from keeping
2 schools open, on 16 March, to discussions about closing
3 schools on 17 March. He explains that his focus from
4 February to mid-March was on keeping schools, colleges
5 and other settings open. He did not ask Department for
6 Education officials to prepare an assessment on the
7 impact of school closures, because school closures had
8 not been recommended and Number 10 officials had not
9 commissioned this advice from the Department for
10 Education either.

11 According to Mr Slater, it would clearly have been
12 much better if the Department for Education had been
13 invited to start developing contingency arrangements for
14 closing education settings at an earlier stage in the
15 pandemic, because no contingency plan had been prepared
16 beforehand. Similarly, Sir Gavin Williamson suggests
17 that a reason why the Department for Education did not
18 plan for the closure of schools was that Downing Street
19 had not asked it to.

20 In his statement, the former Prime Minister,
21 Mr Boris Johnson, takes issue with Sir Gavin
22 Williamson's characterisation of a 24-hour change in
23 approach, and suggests that the Department for Education
24 was aware of the possibility of closing schools. His
25 evidence suggests, but it is a matter to be explored

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1 took sufficient account of the very distinct
2 characteristics of children, and gave anxious
3 consideration to whether children needed to be treated
4 in the same way as adults.

5 My Lady, I'm going to turn, if I may briefly, then,
6 to the facts and the decision to close schools across
7 the UK.

8 The decision to close schools in each part of the
9 UK, as announced on 18 March, had ramifications which
10 are difficult to overstate. At the least, it gave rise
11 to an immediate need to provide education to almost
12 every schoolchild in the UK in their own home. In
13 England, evidence that the Department for Education
14 didn't start planning for this closure of schools until
15 after 16 March 2020 is a cause for alarm. Mr Jonathan
16 Slater, the former Permanent Secretary to the Department
17 for Education has provided evidence to the Inquiry that
18 between January 2020 to 16 March 2020, the Department
19 for Education's contingency plans were premised on the
20 assumption that schools and other education settings
21 would remain open and that according to him that was in
22 keeping with the government's overall approach to
23 pandemic preparedness at the time.

24 Sir Gavin Williamson's written evidence is to the
25 same effect. He explains, in his words, that there was

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1 with him, that he thought that planning for school
2 closures had been ongoing.

3 My Lady, this gives rise to the first of what appear
4 to be some important differences in the evidence of
5 these witnesses. You will hear evidence from Mr Johnson
6 focused on these apparent disputed facts, and you will
7 also hear evidence from Professor Sir Chris Whitty as
8 well, as to his perspective on the advice that was
9 given, as well, about the prospect of school closures.

10 Five years on, why does this matter? My Lady, it is
11 my respectful submission that it is significant that
12 there should be any dispute about whether planning for
13 so seismic an event existed or any lack of understanding
14 on the part of the Prime Minister as to the state of
15 planning for school closures, given that it was he who
16 ultimately made the decision to close schools to most
17 children.

18 And perhaps alarming is the suggestion that it was
19 not for the Department for Education to instigate its
20 own planning for school closures, but to wait for it to
21 be commissioned.

22 And again, I repeat, it's critical because of the
23 implications of closing schools to most children absent
24 a robust plan as to how the consequences and risks of
25 that decision would start to be mitigated; but, of

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1 course, it's also important for the future and to
2 potential recommendations about how scientific advice
3 about school closures is provided and interpreted.
4 My Lady, that means that Module 8 will ask witnesses
5 about the advice that was being provided by SAGE for
6 from 4 February 2020 onwards about the role that mass
7 school closures might play in limiting transmission, and
8 why, from this point, advice appears not to have
9 prompted the preparation of realistic, detailed plans as
10 to how the consequences of possible mass school closures
11 would be addressed, and that will be considered more in
12 the detail of the hearings.

13 But a draft three-page note from the Department for
14 Education of 15 March, which the Inquiry understands was
15 finalised and provided it to the Cabinet Office, set out
16 the stark headline implications of universal school
17 closures in England which now needed to be confronted.
18 They included that almost 9 million pupils could not be
19 guaranteed to receive an education for the time their
20 school closed, that remote learning would not work for
21 all because schools' ability to provide it would be
22 hugely variable and many children didn't have access to
23 the relevant kit, and many didn't live in adequate home
24 environments, that the most vulnerable children were
25 much safer in school than out of school, that parents

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1 submissions that there was inadequate planning to close
2 schools for most children in March 2020. The Scottish
3 Ministers identify in their opening submissions that
4 there was limited preparedness at all levels of the
5 system and that contingency planning had not anticipated
6 long-term school closures for most children and young
7 people.

8 The evidence submitted on behalf of the Department
9 for Education in Northern Ireland explains that because
10 there was no agreed Executive Committee position prior
11 to 18 March on whether or not schools should close,
12 officials maintained the basic position that all schools
13 should remain open unless advised to do otherwise.

14 And the department was not involved in the
15 discussions and not aware of what discussions took place
16 at a higher level prior to the announcement to shut all
17 schools as made by the First and deputy First Ministers.

18 Although it is suggested by the Director-General of
19 Education and Justice within the Scottish Government
20 that preparations for closures were a key focus of joint
21 discussions between officials in the sector from
22 February onwards, advice to the Deputy First Minister of
23 17 March 2020 suggested that a communication had been
24 issued to local authorities only the week before, asking
25 that they consider their arrangements for maintaining

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1 and siblings of children with special needs or
2 disabilities would face a higher burden of care.

3 My Lady, I think we've reached a point, in fact we
4 may have overrun, and if I have, I apologise --

5 **LADY HALLETT:** No --

6 **MS DOBBIN:** -- but I think it might be time for a break.

7 **LADY HALLETT:** Of course.

8 As those who haven't been involved in the Inquiry
9 hearings before will understand, we take a 15-minute
10 break every so often, for the sake of the stenographer
11 primarily, but everybody else as well. So I shall
12 return at midday.

13 **(11.45 am)**

(A short break)

15 **(12.00 pm)**

16 **LADY HALLETT:** Ms Dobbin.

17 **MS DOBBIN:** Thank you.

18 My Lady, before the adjournment, we had reached
19 15 March. Module 8 will consider in further detail the
20 events which took place between 16 and 18 March, leading
21 to the announcement that schools would close in each
22 part of the UK, including whether any of the other parts
23 of the United Kingdom were any further advanced in their
24 preparations. But indications are that they were not.

25 The Welsh Government acknowledges in its opening

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1 protections and support for vulnerable children in the
2 event of localised school closures.

3 The email chain expressed the view that it must be
4 for local authorities to make arrangements that were
5 most suited to their local circumstances.

6 My Lady, I turn then to a different subject: that of
7 mitigating the impacts of school closures. As stated at
8 the outset of this opening, there was, at the eve of the
9 pandemic, good reason to be concerned about the
10 precariousness of many children's lives, the level of
11 disadvantage they faced, and the fragility of services
12 to children across the UK. Two of the principal actions
13 taken to mitigate the effect of school closures were the
14 policy of allowing vulnerable children to attend school,
15 and provision of remote forms of education to children
16 in their homes.

17 In terms of the Vulnerable Children Policy, each
18 part of the United Kingdom arrived at its own definition
19 of a vulnerable child for the purposes of enabling them
20 to attend school. Each part of the UK included those
21 children who had a social worker, so in other words,
22 those children at the highest index of risk, and they
23 also provided for a discretion for schools and local
24 authorities to deem a child as vulnerable as well, and
25 they included other children too.

40

1 But, my Lady, witnesses raise concern about the
2 approach that was taken. There is an obvious question
3 of importance for the future as to how any government
4 can get or persuade one section of carers or families to
5 send their children to school when everyone else is
6 being told of the grave risks of a disease or of the
7 risks of overwhelming the health service.

8 Issues are raised about how some of the messaging
9 was put, so for example, in an early iteration of
10 guidance in England, the preamble stated:

11 "If children can stay safely at home, they
12 should ..."

13 Or in Scotland:

14 "... but we need to keep the number of children
15 taking up these places -- whether ... in schools -- or
16 other settings -- to an absolute minimum. The priority
17 must be for children of the most critical key workers
18 and the most vulnerable children in our society."

19 These examples raise obvious questions as to what
20 families will self-identify as incapable of keeping
21 their children safe at home or identifying their own
22 children as vulnerable.

23 Equally, the families who pose the most risk to
24 children might be the least motivated to send their
25 children to school. And how are schools and social

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1 was estimated to be 4.1 -- sorry, 0.4%.

2 And it quickly became apparent after 20 March 2020
3 that the proportions of vulnerable children who were
4 attending school was very low indeed across the UK, and
5 you'll hear evidence about what was done to try to
6 address that. But given the centrality of school
7 attendance for vulnerable children as a means of
8 protecting them, it is, my Lady, important that you
9 consider why, in the first set of school lockdowns, they
10 attended in so few numbers, the extent to which this
11 improved during the second set of national school
12 closures and what can be learnt from this.

13 And of course, this evidence raises the stark
14 question of what was happening to vulnerable children
15 who were not attending school, and what was compensating
16 for any increased risks to which they were exposed.

17 For those children with an education, health and
18 care plan in England, guidance from 22 March 2020
19 advised that a risk assessment for each child and young
20 person be carried out before they could attend.
21 Criticism has been made of widespread variation and
22 whether and how this policy was implemented and you'll
23 hear evidence of families not being offered risk
24 assessment at all.

25 But my Lady, in the first set of school closures,

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1 workers to differentiate between families at genuine
2 risk from a child getting Covid-19 and those for whom
3 closures present an opportunistic way of avoiding school
4 attendance?

5 Another criticism is that, at least in England, the
6 guidance omitted children with special educational
7 needs. There may be an issue as to the large number of
8 children with such needs, but some witnesses question
9 whether a more nuanced approach could have been taken.

10 In Wales, Scotland and Northern Ireland, the plans
11 did not envisage that individual schools would remain
12 open. Rather that hubs or clusters would operate. And
13 there's a question as to whether this specific form of
14 provision was less attractive.

15 But the point is this, my Lady: during the first set
16 of school closures, children attended school in very low
17 numbers indeed, and perhaps if I can have on screen
18 INQ000588179. This a table prepared by
19 Professor McCluskey, the education expert to Module 8,
20 and my Lady, what it demonstrates is that children who
21 physically attended school in England represented about
22 1.7% of the wider pupil population on average. The
23 share of pupils attending school in Scotland and Wales
24 during the first period of school closures was estimated
25 to be about 1% of all pupils, and in Northern Ireland it

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1 the reality is that most children stayed at home,
2 regardless of background, regardless of risk, regardless
3 of disadvantage, and the only education they were able
4 to receive was that which was provided to them in their
5 home.

6 I turn, then, to remote education. You're going to
7 hear evidence about the sorts of education that was
8 being provided. It might include children being set
9 tasks to do, or for some children it might have involved
10 live, online teaching or the provision of a recorded
11 lesson. The Sutton Trust in its evidence suggest that
12 in the initial stages of the pandemic in deprived areas,
13 schools were more likely to set work with physical
14 sheets or work books, and you'll hear about -- you'll
15 hear evidence about provision in the state sector being
16 very mixed, whereas private schools had a more -- had
17 more mature systems and ability to pivot to the
18 provision of live lessons.

19 There was no requirement in England to provide any
20 form of remote education until 22 October 2020. And
21 consistent with the evidence that the Department for
22 Education hadn't planned for mass school closures prior
23 to 18 March, prior focus on remote education was
24 limited. This was confirmed by Mr Slater who says that
25 prior to 18 March 2020, the government's focus was on

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1 keeping schools open and plans for remote education were
2 not being developed at a systemic level.

3 The scale of the challenge involved in providing
4 education to children in their homes was huge, not least
5 because of the numbers of children who didn't have
6 inadequate access to a device. A draft business case
7 prepared for the Department for Education in June 2020
8 makes this clear. It estimated that there were
9 1.3 million children aged under 19 who lacked access to
10 an appropriate device that they could use for their
11 continued education or social care support.

12 In Wales, there was an existing online learning
13 platform which had been launched as long ago as 2012,
14 but it's acknowledged on behalf of the Welsh Government
15 that although this gave Wales a head start in the
16 provision of remote learning prior to 18 March, only
17 outline work had been completed on the practical details
18 of how remote learning would be provided.

19 My Lady, you'll hear evidence that there was
20 existing and mature online platforms in Northern Ireland
21 and Scotland too, but Module 8's expert will be asked in
22 her evidence about the extent to which this existing
23 provision actually translated into an advantage for
24 children in those parts of the UK. But it seems clear
25 that across the UK, children lacked access to devices.

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1 participants had been chosen to reflect a broad
2 cross-section of children across the UK in terms of age,
3 location, ethnicity, social circumstances and access to
4 technology.

5 And in its summary of key findings, Ofcom concluded
6 that children learning remotely were not doing as much
7 schoolwork as they would in regular time and that this
8 meant most children were lacking structure and routine
9 and were instead spending a large amount of time online,
10 and alone in their rooms, although some developed
11 a more structured routine.

12 Ofcom states:

13 "TikTok was hugely popular, rivalling other media
14 activities. Most were using the TikTok app for several
15 hours each day and reported that it was a good way to
16 'kill time'. This study found that most of the children
17 in the sample, not in school, were completing around one
18 or 2 hours of schoolwork a day."

19 And my Lady, you'll hear evidence either
20 commissioned by the Department for Education or that it
21 was aware of, and that includes, for example, Ofsted's
22 report published in July 2020, which were also
23 consistent about the variability of education that
24 children were receiving whilst schools were closed.

25 My Lady, you'll hear evidence from the Department

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1 And my Lady, as I've touched upon, the evidence from
2 the Children and Young People's Voices research also
3 speaks to those other barriers that children faced too.
4 In its report, the National Foundation for Educational
5 Research, which was published in July 2020 but which set
6 out research on education that had been provided in
7 April, and which covered all four nations of the UK, set
8 out some stark findings about what was being provided by
9 way of remote education.

10 It found that almost all pupils received some remote
11 learning tasks, almost half of all children in exam
12 years 11 and 13 were not provided with work, and
13 my Lady, that's likely connected to the fact that exams
14 had been cancelled. Just over half of children
15 receiving remote education did not usually have online
16 lessons, that is live lessons; getting work sheets or
17 recorded video was more common. Most people spent less
18 than three hours a day on remote learning.

19 That was consistent with Ofcom's report, Report from
20 Revealing Reality, so Ofcom Children's Media Lives --
21 Life in Lockdown report dated August 2020. My Lady,
22 this provided analysis of the findings from
23 a Covid-19-specific wave of the longitudinal Children's
24 Media Lives, and although -- and the report explains
25 this -- it was a relatively small sample, but the

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1 for Education in England about how the provision of
2 remote education improved, particularly during the
3 second set of school closures and as I've said, about
4 the greater numbers of vulnerable children who attended.
5 But my Lady, you'll wish to test and ask questions in
6 relation to the proportion of vulnerable children who
7 continued not to attend school.

8 My Lady, I'm going to touch very briefly on some of
9 the facts in relation to January 2021. The short point
10 is that it was clear, both during the first set of
11 school closures and after, that they had been seriously
12 detrimental to children. And from September 2020
13 onwards, across the UK, each nation strove to keep
14 schools open and despite rising rates of transmission,
15 but of course by 4 January 2021, that policy had failed
16 because, once again, schools had to close to most
17 children.

18 The reasons why, and specifically the
19 epidemiological rationale for these closures is all the
20 more important, given Sir Gavin Williamson's evidence to
21 the Inquiry. In summary, he states that the decision to
22 close schools in January 2021 was not required, and
23 that, in his words, it was a panicked decision made
24 without having children's interests front and centre.

25 My Lady, Mr Johnson rejects that characterisation of

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1 the decision, and both will be asked questions about
2 what appears again to be a significant difference in
3 their evidence.

4 Sir Gavin Williamson suggests in his evidence that
5 he considered plans for mass testing in schools to be
6 adequate, to meet the challenges that the Alpha, or
7 Kent, variant posed, but that's an issue which requires
8 scrutiny, particularly, for example in light of evidence
9 that -- revealed by a paper of 15 December 2020, that
10 there would be a need to identify, train and mobilise
11 49,000 people by 4 January 2021 in order to implement
12 testing, and it was suggested that this would require
13 the deployment of military personnel across the country.

14 So, my Lady, those issues and where the plans for
15 testing actually stood will be considered, and you'll
16 also hear a bit about the position that had been
17 reached, as well, in each of the other parts of the
18 United Kingdom also in that regard.

19 But as you know from Module 2, in England, many
20 primary schools both opened and closed on 4 January, and
21 the issue, putting to one side Sir Gavin Williamson's
22 view that this was a decision that this was a mistake,
23 is the apparent chaos of the situation in the days
24 leading up to that, despite the experience of
25 March 2020. And you'll hear evidence from the senior

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1 return overall to the impacts that the pandemic has had
2 for children, the evidence suggests that these are
3 interlinked to pre-existing problems than to specific
4 aspects of the pandemic and to each other, as well.

5 In terms of the longer-term impact of the pandemic
6 on educational outcomes, you will hear expert evidence
7 about the gaps which have closed since the pandemic, and
8 those which endure. In this regard, the Education
9 Endowment Foundation points to findings in October 2024
10 that the disadvantage attainment gap remains wider than
11 pre-pandemic, that longer-term challenges from the
12 pandemic persist. The longer-term fallout of the
13 pandemic is evident in challenges reported by schools.
14 The most common challenges reported were absences,
15 difficulties obtaining external support for pupils, and
16 increased staff workload relating to pupil behaviour and
17 wellbeing.

18 The Education Endowment Fund concludes that whilst
19 there had been several years of progress in closing the
20 attainment gap up to 2017, the gap between disadvantaged
21 pupils and their peers is significantly wider than it
22 was before the pandemic.

23 My Lady, one of the gravest impacts that you're
24 going to hear evidence about is the extent to which
25 rates of absence from school have deteriorated since the

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1 education leader Sir Jon Coles, about this. He reflects
2 in his written evidence to the Inquiry that:

3 "The events prior to the second closure period were
4 worse. In the space of a week immediately before the
5 Christmas break -- when leaders (particularly in London)
6 were already managing local concerns resulting from
7 rising infection rates -- the government announced that
8 schools could designate 18 December ... as an additional
9 INSET day, that all secondary schools would be expected
10 to arrange for mass asymptomatic testing of staff and
11 students at the start of term, and that secondary
12 schools should have a staggered start to term ..."

13 And he goes on to say that it was initially unclear
14 that the secondary staggered start was an instruction
15 rather than a permissive piece of guidance, and he gives
16 evidence that he sent a message expressing his serious
17 concern about the lack of coordination and clarity in
18 government messaging.

19 So again, my Lady, in January 2021, the ordinary
20 day-to-day life of most children came to an end and for
21 a considerable period of time.

22 My Lady, this opening has been an attempt to
23 synthesise just some of the issues of fact and the
24 thematic issues about which you will hear evidence.
25 Time doesn't permit me to presage them all, but to

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1 pandemic. Ofsted describes it as having had long-term
2 impacts on attendance which are stubborn and persistent.
3 The picture in England is, in its words, "stark and
4 alarming". The headline figures reveal why: persistent
5 and severe absences in state secondary schools have
6 risen from 13.7% in 2018 to 25.6% in 2023 to 2024.

7 A separate and very worrying trend is the number of
8 children who have been taken out of school entirely,
9 ostensibly to be home educated. But you'll hear
10 evidence about who some of these children are and why
11 it's such a cause for alarm.

12 In Wales, the Chief Inspector of Education and
13 Training has provided evidence that secondary school
14 pupils are missing on average nearly 11 days of
15 education more per year than before the pandemic.
16 Year 11 children have the lowest attendance: in 2023 and
17 2024 missing nearly one out of six days in their
18 schooling.

19 And of course, my Lady, you'll notice again that
20 these are children who were transitioning to secondary
21 school during the pandemic.

22 There's also a significant gap at secondary school
23 between children eligible for free school meals and
24 those who aren't. On average, secondary school students
25 eligible for free school meals in Wales are losing one

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1 day a week of their education.

2 And the position is also true in Wales that children
3 electively home educated is becoming significantly
4 higher. It's more than doubled from 2019 to 2022.

5 In Scotland in the year 2023 to 2024, school
6 attendance was at a ten-year low. The rate of
7 persistent absence was 31.4% of all pupils, as compared
8 to a pre-Covid level of around 20%.

9 And the picture is similar in Northern Ireland. The
10 number of pupils with an absent rate of 10% or more
11 increased by 123% from 2017/18 to 2023/24, and it's
12 reported that 4.9 million school days were missed,
13 2023/24.

14 And in its evidence to the Inquiry, Barnardo's
15 highlights that youth unemployment reached 642,000 in
16 December 2024. The number and the increase in the
17 number of young people not working because of their
18 mental health has been rising since the pandemic,
19 according to Barnardo's.

20 And this is evidence echoed by the Youth Futures
21 Foundation. They state that analysis of data up to
22 January to March 2025 shows that 12.5% of those aged
23 16-24 in the United Kingdom are not in education,
24 employment, or training, and that this has risen since
25 the pandemic.

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1 schools should be the last to close and the first to
2 open during a pandemic appears now to be accepted by
3 many as the right approach. But that approach might
4 have to yield in the face of a virus more transmissible
5 than Covid-19, or with a higher mortality rate than
6 Covid-19, or which is more lethal to younger people.

7 It's acknowledged by the Inquiry that the fact that
8 Covid-19 did not pose a risk of death or of very severe
9 illness to most children should not be a cause for
10 complacency. It appears that these are questions that
11 will be put to Professor Chris Whitty, but no scientist
12 can say that a future pandemic is unlikely to pose
13 a greater risk to children's lives than did Covid-19.

14 It need only be contemplated for a moment what it
15 would have been like had Covid-19 posed the same risk to
16 children as it did to older people, or indeed if it had
17 killed more younger parents, to see why it's important
18 that Module 8 avoids simplistic approaches.

19 Module 8 will call evidence from witnesses about how
20 schools might be made more resilient to future
21 pandemics. This has sometimes been described in this
22 module as the "safer schools" point. My Lady, you're
23 aware from previous modules that it's open to
24 significant question whether rigorous use of
25 ventilation, air-cleaning technology and other infection

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1 And again, my Lady, you may wish to reflect on the
2 ages that these young people, too, would have been
3 during the pandemic.

4 In 2025, nearly half of all young people who are not
5 in education, employment or training, reported having
6 a disability. The Youth Futures Foundation thinks that
7 the pandemic has compounded the problem because the
8 proportion of young people with a disability citing
9 mental health as their main health problem has risen
10 to 67.9%.

11 My Lady, I was going to move on, if I may, then, to
12 Module 8's approach.

13 So before I finish this submission and pass the
14 baton on to Core Participants, it's important that
15 I explain the approach which Module 8 has taken to the
16 evidence and to clarify an important preliminary point.

17 Of course much of the focus in this module will be
18 on the harms caused to children by the steps taken to
19 limit transmission of Covid-19. That focus does not
20 imply, on the part of the Inquiry, any conclusion that
21 the decisions to close schools or to lock down were
22 wrong or not justifiable, having regard to what was
23 known or indeed not known at the time.

24 The broad statement which emerged during the
25 pandemic, and the concerns which informed it, that

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1 prevention and control measures can make an environment
2 safe against a virus, dependent, amongst other factors,
3 on its mode of transmission. There are features about
4 schools that make them distinct in relation to infection
5 control measures, having regard, for example, to the way
6 that children in secondary schools move around for
7 classes, to the age and condition of parts of the school
8 estate, to the ways in which young children behave in
9 school.

10 Infection prevention and control measures in schools
11 will be explained with witnesses, but it seems unlikely
12 that any witness will be able to evaluate the extent to
13 which such measures could afford protection against
14 a future unknown disease.

15 So Module 8 will therefore seek to investigate in
16 all directions, recognising that school closures and
17 lockdowns, whilst enormously damaging, might nonetheless
18 be needed in the future, and that therefore it's
19 critical to assess the sorts of actions which are
20 effective in mitigating the impacts of school closures
21 and lockdowns, and that whilst ventilations and other
22 infection prevention and control measures might be of
23 assistance in a future pandemic, it can't be said that
24 they would obviate the need for future school closures.

25 My Lady, the Core Participants before you include

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1 organisations which represent children who have
2 Long Covid, children who are clinically vulnerable, or
3 who have family members who are, and also those who
4 represent disabled children.

5 The children in these groups faced very specific
6 hardships because of the pandemic. For these children,
7 the risks and consequences of them catching Covid-19
8 were and still are life changing, either for them
9 directly or for their families.

10 In respect of clinically vulnerable children or
11 those with a clinically vulnerable family member, the
12 Children and Young People's Voices report conveys very
13 clearly the anxiety and distress experienced by children
14 because they were worried about getting Covid-19 or
15 worried and frightened about passing it on to people in
16 their families and about losing their parents. Their
17 fear is hardly surprising, given the sheer number of
18 people who were dying from Covid-19.

19 This is captured in the Every Story Matters report
20 in an account from a therapist who stated:

21 "That was a big thing actually, a lot of people
22 blaming themselves for Covid deaths in the family.
23 There was a lot of talk and a lot of things on the news
24 about children spreading it and not protecting our
25 elderly. You'd get kids with all this guilt and shame

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1 In relation to disabled children, I've sought to
2 highlight throughout this submission how the pandemic
3 compounded the disadvantages they already faced in many
4 different ways, but, my Lady, I won't say more about
5 this because you'll hear important and illuminating
6 evidence from Ms Toman on behalf of the Disabled
7 People's Organisations about this.

8 My Lady, it's the intention of Module 8 over the
9 next four weeks to explore how some of the most
10 significant decisions which affected children were made,
11 the challenges in implementing those decisions, and the
12 impacts of those decisions. This is all with an eye, of
13 course, to the making of recommendations, to help ensure
14 that children are better protected in any future
15 pandemic or national emergency.

16 Almost 300 statements have been disclosed to
17 Core Participants on Module 8. Module 8 is extremely
18 grateful for the obvious care, attention, and work that
19 went into providing these very detailed statements.
20 These form a valuable and comprehensive evidence base.

21 From these witnesses, 49 individuals will be called
22 to give oral evidence. These witnesses have been
23 carefully selected based upon your general approach to
24 hearings in this Inquiry. A number have been called
25 because there are issues of fact which need to be put to

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1 because grandma died and [they're] blaming themselves
2 and that was really common."

3 One child recounted in the Children and Young
4 People's Voices report that her little brother had
5 complications from chemotherapy. She explained:

6 "It was quite hard and it was quite sad because
7 obviously he was so young ... We would just be upstairs
8 while he would be downstairs and he will just be
9 screaming because he hates injections, so it was quite
10 hard; it's not that we could go on walks and not hear
11 that, so we would have to hear it."

12 My Lady, that's a reminder that beyond definitions
13 of clinical vulnerability will sit experiences of
14 parents and children dealing with the fears and sadness
15 of chronic and serious illness, but in the heightened,
16 uncertain and frightening context of a pandemic.

17 And as regards children with Long Covid, you'll hear
18 evidence, for example, of what it was like to experience
19 the denial of or the reluctance to accept its existence.

20 In relation to both of these groups of children,
21 many of the issues which Module 8 will investigate will
22 also encompass issues which are just of as much
23 importance to them as other children. For example,
24 digital inequalities, the provision of remote forms of
25 education, and the quality of that provision.

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1 them for reasons of accountability or because they
2 personally might be subject to criticism, and it's
3 important to allow them the opportunity to develop their
4 written evidence.

5 Other witnesses have been asked to give evidence in
6 order to assist understanding about their firsthand
7 experiences of working with children and young people
8 during the pandemic.

9 The Inquiry obtained more than 30 statements from
10 schools across the UK. In the course of the hearings,
11 evidence will be given by a school leader from a school
12 in Wales, Scotland, and Northern Ireland, and from three
13 multi-academy trusts in England. Their evidence is not
14 intended to be representative of schools across the
15 United Kingdom, but rather, to serve as examples of
16 individual experiences of what their schools or the
17 schools in their trust faced during the pandemic, and
18 what those schools did to support children.

19 The Inquiry issued surveys to all local authorities
20 in England, Wales and Scotland, to better understand the
21 impact that Covid-19 had on local authority
22 responsibilities for children. The Local Government
23 Association provided an extremely detailed and helpful
24 report to the Inquiry which synthesised the responses to
25 the survey. Based upon that, a smaller number of local

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1 authorities were selected to provide detailed evidence
2 in the form of witness statements. Arising out of those
3 statements, two directors of children's services at
4 a local authority in England and Wales have been asked
5 to provide oral evidence. They are from Powys County
6 Council and Kent County Council.

7 But again it's important to reiterate that their
8 evidence is not intended to be representative of all
9 local authorities. These witnesses were asked to give
10 evidence because of specific issues that arose in their
11 areas. A witness from the Convention of Scottish Local
12 Authorities will give evidence about the impact of the
13 pandemic on children's services in Scotland, but because
14 local authorities don't have the same role in Northern
15 Ireland, as their counterparts in the rest of the UK,
16 there isn't an equivalent Northern Ireland witness.

17 The point has been made a number of times in
18 Module 8 but it bears repeating, my Lady, that the
19 written evidence and contemporaneous documentary
20 evidence is just as important as the oral evidence.

21 It was said by me at a preliminary hearing that
22 Module 8 would not seek to replicate evidence across
23 each of the devolved administrations. It's not the
24 purpose of Module 8 to set out a chronological narrative
25 about decision making across the United Kingdom. Nor is

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1 Mr Mark Drakeford, Ms Eluned Morgan, Mr Vaughan Gething,
2 Lord Weir, and also from Baroness Foster, and
3 Ms O'Neill, who was the then deputy First Minister in
4 Northern Ireland about how decisions to close schools
5 were made.

6 You will hear evidence from some devolved
7 administration witnesses again, and it may be that their
8 evidence overlaps with evidence that they gave in
9 Module 2, but Module 8 is going to endeavour not to
10 repeat questions that have already been asked, and
11 my Lady, it's obviously important that no one loses
12 sight of the fact that this is the eighth module of
13 a single inquiry which has already heard a vast amount
14 of evidence, some of which is important to Module 8.

15 But conversely in Module 2, you didn't hear evidence
16 from important witnesses like Sir Gavin Williamson or
17 Ms Vicky Ford, the former Parliamentary Under-Secretary
18 of State in the Department for Education who had
19 responsibility for children's social care.

20 And, my Lady, the witness timetable has been
21 structured so that witnesses are grouped together by
22 topic or theme where it's been possible, and with your
23 permission, the Inquiry will ensure that on any given
24 day, other statements relevant to the issue or
25 statements from the -- relevant to the issue or

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1 that necessary. The principal policies which affected
2 children across the UK -- school closures, cancellation
3 of exams, lockdowns, and the main government actions to
4 mitigate the effect of these decisions -- were largely
5 the same throughout the United Kingdom.

6 There are some differences, but they do not appear
7 to Module 8 to be so significant so as to warrant
8 exactly the same evidence being called across the UK.

9 There are some exceptions that are more substantial,
10 for example the differing approaches that were taken to
11 the rule of six across the UK, and that difference will
12 be considered. But differences of this nature are the
13 exception rather than the rule.

14 In addition, you will hear evidence from some
15 UK-wide organisations who will give evidence about
16 impacts across the UK. It's accepted that there are
17 regional disparities across the UK, for example having
18 regard to educational attainment, but that appears to be
19 the position in each part of the UK. In other words,
20 the broad picture of the impacts of the pandemic and
21 which children were disadvantaged appears consistent
22 across each part of the UK.

23 In addition, my Lady, you heard evidence about the
24 decision to close schools in Modules 2, 2A, B and C,
25 from witnesses including Mr John Swinney,

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1 statements from the devolved administrations touching on
2 the same issues are published.

3 My Lady, evidence of the ongoing impacts of the
4 pandemic on children show how consequential it has been
5 for children and that it's had a long reach. These
6 consequences reveal much to future decision makers about
7 how critical it is to understand children's lives, and
8 the potential for decisions that are disruptive of
9 childhood to have powerful aftershocks.

10 The pandemic may also reveal deeper truths about how
11 we as a society treat children, and what we expose
12 them to.

13 On behalf of all of those who are contributed to
14 Module 8, including Core Participants, I hope that we
15 may, in a way that is collegiate and respectful, assist
16 you in throwing light on that.

17 My Lady, that's the conclusion of the opening
18 submission. I think it's important, though, that I say
19 that we are all only in this room and this opening can
20 only be given and the witnesses called because of a huge
21 amount of work and industry that has been done by junior
22 counsel, the solicitor's team, and the paralegal team as
23 well. And it's important that I make that clear, and of
24 course, it goes without saying that there will be people
25 that sit behind all of the Core Participants too, who

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1 have contributed to that effort.
 2 **LADY HALLETT:** Thank you very much indeed, Ms Dobbin.
 3 Looking at the time, Mr Broach, you could go now if
 4 you wanted to, or I know you were expecting to go this
 5 afternoon. It's up to you.

6 **MR BROACH:** I'm in your hands, my Lady. I'm ready if it
 7 would assist or we can take the adjournment.

8 **LADY HALLETT:** Go now.

9 **MR BROACH:** Very good, my Lady.

10 **LADY HALLETT:** Thank you.

11 **Submissions on behalf of Children's Rights Organisations by**
 12 **MR BROACH KC**

13 **MR BROACH:** My Lady, I appear for the Children's Rights
 14 Organisations, or CROs, with Ms Twite and Ms Jichi of
 15 counsel and as your Ladyship knows, the CROs are five
 16 leading organisations working in the field of children's
 17 rights: Save the Children UK, Just for Kids Law, the
 18 Children's Rights Alliance for England, the Centre for
 19 Young Lives and the Child Poverty Action Group. The
 20 CROs are committed to championing children's rights in
 21 addressing inequalities and structural discrimination as
 22 well as working directly with children and young people.

23 My Lady, with the formal opening of this module the
 24 Inquiry reaches what in our submission is one of the
 25 most significant and frequently the most overlooked

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1 children rather than treating them as an afterthought at
 2 best.

3 The CROs remain grateful for the grant of Core
 4 Participant status in this key module for children. We
 5 welcome the range of other Core Participants who have
 6 interest and expertise in children's rights, noting in
 7 particular the expertise of our fellow NGOs Article 39
 8 and CORAM.

9 We are grateful for the open and inclusive approach
 10 taken by the full Module 8 team in working with Core
 11 Participants, including in relation to both the
 12 preliminary hearings for this module.

13 My Lady, we filed some written submissions for
 14 today, and those can be summarised in three headline
 15 points. First of all, we say that the rights and
 16 interests of children and young people were routinely
 17 overlooked or deprioritised throughout the pandemic,
 18 and, indeed, were actively undermined at times when
 19 statutory entitlements were taken away or diluted.

20 Our second point is that this lack of focus on the
 21 rights and interests of children was systemic. It
 22 wasn't an unfortunate oversight; it resulted from
 23 a failure to embed the rights and interests of children
 24 in the centre of the machinery of government.

25 Third, we would emphasise that the impact of the

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1 aspects of the Covid-19 pandemic: the impact of Covid
 2 and the governmental response to it on children and
 3 young people, and at the outset, the CROs wish to
 4 recognise and acknowledge the devastating impact the
 5 pandemic has had on children and young people and their
 6 families, including those who lost their lives, who lost
 7 people they loved, those now suffering from Long Covid
 8 and those whose childhoods and adolescence were harmed
 9 in a way which has either not yet been realised or
 10 remedied.

11 My Lady, all the CROs have filed witness statements
 12 seeking to assist the Inquiry with their evidence as to
 13 the experiences of children during the pandemic. A core
 14 theme of that evidence is the need to take a holistic
 15 view of the impact of the pandemic on children and the
 16 full range of their rights, extending beyond the most
 17 obvious issues such as school closures.

18 All the CRO witnesses emphasise how devastating the
 19 pandemic and the government reaction to it was, for
 20 a wide range of children and young people, and how
 21 important it is that lessons are learned so that the
 22 best interests and rights of children are incorporated
 23 into the day-to-day functioning of government, ensuring
 24 that the response to the next civil emergency can
 25 seamlessly prioritise the rights and interests of

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1 pandemic on children and young people was not uniform,
 2 in part due to the reduction in public funding over many
 3 years in both children's education, health and social
 4 services, leading to certain groups suffering
 5 significantly more than children generally, a matter
 6 acknowledged, and in a way we welcomed, by Counsel to
 7 the Inquiry in opening. Babies and infants, children
 8 and young people from black and racialised communities,
 9 looked-after children and those with special educational
 10 needs and disabilities, children living in poverty,
 11 including those from the lowest income families,
 12 children in the criminal justice system and children
 13 detained in prison or psychiatric care, the full gamut
 14 of the experiences of those groups of children we say
 15 needs to be carefully considered in this module.

16 In particular, we submit that the key evidence the
 17 Inquiry needs is not whether children were routinely
 18 overlooked throughout the Covid-19 pandemic. We submit
 19 that's overwhelmingly clear on the evidence that
 20 your Ladyship has already received. What the Inquiry
 21 needs to understand, in our submission, is why this
 22 happened, and what needs to be put in place now to
 23 ensure that the rights and interests of children are at
 24 the centre of the response to the next civil emergency.

25 The written evidence before the Inquiry for this

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1 module puts beyond doubt that many children suffered
2 significant and long-term harm during the pandemic, and
3 we submit that much of this harm was unnecessary, and we
4 invite the Inquiry to take stock of the fact that it's
5 clear, we say beyond doubt, that many children suffered
6 unnecessary harm from the governmental response to this
7 civil emergency, and we reiterate that the central focus
8 should therefore be on understanding how this could have
9 happened and what can be done differently next time.

10 Our theme that that harm resulted directly from the
11 structural deprioritisation of children and their rights
12 by the UK Government over many years leading up to 2020
13 is something that we will reiterate in our closing
14 submissions, and we will refer the Inquiry to the
15 extensive evidence of swingeing cuts to children's
16 services and youth services in the years leading up to
17 the pandemic and the very significant negative impact
18 these had on the wellbeing of children and young people,
19 the theme of fragility of services to which Counsel to
20 the Inquiry referred in opening, and we agree with the
21 submission from Counsel to the Inquiry that the impact
22 of the pandemic was interlinked with pre-existing
23 problems.

24 We say the pandemic applied rocket fuel to the
25 structural disadvantages that children faced in

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1 of clarity as to lockdown messaging, as they did not
2 have the private outdoor space that their more affluent
3 peers might have benefited from.

4 In our submission, both the disproportionality of
5 the lockdown rules on children and the lack of clarity
6 as to their application lead to far greater harms than
7 were necessary. It appears to the CROs from the written
8 evidence for this module that the detriment to children
9 which would inevitably accrue from interventions such as
10 the rule of six was simply not considered adequately or
11 at all by relevant decision makers at the time.

12 And equally, decisions about what services to close
13 or open often prioritised adults or the economy over
14 children's wellbeing, with playgrounds closed in some
15 areas while pubs were open.

16 We ask the Inquiry to ensure that this module adopts
17 a children's rights framework and takes a holistic view
18 of childhood which goes well beyond the most obvious and
19 important impacts, such as school closures and exam
20 chaos, and we support what our colleagues from
21 Article 39 say in this regard: that each of the issues
22 should be considered through the lens of the UK's UNCRC
23 obligations.

24 And we do urge the Inquiry to continue to maintain
25 a focus on rights that are particularly important to

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1 a context where key decisions were taken without any or
2 any sufficient regard to what the impact on them would
3 be.

4 In that regard, we adopt the evidence of
5 Helen MacNamara, the Deputy Cabinet Secretary during the
6 pandemic, who, during evidence for Module 2, described
7 her concern about the invisibility of children in
8 pandemic decision making. The Inquiry has evidence for
9 this module of multiple failures to consult even the
10 relevant children's commissioner adequately or at all
11 when key decisions were taken.

12 We welcome the approach that the Inquiry is clearly
13 taking that children will not be treated as
14 a homogeneous group in this module. The Voices report
15 demonstrates the experiences of the pandemic and the
16 government response to it varied widely among children,
17 and we say the pandemic both exacerbated pre-existing
18 inequalities and structural discrimination, such as
19 widening the attainment gap between children living in
20 poverty and their peers, and impacted vulnerable
21 children the hardest, and it's essential that the module
22 prioritises the experience of those who were hardest
23 hit.

24 We picked out, for example, disadvantaged children
25 whose physical and mental health suffered most from lack

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1 children and young people themselves, such as the right
2 to play. We reiterate that play is as important to
3 children as education and, although obviously important,
4 whether schools were open or closed was not the sole
5 determining factor, or even necessarily the most
6 important factor, in relation to outcomes for children
7 during the pandemic. Many of the most vulnerable
8 children were not in school or able to access school at
9 the start of the pandemic.

10 But we agree with Counsel to the Inquiry that
11 schools can be places of safety and places where basic
12 needs are met, and we say the implications of this were
13 not properly thought through by decision makers.

14 We would emphasise issues outside the school
15 context, including the brutal conditions for children in
16 prison during the pandemic, the treatment of children in
17 police custody, increased criminalisation of children
18 during lockdown, particularly those from black and other
19 racialised groups and/or living in economically
20 disadvantaged communities, and the impact on children
21 and young people who had other contacts with the police
22 during the pandemic.

23 We remain keen to ensure that issues of poverty and
24 inequality are addressed and interwoven across the list
25 of issues for the module. As Counsel to the Inquiry

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1 highlighted, a thread of socioeconomic disadvantage runs
2 through the impact of the pandemic.

3 The poverty experienced by many children meant that
4 they and their families were less resilient to the
5 economic shock brought by the crisis, as well as less
6 able to mitigate some of the impacts, and maintaining
7 poverty such as the two-child limit and the overall
8 benefit cap, which decouple need from the level of
9 support in a way which the CRO say is unjustified at all
10 times, became even less justifiable in a pandemic, as
11 families rarely had the opportunity to increase their
12 earnings from work and were less in control of their
13 overall income.

14 My Lady, in writing, the CROs have set out our
15 preliminary position on the key recommendations needed,
16 including the focus on ensuring children's rights impact
17 assessments are completed and published before all
18 relevant decisions are taken, the incorporation of
19 children's rights in the UN Convention on the Rights of
20 the Child into domestic law across the UK as mandatory
21 obligations not just matters to which decision makers
22 must have regard, and the setting of clear child poverty
23 reduction targets as part of a cross-government child
24 poverty strategy, which the CROs understand is
25 forthcoming and provides an opportunity for the

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1 young people in society, those in care, relying on the
2 state for parenting and protection, and those living in
3 state and privately-run institutions.

4 Children in detention, whether through the mental
5 health or criminal justice systems, or in state care,
6 are not one homogeneous group but there are factors they
7 routinely share: abuse or threat of abuse from carers,
8 separation from parents and other family, including
9 siblings, the uncertainty and instability of being
10 parented by a local authority, with ever-changing homes,
11 carers, and professionals, often sent far from home,
12 challenges to identity and self-worth.

13 For children in prison, a disproportionately high
14 number of them were looked after prior to incarceration,
15 their vulnerability is all too obvious.

16 As Counsel to the Inquiry highlighted, prior to the
17 pandemic, nearly a third of UK children were living in
18 relative poverty, a quarter were in absolute poverty,
19 and half of local authority children's services in
20 England were judged by Ofsted to be less than good. The
21 picture for a typical child in need was pretty bleak.

22 That was the reality for the especially vulnerable
23 children whom Article 39 serves. It's all the more
24 important, therefore, that these children should be
25 regard, as the Scottish Children's Commissioner says, as

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1 government to start to make lives better for children
2 now.

3 These legislative changes need to be accompanied by
4 investment of resources that children and young people
5 desperately need to ensure the negative impacts of the
6 pandemic are properly ameliorated.

7 And we further ask the Inquiry to recommend that the
8 UK Government acknowledges the sacrifices made by
9 children and apologise to the children for the mistakes
10 the government made and the negative impacts on them.

11 My Lady, the CROs look forward to continuing to
12 assist your Ladyship and the Module 8 team to ensure
13 that the module is as effective as possible in achieving
14 our common purpose. I'm grateful for the opportunity to
15 address you this morning.

16 **LADY HALLETT:** Thank you very much indeed, Mr Broach. Very
17 well, we shall break now and I shall return at 1.50.

18 (12.51 pm)

(The Short Adjournment)

19 (1.50 pm)

20 **LADY HALLETT:** Right. Mr Twomey.21 **Submissions on behalf of Article 39 by MR TWOMEY KC**

22 **MR TWOMEY:** My Lady, on behalf of Article 39, together with
23 Mary-Rachel McCabe, the focus of submissions and any
24 questions will be on the most vulnerable children and
25

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1 rights holders rather than passive objects of education,
2 care or charity.

3 As the pandemic hit, the UN Committee on the Rights
4 of the Child called on governments to protect children
5 whose vulnerability would be further increased,
6 including children deprived of their liberty or
7 confined, and children living in institutions.

8 We submit that the government's core error in
9 response to the pandemic was failing to consider the
10 impact of policies on children, failing to listen to,
11 consult, or act upon, the advice of professionals
12 working with children, or to hear from children
13 themselves on the impact of policy decisions. The
14 Scottish Children's Commissioner quotes one of their
15 young advisers in July 2020:

16 [As read] "Life changing decisions being made during
17 coronavirus have felt like playing a game. Every time
18 it should be our turn, someone skips over us and we end
19 up being left behind and forgotten."

20 Article 39 continues to regret that this Inquiry
21 will not hear directly from children but respectfully
22 suggests that this highlights the imperative to consider
23 carefully evidence from the children's commissioners and
24 other children's rights organisations.

25 The introduction of the Adoption and Children

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1 (Coronavirus) (Amendment) Regulations in April 2020 is
2 a good example of government failings. We have
3 a carefully crafted statutory scheme for children in
4 care and, importantly for those first coming into care,
5 often frightened, always extremely vulnerable, laws and
6 established practices in place to ensure their rights
7 and wellbeing.

8 The Amendment Regulations made changes to ten
9 statutory instruments, including reducing and removing
10 legal duties relating to social worker visits, reviews
11 of children's welfare, and checks on children's homes.
12 These unquestionably substantial and wide-ranging
13 changes were described at the time by the DfE to the
14 Children's Commissioner for England as "minor burdens".
15 Both the High Court and the Court of Appeal rejected
16 this characterisation of the changes, the latter
17 describing them as having the potential to have
18 a significant impact on children in care.

19 The Court of Appeal also found that there had been
20 a selective, one-sided consultation, and that the then
21 Education Secretary Sir Gavin Williamson's failure to
22 consult with the Children's Commissioner and children's
23 rights organisations was unlawful.

24 It remains wholly unclear today why the government
25 found time to consult with select others, but not the

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1 the Mandela Rules, children were routinely subject to
2 solitary confinement for long periods with inevitable
3 debilitating consequences on their mental and physical
4 health.

5 Whilst vulnerable children in the community were
6 encouraged to go to school, opportunities for learning
7 and social interaction, and for physical exercise,
8 children in prison had those significantly curtailed.
9 A worksheet pushed under a cell door does not fulfil
10 a child's right to education.

11 Article 39 will seek to draw attention to the
12 evidence that children living in secure children's homes
13 received much better protection due, surely, to the
14 child-focused approach.

15 The starting point to avoid such mistakes in the
16 future -- in any future pandemic or national emergency,
17 must be to recognise that children are individuals with
18 clearly defined rights and entitlements which carry the
19 force of law. That's also why Article 39, together with
20 other Core Participants, invites the Inquiry to approach
21 this module and its conclusions through the prism of
22 children's rights and the UNCRC.

23 Article 39 will submit that throughout the pandemic
24 there was no dedicated plan within government on how to
25 protect the rights and interests of children generally,

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1 Children's Commissioner for England. What does this
2 unexplained failure to consult with the statutory body
3 charged with promoting and protecting the rights of
4 children, in particular those living away from home, say
5 about the status and importance of children's rights in
6 policy making at the time? What does it say about the
7 culture within government to thoroughly mischaracterise
8 the nature of the changes to children's law?

9 The profound errors behind the introduction of the
10 amendment regulations yield the obvious submission that
11 they could have been avoided had there been
12 incorporation of the United Nations Convention on the
13 Rights of the Child, and a statutory obligation to
14 consult with the Children's Commissioner.

15 But there are other examples of how things went very
16 wrong for vulnerable children during the pandemic, most
17 obviously children in prison. Changes to an already
18 impoverished and harmful regime were subject to no child
19 rights impact assessments or consultation with the
20 Children's Commissioner for England.

21 Children in young offender institutions and secure
22 training centres had severely restricted time out of
23 their cells -- we say cells, not rooms -- with some
24 receiving only an hour-and-a-half a day and at weekends
25 only 45 minutes. These changes meant that, in breach of

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1 and vulnerable children and young people in particular.
2 And this failure was due to the absence of a children's
3 rights strategy, including the incorporation of UNCRC
4 into domestic law, the absence of a statutory duty on
5 government to consult with respective children's
6 commissioners, and the absence of a Cabinet Minister for
7 children with a children's rights portfolio, one of
8 IICSA's closing recommendations in October 2022.

9 Article 39 respectfully suggests that in the event
10 of another pandemic, the key to ensuring that children's
11 rights are respected and their wellbeing safeguarded is
12 in two core recommendations: firstly, that the UNCRC is
13 incorporated into domestic law, in the same way that the
14 Human Rights Act gives effect to certain provisions of
15 the European Convention on Human Rights. Nobody
16 sensibly suggested a suspension of the Human Rights Act
17 during the pandemic. Indeed, it is a strong pointer
18 towards a rights-based approach, that in times of
19 national emergency, governments need to have robust
20 structures, robust guidelines in place to ensure
21 decisions afford appropriate weight to the rights of all
22 citizens, including children.

23 In other words, it is precisely when government is
24 under pressure to make quick decisions that effective
25 tools and guidance are necessary, and incorporation of

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1 the UNCRC provides those tools.
 2 Secondly, Article 39 respectfully suggests that
 3 there should be a statutory duty to consult with and
 4 give due weight to the advice of the children's
 5 commissioners. These statutory bodies possess not just
 6 theoretical understanding of children's rights but are
 7 required by law to be directly connected to the lived
 8 experience of children with critical channels for
 9 eliciting the perspectives of children and young people
 10 both in ordinary times and in emergencies.

11 The Children's Commissioner for England is required
 12 by law to use the UNCRC as her basis for determining
 13 children's rights, yet without incorporation into law,
 14 this duty lacks a proper foundation.

15 If we do not have the structures and systems to
 16 uphold rights, to elicit, understand, and act upon the
 17 views, perspectives, and feelings of children, then that
 18 is when things go wrong. And if they go wrong for
 19 vulnerable children, the consequences can be disastrous.

20 The amendment regulations and the treatment of
 21 children in prison provide two standout examples of how
 22 things were prone to and did go wrong, and how the two
 23 recommendations would have prevented these errors.

24 In the event of a future pandemic it will be
 25 essential for all children but, most particularly,

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1 My Lady, we're very grateful for the opportunity to
 2 address you this morning and those are our opening
 3 submissions.

4 **LADY HALLETT:** Thank you very much indeed. Very helpful.

5 Ms King.

6 **Submissions on behalf of Coram by MS KING KC**

7 **MS KING:** My Lady, Coram remains grateful for the
 8 opportunity to contribute to the work of the Inquiry.
 9 Coram has provided a comprehensive response to the
 10 request for a Rule 9 statement for this module, and
 11 Dr Carol Homden CBE, chief executive officer of the
 12 Coram group of charities, will be appearing to give
 13 evidence at the Inquiry tomorrow morning.

14 I appear together with Ms Logan Green and instructed
 15 by Jenner & Block, some of whose team attend today.

16 As the Inquiry knows, Coram is the UK's oldest
 17 children's charities. Working as the Coram group of
 18 specialist organisations, it holds a unique perspective
 19 on how the lives of children were affected by the Covid
 20 pandemic.

21 The Coram Group considers that, because of its
 22 constituent parts and underpinning ethos, it occupies
 23 a unique role amongst the Core Participants in being
 24 able to provide a particularly broad perspective on the
 25 impact that the pandemic had on children and young

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1 vulnerable children in care or custody, that decisions
 2 affecting them are taken according to a rights-based
 3 approach. Each Children's Commissioner of each of the
 4 four nations of the United Kingdom identifies failures
 5 by their effective governments to heed children's
 6 rights. Article 39 submits that this follows from each
 7 nation's failure during the pandemic to have fully
 8 incorporated UNCRC, or to have a statutory obligation to
 9 consult with their Children's Commissioner.

10 And so we endorse the recommendations made this
 11 morning on behalf of the CROs.

12 Scotland directly incorporated the UNCRC into
 13 domestic law in 2024. It is surely intolerable that
 14 only children in one part of the United Kingdom have
 15 this protection in the event of a future pandemic or
 16 national emergency, there should be consistency of
 17 rights protection.

18 My Lady, I referred earlier to the Mandela Rules.
 19 When launching his children's fund 30 years ago
 20 Nelson Mandela said, "There can be no keener revelation
 21 of a society's soul than the way it treats its
 22 children."

23 What a telling observation when one looks, as this
 24 Inquiry will, into how, during the pandemic, our society
 25 treated its most vulnerable children.

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1 people. This is due to the breadth and diversity of the
 2 work that it conducts across different sectors.

3 Coram sees the Inquiry as an opportunity to explore
 4 the legacy of the pandemic and address some of the
 5 shortcomings of the governmental response. Coram
 6 considers that engagement with third sector
 7 organisations is critical. The various organisations
 8 which make up the Coram Group are ready to play an
 9 active and ongoing role in future planning. Coram
 10 considers itself able to bridge the wide chasm between
 11 statutory and charitable organisations. It hopes that
 12 the government will build on the foundations already
 13 laid and ensure that future contingency planning
 14 involves the members of the Coram Group.

15 Coram has a wide understanding of the complexities
 16 and difficulties that children and young people faced
 17 during the pandemic, it seeks to ensure, through its
 18 participation in this Inquiry, that children's voices
 19 and perspectives are heard both now, in reflecting upon
 20 the response to the pandemic, and in the future, in
 21 planning pandemic responses.

22 It would be an opportunity missed if, in curating
 23 a response to another future pandemic, the interests of
 24 children were consigned to the margins or left as an
 25 afterthought, as so often seemed to be the case in

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1 respect of Covid-19, as Coram and others have noted.
 2 These oral submissions are to be considered in
 3 conjunction with Coram's opening written submissions and
 4 the evidence it has provided to the Inquiry.

5 On the basis of its own research and experiences
 6 during the pandemic, and having considered the evidence
 7 provided to the Inquiry, Coram has come to the view that
 8 if and when the next pandemic strikes, there is a need
 9 to put children at the heart of decision making and
 10 implementation. To that end, as a pre-emptive step,
 11 Coram supports its colleagues in Article 39 and the
 12 CRO group's call for the incorporation of the UNCRC
 13 across the UK.

14 However, incorporation without good implementation
 15 is hollow. And the evidence before the Inquiry shows
 16 the importance of putting in place good practice and
 17 risk planning now, so that children's needs will be
 18 considered and protected in future crises. Coram
 19 proposes that a dedicated cabinet minister for children
 20 be introduced. Coram believes this would assist in
 21 ensuring resources are properly allocated to future
 22 planning.

23 A statutory child impact assessment obligation as
 24 part of crisis planning, particularly in relation to
 25 predictive planning, will better ensure that children

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1 make a difference.

2 The evidence from Coram demonstrates that local
 3 authorities and others did work hard to secure ongoing
 4 support for children in care. However, those working in
 5 children's social care would be better able to meet the
 6 challenges of any future pandemic if there was clearer
 7 guidance which would immediately fall into place and
 8 which was already known to them in advance.

9 Children in potentially dangerous edge-of-care
 10 situations did not fare as well, and did not receive the
 11 support of the sort to which they were entitled. This
 12 group should be given the top priority in any future
 13 planning, with specific steps to ensure they are always
 14 able to access places of physical safety beyond the
 15 home, for example schools and foster care.

16 Young people whose lives are subject to the civil
 17 courts all experienced delay, and any delay is inimical
 18 to their welfare. Indeed, the court process itself is
 19 unacceptably over-extended even in normal times. For
 20 those who are subject to immigration and asylum
 21 controls, this is effectively a sentence to a life on
 22 hold.

23 Children and young people in the immigration system
 24 who are fleeing abuse or persecution are particularly in
 25 need of our protection and social generosity. They are

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1 are at the centre of decision making. There needs to be
 2 a systemic approach to recognising key bodies within the
 3 third sector as essential partners. Future planning
 4 should include structured collaboration with previously
 5 identified core partners and with the relevant
 6 infrastructure, information-sharing networks and
 7 expertise to work in partnership with government. This
 8 could act as a shadow taskforce ensuring readiness for
 9 future challenges.

10 Coram also recommends that regulations and
 11 national directives should not be published without
 12 clear accompanying guidance to support their
 13 implementation. It is considered that once that
 14 architecture is in place, this will enable mobilisation
 15 plans to be implemented, for example to pre-plan to
 16 mobilise retired essential workers in children's social
 17 care.

18 Coram considers that in future there will be
 19 a heightened need to use trusted channels and deploy
 20 open communication. This will be even more important in
 21 any subsequent emergency, otherwise there is a real
 22 prospect, with the ascent of AI, that the nation's
 23 response will be written by the likes of ChatGPT, with
 24 all its errors and delusions, rather than by experts,
 25 with the institutional memory and expert experience to

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1 uniquely ill-equipped and unprepared to navigate the
 2 challenges which a pandemic brings. They should not be
 3 placed in unregulated accommodation which can leave them
 4 vulnerable to trafficking and exploitation by criminal
 5 gangs.

6 The Inquiry has and will receive evidence in respect
 7 of how children with medical concerns fared during the
 8 pandemic, but there is much of which the NHS can be
 9 proud. Those working to address children with health
 10 needs should be commended. For its own part, Coram was
 11 pleased to see the government respond to calls to make
 12 reasonable adjustment to lockdown protocols, for example
 13 for children and young people with autism. However, in
 14 any future lockdown, children as a much broader group
 15 should be subject to different rules. There needs to be
 16 child-specific lockdown guidance.

17 Again, children cannot, in future, be treated, as
 18 they were all too often during the Covid-19 crisis, as
 19 an afterthought or as little adults. Coram suggests
 20 that all children should be subject to specific
 21 guidelines dependent upon age, special educational
 22 needs, medical need, and the nature of the pandemic
 23 infection. The government cannot wait for the next
 24 pandemic. The guidelines could and should be written
 25 now. This can form part of a longer-term overall

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1 consideration at cross-party level of the requirement
2 for an intergenerational settlement.

3 It must recognise that children should not suffer
4 the collateral damage as a result of the concerns which
5 differently impact on adults. In addition, it is
6 important to engage proactively with the needs of that
7 subgroup of children whose families are homeless and who
8 rely upon the state for adequate housing and space to
9 play and study. The number of children experiencing
10 homelessness and inappropriate accommodation and
11 experiencing poverty has increased with predictable
12 effects on their health and other outcomes. In this
13 context, Coram published a Charter for Children which
14 calls upon our nation to make a triple key commitment
15 and reset our relationship with children. In doing so,
16 we must avoid pitting one generation against any other.

17 However, it's important to recognise and redress the
18 fact that there has been an erosion of the collective
19 will to share resources with children. This has
20 long-term effect -- impacts. It will take more than one
21 Parliament and more than one generation to address the
22 deficit so that this too must start now.

23 Finally, during any pandemic, there will be children
24 who are experiencing some level of support from the
25 state who are about to turn 18 and need a smooth

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1 **Submissions on behalf of Disability Rights UK, Disability
2 Wales, and Disability Action Northern Ireland by MS BEATTIE**

3 **MS BEATTIE:** My Lady, we act for three national Disabled
4 People's Organisations or DPO. They are Disability
5 Rights UK, Disability Wales, and Disability Action
6 Northern Ireland.

7 At the outset, DPO want to address you on three
8 matters. First, using vulnerability as a basis for
9 policy making. Second, needs beyond learning and
10 educational attainment. And third, accessibility.

11 First, vulnerability. My Lady has heard the DPO
12 repeatedly caution against reliance on the concept of
13 vulnerability in place of the social model, which
14 recognises that many of the hardships which disabled
15 children and young people face are determined by social,
16 economic, and political choices and circumstances.

17 In this module on children and young people, the DPO
18 do so again with added emphasis. Because in this
19 module, reliance on the superficially appealing concept
20 of vulnerability in place of proper and informed
21 planning and public policy, respecting rights and
22 meeting needs, reaches its nadir.

23 Like protecting the NHS or throwing a ring of steel
24 around care homes, keeping schools open for vulnerable
25 children sounds like something the government should

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1 transition to adult support services. What the pandemic
2 did was to weave its fingers into every crack in our
3 system, as shown, for example, by the transition from
4 children to adult services as seen in Coram's
5 disability, disparity and demand report regarding
6 special educational needs published in October 2024.

7 There is an evident disparity between what local
8 authorities consider to be the needs of their care
9 population and their true needs. This may be a key area
10 for improved data collection together with support for
11 migrant children to support future planning. There
12 needs to be attention to this issue to prevent there
13 being marked variations in expectation and provision.
14 Coram recognises that the Covid-19 pandemic brought
15 unprecedented, if not unique, challenges. It was
16 a dynamic situation. Any future crisis will be
17 a dynamic situation.

18 Coram commends frontline workers and, in many ways,
19 the government is to be commended for their services to
20 children, which were a lifeline to many. It hopes to
21 work with government as a third-party sector partner in
22 preparation for any future pandemic.

23 My Lady, I'm grateful.

24 **LADY HALLETT:** Thank you very much indeed, Ms King.
25 Ms Beattie.

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1 have done. But it begs the question: vulnerable to
2 what?

3 In the statutes and guidance setting out disabled
4 children and young people's entitlement to have their
5 social care and education needs met, we do not find
6 vulnerability used as a test or threshold. As
7 recognised by the education experts instructed by the
8 Inquiry, Professor Gillian McCluskey and her colleagues,
9 defining and measuring vulnerability is complex, messy,
10 highly selective, and influenced by local and national
11 context.

12 Yet it was to this problematic concept that the
13 government turned in March 2020 when making the
14 momentous decision to close schools. Both the
15 Prime Minister and the Secretary of State for Education
16 said that schools would not be closed for children who
17 were most vulnerable. They did so notwithstanding that
18 no approach to determining the vulnerability of the
19 millions of children and young people, attending
20 schools, early years, and further education had been
21 agreed, and a systematic and effective approach to
22 assessing vulnerability was, in fact, never achieved.

23 What followed was not that schools looked after the
24 most vulnerable children, including disabled children
25 and young people, but the very opposite. A tiny

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1 proportion of eligible children continued to attend
2 school. Many were not looked after in the real sense of
3 having their ongoing and newly-arising needs met, and
4 those left at home were looked after less still.

5 The alarm was raised about low attendance by
6 vulnerable children almost immediately. And by
7 mid-April 2020, the SAGE subgroup was prompted to ask:
8 where are these children? What are they doing? How are
9 they being supported? Why are children with special
10 educational needs and disabilities or education, health
11 and care plans not attending?

12 My Lady, this was mid-April 2020 when children
13 should have been shortly to return to school after
14 Easter, and when what was described by the UK chief
15 medical officers four months later in August 2020 as
16 a "certainty of long-term harm to many children and
17 young people from not attending school" had yet to come
18 to pass and could yet have been avoided.

19 Next, needs. What was needed was not a makeshift
20 reaching for the emotive concept of vulnerability, but
21 practical focus on meeting the needs of disabled
22 children and young people not only for education, but
23 also for care and support, needs which arose from
24 impairments, but also from poverty, from the digital
25 divide, from family and other circumstances, and from

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1 health provision for disabled children and young people,
2 not only because they are fundamental to meeting needs,
3 but because they go beyond the lost learning focus of
4 some of the government evidence to the Inquiry, and
5 beyond social or socialisation services in the nature of
6 after-school clubs and the like.

7 This is where the DPO think the focus on schools was
8 too narrow. Disabled children and young people were
9 having other identifiable and necessary services cut
10 with eyes wide open to the adverse effects. It did not
11 need nuanced social work assessment of hidden harms to
12 identify the obvious, profound, and in some cases,
13 immediate consequences for disabled children and young
14 people from failing to meet needs that were already
15 known about.

16 The predictable consequences included children left
17 in pain, children who lost the ability to walk or to
18 mobilise independently, to eat independently or to
19 communicate. Children who lost around two years of
20 therapeutic support which reduced their progress and in
21 some cases meant they went backwards.

22 And for those close to the point of leaving school
23 at a time of transition to adult life, their changing
24 needs were not assessed. These were not unexpected
25 ripple effects of school closures but involved choices

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1 the pandemic itself.

2 For disabled children and young people the law
3 required that local authorities promote their welfare
4 and safeguard them from harm. To this end, many
5 disabled children and young people received social care
6 services such as personal care and assistance, care and
7 support within the home and within the community,
8 respite care and travel support, including importantly,
9 under section 17 of the Children Act 1989 and section 2
10 of the archaically named Chronically Sick and Disabled
11 Persons Act 1970.

12 For children with education, health and care plans,
13 the law required that provision was made as specified in
14 those plans. Very often this included provision
15 delivered by allied health professionals such as speech
16 and language therapists, occupational therapists, and
17 physiotherapists, to children and young people at
18 crucial stages of development.

19 Children and young people without plans also
20 received special educational needs support from school
21 and accessed allied healthcare professionals through the
22 NHS. Yet previously available formal and informal
23 support stopped, and education, health and care needs
24 provision, assessment and review work was withdrawn.

25 The DPO stress these aspects of social care and

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1 by government: choices to downgrade pre-existing and
2 longstanding statutory duties to disabled children and
3 young people, including the duty in section 42 of the
4 Children and Families Act 2014, to secure provisions
5 specified in a child or young person's education, health
6 and care plan; choices to redeploy health and allied
7 health personnel away from providing services to
8 children; choices not to prioritise the delivery of
9 social care services relied on by disabled children and
10 young people and their families; choices to remove the
11 requirement to assess young carers' needs for support;
12 choices to disapply duties which are designed to ensure
13 a smooth transition for young people entering the adult
14 social care system.

15 My Lady, in all that the Inquiry is about to hear
16 about the impact on learning, the DPO urge that disabled
17 children and young people's holistic needs and their
18 everyday needs for care and support are borne in mind.

19 Finally, accessibility. All children and young
20 people were affected by educational closures and the
21 move to remote learning, but not all experienced it
22 equally.

23 The duty to make reasonable adjustments is enshrined
24 in equality law, and yet when it came to remote
25 learning, disabled children and young people encountered

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1 basic barriers to access which compounded the digital
2 divide they already faced. Some examples: disabled
3 children and young people with visual needs found that
4 worksheets were not in large enough font to read;
5 e-learning options were incompatible with assistive
6 technology; children and young people with hearing
7 impairments struggled to follow online lessons; some
8 were unable to find interpreters.

9 For some disabled children and young people, online
10 learning was not learning at all.

11 My Lady, the DPO do not underestimate the challenge
12 to all nations of the UK of providing effective remote
13 learning on the scale required. But as with other
14 aspects of the pandemic response, such as access to
15 vaccines and therapeutics, and access to information,
16 basic barriers of access prevented disabled children and
17 young people from continuing their education on an equal
18 basis with others.

19 Remote learning, like lockdown, was not imagined for
20 disabled children and young people. It was imagined for
21 the non-disabled student and their non-disabled family.
22 This failure of imagination and incapacity for inclusive
23 policy making is recurrent, but it is not inevitable.
24 We could have policy-based on needs, rights, and
25 co-production.

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1 mum. They made me use hand gel all day long, even
2 though I was allergic to it. They didn't wear masks.
3 Within a few weeks I'd caught a nasty virus and I was in
4 bed for several weeks trying to get better. They did
5 not give me much schoolwork to do, because they said
6 they did not want to encourage me to stay at home."

7 Then there is Lana. She said this:

8 [As read] "My mum said 'Do you want to go to school?
9 Do you want to go to secondary school and risk taking
10 this home?' So, as a 14-year old, I had to make the
11 decision to either get an education and risk my mother
12 dying, or not get an education and try to teach myself
13 as best I could."

14 Lana stayed in virtual isolation for two years,
15 including teaching herself GCSEs, rather than risk her
16 mother's life. Her school refused to continue remote
17 teaching, threatening fines for non-attendance. Lana's
18 story is reported in this morning's Guardian and she's
19 a Clinically Vulnerable Families member and she is
20 sitting in the hearing room here today.

21 CVF will speak for two groups of children in this
22 module. First, the children who are themselves
23 clinically vulnerable to Covid-19, like David. And it's
24 a myth, of course, that children were basically
25 unaffected by Covid-19; thousands of them were, and

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1 The tale of how school closures were planned from
2 scratch and how disabled children and young people fared
3 during the pandemic has at least the value of showing
4 how much the UK still has to learn on this front, and
5 that the system is vulnerable, not its children and
6 young people.

7 Thank you, my Lady.

8 **LADY HALLETT:** Thank you very much indeed, Ms Beattie. Very
9 grateful.

10 Mr Wagner, King's Counsel.

11 **Submissions on behalf of Clinically Vulnerable Families by**
12 **MR WAGNER KC**

13 **MR WAGNER:** Thank you and good afternoon, my Lady.

14 As you know, I appear for Clinically Vulnerable
15 Families, which I'll refer to as CVF, and I appear with
16 Hayley Douglas and Lameesa Iqbal, and I'm instructed by
17 Kim Harrison and Shane Smith of Slater & Gordon.

18 I'll begin with the voice of a 13-year-old, let's
19 call him David, quoted in a landmark CVF report coming
20 this Wednesday:

21 [As read] "I don't go to school any more. I want to
22 keep going to my school but they won't keep me safe. If
23 I catch a virus, I will be sick for a very long time.
24 I tried to go back to my school in September 2020 but my
25 school did not look after me like they'd promised my

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1 remain clinically vulnerable.

2 Between February 2020 and March 2022, 88 children
3 died from Covid-19. In the first year of the pandemic
4 alone there were over 6,000 paediatric Covid-19
5 admissions, 4% of which, over 600 -- sorry, 250 --
6 needed paediatric intensive care.

7 Then there are the many thousands of children who
8 have been impacted by Long Covid and other serious
9 conditions.

10 The second group CVF speaks for is the children who
11 lived in households with clinically vulnerable family
12 members, like Lana, and that's a much larger group,
13 involving millions of people, and they face Lana's
14 terrible dilemma: stay at home and miss education, or go
15 to school and put relatives at serious risk.

16 On behalf of there was two groups, I make three
17 submissions:

18 First, schools must be made safe.

19 Second, where schools cannot be made safe enough,
20 children must be given appropriate support.

21 And third, we cannot offer safety and support unless
22 we recognise the impact Covid-19 has had and continues
23 to have on clinically vulnerable children and families.

24 So what CVF are asking for is safety, support, and
25 recognition.

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1 Safety. It's obvious from the expert and other
2 evidence to this module that it's better for a child if
3 they're educated in school and are able to socialise
4 with other children. But behind this is a dilemma.
5 During a pandemic or epidemic it's inevitable that some
6 children will need to stay at home, either because, like
7 David, infection will have a serious impact on their own
8 health, or because, like, Lana, it will have a serious
9 impact on somebody else in their house.

10 Some clinically vulnerable children will need to
11 stay at home unless the buildings they need to access
12 are safe, and in a sense -- and by that, I mean that
13 measures are put in place to protect against the
14 transmission of airborne viruses or however a pathogen
15 spreads.

16 Professor Catherine Noakes says in her Inquiry
17 evidence that there's a growing body of evidence that
18 enabling better ventilation and indoor air quality in
19 school environments will have a positive effect on the
20 health of children in general. The solutions are right
21 there in front of us: ventilation, air quality checks,
22 masks.

23 But there still needs to be a paradigm shift away
24 from the way we think about safety at schools. Keeping
25 children safe from pathogens must be seen as just as

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1 My second submission is about support. Even if
2 a pathogen is quickly understood and the right safety
3 measures put in place, it won't always be possible to
4 make schools safe enough. We certainly agree with
5 Ms Dobbin on that. Some children will need to remain at
6 home some of the time: children like Lana who need to
7 protect her mum and David who needs to protect himself.
8 And those children must be supported. Their right to
9 education must be preserved. And that means government
10 guidance which recognises their position and is
11 sensitive to it, school attendance policies that don't
12 mandate in-person attendance for children in their
13 position and are flexible, and access to high-quality
14 remote and hybrid education options.

15 And this, unfortunately, often did not happen for
16 clinically vulnerable families. Either they were forced
17 to attend school or faced fines and even prosecutions or
18 they were refused remote education access.

19 To summarise, if we can't keep children safe, we
20 must give them support.

21 Third and finally, recognition. The impact of
22 clinical vulnerability to Covid-19 on children and their
23 families is poorly evidenced and not well understood.
24 For a brief period, there was increased public
25 understanding and empathy, but once the emergency stage

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1 important as keeping them safe from other hazards, like
2 unsafe playground equipment or fire.

3 The Inquiry can play an important role in changing
4 perceptions. It's important not to be defeatist about
5 school safety just because it's difficult, just because
6 the estate is crumbling. Perhaps part of the problem
7 behind some of the pessimism is that many so-called
8 safety features or measures in schools in 2020 and 2021
9 were focused on the wrong pathogen; hand washing and
10 social distancing in small classrooms, in a way they may
11 have done more harm than good because they were giving
12 people the impression they were being kept safe, but
13 they weren't.

14 It is possible to deal with this issue. The IPC
15 experts in the healthcare module made clear
16 recommendations. CVF remains concerned that no expert
17 evidence is available in this module on safety, but we
18 will say more in closing submissions about how the
19 Inquiry can use the totality of the evidence it's
20 received to make meaningful recommendations on this
21 important topic.

22 We do say this now to respond to the somewhat
23 pessimistic approach to safety identified so far today.
24 When it comes to child safety we should not let the
25 perfect be the enemy of the good.

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1 of the pandemic receded, so did that understanding.
2 That emergency phase may have passed, but for many
3 clinically vulnerable people the pandemic is not over.
4 Some still face significant risks from contracting
5 Covid-19, especially because of the removal of almost
6 all measures which were put in place to protect them.

7 Some clinically vulnerable children and children in
8 clinically vulnerable families continue to shield and
9 lead limited lives. To properly understand the ongoing
10 effect, clinically vulnerable people must be recognised
11 as a distinct group which is included in decision
12 making, data collection, public reporting, and funded
13 research.

14 Recognition should also include making clinical
15 vulnerability a protected characteristic in the Equality
16 Act. This will ensure that clinically vulnerable people
17 and the challenges they face remain visible and
18 protected when society's attention moves on.

19 So, there must be safety when in school, support
20 when not, and in the meantime, recognition. Over the
21 next four weeks the Inquiry has an opportunity to listen
22 to clinically vulnerable people, learn from the past,
23 and plan for the future. We all accept that in-person
24 education is vital but it's not always possible. Making
25 schools safer, even if that doesn't mean making them a

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1 hundred per cent safe, whilst supporting and recognising
2 the dilemmas that clinically vulnerable people face, is
3 the only way to ensure that children like Lana and David
4 are not let down again. Thank you.

5 **LADY HALLETT:** Thank you very much indeed, Mr Wagner.
6 Ms Iengar.

7 **Submissions behalf of Long Covid Kids and Long Covid Kids**
8 **Scotland by MS IENGAR**

9 **MS IENGAR:** My Lady, I appear on behalf of Long Covid Kids
10 and Long Covid Kids Scotland. I am led by Ms Hannett KC
11 who sends apologies for being unable to attend today,
12 and we are instructed by Jane Ryan of Bhatt Murphy
13 Solicitors.

14 Long Covid Kids and Long Covid Kids Scotland are
15 grassroots advocacy organisations made up of parents
16 whose children developed Long Covid after not recovering
17 from a SARS-CoV-2 infection. Their members were forced
18 to become patient advocates for their children. They,
19 and their children, have faced disbelief and inaction by
20 the very government bodies who ought to have protected
21 them. Many of their children have suffered incalculable
22 losses to their physical health, their education, their
23 social and their family lives. Many of the parents have
24 become their children's full-time carers with the
25 consequential loss of employment and income and damage

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1 that they only needed to be considered as conduits of
2 viral transmission to the adult population.

3 This approach left some children suffering from
4 serious physical illness with disabling symptoms and
5 without government acknowledgement.

6 The words of Jay, aged 10, encapsulate the
7 experience of many like her. She says:

8 [As read] "No one at school or in health believed me
9 until I ended up in crisis in hospital with a feeding
10 tube. All the doctors asked about was how I see myself
11 in the mirror".

12 Jay was very active and loved to roller skate with
13 her family. Now she needs a wheelchair and can't walk
14 or attend school.

15 Turning to the second question, we ask: once it was
16 known about, why was there a deliberate minimisation of
17 the physical harm the virus poses to children and young
18 people?

19 Even once the physical harm to children was known
20 about by the scientific community and by government, the
21 risks of Long Covid were either minimised or ignored.
22 For example, a consultant paediatrician at Public Health
23 England advised a permanent secretary stakeholder group
24 on education against labelling children and young people
25 as having Long Covid. This both minimises the harm of

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1 to their own social and family lives.

2 My clients ask the Inquiry to treat the devastation
3 caused to children's lives as a human rights issue and
4 to conclude that the actions of government in respect of
5 the new childhood disease of Long Covid failed to comply
6 with children's rights to education, health, and family
7 life, and the right not to be discriminated against on
8 the grounds of disability.

9 Further, my clients ask the Inquiry to conclude that
10 decision makers evidently failed to prioritise the best
11 interests of children in making or, more, often omitting
12 to make decisions about paediatric Long Covid.

13 To that end, my clients pose four core questions:
14 first, why was the physical impact of the virus on
15 children and young people deprioritised, given that some
16 were harmed?

17 Paediatric Long Covid was a foreseeable consequence
18 of Covid-19 infection. Indeed, the adverse effects of
19 Long Covid on children were apparent very early on in
20 the pandemic. Despite this, the evidence shows that the
21 government overlooked the physical harm that the virus
22 poses to children. Rather, decision makers approached
23 the pandemic applying three flawed assumptions: that
24 children would not be physically harmed by Covid-19,
25 that they didn't require protective policy measures, and

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1 Long Covid but also overlooked the reality that children
2 and young people who actually had Long Covid were being
3 disbelieved, not excessively diagnosed.

4 The final words of the impact film were "We
5 shouldn't sacrifice children."

6 In striking contrast, the Cabinet Office in the
7 summer of 2021 referred to the strategic risk of
8 accepting that the bulk of Long Covid cases during the
9 release of restrictions would be younger, unvaccinated
10 individuals.

11 A for-decision paper produced at the same time by
12 Michael Gove entitled "Planning for Periods of High
13 Prevalence" similarly stated that cases of Long Covid in
14 children would, and I quote, "rise rapidly".

15 The Covid-19 public health directorate team in the
16 Scottish Government advised on the removal of all NPIs
17 for under 12s in July 2021, accepting the health risk
18 that some children would suffer from Long Covid as, and
19 again I quote, the "virus ran unchecked amongst
20 children".

21 The evidence shows that government policies
22 knowingly allowed children and young people to acquire
23 Covid and develop Long Covid. Even those whose job it
24 was to advocate for children and young people, such as
25 the children's commissioners and the Royal College of

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1 Paediatrics and Child Health for the most part took no
2 inadequate steps to help children with Long Covid, even
3 after its harm had been made clear to them.

4 E, aged 16, explains how this feels. She says:
5 [As read] "I've also been abandoned by the people
6 who were supposed to help me, the NHS. The government
7 talks about the stretches it has taken to support the
8 NHS and help people, however, I haven't seen any of
9 this. I've been refused chronic fatigue services
10 because I was out of area, so the trust refused funding
11 because, and I quote, 'it would open the floodgates for
12 other people', which is appalling. How do you expect us
13 to get help when the people we are forced to turn to act
14 as if we are making it up for the fun of it? This isn't
15 fun. I've spent the last two years ignored, and I need
16 any help I can get to have Long Covid properly
17 recognised as the debilitating illness it is."

18 As to the third question, why did the government not
19 promulgate policy aimed at protecting children and young
20 people against the impact of paediatric Long Covid?

21 The cohort of children and young people affected by
22 Long Covid is significant. The most recent prevalence
23 data published by the ONS in April 2024 for
24 3 to 17-year-olds in England and Scotland found that
25 over 111,000 children had persistent symptoms of any
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1 guidance to schools on how to support children with
2 Long Covid to access education safely. Indeed, for the
3 first time in 2025, five years after Covid-19's onset,
4 the Department for Education's key research area now
5 includes a question on how best to mitigate against the
6 impact of Long Covid on educational achievement.

7 The Inquiry is urged to explore why it has taken
8 five years to ask and identify this question and why, in
9 the meantime, have children and young people with
10 Long Covid been left without adequate support?

11 Further still, healthcare for children and young
12 people with Long Covid remains hopelessly inadequate.
13 There are no dedicated clinics for paediatric Long Covid
14 in Scotland, Wales or Northern Ireland, and many
15 services in England have been closed whilst several more
16 are closing.

17 The parent of B, aged 6, explains:

18 [As read] "We had to use the educational support
19 pack from Long Covid Kids with school. We could find no
20 guidance at all from the Department for Education. From
21 the attendance and infection control guidance, it was
22 clear to us that a child like B was not supposed to
23 exist."

24 That leads me to the fourth and final question,
25 my Lady, which is: why were the public, parents and
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1 duration, and more than 65,000 of those children are
2 estimated to have symptoms lasting 12 weeks or more.

3 This compares with, for example, the 36,000 children
4 and young people across all four nations who are
5 estimated to suffer from childhood diabetes.

6 SARS-CoV-2 continues to be in circulation, and so
7 the number of children and young people who will develop
8 Long Covid, following infection and reinfections of the
9 virus, is growing.

10 As Professor Whitty confirms, some children have
11 still not recovered from Covid infection.

12 In that context, the policy was and remains entirely
13 inadequate. The evidence confirms that Long Covid was
14 not a factor taken into account when considering school
15 closures, when the illness had been identified and
16 understood. Schools have not been instructed to collect
17 data on absences caused by Long Covid. The impact on
18 education is therefore not being monitored, much less
19 responded to.

20 In the impact film this morning we had one young
21 person ask:

22 "Why was it my responsibility to make sure school
23 was safe enough for me to attend?"

24 Patient advocates are still having to fight for
25 clean air in educational settings. There remains no
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1 carers not informed of the indiscriminate risk of
2 paediatric Long Covid by clear public health messaging?

3 Even now, there remains no public health messaging
4 on the risk of paediatric Long Covid published by any
5 government department in any of the four nations.
6 Rather, the message was and remains that children are
7 not at high risk from Covid-19, and that the illness
8 would be mild, with no lasting consequences.

9 That was not true five years ago and it is not true
10 now.

11 The Inquiry is asked to conclude that the absence of
12 a warning, the lack of acknowledgement and advice by all
13 four governments, constitutes a significant public
14 health failure. It has perpetuated and reinforced the
15 disbelief and isolation of children and young people
16 suffering from Long Covid, and it should be remedied as
17 a matter of urgency.

18 We conclude with the words of Helen Goss of
19 Long Covid Kids Scotland:

20 [As read] "We are a family in crisis.
21 Heartbreakingly, we are not alone. Our experience is
22 shared by tens of thousands of families across the UK
23 who are now caring for children and young people
24 suffering from a new, chronic childhood disease and its
25 varying degrees of disabling symptoms."
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1 My Lady, unless I can assist any further, those are
2 the opening submissions on behalf of Long Covid Kids and
3 Long Covid Kids Scotland.

4 **LADY HALLETT:** Thank you very much indeed for your help.

5 Ms Anyadike-Danes, there you are. I knew you were
6 here because I saw you arrive. Are you switched on?

7 **MS ANYADIKE-DANES:** Can you hear me?

8 **LADY HALLETT:** Yes, I can now.

9 **Submissions on behalf of the Northern Ireland Commissioner
10 for Children and Young People by MS ANYADIKE-DANES**

11 **MS ANYADIKE-DANES:** I act on behalf of the Northern Ireland
12 Commissioner for Children and Young People, and that's
13 a statutory office, as my Lady knows, established with
14 the principal aim of safeguarding and promoting the
15 interests of children and young people.

16 And that's a group that, as at the last census,
17 represented approximately 21% of the total population,
18 and that includes significant numbers who were
19 disproportionately adversely impacted by the pandemic,
20 such as approximately 330,000 in school, with over
21 a quarter of them from poor households, 22,500 regarded
22 as being in need, and somewhere between 17,500 and
23 30,000 acting as young carers; and it's a matter of some
24 concern that we don't actually know how many of them
25 there are.

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1 I remember reading our favourite book to him just before
2 he passed away, one that he had read to me so many
3 times: Guess How Much I Love You. Well, I loved him to
4 the moon and back.

5 "I, and many other children, lost access to
6 educational paths that we had hoped for. The
7 post-primary transfer tests were suspended unexpectedly
8 the week before I was due to sit the first exam. I had
9 hoped to go to grammar school and applied for them, but
10 in June 2021 I found out that I was unplaced and I had
11 no school to go to. Following many appeals, I got
12 access to my current school and I started about two or
13 three weeks later than everyone else. I suffered
14 subject for the first year and now, even in Year 12,
15 I still have that doubt in my mind: do I really deserve
16 my place here?"

17 For some, Covid may seem to be in the rear view
18 mirror, but for others, it's still in the driving seat,
19 both psychologically and educationally. It may be
20 five years ago, but its continuing impact cannot be
21 forgotten and must be recognised and considered.

22 And Seren, who speaks on behalf of Molly, who was
23 eight years old:

24 [As read] "I live in a household with clinically
25 vulnerable family members. My sister Molly and later my

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1 Written submissions have been provided that give
2 further details about numbers and impacts, and the need
3 to have the UNCRC incorporated into domestic law, so I'm
4 not going to repeat any of that, but what I do want to
5 do is use the opportunity that my Lady has kindly given
6 us to do two things: firstly, to address what children
7 and young people in Northern Ireland went through, and
8 the continuing impact on them, and second, to highlight
9 what they still don't know, despite being five years
10 away from the onset of the pandemic.

11 So, what they went through.

12 Now, much, as my Lady knows, has already been set
13 out, analysed and explained about the impact on children
14 and young people over the pandemic and the government's
15 responses to it. What I want to do though, now, is to
16 use their words from a representative sample of what
17 those who were vulnerable went through. And my Lady has
18 already had some examples of them, but sometimes it's
19 the words of children and young people that speak most
20 eloquently as to the impact on them.

21 So Elodie, 10 years at the start of the pandemic:

22 [As read] "Covid impacted so many people. For me,
23 I lost my grandfather, as his cancer treatment was
24 stopped due to hospital pressures, and we cared for him
25 at home until he died in July 2020. I was 10, and

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1 dad are both vulnerable to infection due to their health
2 conditions and disabilities. And we don't fit the
3 typical story that the lockdowns were detrimental as my
4 sister and I really thrived. The lockdown periods when
5 everyone had to stay at home meant that my family was
6 safe. People were more empathetic, particularly around
7 protecting the most vulnerable, and due to her
8 disabilities and clinical vulnerability, Molly was one
9 of the first cohort of children to be prioritised for
10 vaccines. The vaccination clinic had no ventilation,
11 and our mum and Molly were the only two wearing masks.
12 In order to protect Molly from the effects of Covid, we
13 had to put her at risk of being in close contact with
14 unmasked staff to access a vaccine needed to protect
15 her. People often refer to Covid as a period in time.
16 In the past sense. Not the damaging virus that it is.
17 But for families like mine, it continues to be an
18 ongoing risk and has led to inequalities and unnecessary
19 health risks. Families like ours can choose to avoid
20 crowded indoor settings where there is a higher risk,
21 but schools and healthcare settings cannot be avoided
22 and therefore need to be made safer for everyone."

23 Seren, who was 13:

24 [As read] "Lockdowns were when I felt safest, and it
25 seemed like there was better understanding about

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1 vulnerable families like mine, but I eventually had to
 2 go back to school and mitigations began to be lifted.
 3 There was no real understanding. The risk to my family
 4 was still there. I continued to wear a mask, to try my
 5 best to protect my sister, and I asked for windows to be
 6 opened for ventilation. I was eventually the only child
 7 wearing a mask and became a target for bullying, not
 8 just from other students but staff and even parents.
 9 I was coughed at, sworn at, verbally abused, physically
 10 abused, had windows slammed shut and experienced
 11 targeted abuse on social media and it only got worse
 12 over time. I tried explaining the risk to my sister,
 13 but people said things like 'Well, you and your sister
 14 should just kill yourselves', and 'I don't care if your
 15 sister dies'. School became terrifying. The failure of
 16 my school to manage the very real risk from Covid and
 17 the behaviour of other people forced me to make the
 18 decision to leave school halfway through my A levels.
 19 All my teenage years have been impacted by the pandemic.
 20 We were told to protect the most vulnerable, but why,
 21 (as you've heard from the film) was it my responsibility
 22 to make sure my school was safe for me to attend?
 23 "My sister is now 13 and still extremely vulnerable.
 24 Outside of my family, who is protecting her now?"
 25 Nicky, which is not her real name, 13:

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1 take into account disabled young people, those living in
 2 poverty or those without the technology to complete
 3 schoolwork at home."
 4 And then there's Sarah, 10 years:
 5 [As read] "During the time of Covid all young people
 6 lost their voice. Support systems for SEN and
 7 neurodivergent young people drastically declined due to
 8 the inability to have meetings in person. For the most
 9 part, this group of young people were left practically
 10 abandoned. The mental health and wellbeing of children
 11 had one of the greatest falls during Covid period. The
 12 level of fear the pandemic inflicted onto our generation
 13 is startling. Young people now are a lot more
 14 introverted, they seem to avoid going out. And this
 15 makes perfect sense because when you tell a child that
 16 there are germs everywhere and that if you get infected
 17 you and your family could die, that will leave
 18 a psychological damage. Emotionally-based school
 19 avoidance has spiked in recent years and it's clear to
 20 see that Covid played a part in this. Young people felt
 21 safer in their homes away from germs."
 22 So that was the first thing, my Lady, I wanted to
 23 do, and the second thing, rather shorter period of time,
 24 is to actually pose what they want to know. Or what
 25 they hope this module can do for them.

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1 [As read] "Throughout the pandemic, I felt isolated
 2 and voiceless at times. Shortly before the pandemic,
 3 I began to be unable to attend school due to mental
 4 health difficulties and undiagnosed learning
 5 difficulties. When school closed, I began to learn at
 6 home, and due to experiencing homelessness, I was left
 7 in an overcrowded, housing situation with four other
 8 relatives, including one of my parents. So not only did
 9 I struggle to find a quiet space for learning but also
 10 to somehow fill the blanks of months of missed teaching.
 11 I never returned to school full time, which led me to
 12 leaving school at 16 with no qualifications. I feel as
 13 though disabled young people and those with learning
 14 disabilities were not considered almost at all during
 15 the pandemic, and very little was done to support us.
 16 I feel as though young people were constantly being
 17 scapegoated throughout the pandemic and being blamed for
 18 spreading the virus even though many, like me, followed
 19 every single rule and made incredible sacrifices. What
 20 made me particularly upset was the revelations around
 21 some of those who made the rules breaking them.
 22 "Many young people are struggling with their mental
 23 health more than ever, and many are also still
 24 struggling educationally. I feel incredibly frustrated
 25 by how the decisions made particularly didn't seem to

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1 Many children and young people are highly
 2 knowledgeable about the ways in which they were let down
 3 and they have real insight into what was and is
 4 required, and in general, in Northern Ireland, they want
 5 to know six things.
 6 One: why were they not made an integral part of any
 7 pre-pandemic plan or, once it was appreciated that Covid
 8 was likely to become a pandemic, why were they not
 9 factored into planning from the outset, especially as
 10 they were highly represented in vulnerable groups?
 11 Two: why those who had particular knowledge of their
 12 circumstances, or who had direct contact with them, were
 13 not properly consulted or involved in planning for the
 14 response to Covid, especially as it was known that there
 15 had been insufficient or inadequate pre-pandemic
 16 planning and that there was an urgent need to respond
 17 and absolutely no time for government to play catch-up?
 18 Three: why, when plans began to develop in haste,
 19 was no real consideration given to how some of the most
 20 dramatic measures, such as lockdown and school closure,
 21 would impact on them, nor why those working with them
 22 were not consulted to make use of their experience,
 23 especially as they were ready to assist?
 24 Four: why the plans and measures introduced failed
 25 to include adequate mitigating measures to avoid or at

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1 least reduce some of the most harmful impacts on them?
 2 Five: what coordinated work is being done now by the
 3 government to identify the full implications of some of
 4 the consequences of the pandemic and the measures
 5 introduced in response that have particularly affected
 6 them, such as Long Covid, lost learning, decreased
 7 school attendance, increased economic deprivation,
 8 reduced life chances, long-term mental health issues and
 9 epigenetic responses, and what is now in place to help
 10 them?

11 And then finally: what is being done now to improve
 12 planning, given the well-publicised resource constraints
 13 in Northern Ireland, and how will they be involved to
 14 improve pre-pandemic planning, pandemic responses, and
 15 ensure their rights are properly protected?

16 To date, my Lady, children and young people in
 17 Northern Ireland do not consider that they have received
 18 any meaningful answers or explanations, and they truly
 19 look to the Inquiry, particularly this module, in the
 20 hope that it will help them with that.

21 Thank you, my Lady.

22 **LADY HALLETT:** Thank you very much indeed for your help.

23 I think probably we'll take our break now. I shall
 24 return at 3.10.

25 **(2.56 pm)**

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1 (UNCRC) when taking decisions.

2 Other, more discrete legislation, for example
 3 section 7 of the Social Services and Well-being (Wales)
 4 Act 2014 creates a similar duty for any decision makers,
 5 principally local authorities in Wales, when taking
 6 decisions under that Act.

7 The commissioner also recognises, and again
 8 recommends to the Inquiry, the approach in Scotland,
 9 which has gone further than Wales in directly
 10 incorporating the UNCRC into Scottish law, in the UNCRC
 11 (Incorporation) (Scotland) Act 2024.

12 The commissioner highlights at the outset that she
 13 considers that the liaison between her office and the
 14 Welsh Government during the pandemic, and the
 15 willingness of the Welsh Government to learn and adapt,
 16 was often productive and positive and good practice.

17 The commissioner and her office had regular
 18 involvement in influencing the development of guidance,
 19 and the commissioner commends to the Inquiry the model
 20 of the Shadow Social Partnership Council which allowed
 21 ministers, officials and the Chief Medical Officer for
 22 Wales to explain the rules, the latest evidence, and
 23 proposed major decisions, and allowed the stakeholders
 24 to issue concerns and raise issues.

25 Whilst the commissioner does commend the legislative

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1 **(A short break)**

2 **(3.10 pm)**

3 **LADY HALLETT:** Mr Gardiner. Oh, there you are.

4 **Submissions on behalf of Children's Commissioner for Wales**
 5 **by MR GARDNER**

6 **MR GARDNER:** Good afternoon, my Lady. I appear on behalf of
 7 the Children's Commissioner for Wales. The Children's
 8 Commissioner thanks the Inquiry for allocating her Core
 9 Participant status in this important module and
 10 considers and hopes that she and her Office can assist
 11 in understanding the impact and challenges brought by
 12 Covid-19 for children and young people in Wales.

13 The commissioner anticipates that the Inquiry will
 14 also benefit from the learning and experience of the
 15 commissioner on some of the practical arrangements,
 16 legislation and guidance which Wales has in place to
 17 protect the rights of young people, and which may have
 18 benefited children and young people across the UK had
 19 the same measures been in place.

20 The commissioner in particular recommends to the
 21 Inquiry the Welsh legislation which brings children's
 22 rights to the centre of decision making in the Rights of
 23 Children and Young Persons (Wales) Measure 2011. This
 24 requires the Welsh ministers to have due regard to the
 25 United Nations Convention on the Rights of the Child

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1 and policy arrangements in Wales and the general
 2 willingness on the part of the Welsh Government to learn
 3 and listen, the Inquiry is invited to consider the
 4 practice around these positive measures. Would such
 5 arrangements, had they gone further, or been followed
 6 more carefully, have provided greater protections to
 7 children and young people? Was there an implementation
 8 gap?

9 The commissioner believes that this is the case and
 10 that there are lessons to be learnt.

11 My Lady, the pandemic had an immediate impact on all
 12 children and young people. Inequalities caused by race,
 13 poverty and disability in children became more
 14 pronounced. Vulnerable children who were at risk in
 15 their home lost the protective environment of the
 16 school. There was a rise in online offending and abuse.
 17 Children lost many activities that we all took for
 18 granted in childhood. These activities are an important
 19 part of the development of children as recognised in
 20 Article 31 of the UNCRC.

21 We are seeing a longer-term adverse impact on
 22 children's confidence, school attendance and mental
 23 health since the pandemic. And whilst the pandemic had
 24 an immediate and devastating impact on older
 25 generations, the impact on children will be measured for

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1 a generation.

2 The Inquiry will need to consider the impact of the
3 pandemic on children across the UK but it must be
4 recognised that different legal, policy, socioeconomic,
5 geographical and cultural backgrounds will mean
6 different perspectives and impacts in the devolved
7 nations.

8 The commissioner can and will comment on the general
9 impact on children and young people, but she is also
10 uniquely poised to assist the Inquiry with the specific
11 impact on children and young persons in Wales.

12 In accordance with Article 12 of the UNCRC, children
13 and young people have a right to be asked and heard on
14 their views about decisions which affect them. This
15 right and all other rights under the UNCRC must be given
16 due regard in all decisions taken by the Welsh
17 Government such as they affect children.

18 All decision makers in the UK would do well to adopt
19 the same principle.

20 Adherence to this right has a practical importance
21 as listening to children and allowing opportunities to
22 express views is identified by young persons themselves
23 as being beneficial for mental wellbeing and has been
24 shown to lead to more effective policy responses.

25 In the view of the commissioner at the start of the
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1 For some major decisions taken by the Welsh
2 Government during the pandemic, no CRIA was completed at
3 the time. Four examples are the initial decision to
4 close schools; when the Welsh Government was considering
5 support to children with additional learning needs;
6 relating to the use of face masks in schools; and on the
7 impact of self-isolation on children.

8 Furthermore, when CRIAs were completed, they were
9 often completed late, far removed from the original
10 decisions, and reflecting back. A CRIA should not be
11 about retrofitting children's rights considerations into
12 decisions that never had this in mind. This defeats the
13 purpose of the CRIA which is to ensure that the rights
14 of children are at the forefront of their minds and may
15 lead them to consider and mitigate the impact of their
16 decisions on children before those decisions are taken
17 and implemented.

18 The commissioner is concerned that the Welsh
19 Government did not acknowledge the efficacy of CRIAs or
20 their duty to undertake CRIAs to the detriment of
21 children in Wales.

22 My Lady, when the decision to close schools in Wales
23 was taken by the then education minister for Wales on
24 18 March 2020, it does not appear that consideration was
25 given to the 2011 measure, the 2021 scheme, or the
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1 pandemic, it is clear that the voices of children and
2 young people in Wales were not being adequately sought
3 or considered.

4 As the pandemic progressed, the Commissioner
5 consistently requested and to some extent secured,
6 clearer messaging for children and young people and
7 engagement with children and young people through
8 discussion groups.

9 My Lady, in order to ensure that the rights and
10 voices of young children are considered, the
11 commissioner recommends to the Inquiry the use of
12 children's rights impact assessments, or CRIAs. In
13 Wales they are required by law in decisions taken by the
14 Welsh Government, which affect children. That is as a
15 result of the 2011 measure and the children's rights
16 scheme 2021. They are a tool which may be properly
17 adopted by the UK Government and all public bodies in
18 the UK.

19 Whilst the commissioner commends the use of CRIAs to
20 the Inquiry, it must be noted that the Inquiry heard
21 concerning evidence to Module 2B relating to failings in
22 their use during the pandemic. These assessments are
23 entirely designed to ensure decision makers have in
24 their mind, whilst taking decisions, the impact of those
25 decisions on some of the most vulnerable in our society.
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1 UNCRC. The commissioner was not consulted in the
2 decision to close schools and so, to be clear, the
3 commissioner, as the statutory advocate of children's
4 rights in Wales under the Care Standards Act 2000 was
5 not consulted.

6 Just as worrying, perhaps more worrying, the
7 decision was taken without any legal advice. That is in
8 contrast to the decisions on closing businesses, caravan
9 parks and footpaths in Wales when legal advice was
10 sought.

11 It is presumably due to this lack of legal advice
12 that the decision to close schools was taken by the
13 Welsh ministers when, in the absence of the Coronavirus
14 Act 2020, at that time, they had no legal power to do
15 so. The lack of legal advice also denied them the
16 opportunity to be reminded of their duties to children
17 under the 2011 measure.

18 In the light of this host of failures, the
19 commissioner asks how were the educational,
20 developmental and emotional harms which would impact
21 children by being unable to attend school considered?
22 How were the mitigating measures, which could have been
23 put in place to support children, considered?

24 The failure in process, the commissioner fears, will
25 have been to the detriment of the children of Wales.
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1 My Lady, the commissioner is also concerned that
2 inadequate consideration was given during the pandemic
3 to the use of face masks in schools and to guidance and
4 planning around their use. The commissioner raised
5 concerns over the use of face masks in the classroom, in
6 the foundation phase, during the return to school in
7 February and March 2021, and highlighted the impact on
8 children with speech and language difficulties, those
9 with hearing loss, and those whose first language is not
10 Welsh or English.

11 The commissioner raised concerns over the
12 inconsistency of approach by schools and unclear
13 messaging and guidance.

14 The commissioner also raised concerns that the use
15 of face masks for children had, later in the pandemic,
16 fallen out of step with the rights of adults.

17 When adults in Wales could sit in a pub with friends
18 from six households without wearing a face mask,
19 secondary school pupils were required to wear them in
20 school whilst seated all day and every day. The Inquiry
21 may wish to consider the benefits and detriments of face
22 masks for children in schools as well as how their use
23 was continually assessed with children's rights in mind.

24 My Lady, during the pandemic, public-facing guidance
25 was also issued from a number of different sources,

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1 to ensure that the rights and protections of children
2 and young people are upheld. Children have a voice only
3 if we help them to use it. Children are amongst those
4 who will be the most impacted by monumental pressures on
5 society. The system must be able to withstand the
6 greatest of pressures or it is an ineffective system.

7 The commissioner encourages the Inquiry to consider
8 the protection of children's rights across the UK. At
9 present the UNCRC rights of children are enshrined in
10 law in Wales. This creates a due regard duty which the
11 Welsh Government must observe. This leads to some
12 important follow-on questions, which the Inquiry may
13 wish to consider. Firstly, were the due regard duties
14 properly adhered to in Wales? Secondly, had the due
15 regard principles been properly adhered to in Wales,
16 would the impact on children and young persons in Wales
17 have been mitigated?

18 Thirdly, had similar due regard duties applied and
19 been adhered to across the UK, would the impact on
20 children and young people across the UK have been
21 mitigated?

22 And fourthly, had those protections been stronger,
23 such as by direct incorporation of the UNCRC in similar
24 terms to the Human Rights Act 1998, would the impact on
25 children and young people across the UK have been

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1 including the UK Government, the Welsh Government, and
2 Public Health Wales.

3 In youth justice settings, there was an increased --
4 this was an increased area where the jagged edge of
5 devolution caused practical difficulties when
6 implementing the new legislation and guidance in Wales.
7 This is one sector in which it became particularly
8 apparent because youth justice is not a devolved matter
9 whereas public health is.

10 The commissioner considers that there was an impact
11 on young people in the institution -- in these
12 institutions in Wales, as there was practical problems
13 relating to the communication of guidance, which led to
14 confusion in youth detention settings in Wales as to
15 which guidance it should follow: should it be health
16 guidance from the Welsh Government or justice guidance
17 from the UK Government?

18 My Lady, in conclusion, the impact on Covid-19 was
19 sharply felt by children and young people in Wales with
20 high poverty rates, large rural areas, with stretched
21 services and where large numbers who speak Welsh not
22 English as a first language exacerbated the impact.

23 In times of great adversity and significant pressure
24 on decision makers and their advisers, oversights may be
25 understandable, but that is why systems must be in place

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1 mitigated?

2 The commissioner takes the preliminary view that the
3 due regard duties were not fully and properly followed
4 in Wales, and that had they been, the impact on the
5 pandemic -- of the pandemic on children and young people
6 would very likely have been mitigated. And further, had
7 those protections been stronger, such as by direct
8 incorporation of the UNCRC in similar terms to the Human
9 Rights Act, as it has been in Scotland, the impact on
10 children and young people across the UK may have been
11 mitigated even further.

12 My Lady, the very final point goes to the invitation
13 of other Core Participants to approach the module and
14 its conclusions through the prism of children's rights.
15 It is an important observation. Children should be
16 guaranteed these rights and when discussing decision
17 making around children, those discussions should be
18 expressed in the language of rights, and with children
19 at the centre of decision making.

20 As with any language, learning the language starts
21 with speaking it.

22 **LADY HALLETT:** I'm afraid I'm going to have to stop you
23 there, Mr Gardner. I do very much have on board the
24 point about human rights but I'm afraid I have to be
25 fair to everybody and you're a fair bit over.

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1 **MR GARDNER:** Yes, my Lady, I was simply going to say that
2 once we speak it, we will start to think that way, and
3 then I was to thank the Inquiry for its time.
4 I'm grateful.

5 **LADY HALLETT:** Thank you very much, Mr Gardner, I'm very
6 grateful.

7 Now, who is next? Oh, Ms Stober.

8 **Submissions on behalf of the Local Government Association
9 and Welsh Local Government Association by MS STOBER**

10 **MS STOBER:** My Lady, I represent the interests of the Local
11 Government Association and the Welsh Local Government
12 Association. The two associations very much work
13 together and welcome the opportunity to contribute as
14 Core Participants in this module, as in others.

15 Together, they represent the collective voice of
16 local government with 100% of Welsh and over 99% of
17 English principal authorities.

18 Local government played a critical part during the
19 Covid working for children and young persons, both in
20 terms of education and personal support, but in many
21 other ways as well. Both associations played their role
22 also in supporting their members, and both have
23 co-operated with the Inquiry team in undertaking
24 a survey between December 2024 and January 2025 for the
25 purposes of this module.

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1 for their members or as consultees of English and Welsh
2 Government.

3 At the outset, it is often good to set some good
4 ideas of the range and skill of local government work
5 for children and young people. In England, as in Wales,
6 councils had many special responsibilities for children
7 and young persons. Just how many will be evidenced from
8 the fact that it is estimated that overall in England
9 there were some 200 statutory duties covering education
10 and children's social services. These duties
11 include: child protection, adoption and fostering,
12 acting as corporate parents and for looked-after
13 children as care leavers, children in need, early
14 education and childcare, ensuring fair access to
15 a diverse supply of good schools, ensuring access to
16 high quality provision for children with special
17 educational needs and disabilities, alternative
18 provision for children outside mainstream education
19 provision, providing suitable home-to-school transport,
20 youth justice and services, children's health and
21 wellbeing.

22 The extent of these duties is that councils are
23 responsible for supporting around 12 million children.
24 Proportionately comparable figures apply to Wales.

25 It is important to remember that just as children

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1 The survey questions were aimed primarily at the
2 151 English and 22 Welsh local authorities with
3 statutory responsibilities for children's social care
4 under the Children and Social Work Act 2017 for England,
5 and the Social Services and Well-being (Wales) Act 2014,
6 for Wales, and there was 100% return.

7 So, effectively, all the relevant authorities in
8 both parts of the United Kingdom were respondents to the
9 survey, and we heard this morning from Counsel to the
10 Inquiry that the Inquiry have found the reports of the
11 survey results extremely helpful. The Inquiry will find
12 that it provides a rich overview of preparation for the
13 pandemic, and the capacity and actions of local
14 government to meet the needs of children and young
15 persons during it.

16 The witness statement of Ms Killian of the LGA and
17 Dr Llewelyn of WLGA set out extensive lessons learnt and
18 makes significant recommendations for the future.

19 On behalf of both of them, I commend these to the
20 Inquiry as an important contribution to this module.

21 In this opening, I can only provide only the
22 briefest of summaries of the work that local government
23 undertook on both a statutory and discretionary basis,
24 and leave to the readers of their witness statements to
25 discover how the associations contributed as advocates

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1 and young persons did not, of course, disappear during
2 Covid, neither did a single of these responsibilities.
3 Indeed, in many cases, the necessary work was
4 intensified, though, as the survey shows, there were
5 other areas where this could not have been so.

6 The following figures provide a different way of
7 looking at the extent of this work. Around 44 per cent
8 of local authority expenditure, about 14 billion, is
9 spent in relation to children and young persons,
10 including social care and education. Some
11 34,000 children and families social workers are employed
12 by English councils. Well over half a million referrals
13 are made annually. Again, the figures for Wales are
14 proportionately comparable.

15 The Inquiry will look in detail at how this played
16 out but I can say now that simply heroic work by council
17 staff ensured that vulnerable children, young people and
18 families, as far as possible, continued to be supported.
19 Schools were supported to ensure as many children as
20 possible had access to education, and new processes and
21 systems were also developed to do as much as possible to
22 maintain these obligations.

23 However, this work was by no means free from
24 problems. There was a lack of national planning as to
25 whether and how social distancing NPIs harmed children

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1 and what actions would reduce this effect. Some
2 children were exposed to hidden harm when they were not
3 being seen by professionals regularly, including harm
4 from those in their homes or online.

5 It is well established that there have been
6 significant child mental health issues arising from
7 Covid, the consequences of which have included lack of
8 school readiness, reduced school attendance, poor
9 in-school class behaviours and other detriments to
10 learning.

11 Some groups of children were disproportionately
12 impacted by the pandemic, including those with special
13 educational needs and disabilities, and those living in
14 disadvantaged households.

15 So, as it receives oral evidence and absorbs the
16 written contributions, the Inquiry will discover during
17 this module just how much Covid-19 very greatly impacted
18 the daily lives of children, their parents and families,
19 and how the evidence continues to grow that this will
20 continue for a long time in the future.

21 My Lady, I will finish with a point about the
22 passage of time. This module concerns events that
23 occurred some five years or so ago, which lasted for
24 more than two of them.

25 At the end of a long life, that may seem a blink of
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1 educational psychologists, health visitors, school
2 nurses and prison officers. But in these opening
3 submissions our focus will be on education in the
4 pandemic.

5 The TUC and its affiliated unions pay tribute to
6 the monumental efforts of school staff throughout the
7 pandemic. A great many continued to attend places of
8 education, irrespective of the risks and in a context in
9 which protective measures were limited. They adapted to
10 new ways of operating schools to new ways of teaching,
11 to new methods of assessments, to new ways of supporting
12 vulnerable children both in and out of school.

13 Almost invariably they did so at incredibly short
14 notice and they achieved it by going above and beyond.

15 My Lady, we all recognise the fundamental point that
16 losing out on face-to-face education harms children and
17 it particularly harms the most vulnerable. A question
18 that follows is what does that mean for the next
19 pandemic? It is a difficult question, and Counsel to
20 the Inquiry was right this morning to identify that it
21 is not an area for simplistic or blunt answers.

22 My Lady, we make some general observations.

23 First, perspective is important. The Inquiry is
24 just a few weeks off publishing its report from
25 Module 2. The perspectives in that module included how

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1 an eye. To those who were children during Covid,
2 five years would be more than a quarter of their lives,
3 and while two will be more than 10%. Seen in that way,
4 it will be appreciated that the significance of these
5 events for them is huge. But it is also huge for all of
6 us. Those who were children and young persons then are
7 the coming generations of workers, entrepreneurs and
8 professionals. The module will discover how well we
9 have protected them and what we could have done better
10 and what we must do if another crisis occurred to ensure
11 that we are better equipped to support our children and
12 young persons.

13 Thank you, my Lady.

14 **LADY HALLETT:** Thank you very much indeed, Ms Stober, very
15 grateful.

16 Mr Jacobs.

17 **Submissions on behalf of the Trades Union Congress by MR**
18 **JACOBS**

19 **MR JACOBS:** My Lady, these are the submissions of the Trades
20 Union Congress.

21 Unions affiliated to the TUC represent many of those
22 who work across all roles and all levels of education:
23 school leaders, teachers, teaching assistants, caterers,
24 cleaners and others. They also represent many in other
25 roles who also have an interest in this module such as

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1 it could be that this country suffered such terrible
2 loss of life; the Inquiry has also had the perspective
3 of health care in Module 3 and of the daily horrors in
4 ICU; of the perspective of social care in Module 6, and
5 the terrible isolation and loss of life experienced by
6 so many. Analysis within this module has to acknowledge
7 and keep those perspectives carefully in mind, and
8 acknowledge that those experiences impact children too,
9 as we have heard on a number of occasions throughout
10 today.

11 Second, considering the weight of the interests at
12 play across society is important, but it is no spoiler
13 to state the nub of it: the interests are heavy and they
14 can point in different directions.

15 The real challenge is how best, practically, to
16 chart a course through. This Inquiry, this module, must
17 try and illuminate that: how best, practically, to chart
18 a course through. And we should not be under any
19 illusion that in the next pandemic, by staring really
20 hard at the problem or by really understanding how bad
21 restrictions on school attendance are for children, the
22 answer, the course to chart, will reveal itself.

23 My Lady, it won't.

24 Certainly, restrictions on school attendance must be
25 kept to a minimum, but how? Presumptions of closing

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1 schools only at the last possible moment and reopening
2 them at the earliest opportunity may actually be
3 dangerous. It mistakenly assumes that the next pandemic
4 will not pose terrible risks of death and injury to
5 children and young people.

6 But also, in a pandemic, earlier restrictions may
7 mean fewer restrictions and less harm in the long run.
8 If there is opportunity in the next pandemic to act
9 early and effectively, it should be grasped.

10 We wait to see the Module 2 report but one lesson
11 might be the pitfalls of acting too hesitantly and too
12 late. If that is so, extolling a maxim of "restrict
13 attendance" at the last possible moment may actually be
14 a recipe for repeating mistakes of the last pandemic.

15 So what can we learn about minimising the harm to
16 children and the course to chart? We can learn about
17 the importance of resilience of our schools, of the
18 importance of resource teachers who are retained and
19 skilled, and of well-equipped schools. We can learn
20 about the importance of reducing inequalities,
21 particularly along lines of socioeconomic disadvantage.

22 We can learn about the importance of preparedness,
23 both in education and across society. The effectiveness
24 of the broader societal response to a pandemic will
25 likely be the greatest determinant of the impact of the

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1 for a plan, a plan that maximised the safety of staff,
2 of pupils and of community, and of continuity of
3 education in the longer as well as the shorter term.

4 My Lady, we can learn about the fundamental
5 importance of maximising safety within schools. It is
6 one of the controllables in a pandemic. It can include
7 a sensible mask policy, test and trace, rotated and
8 staggered attendance, and ventilation.

9 These prosaic but critical measures protect the
10 physical safety of both pupils and staff, limit
11 transmission, and inspire and promote confidence in
12 attendance. We hope that in Counsel to the Inquiry
13 pointing in opening towards some of the challenges and
14 limitations of safety measures in schools, that we did
15 not detect a whiff of fatalism. Safety measures in
16 schools can be a powerful tool, and in confronting
17 a challenge for which there are no simple answers,
18 measures that shift the dial should be grasped.

19 We can learn, my Lady, of the importance of bold
20 plans for supporting both remote education and means of
21 promoting wellbeing during periods of restriction.

22 These are important lessons to be explored during
23 this module.

24 The TUC affiliated education unions are proud of
25 their contribution to the pandemic response. They

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1 next pandemic on children.

2 We can learn, my Lady, about the importance of
3 a coherent plan for a pandemic response arrived in
4 partnership with the sector. A plan that confronts and
5 prepares for the realities of a pandemic and addresses
6 them.

7 A significant error in the context of education was
8 an approach in summer 2020 of no plan B: the schools
9 will open and nothing else will be discussed or planned
10 for. That no plan B approach was arrived at in
11 the context of a precarious R rate and clear scientific
12 advice that further peaks were likely. It resulted in
13 a chaotic lurching from a plan of no restrictions on
14 attendance to prolonged restrictions.

15 It was a plan for keep schools open and panic when
16 you can't. We learnt, therefore, of the dangers of
17 blindly setting one's face against restrictions on
18 school attendance until the point at which it becomes
19 impossible to do otherwise.

20 My Lady, that fundamentally is why unions were at
21 times voices of caution on unrestricted attendance. It
22 was not through a lens of caring more or caring less
23 about the wellbeing and education of children, or about
24 putting the interests of children above or below the
25 interests of others in society. It was about the wish

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1 worked hard for a profession that was worthy of, and in
2 need of, support. They worked to support education
3 staff and their safety and also to support education
4 staff in their teaching and caring for their pupils.

5 There are a small number of witnesses who are
6 critical of union caution on unrestricted attendance.
7 The Welsh Government suggests that there was a conflict
8 between the interests of education staff and the
9 interests of children, and it seeks conclusions from the
10 Inquiry on how competing rights and consideration should
11 be managed.

12 My Lady, the idea that the root challenge was the
13 interests of staff versus the interests of pupils is
14 wrong. Pupils and staff share fundamentally the same
15 interests of safe schools in which pupils are present.

16 It is also wrong because restrictions on attendance
17 had nothing at all to do with the interests of staff.
18 They were introduced because of exponentially increasing
19 deaths in overwhelmed hospitals, and no decision maker
20 says otherwise.

21 In concluding, we must recognise and record the
22 impact of the pandemic upon children and young people,
23 but also confront the difficult questions about how,
24 practically, to chart a course through. We chart
25 a course, my Lady, by entering the next pandemic with

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1 more resilience and less inequality, by determination in
2 producing robust plans, by confronting the hard
3 realities of a pandemic and addressing them with
4 a coherent and realistic response, and by bold and
5 committed plans to maximise safety when in school, and
6 optimising education and wellbeing when out of it.

7 Those are all features to which the Trades Union
8 Congress and its affiliated unions invite careful
9 attention.

10 My Lady, thank you.

11 **LADY HALLETT:** Thank you very much indeed, Mr Jacobs.

12 Who is next? Ms -- I'm sorry, I always have trouble
13 pronouncing, can you help me?

14 **MS BICARREGUI:** Bicarregui, my Lady.

15 **LADY HALLETT:** Bicarregui. I'm so sorry, I should have said
16 at the beginning if anybody can help with phonetic
17 pronunciation, I'd be grateful.

18 Yes.

19 **Submissions on behalf of the Welsh Government by MS**
20 **BICARREGUI**

21 **MS BICARREGUI:** Prynawn da, my Lady.

22 I will be brief; you have the Welsh Government's
23 written opening statement and its detailed witness
24 evidence.

25 The Welsh Government has a firm and enduring
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1 favour of full incorporation of the UNCRC, which is in
2 the room today.

3 The Welsh Government would submit that the effect of
4 the legal framework in Wales on decision making in
5 respect of children and young people's rights during the
6 pandemic can be seen in the following examples -- and
7 my Lady, I'm not going to give an exhaustive list of the
8 examples but some of those are, firstly, working in
9 partnership with the Children's Commissioner for Wales
10 on the Coronavirus and Me surveys. Those surveys took
11 place in May 2020 and in January 2021, and, crucially,
12 incorporating the learning from those surveys into
13 decision making during the course of the pandemic.

14 Secondly, being the first UK nation to commit to
15 free school meals during school holidays. That happened
16 in April 2020. In attempting to extend the summer term
17 in 2020 and add a week to the October half term so that
18 children and young people could return to school in the
19 summer of 2020. And in not diluting the legal
20 protections of those who had statements of special
21 educational needs during the first months of the
22 pandemic.

23 But my Lady, to be clear, the Welsh Government
24 acknowledges that it did not get everything right. And
25 perhaps more importantly for the Inquiry's purposes,
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1 commitment to honour the rights of children and young
2 people. As your Ladyship is aware, the Welsh Government
3 formally adopted the United Nations Convention on the
4 Rights of the Child as the basis for policymaking
5 relating to children and young people as early as 2004,
6 and from 2012 the Rights of Children and Young Persons
7 (Wales) Measure 2011 placed the duty on Welsh ministers
8 to consider children's rights in all their actions and
9 decisions.

10 Your Ladyship will pose the question: so what? Did
11 the legal framework materially change the approach of
12 the Welsh Government to decision making in respect of
13 children and young people? Was there an implementation
14 gap, as my learned friend for the Children's
15 Commissioner for Wales submits? What concrete evidence
16 is there of a difference in approach in Wales?

17 My Lady, you have detailed written evidence, and
18 you'll be hearing further evidence about that, but the
19 Welsh Government's position, and this is reflected in
20 the written evidence of others, is that it did matter,
21 and it does matter, that in Wales the UNCRC has
22 routinely been part of decision making for the last
23 20 years.

24 My Lady, I do pause there to note that the Welsh
25 Government has listened to the strength of opinion in
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1 it's open to interrogating its decision making and
2 considering what can be done differently and better in
3 a future pandemic for children and young people.

4 The Welsh Government acknowledges that there was
5 inadequate planning to close schools for most children
6 in March 2020. The Welsh Government has always accepted
7 that it did not carry out a formal children's rights
8 impact assessment and that it did not consult the
9 Children's Commissioner for Wales before the
10 announcement on 18 March that schools would need to
11 close for most pupils.

12 My Lady, you'll be hearing evidence on the reasons
13 for that, but children and young people were seriously
14 affect, with disadvantaged and vulnerable children
15 suffering the greatest effects, and the Welsh Government
16 has learnt this lesson.

17 As to the context for that decision, it's clear from
18 the contemporaneous documents that on 17 March, and even
19 into the morning of 18 March, it was hoped that the
20 schools would remain open. But, my Lady, on the morning
21 of 18 March, schools across Wales were closing due to
22 staff illness, children were not being sent to school by
23 worried parents, and it was becoming increasingly
24 apparent that the NHS was about to come under
25 unprecedented strain.
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1 My Lady, there's an uncomfortable trend in public
2 discourse generally to seek to characterise decisions as
3 self-evidently right or wrong, and choices as black or
4 white. The evidence you have received in this module,
5 my Lady, challenges that discourse. Within the written
6 evidence, there are those who argue that the virus posed
7 relatively little harm to, in health terms, to children,
8 and therefore schools should not have been closed.
9 Other Core Participants argue that decision makers did
10 not take the health threat to children and young people
11 sufficiently seriously when seeking to reopen schools or
12 to take decisions, and we've heard that very powerfully
13 this afternoon, my Lady.

14 My Lady, these were complex decisions. Often, they
15 were least-worst decisions, and in the early stages they
16 were taken under considerable pressures of time.

17 My Lady, the Welsh Government is grateful to you and
18 to your team for the very detailed and careful
19 consideration you're giving to these complex issues over
20 the next four weeks, and the Welsh Government will help
21 in any way it can.

22 Lastly, the Welsh Government would like to take this
23 opportunity to thank the children and the young people
24 of Wales, to thank their parents and carers, the
25 teaching profession, including all of the support and

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1 their education. There was a disproportionate impact on
2 children from marginalised and disadvantaged groups.
3 The Scottish Government appreciates the importance of
4 school, early learning, wider childcare, and further
5 entire education for social and personal development,
6 not just for learning.

7 Although the impact of the pandemic was felt
8 differently by different children, there are many who
9 had suffered and who continue to suffer because of the
10 pandemic. While many suffered directly due to the
11 virus, others suffered losses which were less visible to
12 society at the time. Mental health problems for
13 children and young people increased.

14 The damage caused by the pandemic is still ongoing
15 and its full extent is unknown. Some continue to face
16 health challenges. There have been lasting impacts on
17 education and socialisation, and many lost loved ones.

18 In this opening statement, I will address four of
19 the key themes which will be considered by the Inquiry
20 as part of this module: closure of schools, remote
21 learning, ensuring that the voices of children were
22 heard, and the safety of children.

23 It's not possible to address everything in detail in
24 the time available, so I would also refer your Ladyship
25 to the Scottish Government's more detailed written

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1 the administration staff, and all of the other
2 professionals involved with the care and support of
3 children and young people across Wales, social workers,
4 further education staff, voluntary organisations, for
5 everything they did during the pandemic.

6 Diolch.

7 **LADY HALLETT:** Thank you very much indeed, Ms Bicarregui.
8 Very grateful.

9 Ms Drysdale. Ah, there you are.

10 **Submissions on behalf of the Scottish Government by MS**
11 **DRYSDALE KC**

12 **MS DRYSDALE:** Good afternoon, my Lady. I appear on behalf
13 of the Scottish Government with Iain Halliday,
14 Kristian Whitaker and Amelia Mah.

15 The Scottish Government wishes to thank children and
16 young people in Scotland, and those who supported them,
17 for their extraordinary contribution throughout the
18 pandemic to the wider protection of society.

19 Children and young people in Scotland suffered
20 untold losses, and the lower risk to them from the virus
21 was not known at the outset. As the pandemic
22 progressed, they made sacrifices to benefit and protect
23 older generations.

24 Children and young people suffered profound changes
25 to their daily life and routine, including disruption to

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1 opening statement.

2 Turning to the first theme, closure of schools. The
3 possibility of widespread school closures was first
4 discussed by Scottish ministers in detail at a Scottish
5 Government Resilience Room meeting on 17 February 2020.
6 At that time, the scientific advice was clear that
7 widespread school closures were not justified but some
8 temporary closures were likely.

9 Local authorities began putting in place plans for
10 hubs, digital permission of education, and arrangements
11 for free school meals. The Scottish Government was
12 aware of the need to ensure that children were protected
13 in the event of school closures and took steps to
14 maintain child protection systems. Guidance was
15 provided, together with additional funding.

16 The Scottish Government acknowledges that there was
17 widespread disruption to education which had
18 a significant impact on children and young people. The
19 Scottish Government wished to keep schools and early
20 learning and childcare open for as long as possible. It
21 gradually became more difficult to sustain education
22 provision following advice on self-isolation, social
23 distancing, and declining attendance, with high levels
24 of anxiety and uncertainty amongst parents and education
25 staff.

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1 On 18 March 2020, following discussion at cabinet
2 and a follow-up meeting with the former First Minister,
3 the former Deputy First Minister took the decision to
4 close schools and early learning and childcare settings,
5 to control the spread of the virus and protect the
6 vulnerable, with certain exceptions including for
7 vulnerable children and young people, and the children
8 of key workers.

9 Turning to the second theme, my Lady, remote
10 learning. Access to digital learning was part of
11 overall contingency planning prior to the pandemic. The
12 Scottish Government funded a robust, high-speed
13 broadband connection to each local authority and funded
14 Glow, Scotland's nationally available digital learning
15 platform. Glow was launched in 2007. It provides free
16 and secure access to a range of online tools and
17 services to deliver remote learning and teaching.

18 During the pandemic, Glow played a key role in
19 ensuring that learners and teachers across Scotland were
20 able to continue to learn from home.

21 In the early stages of the pandemic, Education
22 Scotland developed new materials to support both
23 teachers and parents, including Parent Club and Scotland
24 Learns. The aim was to offer additional resources and
25 advice to teachers and parents.

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1 Throughout the pandemic, the Scottish Government
2 commissioned the LockdownLowdown surveys which assessed
3 the impact of coronavirus on education, relationships,
4 employment, mental and physical wellbeing, and access to
5 information in relation to children and young people.

6 Since the pandemic, the interests and voices of
7 children and young people have been given further
8 protection by the United Nations Convention on the
9 Rights of the Child Incorporation (Scotland) Act 2024.
10 The Act incorporates the UNCRC into domestic law
11 directly. It is now unlawful for a public authority to
12 act or fail to act in a way that is incompatible with
13 the UNCRC requirements in the Act when carrying out
14 a relevant function.

15 This includes giving every child the right to
16 express their views freely in all matters affecting them
17 and giving their views due weight in accordance with
18 their age, and maturity.

19 Turning to the fourth and final theme, safety of
20 children. In Scotland, local authorities have the
21 primary statutory responsibility for delivering social
22 work, social care and education services, and were best
23 placed to make decisions about local service provision.
24 The Scottish Government worked hard to ensure that
25 arrangements were in place for the continued support of

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1 From March 2020 significant work was carried out to
2 minimise the impact of digital exclusion by providing
3 devices, systems and funding to those in need.

4 Local authorities collaborated in this and deployed
5 connectivity solutions for disadvantaged children and
6 young people. The Scottish Government provided funding
7 and strategic direction but left decisions to be made
8 locally.

9 There have been concerns about digital inequality
10 and engagement in education. The Scottish Government
11 sought to minimise the impact of online learning by
12 providing devices, online platforms, and funding to
13 those in need.

14 It has committed to continued investment in digital
15 learning. It decided that schools were best placed to
16 identify those experiencing digital exclusion.

17 Turning to the third theme, my Lady, children's
18 voices. The Inquiry may hear evidence that children and
19 young people's interests and voices should be
20 represented and respected in all relevant policy,
21 including pandemic planning. The Scottish Government
22 would agree with that recommendation.

23 This is reflective of the way that the Scottish
24 Government approached policy development and delivery
25 both before and during the pandemic.

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1 vulnerable children and young people whilst respecting
2 the primary role of local authorities in the delivery of
3 that support.

4 On 31 March 2020, the Scottish Government published
5 guidance on the continued provision of support to
6 vulnerable children and young people. It was for local
7 authorities to determine, based on local knowledge,
8 whether those children and young people needed access to
9 local hubs. The Inquiry may hear evidence that
10 vulnerability was not adequately defined and that there
11 was considerable local variation.

12 In Scotland, local authorities were given discretion
13 to identify vulnerable children in their area. The
14 Scottish Government considered that it was important for
15 there to be a high-level national definition supported
16 by local flexibility to ensure that vulnerable children
17 were not missed.

18 Together with education, children's social work
19 visits also moved to remote visits. There were some
20 initial concerns about the effectiveness of remote
21 visits and the Scottish Government published guidance on
22 these.

23 Children's hearings and family cases heard in the
24 Court of Session and the Sheriff Court were also moved
25 to virtual hearings as part of the pandemic response.

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1 My Lady, in conclusion, many members of the public,
2 children, those working in education, and members of the
3 third sector, experienced unimaginable trauma during the
4 pandemic. There was also an extraordinary contribution
5 for the greater good of society from those working in
6 education, early learning practitioners, teachers and
7 support staff, youth workers, social workers, lecturers
8 and staff in college, universities, training providers
9 and key workers and from the voluntary and charity
10 sector.

11 Some sectors felt a lack of recognition for their
12 efforts, such as early learning and child care workers,
13 and the Scottish Government wishes to pay tribute to
14 them now for their exceptional public service, hard
15 work, and dedication.

16 The human rights of everyone were restricted to
17 prevent harm from the virus with a significant emotional
18 impact on children and young people. But most
19 importantly the Scottish Government wishes to repeat its
20 thanks to children and young people in Scotland for
21 their extraordinary contribution throughout the pandemic
22 to the wider protection of society.

23 It is only by acknowledging the harm caused to so
24 many, despite the determined efforts of decision makers
25 and those working with children and young people, that

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1 considering both the lessons to be learned from the
2 pandemic and indeed how it could best assist this phase
3 of your Inquiry, well before any Rule 9 requests were
4 received.

5 As we've said in our written submissions, the DfE
6 welcomes the focus of this module on children and young
7 people and the scrutiny that this module will therefore
8 bring to almost every aspect of the DfE's work during
9 the specified period. We look forward to working with
10 the Inquiry and with other Core Participants to ensure
11 that everything possible is learnt, both from what went
12 well, and from the mistakes that were made, in order
13 that children and young people can be protected so far
14 as that is possible from the worst impact of any future
15 pandemic.

16 My Lady, Counsel to the Inquiry has rightly referred
17 to deficiencies in planning for the first period of
18 lockdown. Those deficiencies have been acknowledged in
19 our written submissions and our evidence. There is
20 obviously a question for the Inquiry to investigate
21 about where responsibility lay for planning for the
22 impacts in particular of school closures between January
23 and March 2020. However, I should make clear at this
24 point that those lessons have been learned. The
25 Department -- the DfE has now put significant resources

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1 lessons can be learnt and recommendations made to save
2 lives and prevent loss in a future pandemic.

3 Thank you, my Lady.

4 **LADY HALLETT:** Thank you very much for your help,
5 Ms Drysdale.

6 Ms Ward, I think you complete the submissions today.

7 **Submissions on behalf of the Department for Education by**
8 **MS WARD KC**

9 **MS WARD:** Good afternoon, my Lady.

10 I appear on behalf of the Department for Education,
11 which I'll refer to as the DfE. I'm assisted by
12 Mr Thomas, who is here today, and Ms Sullivan and
13 Ms Masood.

14 The DfE, as you will know, is the central government
15 department with the policy responsibility both for
16 education and for children's social care and, as such,
17 hopes to play a significant role in this module.

18 My Lady, unlike many of those who have spoken so far
19 today, this is the first occasion on which I have
20 addressed you orally. That is not because the DfE has
21 not been engaging with the Inquiry to date. I hope it's
22 evident from both the volume and the detail of the
23 evidence that's been provided to this module and,
24 indeed, to earlier ones, that the DfE has sought to take
25 a proactive rather than reactive approach, and that it's

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1 into resilience planning and accepts the need -- and
2 this is part of the key learnings we've set out in our
3 written submissions -- for clarity of responsibility
4 and, critically, for there to be robust but adaptable
5 plans that can be stood up in response to a future
6 pandemic or other emergency.

7 Even more so than our written submissions, these
8 oral submissions can only be a bare outline of some of
9 the main issues. I hope to use what remains of my ten
10 minutes to set out very briefly the DfE's role in the
11 two key systems that impact on children's lives, the
12 education and care systems, and explain how that changed
13 during the pandemic, and then to touch on two of the
14 most critical issues for children: the impact of the
15 pandemic on social work practice and the restrictions on
16 attendance at school, which, in line with the steer
17 my Lady has previously given, we do accept is commonly
18 referred to as closure of schools but of course they did
19 remain open to some children.

20 Teachers, as well as social workers, continued to
21 work and to work hard throughout.

22 The structure of the education and children's social
23 care systems are such that DfE's role ordinarily is to
24 set the framework, policy and priorities for a number of
25 more or less autonomous bodies who deliver services for

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1 children and young people. There are two important
2 points that arise out of that. Firstly, it increases
3 the importance of partnership working and of building
4 relationships.

5 Secondly, it meant that the increased need for
6 central direction and for organisation engendered by the
7 pandemic required a shift from the DfE's usual patterns
8 of working with partners across the system. The DfE
9 sought to gather and respond to feedback from those
10 partners throughout the specified period and it seeks
11 continuously to improve the relationships and systems
12 that enable learning and good practice to be shared
13 throughout the sectors for which it has responsibility.

14 A number of those who have addressed you today have
15 spoken about the importance of ensuring that children's
16 rights, the impact on them and what is in their best
17 interests, are given proper consideration when decisions
18 affecting them are made. The DfE agrees with the thrust
19 of those submissions.

20 The Inquiry will of course examine the extent to
21 which a focus on those matters was or was not lacking,
22 or could have been more structured or intense during the
23 specified period, but it is important to be clear that
24 the DfE did seek throughout to ensure that there was
25 a focus on, in particular, the needs of vulnerable

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1 review that resulted. As we've made clear in the
2 evidence and written submissions, the DfE accepts the
3 result of that judicial review.

4 There was no deliberate decision taken to exclude
5 the Children's Commissioner in what was, of necessity,
6 a rushed process at a time of great uncertainty. The
7 DfE will and does ordinarily consult the Children's
8 Commissioner when it's appropriate to do so, and indeed
9 did, in relation to the extension of some of those
10 regulations.

11 But what was and remains clear, as is a finding made
12 in the High Court, was that the intention behind the
13 regulations was to protect looked-after children who
14 were at risk because of the consequences of the
15 pandemic.

16 And it's also, in my submission, important to be
17 clear, because there is some elision of different issues
18 in some of the submissions and evidence that you'll see
19 and hear, that most of the changes to social care during
20 the specified period were not as a result of those
21 regulations. The regulations provided flexibilities,
22 most of which were not widely used, but in particular,
23 the shift to remote contact for social care visits, for
24 visits other than those mandated by the regulations that
25 were amended -- and those are the majority of social

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1 children and what was in their best interests.

2 And it's also important to be clear, and this echoes
3 some submissions you've heard from those who spoke just
4 before me, certainly in relation to most of the
5 decisions that this module will be considering, the
6 needs and interests of children and young people are not
7 properly seen as being in direct conflict with the needs
8 and interests of the adults who worked to care for and
9 to educate them.

10 Those adults need to be working within a system that
11 enables them to give their best, and so while there may
12 be tension and factors pulling in different directions,
13 it's necessary to take a holistic rather than a binary
14 view.

15 There will, of course, be different views on how
16 best to promote those interests but we are all on the
17 same side, working to try to prevent harm to children
18 and to maximise their potential.

19 So very briefly, then, social care, and a word
20 firstly on a topic that has been raised by a number of
21 others today: the Adoption and Children (Coronavirus)
22 (Amendment) Regulations.

23 The Inquiry will, of course, hear evidence from DfE
24 and other witnesses about the decision-making process
25 that lay behind those regulations and the judicial

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1 care visits -- the shift there to remote visiting was
2 a consequence of practice being adapted in the light of
3 public health guidance.

4 And another concerning feature, the drop in
5 referrals into children's social care, was the result of
6 children who were not previously known to be vulnerable
7 not being seen by services, and therefore not referred.

8 And that, of course, brings us then to school
9 closures. The DfE, in common with all Core
10 Participants, recognises that closing schools to most
11 children was hugely damaging to many of them, not only
12 educationally and not only to the most vulnerable. We
13 echo what Counsel to the Inquiry said about the
14 importance of school. It's not just a place of learning
15 and development but it's a place of safety and a place
16 of respite from difficult home situations.

17 The DfE is clear that schools should not be closed
18 if that can be avoided. Of course -- far from the only,
19 but a great focus of this module will be on the
20 decisions that were taken around the closure of schools.

21 There is a really difficult balance to be struck
22 between trying to keep them open at all costs or, as
23 Mr Jacobs has suggested, having targeted early closures
24 to avoid longer ones later, but then potentially closing
25 schools at a time when it may become apparent with

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1 hindsight that it wasn't in fact necessary. There
2 simply are no easy answers and we look forward to all of
3 the complexities being fully ventilated in this module.

4 Schools were, of course, kept open for vulnerable
5 pupils. Attendance was obviously not high enough,
6 although it improved considerably over time. An
7 enormous amount of work was done both by DfE and by
8 professionals on the ground to stand up remote education
9 for those not able to attend.

10 Again, we don't say that was perfect, but it is
11 right to say that many lessons have been learned in that
12 regard, and it is definitely one way in which the
13 education system will unquestionably be better prepared
14 and more resilient in any future pandemic or any
15 emergency that might lead to the closure of schools.

16 There's a great volume of evidence before
17 the Inquiry, including from the DfE in the corporate
18 witness statement that's dedicated to the research
19 that's been done on impacts, that identifies the
20 enormous impacts that there were and continue to be on
21 children and young people as a result of the pandemic.

22 As we say in the written opening, most of DfE's
23 current work is shaped by the need to address those
24 impacts and to ensure that policy fits the needs of
25 children and young people as they are now, following the

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1 and some are still living with those consequences, but
2 in general, in this pandemic, children and young people
3 did give up their freedom and suffered from a reduction
4 in services that are crucial to their development, and
5 in some cases their safety, in order largely to protect
6 others from harm.

7 The DfE is committed to working with the Inquiry and
8 other Core Participants to ensure that the extent of
9 that sacrifice is recognised, and that decisions in
10 future are taken on the basis of the best possible
11 evidence and a full understanding of all the many ways
12 in which children and young people can be uniquely
13 impacted by measures that are necessary to contain the
14 pandemic.

15 My Lady, unless I can assist you further.

16 **LADY HALLETT:** Thank you very much indeed for your help,
17 Ms Ward.

18 That completes the submissions that we have for
19 today. I'm very grateful to everyone who has made oral
20 submissions today and those who have submitted written
21 submissions. I find them all extremely constructive,
22 focused and helpful. So, again, thank you very much
23 indeed.

24 I shall return for the start of the evidence
25 at 10.00 tomorrow.

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1 pandemic. The DfE has invested in numerous discrete
2 programmes that are aimed at addressing specific
3 impacts, and some of those are set out in our written
4 opening. I won't repeat them now.

5 The significance and severity of the impacts on
6 children and young people are unquestionable. But there
7 is also some positive evidence, and the DfE does caution
8 against the risk of creating perhaps a self-perpetuating
9 narrative resulting in lowered expectations for this
10 cohort. Many children and young people have achieved
11 extraordinary things in the face of enormous challenges,
12 including, but by no means limited to, the evidence that
13 there is a recovery of academic attainment.

14 The many achievements of children and young people
15 in this period and their efforts, and those of the staff
16 who taught and cared for them, should not be
17 understated.

18 I want to finish on behalf of DfE with a tribute to
19 children and young people themselves. We've all read
20 the Children and Young People's Voices report and the
21 Every Story Matters, and we've heard and seen and been
22 struck by the video shown this morning.

23 We know that this generation were much less likely
24 than adults to suffer the worst health consequences of
25 Covid-19, although we recognise of course that some did

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1 **(4.10 pm)**

2 **(The hearing adjourned until 10.00 am the following day)**

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