

**Witness Name: Sir Gavin Williamson CBE**

**Statement No: 03**

**Exhibits: GW3/001 – GW3/157**

**Dated: 30 July 2025**

**UK COVID-19 INQUIRY**

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**THIRD WITNESS STATEMENT OF SIR GAVIN WILLIAMSON CBE**

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**CONTENTS**

<b>CHAPTER</b>	<b>PAGE</b>
Chapter 1 – Introduction	2
Chapter 2 – Part A	6
Chapter 3 – Part B	10
Chapter 4 – Part C	15
Chapter 5 – Part D	40
Chapter 6 – Part E	43
Chapter 7 – Part F	54
Chapter 8 – Part G/H	63
Chapter 9 – Part I	67
Chapter 10 – Part J	76
Chapter 11 – Part K	88
Chapter 12 – Part L	97
Statement of Truth	102

I, Sir Gavin Williamson CBE, make this statement in response to the Covid-19 Inquiry's Rule 9 request dated 28 April 2025 ("the Rule 9 request"). I will say as follows: -

## **1. Introduction**

- 1.1 I have been a Member of Parliament ("MP") since 2010. From 2010 to 2024 I was an MP for South Staffordshire and in the 2024 general election I was elected as MP for Stone, Great Wyrley, and Penkridge. I was Secretary of State for Education ("SSE"), from July 2019 until September 2021. Previously I was Government Chief Whip from July 2016 to November 2017, Secretary of State for Defence ("SSD") from November 2017 to May 2019, and Minister of State without Portfolio from 25 October 2022 to 8 November 2022.
- 1.2 I have prepared the below statement based on my personal recollection of events and the decisions that I took. As part of this process, I have liaised with the Department for Education ("DfE or the department") officials who have provided specific factual input (and supporting documentary evidence) to enable me to respond as accurately as possible to the questions posed in the Covid-19 Inquiry's ("the Inquiry") Rule 9 request. I understand that the factual input from DfE officials has been informed by desk-based research, utilising both open-source material (government publications) and internal records (for example, policy advice and briefings submitted to me) from the period.
- 1.3 I have reviewed the emails that I have in my possession from my personal email address. This was used by DfE officials and my special advisers to communicate with me on a very limited basis. None of these emails add information on how the key decisions covered in this statement were made. I do not have copies of any texts or WhatsApp messages, as it is my practice to frequently delete such messages and not to enable back-ups. I am not in any event a very active user of such messaging services. I know that DfE officials have liaised with Private Office ("PO") staff and my special advisers from my time as SSE to obtain WhatsApp messages that I exchanged with them, a process that I have encouraged and assisted with, but none of the messages that have been retrieved in this way fall within the scope of the Rule 9 request. I know that I did exchange messages on occasions with others who I know will be providing evidence to the Inquiry, including the then Prime Minister and his staff and the then Secretary of State for Health and

Social Care ("SSHSC"). Those messages may have mentioned the decisions to close and reopen schools and early years ("EY") settings, but I would not describe any of them as being part of the decision-making process.

- 1.4 I have read the Inquiry Module 2 DfE Corporate Statement (signed by Susan Acland-Hood, DfE Permanent Secretary), which was submitted to the Inquiry by DfE on 29 March 2023. I have also read the Inquiry Module 7 Corporate Statement and the draft Inquiry Module 8 DfE Corporate Statements, which have been provided to the Inquiry throughout 2025. This has assisted my recollection of events during the period in question, and I agree that the facts set out in those documents and the events align with my recollections.
- 1.5 A number of the questions I am asked have already been answered in the corporate statements provided to the Inquiry by the department, and I will refer to those (and where appropriate repeat some of their contents) as follows:
  - 1.5.1 Statement of Susan Acland-Hood dated 29 March 2023 to Module 2 of the Inquiry - "SAH1" (Exhibit GW3/001 - INQ000146054).
  - 1.5.2 Statement of Susan Acland-Hood dated 12 June 2025 to Module 8 of the Inquiry - "SAH2" (Exhibit GW3/002 - INQ000587823).
  - 1.5.3 Statement of Susan Acland-Hood dated 16 July 2025 to Module 8 of the Inquiry - "SAH3" (Exhibit GW3/003 - **INQ000587992**).
  - 1.5.4 Statement of Julia Kinniburgh dated 28 July 2025 to Module 8 of the Inquiry - "JK1" (Exhibit GW3/004 - **INQ000651498**).
  - 1.5.5 Statement of Julia Kinniburgh dated 17 July 2025 to Module 8 of the Inquiry - "JK2" (Exhibit GW3/005 - INQ000587978).
  - 1.5.6 Statement of Jenny Oldroyd dated 28 July 2025 to Module 8 of the Inquiry - "JO1" (Exhibit GW3/006 - **INQ000651499**).
  - 1.5.7 Statement of Fran Oram dated 29 July 2025 to Module 8 of the Inquiry - "FO1" (Exhibit GW3/007 - **INQ000587996**).
  - 1.5.8 Statement of Roger Cotes dated xx to Module 8 of the Inquiry – "RC1" (Exhibit GW3/008 - **INQ000588003**).

1.5.9 Statement of Tessa Griffiths dated 6 May 2025 to Module 7 of Inquiry - "TG1" (Exhibit GW3/009 - INQ000587559).

1.6 This statement is, to the best of my knowledge and belief accurate and complete at the time of signing. I understand that DfE continues to prepare for its involvement in the Inquiry and should any additional material be discovered, I will of course work with DfE officials to ensure this additional material is provided to the Inquiry. I would be happy to make a supplementary statement if required.

1.7 Some of this statement will be duplicative, as instructed by the Inquiry, of the statement I provided to Inquiry Module 2 on 7 September 2023 (Exhibit GW3/010 - INQ000268013). The main part of this statement will be in sections that reflect the structure of the Rule 9 request I received:

- Part A: My role and responsibilities as SSE
- Part B: Relationships between DfE, local authorities, unions and other representative organisations
- Part C: Pre-pandemic planning and the early stages of the pandemic
- Part D: The provision and regulation of remote education
- Part E: Exams
- Part F: Monitoring the impact of the first period of school closures and lockdown
- Part G and H: Reopening schools
- Part I: The provision of education between September and December 2020
- Part J: Rising transmission rates from autumn 2020
- Part K: Monitoring the impact of the second period of school closures
- Part L: Lessons learned

1.8 I am pleased to contribute to the Inquiry. It is critical that we learn the lessons of how we responded in all areas. I also welcome the Inquiry's desire to ensure that children and their interests are represented during the Inquiry. During the course of the pandemic, as I set out in this statement, I continually advocated for the rights and interests of children even when other parts of government had a different focus or a different set of priorities.

1.9 One point I wish to clarify at the outset is that, whilst we talk about schools,



colleges and other education and childcare settings being closed or reopened, they were always open at the very least, to children of critical workers ("CCW") and vulnerable children. Where I refer to schools being closed in this statement, I am using a shorthand to refer to periods when attendance at schools, colleges and other education settings was limited to vulnerable children and CCW. Likewise, when I refer to schools being reopened, I am using a shorthand to refer to schools, colleges and other education settings easing attendance restrictions and allowing more or all children back into face-to-face education.

## **2. Part A: My roles and responsibilities and methods of working as SSE**

- 2.1 DfE sets the policy, accountability and regulatory framework for children's services, including children's social care ("CSC") and safeguarding in relation to children, and education and training including EY, primary and secondary education (including in schools), further education ("FE"), higher education ("HE") and apprenticeships and training. During my time as SSE, I had overall responsibility for the work of DfE. This included:
- 2.1.1 Delivery of the early education entitlements and operation of the formal childcare system in England, which is regulated by Ofsted.
  - 2.1.2 The operation and funding of the system for young people in the primary and secondary school sectors as well as teaching, learning and qualifications. This includes local authority maintained schools, academies, regulation of the independent sector, CSC, home education, children with special educational needs and disabilities ("SEND") and high needs.
  - 2.1.3 Teaching, learning and training for young people in apprenticeships, traineeships and the FE sector and all adult learning. FE includes any study suitable for those over compulsory school age, which is not part of secondary education or HE.
  - 2.1.4 Teaching and learning for young people and adults in the HE sector. HE refers to education to achieve certain higher-level qualifications, which are generally undertaken after the age of 18, usually the study of an undergraduate or postgraduate degree.
  - 2.1.5 Supporting professionals who work with children, young people, and adult learners across all sectors.
  - 2.1.6 CSC system policy, including systems for children in need, under child protection, and in public care. This includes fostering, adoption, secure and other children's homes, as well as the safeguarding of children more broadly in any setting.
- 2.2 SSE has a general statutory duty under section 7 of the Children and Young Persons Act 2008 to promote the wellbeing of children in England.

- 2.3 I was only in post as SSE approximately 6 months prior to the specified period. The most significant change to my responsibilities over the pandemic period was the speed at which decisions had to be made, along with an increased volume of decisions. I also had a reduced lack of control as the Prime Minister and SSHSC had greater involvement and influence on decisions relevant to education than they ordinarily would. As SSE my role was therefore more focused on implementing decisions made elsewhere. I know that this was the same for other Secretaries of State in their own areas.
- 2.4 Alongside this, a 'triple lock' process was introduced for the clearance of guidance. This meant guidance had to be signed off at official level through No.10, Department for Health and Social Care ("DHSC")/UK Health Security Agency ("UKHSA")/ Public Health England ("PHE") and Government Digital Service. I understand the intent of this process was to ensure that DfE guidance was based on the latest scientific and public health advice, as well as ensuring consistency with guidance for other parts of society and the economy. This process did, however, add another administrative layer and slowed down action being taken by me and the department.
- 2.5 Another notable change in my responsibilities was an increased involvement in local level issues relating to schools happening across the country.
- 2.6 Throughout the pandemic I was based in the DfE office in London, with the department's core PO team. I always held a daily morning meeting with relevant officials to hear any situational updates and assess any significant problems. I would provide steers on the handling of any issues and trust the appropriate senior civil servant ("SCS") to take forward any actions. My other meeting structures differed each day and were reactive to the live issues emerging from the sector and the centre.
- 2.7 I was predominantly supported by my Principal Private Secretary and PO team. The broader collection of people providing support would differ depending on the main issues at the time. I consistently relied on the Permanent Secretary, director generals, and special advisers for advice. I was also more closely connected to Regional Schools Commissioners than usual due to my increased involvement in local level issues, and their role to oversee the work of the Regional Education and Children's Teams ("REACT").

## **Decision-making structures during the COVID-19 pandemic**

- 2.8 As SSE, I attended the following formal decision-making committees, groups or forums dealing with the UK government's response to COVID-19, when areas that were the responsibility of DfE were discussed. I have not included the detail of what each of these committees, groups or forums covered here, as this is included in paragraphs 13.1 to 13.6 of SAH1.
- 2.9 **Cabinet Office Briefing Room (“COBR”) meetings:** When COBR was discussing areas of the UK government's response to COVID-19 that were the responsibility of DfE, or that would impact on work being taken forward by DfE, either I or the Minister of State for School Standards (“MoSSS”) (as changes affecting schools were likely to have the largest social and economic impact) would be asked to attend COBR meetings.
- 2.10 **COVID-19 (“C-19”) strategy meetings:** I was sometimes asked to attend these meetings where policy areas under my responsibilities as SSE were being discussed.
- 2.11 **Ministerial Implementation Groups:** From 19 March 2020, I was regularly invited to General Public Sector Ministerial Implementation Group (“GPSMIG”) meetings. When necessary, DfE would provide papers in advance of GPSMIGs or was given commissions from these meetings, for example, developing and updating guidance for schools to encourage increased attendance by vulnerable children and CCW.
- 2.12 **Covid S and Covid O meetings:** My understanding is that by late May/early June 2020, Covid Strategy (“S”) and Covid Operations (“O”) meetings became the main COVID-19 decision making cabinet committee meetings. I was not a permanent standing member of Covid S or O and was invited to these meetings at the Prime Minister's or the Chancellor of the Duchy of Lancaster's (“CDL”) discretion, usually when the decisions being made involved DfE responsibilities.
- 2.13 **Meetings with other ministers, DfE ministers and DfE officials:** Throughout this period, I held bi-lateral meetings with other ministers, such as the SSHSC, to agree important detailed policy and/operational details as well as regular and ad hoc meetings with my ministerial team, DfE Permanent Secretary, and officials from DfE. Please see SAH2, Annex 3 for a list of

minister, senior officials and advisers who were present during the pandemic.

- 2.14 **Local action committee command structure:** Oversight of the ongoing pandemic response took place through the government's local action committee command structure (Bronze, Silver, Gold) where local and regional concerns were escalated, and issues for discussion and decision by ministers across government were taken. Recommendations on escalation of issues or requests for significant surge support were taken by the Gold incident management structures to ministers, including myself as SSE for final decision. Key DfE civil servants attended cross-government Cabinet Office Taskforce Education Gold meetings ("Education Gold") along with senior officials from Cabinet Office ("CO"), DHSC, No.10 and UKHSA/PHE.

### **3. Part B: Relationships between DfE, local authorities, unions and other representative organisations**

- 3.1 The division of responsibilities between the department, local authorities and multi-academy trusts ("MATs") did not change during the pandemic, as set out in SAH1 and SAH2. The main change was the type of relationship DfE had with local authorities and MATs, with the department having to move to a more directive role during the pandemic.
- 3.2 In summary, the DfE has overall responsibility for setting the policy, accountability and regulatory framework for children's services, including CSC and safeguarding in relation to children, and education and training including EY, primary and secondary education (including in schools), FE, HE and apprenticeships and training.
- 3.3 DfE works with local authorities across a range of areas. Local authorities have a range of education and care responsibilities that generally focus on delivery, whereas DfE and its agencies cover system oversight and guidance (statutory and non-statutory).
- 3.4 Local authorities, working with partner organisations and agencies, also have specific duties to safeguard and promote the welfare of all children in their area including the running of statutory children's services and CSC. The Children Acts of 1989 and 2004 set out specific duties for local authorities including a general duty to provide services to children in need in their area, regardless of where they are located and a requirement to undertake enquiries if local authorities believe a child has suffered or is likely to suffer significant harm. The Director of Children's Services ("DCS") and Lead Member for CSC in local authorities are the key points of professional and political accountability, with responsibility for the effective delivery of these functions.
- 3.5 MATs are academy trusts that operate more than one academy school. Schools within the same MAT work together under the same funding agreement. They have more control over their affairs than local authority maintained schools. For example, they do not have to follow the national curriculum, can set their own term times, have their own contracts of

employment with staff, and have much greater freedoms as to how their schools are run.

- 3.6 The system is designed to be autonomous, with day-to-day delivery of services handled by local authorities, MATs, other responsible bodies (“RBs”), and schools. Given the state of emergency, the pandemic did present a situation whereby a greater need for consistency in delivery was required as there was a public health risk if these bodies acted differently, in relation to school closures, across the country. This meant that during the pandemic the DfE had to move into a more directional role in daily matters or local issues than it typically would.
- 3.7 I think local authorities and MATs understood their role in the delivery of services to children, in both education and CSC. It is, however, likely that at times they felt confusion over how they should be delivering those services whilst the DfE adjusted policies to work around a moving picture of national expectations and how they fit alongside education and CSC.
- 3.8 Communications with the sector around significant decisions could have been better during the pandemic. It is likely that, at times, messaging around key announcements felt disjointed to the sector, as the response to the pandemic moved quickly alongside the changing epidemiological picture. The position of government, and therefore the expectations on the sector, often moved quickly. The reopening of some primary schools on 4 January 2021 and then announcing later that day that all schools should close from 5 January 2021 is an example of this.
- 3.9 Wherever necessary, guidance would be issued or updated following any announcements. As mentioned in paragraph 2.4, the ‘triple lock’ process considerably slowed down the department’s ability to do this at speed. Often time was spent waiting for DHSC to approve a product, when that time could have been better spent testing the quality of the product with stakeholders. Products couldn’t be tested after the triple lock process as you would then have to start the process again.
- 3.10 I believe the REACT structures, detailed from paragraph 14.7 in SAH1, did enable DfE to be in more constant conversation with the sector.

- 3.11 The REACT teams created a more streamlined route to the sector and having this improved level of contact was beneficial during a state of emergency. The teams allowed for important intelligence to be collected which supported the department, and therefore me, to understand the issues being faced on the ground. The teams were also a useful communication tool with the sector and played an important role in setting out the department's expectations around the continuation of education.
- 3.12 I note the Inquiry asks about how the REACT teams and local action committee interacted. The intersection of the REACT teams and the local action committee is an operational matter that I would not oversee in my remit as SSE, however, I would have had reports back from REACT on different local issues. I would have expected that any local issues identified by REACT teams that required escalation across government would have been taken to the local action committee for consideration.
- 3.13 From April 2020, in addition to meetings held at official level, I held weekly meetings with stakeholders (Exhibit GW3/011 - INQ000623226). These included the National Education Union ("NEU"), the Confederation of School Trusts ("CST"), National Association of Head Teachers ("NAHT"), Association of School and College Leaders ("ASCL") and the Association of Directors of Children's Services ("ADCS").
- 3.14 The initial primary concern around the impact of the pandemic was on workforce availability. If the workforce was significantly reduced, then there was a risk that settings could not remain open even for vulnerable children and CCW. I, therefore, focused early stakeholder engagement on the unions representing the workforce to understand what the impact was. I ideally would have had more engagement with local authorities and MATs sooner than I did, however, time constraints did not make this possible.
- 3.15 The Children's Commissioner played an important role in the pandemic to continue to lobby for the needs and interests of children. I met with her throughout the pandemic, and she also met with the Minister for Children and Families ("MfCF"). Alongside this, I know DfE officials were in frequent dialogue with her and her office. With the benefit of hindsight, I do think the



Children's Commissioner's perspective would have been useful in conversations with unions, particularly when faced with resistance around reopening. Having her contribute directly to the discussion would have added greater weight to the argument around reopening. I also think she should have been more involved in appropriate conversations with the Prime Minister and other relevant ministers.

- 3.16 I wanted more than anything to keep the education system moving during the pandemic and avoid school closures wherever possible. I understood at the time the pressure this will have put on the teaching profession and always endeavoured to ensure unions were involved in all appropriate conversations. The position of these unions on the different decisions around school closures and reopening varied and I was met with some resistance. In some instances, the conversation was less about how we could collectively make things work and more focused on why reopening shouldn't be the position. Ultimately, I thought the best thing for children and young people, to minimise the impact of the pandemic, was to be in face-to-face education and that was my priority and informed my decisions, but this did lead to putting additional pressure on the workforce.
- 3.17 I trust that throughout the pandemic response stakeholder engagement was completed at both a ministerial and official level. The advice shared by officials will have been informed by their engagement with different representative bodies that represented the interests of children.
- 3.18 As the SSE I would be provided with information from officials in the form of ministerial submissions. When relevant, these submissions would include information obtained by officials from several sources. I know the REACT teams were useful to securing information from local authorities and MATs. Policy officials will also have had a direct relationship with different voluntary organisations to secure any necessary intelligence.
- 3.19 Another mechanism to obtaining information was through my ministerial team who will have had more frequent engagement with stakeholders relevant to their portfolios. This is usual practice, even outside of an emergency, and anything that warranted escalation would have been raised with me. Issues

that warranted escalation would often be those of national interest and/or of a cross-cutting nature.

#### **4. Part C: Pre-pandemic planning and the early stages of the pandemic**

- 4.1 I note the Inquiry has asked me to replicate section 2 of the witness statement I provided for Module 2. This section includes information on pre-pandemic planning prior to COVID-19, I have not included this information in this statement as it does not appear to be relevant to the questions provided.
- 4.2 Further to the witness statement I provided for Module 2, the Inquiry can also access SAH1, SAH2 and JK1. The statements provide detailed accounts of the early stages of the pandemic response and have supported me to recall the events around this time.
- 4.3 On 13 January 2020, in my daily morning meeting with PO officials, other DfE officials and my special adviser, I asked DfE officials to look at what emergency plans were in place in education and childcare settings in light of the developing situation. At this point in time the response to the pandemic was mostly monitoring the situation and awaiting any steers from No.10 as to whether, and if so what, further attention was required. MoSSS was allocated emergency planning into his ministerial portfolio to ensure ministerial oversight was present.
- 4.4 DfE's Emergency Response Group ("ERG") formally began work on COVID-19 from 24 January 2020. ERG provided my ministers and me with regular briefings via written situation reports ("sitreps"). I understand that MoSSS also received a weekly briefing on the situation, and I received the first of these briefings on 2 March 2020 (Exhibits GW3/012 - INQ000607414 and GW3/013 - INQ000607417). I would have been verbally briefed in my daily morning meetings prior to this but I do not have the date of when this first happened.
- 4.5 In February 2020, the ERG delivered external communications and guidance to the sector including a regular sector bulletin, first sent on 4 February 2020 (Exhibit GW3/014 - INQ000542408). As mentioned in paragraph 1.1.2 of SAH1, the ERG also initially focused on assisting schools with the impact of the cancellation of school trips due to the spread of the virus. I was not personally involved in the provision of advice around school trips.
- 4.6 JK1 details at paragraph 2.10 and 2.11 the early planning completed by the ERG and DfE's Central Analysis Unit ("CAU"). In summary, on 5 February

2020 the ERG completed the first working draft of DfE's reasonable worst-case scenario '*Emergency Response Plan Coronavirus*' and on 7 February 2020 further developed work on this planning via a one-off exercise. I do not recall these documents being shared with me directly. I believe this would have been the initial principal planning document for DfE as there does not seem to be another document referenced of this nature.

- 4.7 This work included consideration of a range of issues that could emerge around child protection services e.g. if schools are closed for a significant period of time, this may increase the risk that vulnerable children aren't identified for social services; parents may be unwilling to allow social workers into their homes or to have contact with their children if there is a fear of contagion. Concerns around the potential lack of social workers were also logged here. The impacts noted in the document were:
- 4.7.1 Vulnerable children: If schools are closed for a significant period, there is an increased risk that vulnerable children may not be identified for social services.
  - 4.7.2 Emotional support: There may be an unprecedented need to provide emotional support for children who are bereaved, which could significantly interrupt the ability of schools to continue business as usual.
  - 4.7.3 Social services: Illness among teachers and social workers could lead to a lack of support services for children, placing increasing pressure on families and social services.
  - 4.7.4 Parental concerns: EY providers may pre-emptively shut down due to parental concerns, even if this is not required.
  - 4.7.5 Special needs: Children with severe SEND who require constant supervision may face a range of increased challenges if there are school closures.
  - 4.7.6 Foster care: Foster carers may be unwilling or unable to take on children in placements due to the risk of infection or fear of infecting

others.

- 4.8 Paragraph 2.14 of the same statement makes it clear that senior officials were updated on this plan on 11 February 2020 in a meeting with the Permanent Secretary and directors general. It states that the ERG had worked with the Civil Contingencies Secretariat ("CCS") to ensure DfE plans were aligned with the wider government response and that any dependencies could be identified. SCS members were in contact with me via the morning meetings I held, and I would have likely been updated on this work here.
- 4.9 I note the Inquiry asks what part of the Influenza Pandemic Preparedness Strategy 2011 (Exhibit [GW3/014a](#) [INQ000022708](#)) played into DfE's response to the pandemic between January and mid-March 2020. As SSE, I would not be involved in the granular detail of how plans are developed. I can see from the worst-case scenario documentation that a Pandemic Influenza (Emergency) Bill is referenced so it may be that this strategy was considered in some way by officials.
- 4.10 I note that the Inquiry refers to a DfE response to a CO commission in their questioning, where DfE states '*a key decision at peak of pandemic would focus closure of educational institutions on a more widespread/national scale*' and has asked why DfE was not, from February, working on the basis that mass closures might occur (Exhibits [GW3/014b](#) [INQ000075447](#) [GW3/014c](#) [INQ000075784](#) and [GW3/014d](#) [INQ000546701](#)). I have not seen this commission response before; therefore, I can only assume the official who responded was using the worst-case scenario document to inform their response. The position across the whole of government in February was largely monitoring the situation and there was no suggestion that DfE should prepare a plan or policy for mass school closures. It was very much a case of the whole of government waiting for No.10 and CO to give a lead and clear direction.
- 4.11 My focus throughout this period was on keeping schools, colleges and other education settings open. I did not ask DfE officials to prepare an assessment on the impact of school closures, because the latest scientific and public health advice from DHSC, the Scientific Advisory Group for Emergencies ("SAGE") and its sub-groups was not recommending closures, and CO and

No.10 officials did not commission this advice from DfE either. Instead, the focus was on keeping as many children as possible in face-to-face education, where it was judged safe to do so. Guidance was published jointly by DfE and PHE to support education settings on 17 February 2020 (Exhibit GW3/015 - INQ000520167), it was focused on preventing the spread of infectious diseases and what actions to take if there was a suspected or confirmed COVID-19 case in a setting.

- 4.12 I felt reassured at this stage that the pandemic response was being sufficiently covered by MoSSS and dedicated resource within DfE including the CAU. Both SAH1 and JK1 set out that the ERG became the Department Operations Centre (“DOC”) on 24 February 2020. The DOC was tasked with managing the department’s response to COVID-19. Throughout January and February, the attitude across government was mostly to monitor the situation. If there was any work on the pandemic that required my input, this would have been done verbally in my morning meetings.
- 4.13 I note the Inquiry asks whether DfE was monitoring foreign states at this time. DfE was not directly monitoring how foreign states, and their education systems, were responding to the pandemic until April 2020 when the department’s International Directorate developed a bulletin of international intelligence (Exhibit GW3/016 - INQ000542562). Prior to this, generic information on international activity was obtained by the monitoring of global reporting on the virus or provided to me via COBR meetings and the daily morning meetings. This will have centred around the impact of the virus on individuals and health care systems.

### **Scientific Advice**

- 4.14 The ERG and subsequently the DOC worked with DfE’s Chief Scientific Adviser (“CSA”) and DfE’s Deputy Chief Scientific Adviser (“DCSA”). These individuals were supported by a small ‘science cell’ of officials. As set out in JK1 at paragraph 2.12, DfE officials including the CSA and DCSA received, reviewed and summarised minutes and documents from SAGE and any subgroup from January 2020.

- 4.15 DfE held good scientific skill sets, however, those skills were more applicable to a different set of scientific challenges than those relating to COVID-19. The CSA was an analyst as opposed to a scientist. It was, at the time, less usual for all government departments to house such specialist roles. I didn't have much direct contact with the DfE's CSA, I received advice of this nature mostly through the Permanent Secretary.
- 4.16 In August 2020, the role of the DCSA was split into 2 separate roles to ensure a wider breadth of expertise within DfE. The established DCSA focused on social sciences and held the title of 'Head of Research Knowledge and Engagement' and the new DCSA was to focus on natural sciences. This appointment aimed to bring in external scientific expertise on children's health. The appointed DCSA joined DfE on a part-time basis and continued to work as a senior Lecturer in Child Public Health at Imperial College, and an Honorary Consultant Paediatrician at University College London Hospital.
- 4.17 The epidemiological expertise available to government was focused on advising DHSC. Given the uncertainty around the pandemic and the focus on public health this was to be expected. Having in-house epidemiological expertise may have allowed me to be better prepared when providing input into core decisions as I would not have been reliant on external expert advice. Further to the appointment of the new DCSA, to ensure appropriate advice was being brought into DfE, effort was put into building good working relationships with the Chief Medical Officer ("CMO") and PHE. DfE also had a direct relationship with the Chief Public Health Nurse.
- 4.18 SAH1 and JK1 cover the advice provided by SAGE to DfE from January to mid-March 2020. This is at paragraph 16.1 and chapter 2 respectively. Advice from SAGE would have been conveyed to me via the usual routes. I would either have been verbally briefed or received the advice when it was embedded into ministerial submissions.
- 4.19 SAH1 confirms at paragraph 1.6.2 that DfE was not responsible for the production, modelling and dissemination of data modelling of aspects of the COVID-19 virus or involved in core decision making. DfE used modelling, data and advice on COVID-19 from the Office for National Statistics ("ONS"), DHSC, UKHSA, and SAGE to inform its approach to matters within its area of responsibility. DfE published data on attendance and absence of pupils and

staff, on a fortnightly basis, which was available to cross-government and external stakeholders.

### **Monitoring COVID-19**

- 4.20 As I set out in the witness statement I provided for Module 2, my focus at this stage was on ensuring that education and childcare settings had the information and guidance that they needed to be able to stay open safely. However, by 18 March 2020 it was clear that there was a change in direction of government policy based on scientific advice and modelling from SAGE that indicated that there would be a reduction in the transmission of the virus if schools closed. In addition, either schools were having to close or reduce support to a minimum number of pupils due to staff illness and/or self-isolation guidance, and a number of parents were also withdrawing their children regardless of whether the school was open or not (Exhibit GW3/017 - INQ000107248).
- 4.21 The pandemic did disrupt education, increasing school absences worldwide. School attendance had consistently been a priority for me, and increased focus was given to understanding and addressing attendance issues during the pandemic. During the first set of school closures, we prioritised on-site attendance of vulnerable children and CCW, recognising the need for regular and close engagement with local authorities and education and care settings. We also recognised the need to capture new information to understand the impact of attendance restrictions and how many CCW and vulnerable children, including those with SEND, were attending settings.
- 4.22 On 22 March 2020, I issued a letter to all local authority Chief Executives, Council Leaders and DCS advising that from Monday 23 March 2020, until schools reopened for education to all children, schools would not need to take an attendance register. Schools would no longer need to take the attendance register during the morning and afternoon session of each school day. However, schools were advised to use code # (planned whole or partial closure) and voluntarily complete a short form to notify DfE about their COVID-19 status (Exhibit GW3/018 - INQ000540802 and GW3/019 - INQ000540803). The letter asked schools to:



- 4.22.1 Confirm whether their setting was open.
  - 4.22.2 Provide information about the number of children and staff attending (schools were not asked to provide information on the number of children accessing remote education, children not attending on site were recorded as absent).
  - 4.22.3 Submit a response by noon of each weekday.
  - 4.22.4 Suspend any penalty notice action or prosecutions for COVID-19 related absence with immediate effect.
- 4.23 The data collection was not a mandatory requirement, but it was kept simple and small to encourage compliance.
- 4.24 REACT teams also used their expertise to bring together intelligence, prioritise resources and assess the levels of risk relating to each local authority area in relation to the COVID-19 response, including a strong focus on vulnerable children and young people. We also sought to obtain quantitative data which had not been previously available. We asked settings to provide attendance information for all children and young people, including the number of vulnerable children attending via the Education Settings data collection ("EDset") form which launched the week commencing 23 March 2020. We used this data to monitor children and young people's attendance during the pandemic, sharing this data via daily sitreps (which later became weekly). These reports enabled DfE to better understand the attendance picture of children and young people, including vulnerable children.
- 4.25 In this way we were able to monitor absence and the ability of schools to remain open.

#### **COBR and other meetings**

- 4.26 From 2 March 2020, I was attending most of the COBR meetings. According to my diary from the time, I attended COBR on the: 2, 9, 12, 16, 18 and 23 March 2020. If I was attending, then matters relating to education and/or children would have been discussed.
- 4.27 I note the Inquiry asks about the COBR meeting on 4 March 2020, which was attended by MoSSS (Exhibit GW3/019a INQ000056218). The record of this

meeting states that *'The DfE were working on plans as to how to close schools, including early years and further education'*. The position at this time was very much focused on keeping schools open. This reference could have been to DfE's engagement with the DHSC's preparations for possible emergency legislation in response to the COVID-19 crisis. This would in due course lead to the Coronavirus Act 2020. This included powers to close schools, as well as to dis-apply existing requirements in DfE legislation to enable certain flexibilities in the usual running of schools, colleges and other education settings to take place if required. For example, to relax staff/pupil ratios to allow for larger class sizes should there be a reduction in workforce. The latter provisions were aimed at enabling schools to stay open.

- 4.28 I note the Inquiry had also specifically asked about the COBR meeting on 9 March 2020, which I attended (Exhibit **GW3/019b** - INQ000056219). The record states *'The possibility of virtual learning if school closures were actioned should be considered'*. Officials in DfE shared advice (Exhibits GW3/020 - INQ000542433 and GW3/021 - INQ000542434) with my office on 13 March 2020 which was seeking my agreement on guidance for schools and school leaders around contingency planning and distance learning should there be school closures on an individual level. This guidance was not published as it was superseded by guidance published following the announcement of mass school closures, but it shows that the department was considering what distance learning could look like.
- 4.29 The Inquiry has also asked about the meetings I held with other ministers between January and mid-March 2020. I do not have an exact record of the meetings and communications I had with the Prime Minister, CO, or other ministers between January 2020 and 16 March 2020. I was in regular contact with the Prime Minister, his advisers, and the SSHSC and that contact will have included conversations outside of allotted meetings. These conversations increased in line with the growing concern around COVID-19 and the impact it might have on the nation.
- 4.30 I did not meet with Victoria Atkins, the Minister for Crime, Safeguarding and Vulnerability ("MfCSV") at the Home Office ("HO") prior to 18 March 2020. Meetings with junior ministers would typically be taken by their relevant peers in departments. I do not know if the MfCF, met with her during the period in

question. I believe I spoke with the Home Secretary, Priti Patel, prior to school closures to discuss any associated issues.

#### **The announcement on 18 March 2020**

- 4.31 As requested by the Inquiry I have replicated relevant paragraphs from the witness statement I provided for Module 2, relating to school closures in March 2020. The Inquiry is also encouraged to read SAH1 and JK1 which both provide detail on the run up to 18 March 2020.
- 4.32 I would like to be clear at this point that as SSE, I did not have complete autonomy to make core decisions, especially those regarding school closure and school reopening. The parameters and timeframe in which I could input into decisions was set by the Prime Minister and No.10 officials. I was also constrained by the expert and changing scientific and public health advice. This meant that although I did have the opportunity to input into core decisions, my input was sometimes limited to the implementation of a decision, rather than the decision itself.
- 4.33 I refer to a number of meetings relating to the decision to close schools in my previous statement. I can also confirm that it was usual practice for me to discuss my thoughts with relevant ministers and advisers, including the Prime Minister, around the margins of these meetings. I do not have a record of these conversations but as concern increased, I was in continuous dialogue with the relevant people.
- 4.34 Throughout this process, I was reliant on advice coming from SAGE via DfE officials including the CSA. It was the Prime Minister's position that all scientific advice should be coming from SAGE. I did not seek advice from any other body about keeping schools open or closed. Any contact with PHE at this stage in the pandemic would have been advice received via their presence at SAGE or if they attended any other meetings. I was briefed throughout the process and will have provided a steer on the work within those verbal briefings.
- 4.35 As set out in paragraph 4.4.1 of the witness statement I provided for Module 2, there was no discussion with stakeholders about the possibility of school closures. At this point in time DfE did not understand closures to be under consideration.

- 4.36 As my aim was to keep schools open my communications were centred around this message. All guidance published focused on actions to be taken to keep schools open. It was important I kept this messaging consistent to avoid a situation where some schools may have thought school closures (without instruction from PHE) were an action that the government considered acceptable to take. My speech at ASCL's annual conference on 13 March 2020 makes it clear that the position was to keep schools open (Exhibit GW3/022 - INQ000623227).
- 4.37 JK1 details in paragraph 2.37 to 2.39, work taken by DfE on 15 March 2020 to respond to a CO commission on the consideration of mass closure for education settings. As set out above, it was still my strong preference to keep schools open at this time, which is reflected in a readout from a meeting between myself and the Prime Minister that day (Exhibit GW3/023 - INQ000540796).
- 4.38 On 16 March 2020, I attended COBR to further discuss the outbreak of COVID-19. COBR included a discussion on school closures. On the same day, SAGE had concluded that *"While SAGE's view remains that school closures constitutes one of the less effective single measures to reduce the epidemic peak, it may nevertheless become necessary to introduce school closures in order to push demand for critical care below NHS capacity* (Exhibit GW3/024 - INQ000075664)."
- 4.39 At COBR on 16 March 2020, I was asked to commission DfE officials to produce a paper on what measures DfE could put into place to keep schools open. Following the meeting I asked DfE officials to produce this paper and I received the paper on 17 March 2020 (Exhibits GW3/025 - INQ000075395, GW3/026 - INQ000075396, GW3/027 - INQ000075397 and GW3/028 - INQ000075398).
- 4.40 JK1 sets out at paragraph 3.16 that education setting closures had increased overnight to over double the number closed on 16 March 2020. By 17 March 2020, there were 75 schools either fully or partially closed in England (49 fully closed and 26 partly closed). The reason for the majority of closures was self-isolation of staff. There were no particular hot spots in the country at this time (Exhibit GW3/029 - INQ000055918).

- 4.41 On 17 March 2020, SAGE circulated a paper that estimated that school closures could reduce deaths by 9% and offered comparisons on closing schools immediately versus after the Easter holidays (Exhibit GW3/030 - INQ000075448). SAGE also circulated another paper which outlined the potential option of keeping schools open only to vulnerable children and CCW (Exhibit GW3/031 - INQ000075405).
- 4.42 Following circulation of these SAGE papers, DfE officials attended a meeting chaired by the Cabinet Secretary on the evening of 17 March 2020. The DfE paper commissioned by COBR on 16 March, entitled *Supporting Schools to Keep Open* was discussed (Exhibit GW3/026 - INQ000075396, GW3/027 - INQ000075397 and GW3/028 - INQ000075398). At this meeting, in what was a discombobulating sea change over a 24-hour period, No.10 officials commissioned DfE to produce a paper on closing schools and other options for the daily Prime Minister chaired C-19 Strategy Meeting the following morning. The paper was drafted overnight by DfE officials, who were reliant on public health and scientific advice from outside DfE (as we were not a department with epidemiological expertise).
- 4.43 On the morning of 18 March 2020, I agreed this paper, entitled *Reducing School Provision* (Exhibit GW3/017 - INQ000107248). The paper outlined that we were facing strong drivers for change away from the current position that all schools should stay open. Firstly, the scientific advice and modelling from SAGE indicated that there would be a reduction in the transmission of the virus if schools closed. Secondly, schools were having to close or reduce support to a minimum number of pupils due to staff illness and/or self-isolation guidance. Thirdly, a number of parents were withdrawing their children regardless of whether the school was open or not. It was therefore becoming increasingly clear that it would not be feasible for many schools to remain open to all pupils irrespective of government guidance. This paper formed the basis of my advice to the Prime Minister.
- 4.44 This paper was produced at immense speed and the focus at that moment in time was ensuring that the policy position allowed for those children who were most vulnerable to be eligible to attend, along with children of critical workers. It was highly challenging in this timescale to comprehensively consider how many of those children would attend school or that school closures might continue for longer than anticipated.

4.45 I did not draft the paper, so I cannot say for certain which SAGE advice it is based on, but I assume it is that of the 17 March 2020. As set out in this paper, the preference at this point was school closure to be avoided for as long as possible with an aim for after the Easter break. This was to allow sufficient time for both parents and the sector to prepare for the change.

4.46 As set in the witness statement I provided for Module 2, within this paper, I provided the following advice:

4.46.1 Children's health and wellbeing: the definition of vulnerable children should include those on child protection plans, children with complex needs as well as those with profound and multiple learning difficulties (Exhibit GW3/017 - INQ000107248, Vulnerable children and the children of key workers – page 4).

4.46.2 Education and attainment: that children's ability to access e-learning whilst at home would be highly variable. I explained that DfE would publish guidance to schools on remote education but acknowledged that the available options would fall short of the learning that would normally be delivered (Exhibit GW3/017 - INQ000107248, Other considerations – page 6). I also advised that we should not close schools until after the Easter break on Monday 20 April 2020 (Exhibit GW3/017 - INQ000107248, Summary of proposed way forward - page 3). This would give DfE more time to publish remote education guidance and schools more time to prepare their plans to support pupils. Lastly, I advised on the potential impact on exams and the importance of issuing advice as soon as possible to alleviate the emotional distress caused by the uncertainty (Exhibit GW3/017 - INQ000107248, Other considerations - page 5).

4.46.3 Vulnerable children: the definition of vulnerable children should be a much broader grouping, including discretion for local authorities to identify additional children to be classed as vulnerable who may fall outside this definition. We wanted to go as far as possible to protect and give as much assistance to as broad a group of vulnerable children as we could get away with. I also advised that schools should

be guided to focus resources on vulnerable children where the school was providing support over the Easter Holiday (Exhibit GW3/017 - INQ000107248, Vulnerable children and the children of key workers - pages 3 and 4).

4.46.4 Disadvantaged children: the importance of continuing to provide free school meals ("FSM") through alternative arrangements during any school closures, because this may be the only substantial meal some children would receive during their day. (Exhibit GW3/017 - INQ000107248, Other considerations - page 5)

4.46.5 I also agreed advice for COBR later in the afternoon of 18 March 2020. This advice was prepared by DfE officials (Exhibit GW3/032 - INQ000056188). This was a slide-deck that included key parts of the advice set out earlier in the day in the *"Reducing School Provision"* paper referred to above (Exhibit GW3/017 – INQ000107248). The two key additions were:

4.46.6 Special schools: that special schools and residential settings should remain open to all children. Most children in these settings would be classed as vulnerable. Furthermore, these settings provided many important specialist health, speech & language and social services to vulnerable children and young people. It was critical that these services could continue to be provided to them in a familiar environment (Exhibit GW3/032 - INQ000056188, slide 3).

4.46.7 FSM: that the government should give schools the flexibility to provide meals or vouchers to the 1.3m children eligible for FSM and reimburse the costs. In addition to this, DfE would put in place a national voucher scheme for every eligible child as soon as possible (Exhibit GW3/032 - INQ000056188, slide 5).

4.47 I attended the daily Prime Minister-chaired C-19 Strategy Meeting on 18 March 2020 where I presented the paper (Exhibit GW3/017 - INQ000107248). I recommended at the meeting that the Prime Minister should announce that

once schools returned from the Easter holiday, which was due to run from 3 April to 20 April 2020 for most schools in England, they should be open only to vulnerable children (as defined in the paper) and CCW (Exhibit GW3/017 - INQ000107248). This would give schools a window of opportunity to prepare for the completely new reality of delivering remote learning to most pupils and face-to-face for vulnerable children and CCW.

- 4.48 At the C-19 Strategy meeting on school closures on 18 March 2020, the Prime Minister agreed to close schools and EY settings to all children except for CCW and vulnerable children (Exhibits GW3/033 - INQ000107253 and Exhibit GW3/034 - INQ000107254). However, he wished to bring forward the date of this change from the end of the Easter holiday (Monday 20 April 2020 for most schools in England) to Monday 23 March 2020 (Exhibit GW3/035 - INQ000107247). I did not know about the change of date until hearing the decision in the meeting. I understand that the shift and changed position of bringing forward the date by the Prime Minister of nearly a month was based on rapidly changing scientific and public health advice. Only hours earlier, the advice had been in accordance with the view that we would not restrict attendance until the start of the new term (20 April 2020). It goes without saying that such rapid shifts in policy and position from No. 10 makes it much harder to put in place all that you would like to have available for pupils and schools.
- 4.49 The Prime Minister also decided that COBR should be asked to formally agree this decision later in the afternoon on 18 March 2020. DfE was asked to prepare slides that reflected 23 March 2020 as the preferred date for implementing school closures.
- 4.50 I then attended the COBR meeting at 4pm on 18 March 2020. COBR agreed to implement the policy proposals set out within DfE slides. This included requesting that education and childcare settings close to most pupils (except for vulnerable and CCW) from Monday 23 March 2020 (Exhibits GW3/033 - INQ000107253 and GW3/034 - INQ000107254).
- 4.51 The decision was then announced to the sector later on the 18 March 2020. I was not able to engage with the sector, including unions prior to this announcement. Ultimately, the decision to close schools on Monday 23 March was taken by the Prime Minister and the announcement was made



immediately.

- 4.52 As DfE officials were asked to produce advice for the Prime Minister on school closure options overnight between 17 and 18 March 2020, DfE officials were not able to produce an Equality Impact Assessment (“EIA”) or Child Rights Impact Assessment (“CRIA”) to look in detail at how the actions set out in this advice would affect children’s rights, or consult with the Children’s Commissioner and organisations representing the rights and interests of children.
- 4.53 At this point in time, the position was that the public health risk was judged to outweigh the other potential equalities risks to those children who were not eligible for school attendance. EIAs were not prepared prior to the 18 March 2020 as the position, backed by SAGE advice, continued to be that schools should remain open. I knew that closing schools would present a number of risks to children, which is why I continued to push for schools to be open for as long as possible and ensure the most vulnerable could continue to attend school.
- 4.54 Despite these extreme time pressures, equality impacts were considered and designed into the policy on school and EY closures. For instance, I recognised the greater negative impact that non-attendance would have on certain groups of children. As set out in paragraph 16.1.23 of SAH1, in recognition of this, I agreed that a broad grouping of vulnerable children could continue to attend their education or EY setting (Exhibit GW3/017 - INQ000107248). This covered:
- 4.54.1 Children who were assessed as being in need under section 17 of the Children Act 1989 (including those with a child in need plan, a child protection plan or who were looked after).
- 4.54.2 Children who had an education, health and care plan (“EHCP”).
- 4.54.3 Children who had been assessed as otherwise vulnerable by education providers or local authorities, such as young carers and those at risk of becoming not in education, employment or training (“NEET”).

- 4.55 As set out in the witness statement I provided for Module 2, at paragraph 3.4.5, I also proposed that special schools remain fully open, given the high proportion of vulnerable children they cater for, namely those children who had an EHCP. This was in spite of some resistance from other parts of government, as set out in paragraph 4.70 of this statement. This, I believe, was the correct course of action and helped many of the most vulnerable children and their families.
- 4.56 I note the Inquiry has asked my opinion as to whether the decision to close schools was the right one to have made based on what was known about the virus at the time. I believe the decision was the correct one. There was very limited information at the time around the impact of COVID-19 on children and we were seeing an increasing number of parents withdrawing their children from school. Alongside this, there was very limited information on how children contributed to the transmission of the virus and the fear that the pressure on the NHS could not be sustained. With so many moving parts, the limitation of school attendance to vulnerable children and CCW eventually felt like the only option we could take. I believe it would have been better if schools could have stayed open until the Easter break in just over a week's time, as this would have given schools more space to be able to prepare. However, those responsible for taking the decision ultimately decided this wasn't possible.
- 4.57 I note the Inquiry has asked my opinion as to whether, with the benefit of hindsight, the decision to close schools was the right one. I stand by the decision that was made at the time. As we moved through the pandemic and learnt more about the impact of it on children including the impact of children not being in school, I advocated for schools to remain open in future lockdown. We need to think about how we could have more medical and epidemiological advice on children so we can do more to keep children in school and have a better understanding of the actual impact of any future pandemic on children.

## **Remote education prior to mid-March 2020**

- 4.58 DfE had started to assess/consider the effectiveness of various forms of remote education, before mid-March 2020. JK2 covers the department's efforts on COVID-19 worst-case scenario planning, which included a one-off exercise that was completed on 7 February 2020. This work considered the issue of remote education and potential existing solutions (Exhibits GW3/036 - INQ000542412, GW3/037 - INQ000542908, GW3/038 - INQ000542414) and GW3/039 - INQ000542415).
- 4.59 The concept of remote education was not well established before 2020. From March 2020, DfE began to generate support, guidance and resources (Exhibits GW3/040 - INQ000286012 and GW3/041 - INQ000540794). Also at this time, work was being done to consider options for delivering education remotely in the event of school closures. However, some educational settings did offer remote education to support pupils during absences, and homework was occasionally set digitally through virtual learning environments or websites. FE providers delivered some remote learning, primarily to accommodate learners needing more flexibility, such as those with caring responsibilities. Prior to 2020, DfE did not collect data for remote education, nor were there any established accountabilities or standards for education settings (such as schools, sixth form colleges and FE colleges) who were providing remote education to children.
- 4.60 On 8 March 2020 the department provided a draft response to a CO commission (which was received by DfE on 5 March) to departments on their preparedness against the reasonable worst-case scenario. The department indicated remote learning may be feasible for some children but flagged the negative impact on educational outcomes over a prolonged period. JK1 provides further details on DfE's response. There were concerns about disparities in educational provision, especially for vulnerable children with limited internet and device access, disproportionately affecting disadvantaged backgrounds. The department also recognised that remote education's effectiveness would vary across schools, with some struggling to provide adequate resources (Exhibits GW3/020 - INQ000542433 and GW3/042 -

INQ000542431).

4.61 DfE prepared remote education guidance (*Coronavirus (COVID-19) guidance for schools and school leaders*). This was originally intended to help education settings with contingency planning if an individual setting needed to close or a cohort was sent home for a limited period. This was shared with me on 13 March 2020 (though many of these activities/efforts would have been progressing prior to this advice) as part of a wider strategy to support settings and minimise educational disruption. The advice considered the digital divide (the disparity between those settings and children with easy access to broadband and digital devices and those without) and included non-technology-based solutions. We focused on creating solutions that would be effective for all pupils and could be implemented quickly. This included working with the BBC to deliver a national education offering, partnering with technology platforms, and collaborating with educational settings to compile case studies on effective remote learning approaches, using both technology and traditional methods. Although the original guidance was not published in its original form, it was subsequently updated and incorporated into other support and guidance materials (Exhibits GW3/020 - INQ000542433, GW3/043 - INQ000542455, GW3/044 - INQ000542456 and GW3/045 - INQ000542457).

4.62 As set out in paragraph 4.37, on 15 March 2020, DfE provided a note to CO that specifically set out detailed consideration on mass closures for education settings. This note was commissioned to understand the implications of mass school closure due to isolation and/or illness. I believe CO also commissioned this note as they were keen to get an initial understanding of the implications of mass school closures, but it was not intended as formal policy thinking. DfE included the potential impacts on children if education settings were to close (Exhibits GW3/040 - INQ000286012 and GW3/041 - INQ000540794). The note highlighted that several impacts could occur, including:

4.62.1 Almost 9 million pupils could not be guaranteed to receive an education for the time their education setting was closed to the majority of pupils and any education they received would be limited.

4.62.2 Remote learning, it was assumed, might not work for all children either because education settings would have a varying ability to provide and/or some children would not have access to the internet or an appropriate device.

- 4.63 On 19 March 2020, following the announcement of school closures, DfE officials advised me and MoSSS on strategies to ensure ongoing education during school attendance restrictions and staff shortages. DfE aimed to complement schools' efforts. It considered varying technological capacities and children's ability to engage. For example, self-directed learning via the BBC's educational content. DfE was aware of schools' positive feedback about using BBC content. Digital learning tools and apps would also be promoted to aid self-directed learning and ease navigation for parents. Support for schools and colleges included guidance on online tools, providing devices and broadband, and training teachers in distance learning practices were also proposed (Exhibit GW3/046 - INQ000575756).
- 4.64 It would have been typical for the department to review existing solutions whilst developing remote education support options, which may have included those used by the devolved administrations. So far as I'm aware this was not done; I am also not aware of the extent to which any remote education support options were used by the devolved administrations before mid-March 2020.

#### **Vulnerable children and children of critical workers**

- 4.65 Whilst I am not able to determine an exact date as to when the process of defining vulnerable children began, I believe it was led by DfE and work started around 17 March 2020. FO1 explains how the Vulnerable Children's Unit ("VCU") was set up on 17 March and led the work to define vulnerable children. An initial indication of this definition was included in the *Reducing School Provision* paper, mentioned above in paragraph 4.43.
- 4.66 There were 364,003 Children in Need between the ages of 0 to 18 and 353,995 with an EHC plan between the ages of 0 to 25 (Exhibit GW3/047 - INQ000542867). It was not expected that all these children would continue to attend their education settings as some vulnerable children would have been at a greater health risk and considered clinically vulnerable. They might also

have been living with a vulnerable relative who was required to shield.

- 4.67 The definition of vulnerable children allowed for the discretion of those most appropriate to decide which children were 'otherwise vulnerable', DfE trusted those at school and local authority level to decide who those children were. DfE did not have any numerical estimates on the number of children who could fall into the 'otherwise vulnerable' category, but it was marked as a potential risk that a large group could access this flexibility in the definition.
- 4.68 There was not a mechanism set up to specifically monitor how individual schools were using the 'otherwise vulnerable' flexibility in the definition, but the guidance provided did include examples of those who might be vulnerable. I note in FO1, DfE established a Vulnerable Children and Young People board that brought together external stakeholders. Platforms like this would have allowed for any concerns around consistency across the use of the 'otherwise vulnerable' category to be raised directly with DfE. We wanted the people who knew the children best to be able to have the power of discretion.
- 4.69 As mentioned in paragraph 3.6, the school system is set up to be largely autonomous. Whether schools and local authorities worked together to identify otherwise vulnerable children will have likely differed between areas. I trusted that the knowledge on which children should be deemed otherwise vulnerable sat across those two entities.
- 4.70 Given the desire to ensure parts of the economy could continue moving through the pandemic some government departments were keen that workers in some of their sectors were classed as critical workers. I felt this most from Business, Energy, Innovation and Skills (BEIS) and Treasury (HMT).
- 4.71 As set out in JK1, the *Reducing School Provision* paper produced by DfE on 18 March 2020, confirmed the initial DfE thinking as to which groups of key workers would fall under the definition. This was, however, for CO to update following a consultation with other government departments ("OGDs").
- 4.72 The statement goes on to say that DfE officials worked throughout 18 and 19 March 2020 to define 'key workers' in collaboration with OGDs. It was agreed by senior officials and then cleared by No.10 and the CDL (Exhibits GW3/048 - INQ000542447 and GW3/049 INQ000542448) in preparation for the

guidance to be published. It was agreed that CCW were those whose parents' work was critical to the COVID-19 response, such as those who worked in health and social care and in other key sectors.

- 4.73 During this process the numbers of children able to attend school was discussed in the GPSMIG on 19 March 2020 (Exhibit **GW3/049a** - INQ000056038). This conversation was framed around keeping the overall population of children attending school to 20%. While this was a helpful guide for discussions on which workers could be included within the definition of critical workers, there was never an intention to limit individual schools to 20% attendance. The percentages were simply used to aid the conversation around which children could attend and if OGDs wanted to ensure workers relevant to the sector were added to the list there was a risk that this number inflated. My concern was that in some areas there would, by nature of the local infrastructure, be more critical workers by default (e.g. where nuclear sites are based). If the critical worker list was too broad in scope to begin with, the existing risk of higher concentrated school attendance in these areas would have been increased.
- 4.74 Guidance was first published to the sector on 19 March 2020, which set out which children were eligible to attend school including the vulnerable children definition and list of critical workers (Exhibit GW3/050 - INQ000541144). More detailed guidance on the definition of vulnerable children was then published on 22 March 2020 (Exhibit GW3/051 - INQ000520192). This guidance was intended to support parents and the sectors, including local authorities and MATs, understanding of who was eligible to attend school. This should have supported schools to have any necessary conversations around school attendance.
- 4.75 I note the Inquiry has asked about the messaging made to convey that there was need to ensure NHS staff had priority for school places (Exhibit **GW3/051a** - INQ000048337). The main reason for school closures was to reduce the pressure on the NHS, as with all public messaging it is important to keep it focused. I wanted to ensure we did not end up in a position where the intended purpose of school closures was not met. Also, the whole focus of the entire government was to 'save the NHS' over all other considerations.
- 4.76 There was no equivalent messaging for vulnerable children as this definition

was a lot more nuanced. For example, some vulnerable children shouldn't have been in school due to their health needs or their families. I know that internally in DfE there were continuous efforts to improve the attendance of vulnerable children.

- 4.77 During both periods of attendance restrictions, my aim was to increase the proportion of vulnerable children and CCW attending settings. A significantly higher number of vulnerable children and CCW attended settings during the third period of national restrictions (and the second period of school closures) compared with the first. Using the first week of each set of school closures as an example, on 23 March 2020 257,000 CCW and 61,000 vulnerable children attended their settings compared to 793,000 CCW and 331,000 vulnerable children on 11 January 2021 (Exhibits GW3/052 - INQ000075801 and GW3/053 - INQ000075800). As set out in SAH1, communications and guidance for schools had been strengthened, including greater clarity provided on who should attend settings.
- 4.78 Remote education expectations were also clearer and stronger than the first lockdown with guidance in place alongside the Remote Education Continuity Direction. Furthermore, during the second period of attendance restrictions, many vulnerable children and young people had a device, which they may not have done in the first lockdown. The testing programme in education settings was also key in enabling settings to remain open to vulnerable children and CCW by providing reassurance to young people, parents and staff that settings were safer to attend than they otherwise would have been.
- 4.79 Obtaining information from the sector was integral to ensuring effective support. Throughout the pandemic, we encouraged attendance of vulnerable children and young people and CCW. There were different mechanisms used to encourage attendance, much of which included the VCU working directly with REACT teams.
- 4.80 For example, DfE held a roundtable with London local authorities and multi-academy trusts on 14 July 2020 to discuss concerns around school attendance data in London. I did not attend the meeting, but the MfCF and Indra Morris (the Senior Responsible Owner for Vulnerable Children and Young People) did attend. The meeting allowed for a collective view on the barriers to school attendance in London and also provided qualitative insights



to supplement the data already secured via the daily school attendance survey.

- 4.81 When the vulnerable children and young people data dashboard was launched in October 2020, it allowed for an even more targeted approach to intervention to take place. In December 2020, REACT teams completed direct calls with local authorities where attendance data was raising concern. Calls of this nature had been taking place since April 2020, but the new data dashboard enabled more focused discussions.
- 4.82 Officials from the VCU attended these calls to support the conversation around disparities in vulnerable children and young people attendance data against the prevalence of COVID-19 locally (Exhibit GW3/054 - INQ000540969). The calls allowed for the local authority to be alerted to our data concerns and to also alert DfE to the context around the data. DfE was then able to continue to understand challenges faced by the sector and use it to inform policy work. These more structured/focused calls were completed in multiple rounds from December 2020 to July 2021 (Exhibits GW3/055 - INQ000623224 and GW3/056 - INQ000623225).
- 4.83 As set out in FO1, we created the VCU on 17 March 2020, to act as the central coordination function for all DfE support work associated with vulnerable children and young people during the pandemic. In the same week, the VCU set up daily sitreps to provide a problem solving and information platform on the work happening to support vulnerable children during the pandemic. Sitrep attendees were from across DfE policy areas and OGDs and included: CO, HO, Department for Work and Pensions ("DWP"), Ministry of Justice ("MoJ"), Ministry of Housing, Communities and Local Government ("MHCLG"), Ofsted, Department for Culture, Media and Sport ("DCMS"), NHS England ("NHSE") and PHE, alongside the Ofsted National Director, and Chief Social Worker for Children and Families. These sitreps eventually became weekly steering group meetings (Exhibits GW3/057 - INQ000540806 and GW3/058 - INQ000541001). As already mentioned, in addition to local level interventions, we employed a range of different mechanisms to increase the numbers of vulnerable children attending school.
- 4.84 The definition of 'vulnerable children' included the category 'otherwise vulnerable'; this category was intended to give flexibility in the factors that key

partners, such as school leaders, might consider when determining if a child or young person was vulnerable. This also meant that children and young people who would be safer in school could fall into the vulnerable children and young people category and therefore meet the on-site attendance requirements. Violence Reduction Units (“VRUs”), based in the HO, played an important role in helping to identify children considered as ‘otherwise vulnerable’ through extra-familial harm such as serious violence, county lines and criminal exploitation. In June 2020, as part of the on-going push to encourage vulnerable children and young people school attendance, DfE coordinated a joint letter from the MfCF and Victoria Atkins, MfCSV, to Police and Crime Commissioners, and Directors of VRUs. The letter encouraged their continued collaboration across organisations to help identify vulnerable children and young people and support their attendance in school (Exhibits GW3/059 - INQ000540903 and GW3/060 - INQ000540906).

4.85 Recognising the role social workers played in providing support to vulnerable children and young people during the pandemic, we also sought to support social workers to have conversations about school attendance. In August 2020, we published a social worker toolkit on the website ‘What Works for Children’s Social Care’, (Exhibit **GW3/060a** INQ000540923) an organisation funded by DfE, ahead of the national expectation that all pupils returned to school in September 2020. The toolkit included what conversations should cover, the available guidance, and resources available to parents and carers. Published alongside the toolkit was a set of commonly asked questions and letter templates which could be sent from social workers to parents to alert them to the expected return to schools. Stakeholders, including Ofsted and the Office for the Children’s Commissioner, agreed to promote the publication via their various communication platforms (Exhibits GW3/061 - INQ000623221, GW3/062 - INQ000623222 and GW3/063 - INQ000623223).

4.86 I note that the Inquiry has asked about the link between deprivation and attendance (Exhibit **GW3/063a** INQ000089022). DfE does not measure “deprivation” or “poverty” directly. The standard definition of ‘disadvantage’ used by DfE is pupils who have been eligible for FSM in the last 6 years, plus pupils who have been in the care of the local authority for one day or more in the last year or have left local authority care through adoption, a special guardianship order, a resident order or a child arrangements order. DfE

collects and analyses data on FSM in relation to a range of areas including attendance.

- 4.87 My priority at this time was to ensure that settings remained open for vulnerable children and CCW. It is important to note that many vulnerable children would also be eligible for FSM. Consequently, although FSM-eligible children were not explicitly targeted, many of them would have been able to attend school through the periods of school closures.

#### **Adoption and Children (Coronavirus) (Amendment) Regulations 2020**

- 4.88 I note the Inquiry has asked me a series of questions relating to the Adoption and Children (Coronavirus) (Amendment) Regulations 2020. FO1 details the work around these regulations in full. This work was delegated to the MfCF and, unless matters were escalated to me, I would not be involved in delegated work
- 4.89 It is my understanding that, given the potential breadth and scale of it, the Coronavirus Act 2020 was limited to exclude anything that could be achieved via secondary legislation (Exhibit GW3/063b INQ000540854). This is also standard legislative practice. The legislative changes required to continue to mobilise children's services were achievable via secondary legislation, so it was not deemed necessary to seek any primary legislative powers in the Coronavirus Act 2020.

**5. Part D: The provision and regulation of remote education**

- 5.1 In this section of my statement, I will cover the questions the Inquiry has asked on the topic of remote education. I can only answer these questions in relation to England, as like face-to-face education, remote education is a devolved matter. As set out in paragraphs 2.1 and 2.2, in my role as SSE I would provide overall policy direction and oversight, but the detailed planning and execution of such policies were usually managed by DfE officials. This was the case for remote education.
- 5.2 As with any other policy area, I expected high-quality advice, and it was up to the department as to how it structured itself to provide me with it. I know a dedicated remote education team was established by DfE in March 2020. I will have been updated on the work of the remote education policy team through regular meetings, briefings (including sit reps), and submissions where a decision from myself was required.
- 5.3 As set out in para 3.6, the education system is set up to be largely autonomous, and DfE would not ordinarily be involved in how schools teach the curriculum. The provision of remote education is covered extensively in JK2. This statement includes detail of the approach taken in the first lockdown to ensure schools had supportive resources, and then how standards and expectations were developed over time.
- 5.4 I recall that early in the first lockdown, there was resistance from teacher unions to any attempts to regulate remote education (section 4 of JK2 provides the detail). At this time, DfE chose to let education settings plan their own remote education provision, because the disruption was not expected to last a significant amount of time, and the department did not want to overwhelm settings at a time when they were already facing significant challenges in the context of the pandemic. Further details can be found in paragraphs 4.17 to 4.19 of JK2.
- 5.5 I had some concerns about the extent to which parental involvement was needed in remote forms of education, for them to be effective. I knew that younger children and those with special educational needs would need a high level of parental engagement. As set out in section 4.10 of JK2, DfE developed remote education resources and support that targeted parents, as well as schools, colleges, teachers and children. This involved collaborating

with industry leaders to achieve the support required. Section 4.20 of JK2 sets out interviews that DfE commissioned with parents and teachers, to understand their issues and help shape its approach to remote learning support.

- 5.6 I note the Inquiry asks about the content of a piece of advice I received via ministerial submission during this period (Exhibit **GW3/063c** INQ000226712). This advice was in relation to guidance, including case studies, we should issue to the sector relating to remote teaching. My officials would have drafted this advice therefore I cannot provide an explanation as to why certain detail was included within it. I know, however, that there were concerns from stakeholders around placing too many expectations on schools in relation to remote education during the first lockdown. Despite this, I can see that I approved the recommendations made in the advice and remote education best practice and case studies were published through April and May (paragraph 4.28 in JK2) (Exhibit GW3/064 - INQ000623220). It was my belief that we should be more assertive in our expectations around delivery of remote education.
- 5.7 Over the summer of 2020, there was continued effort to regulate remote education. DfE explored the use of a direction power (using the Coronavirus Act's powers to clarify that schools were required to provide remote learning when pupils were not in school due to COVID-19, and to develop high quality remote education programmes), and I recall further resistance from at least one teaching union. We undertook engagement with various education representatives over the summer, to better understand their needs and the impacts of implementing a direction for remote education (Exhibits GW3/065 - INQ000575649 and GW3/066 - INQ000575662). The Coronavirus Act 2020 Provision of Remote Education (England) Temporary Continuity Direction was issued on 1 October 2020 and came into force from 22 October 2020. The Direction made clear that schools had a legal duty to provide remote education for state-funded, school-age children unable to attend school due to COVID-19.
- 5.8 It was announced in December 2020 that targeted Ofsted inspections focusing on curriculum, remote education and attendance would take place. My contact with Ofsted throughout the delivery of remote education will have been in line with my usual scheduled meetings as well as regular ad hoc

discussions with Amanda Spielman (His Majesty's Chief Inspector of Education, Children's Services and Skills during the specified period) about the issues we faced. Ofsted's involvement in remote education evolved as the expectations on remote education delivery grew over time. I know my officials will have been working with, and considering work completed by Ofsted, and anything of relevance will have been shared with me via the usual routes.

- 5.9 I was aware of the potential difference between the experience of privately educated children and those in the state sector. This potential difference is largely due to private schools, by nature, having a head start on the state schools in terms of the initial resources available. There was also a likelihood that the children attending those schools would have had access to devices to support home learning. The measures taken during school closures aimed to ensure children attending state schools could continue to access good quality education, this included guaranteeing the most vulnerable children could attend school and the issuing of the continuity direction as set out above in paragraph 5.7.
- 5.10 I knew for those children who could not attend school it was essential that they had access to a device to continue their learning. I was also concerned that vulnerable children, who could not attend school, had access to devices to support any remote safeguarding measures. My officials took forward the development of this policy, including the consideration of the numbers of children who did not have access to a device and the approach DfE should take to reduce this. I would only have been involved when decisions from myself were required.
- 5.11 JK2 sets out, in chapter 5, the work done around ensuring children had devices to take part in remote learning. It is worth noting, as set out in paragraphs 3.6 and 4.69, the education and CSC system is set up to be largely autonomous. Whilst DfE established the Get Help with Technology ("GHwT") programme, the role of the department was to deliver these devices to RBs (local authorities, MATs and dioceses). It was then the responsibility of these bodies to ensure the devices were shared with the correct children. More information on GHWT is available at paragraph 9.23.

## **6. Part E: Exams**

- 6.1 The cancellation of exams has been addressed in full in the JO1 statement. I encourage the reader to consider that statement before progressing with this section. I have summarised some parts of the JO1 statement that are most relevant to the questions the Inquiry has asked me.
- 6.2 In advance of determining that exams would not go ahead as planned in 2020, MoSSS, DfE officials and I took part in discussions with Ofqual about how to manage exams in light of the developing COVID-19 situation. We met the Ofqual Chief Regulator and the Ofqual Chair on 10 March 2020 and then had further meetings on 17 and 18 March 2020 with the Ofqual Chief Regulator.
- 6.3 In these meetings, we discussed alternative options to the usual approach to the traditional summer exam timetable with MoSSS, Ofqual and DfE officials. This included holding exams later in the summer or autumn, or using teacher or exam centre assessed grades, with or without Ofqual moderation, to award grades in the summer of 2020. An exam centre is a designated location, usually but not always a school or college, where students can take formal exams like GCSEs, A levels, or other qualifications.
- 6.4 However, once it became clear that education settings would close to most children for at least a period of time, it felt inevitable that we would need to cancel exams and find a different way to award grades in 2020. Most children in exam years would not be receiving the face-to-face education they would normally have had in the run up to exams. If we did then hold exams, there would also have been public health concerns around bringing significant numbers of education staff and children back into an education setting to sit those exams. The question on exams therefore changed from whether they should go ahead, to what they would be replaced with, in order that children could receive fair grades that reflected their work.
- 6.5 Further details of these discussions are detailed in chapter 3 of JO1.

- 6.6 As set out in JO1 at paragraph 3.23, I informed Ofqual that exams would be cancelled at 14:35 on 18 March 2020. The closure of schools to the majority of pupils and the cancellation of exams was then formally agreed at COBR, in its meeting at 16:00 on 18 March 2020.
- 6.7 Following this, DfE submitted a paper to the Prime Minister on 19 March 2020 to agree the arrangements for replacing exams with a moderated grade. The paper set out that a grade would be awarded that summer based on teacher judgements (using a range of evidence including any non-exam assessment that students had already completed), combined with other relevant data, including prior attainment, to produce a calculated grade for each student that reflected their performance as fairly as possible. There would be an option, for students who did not feel this grade reflected their performance, to sit an exam at the earliest reasonable opportunity once schools and colleges were open again.
- 6.8 The Prime Minister agreed to the proposed approach on the same day - 19 March 2020. I then confirmed what approach we planned to take to plan for how grades would be awarded, in a written statement to Parliament on 23 March 2020.
- 6.9 It is important to remember the roles and responsibilities of the different bodies involved, and these can be found in chapter 2 of JO1. That section makes it clear that although Ofqual was a non-ministerial department, with the Ofqual Chief Regulator reporting directly to Parliament, as SSE I had the power to direct Ofqual, under s.129 (6) of the Apprenticeships, Skills, Children and Learning Act 2009, to take account of certain aspects of government policy in performing its functions. This power is rarely exercised; however, I did use it a number of times during the pandemic.
- 6.10 The first occasion on which I used my power to direct Ofqual was on 31 March 2020, when I sent a formal direction letter to the Ofqual Chief Regulator (Exhibit GW3/066a INQ000563212). This letter set out that it was government policy that students should be issued with calculated results based on their exam centres' judgements of their ability in the relevant subjects, supplemented by a range of other evidence. Ofqual should therefore:



- 6.10.1 develop and implement an alternative system of grades to replace exams in summer 2020, to enable students to progress to further study and employment;
  - 6.10.2 ensure that students were issued with calculated results based on their exam centres' judgements of their ability in the relevant subjects, supplemented by a range of other evidence;
  - 6.10.3 put in place arrangements for standardising results across schools and colleges;
  - 6.10.4 ensure, as far as is possible, that qualification standards were maintained, and that the distribution of grades should follow a similar profile to that in previous years;
  - 6.10.5 develop an appeals process, focused on whether the process used the right data and was correctly applied, rather than seeking to overturn teachers' professional judgement on individual students' ability;
  - 6.10.6 work with the awarding organisations ("AOs") and others to plan to enable students who did not feel their calculated grade reflected their ability to sit exams as soon as reasonably possible after schools and colleges were open again.
- 6.11 I was clear that I wanted Ofqual to find a way to standardise grades and ensure that grade distribution should follow a similar profile to previous years because I had concerns about solely relying on teacher or exam centre-based assessments in summer 2020. Firstly, I was concerned that without standardisation, there would inevitably be a lack of consistency around how pupils' performance was assessed across the country. Even with detailed guidance from Ofqual about how to assess performance and award grades, this would always be open to different interpretations by individual teachers and by exam centres, which would result in some students or groups of students potentially receiving better or poorer grades than they deserved.
- 6.12 Secondly, I was concerned about grade inflation. My instinct was, and this was eventually shown to be correct, that given the difficult circumstances pupils had faced and the significant periods of face-to-face learning that they had missed, teachers would, quite understandably, err on the side of generosity in awarding grades. If this happened across the system, it could result in significant grade inflation, which could devalue the qualifications

received. My direction to Ofqual was therefore to put in place a system to act as a check and balance, to ensure the fairest possible set of results for children and young people, rein in grade inflation and maintain the value of the qualifications received by students in that year.

- 6.13 Ofqual took forward the work on how to award A and AS level, GCSE and VTQ grades between April and July 2020. As set out in JO1 at paragraph 3.44 and 4.1, MoSSS attended weekly meetings with Ofqual for regular updates on this work alongside other meetings between senior DfE officials and Ofqual staff. However, overall, we needed to ensure that Ofqual were allowed the space to develop the process for awarding grades in their role as an independent regulator distinct from DfE.
- 6.14 I understood that Ofqual were developing an algorithm or statistical model that would be based on a range of information available to them to calculate a student's grades. This would include the performance of an exam centre in the previous five years and other information. However, the data available to exam centres would inevitably vary, with some having mock exam results or completed coursework available to use and others not having this information to hand. Furthermore, exam results from large established exam centres would be able to be analysed with some confidence, but smaller or less established centres as well as those where performance had changed significantly during that five-year period would prove more challenging.
- 6.15 Paragraphs 4.5 - 4.8 of JO1 set out, broadly, how DfE thought standardisation was expected to be achieved. I have considered the Ofqual paper from May 2020, *Exceptional arrangements for exam grading and assessment in 2020* and in short, I understood that the model, operating at exam centre level, not individual student level, would review the grades that had been submitted and would make adjustments based on the education setting's historical performance (Exhibit **GW3/066b** INQ000514702). This would help to avoid excessive grade inflation, as, for example, if the average results at an exam centre suddenly went from an average of 6 in 2019 to 9 in 2020, then the model would correct this and help deliver a fairer system for children overall in this cohort as well as past and future cohorts. It did though allow for some inflation in the system as we knew that this would be required.

- 6.16 I did, however, understand it was not possible to get this 100% right, overall, at the national, regional and to an extent at the centre level. I also understood it was impossible to get the grade completely right for every individual student and this method was never going to be as fair as exams. However, I believed that the standardisation approach being designed by Ofqual would be the fairest for the greatest number of people. This type of approach was overwhelmingly supported by education unions, school and college representative bodies, universities, and the wider sector. It was also adopted by Northern Ireland, Wales and Scotland.
- 6.17 On 9 July 2020 (Exhibit **GW3/067** - INQ000514609), I attended a meeting with the Ofqual Chief Regulator and Deputy Chief Regulator. At this meeting, Ofqual explained that the grades submitted by exams centres, prior to going through Ofqual's standardisation process, appeared to have inflated grades considerably and around 40% of grades would need to be changed. I understood that most grades would be downgraded by one grade with a small number reduced by two grades (Exhibit **GW3/068** INQ000514692). The readout to the meeting states that I *"agreed that the picture as it was emerging was challenging from a presentational point of view, but that the standardisation Ofqual was conducting was both important and necessary to maintain confidence in grades and in the exam system as a whole"* (Exhibit **GW3/067** - INQ000514609). This is in accordance with my recollection.
- 6.18 As Ofqual were responsible for delivering the policy, they carried out the specific EIAs for the policy on exams. An example is included here, *Ofqual Equalities Impact Assessment* (Exhibit GW3/069 - INQ000514492).
- 6.19 During the process of Ofqual developing the approach to standardisation, I was not made aware of any significant concerns about the proposed model from those in government, including officials, and advisors. I also recall there being, from stakeholders, a generally positive response to the proposals. I recall the concerns raised by Sir Jon Coles, Chief Executive of United Learning.
- 6.20 Sir Jon wrote to me about Ofqual's model (Exhibit **GW3/069a** INQ000514574). I then met with him on 15 July 2020 to discuss his concerns (Exhibit **GW3/069b** INQ000514611). I listened carefully to what he had to say

and asked my officials to follow up on his concerns with Ofqual. MoSSS also met Sir Jon for further discussions on 16 July 2020. Overall, the advice I received from officials on Sir Jon's concerns was that his proposed remedy to the situation would risk giving preferential treatment to exam centres that submitted the highest-grade profiles. Ofqual explained to my officials and me that their model was fairer overall. Further detail on this can be found in paragraph 4.27 of JO1.

- 6.21 JO1, at paragraph 4.34 and 4.35, sets out that an appeals process was agreed between DfE and Ofqual on 4 August 2020 to address the issue of outliers – high-performing pupils who were expected to outperform the distribution of results at their historically low-performing school. The way Ofqual's standardisation model was designed would mean that these outliers would be downgraded.
- 6.22 When I heard on 4 August 2020 that Scotland, also using a standardisation model, had downgraded nearly a quarter of results and those in areas with the greatest deprivation had their results modified more than those in areas of least deprivation, I was concerned about this. However, I received strong assurances from the Ofqual Chief Regulator that our approach was different, and we would not experience the same anomalies.
- 6.23 Paragraphs 5.12 and 5.13 of JO1 sets out the details of a meeting I held with Ofqual's chair, on 11 August 2020, about using mock exams as a form of appeal. This was the main contact I had with Ofqual about this issue. At this meeting, we discussed using mock exams in place of a calculated grade if the mock exam grade was higher (Exhibit GW3/070 - INQ000514684).
- 6.24 The triple lock policy that I announced on 12 August 2020 meant that A and AS level and GCSE students could receive the higher result out of their calculated grade, valid mock grade or autumn exam grade (Exhibit GW3/071 - INQ000507106). I chose this policy, because I saw both the rising levels of discontent emerging in England, including around potential outliers, as well as the anomalies that had happened in Scotland. For instance, some students in Scotland had received A\* or A in a mock exam and then had their actual grade downgraded to C. Although the model may have been considered fair to exam centres, the model appeared to be exceeding what was acceptable

to individual students. We needed adjustments to take account of this, reduce the levels of discontent with the model and also to ensure the model did not disadvantage a particular group of students. The triple lock was intended to be more generous than the original standardisation model to help tackle these issues, be more acceptable to individual students and maintain confidence in the system.

6.25 The reasons why I did not pull back from using Ofqual's standardisation model to award grades in England, following the issuing of grades in Scotland on 4 August 2020 included that:

6.25.1 As above, I had reassurances from Ofqual that the model that they were using was the best and fairest model in the circumstances.

6.25.2 Disparities and anomalies would be ironed out as much as possible by the 'triple lock policy', so individual cases of unfairness would be reduced considerably compared to Scotland.

6.25.3 As already set out above, it wasn't in my gift or government's gift to complete a wholesale change of policy. This was a decision for Ofqual and its Board. They would need to agree to this change, and they considered at the time, that the current model was still the best possible model in the circumstances. It was, therefore, my understanding that they would not have agreed to these changes.

6.26 A and AS level results were published on 13 August 2020 and issues quickly emerged. These are set out in paragraphs 5.23 and 5.25 of JO1. Initially, I didn't accept that the problem was with Ofqual's standardisation model. The wisdom at the time, as set out by Ofqual in my meeting with them on 9 July 2020 (see paragraph 6.17 of this statement above), was that this issue was generated by the over-generous grades given out by exam centres, which needed to be corrected and brought back into line with a typical year's results. However, as more information emerged, it became clear that large numbers of students were receiving results that were lower than they'd expected. I started to have concerns that this was a developing trend and not a small number of isolated cases.

- 6.27 Whilst I had been briefed by Ofqual in that meeting on 9 July 2020 that 40% of grades would be downgraded, I was surprised at how this was playing out in practice. Namely that many individuals were being downgraded by more than one grade and some by even more than two. We were seeing many cases online of students who were receiving grades that were widely different from what they had been expecting. I do not feel I was sufficiently warned of the risk of the extent of this downgrading occurring and the rapid spread of such widespread dissatisfaction with grades.
- 6.28 Chapter 5 of JO1 sets out more detail around the change of policy from calculated grades, triple lock and then the decision to use Centre Assessed Grades (“CAGs”).
- 6.29 On 15 August 2020, despite the dissatisfaction that we were seeing across the country, I considered that Ofqual’s standardisation model was still, in overall terms, robust and valid. I had had that reassurance from Ofqual. However, during 15 and 16 August 2020, my officials began to piece together more information about the results the model was generating. They brought in expertise from the OCR exam board. The conclusion reached was that the model wasn’t simply generating unexpected results for a small minority of pupils, but was flawed, as some elements in the model were just not working as they should be.
- 6.30 I spoke with the Prime Minister at this point – to the best of my recollection on Saturday 15 August 2020. He was keen to stick with the existing position and not switch to CAGs. As the situation continued to develop, on 16 August 2020, DfE officials submitted a paper to No.10 setting out options. However, shortly after this was sent, we learnt that Ofqual would hold a board meeting on 17 August 2020, and it was likely that the board would decide to move to CAGs (Exhibit GW3/072 - INQ000514590). I attempted to call the Prime Minister to inform him of this, but I was unable to reach him, because he was on holiday during this time.
- 6.31 I and DfE and Ofqual officials then worked together into Monday 17 August to arrange how we would announce Ofqual’s decision and the implications of this.

- 6.32 My officials provided a note to No.10 on 17 August at 4.00pm, following the announcement, that set out the implications of moving from Ofqual's standardisation model to CAGs. A key concern at this stage was that higher education institutions ("HEIs") had already made their firm offers based on the grades generated by Ofqual's standardisation model. We knew now that using CAGs would mean grade inflation of around 12%, so more pupils would now have the required grades to accept their place at HEIs than HEIs were expecting or planning for (Exhibits GW3/073 - INQ000514534 and GW3/074 - INQ000514535). JO1 (paragraphs 5.42-5.47, 5.52.5.57) sets out the full detail of the steps taken to manage the additional number of students who became eligible to attend university courses as a result of the switch to CAGs.
- 6.33 JO1 also sets out in detail in paragraphs 5.58-5.64 how DfE officials worked with Ofqual to establish the arrangements that led to the Ofqual Chief Regulator standing down and the appointment of an interim Chief Regulator, as well as a new Ofqual Sub-Committee to manage the outcomes of the exams situation and plan for exams in 2021 (Exhibit GW3/074a INQ000514553). I recognised that everyone was under enormous pressure, but that we needed to move on and address the remaining steps for awarding grades in 2020 as well as planning and preparing for exams 2021. Ofqual were facing quite a number of challenges, but we needed to support them in a way that avoided any sort of political interference, because they were a non-ministerial department.
- 6.34 Amanda Spielman was brought in, because she had the experience, background and expertise, as a former chair of Ofqual, to support Ofqual at this point in time. She had a very good understanding of the organisation and what support was needed at this stage.
- 6.35 Both myself and my most senior officials at the time, including DfE Permanent Secretary Jonathan Slater, felt that there was a need for new leadership at Ofqual. I had voiced my concerns that Ofqual did not appear able, at this point, to take swift decisions and actions needed to be taken to restore confidence and reassure schools and staff. Furthermore, there were considerable challenges ahead. I felt we needed someone we could work hand in glove with to help bring the organisation back in touch with DfE more closely while carefully maintaining its independence. I was satisfied with the

proposals brought to me about leadership changes, including the replacement of Sally Collier by Dame Glenys Stacey. I was not involved in talking with Sally directly on this matter. My understanding is that Jonathan Slater and Susan Acland-Hood, the DfE Permanent Secretary and temporary Second Permanent Secretary respectively, spoke with her.

- 6.36 I note the Inquiry asks if I had any involvement in the events leading up to Jonathan Slater's resignation. I did not. I did not advise the Prime Minister in this matter, and this was a decision taken by the Prime Minister, as Minister for the Civil Service.
- 6.37 I note the Inquiry also asks if I considered offering my resignation during this period, and I did. Nick Gibb and I both offered our resignations to the Prime Minister. I believe this was on Monday 17 August 2020. I felt that it was honourable to resign, because I was accountable for the policy decisions that had been made as SSE. However, the Prime Minister did not accept my resignation. He wanted us both to continue, because he wanted to maintain continuity at a difficult time and felt that the key was to carry on and get the situation resolved.
- 6.38 JO1 (paragraphs 6.38-6.45 6.48-6.53 and 6.56) explains the policy approach taken to the direction of Ofqual in respect of GCSE and A level grading in February 2021 and how it differed from 2020. Although I had been very keen that exams should take place in summer 2021, the decision to close schools and colleges to the majority of pupils in January 2021 meant that we were forced to once again cancel exams. We had, however, learnt many lessons from 2020, which I, DfE and Ofqual were able to incorporate into the steps taken to award grades in 2021.
- 6.39 I understood that cancelling exams in 2021 and replacing them with teacher or exam centre-based assessment would be sub-optimal. I set this out in my advice to the Prime Minister on 28 December 2020 (Exhibit GW3/075 - INQ000226734). I also understood that substituting assessment for exams would, as we had seen in 2020, lead to inflation in some grades and it was inevitable to some extent. However, in 2021 teacher assessment was the only viable option available.



6.40 I note that the Inquiry has asked me if I think there was any way to have a process of standardisation which was also fair to the individual student. From my experience, using any form of standardisation in the absence of exams would always lead to cases of individual unfairness, because in standardising millions of grades, a model would not be able to take each student's particular circumstances and context into account. While it is possible to have a standardised model on a system level, it is not always fair on an individual level.

## **7. Part F: Monitoring the impact of the first period of school closures and lockdown**

7.1. In this section of my statement, I will cover the questions the Inquiry has asked in relation to monitoring the impact of the first period of school closures and lockdown. I note that a substantial number of questions relate to vulnerable children and young people, which is covered extensively in FO1. I have duplicated the most relevant parts.

### **Home learning**

7.2. The Inquiry has asked whether I was aware of the report the National Foundation for Educational Research published on 14 July 2020, *Home learning during Covid-19: Findings from the Understanding Society Longitudinal Study* (Exhibit GW3/076 - INQ000587432). I was aware of this report which describes the various types of remote learning provided by schools and the amount of time pupils and parents spent engaging with schoolwork at home. What surprised me at the time was the diversity in remote learning approaches and the significant variation in engagement levels among students that the report highlighted. The varied experiences of home learning during the first period of school closures that the study uncovered was a factor that began to inform our approach leading up to autumn 2020.

7.3. By autumn 2020, it became evident that the government needed to adopt a more prescriptive approach to support schools to deliver online resources. Whilst attendance restrictions were not in place at this time, there were some schools that had to close in areas where there were high case rates, and some children continued to isolate as they were clinically vulnerable. This more prescriptive approach was essential to ensure that all pupils received at least a minimum level of online learning. The government needed to put measures in place to ensure at least a minimum level of online learning was being delivered. Please see JK2 for further details.

7.4. As mentioned in paragraph 4.56 and 4.57, I think the decision to close schools in March 2020 was the right one given the context at the time, but I did not agree on the timing (my advice was to close after the Easter break). However, when considering the impacts which the first period of school closures had had on children's learning and attainment, I believed that the government should do everything it could to ensure schools remained open going forward in the pandemic,

with closure only ever being the ultimate last resort. Even with the very best alternative provision, the benefits of face-to-face learning and interaction cannot be replicated both in terms of education but also in terms of social and emotional development and the other benefits that come by having face to face interactions with teachers and peers. I was of the belief that we should not close schools again.

### **Exposure to increased harms**

- 7.5. In relation to the extent to which children had been exposed to increased harms within the home because of school closures and the lockdown, this is mostly in relation to some of the most vulnerable children. DfE anticipated three primary challenges in relation to vulnerable children in March 2020 as a result of the pandemic and national lockdown: the visibility of vulnerable children, the availability of workforce in the CSC system, and the availability of placements for children needing care. FO provides more detail at paragraph 2.2.
- 7.6. Once national restrictions had been put in place, other challenges became apparent. Certain cohorts of children became an increasing concern for DfE, specifically 'hidden children', vulnerable teenagers, and vulnerable infants.
- 7.7. This is why the government had a policy in place to ensure vulnerable children could come to school; we knew that school is a safe haven for some of these children and it was important that they could still physically access school. We also recognised the increased risk of the disruption to schooling during lockdown and school closures. This is why we focused on trying to get more of these vulnerable children back into school, as this was the best way to protect them.
- 7.8. DfE also delivered further interventions to support vulnerable children delivered through legislation, guidance to the sector, additional funding streams, and access to Covid-specific support such as personal protective equipment ("PPE") and testing. Please see FO1 for details on these interventions.

### **Hidden harms**

- 7.9. As mentioned above, DfE identified three inter-related challenges for CSC during the national lockdown, (Exhibits GW3/077 - INQ000074896 and GW3/078 – INQ000226717), one of which was that the visibility of vulnerable children or potentially vulnerable children in the system would be reduced (see FO1 for further details). The reduced visibility of these children could lead to an increase in 'hidden

harms' (abuse or neglect that is not immediately visible or recognisable). This includes crimes that cause emotional and/or physical harm and abuse inside and outside the home. I was also concerned with the increased risk of familial and online abuse during the lockdown and had concerns about how much harder it would be to identify hidden harms in the context of a lockdown.

7.10. At the Prime Minister's Virtual Hidden Harms Summit in June 2020 (Exhibit GW3/079 - INQ000181673), I set out that vulnerable children had been at the forefront of the government's response to the pandemic and that schools had been kept open throughout lockdown for our most vulnerable children. I was particularly concerned that the pandemic may have disrupted contact with family and friends who often act as a safety net around people or may have exacerbated issues like mental illness or addiction. I was also concerned that the pandemic may have created barriers to trusted adults and professionals who would normally spot harm and may have also given more opportunities to those who wished to harm others. I was focused on the importance of strengthening our collective approach across government to safeguard the most vulnerable.

7.11. The actions that DfE undertook to support vulnerable children, particularly those most at risk of hidden harms are in FO1 and include:

- 7.11.1 Continuing to prioritise getting children back to school and education recovery (JK2).
- 7.11.2 £16million funding to extend the role of Virtual School Heads ("VSH"), including a £3 million pilot programme to enables VSHs to support looked after children and care leavers. The funding boost meant there would be a local champion for children with a social worker in every local authority in England (FO1, paragraph 3.123).
- 7.11.3 Funding a £7.3 million new See, Hear, Respond service led by Barnardo's (see paragraph 7.22.2 below and FO1 (paragraph 3.74) aimed to support children at heighten risk of neglect, abuse or exploitation due to challenges posed by lockdown.
- 7.11.4 Identifying and protecting abuse victims through the national domestic abuse code word scheme, the workplace support review, and trauma-informed policing approach.
- 7.11.5 Addressing concerns about vulnerable babies by working with local authorities on the opening of registry offices, reaching out to parents

who had not registered their child's birth and prioritising the recovery of health visiting and the Healthy Child Programme.

### **Cross-government working to better safeguard children**

- 7.12. Safeguarding children requires collaboration across government including local government, MHCLG, DHSC, HO and the justice system. Schools cannot address these issues alone. The work to establish the VCU (paragraph 4.83) and the REACT teams (paragraph 3.10) supported DfE's efforts to ensure good cross-government working and robust join up with the sector.
- 7.13. On 17 April 2020, DfE established the Vulnerable Children and Young People National Board to ensure external voices were systematically part of the conversation when identifying risks and plans to mitigate the impact of the pandemic on vulnerable children and young people. Members included education and care system leaders, to support a coherent system wide response to vulnerable children and young people through the pandemic (Exhibits GW3/080 - INQ000497845, GW3/081 - INQ000497604, GW3/082 - INQ000497842, GW3/083 - INQ000497843 and GW3/084 - INQ000497844).
- 7.14. Also on 17 April 2020, DfE raised children under 1 year old as a specific cohort of concern within a GPSMIG meeting. DfE was concerned that children under 1 in danger of abuse or neglect were at risk of not being captured by the system, because of reduced visibility due to the redeployment of health visitors, closure of settings (play centres, baby weighing drop in facilities), and the suspension of some professional engagements (e.g. birth registrations). Many of these services were the lead responsibility of OGDs, but DfE worked to raise the issue across government to seek actions to safeguard these young children (Exhibit GW3/085 – INQ000540850). This cohort was then regularly discussed through various vulnerable children governance arrangements and actions were taken to support them (Exhibits GW3/086 - INQ000541164, GW3/087 - INQ000540956 and GW3/088 - INQ000541165). This included working with PHE to prevent re-deployment of health visitors to COVID-19 work; working with HO to introduce partial birth registrations; and supporting new parents through the See, Hear, Respond programme.
- 7.15. Throughout the pandemic, there were ongoing concerns about the vulnerability of teenagers who were not in school and were exposed to risks both inside and outside the home. In particular, there were concerns about safeguarding

risks (criminal exploitation, serious violence, exposure to domestic abuse), as well as the mental health challenges adolescents faced (Exhibit GW3/089 - INQ000541070). Consequently, on 30 June 2020, the MfCF and the MfCSV wrote jointly to police and crime commissioners and directors of Violence Reduction Units, as set out in paragraph 4.84. (Exhibits GW3/090 - INQ000540904 and GW3/060 - INQ000540906).

### **The impacts of school closures on learning and attainment**

- 7.16. In terms of the prioritisation of the impacts of school closures on learning and attainment, the priority was catch up programmes and tutoring. The aim was to identify the most effective interventions to support children recover any lost learning.
- 7.17. On 19 June 2020, the Prime Minister and I announced a £1 billion Covid “catch-up” plan to tackle lost learning time, which included a £650 million catch up premium for the academic year 2020/21 to help schools support all pupils. Headteachers were to decide how the funding would be spent, with DfE advising schools to focus tutoring on groups that most needed it, such as vulnerable children. In addition, a £350 million National Tutoring Programme (“NTP”) was announced, which was to support access to high-quality tuition for the most disadvantaged young people (Exhibit GW3/091 - INQ000541081). Vulnerable children were supported through the education recovery package, with further announcements throughout 2020 and 2021. DfE monitored children’s attainment recovery, which informed the development of the education recovery package, with the particular aim of supporting the most disadvantaged.

### **The impacts of the first part of the pandemic on children’s protection, health, development and wellbeing**

- 7.18. In terms of prioritisation of the impact of the first part of the pandemic on children’s protection, health, development and wellbeing, it was essential to improve the system’s ability to identify, monitor and support the most vulnerable children. The government’s role in facilitating this process included collaborating with REACT teams and local authorities to ensure these children attend school.
- 7.19. From March 2020, REACT teams called all local authorities to gather anecdotal evidence about how they and the schools in their area were managing in responding to the pandemic. From April 2020, officials had developed a plan for how to encourage vulnerable children and young people to attend education settings,

keep them safe in those settings, and plan for vulnerable children and young people's educational recovery post-pandemic. This plan included how attendance data would be used to inform key strategic decisions. DfE's approach to data gradually evolved over the year; paragraph 3.92 of statement FO1 details the use of a data dashboard (Exhibits GW3/092 – INQ000540867, GW3/093 – INQ000541131 and GW3/094 - INQ000540955).

7.20. Of the perceived challenges facing CSC in March 2020, visibility of vulnerable children proved to be the most pressing issue throughout the pandemic. DfE officials and ministers worked to prioritise the protection of children despite the altered societal routines and reduced opportunities for professionals and communities to see how children were faring if they were largely at home for long periods of time during lockdowns. DfE could not directly support individual children but instead took a range of actions at a national level to mitigate the impact of the pandemic on them and to support the frontline workforce. See FO1 for detail.

7.21. DfE also took action to manage concerns around workforce capacity and placement capacity. This was delivered via legislative changes and through a series of other interventions. Ultimately the concerns about workforce capacity and placement capacity proved to be less severe than first anticipated. See FO1 for detail.

### **Principal strategies for addressing impacts**

7.22. FO1 sets out the principal departmental strategies for addressing the impacts identified above. These included:

7.22.1 DfE collected data on vulnerable children's attendance through an online tool launched on 23 March 2020 (Exhibits GW3/094a INQ000519886 and GW3/019 - INQ000540803). Details are set out in FO1 (paragraph 3.32).

7.22.2 In June 2020, the See, Hear, Respond programme (mentioned above) commissioned by DfE and coordinated by Barnardo's, was launched. It aimed to support children who were at heightened risk of neglect, abuse or exploitation due to challenges posed by lockdown measures. Details are set out in FO1 (paragraph 3.74).

7.22.3 DfE sought to equip social workers to support children to attend education settings, particularly ahead of the national expectation that all pupils returned to school in September 2020. As set out in FO1 (paragraph 3.80), and mentioned above in August 2020, a social worker toolkit was published on the website, 'What Works for Children's Social Care' (Exhibit **GW3/060a** INQ000540923).

7.22.4 On 4 August 2020, the guidance *Supporting vulnerable children and young people during the coronavirus (COVID-19) outbreak - actions for educational providers and other partners* was withdrawn (Exhibit **GW3/094b** INQ000519888). Details are set out in FO1 (paragraph 3.81).

7.22.5 As set out in FO1 (paragraph 3.92), on 1 October 2020, DfE improved how it reported the findings from the attendance data collection launched in the week commencing 23 March 2020. This data was used to create an additional interactive data dashboard which focused on vulnerable children and young people data.

### **Measuring effectiveness**

7.23. The effectiveness of these strategies were measured in various ways including via the VCU and REACT teams. For example, in October 2020, the VCU used REACT to gather information on attendance (Exhibit **GW3/094c** INQ000540954). Of the local authorities they contacted, they found the reasons for low attendance amongst children with an EHC plan or a social worker included: parent anxiety, family anxiety (especially those with complex medical conditions), children's anxiety due to the constant change in routine, concerns around transmission on transport to school, and the challenge of effectively following up and chasing those pupils who weren't attending as the list of those absent changed from day to day. Actions being taken by local authorities to resolve these issues were varied and included, for example: risk assessments, multi-agency working, daily contact, introducing family visits, following up with non-attenders, targeted work with specific families, employing a team of liaison officers to work directly with the social worker, and in at least one instance, a local authority set up a local authority governance group to monitor attendance (Exhibit GW3/094 - INQ000540955).

7.24. In December 2020, DfE used the focused vulnerable children and young



people attendance data, launched on 1 October 2020, to make targeted calls to local authorities where the data showed concern about low education attendance from vulnerable children. The calls enabled local authorities to be alerted to attendance concerns and to also alert DfE to the context around the data. DfE was then able to better understand challenges faced by the sector and could use it to inform policy work (Exhibits GW3/054 - INQ000540969 and GW3/095 – INQ000540968).

7.25. In January 2021, REACT call scripts on domestic abuse CSC referrals were used to assist the Vulnerable Children and Young Peoples' Board in monitoring safeguarding risks (Exhibit GW3/096 - INQ000540988) and REACT "temperature checks" identified where referrals featured children previously unknown to CSC (Exhibit GW3/097 - INQ000540983). REACT also started monitoring attendance of vulnerable children via their weekly national REACT report (Exhibit GW3/098 - INQ000541142) as well as attendance being discussed in weekly REACT meetings, attended by Regional Schools Commissioners, REACT partners and Ofsted on a monthly basis (Exhibit GW3/099 - INQ000540974).

7.26. DfE's Children's Serious Incident Response Team did a weekly report on serious incident notices ("SINs") during the pandemic (Exhibit GW3/100 - INQ000541157). This fed into the daily sitrep meetings which the deputy director responsible for SINs attended. The report included:

7.26.1. An outline of each SIN and whether it was related to COVID-19;

7.26.2. The number of SINs and by which local authority (weekly and daily);

7.26.3. The type of incident;

7.26.4. Characteristics including age, gender, where the child resided, legal status and if they were known to an agency; and

7.26.5. Children at Immediate Risk of Harm cases received and referred and whether they were COVID-19 related (weekly and daily).

7.27. Close monitoring of all cases allowed DfE to identify themes, trends and risks, including where COVID-19 was a factor. Concerns were shared with DfE regional team who worked with local authorities, with policy teams, and escalated to ministerial level where necessary. This ensured concerns and emerging risks were acted on quickly and monitored continually. DfE has taken the learnings from child deaths in the pandemic, in particular the recommendations made in the national

panel report into the deaths of Arthur Labinjo-Hughes and Star Hobson and used them to shape reform of CSC. More information can be found in FO1.

## 8. Part G and H: Reopening schools

- 8.1. JK1 provides a detailed overview of the scientific monitoring during the first period of school closures. From paragraph 4.17, it is explained that the Children's Task and Finish Working Group ("TFC"), a SAGE subgroup, was established to provide consolidated scientific advice on the transmission of COVID-19 by children, and within education settings, to government. The group also informed DfE's decision making on when and how to fully reopen education settings. I note the Inquiry ask about DfE's monitoring of mortality rates of those who worked in schools. DfE did not monitor this, but information can be found in the following article published by the ONS: *Coronavirus (COVID-19) Infection Survey: characteristics of people testing positive for COVID-19 in England, 22 February 2021* (Exhibit GW3/101 - INQ000503388).
- 8.2. It is worth noting that, during the considerations around the easing of attendance restrictions, the evidence on the role of children in the transmission of COVID-19 remained unclear. As the advice was not concrete, my view on transmission at this time was that it was unavoidable that everyone, to some extent, could have played a role in the transmission of the virus (Exhibit GW3/102 - INQ000075445).
- 8.3. The Inquiry has asked, with regards to the paper entitled 'Social Distancing Options Paper' (Exhibit **GW3/102a** INQ000263376), if there was a view that the attendance of vulnerable children or those of critical workers would not increase unless messaging changed. This paper was developed as part of the conversation around reopening schools in May 2020. It mentions that there was some anxiety from parents around sending their children into school given the "stay at home" messaging. From reviewing the paper, I can see that there was a view that a change of messaging would have helped to reduce this parental concern. As I understand it, the messaging did move to "stay alert" in May 2020. Throughout the pandemic, the department put in continuous effort to increase the attendance of vulnerable children and CCW.
- 8.4. I note the Inquiry has asked for my view on two diary entries from Sir Patrick Vallance dated 23 June 2020 and 25 June 2020. These relate to the publication of SAGE advice ( **GW3/102b - INQ000273901\_0100** **GW3/102c - INQ000273901\_0102** ). I can see that the entries state that DfE didn't want to ask SAGE about schools as the minutes would be published. I do not have any recollection of this. DfE used SAGE advice throughout the

decision making around schools reopening. Whereas No.10 and CO put a higher and lower emphasis on SAGE advice and its importance at different points throughout the pandemic.

- 8.5. I also note the Inquiry has asked if any sponsored work in relation to clinically vulnerable children, or those children who lived with clinically vulnerable adults, took place around the decisions to reopen schools (Exhibit GW3/076 - INQ000587432). I did not request any specific work to take place around these children, and I am not able to confirm what work was considered in the advice developed by my officials. I can see in JK1 that DfE, DHSC and PHE/UKHSA worked closely to ensure that that all children, including those who were clinically vulnerable or immunocompromised (or living with someone who fell under this classification), could return to and/or remain in their education setting during the pandemic.
- 8.6. JK1 goes on to say that there was a PHE endorsed system of control that settings were expected to adopt in accordance with PHE advice to address the risks identified in their own risk assessments, which worked for their setting, and which allowed them to deliver a full educational experience. These controls were important in ensuring that clinically vulnerable or immunocompromised children (or children living with someone who fell under this classification) could return to school safely. I recognise that in some instances it was simply not possible for some children to attend on-site learning, and the risk was too high. DfE signposted to online resources and set up the GHWT programme to support those children to access remote education (Exhibit GW3/103 - INQ000623228).
- 8.7. As set out at paragraph 4.6.3 of the witness statement I provided for Module 2, I met with the Prime Minister on 1 May 2020 to discuss school reopening plans. I recommended opening to children and young people in transition year groups (EY, reception, year 6, year 10 and year 12), along with keeping schools open to vulnerable children and children of critical workers. I felt this gave the greatest chance of minimising the impact on children of continuing school closures, whilst also recognising the greater need to keep control of the virus.
- 8.8. At the meeting, despite the scientific advice being that any small changes to social distancing could impact transmission rates, (Exhibit GW3/104 - INQ000542496) the Prime Minister did not fully appreciate that it was not viable to both maintain social distancing requirements and bring back all children or even all primary school

children. The Prime Minister asked me to commission DfE officials to undertake further work to explore a fuller range of options including bringing back all or at least a greater number of year groups into face-to-face education (Exhibit GW3/105 - INQ000075408).

8.9. I note the Inquiry has asked whether the Prime Minister understood that it was not possible to have all children return to school and to have social distancing. The Prime Minister had the view that more children should return than DfE was initially proposing in the meeting. I continuously raised concerns about the ability to open to all, or larger cohorts, of children and maintain social distancing. These conversations included the epidemiological consequences of opening to greater numbers. The information was available to the Prime Minister, and I have no reason to think he didn't understand it. However, no matter how many times it was said that you cannot maintain social distancing rules and bring back all primary pupils, the simple practical reality was ignored by the Prime Minister.

8.10. The economic considerations around school closures did play a part in the discussions around reopening, however, the cross-government priority remained on keeping control of the virus. Any decisions made on societal openings, including schools reopening, were done so with this in mind.

8.11. As set out at paragraph 4.6.6 of the witness statement I provided for Module 2, on 9 May 2020, No.10 officials informed me that the Prime Minister had made the unilateral decision that he would announce, the following day, that there would be a phased reopening of schools and EY settings with the ambition to get all primary school children back before the start of the summer holidays. I agreed to getting transition and exam years back in school as early as possible. I also agreed with the concept of getting all primary school children back into school before summer holidays, but I knew this wasn't possible to deliver. Scientific and public health advice would not support the removal or changes to social distancing rules in education settings that would be necessary for all primary children to be in school at the same time. This meant that, unless the Prime Minister decided to go against this advice and changed these rules, this was a promise we would not be able to keep. I believe that prior to making the announcement, the Prime Minister had been advised about this from his own officials and DfE officials. The Prime Minister understood that I did not agree with his announcement. This was because it was destined to fail

as he would not commit to removing the social distancing restrictions.

- 8.12. I was in constant dialogue with stakeholders, including unions and the Local Government Association, throughout the preparations for reopening schools. There was a mixed response to schools reopening and it was difficult at times to get all stakeholders on board (Exhibit **GW3/105a** NQ000075430). In April 2020, the Schools Recovery Advisory Group was also established to support both the immediate pandemic response, but also consider the impact of COVID-19 in the medium to long term. Members were made up of representatives from the sector who were able to offer practical advice and discuss policy proposals to support schools.
- 8.13. The phased reopening of schools was early enough in the pandemic that there continued to be public concerns around the health implications of the virus and national lockdown measures still in place. There were still many children who were either clinically vulnerable, or had a relative who was clinically vulnerable, and were therefore less likely to return to face-to-face education. The attendance data was not consistent during the summer term, with attendance showing some improvement mid-June and then decreasing again by July.
- 8.14. I note the Inquiry specifically asks about the proportion of year 10 and year 12 pupils who had face-to-face contact with teachers from 15 June 2020. The data estimates on 30 June around 14% of year 10 and 12% of children and young people in year 12 attended, this decreased to 10% and 11% respectively in July (Exhibit GW3/106 - INQ000542536). JK1 provides the attendance statistics.
- 8.15. The reopening of schools had to be done in the safest way possible to manage the transmission rate of the virus. Paragraphs 4.51 and 4.52 of JK1 sets out that DfE published '*Coronavirus (COVID-19): implementing protective measure in education and childcare settings*' which included practical advice on how to keep settings safe. This included, but was not limited to, minimising mixing by keeping children in smaller groups, using the same classrooms throughout the day, and general hygiene advice.
- 8.16. The risk around opening too widely had to be managed. Ultimately, the policy that was agreed meant more children were able to access school than prior to June 2020, when the policy was focused solely on vulnerable children and children of critical workers, and that was a success.

## 9. Part I: The provision of education between September and December 2020

9.1. In this section of my statement, I will cover the questions the Inquiry has asked in relation to the provision of education between September and December 2020.

### Face coverings

9.2. In relation to the period September 2020 onwards, I believe the correct balance was struck in implementing measures to control the community transmission of COVID-19 and to keep as many children in school as possible.

9.3. SAH1 sets out detail in paragraphs, 18.2.1, 18.3.1, and 18.3.4, the approach taken on face coverings and why education settings were not included:

9.4. On 11 May 2020, DfE issued standalone guidance *Coronavirus (Covid-19): implementing protective measures in education and childcare settings* (Exhibit GW3/107 - INQ000542955) to support education and childcare settings to open to a wider cohort of children and young people. The guidance stated: *“Wearing a face covering or face mask in schools or other education settings is not recommended. Face coverings may be beneficial for short periods indoors where there is a risk of close social contact with people you do not usually meet and where social distancing and other measures cannot be maintained, for example on public transport or in some shops. This does not apply to schools or other education settings. Schools and other education or childcare settings should therefore not require staff, children and learners to wear face coverings.”*

9.5. The World Health Organisation (“WHO”) published a statement on 21 August 2020 advising that *“children aged 12 and over should wear a mask under the same conditions as adults, in particular when they cannot guarantee at least a 1-metre distance from others and there is widespread transmission in the area.”*

9.6. On 25 August 2020, the Scottish Government announced it would change face coverings guidance in Scotland (Exhibit GW3/108 - INQ000075798). Specifically, that *“adults and pupils in secondary schools should wear face coverings when they are moving around school in areas where distancing is challenging – for example, through corridors or in communal spaces.”*

9.7. I received advice from DfE officials on 25 August 2020 informed by new PHE advice (Exhibits GW3/109 - INQ000075467, GW3/110 - INQ000075631 and GW3/111 - INQ000075632). The advice recommended *“to extend a presumption that face*

*coverings should be worn by all school pupils in Year 7 and above outside classrooms where social distancing cannot be maintained; that staff in all settings, and adult learners in FE and HE, should also wear face coverings where social distancing cannot be maintained; that these changes should be reflected in guidance this week and commenced from the start of the Autumn term."*

9.8. After consultation with DfE officials, the Prime Minister and No.10 officials, and based on PHE advice and the evidence available at the time, I made the formal decision that schools should have the option to advise that face coverings should be worn in communal areas if they believed that was right in their circumstances (Exhibit GW3/112 - INQ000075471). I decided it would not be necessary for anyone to wear face coverings in classrooms where protective measures already meant that risks were lower and where they inhibited learning. I also decided that in some local areas the advice would be that adults and pupils wear face coverings when moving around the school such as in corridors and communal areas where social distancing was difficult to maintain. These local areas were areas where transmission of the virus was high and defined by the government as areas of national government intervention. This was consistent with WHO's advice.

9.9. Officials across DfE, CO, PHE and No.10 drafted new face coverings guidance (Exhibit GW3/113 - INQ000075764). It applied to schools and other education institutions that taught people in years 7 and above in England, (including FE colleges and HEIs). It did not apply to children in year 6 or below, or to EY and childcare providers, and came into effect from 1 September 2020.

9.10. Scientific advice on face coverings was always changing and evolving. Following a Cabinet meeting I attended on 31 October 2020 (Exhibit GW3/114 - INQ000075475), it was confirmed by the CO that as all areas were moving to 'tier 1', therefore face coverings should be worn in schools in communal areas where social distancing was not possible (Exhibit GW3/115 - INQ000075477). DfE face coverings in education guidance was subsequently changed to a nationwide position recommending that face coverings should be worn in communal areas of secondary schools for pupils in years 7 and above and adults. The guidance also recommended that face coverings be worn by pupils in years 7 and above, when travelling on dedicated school transport to secondary school or college.

9.11. I do not recall rejecting a permissive policy for schools on face masks nor do I recall a 'no surrender' policy. The situation at that point was that I wanted as many



children and young people back in school as possible, in the safest possible way; I was willing to give concessions in the context of constantly evolving and changing medical advice on face coverings. I felt we would have to issue guidance on face coverings at some point, but it would not have made sense to do this too early, and whilst the medical advice was evolving. Had we issued guidance too early, there could have been too much focus on face masks, and not enough focus on putting a whole system in place to ensure children and young people could return to school in as safe a way as possible.

### **School absence due to contact tracing**

- 9.12. I had concerns about the number of children absent from school generally and also absent, not due to confirmed cases of COVID-19, but because they were contacts of someone who had tested positive. The test and trace system required people to isolate, which in many cases led to entire classrooms being absent, an approach that seemed excessive and had a deeply damaging impact on education. This also raised additional issues regarding staffing. I expressed these concerns at the time and continually advocated with the Prime Minister, No.10, CO, and DHSC to amend the rules for education settings in order to reduce such disruptions. Ultimately, the department did succeed in implementing the changes I sought.
- 9.13. Early in the pandemic, I recognised the impact that self-isolation could have on children and young people, particularly vulnerable children and young people. I therefore secured the Prime Minister's agreement that vulnerable children and young people could continue to attend settings when attendance was restricted from March 2020 (Exhibit GW3/017 - INQ000107248). This policy remained in place during the second phase of attendance restrictions between January and March 2021. Although this meant that vulnerable children and young people had to self-isolate if they tested positive, or were a close contact of someone who developed COVID-19 (as per government rules and in line with the rest of society), they would still be eligible to be in face-to-face education at all other times. DfE also employed several mitigation measures during the pandemic that attempted to reduce some of the negative impacts of self-isolation on vulnerable children and young people as well as all children and young people. Please see TG1 for Module 7 details.
- 9.14. As attendance restrictions on education and childcare settings began to be eased from 1 June 2020, DfE's focus shifted onto ensuring that education settings had the information and guidance needed to operate and education staff were able

to access polymerase chain reaction (“PCR”) tests during times of high demand after the summer holidays. This would help to minimise infections, keep education and childcare settings safer and ensure children and young people could continue to receive face-to-face education.

- 9.15. Following a Covid O meeting on 17 September 2020, I wrote to SSHSC on the prioritisation of education testing. I advised that I wanted to see the education workforce and university students at the top of the priority list and that I wanted to work with SSHSC on a number of areas (Exhibit GW3/116 - INQ000497651). Please see TG1 for Module 7 details.
- 9.16. The self-isolation policies affecting children and young people and adults attending or working in education settings, introduced by the government during the pandemic, were the same as those applicable to the rest of society. There was no distinction in the requirements or guidance on self-isolation between those attending an education setting and those attending other workplace settings with the exception of those attending residential settings, such as boarding schools.
- 9.17. The only exception to this was when exemptions to the self-isolation policy were planned for double vaccinated adults if they were identified as a close contact of someone who was confirmed to have COVID-19, as part of step 4 of the government’s roadmap in August 2021 (announced in July 2021). In advance of the Covid O meeting on 1 July 2021 that discussed this, DfE officials and myself pushed for children to be included in this exemption. In speaking notes provided to me in advance of the meeting, DfE set out that “as children cannot be vaccinated, they must be treated equally as adults, so they do not face stricter requirements than the rest of society. Self-isolation policy must therefore be removed for children, in line with the approach recommended for double vaccinated adults”. In addition, DfE continued to engage with DHSC on the potential roll out of the vaccine programme to children (depending on advice from the Joint Committee on Vaccination and Immunisation) (Exhibits GW3/117 - INQ000497770, GW3/118 - INQ000497768, GW3/119 - INQ000497765 and GW3/120 - INQ000497766). As a result of this, following on from the Covid O meeting on 1 July 2021, Covid O decided that DHSC would work with DfE to prepare the announcement for exempting under 18s from self-isolation from 16 August 2021 (Exhibit GW3/121 - INQ000497772).

## Provision of remote education

9.18. As set out in paragraph 5.7, The Coronavirus Act 2020 Provision of Remote Education (England) Temporary Continuity Direction (TCD) was issued on 1 October 2020 (Exhibit **GW3/121a** INQ000575795). The TCD did not contain detail in relation to minimum standards, but it did state in paragraph 6: *"When complying with this direction the responsible body must have regard to any guidance given by the Secretary of State for Education relating to the provision of remote education in accordance with this direction."* At this time DfE had already published, and went on to publish, a range of guidance documents on minimum standards in the provision of remote education and also worked with Ofsted on this.

9.19. As set out in JK2, paragraph 4.35, on 2 July 2020, remote education guidelines set out what was expected in terms of remote education provision in *Guidance for full opening – schools* (Exhibit GW3/122 - INQ000575765). Schools were to fully reopen with higher standards for remote education provision, including daily meaningful and ambitious assignments across various subjects, teaching a well-sequenced curriculum, and planning a programme equivalent in length to core in-school teaching, ideally including daily teacher contact. This offer was for those instances where children were clinically vulnerable and having to continue to isolate, and for when schools may have had to close due to high prevalence of the virus in their local area or significant teacher absences.

9.20. DfE continued its remote education support in the autumn term 2020, leveraging data insights and research findings from the initial stage of the pandemic. In November 2020, DfE worked on strengthening the accountability regime for remote education. This included setting clear minimum standards and requiring schools to inform parents and children about their remote education provision. On 3 December 2020, DfE introduced minimum expectations of daily hours for remote education. This was based on existing guidelines, stakeholder input and the principle of equivalence to in-school education (Exhibit GW3/123 - INQ000519665).

9.21. I do accept, however, that in the autumn term 2020, the provision of education continued to be highly disrupted. It was a moving picture at this time; my recollection was that we were trying to keep schools open as best as we could in the face of an increasing transmission rate in some parts of the country and the introduction of the contingency framework (see paragraph 4.171 in JK1). There were some parts of the country where the rates were much higher than in other parts, but our focus was on

trying to keep schools open and maintaining the provision of education.

- 9.22. DfE continued to work with Ofsted on developing remote education. DfE announced targeted Ofsted inspections focusing on curriculum, remote education and attendance, particularly for vulnerable children (Exhibit GW3/124 - INQ000575755). On 11 January 2021, informed by recent visits and research, Ofsted published a short guide, *What's working well in remote education*, which provided helpful advice for navigating remote education, and helped school and college leaders and teachers develop their remote education offer (Exhibit GW3/125 - INQ000575766).

### **The provision of devices**

- 9.23. As set out in JK2, the GHWT programme was established at the end of March 2020, which enabled DfE to purchase laptops and tablets (devices) that education settings and local authorities could give to vulnerable and disadvantaged children. The table from paragraph 5.47 of JK2 is repeated here:

<b>Total number of devices (laptops and tablets) delivered or dispatched to local authorities, trusts, schools and colleges (cumulative)</b>	
Date	Number delivered or dispatched
14 June 2020	114,536
30 June 2020	202,212
26 August 2020	220,494
18 December 2020	562,421
11 January 2021	702,226
09 February 2021	986,849
09 March 2021	1,250,738
11 May 2021	1,313,449
15 June 2021	1,330,962
13 July 2021	1,352,559
14 December 2021	1,679,785
11 January 2022	1,723,517
08 February 2023	1,836,930
08 March 2022	1,901,477
05 April 2022	1,955,623

- 9.24. I am not able to provide the numbers of children who had been provided with devices, as the delivery of these devices was through local authorities, MATs or dioceses (RBs). The RBs would be assigned a set allocation of devices and connectivity. They would then decide which children required support based on the

eligibility criteria set out in paragraphs 5.6.1 and 5.6.2 of JK2. These would then be ordered through an online portal, and the devices would be owned by the RBs. The Inquiry has asked if the view in the department was that 880,000 devices were needed in June 2020 (Exhibit **GW3/125a - INQ000542543**). I cannot recall this specific number being discussed but I note that it was included in a piece of advice I received on laptops and devices for disadvantaged children on 17 June 2020. Extensive work was taken over the summer to build a device reserve ahead of any potential school closures in the autumn term. The approach to the allocation of devices changed in October 2020, as DfE brought allocations in line with the patterns in attendance data to enable the schools that needed them the most to access them first. This might have been in disadvantaged areas or areas with high infection rates (Exhibit **GW3/125b - INQ000239698**).

- 9.25. As set out in paragraph 5.29 and 5.30 of JK2, in October 2020, I agreed to procure an additional 530,000 devices, and DfE was able to immediately purchase up to 100,000 devices. It was clear that RBs wanted to get devices into the hands of children as quickly as possible and they did. By the end of the programme over 1.9 million laptops and devices were delivered to pupils and students in schools and colleges. This ensured many children and young people were better able to continue their learning if they need to return to remote learning.

### **Assessing the quality of remote education**

- 9.26. As set out in JK2 at paragraph 4.41, during autumn 2020, Ofsted inspectors conducted interim visits to various education institutions until December 2020 (Exhibit **GW3/126 - INQ000575769**). These non-graded visits were to monitor compliance with the Temporary Continuity Direction and to ensure education settings were prepared to deliver effective remote education, providing assurance rather than formal grades or judgement (Exhibit **GW3/127 - INQ000575801**). Following these visits, Ofsted released a series of briefings. The briefings outlined the challenges education settings faced with remote education and offered insights into its effectiveness and the strategies used to maintain education standards during the pandemic (September 2020 briefing: Exhibit **GW3/128 - INQ000575673**). Ofsted's interim visits also informed its brief guide to what worked well in remote education, which was published in early January 2021.

- 9.27. DfE also sought to enhance information on remote education. Data and intelligence were gathered from various sources to create a national overview and

identify at-risk regions. This included a data portal, starting from the week of 12 October 2020. This collected daily self-reported data from schools on isolated pupil groups, provision in place, hours of set work, and regularity of checks or contact. Monthly surveys of parents and secondary school pupils were undertaken to gather data on pupils' experiences, such as hours spent studying and available resources. Additionally, a monthly panel of school leaders and teachers was set up to provide insights into delivery.

9.28. Ofsted also conducted assurance visits and structured telephone interviews to understand challenges, schools' approaches, pupil engagement, and quality, complemented by a parent survey on remote education experiences. DfE worked with Ofsted to establish a clear understanding of effective practices. Ofsted examined a select group of schools with advanced approaches, identifying key lessons for other schools and using these insights as benchmarks for inspections (Exhibit GW3/129 – INQ000542575).

9.29. DfE's evaluation of remote learning during the pandemic is set out in JK2 (paragraphs 4.70 to 4.75). Insights relating to autumn 2020 are set out below. These are taken from reports published by DfE in October 2021; Education Policy Institute and Renaissance Learning *Understanding Progress in the 2020/21 Academic Year Complete findings from the spring* (Exhibit GW3/130 - INQ000542833), and *Understanding progress in the 2020 to 2021 academic year: findings from the summer term and summary of all previous findings* (Exhibit GW3/131 - INQ000542834):

9.29.1. Secondary aged pupils experienced an average learning loss of about 1.5 months in reading by the first half of the autumn term. By the summer term, they had only slightly caught up, resulting in an estimated learning loss of around 1.2 months. Analysis for secondary aged pupils was more limited due to sample sizes; robust estimates could only be determined in reading.

9.29.2. During the first national lockdown, missed in-person learning led to reduced progress in reading and mathematics for most children. The 2020/21 academic year saw periods of catch-up and further losses. Primary pupils had lost an estimated 1.8 months of learning in reading by the end of the first half of the 2020/21 autumn term, improving to 0.9 months by the summer term. In mathematics, primary pupils lost 3.6 months initially and improved to a 2.2-month loss by the summer term.

9.29.3. Disadvantaged pupils faced greater losses, with 1.9 months in reading amongst both primary and secondary aged pupils and 4.5 months in mathematics for primary aged pupils by the end of the first half of the autumn term and showed less recovery overall. Regional disparities were significant, with pupils in the north-east and Yorkshire and the Humber experiencing greater losses, 5.1 and 5.7 months respectively. In contrast those in the south-west and London experienced losses in mathematics of 0.2 and 0.8 months respectively. By the summer term, primary pupils in Yorkshire and the Humber showed the greatest recovery, regaining 2.1 months in reading and 3.8 months in mathematics.

## **10. Part J: Rising transmission rates from autumn 2020**

10.1. In this section of my statement, I will cover the questions the Inquiry has asked in relation to rising transmission rates from autumn 2020.

### **Rising transmission rates and keeping schools open**

10.2. Following the government's decision that schools and colleges should reopen to certain year groups in June 2020 and then fully in September 2020, DfE published guidance at the beginning of July 2020, setting out the steps and approaches that staff should take to keep transmission to a minimum (Exhibit GW3/132 - INQ000519654). These included using good hygiene measures, social distancing and maintaining 'bubbles.' At the time, I felt as though significant efforts had been made to explain how schools could reopen safely. The goal was to minimise the impact if a pupil or staff member contracted COVID-19. Schools took numerous steps to ensure this by, for example, re-structuring the school day and utilising outdoor spaces more frequently. In cases where COVID-19 was detected within a school, every effort was made by schools to contain the virus, so that it affected as few pupils and staff as possible. There was an understanding that we would be living with COVID-19, and we aimed to contribute to reducing transmission rates in any way we could.

10.3. As I have already set out in the witness statement I provided to Module 2, following the full reopening of schools and colleges in early September 2020, the government's intention was to avoid further national or area-wide imposition of school and college closures unless the scientific evidence and public health advice indicated they were necessary. As a result, the government did not advise any further school and college closure at national or regional level in the autumn 2020 term (including during the second lockdown in November 2020) despite rising case rates. At this time, my strong opinion was that closure of schools and colleges should be a last resort, once all other mitigations had been deployed and only after other sections of the economy had had to lock down.

10.4. During the autumn term 2020, the *Contingency Framework: Education and Childcare Settings* ("The Contingency Framework"), which was an annex to *COVID-19 Contain Framework*; a guide for local decision makers, published by UKHSA on 28 August 2020 acted as the main policy framework for determining whether school closures should be re-introduced within a specific area of the country (Exhibit GW3/133 - INQ000075669). This document was designed to help decision makers when they were considering



plans to apply, tighten or relax restrictions to education and childcare settings, while being clear that school closures were a last resort. They could only be triggered by agreement between the DfE Regional Schools Commissioner, the Joint Biosecurity Centre ("JBC"), and PHE. The final decision rested with me as SSE. During the autumn term 2020, I did not agree to the use of school closures via the Contingency Framework. Indeed, as set out in paragraphs 19.1.5 to 19.1.10 of SAH1, I authorised legal steps to be taken against a local authority (the Royal Borough of Greenwich) that sought to unilaterally close schools in their area (please see paragraph 10.30 below).

10.5. I was opposed to giving more control to closures at a local level because previous experience during the pandemic showed that schools and colleges, sometimes coming under parental pressure, could be overly cautious, and if given the power to decide, could close before there was a need to do so. This could then cause a domino effect of closure when it was not absolutely necessary.

10.6. I would argue that the government took the right decision in autumn 2020 to keep schools open at a local level, and in not including schools and colleges in the second national lockdown. Through the use of 'bubbles', social distancing and careful use of hygiene measures, this meant that schools and colleges could stay open to as many pupils as possible.

10.7. In the lead up to the third national lockdown in January 2021, as already set out in paragraph 4.8.21 of the witness statement I provided to Module 2, I was opposed to schools and colleges closing, even once we knew about the advent of the new Alpha variant of COVID-19. When the government did make the decision that schools and colleges would close to the majority of pupils, I was clear that we must plan to get them open again by February half term (12 to 22 February 2021 for most schools in England) at the very latest. I did not want to see a repeat of 2020, where pubs were reopened before schools were fully able to do so. Tensions often arise within government due to the varying priorities of different government departments. DHSC aimed to maintain shutdown measures for as long as possible as the most effective way of reducing transmission. Conversely, BEIS prioritised reopening businesses to stimulate the economy, while DCMS advocated for the resumption of sporting events. As a department, we endeavoured to keep schools open for as long as feasible and to reopen them promptly, navigating through these conflicting priorities and tensions.

10.8. In terms of schools reopening sooner in 2021, as a department we wanted to keep schools open. However, once closed we did successfully make the argument that they

should be among the first to reopen, and indeed, they were the first settings to open up after the lockdown. We did push for schools to reopen on 22 February 2021 after the half term break. They ultimately reopened on 8 March 2021, two weeks later, but still leading the way ahead of other sectors.

- 10.9. I note the Inquiry has asked why the contingency framework (detailed in JK1 at paragraph 4.147) the DfE was applying was considered potentially “confusing” and “led to local areas agitating to move to restrictions without DfE’s support”, as set out in some Covid-O minutes (Exhibit GW3/134 - INQ000091219). This is why we established the REACT teams and built relationships with local areas through these teams to try and mitigate against any confusion that may arise. The Contingency Framework was also developed with DHSC, and efforts were ongoing to simplify it. Without the Contingency Framework, reopening schools would not have been possible as we had to demonstrate that we had mechanisms in place to ensure schools could reopen safely.

#### **Testing in schools during the autumn and winter of 2020**

- 10.10. TG1, section 3, sets out in detail DfE’s work on testing strategies for schools during the autumn and winter period of 2020 to 2021. In summary, this began with DfE working with DHSC to ensure that schools and colleges could be sent a small number of PCR testing kits in August 2020, for use by those who had developed symptoms while at school or college and faced barriers to accessing a PCR test elsewhere. DfE officials worked closely with officials in DHSC and NHSx on how to implement the NHS COVID-19 app that was launched on 24 September 2020 in education and childcare settings. I also took a number of decisions regarding how to prioritise allocation of PCR kits to the education sector through the online portal for priority workers that was launched by the government on 16 September 2020.

- 10.11. As plans for mass testing were drawn up in government, DfE officials were working with DHSC to support them to deliver mass testing pilots across different types of education settings. It is important to note that mass testing has to be through lateral flow device (“LFD”) and LFDs were not approved for under 18s until October 2020, which impacted on roll out of the testing programme. On 10 December 2020, Covid O considered a paper (Exhibit GW3/135 - INQ000075484), which proposed weekly LFD testing of staff and serial LFD testing (daily testing for a given period) of close contacts for students and staff in secondary schools and colleges, starting in January 2021. The most up to date public health advice in December 2020 was that mass LFD testing could help identify asymptomatic cases and reduce the spread of COVID-19 amongst

children and young people. The paper included an update on progress with the mass LFD testing pilots, detailed above, which it said had been progressing well with good levels of participation and generally low levels of positive cases being identified. It also included lessons learned from the pilots, which would be fed into the approach to testing from January 2021 onwards. Covid O agreed at the meeting on 10 December 2020 that schools and colleges would receive financial support to cover additional workforce costs involved in setting up and running asymptomatic test sites to deliver on-site LFD testing. Furthermore, on return in January 2021, on-site LFD testing of secondary school and college staff and on-site LFD testing of close contacts would begin (Exhibit GW3/136 - INQ000075699).

10.12. Throughout this period, I was fully in favour of asymptomatic mass testing in education settings (Exhibit **GW3/136a** INQ000090158). The asymptomatic mass testing pilots that took place throughout the autumn of 2020 were intended to test and develop a scalable model for mass testing in schools. They could also give us valuable insights into how to set up, deliver and record hundreds of thousands of tests every week. Mass testing of pupils would ensure that those who tested positive, even if they were not displaying symptoms, could self-isolate and minimise the risk of transmission to their peers and staff.

10.13. I recollect that, in the run-up to the Covid O meeting on 10 December 2020 at which I presented this paper, SSHSC and DHSC's position on asymptomatic testing in schools, colleges and HE settings had changed regularly (Exhibit **GW3/136b** - INQ000091250). DfE and DHSC officials had worked closely together on drafting the paper, and we had got to a point where it had been agreed by both departments. Then half an hour before the meeting, DHSC changed their position and informed us that they were withdrawing their name from the paper. DHSC's original position was that the mass testing programme would be delivered through NHS Test and Trace, with input and support from the Ministry of Defence ("MoD")'s Military Aid to Civil Authorities ("MACA") programme. DHSC then changed their position on this, to schools themselves delivering the testing. We had to work at incredible speed to work through how this could be delivered by early January 2021. For this reason, I felt that we could not make such a huge additional task for schools to take on mandatory testing. We had to make it voluntary, while also doing everything possible to ensure that setting up facilities to deliver and administer mass testing was as straightforward as possible. I am incredibly grateful to school staff and volunteers, as well as to DfE officials, for working through the Christmas 2020 period to enable mass asymptomatic testing to take place in schools

from the beginning of January 2021.

- 10.14. I worked closely with DfE officials to publicise our plans, including through a formal announcement on 17 December 2021 (Exhibit GW3/137 - INQ000075710). We used DfE's daily bulletin email to education settings, and worked closely with stakeholders, such as teaching unions and sector stakeholder groups through forums such as the Permanent Secretary's Stakeholder Group (detailed in JK1 at paragraph 5.41) and the DfE Principals Reference Group (detailed in RC1 at paragraph 3.25) to seek their views and support during this period. On 4 January 2021, regular mass LFD testing started in secondary schools and colleges for staff, vulnerable children and CCW. Data provided on 5 January 2021 showed that an estimated 97% of schools had received LFD kits to start testing (Exhibit GW3/138 - INQ000497877). By 6 January 2021, 46,475 LFD results had already been reported, of which 46,130 were negative and 155 were positive.
- 10.15. Following the Covid O meeting on 10 December 2020 that had discussed the introduction of serial mass testing, on 14 December 2020, with the expectation that increased mixing over the Christmas period would drive up transmission rates, DfE officials were sent a new commission by the COVID-19 Taskforce in CO. This was to begin work on some slides that the Taskforce would be able to use to draft a paper for discussion at Covid O. The commission was for options for the beginning of the following term, given the changing epidemiological picture at the time, including delaying the return to school and moving to remote learning, and the associated plans for testing, as well as the return of HE (Exhibit GW3/139 - INQ000497699). Mass testing of school children was something that we had been planning for some time, and indeed, I announced our detailed plans on 15 December 2020 (Exhibit GW3/140 - INQ000075709). However, with the changing epidemiological picture at the time, the discussion at Covid O on 16 December 2020 was around separate, early steps we could take in addition to this regular mass testing regime. A round of mass testing at the start of the January 2021 term would enable all staff and students in secondary and college settings to be tested for COVID-19, so that any that tested positive could self-isolate and minimise the chances of infecting their peers (Exhibit GW3/140a INQ000075503).
- 10.16. TG1 sets out detail on MACA support for testing in schools and colleges. The document exhibited to the Inquiry within this statement (GW3/140b - INQ000497730) shows that MACA support for this mass asymptomatic testing of secondary school and college students and staff in advance of the planned re-opening of education settings at

the start of the January term in 2021 was requested by NHS Test and Trace within DHSC. It is clear that this was a DfE project funded by DHSC.

- 10.17. At the Covid O meeting on 16 December 2020 it was decided to stagger secondary school and college return to full attendance during January 2021 (Exhibit **GW3/141 - INQ000091143**). This would enable the mass LFD testing of all staff and students in secondary schools and colleges at the start of the January 2021 term. This was in addition to the weekly asymptomatic mass LFD testing of staff and daily asymptomatic LFD testing for students and staff of close contacts that would be rolled out from January 2021 (as we had announced on 15 December 2020).
- 10.18. As set out in paragraph 10.13 of this statement above, DHSC kept changing their position and demands of the department and education settings throughout this period. DHSC's original plan was that the mass testing regime would be delivered within schools, but with testing actually being done by others, including military support, which would be arranged and organised by the government. However, it transpired that DHSC/Test and Trace had not discussed this with MoD. As I set out in the witness I provided for Module 2, DHSC then changed its position so that mass testing would not only be delivered in schools, but that schools themselves would need to conduct the testing themselves and would need to find and arrange the resources to do so. My use of the phrase 'ratcheting up' is intended to show that DHSC kept changing their plans and requirements, as in this instance, and this had a very direct impact on schools and particularly school staff, who we were already asking to do a very great deal on top of their 'normal' day jobs. We were now asking them to arrange staffing and volunteers to organise and administer on-site testing of staff and students.
- 10.19. We accepted that what we were trying to do in rapidly delivering a mass testing programme in schools and colleges was something incredibly challenging, but also incredibly important and significant. I was aware at the time that NHS Test and Trace had a multi-billion-pound budget to deliver Test and Trace. Frankly, we did not have anything like this budget (NHS Test and Trace had agreed to fund up to £10 million for the school workforce costs in January 2021) (Exhibit GW3/135 – INQ000075484) but were still able to roll out the programme and make it a success. We had to step that programme up incredibly quickly and schools and colleges did an outstanding job in making it work.
- 10.20. I think that, given the challenges that Test and Trace had experienced, despite the multi-billion-pound budget, there was some scepticism that we would be able to deliver

testing within schools and colleges. To the best of my recollection, however, this was not directly expressed to me by ministers or the Prime Minister. This type of large-scale testing programme had never been undertaken anywhere in the country and it was outside our primary area of expertise as a department. Additionally, we were engaged in efforts to ensure schools could reopen safely. Despite this, the testing programme was remarkably effective.

10.21. As I set out in the witness statement I provided for Module 2, my fundamental view, based on what we had learned from the closure of schools and colleges during the first lockdown was that the best place for children and young people was in a school or college setting. Others in government and advising government at this time took a different view, but at this point, I was still trying to do everything possible to persuade government that schools and colleges should remain open. In the event, I lost this argument, and schools were closed to the majority of pupils during January and February 2021. Although we had not formally set out a 'Plan B' in advance of this, we had learnt a lot about the closure of schools from the first lockdown, so they were able to close in an orderly fashion and switch rapidly to effective remote education for the majority of their pupils. At the same time, the testing regime that we had set up meant that staff in schools and colleges, attending to teach CCW and vulnerable children who continued to receive face to face education, were able to be tested right from the start of this period.

10.22. We didn't know at this stage that the testing regime would be as effective as it was later shown to be. Even if it had not been, however, I am still of the opinion that the best place for children and young people to be is in school and college. I had seen the effect that not being in school throughout the spring and early summer had had on children and young people's learning, mental health and wellbeing and I felt sure that, with what we knew by this point about the impact that COVID-19 had on children who became infected, stopping the majority of them from attending school again for a period was something to be avoided if we possibly could. School staff and DfE civil servants had worked incredibly hard to put a mass testing programme in place in the two weeks immediately preceding the meeting on 29 December 2020 and I felt that this should be given a chance before a decision was taken on school and college closure.

10.23. As set out in TG1, data provided to DfE on 5 January 2021 showed that an estimated 97% of schools had received LFD kits to start testing (Exhibit GW3/138 - INQ000497877). By 6 January 2021, 46,475 LFD results had already been reported, of which 46,130 were negative and 155 were positive.

10.24. As set out in paragraph 10.4 of this statement, the Contingency Framework was an annex to COVID-19 Contain Framework; which acted as the main policy framework for determining whether school closures should be re-introduced within a specific area of the country (Exhibit GW3/133 - INQ000075669). I agreed to implement the Contingency Framework in primary schools in 50 local authorities from 4 January 2021 meaning that, in these local authorities, the opening of primary schools would be delayed until at least 18 January 2021. 23 of the 50 local authorities were London boroughs; 10 London boroughs did not have the restrictions applied to them. In all other areas, primary schools were to open as usual on 4 January 2021. The thinking behind implementing the Contingency Framework was that in areas where rates of infection were spiking, closure of primary schools to all but CCW and vulnerable children would act as part of the suite of measures to bring infection rates down. As rates came down, schools could be fully reopened again. This was not about the start of the domino effect of all schools gradually closing – more about temporarily restricting attendance as a way of bringing down infection rates so that full reopening could happen as quickly as possible.

#### **The closure of primary schools in January 2021**

10.25. The Cabinet meeting where the decision to introduce a third national lockdown, including closing schools to the majority of pupils, except for CCW and vulnerable children, took place on the afternoon of 4 January 2021. That morning, I had been fully of the opinion that we, and the sector, had done an incredible amount of work in the preceding weeks and were in the best possible position to be able to open and stay open, even in the face of increasing levels of COVID-19.

10.26. I spoke to the Prime Minister on the phone on the morning of 4 January 2021 and at that point, his key message was about making sure that we got the maximum number of pupils into schools and maximised the number of schools that were open. I assured him that we were doing everything we could to make sure that was the case, and I recollect that information that we had coming in from schools showed that a very high proportion of eligible schools that could open, in the region of 85%, had actually opened to pupils that morning. So I felt, early on 4 January 2021 that we had a clear direction from the Prime Minister that schools should be open.

10.27. I then received a phone call from the Prime Minister's Chief of Staff, Dan Rosenfield, at approximately 12.30pm. Mr Rosenfield told me that the policy was going to be changing and that we would have to close schools. The reason for this was that the data that had come in from over the weekend indicated that there was a much larger spike in

COVID-19 cases and this caused No.10 to reverse their previous position. This was the first I knew of this decision. I then immediately went back to talk with my team at DfE to let them know what the new position was, because this meant that there was a whole set of new work that would need to be taken forward at pace. We were now obviously in a completely different position to where we thought we were a couple of hours earlier.

10.28. As I set out in the witness statement I provided for Module 2, on the afternoon of 4 January 2021, I attended the Cabinet meeting, where Cabinet formally agreed to introduce this new national lockdown (Exhibit GW3/142 - INQ000075517). I made clear at this meeting that I did not think that schools should close again, but if they were going to close, then we must get them open again by February half term (12 to 22 February 2021 for most schools in England) at the very latest. I was aware that the decision to introduce the new lockdown had already been taken by the Prime Minister – it was not up for debate in the Cabinet meeting. The meeting was more around discussing the details around how the new lockdown would work. Following the Cabinet meeting, the Prime Minister then made his announcement about the new lockdown.

10.29. I remain of the view that the second set of school closures as a part of the third national lockdown was a mistake and the government should have kept schools and colleges fully open to all pupils. It felt like the government was taking all possible measures, including closing schools, partly just to get people's attention and alert them to the seriousness of the situation. I thought the decision was taken to close schools to the majority of pupils, not because this would have a significant impact on the infection rate, but more because the government had to be seen to be using all possible options available to them, to turn things around. I recollect the then CDL, I think, comparing it to smashing a Ming vase on the floor to get people's attention. I think, as I say above, the government should have given the mass testing regime that we had put in place, as well as all the other closures announced as part of the third lockdown, a chance to work. It should only have closed schools when all other options had been exhausted.

#### **Temporary Continuation Order – The Royal Borough of Greenwich (“RB Greenwich”)**

10.30. Paragraphs 19.1.1 to 19.1.10 of SAH1 set out in detail my reasons for issuing a direction to RB Greenwich using the powers conferred to me by Section 38, and paragraph 1 of Part 1 of Schedule 17, to the Coronavirus Act 2020. In summary, in December 2020, the Leader of RB Greenwich wrote to the headteachers of all the schools advising them to close their premises at the end of the day on 14 December 2020, other than for vulnerable children and CCW, and to move to remote learning for



the remainder of the term (Exhibits GW3/143 - INQ000075492 and GW3/144 - INQ000075493). RB Greenwich did not inform DfE, PHE or JBC before taking this decision, which was not in line with the Contingency Framework, nor the guidance published by DfE. We knew that school was a vital point of contact for public health and safeguarding services that were critical to the wellbeing of children and families. For the vast majority of pupils, the benefits of being in the classroom far outweighed the low risk from COVID-19. The latest advice from both the Regional Director of PHE and the Deputy Chief Medical Officer was that we were not in a position where the scientific and public health advice supported the implementation of measures to restrict access to schools for children in RB Greenwich.

10.31. A meeting took place on 14 December 2020 between the Regional Schools Commissioner (RSC) for London and RB Greenwich DCS in an attempt to resolve the issue without resorting to issuing a direction, but the RSC was not able to reach an agreement with the DCS. Therefore, also on 14 December 2020, using the powers conferred by the Coronavirus Act 2020, I issued a direction to RB Greenwich, which they complied with, withdrawing the letters sent to headteachers and families and advising all schools to remain fully open to all children until the end of term (Exhibit GW3/145 - INQ000075501 and GW3/146 - INQ000075500).

10.32. While RB Greenwich was not the first to seek to impose attendance restrictions that went beyond the Contingency Framework, it was the first where discussions could not bring plans back within the framework, because of the refusal of the local authority to engage. It was therefore the only local authority where I felt compelled to issue a legal direction.

### **Lessons learned from the first set of school closures**

10.33. I and DfE learnt a huge amount from the first set of school closures in the first half of 2020. This included what an incredible job staff and governors in the education sector could do in incredibly difficult circumstances. At the same time, we also learnt that detailed, carefully thought through and timely guidance was hugely important in telling the sector what should and shouldn't be done to ensure that consistent approaches were being taken. At the same time, we realised during the first lockdown that the sector was not particularly well set up for delivering remote education to pupils. The intensive work that we did on areas such as the development of the Oak National Academy, and the mass procurement and distribution of laptops and devices by DfE, meant that when the second set of school closures happened, schools were in a much better place to

continue to provide a good standard of education to many more pupils during the period that they were learning from home.

10.34. At the same time, we knew that, during the first set of school closures, although schools remained open to CCW and vulnerable children, a relatively low proportion of those eligible to attend actually did so. During the second set of school closures, DfE had done much work to encourage those whose children were eligible to attend school to do so. This meant that schools faced the challenge of teaching a higher proportion of children in school, while also running effective online classes for those learning from home.

10.35. While it was not perfect in 2021, I also felt like we learned a huge amount from the cancellations of exams in 2020, following on from the closure of schools, and we were able to take this learning into the decision to cancel exams again in 2021.

#### **Remote education**

10.36. We knew that many schools provided an incredibly high standard of remote education during the first national lockdown. However, we had received feedback that this standard had varied, so I was keen, when remote education became necessary again, that clear standards should be set, and that schools should know that they would be held to those standards – in this instance by Ofsted (Exhibit GW3/146a INQ000519668). Much work took place by DfE officials throughout the summer and autumn of 2020 to take the necessary steps to enable this to happen. Paragraphs 4.33 to 4.39 of JK2 includes more detail on the work undertaken by DfE in this area.

10.37. At the same time, again, as set out above, I knew the huge pressures that schools were under, so I did not want to go further than I felt was needed in mandating what schools needed to teach via remote education and how they should teach it.

#### **Vulnerable children**

10.38. During this period, DfE officials produced an internal 'sitrep' document, that was circulated every week to ministers and senior officials, containing a range of relevant data (See FO1, paragraph 3.108). On 13 January 2021, just over a week after the third lockdown had been announced, the weekly sitrep showed 34% (103,000) of children and young people with an EHC plan attended their setting and 40% (74,000) of children and young people with a social worker attended (Exhibits GW3/147 - INQ000541095 and GW3/148 - INQ000541176). That meant that vulnerable children's attendance was

significantly higher than March 2020 to May 2020, but lower than autumn term 2020, when schools had been fully open. DfE officials explained that there had been reports of parental confidence being low for parents of vulnerable children sending their children to settings due to high numbers of CCW also attending. Actions highlighted on the sitrep included “*Working to balance between the need to increase vulnerable children’s attendance, against managing attendance of children of critical workers and anxiety in schools about being at capacity*”. Overall reporting showed that the vast majority of schools continued to be able to meet the demand for places.

10.39. By the week ending 12 February 2021, the sitrep showed for all state-funded schools, the attendance rates for groups had increased slightly to 36% (109,800) of children and young people with an EHC plan attending and 43% (81,000) of children and young people with a social worker attending (Exhibit GW3/149 - INQ000541100). This relatively low rate of attendance remained a concern throughout this period. Action taken included REACT teams from the department speaking to local authorities with low levels of attendance, and the publication of an updated version of the *Actions for schools during the coronavirus outbreak* guidance document to strengthen the guidance on vulnerable children with a social worker. DfE emphasised that there was an expectation for vulnerable children with a social worker to attend (subject to public health advice), given their safeguarding and welfare needs. Although attendance was not mandatory, DfE considered it vital that settings continued to work together with the parent or carer, local authority and where applicable, social workers, to explore the reason for any absence (Exhibit GW3/150 - INQ000540985).

10.40. Further detail on this area can be found in paragraphs 3.108 to 3.110 of FO1.

## **11. Part K: Monitoring the impact of the second period of school closures**

11.1. In this section of my statement, I will cover the questions the Inquiry has asked in relation to measuring the impact of the second period of school closures.

11.2. Please note the actions undertaken by DfE in relation to ensuring the quality of education being delivered remotely during the second period of school closures, is set out in JK2 (paragraphs 4.50 to 4.61).

### **The impacts of school closures on children's learning and attainment**

11.3. The conclusions I drew after the second period of school closures were the same as those I drew after the first period; that we should always do our best to keep schools open because even with the very best remote education provision (which, as set out in sections 8.1 to 8.3 of SAH1, had improved by this time) it is nowhere near as good as face-to-face education for children's learning and attainment and also their social and emotional development.

11.4. Below I include some more specific points as set out in JK2 (paragraph 4.48):

11.4.1. In January 2021, DfE published the first of a series of reports produced by The Education Policy Institute and Renaissance Learning. These reports helped track education progress and learning loss children had experienced since the COVID-19 pandemic began. The reports were useful in helping DfE understand the impact that the shift to remote learning had had on children's loss of learning and highlighting that the impact of lost learning was felt more by disadvantaged groups of children than those from more affluent backgrounds. The findings helped shape the department's strategic approach for medium term intervention and support. This included the development of comprehensive policy options including tutoring and device provision (Exhibit GW3/151 – INQ000542855).

11.4.2. As of January 2021, I was asked for early steers on a new catch-up package (Exhibit GW3/151 - INQ000542855), and was advised that:

11.4.2.1. We were trying to make up for at least around 3–7 months' worth of learning.

11.4.2.2. We didn't know the exact scale of the challenge, but did know that it was substantial, not yet finished bearing through, and the current package

of support would not be enough (for example, the NTP – while having a transformative impact – was reaching less than 20% of disadvantaged pupils that year).

11.4.2.3. We knew everyone had lost learning time. Some groups were particularly far behind, including those who have missed most school (e.g. in some geographical areas) and those who suffer most from missing school (e.g. vulnerable and disadvantaged pupils). For example, early evidence from DfE research suggested that pupils in schools where there were a high proportion of children in receipt of FSM were 0.3 months further behind in reading at primary, and 0.7 at secondary, when compared with pupils in schools where the proportion in receipt of FSM was low – and that pupils in the north east and Yorkshire & Humber appeared to be on average further behind than elsewhere.

11.4.2.4. Catch up was more time critical for some cohorts: either because they had less time to make up for lost learning (e.g. those with exams in summer 2022), or because they were approaching important transitions (e.g. those in 16-19 settings nearing the labour market, and who needed to have met required occupational competence or standards).

11.4.2.5. Early years development has a significant impact later in life, and that without swift action to rectify (for example, missed early language development) these effects will compound across children's education career.

11.4.2.6. Some subjects had been harder hit than others: early evidence suggested a discrepancy between subjects, with for example, progress in mathematics suffering more than progress in reading (circa 3 vs. circa 2 months for pupils in years 3-9). Those on vocational courses in 16-19 settings would also have missed out on in-person training that is required for them to complete the qualification.

11.5. I note the Inquiry has asked if I agree with the position that studies suggested that by February half term, the total loss in face-to-face learning could amount to around half the a school year, with two thirds of a normal year lost if the return in education was delayed to after Easter, as stated in the *COVID-19 Response Spring 2021* document. I do not recall the text in this document (dated February 2021)

(Exhibit GW3/152 - INQ000185087) specifically, but this is accurate as far as I am aware.

- 11.6. My overriding priority anyway was to ensure as many children as possible could be in school, in accordance with scientific and public health advice, and the return to face-to-face education was therefore not delayed until after Easter. As stated in the witness statement I provided for Module 2 (paragraph 4.9.14), from 8 March 2021, primary schools fully reopened and secondary schools and colleges gradually returned to full attendance (with student and staff testing taking place before returning to face-to-face education). I do not recall forming the view that there was a general need for children to repeat the year.
- 11.7. As set out in JK1 (paragraphs 7.20 and 7.21), DfE recognised early on that it would need to invest in supporting pupils and settings to recover missed learning. Repeating a school year was just one of a range of options in relation to education recovery, and any response needed to be based on evidence of its effectiveness. JK1 (paragraphs 6.16 to 6.33) sets out the work done to develop a range of proposals in an education recovery package, including their affordability and deliverability.
- 11.8. As set out in JK1 (paragraph 6.33) I approved an Education Recovery Package which was announced on 2 June 2021. It was a £1.4 billion package which included funding for schools and colleges to give some year 13 students the option to repeat their final year. It also included £1billion to support up to six million, 15-hour tutoring courses for disadvantaged school children, which (as set out in paragraph 7.17), was one of the most effective interventions for helping children to catch up on lost progress.
- 11.9. In the run up to the approval set out above, on 3 February 2021, Sir Kevan Collins was appointed as Education Recovery Commissioner to consider what plans were needed to support children to recover from lost learning. I was not involved in this appointment and was informed of it by the Prime Minister. I did, however, welcome the appointment and knew of Kevan's good reputation.
- 11.10. I worked closely with Kevan and fully supported the recommendations he put forward to the Prime Minister, including the proposed level of funding. I was in regular contact with Kevan as we developed these recommendations and we were told by the Prime Minister to be ambitious. I recall attending a meeting with the

Prime Minister to present some initial thinking, and his feedback was that the programme needed to be scaled up to be much bigger and worth towards £15 billion. HMT attended this meeting. The desire to be bold with our plans was consistently reiterated by the Prime Minister.

11.11. I believe an excellent recovery package was developed by Kevan and DfE officials and, knowing the risk that the £15 billion figure would not be upheld, options were developed of a scaled-back version. We always knew that we would not necessarily get the £15 billion package as it was part of the negotiations and as with all negotiations between the department, No.10 and HMT, they start with an opening bid that will be whittled down. This is common and normal practice of all government departments in dealing with how the HMT operates.

11.12. We developed proposals around different figures and, knowing that the £15 billion figure was unlikely to be maintained we presented to the Prime Minister a package aimed at £10 billion. It was my understanding that this was agreed to by the Prime Minister, but his position changed over the weekend of the 29 and 30 of May following discussions between himself and HMT. The Inquiry has asked about National Economy and Recovery Taskforce meetings (Exhibit **GW3/152a** INQ000528282), I presented our plans on education recovery in these meetings, but they were not decision-making meetings. The Prime Minister was the decision-maker.

11.13. I was informed on the 1 June that the funding would be lower than we had hoped. When we were told that the value of the package would be £1.4 billion, this was a significant difference, and I knew Kevan would resign. This figure was a disappointing outcome, and I believe more funding should have been awarded. However, despite this we continued to work to try and get further packages of support into schools.

11.14. Once the decision had been made that the education recovery support package would be valued at £1.4 billion, DfE moved into implementation. Whilst this wasn't the preferred package it was still a very significant programme of work with operational challenges; therefore, the first focus was to ensure its effective delivery. The second focus was to consider what we might be able to achieve through later funding, as it was indicated to us, including by the Prime Minister, that there would be opportunities to bid for more funding later down the line.

11.15. I note the Inquiry has asked whether I believe enough has been done to assist children to recover from the impact of the pandemic. As mentioned above, I believed at the time the larger valued package would have been much more beneficial. Despite the disappointment in not getting the original amount we bid for, we did not just give up and continued to work to get further packages of support into schools. That work continued after my departure.

### **Increased harms**

11.16. In relation to harms, we knew right from the start that we needed to protect vulnerable children and enable them to come to school because for some school was a safe haven. We knew some vulnerable children would be at increased risk without the rhythm of coming into school and of course having children in school enabled teachers and others to check that they were ok. I spoke about this at a 'Hidden Harms Summit' hosted by the Prime Minister during the first lockdown (which I also mention in paragraph 7.10), focussing on how to tackle crimes such as domestic abuse, sexual abuse, child sexual abuse and modern slavery, which may have been impacted by the lockdown.

11.17. We recognised that addressing this issue required more than just the efforts of the education sector. It necessitated a collective approach with a range of different bodies at both local and national levels.

11.18. My view is that fewer children were likely to be exposed to significant levels of 'hidden harms' during the second period of schools closures and lockdowns because by this point, we had learnt a lot from the first lockdown and were taking action (see paragraph 7.11). We also had a much deeper working relationship with local authorities and social services. I felt we were bringing the relevant bodies closer together and using levers of the state to reduce hidden harms. There was cross-agency and cross-sector working between schools, police and local authorities, and schools became a 'hub' for that protection. With the resources that we had available I believed it was a very functional model. In the event of a future pandemic, I would propose this model as a starting point. Unfortunately, those risks were always there, and greater when schools were closed.

### **Monitoring changes**

11.19. I recall a lot of information being shared including a daily monitor of the number of vulnerable children in schools. Getting vulnerable children into schools



was a type of key performance indicator and something DfE was really pushing, to ensure those children were in a safe place.

- 11.20. FO1 provides detail on how both vulnerable children in education, and CSC referrals, were monitored, so that DfE could monitor the level of risk and seek to support activity to mitigate it.

### **Prioritisation of impacts**

- 11.21. In relation to prioritising the impacts of schools closures on learning and attainment, and the impacts of the first part of the pandemic on children's protection, health, my overriding priority was to keep schools open. Beyond that, there was not one thing that was a particular priority, rather several efforts that were intertwined, providing a holistic response to address children's overall needs. For example, holiday activity programmes provided engaging activities to promote social development and reduce social isolation, which benefitted both mental and physical health. They also provided nutritious meals. These programmes also acted as another contact point, in relation to keeping children safe.

- 11.22. DfE's overall approach to the impacts of school closures comprised two core strands:

11.22.1. To mitigate the impact of pandemic disruption on children and young people's education.

11.22.2. To support education settings to help children and young people to catch up on missed education and support their wellbeing.

- 11.23. With regards what we did specifically to address the impacts of school closures; this is covered extensively in JK1 and matters around child protection are covered in FO1.

### **An overview of the £4.9 billion recovery package**

- 11.24. Education recovery is covered in statement JK2. In total, just under £5 billion was agreed to fund education recovery across four academic years from 2020/21 to 2023/24. The following programmes were introduced:

- 11.24.1. Catch-up Premium: one off, universal scheme for the 2020/21 academic year providing £80 per pupil for mainstream schools and £240 per place for special schools and special units in mainstream schools/alternative provision/hospital schools.
- 11.24.2. Summer schools: Demand led programme in summer 2021 for fundamental learning and enrichment activities, particularly for children in transitionary years. 2,800 secondary schools across England signed up and 340,000 students took part.
- 11.24.3. Phase 2 of the Early Years Professional Development Programme: to support staff in pre-reception settings to provide high quality support and teaching on early language, early mathematics and personal, social, and emotional development to the children whose learning has been most impacted by the pandemic. 51 local authorities were involved.
- 11.24.4. 16-19 Repeat Year 13: option to offer students in year 13 (or equivalent in FE settings) the opportunity to repeat up to one more year in the 2021/22 academic year, if it was judged by their school/college that they were particularly severely affected by the pandemic. Approximately 1,400 students undertook a repeat year. Although a small take-up, we believe Repeat Year 13 has operated as intended - being used by a small number of the most affected students.
- 11.24.5. Nuffield Early Language Intervention: £17 million invested to improve the language skills of reception age children who need it most, providing training and resources free of charge to schools that would particularly benefit. Two thirds of primary schools (over 11,000) signed up, reaching an estimated 90,000 children.
- 11.24.6. Training for early years staff: £153 million to build a stronger, more expert workforce, enabling settings to deliver high quality teaching and help address the impact of the pandemic on the youngest children, particularly those in the most disadvantaged areas.
- 11.24.7. National Tutoring Programme: £1.5 billion programme to make subsidised tutoring available to boost progress and support pupils to catch up

on lost learning.

11.24.8. 16-19 Tuition Fund: access to one-to-one and small group catch up tuition in subjects that will benefit students the most, including mathematics, English and vocational courses.

11.24.9. Recovery Premium: £1.3 billion to provide evidenced based support interventions based on pupil needs, targeting those most in need.

11.24.10. Accelerator Fund: £22 million to scale up proven approaches, to enable schools in the regions worst-hit by learning loss to easily access effective practice shown to accelerate pupil progress.

11.24.11. Expanding the Early Career Framework and National Professional Qualifications: £253 million to provide training opportunities for teachers at whatever point they are at in their career.

11.24.12. Additional time in 16-19 education: £828 million funding to ensure every 16-19 student benefits from an additional 40 hours across the academic year from academic year 2022/23 (equivalent to 1 extra hour per week). Mathematics prioritised where there is a need, but additional hours can be used to support areas such as mental health, wellbeing and/or study skills where these are a barrier for students effectively engaging in teaching and learning.

11.24.13. The programmes (or aspects of them) set out above in paragraphs 11.24.4, 11.24.6, 11.24.7, 11.24.8, 11.24.11 were included in the £1.4 billion package.

### **Children's health, development and wellbeing**

11.25. Children's mental health, development and wellbeing are broad and cross-cutting topics. From the early stages of the pandemic, there was an ongoing effort within DfE and across government to understand the impact of the pandemic on children's mental health and wellbeing. As set out in SAH3, most of the work was a synthesis of a wide variety of data and evidence which was produced by DfE/OGDs and external organisations.

11.26. DfE worked with experts to identify the most likely needs, putting in place a range of support to help schools address these needs. The content of the support evolved to meet increased understanding of the impacts as time went on. This support complemented steps taken by DHSC to secure increased clinical support and included:

11.26.1. Webinars, online resources and training modules for teachers ahead of the start of the new term in September 2020 to help them address mental health and wellbeing issues among children and young people remotely and as schools and colleges reopened fully (Exhibit GW3/153 - INQ000588377).

11.26.2. Reprioritisation of funding to provide specific support to schools across England from September 2020 through the *Wellbeing for Education Return Programme*, announced by DfE on 25 August 2020. This £8 million programme provided locally tailored support and training to ensure schools and colleges in England had the relevant knowledge and access to resources to enable them to support children and young people, teachers and parents as schools and colleges reopened fully in September 2020 (Exhibit GW3/154 - INQ000514686).

11.26.3. On 10 May 2021, DfE announced more than £17 million (Exhibit GW3/155 - INQ000514687) to build on the mental health support already available in education settings. This included £7 million of funding (Exhibit GW3/156 - INQ000588308) for local authorities to deliver a *Wellbeing for Education Recovery* programme, which built on the success of *Wellbeing for Education Return*. The £17 million total included £9.5 million for financial year 2021-2022 for schools to train a senior mental health lead from their staff.

## **12. Part L: My reflections and lessons learned on the core decisions to close and reopen schools during the COVID-19 pandemic.**

12.1. This section sets out my overall reflections and lessons learned. It covers the following areas:

12.1.1. Reflections: my reflections on whether children and specifically my advice to the Cabinet, the Prime Minister and his advisers on children and education, were taken into account during the COVID-19 pandemic.

12.1.2. Lessons learned: my lessons learned during the COVID-19 pandemic.

### **Reflections**

12.2. It is important to understand how decisions were made in practice during the COVID-19 pandemic. The Prime Minister in most cases would have made the de facto decision well before it reached Cabinet or relevant Cabinet Committee. By that point, the focus would be on how to best implement the decision, rather than a discussion on the in-principle decision that had already been taken. This meant that if you were not involved in the initial informal discussions with the Prime Minister and his advisers, your ability to input into the decision was significantly constrained.

12.3. Regarding the decision to close schools in March 2020, I do believe that my advice was taken into account by the Prime Minister and Cabinet. However, that advice needed to be considered in the context of public health advice, NHS capacity, the rapid spread of the virus and lack of scientific understanding about the virus at this point in time.

12.4. I agreed in principle with the decision to close schools and colleges; it was necessary. The timeline for making a decision rapidly closed as the spread of the virus accelerated much faster than expected and SAGE concluded school closures were necessary to bring transmission down. Furthermore, the combination of the fear that was gripping the country with many parents withdrawing their children and schools being forced to close due to workforce absence, meant that school closures were already happening on the ground and there wasn't another viable alternative to full closure.

12.5. I disagreed, as detailed above and below, when the Prime Minister decided to

bring the date for introducing attendance restrictions forward to 23 March 2020, instead of from the end of the Easter holidays on 20 April 2020. This decision went against my advice. It meant that DfE did not have sufficient time to prepare and publish guidance to support schools on remote education. We had been guided by No. 10 to believe that a post-Easter decision was the direction of travel. More importantly, it gave schools and colleges no time to prepare to deliver remote education while also juggling the difficult tasks of putting in place arrangements for vulnerable children and CCW over the Easter holidays as well as then delivering face-to-face education to them under new social distancing requirements.

12.6. Regarding the decision to reopen schools, colleges and EY settings in summer term 2020 and the start of the new academic year, I do consider my advice was generally taken into account. Again though, it was balanced with public health advice and other demands on the 'Covid Budget'. I understand why, given infection levels, scientific and public health advice recommended maintaining the social distancing rules in education. On reflection, and with the passage of time, I do think this was wrong. Consideration should have been given to relaxing these rules, so all children could have come back to school sooner and benefited from being at school. This was in the best interests of children's health and wellbeing and what the department and I had pushed for.

12.7. On the decision to close schools in January 2021, my advice was initially taken into account by the Prime Minister during December 2020. On this basis, I was able to work up detailed plans with SSHSC on the return to school plans, with headteachers and DfE officials working all through the Christmas period to make this happen. Ultimately though, on the final decision to close schools on 4 January 2021, I consider that the Prime Minister did not give my advice sufficient weight or sufficiently take children's interests into account.

12.8. I considered this decision to be wrong on two grounds. Firstly, we had seen the impact, especially on the most disadvantaged children, of not having schools open and operating as normally as possible. My concern was that a second set of restrictions would set back children's educational recovery and progress even further. Secondly, I felt it was wholly unnecessary. We had seen exceptionally high rates of COVID-19 in a number of northern towns and cities yet had been able to keep schools open in these areas over this period. While this would be exceptionally challenging at a national level, I felt it was the right thing to do, as keeping children in school was so beneficial to them. I still believe that the decision did not sufficiently

take children's interests or wellbeing into account. I believe that the decision to close schools in January 2021 was not required. It was a panic decision, made without having children's interests front and centre. I do not believe that the NHS would have been overwhelmed, had we not locked down. From a public health perspective, the easiest thing to do is to close schools; their priority is not education, but to consider worst case scenarios and force behavioural changes in society. However, by this point in the pandemic, I believe the measures we had in place in schools (testing and other infection prevention control measures) and behaviours (some children being off school due to having COVID-19 or isolating) would have mitigated against the NHS being overwhelmed.

12.9. I did very briefly consider whether I should resign, but I felt it was not the right thing. I respect Cabinet collective responsibility. It means that when you lose a debate in private, you need to defend it in public, as SSHSC and CDL did after 28 December 2020, and I did after 4 January 2021. I was also concerned that resigning would distract attention away from the key policy issues and focus attention on personal political issues. Finally, given the speed of decision making and the need to properly implement school closures within a few hours, I was focused on implementing the decision to schools and colleges as effectively as possible.

12.10. On the decision to reopen schools on 8 March 2021, my advice (upon the lockdown on 4 January 2021) was to get children back into school as early as possible and no later than the February 2021 half term. This advice was not heeded, and children went back three weeks after the end of February half term. I understood the public health argument, and in principle agreed with the decision to reopen on 8 March. But I did feel that the effective infection prevention controls measures in schools by this time were not given due consideration. I was also concerned that places such as pubs, leisure facilities, public buildings etc would open before schools. I expressed these concerns and schools were amongst the first to open as part of the roadmap out of lockdown, before these establishments (Exhibit GW3/157 - INQ000075756).

### **Lessons learned**

12.11. My major lesson remains that the government should avoid, at nearly all costs, closing schools to the vast majority of children. It was not in most children's

best interests. We now know the impact school closures had, and are still having, on their educational attainment and wider health and wellbeing. In making major policy decisions during a crisis, the Prime Minister and Cabinet need stronger safeguards in place to take account of children and young people's interests better. I endeavoured always to voice the position of children and young people and the essential need for them to be at school.

- 12.12. These stronger safeguards should include having the Children's Commissioner in the room to ensure greater weight in conversations around children. My voice as SSE was often not enough when many other voices at the table had their own vested interest or views on education that were not from the perspective of the needs of the children, but rather the need of childcare for the parents.
- 12.13. I believe it would be beneficial in any future pandemic for central government to devote more resource from the outset to understanding the epidemiological impacts of it on children. Having a good understanding of the health impacts and risks around children would allow for more informed decisions to be made about the risks versus benefits of keeping children in school.
- 12.14. Further to this, there needs to be a mechanism to allow a greater level of control in the event of a national emergency. As I have set out earlier in this statement, the education system is designed to be autonomous which, during business as usual, is a good way for the sector to run. However, to ensure that all children are being considered in the same way across England, central government needs to have the ability to instruct the sector to respond in a preferred manner.
- 12.15. If, in exceptional circumstances, school closures cannot be avoided, then it is incredibly important to have a clear, established and transparent process for how the government would move to take this step. During the pandemic, critical decisions got signed off so late that it was very challenging to communicate these changes and operationalise them with the sector.
- 12.16. Instead, the government should have a clearly established framework for considering school closures. This framework should set out to the sector the steps that would be taken in the run-up to closures, including thresholds for each step, what other parts of the economy or society might close beforehand and how it would then step-down the response. This would help the education and EY sector better



prepare for such an eventuality. It would also be easier to work in partnership with the sector to operationalise such a shift.

12.17. If school closures cannot be avoided, then ensuring they remain accessible to the most vulnerable children is incredibly important.

12.18. The use of REACT teams was important to understand local levels issues and encourage school attendance, which was an important mitigation to minimising the impact of the pandemic on several children. Having similar structures in the future would be beneficial, as different parts of the country will experience the pandemic in different ways so having resource to support those local issues is incredibly helpful.

12.19. To further mitigate against the impacts of a potential future pandemic, I believe greater financial commitment to any education recovery package is necessary.

12.20. A positive impact of the pandemic is the push it has placed on the sector to improve its technology infrastructure. Since the greater need for remote learning, there have been improvements made across the sector to understand how learning outside of the classroom can be better supported. This includes the increased access to devices for the most disadvantaged children.

12.21. There have also been improvements made to the sharing of online resources and materials across the sector, with the Oak National Academy being a good example of this. The pandemic allowed children to access some of the best knowledge and teaching as it was shared much more widely across the education sector. There was an improved focus on collaboration, which helped some of the most disadvantaged or vulnerable children in the country.

## STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signature:

Personal Data

Dated: 30 July 2025