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UK COVID-19 INQUIRY

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CORPORATE STATEMENT OF TESSA GRIFFITHS  
ON BEHALF OF THE  
DEPARTMENT FOR EDUCATION

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I, TESSA GRIFFITHS OF THE DEPARTMENT FOR EDUCATION, SANCTUARY BUILDINGS, GREAT SMITH STREET, LONDON, SW1P 3BT, WILL SAY AS FOLLOWS:

## 1. INTRODUCTION

- 1.1 I, Tessa Griffiths, am employed by the Department for Education (“DfE”) as the Director of Skills Strategy & Engagement. I have held this position since November 2022. Prior to this role, I was DfE Director of Covid Response Measures from February 2021 to June 2022 and DfE Director of Rapid Covid Testing from November 2020 to January 2021 alongside my job-share partner Sarah Maclean.
- 1.2 I make this statement in response to the Covid-19 Inquiry's request for evidence under Rule 9 of the Inquiry Rules 2006 sent in draft on 24 June 2024 (“the Rule 9 request”).
- 1.3 I have been asked to provide an overview of events between 1 January 2020 and 28 June 2022. Although I did not join DfE until November 2020, I have been assisted in preparing this statement by officials in DfE who have searched for all relevant documents from the period, and I am satisfied from those documents and my own recollection that this statement sets out the events that occurred during that period as accurately as possible.
- 1.4 The statement is in eight chapters, as follows, and includes one annex:
  - 1.4.1 Chapter 1 - Introduction to the statement.
  - 1.4.2 Chapter 2 - DfE role and responsibilities. I will give an overview of the role of DfE along with how it works with other parts of central government, devolved administrations (“DA”), local government and its key sectors.
  - 1.4.3 Chapter 3 - Test, Trace and Isolate (“TTI”) in education settings: key phases and decisions. I will provide a chronological summary of the key decisions, activities and events relating to TTI in the context of education and childcare settings.

- 1.4.4 Chapter 4 - DfE role in TTI. I will give an overview of the role that DfE played in TTI.
  - 1.4.5 Chapter 5 - COVID-19 testing. I will provide an overview of the role and contribution that DfE and education & childcare settings played in COVID-19 testing. This will include a section on the equality issues DfE considered in relation to testing in education and childcare settings along with what mitigations DfE put in place.
  - 1.4.6 Chapter 6 - Contact tracing. I will provide an overview of contact tracing in education and childcare settings that covers DfE's view on its effectiveness, the use of the NHS COVID-19 app in education and childcare settings and how privacy and data concerns were addressed.
  - 1.4.7 Chapter 7 - Self-isolation, the roles of DfE and education settings. I will provide an overview on DfE's role in self-isolation, the evidence base, adherence and compliance as well as equalities issues and what mitigations were actioned.
  - 1.4.8 Chapter 8 - Lessons learned. I will set out DfE's view on the success and challenges of TTI in education and childcare settings, key lessons learned and the legacy of TTI in education and childcare settings.
  - 1.4.9 Annex A - Key figures and decision-makers.
- 1.5 This statement is supported by documentary evidence, which will be referred to in the format (Exhibit TG/001 - INQ0000).

## **2. DfE role and responsibilities**

### **DfE role**

- 2.1 DfE has overall responsibility for setting 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 early years ("EY"), primary and secondary education (including in schools), further education ("FE"), higher education ("HE") and apprenticeships and training.
- 2.2 DfE is a ministerial department. The Secretary of State for Education ("SSE") is responsible for the work of DfE, as set out below.
- 2.3 The current SSE, the Rt Hon Bridget Phillipson MP, was appointed SSE on 5 July 2024. For the purposes of this statement, SSE at the relevant time was:
  - 2.3.1 The Rt Hon Sir Gavin Williamson CBE MP - July 2019 to September 2021; and
  - 2.3.2 The Rt Hon Nadhim Zahawi MP - September 2021 to July 2022.
- 2.4 DfE's main areas of policy responsibility are:
  - 2.4.1 Early education and childcare, including delivery of early education entitlements, setting of standards in the early years, and operation of the formal childcare system in England. The formal system is regulated by Ofsted. Responsibilities also cover support for parents and the home learning environment.
  - 2.4.2 CSC, 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.
  - 2.4.3 The standards, operation and funding of the system for children and young people ("CYP") in the primary and secondary school sectors as well as related teaching, learning and qualifications. This includes local authority maintained schools and academies, and provision for

children with special educational needs and disabilities (“SEND”). DfE also regulates the independent school sector and home education.

- 2.4.4 Teaching, learning and training for young people and adults in apprenticeships, traineeships, the FE sector and wider adult learning provision. This includes training that takes place in FE Colleges, but also that delivered through independent training providers (“ITPs”), employers, and adult and community learning.
- 2.4.5 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, but also including study at qualification levels 4 and 5 (for example, Higher Technical Qualifications).
- 2.4.6 Supporting professionals who work with children, young people, and adult learners across all sectors.

### **DfE structures during the COVID-19 pandemic**

- 2.5 From January 2020 to October 2020 DfE was divided into five groups, each led by a director general (“DG”) that reported to the Permanent Secretary. These were:
  - 2.5.1 HE and FE
  - 2.5.2 Social Care, Mobility and Disadvantage
  - 2.5.3 Operations
  - 2.5.4 EY and Schools
  - 2.5.5 Education and Skills Funding Agency (“ESFA”)
- 2.6 DG led groups in DfE are made up of directorates. Each directorate is led by a director who reports to a DG. Within each directorate are several divisions, each led by a deputy director who reports to a director. Divisions are made up of teams who are typically managed by Grade 6 or Grade 7 level officials.
- 2.7 Initially, the central COVID-19 response function was located within the Operations Group with various sector-focused teams in the other groups. The central COVID-19 response team was initially known as the COVID-19 Operations Centre and then the Coronavirus Response Unit (“CRU”).

- 2.8 From October 2020, a new group, COVID-19 Response and Recovery Group (“CRRG”) was created. This absorbed the CRU and many of the other core COVID-19 teams into a single DG-led group. In due course, it also included a new Rapid Testing Directorate. This later became the COVID Response Measures Directorate. This directorate worked with DHSC, Public Health England (“PHE”) and the UK Health Security Agency (“UKHSA”) to introduce mass testing into education settings as well as working with them on other relevant TTI measures.
- 2.9 In April 2022, DfE reorganised its operational structure to more clearly reflect how we deliver with the sectors we work with. This new structure was made up of six DG-led groups, including a new Regions Group:
- 2.9.1 Families
  - 2.9.2 Schools
  - 2.9.3 Skills
  - 2.9.4 Strategy
  - 2.9.5 Operations and Infrastructure
  - 2.9.6 Regions Group
- 2.10 Following the changes, ESFA – an arms-length body of DfE – was associated more clearly with Operations and Infrastructure Group, rather than being treated as if it was a Group in its own right.

### **Working with central government**

- 2.11 DfE typically works with a range of government departments on a number of different issues. For example, DfE works closely with DHSC on issues affecting children with SEND, safeguarding and wellbeing, with the Ministry of Justice (“MoJ”) on youth justice policy and the Department for Science, Innovation and Technology (“DSIT”) on research funding to HE institutions (“HEIs”).
- 2.12 DfE worked alongside other government departments (“OGDs”) via cabinet and cabinet committees established during the pandemic. This included Covid Operations (“O”) – which was chaired by the Chancellor of the Duchy of Lancaster and covered key operational decisions. DfE ministers and officials also attended frequent meetings with the Prime Minister, No.10 officials and ministers in OGDs.

- 2.13 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 for final decision. Where relevant DfE civil servants attended Education Gold which was chaired by officials from Cabinet Office's Covid-19 Taskforce along with senior officials from DHSC, No.10 and the UKHSA/PHE.
- 2.14 On TTI measures, DfE worked very closely with DHSC, PHE, NHS Test and Trace and UKHSA (when established in April 2021). DfE worked in partnership with these institutions to help develop and implement different aspects of TTI policy and delivery that were relevant to education and childcare settings, most notably, the mass lateral flow device ("LFD") testing programme in schools, colleges and other FE settings. This was a joint programme with DHSC, which was led by DfE (further details are provided in chapter 5). DfE also worked with NHSx (the DHSC/NHS unit with responsibility for setting national policy and developing best practice for NHS technology, digital and data) on how the NHS COVID-19 app would work in education and childcare settings. At times during the pandemic DfE worked with the Ministry of Defence ("MoD"), who provided support and planning advice on setting up and delivering on-site LFD testing facilities in a small number of schools through its Military Aid to Civil Authorities ("MACA") programme.

### **Devolved administrations**

- 2.15 In the UK, education is a devolved matter under each of the devolution settlements, with DfE having responsibility for education in England. The relevant departments for education in the Scottish Government, Welsh Government and the Northern Ireland Executive have responsibility for education in Scotland, Wales and Northern Ireland respectively.
- 2.16 DfE engages the devolved governments at ministerial and official level on a range of areas covering education, skills and family policies. At ministerial level, engagement includes the UK Education Ministers Council ("UKEMC"), which meets to discuss issues of shared interest.

- 2.17 During the pandemic, SSE had regular phone calls with John Swinney, Kirsty Williams and Peter Weir, the then Scottish, Welsh, and Northern Irish education ministers. These calls were scheduled to keep each other updated and share information. The first of these calls took place at the point that the government took the decision to restrict school attendance in England. Following this, calls were scheduled once every two weeks between SSE and his DA counterparts from 8 April 2020 until 1 July 2020 – the first critical weeks and months of the pandemic period. After this, as things returned to something nearer to a steady state, calls took place when they were needed, and a specific topic needed to be discussed.
- 2.18 Calls between senior civil servants ("SCS") in education departments from the four nations were also held regularly. These meetings began on 25 March 2020 and were scheduled once every two weeks throughout 2020. After 2020, calls took place when they were needed. In attendance were the DGs responsible for the education of children from EY settings through to schools, HE and FE. Directors would also attend these calls where the topic of discussion was relevant to their area. The calls focused on sharing information and experience on COVID-19, primarily in the nations' respective school systems, but also covered EY, FE and HE. Alongside this structured senior engagement, ongoing dialogue and engagement between policy teams on different COVID-19 policy areas took place, where information and experience were informally shared.
- 2.19 DfE understands that all four nations were receiving the same or similar scientific and public health advice about TTI. Generally, TTI policy development was individually tailored to different education systems and, as such, while work on TTI policy was not typically carried out jointly with DA equivalents, it was informed by the work each administration was doing in their own context through the channels between ministers and officials set out in the paragraphs above.

### **Frontline service providers and local authorities**

- 2.20 DfE works with local authorities and a range of frontline service providers (including childcare providers, schools, children's homes, colleges and HEIs) to deliver its responsibilities and ensure effective oversight of issues affecting CYP. The relationship between DfE and frontline providers differs between sectors:

- 2.20.1 CSC: DfE sets the regulatory framework for CSC. It develops policy, sets the legislative framework and drafts guidance to reflect the policy. Local authorities have a range of powers and duties relating to CSC, including power to make an application to a court for a child to be placed in the care of the local authority and a general duty to safeguard and promote the welfare of children in need in their area. Ofsted is responsible for assessing the performance of CSC services delivered by local authorities. Although it engages regularly with the Children's Homes Association ("CHA") DfE does not have a direct relationship with individual children's homes, with that relationship being held principally by local authorities, and regulated by Ofsted.
- 2.20.2 Schools: DfE has a direct relationship with either individual academies or multi-academy trusts ("MATs"). DfE provides funding directly to academies and also plays an improvement role through its Regional Directors (formerly known as Regional Schools Commissioners ("RSCs")) who work with ESFA to provide oversight and scrutiny of academy trusts' performance and have authority to take decisions on the creation of new and the growth of existing MATs. For local authority maintained schools, DfE provides funding via local authorities and does not have a direct formal improvement role. All state schools are inspected by Ofsted, which is a non-ministerial department whose chief inspector (His Majesty's Chief Inspector or "HMCI") reports directly to Parliament.
- 2.20.3 FE and adult skills: the main FE skills providers are FE colleges, ITPs, Adult and Community learning providers, and employers. Some academies and local authority maintained schools also provide education to 16-19 year olds. The system is funded in a range of ways. For 16-19 provision, the DfE funds providers directly through the ESFA based on numbers of students, courses being pursued, and student characteristics. For adult education, the adult education budget is devolved in mayoral combined authority ("MCA") areas, but flows directly from the ESFA in others, based on funding particular entitlements (for example, Free Courses for Jobs) or activities, increasingly influenced by local priorities. For apprenticeships, the apprenticeship levy is paid by large employers. Every employer who pays the levy has a digital account where they can access their levy

funds to spend on apprenticeship training. While only the biggest businesses pay the levy, the funding generated by it also funds apprenticeship training for other employers who want to take on apprentices.

2.20.4 Ofsted inspects FE provision across FE providers including apprenticeship training, in FE colleges and ITPs. DfE's FE Commissioner plays an improvement role in FE colleges.

2.20.5 HEIs: DfE sets the framework and funding for HE teaching; both the department and the Office for Students ("OfS") must have regard to the need to protect the institutional autonomy of HEIs, which are mainly universities, but include any other institutions registered with the OfS that offer HE programmes or courses to students. The OfS is the independent regulator for HE in England. It is required to prepare and publish a regulatory framework. The Student Loans Company ("SLC"), sponsored by DfE, administers student loans, grants and repayments.

- 2.21 During the pandemic, DfE continued to engage with these organisations. Engagement was conducted through both existing and new governance arrangements and communication methods such as a new DfE daily sector email, which was introduced on 3 March 2020 ("the DfE daily sector bulletin") (Exhibit TG/325 - INQ000606818) and the establishment of Regional Education and Children's Teams ("REACT") as set out in the paragraph below
- 2.22 Early on in the pandemic, DfE understood that local authorities and education settings would benefit from closer engagement with DfE officials. In response, DfE established REACT teams in March 2020. These teams were chaired by the RSC and brought together DfE and Ofsted officials from across school improvement, CSC, ESFA, FE and EY. REACT teams used their full range of expertise available to:
- 2.22.1 Bring together intelligence from across DfE and Ofsted relating to activities within a local authority area into one central point.
  - 2.22.2 Assess the levels of risk relating to each local authority area in relation to COVID-19 response, including a focus on vulnerable children and young people (see the DfE's definition of vulnerable children and young people below).

- 2.22.3 Streamline and focus communications with individual local authorities.
  - 2.22.4 Prioritise DfE's and Ofsted's resources to provide support to those local authorities in greatest need.
- 2.23 DfE issued guidance to education and childcare settings, covering recommended COVID-19 response measures. This included TTI measures during the pandemic (Exhibit TG/234 - INQ000497922). It meant that education and childcare settings had the latest government advice in a single place. Prior to being published, DfE guidance on TTI was cleared via a 'triple lock' process (this means it was signed off at official level by No.10, DHSC/UKHSA and Government Digital Service ("GDS")). This approach ensured that DfE guidance was based on the latest scientific and public health advice as well as being consistent with guidance for other parts of society and the economy.
- 2.24 Although DfE's COVID-19 guidance was non-statutory, settings were required as a matter of law to take it into account and not to depart from it without good reason. Using guidance, rather than legislation, in this way therefore permitted some flexibility as to how measures were implemented. For instance, the specific response could be adjusted to local circumstances, whilst ensuring a consistency of approach.
- 2.25 Settings continued to have legal obligations in relation to health and safety throughout the pandemic. Settings were reminded about this in the guidance. This included the need to implement proportionate control measures. As a legal 'backstop' SSE also had powers, via the Coronavirus Act 2020. For example, SSE could direct educational providers to temporarily remain open, or to close, but these powers did not extend to enforcing the delivery of TTI policies upon education settings, their workforce or their students.
- 2.26 DfE's definition of vulnerable children, as published in its guidance document *Supporting vulnerable children and young people during the coronavirus (COVID-19) outbreak - actions for educational providers and other partners* (Exhibit TG/332 - INQ000520192) included:
  - 2.26.1 Those who have a social worker and those children and young people up to the age of 25 with education, health and care (EHC) plans.
  - 2.26.2 Those who have a social worker include children who have a child protection plan and those who are looked after by the local authority.

2.27 DfE proactively increased its communication activities with education settings during the pandemic through channels such as the DfE daily sector bulletin, which was sent to all early years providers, schools and FE providers. This ensured education settings had the latest guidance, for example the *Coronavirus (COVID-19): guidance for educational settings* (Exhibit TG/001 - INQ000497895) first published in February 2020, and information from government, alongside other forms of communication. DfE also communicated with education settings in a variety of other ways during the pandemic. This included letters from SSE and other DfE ministers, press notices and announcements on the DfE section of GOV.UK, webinars, stakeholder engagement groups such as the Permanent Secretary Stakeholder Group (“PSSG”) (see paragraph 5.6 of this statement for PSSG membership).

### **3. Test, Trace and Isolate in education settings: key phases and decisions**

- 3.1 This section sets out the main phases of TTI and associated key decisions and announcements that affected education settings during the pandemic. It covers EY, schools including state-funded schools and independent schools, FE providers and HEIs. It should be noted that DfE was more heavily involved in decisions and actions around COVID-19 testing (compared to contact tracing and self-isolation in education settings). Therefore, key decisions and announcements on testing feature more heavily in this section.
- 3.2 The chronological account in this chapter focuses on the key advice, decisions and announcements. A significant amount of work underpinned the detailed advice that allowed ministers to take key decisions and then to implement TTI policies in practice.
- 3.3 DfE provided important advice to DHSC and its partner organisations, including PHE and UKHSA, on how to deliver the proposed TTI measures in a way that would be deliverable for education and childcare settings. DfE's TTI responsibilities also focused on the education-facing aspects of TTI. Education and childcare settings played a critical role in delivering TTI. DfE worked with education and childcare settings to help them to understand TTI requirements and in order to minimise the spread of the virus. DfE did this through close engagement with stakeholders and the sector directly (e.g. through webinars) to refine and tailor the guidance and communications and engagement, as well as managing relationships between the department and education stakeholders in this area.
- 3.4 It should be noted that when mass asymptomatic lateral flow device ("LFD") testing was introduced in January 2021 (see paragraph 3.85 onwards below), this was for secondary-aged and above pupils and staff in secondary schools and colleges and staff only in primary schools. Where LFD testing in primary schools is mentioned in this statement, it therefore relates to staff only.

#### **Test Trace and Isolate in education: February 2020 to May 2020**

- 3.5 In the early stages of the COVID-19 pandemic, polymerase chain reaction ("PCR") tests were developed and used for symptomatic testing. The initial focus during this

first phase was on helping education and childcare settings understand the government advice on when to seek a PCR test as well as when staff and CYP should self-isolate. DfE's focus was also on helping to ensure that, as far as possible, the education and childcare workforce and CYP could access a PCR if they were displaying symptoms. As this phase progressed, education and childcare settings were provided with more detailed guidance. This included guidance on their contact tracing role.

- 3.6 At an early stage in the pandemic, DfE and PHE worked together to produce a joint COVID-19 guidance document for education settings including childcare, EY, schools, FE and HEIs entitled *Coronavirus (COVID-19): guidance for educational settings*. Published on 17 February 2020, and based on the latest public health advice, the guidance set out what education settings should do if children, pupils, students or staff became unwell and believed they had been exposed to COVID-19, or had been contacts of a confirmed case of COVID-19 who was symptomatic while attending the setting. Contacts were asked to self-isolate at home, or within their boarding school dormitory room, for 14 days from the last time they had contact with the confirmed case and follow the government's advice for home isolation (Exhibit TG/001 - INQ000497895).
- 3.7 In these early stages of the pandemic, capacity for testing was limited and only PCR testing was available. Initially, testing was focused on those caring for hospital patients with pneumonia or acute respiratory illness, frontline NHS staff, and then all symptomatic care home residents and staff. DfE was not involved in developing proposals for where the available PCR testing should be focused, but DfE understands that discussions on prioritisation were taking place across other parts of government.
- 3.8 On 2 March 2020, DfE launched a new helpline to answer questions about COVID-19 related to education for staff in EY settings, schools and colleges as well as parents and young people (TG/002 - INQ000497601). This was communicated by DfE to all early years providers, schools and FE settings, alongside advice that no school should close in response to a suspected (or confirmed) COVID-19 case unless directed to do so by PHE. The DfE helpline was in place for the duration of the pandemic period and received over 230,000 contacts up to March 2022.

- 3.9 On 2 April 2020, the government outlined its 5-pillar strategy for increasing PCR testing across the UK. This included an ambition to conduct 100,000 tests per day by the end of April 2020 (Exhibit TG/003 - INQ000497881).
- 3.10 On 7 April 2020, following a commission from DHSC, DfE officials worked up a list of which education key workers should be prioritised for PCR testing (Exhibit TG/004 - INQ000497602).
- 3.11 On 17 April 2020, DfE officials circulated two documents within DfE. One of these set out the government's current position on COVID-19 testing. It also summarised the work that DfE had been doing with DHSC to agree an initial list of who in the education sector would be prioritised for PCR testing in the next stage of PCR testing roll out (Exhibit TG/005 - INQ000497608 and TG/006 - INQ000497609).
- 3.12 The second document (Exhibit TG/007 - INQ000091338) contained a COVID-19 priority testing key workers list, which included:
- 3.12.1 Adult and children's social care services.
  - 3.12.2 Staff and voluntary workers in residential care settings for vulnerable children and young people ("VCYP") including residential special schools, respite provision and residential special post-16 institutions ("SPIs") for young people.
  - 3.12.3 Staff providing domiciliary care support to CYP with special needs.
  - 3.12.4 Child, youth and family social caseworkers.
- 3.13 On 22 April 2020, DHSC officials informed DfE's Coronavirus Response Team that testing would be extended to all key workers. This would cover teachers, EY staff and FE staff, as well as some HE staff (Exhibit TG/008 - INQ000497611).
- 3.14 Following this communication with DfE, on 23 April 2020, DHSC announced that, in England, all key workers and members of their households who were showing symptoms of COVID-19 would be able to get a PCR test via a new online portal (Exhibit TG/009 - INQ000497452 and TG/010 - INQ000497612).
- 3.15 On 11 May 2020, DfE published a new *Coronavirus (COVID-19): implementing protective measures in education and childcare settings* guidance document (Exhibit

TG/011 - INQ000497887). The guidance advised that a new test and trace programme was in development. This would bring together an app, web and phone-based contact tracing and a test for those with COVID-19 symptoms. The programme would also include more traditional methods of contact tracing, such as direct discussions with parents or the setting on recent contacts, if a child or young person or parent tested positive.

- 3.16 From 18 May 2020, the Secretary of State for Health and Social Care (“SSHSC”) announced that anyone showing symptoms who was aged 5 and over, was able to ask for a test via the NHS website. DfE officials at this point were in discussion with DHSC officials about the question of testing of children under 5, to support the reopening of schools and EY settings (Exhibit TG/012 - INQ000497882).
- 3.17 On 26 May 2020, COVID-19 Healthcare Ministerial Implementation Group (“HMIG”) meeting agenda and slides were shared with SSE and ministers. DHSC slides provided a test and trace update. This stated that contact tracing would be live across England from 1 June 2020 (Exhibit TG/013 - INQ000497614 and TG/014 - INQ000306530).
- 3.18 On 27 May 2020, following the discussions referred to at paragraph 3.16 above, SSHSC announced that testing availability would be expanded for children aged under 5 (Exhibit TG/320 - INQ000606825 and TG/015 - INQ000497617). Until this point, DHSC had been concerned that some of the swabs previously in use were not appropriate for children under 5. On reviewing and validating the existing supply of swabs, their clinical advisers advised that all were appropriate for use on children, provided the test kits contained supplementary instructions for parents or guardians. Following this decision, DHSC worked to include these supplementary instructions with test kits (Exhibit TG/318 - INQ000606819).
- 3.19 On 27 May 2020, the government launched its new NHS Test and Trace programme (Exhibit TG/016 - INQ000497847). From this date, anyone who tested positive for COVID-19 would be contacted by NHS Test and Trace. They would need to share information about their recent interactions, including household members, people with whom they had been in direct contact, or within two metres for more than 15 minutes. People identified as having been in close contact with someone who had a positive test had to stay at home for 14 days, even if they did not have symptoms.

This would stop someone unknowingly spreading the virus. DfE was not involved in advising on or determining this policy.

- 3.20 On 28 May 2020, DfE officials provided advice to SSE on the partial easing of attendance restrictions on education and childcare settings from 1 June 2020. In relation to NHS Test and Trace, the submission advised that DfE had been working with PHE to establish a clear process for safeguarding close contacts, and a clear escalation process in the event of a localised outbreak. DfE officials advised that these processes would be the basis for a system of contact tracing that would help to limit the spread of COVID-19 by isolating symptomatic individuals and their contacts. DfE officials went on to advise that they had been working with DHSC officials to establish how schools and other education, and childcare settings would interact with NHS Test and Trace (Exhibit TG/017 - INQ000497873).

#### **Test Trace and Isolate in education: June 2020 to September 2020**

- 3.21 During this next period, attendance restrictions on education and childcare settings began to be eased. From 1 June 2020, children in reception, year 1 and year 6 began to return to primary schools while children of all ages began to return to nurseries and other EY providers. From 15 June 2020, secondary schools, sixth forms and colleges began to provide face-to-face contact for year 10, year 12 and equivalent 16-19 FE students. All schools, colleges and childcare settings opened fully at the beginning of September 2020.
- 3.22 With PCR symptomatic testing available to the whole of society by this stage, DfE's focus shifted onto ensuring that education settings had the information and guidance needed to operate and education staff were able to access 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 CYP could continue to receive face-to-face education.
- 3.23 On 3 June 2020, DfE published the first version of *Higher education: reopening buildings and campuses guidance* for HEIs (Exhibit TG/018 - INQ000497888). This included protective measures guidance and advice that, following the announcements by DHSC on 23 April 2020 and SSHSC on 18 May respectively (see above), HE staff, and HE students would be eligible for COVID-19 testing if they

developed symptoms of COVID-19, as would members of their households if they become symptomatic.

- 3.24 At the end of June 2020, DfE officials began discussions with DHSC around schools accessing PCR testing. This covered discussions on schools and colleges being sent a small number of PCR testing kits for emergency use (Exhibit TG/019 - INQ000497880, TG/020 - INQ000497619 and TG/021 - INQ000497620). Officials from the two departments continued to work on plans for this delivery over June, July and August.
- 3.25 On 2 July 2020, DfE published separate guidance documents for EY (Exhibit TG/022 - INQ000497937), schools (Exhibit TG/023 - INQ000497942) and colleges (Exhibit TG/024 - INQ000497938) that set out what settings needed to do to plan for a full return at the start of the 2020/21 academic year, including engaging with NHS Test and Trace. DfE worked very closely with DHSC and PHE to develop this guidance for how education and childcare settings should operate as restrictions were eased.
- 3.26 Following joint DfE and DHSC work to plan to deliver the agreed 10 PCR test kits for emergency use to all schools, as well as alternative provision (“AP”) and FE providers (see paragraph 3.24 above), DfE officials were planning communications (Exhibit TG/025 - INQ000497621) on test kit delivery (Exhibit TG/026 - INQ000497623). On 25 August 2020 the DfE weekly sector bulletin (the frequency had been reduced from daily to weekly by DfE between 20 July and 25 August due to the school holiday period) and on 27 August 2020, the DfE daily sector bulletin (Exhibit TG/027 - INQ000497622 and TG/028 - INQ000497624), explained that schools and colleges should only offer a home PCR test kit to individuals who had developed symptoms while at school or college if they faced barriers to accessing a PCR test elsewhere.
- 3.27 On 26 August 2020, DfE published its *Coronavirus (COVID-19): test kits for schools and FE providers* guidance document. This document would support schools and FE colleges and other FE providers in distributing PCR test kits for symptomatic staff and students to use at home. It set out when to provide tests and what to do with results. A link to the guidance was included in the DfE daily sector bulletin on the same day (Exhibit TG/029 - INQ000497884 and TG/030 - INQ000497625).

- 3.28 Alongside this, DfE officials had been working closely with officials in DHSC and NHSx on how to implement a NHS COVID-19 app that was being developed by NHSx in education and childcare settings. On 28 August 2020, DfE officials provided a submission to SSE and ministers outlining the work that they had been doing and discussions that had been taking place with DHSC and NHSx and issues they had been working through ahead of the app's launch on 24 September 2020 (Exhibit TG/031 - INQ000497629 and TG/032 - INQ000497630).
- 3.29 On 3 September 2020, DfE presented slides to Covid O, updating on the re-opening of HEIs and raising that there was not yet sufficient evidence or capacity to support mass asymptomatic testing at this point, as well as the risks around false positives. The readout from this meeting recorded that NHS Test and Trace would work with DfE on the testing regime for HE, including exploring whether test kits could be sent to HEIs and that DfE would work with NHS Test and Trace and the Joint Biosecurity Centre ("JBC") to ensure that communications were clear on testing (Exhibit TG/033 - INQ000497631, TG/034 - INQ000090217 and TG/035 - INQ000497684).
- 3.30 On 3 September 2020, the Scientific Advisory Group for Emergencies ("SAGE") considered and endorsed a paper which had been prepared by the Task and Finish Group on HE/FE, with input from DfE officials (Exhibit TG/036 - INQ000497626), entitled *Principles for managing SARS-CoV-2 transmission associated with higher education* (Exhibit TG/037 - INQ000075804). DfE's Chief Scientific Adviser ("CSA") attended the SAGE meeting (Exhibit TG/038 - INQ000497896). This paper noted that it was essential to develop clear strategies for testing and tracing, with effective support to enable isolation.
- 3.31 On 4 September 2020, DfE officials sent a note to SSE (Exhibit TG/039 - INQ000497633). It set out that, as attendance restrictions on schools and colleges were eased, overall demand for PCR testing from the wider population was starting to outstrip supply for the first time since April 2020. The note sought SSE's agreement to an order of prioritisation for those in the education and childcare sector that could be used in discussions with Cabinet Office ("CO"), No.10 and DHSC in the coming days. The note split different groups in education and childcare settings into priority groups 1-4.
- 3.32 On 7 September 2020, DfE published on GOV.UK a new document entitled *What to do if a pupil is displaying symptoms of coronavirus (COVID-19)* (Exhibit TG/040 -

INQ000497854). This set out detailed instructions for schools which included schools notifying their health protection team (“HPT”) of a possible or confirmed case and working with the HPT to manage the contact tracing process and conduct risk assessments when required.

- 3.33 On 7 September 2020, following the submission to SSE and ministers on 28 August 2020 on the NHS COVID-19 app (see paragraph 3.28 above), DfE officials updated SSE and ministers on progress with the app and the app guidance being developed by DfE officials that would be published ahead of the app launch on 24 September 2020 (Exhibit TG/041 - INQ000497923 and TG/042 - INQ000497637).
- 3.34 In the week commencing 7 September 2020, with DfE input, DHSC hosted a number of webinars aimed at all schools and FE colleges that focused on COVID-19 testing, specifically the testing routes available, when to allocate PCR home testing kits and how these should be used. These were the first of a large number of webinars that DHSC and DfE ran jointly over the coming months (Exhibit TG/043 - INQ000497638). More detail is included in chapter 5 of this statement.
- 3.35 On 8 September 2020, SSE responded to the note of 4 September 2020 (see paragraph 3.31 above) (Exhibit TG/044 - INQ000497639). He indicated that he was content with the prioritisation. However, SSE asked that universities be included within priority 1 group (*access to symptomatic testing for essential education staff*). This was in order that they could also be provided with immediate access to PCR testing. On 9 September 2020, DfE officials submitted an amended note to SSE (Exhibit TG/044 - INQ000497639) reflecting SSE and ministers’ steers.
- 3.36 Also on 9 September 2020, DfE officials contacted SSE’s office (Exhibit TG/045 - INQ000497653) to say that DHSC and CO were no longer intending to prioritise PCR testing due to lack of supply. NHS Test and Trace had, however, allocated 336,000 PCR test kits to their ‘schools and colleges’ channel for September, to enable schools and colleges to replenish their PCR test kit stocks.
- 3.37 On 10 September 2020, a *higher education coronavirus (COVID-19) NHS Test and Trace handbook* (Exhibit TG/046 - INQ000497889) was published by DfE alongside updates to the existing *HE: reopening buildings and campuses guidance*. The handbook confirmed that anyone with symptoms was eligible for a COVID-19 test but that it was important to only get tested if they had COVID-19 symptoms.

- 3.38 On 11 September 2020, following further work between DfE and DHSC officials to pin down a mutually acceptable policy position around which DfE sectors should receive allocations of PCR testing kits, DfE officials asked SSE for a steer (Exhibit TG/047 - INQ000497641) on how he would like to prioritise the 336,000 PCR test kits allocated to schools and colleges.
- 3.39 On 15 September 2020, following further discussion with SSE and a meeting that took place between SSE and Baroness Harding, interim Chief Executive of the then National Institute for Health Protection (“NIHP”), DfE officials submitted a note to SSE. It set out how to deliver on his steers and priorities with the 336,000 PCR test kits DHSC had made available to schools and colleges, including ensuring that DfE delivered on its existing commitment to school and colleges and avoiding any risk of schools or colleges having a replenishment order turned down for lack of supply. The note also set out that, following further discussion between DfE officials and DHSC, an order limit should be set at one box of ten kits per 1,000 pupils. DfE officials advised that this was a simple and understandable model. It would respond directly to any concern in the sector about the ‘one size fits all’ model of 10 initial kits that had initially been used. The note included advice that DfE would need to reserve up-front sufficient stock to be able to fulfil any order. DHSC had looked again at their modelling and confirmed that to do so, they would need to reserve 291,000 kits. These 291,000 kits would come from the 336,000 kits referred to in paragraphs 3.36 and 3.38 above (Exhibits TG/048 - INQ000497644 and TG/049 - INQ000497645).
- 3.40 Also on 15 September 2020, following consideration of that note by SSE, SSE’s office advised that he was *“content to proceed with fulfilling our commitment to schools and colleges in full – which will take up c.291k of the c.336k we have allocated for the month [which will start tomorrow and see us through to mid-Oct].”* SSE was also content to set a limit on PCR test kits but not content to allocate any kits to other sectors until DfE had more information about school and college orders. As set out in the note from DfE officials to SSE referred to in paragraph 3.39 above, SSE had already been clear that his top priority was delivering on the government’s existing commitment to school and colleges in the first instance (Exhibit TG/050 - INQ000497646).
- 3.41 On 16 September 2020, DHSC launched an online portal for priority workers. As priority workers, education sector staff could use the portal to order test kits. These

kits would come from the 336,000 test kits that NHS Test and Trace had allocated to the 'schools and colleges' channel for September 2020 (see paragraph 3.36 above). The 16 September 2020 DfE daily sector bulletin (Exhibit TG/051 - INQ000497650) included more detail about this, including that schools and colleges would be able to use this portal to order additional PCR test kits if they had run out, or were running out, of their initial 10 PCR kits. The bulletin set out that these kits were only for those who developed one of the symptoms of COVID-19 and faced significant barriers to accessing a test. In particular, they would help schools and colleges get their symptomatic staff who tested negative back to work as soon as they felt well enough. This would ensure the continuity of education for CYP. Schools and colleges received a unique organisation number (UON) via email from DHSC which they needed to place their order.

- 3.42 On 17 September 2020, SSE attended a Covid O meeting which discussed a DHSC paper on *Prioritisation of COVID-19 swab tests* (Exhibit TG/052 - INQ000497657). This set out seven priority groups for PCR testing, of which teachers with symptoms was priority number 5.
- 3.43 Following the Covid O meeting, also on 17 September 2020, SSE wrote to SSHSC on the prioritisation of education testing. SSE advised that he wanted to see the education workforce and university students at the top of the priority list and that he wanted to work with SSHSC on a number of areas, which included having COVID-19 testing facilities in every university health centre and a clear communication plan for engaging universities (Exhibit TG/053 - INQ000497651).
- 3.44 Also on 17 September 2020, DfE officials sent an email to senior DfE officials with attachments including the DHSC Covid O Paper and the SSE letter to SSHSC (Exhibit TG/045 - INQ000497653), as well as a summary of SSE's position on testing prioritisation. This set out that *"education workforce is the priority. In an ideal scenario, this would cover all educational institutions, but given the challenging position government is in with regards to testing capacity, SoS [SSE] has said that within the workforce bucket – schools and college workforce (i.e. teacher and support staff) are the priority"*.
- 3.45 On 21 September 2020, following on from the Covid O meeting on prioritisation of PCR tests on 17 September and SSE's subsequent letter to SSHSC, DHSC published its' policy paper *Allocation of COVID-19 swab tests in England*, (Exhibit

TG/054 - INQ000381227) which set out the priority workers who the government intended to test, as well as how and why they would be tested. This included testing for teaching staff with symptoms where staff were needed to keep schools open.

- 3.46 On 24 September 2020, the NHS COVID-19 app was launched across England and Wales. DfE, DHSC and NHSx had worked on joint guidance, *Use of the NHS COVID-19 app in schools and FE colleges*, which was published in advance of this on 22 September 2020 (Exhibit TG/055 - INQ000497890). This guidance asked that leaders and staff in schools and FE colleges should understand how the app relates to their setting's process for managing a positive case and/or an outbreak, and to think about communicating this with staff, students and parents (Exhibit TG/056 - INQ000497636, TG/057 - INQ000497637 and TG/058 - INQ000497664). The DfE daily sector bulletin on 23 September 2020 included a link to this guidance (Exhibit TG/059 - INQ000497665).
- 3.47 On 24 September 2020, DfE officials sent a note to SSE (Exhibit TG/060 - INQ000497669) updating him on the work that had been taking place between DfE and DHSC during September 2020 on ensuring that teaching staff had access to PCR testing. This also updated him on the number of PCR tests that had been ordered by the education sector through the portal that had been launched on 16 September 2020. By the end of 23 September 2020, over 12,000 orders had been made by 45% of eligible providers for 137,000 kits. DfE continued to raise awareness of the opportunity to order more PCR test kits.
- 3.48 On 25 September 2020 the DfE daily sector bulletin contained a letter that PHE had produced for schools and colleges to share with parents, supporting them to identify when their child needed to self-isolate as a result of displaying COVID-19 symptoms (Exhibit TG/061 - INQ000497666).
- 3.49 On 28 September 2020, DfE officials sent a submission to SSE (Exhibit TG/060 - INQ000497669). The submission asked for SSE's steer on where the remaining 41,000 PCR test kits for the education sector should be allocated (291,000 PCR test kits had already been allocated to schools and colleges). This submission noted that there were pressing unmet needs in CSC and EY sectors, with university students being a further group of high concern. It recommended that local authorities should be given the full allocation of 41,000 PCR test kits and the discretion to use these as they determined best across both CSC and EY sectors.

- 3.50 From 28 September 2020, people in England were required by law to self-isolate if they tested positive for COVID-19 or were contacted by NHS Test and Trace. This law was introduced to ensure compliance with self-isolation rules and to reduce the spread of COVID-19. DfE communicated this to education settings via the DfE daily sector bulletin (Exhibit TG/062 - INQ000497671).
- 3.51 On 5 October 2020, SSE's office fed back on the submission received on 28 September 2020 about allocation of the remaining 41,000 PCR test kits allocated to the education sector and talks with DHSC officials (Exhibit TG/063 - INQ000497672). DHSC officials had confirmed that 1,000 PCR test kits would be held from a separate DHSC allocation (so not from the remaining 41,000 PCR test kits) for emergency outbreaks in universities. The 41,000 PCR test kits allocated to the education sector were intended to be distributed to schools and colleges in regions with high prevalence. I cannot trace specifically which regions received these kits.

#### **Test Trace and Isolate in education: October 2020 to January 2021**

- 3.52 With COVID-19 cases rising, and concern about the epidemiological impact of HE students returning home for Christmas, a key focus for DfE ministers and officials was around testing and isolation arrangements for HE before the Christmas holidays. At the same time, DfE supported NHS Test and Trace on pilots of the use of LFD testing in some schools and colleges. DfE then worked to roll out mass testing to all schools and colleges by the start of the 2021 spring term.
- 3.53 From October 2020, DfE officials were working with DHSC officials to support them to deliver mass testing pilots across different types of education settings. On 15 October 2020, DfE ministers were notified about a testing pilot (Exhibit TG/064 - INQ000497678) that was being led by Deloitte for DHSC, which mass tested individuals who were not displaying any symptoms of COVID-19 at on-site locations in education settings. These locations were technically known as asymptomatic testing sites ("ATS") and this type of testing was called asymptomatic testing (as opposed to symptomatic testing). The note explained that the pilot was already taking place in one university, which had been identified by DHSC and Deloitte, and DfE was starting to work with DHSC to identify potential schools where the pilot could take place.

3.54 On 21 October 2020, SSE received a SSHSC submission prepared by DHSC officials (Exhibit TG/065 - INQ000497680). This sought SSHSC's approval to proceed with evaluating the deployment of LFDs to mass test for COVID-19 in schools. The purpose of the evaluation was to work out how, operationally, on-site LFD testing at an ATS could be delivered within schools. The submission said DfE, and the DAs had been working with DHSC to select schools as part of the planning for this evaluation. Meanwhile Porton Down, the PHE research centre, had through its own connections, been progressing discussions to run the evaluation with four schools. This was being organised independently of the DHSC led programme but seen as a helpful early test bed. The submission set out that schools were a priority use case given the importance of maintaining face-to-face education.

3.55 DfE officials notified SSE that DfE would support and facilitate the pilots and evaluation, but DHSC would be responsible for delivery and accountable for their outcome. DfE officials also made the following points:

3.55.1 DfE welcomed SSHSC's focus on developing protocols to use on-site LFD testing as an alternative to self-isolation, especially as the age range for mass LFD testing had expanded to 11- to 18-year-olds.

3.55.2 The DfE's Chief Data Officer was to be sighted on and approve the consent and data protection arrangements in place in both the Porton Down and all additional pilots in education settings.

3.56 On 29 October 2020, DfE officials put an update note on testing to ministers (Exhibit TG/066 - INQ000497682) that included:

3.56.1 That a single senior responsible officer had been appointed, reporting on mass LFD testing to DfE and DHSC and an update on the mass LFD testing pilot mentioned above.

3.56.2 DfE had identified six more secondary schools and one college to take part in a second phase of the mass testing pilot. This would focus on all pupils and staff. It would seek to validate a test to release from self-isolation, which would have a positive impact on the number of children and staff that would need to self-isolate after contact with a COVID-19 case in school.

- 3.56.3 DfE's roll out plans for mass testing capabilities in universities, as well as current DfE work with DHSC to ensure HE campuses had access to testing within 1.5 miles where possible.
- 3.56.4 An update on the 295,000 PCR test kits, the deployment of which had been the subject of discussion between SSE and SSHSC in September, with the remaining monthly supply of 41,000 PCR test kits being distributed to all schools and colleges in priority outbreak areas.
- 3.57 On 10 November 2020, DfE officials prepared an update for No.10 on mass asymptomatic testing (Exhibit TG/067 - NQ000497688) that said: *"Subject to piloting, our aim is to make mass asymptomatic testing available to help minimise the risk of infection spread in schools and colleges"* and *"we're also working with universities to establish, as soon as possible, similar mass testing capacity for students up and down the country."*
- 3.58 On 2 November 2020, DfE and DHSC submitted a joint paper to Covid O outlining the proposed approach to ensure HE students could more safely return to their permanent place of residence from university (Exhibits TG/068 - INQ000075770, TG/068a - INQ000075771 and TG/068b - INQ000075772). Covid O agreed to the proposal to use LFD testing to minimise risk of transmission during the travel window when students could return home, as long as DfE worked with the Department for Transport ("DfT") and the DAs to ensure a joined-up approach and safe transport options (Exhibit TG/069 - INQ000075769). DfE officials were already working with colleagues from DfT on this issue, and a working group was set up between the two departments following on from the meeting. DfE officials also talked to officials in the DAs and as set out in paragraph 3.60 below, as a result were able to include clear lines on student travel between the DAs (Exhibit TG/321 - INQ000606824).
- 3.59 On 7 November 2020, the Minister of State for Universities ("MoSU") sent a letter and briefing pack to HEIs on the roll out of asymptomatic testing in universities. The letter referred to guidance that DfE had published outlining what new national restrictions meant for universities, staff and students and outlined the ongoing LFD pilots. The briefing pack contained further details on the testing programme. The letter also included details of question and answer ("Q&A") sessions on 9 and 19 November 2020 for university leaders to discuss plans in more detail and asked universities to

send initial thoughts regarding facilitating testing by 9 November 2020 (Exhibits TG/070 - INQ000497685, TG/070a - INQ000497686 and TG/070b - INQ000497687).

- 3.60 On 11 November 2020, MoSU made an announcement alongside the publication of guidance on university students travelling home at the end of the autumn term, including those travelling between the four nations. On-site LFD testing, at HEIs, was to be offered to as many students as possible, with universities in areas of high prevalence prioritised. The testing regime was designed to allow students who tested positive, enough time to isolate for the required 10 days and still be able to travel home at the end of the autumn term (Exhibit 0TG/071 - INQ000075697 and TG/072 - INQ000075698). DfE published a *student movement and plans for the end of term guidance* document on the same day, which included guidance on testing (Exhibit TG/073 - INQ000497891).
- 3.61 The DfE daily sector bulletin on 19 November 2020, gave updated information to providers with FE residential students returning home at the end of term. The bulletin said that anyone receiving “*a positive coronavirus (COVID-19) test result or be alerted to the fact that they have been in contact with someone who has received a positive test result they should follow the guidance on self-isolation.*” The bulletin then said that anyone required to self-isolate may return to their home if it became impractical to remain at their student accommodation. If a student was returning home to self-isolate, settings should ensure that this was done in a COVID-secure way, not using public transport (Exhibit TG/074 - INQ000497689).
- 3.62 On 21 November 2020, SSE was commissioned by Cabinet Office to work with NHS T&T and DHSC to produce a paper on the return of HE students following the Christmas break, to be presented at a COVID-O Committee meeting on 24 November 2020. Following work by officials to draft this paper, it was presented at the Covid-O meeting on 24 November 2020. After considering the paper,, Covid O agreed that university students should be offered and encouraged to take LFD tests in December 2020 and January 2021 (the travel window for Christmas holidays). Covid O also discussed whether to test students on return at the start of term and weekly until the end of spring term (from January 2021 until Easter 2021) and agreed to revisit the possibility and feasibility of ongoing testing in HEIs as part of wider Covid O meetings on mass testing prioritisation (Exhibits TG/075 - INQ000075675, TG/076 - INQ000075480 and TG/076a - INQ000075481). Subsequent work around

testing of HE students following on from this Covid-O meeting is set out in the paragraphs below.

- 3.63 On 1 December 2020, SSE asked for a range of advice from DfE officials around options for children and young people avoiding contacts in the run up to the Christmas holidays. SSE also asked for information from the sector on managing contact tracing over the holiday period, including alternatives to education staff managing contact tracing during the holiday, such as using NHS Test and Trace (Exhibit TG/077 - INQ000497920).
- 3.64 DfE officials prepared a submission in response to SSE's questions, which included three options around changes to end of term arrangements. These options included allowing settings to move the end of term forward to Thursday 17 December, from Friday 18 December, asking them to move to remote education in the final days of term, or for DfE to use Coronavirus Act powers to enforce changes to term dates. The submission also asked SSE to agree that DfE would seek agreement with PHE to reduce the contract tracing responsibility for education staff to a 6 day window, to avoid staff having to conduct contact tracing on Christmas Eve, with tracing up to and including 23 December. Following discussion of the content of this submission between officials and SSE and then No.10, and agreement to the 6 day window by PHE, it was agreed that DfE would use *"some soft comms eg the daily email to encourage schools etc to use their flexibilities to have an inset day on 18 Dec, and for those few places where term extends beyond 18th they can reduce the length of this term (but will have to make up the time later in the year)"* (Exhibit TG/077 - INQ000497920). After preparation by officials (Exhibit TG/078 - INQ000497693) DfE's advice to education settings was announced in the DfE daily sector bulletin on 8 December 2020 (Exhibit TG/079 - INQ000497696).
- 3.65 The DfE's daily sector bulletins on 8 December 2020 (Exhibit TG/079 - INQ000497696) and 9 December 2020 (Exhibit TG/080 - INQ000497697) recommended that all schools should ensure staff, parents and carers were aware of what they should do if a pupil or staff member tested positive for COVID-19 after term ended.
- 3.66 On 8 December 2020, in one of the regular meetings that DfE officials held with the Secondary Headteacher Reference Group (a DfE external stakeholder group made up of secondary school headteachers), headteachers brought up the subject of mass

LFD testing, with the consensus being that this “*was worth doing even if it is not perfect*” and that exam years should be prioritised (Exhibit TG/081 - INQ000075525).

- 3.67 On 12 December 2020, the government launched the Community Testing Programme (“CTP”) to enable local authorities with high COVID-19 prevalence to work in partnership with the government to accelerate a reduction in prevalence by identifying asymptomatic cases through on-site LFD testing at specific sites and then supporting these individuals to self-isolate. Private, voluntary and independent (“PVI”) nurseries, childminders and wraparound care providers and the children’s social care workforce could access test kits from CTP sites from this date, prior to these settings being included in the specific education testing programme.
- 3.68 Following a commission from CO on 4 December 2020, DfE and DHSC worked together to draft a joint paper on mass LFD testing in education settings (in this instance schools, colleges and HEIs) to be presented to Covid O. On 10 December 2020, Covid O considered this paper (Exhibit TG/082 - 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 was that mass LFD testing could help identify asymptomatic cases and reduce the spread of COVID-19 amongst CYP. This paper also included proposals for regular LFD testing of HE students, serial LFD testing in HE and LFD testing to return home at the end of spring term 2021. 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. Lessons learned included that school staff were key in mobilising engagement, communication and engagement needed to be tailored to all key stakeholders and sufficient time needed to be provided to schools to inform, educate all staff and prepare for testing, including students and legal guardians on the LFD technology and testing process.
- 3.69 At the Covid O meeting on 10 December 2020, it was agreed that schools and colleges would receive financial support to cover additional workforce costs involved in setting up and running ATSSs 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 TG/083 - INQ000075699).

- 3.70 From 14 December 2020, the self-isolation period for close contacts of a positive case of COVID-19 changed from 14 to 10 days (Exhibit TG/084 - INQ000497698).
- 3.71 Following the Covid O meeting on 10 December 2020, on 14 December 2020, DfE officials were commissioned by the COVID-19 Taskforce in CO to begin work on some slides that the taskforce would be able to use to draft a paper for discussion at Covid O, around options for the beginning of the following term, given the 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 TG/085 - INQ000497699).
- 3.72 On 15 December 2020, SSE announced that from January 2021 (Exhibits TG/086 - INQ000497700, TG/086a - INQ000497701, TG/086b - INQ000075490, TG/086c - INQ000497703, TG/086d - INQ000497704, TG/086e - INQ000497705, TG/086f - INQ000497706, TG/086g - INQ000497707, TG/086h - INQ000497708) staff in secondary schools and colleges (including special schools and AP providers) would have access to weekly asymptomatic LFD testing as part of an initial roll out. Students as well as staff would be eligible for daily asymptomatic LFD testing for seven days should they be identified as a close contact of someone who had tested positive. Primary schools would be supported to roll out testing for staff as quickly as possible over the spring term. It was intended that this combination of regular testing and serial testing would avoid the need for close contacts to self-isolate (Exhibit TG/087 - INQ000075709). DfE provided a suite of documents and guidance for parents and the sector alongside this announcement, including an update in the DfE daily sector bulletin (Exhibit TG/088 - INQ000497710), updated sector guidance (Exhibit TG/089 - INQ000497892) and a Q&A document for parents (Exhibit TG/090 - INQ000497948). The guidance and Q&A document advised that this would help ensure face to face education as it would help to identify asymptomatic cases, which made up a third of all cases at the time, and also reduce the need for immediate self-isolation as close contacts would be eligible for daily testing. This would mean fewer pupils needing to isolate, enabling them to attend their setting.
- 3.73 In this announcement, SSE also confirmed that staff in primary schools and, by extension, staff in state-maintained nurseries linked to primary school settings, were also offered the same testing regime, to be rolled out as quickly as possible over the spring term (Exhibit TG/091 - INQ000075712).

- 3.74 On 16 December 2020, Covid O met to discuss a joint DfE and DHSC paper on the approach to managing the return to schools and colleges in January 2021 (Exhibit TG/092 - INQ000075499, TG/093 - INQ000075502 and TG/094 - INQ000075503). At the meeting it was decided to stagger secondary school and college return to full attendance during January 2021. This would enable 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 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 announced on 15 December 2020). Covid O also asked DfE to consider weekly LFD testing of secondary school and college students.
- 3.75 The approach to the return to secondary schools and colleges in January 2021 agreed by Covid O was announced on 17 December 2020 (Exhibit TG/095 - INQ000075710). SSE confirmed that all secondary schools and FE colleges in England would be able to offer students two LFD tests three days apart, with positive results being confirmed by a lab-based PCR test. To implement this, secondary schools and colleges would operate a staggered return, offering all non-exam year groups full-time remote education during the first week of term, with face-to-face education for all starting on 11 January 2021. Armed forces personnel would support directly through planning with a small number of schools and colleges, and reasonable workforce costs would be reimbursed (see paragraphs 2.14 and 5.20.4 of this statement for more information on armed forces support via MACA).
- 3.76 On 17 December 2020, DfE officials sent a submission to SSE setting out a proposed delivery approach and public sector equality duty (“PSED”) analysis for setting up the regular asymptomatic testing in schools and colleges from January 2021 as agreed with Covid O on 10 December 2020 and announced by DfE on 15 December 2020 (see paragraph 3.72 above) (Exhibit TG/096 - INQ000497711, TG/097 - INQ000497712 and TG/098 - INQ000497713). This submission noted that there were several challenges associated with delivering regular LFD testing that DfE, together with OGDs, local authorities, Directors of Public Health (“DsPH”), academy trusts, schools and colleges, were to work to address ahead of implementation in January 2021. These challenges included obtaining consent, PPE availability, supply chain logistics and impact on community testing delivery (Exhibit TG/094 - INQ000075503).

- 3.77 Once the approach was agreed, DfE moved staff into the programme to take forward the significant amount of work needed to implement testing from the start of term January 2021. This required close working with settings over the Christmas holidays to help them set up mass on-site LFD testing. During this period, DfE also worked closely with stakeholders, such as teaching unions and sector stakeholder groups through forums such as PSSG and the DfE Principals Reference Group (“PRG”) to seek their views and support during this period.
- 3.78 I would like to put on record the considerable resource and time that education settings invested over the Christmas holidays to ensure LFD testing would be available from 4 January 2021. The response from the sector was exceptional and the programme would have been impossible to deliver without their support.
- 3.79 On 18 December 2020, DfE officials sent advice to MoSU on options to encourage greater take-up of testing in HE from January 2021. The advice recommended publishing updated guidance to incentivise uptake and advised students who did not get tested to restrict contact rather than self-isolate (Exhibit TG/099 - INQ000497913).
- 3.80 On 21 December 2020, MoSU responded to the above advice, confirming that she did not think that the message on “limiting contact” was a viable alternative to self-isolation and that she wanted to push strongly for serial testing (Exhibit TG/100 - INQ000497716).
- 3.81 On 23 December 2020, DfE shared an education workforce planning tool with education settings via the DfE’s Google drive (“G drive”). The G drive was created by DfE in December 2020 to share information and guidance with schools and colleges associated with the COVID-19 testing programme). Updates and new additions to the G drive were announced to the education sector through the DfE daily sector bulletin, which was sent to all early years providers, schools and FE providers. Those who received the bulletin had access to the platform. The workforce planning tool provided information for the education workforce on testing desks, recommended staff numbers and funding information and was the first document to be shared via the G drive (Exhibit TG/101 - INQ000497947).

- 3.82 On 29 December 2020, a meeting took place attended by the Prime Minister, Chancellor of the Exchequer, SSHSC, SSE and Chancellor of the Duchy of Lancaster, as well as the government's Chief Medical Officer ("CMO") and Chief Scientific Adviser ("GCSA"). At this meeting, it was agreed that the majority of secondary school pupils would return a week later than planned. This would allow additional time to set up and offer LFD testing on return for those returning at this later date. Vulnerable children and the children of critical workers ("CCWs") (Exhibits TG/322 - INQ000606826 and TG/319 - INQ000519757) would return from 4 January 2021 and would be offered LFD tests when they started (the government first published a list of critical workers whose children could attend their education or childcare setting on 19 March 2020, updating the list at regular intervals until January 2022). It was also agreed that weekly testing for all secondary pupils, as well as serial testing of close contacts, would begin from 18 January 2021. At this point there was no decision on whether to test primary school aged children (see paragraph 3.107 of this statement for the point that a decision was taken on this, in February 2021).
- 3.83 At the meeting, it was also agreed that the first phase of university students returning to face-to-face learning should be reduced from 40% to 20% and that the return timetable for all other students would be reviewed on 18 January 2021 (Exhibit TG/102 - INQ000075506).
- 3.84 Arrangements for LFD testing at the beginning of the term therefore continued, with LFD test kits delivered to settings and guidance offered, so that vulnerable children and CCWs attending settings could be tested on return, and staff tested regularly.
- 3.85 On 12 February 2021, DfE published *COVID mass testing data in education* to illustrate the participation in LFD testing for the educational sector (Exhibit TG/103 - INQ000497933). DfE's purpose in publishing this data was to illustrate the readiness for participation in rapid testing for the educational sector. DfE understood that regular data on mass LFD testing would then be published as part of DSHC's weekly statistics on NHS T&T, as it had done for PCR testing and other statistics concerning test and trace. (Exhibit TG/104 - INQ000497935).
- 3.86 On 4 January 2021, HE students studying in key employment areas returned to face-to-face learning (around 20% of all HE students), such as medicine and other health-related disciplines.

- 3.87 On 4 January 2021, regular mass LFD testing commenced in secondary schools and colleges for staff, vulnerable children and CCWs. Data provided on 5 January 2021 showed that an estimated 97% of schools had received LFD kits to start testing (Exhibit TG/105 - INQ000497877). By 6 January 2021, 46,475 LFD results had already been reported, of which 46,130 were negative and 155 were positive. While the Prime Minister announced the re-introduction of attendance restrictions in schools and colleges on 4 January 2021 (Exhibit TG/106 - INQ000497849), regular mass LFD testing continued to be offered for staff and students who worked at or attended their education setting. Most notably, vulnerable children and CCWs who were able to continue face-to-face education.
- 3.88 On 6 January 2021, DfE advised universities to ask students not to return to university until at least mid-February 2021 and that they should start the term with remote learning. Only students on specific priority courses should be advised to return to university before mid-February. These students should be tested on return or asked to self-isolate for 10 days upon return. The priority courses included: medicine and dentistry, subjects allied to medicine/health, veterinary science, education (initial teacher training), social work, and courses which required Professional, Statutory and Regulatory Body assessments and/or mandatory activity which were scheduled for January 2021, and which could not be rescheduled (Exhibits TG/107 - INQ000075673 and TG/107a - INQ000075674).
- 3.89 From 7 January 2021, DfE officials reviewed progress on the delivery of mass testing in secondary school and colleges and shared management information with senior DfE officials. These regular reports included information on registered sites, staff and pupil testing, and test kit delivery (Exhibit TG/105 - INQ000497877 and TG/108 - INQ000497876). These reports continued to be provided to senior DfE officials weekly up to January 2022 (Exhibit TG/109 - INQ000497936).
- 3.90 On 8 January 2021, following a meeting on 1 January 2021, the Permanent Secretary at DfE wrote a letter to the Accounting Officer for NHS Test and Trace, setting out the accountability arrangements for the mass LFD testing programme in secondary schools and colleges. DfE would be accountable for the delivery of the programme with NHS Test and Trace accountable for public health advice, the provision of test kits and spending decisions. Further detail on the specific

breakdown of responsibilities is included in chapter 5 (Exhibit TG/110 - INQ000497758).

- 3.91 On 8 January 2021, MoSU received advice from DfE officials that recommended that DfE's preferred approach to managing COVID-19 outbreaks in HE settings remained a widespread roll out of a weekly testing programme with additional contact testing capacity where possible. This recommended that HEIs should be able to opt-in to the testing programme, based on a number of factors relevant to their setting (Exhibits TG/111 - INQ000497725 and TG/111a - INQ000497726).
- 3.92 On 11 January 2021, MoSU responded that DfE should not present this as an opt-in to HEIs but should make it clear that DfE's expectation was that they test their students regularly (Exhibit TG/112 - INQ000497727).
- 3.93 Also on 8 January 2021 (incorrect 2020 date on submission), SSE received advice from DfE officials (Exhibits TG/113 - INQ000497723 and TG/113a - INQ000497724). The advice set out officials' proposed approach to rapid LFD asymptomatic testing across education settings in January 2021 and beyond (following the announcement on 4 January 2021 that attendance would be restricted to all but vulnerable children and CCWs). This advice recommended that government should press ahead with the current programme in secondary schools and colleges. This consisted of two initial tests of all students in school or college, which were three to five days apart; weekly testing of all staff; and daily testing of close contacts and that all students should be tested once schools and colleges reopen (two tests, three to five days apart). It also noted that DfE officials were working through options for testing all secondary school/college students on a weekly basis, following a steer from the Prime Minister.
- 3.94 On 10 January 2021, the government began to roll out a community testing offer (Exhibit TG/114 - INQ000497850) across all local authorities in England to test people without symptoms.
- 3.95 The DfE daily sector bulletin on 11 January 2021, provided links to a series of webinars about the testing programme to secondary schools and colleges (Exhibits TG/205 - INQ000497674, TG/326 - INQ000606827 and TG/327 - INQ000606828). Further guidance about testing was also made available on the DfE G drive (Exhibits TG/115 - INQ000497728 and TG/101 - INQ000497947).

- 3.96 On 20 January 2021, the government announced that daily contact testing as an alternative to isolation had been temporarily paused in secondary schools and colleges (as a result of updated PHE advice in response to the new, more transmissible strain of COVID-19) The decision was communicated to education settings in the DfE daily sector bulletin on this day (Exhibit TG/116 - INQ000497733).
- 3.97 On 20 January 2021, the first Rapid Testing in Schools and Further Education Programme Board meeting took place (sometimes referred to as Mass Testing in Schools and Further Education Programme Board). This board was established to have oversight of the programme to roll out asymptomatic mass LFD testing in schools and FE settings in England and met initially weekly, and then fortnightly. The board was renamed the Covid Response Measures Programme Board in June 2021 and continued to meet until April 2022. It was chaired by me and Sarah MacLean as the Mass Testing Directors. It included DfE officials who were involved in supporting DHSC on TTI policy and delivery as well as some key DHSC, PHE/UKHSA officials. (Exhibit TG/117 - INQ000497875). Prior to this board being established, governance was managed through daily COVID-19 Testing Gold and Silver meetings, with Gold meetings usually chaired at DG level.
- 3.98 In his statement on 15 December 2020, Gavin Williamson had confirmed that primary schools would be supported to roll out testing as quickly as possible over the spring term. Following work between DfE and DHSC officials, on 25 January 2021, home LFD testing of staff in primary schools (including school-based nurseries) and maintained nursery schools began. Primary schools received deliveries of home testing kits in advance of this date, and nurseries received deliveries from 1 February 2021 (Exhibit TG/118 - INQ000497736).
- 3.99 The DfE daily sector bulletin on 26 January 2021 (Exhibit TG/118 - INQ000497736) and 16 February 2021 (Exhibit TG/119 - INQ000497746) provided information about the role of schools and FE colleges in contact tracing. This included advice on managing the contact tracing process during the attendance restriction period, due to limited numbers on site, and during February half term.
- 3.100 On 26 January 2021, following the submission on 8 January 2021 (see paragraph 3.93 above) SSE received a further submission from DfE officials that emphasised that a strong LFD testing offer would be critical for when schools and colleges opened more widely. The submission said this offer should include that:

- 3.100.1 All secondary schools and colleges offer on-site tests at their ATS to their students as they return to school/college (two LFD tests, three to five days apart).
- 3.100.2 All secondary schools and colleges should then offer testing to their pupils twice a week, via home LFD test kits (where students would test at home rather than test on-site at their school or college).
- 3.100.3 All secondary schools, colleges and primary schools continue to offer testing to their workforce twice a week. Since 25 January 2021, primary schools had been offering testing to their staff through home test kits, as opposed to ATS, while secondary school and college staff were offered tests through ATS. Officials proposed to move secondary school and college staff to a home LFD test kit model as soon as possible (Exhibits TG/120 - INQ000497734 and TG/230 - INQ000497735).
- 3.101 The DfE daily sector bulletin on 27 January 2021 (Exhibit TG/121 - INQ000497737) and 28 January 2021 (Exhibit TG/122 - INQ000497738) said that following new advice, NHS Test and Trace and PHE had temporarily paused the need for a confirmatory PCR test following a positive result with a lateral flow test in secondary schools and colleges. Individuals would need to self-isolate in line with government guidance and contact tracing would need to be undertaken. In line with clinical advice, confirmatory PCR testing would remain in place for primary school staff as testing was done at home.
- 3.102 On 28 January 2021 SSE agreed (Exhibit TG/123 - INQ000075581) with the advice contained in the submission of 26 January, that secondary schools and colleges should offer two LFD tests, to be taken on site at school or college, three to five days apart, to students returning to their settings after the February half term. SSE also agreed that secondary schools and colleges should then offer pupils testing twice a week via LFD home test kits.

#### **Test, Trace and Isolate in education: February 2021 to July 2021**

- 3.103 Following the third lockdown, with the return to full attendance at education settings from 8 March 2021, DfE's focus was on ensuring that all education settings had the

information, guidance and test supply to deliver two LFD tests to students returning to their settings, as well as regular twice a week LFD testing. DfE also worked to ensure that new rules on testing, rather than isolation, for CYP and double-vaccinated adults who were identified as close contacts were understood by education settings. This section sets out the main policies that applied during this period, when the key decisions were taken and how the policies were communicated.

- 3.104 On 10 February 2021, SSE received a submission from DfE officials, following advice that they had received from PHE on easing restrictions in education and childcare settings (Exhibits TG/124 - INQ000075534, TG/125 - INQ000075535 and TG/126 - INQ000075537). Within the advice provided, SSE also received the relevant draft chapter of the government's roadmap which set out that LFD testing remained a vital measure to suppress the virus in education and childcare settings (Exhibit TG/127 - INQ000075536).
- 3.105 On 10 February 2021, SSE met with SSHSC and Professor Susan Hopkins, Incident Director for COVID-19 at PHE, as well as senior officials from DfE and DHSC to discuss the public health arguments around testing, implementation concerns and the merits and issues with testing students on-site in schools and colleges with some limited supervision from staff or asking students to test themselves with supervision at home. It was agreed that officials from NHS Test and Trace and DfE would continue to work through options to ensure that participation in testing remained high, results were consistently reported and the burden on schools and colleges was effectively managed (Exhibit TG/128 - INQ000075708).
- 3.106 CO also commissioned DfE and DHSC on 10 February 2021 to produce a joint paper for a Covid O officials meeting on the testing strategy for education, EY and CSC settings. DfE and DHSC officials jointly developed the proposals. On 11 February 2021 Covid O received the joint paper (Exhibits TG/129 - INQ000497742, TG/129a - INQ000497743, TG/130 - INQ000075538 and TG/130a - INQ000075539), Covid O were asked to agree to several recommendations which included:

3.106.1 Providing home testing kits for all secondary and FE staff, alongside the current provision for primary staff.

3.106.2 Testing secondary and FE pupils on site on return to their setting, and then regularly via home testing thereafter.

- 3.107 Covid O accepted those recommendations and also agreed not to pilot or scale up asymptomatic mass LFD testing for primary school children, based on the public health advice that primary aged children should not be tested. It was noted that some primary-aged children would find the testing process invasive or unpleasant (Exhibit TG/131 - INQ000496252).
- 3.108 On 29 January 2021 DfE officials had submitted a note to MoSU. This showed that mass testing take-up in HEIs had been relatively low since it was introduced earlier in the month (Exhibit TG/132 - INQ000497739). MoSU received advice from DfE officials on 12 February 2021, seeking her steer on a strategy for working with the sector to improve the uptake of LFD testing, including the use of incentives. This was based on work by DfE with five focus groups made up of providers, students and sector representatives (Exhibit TG/133 - INQ000497744). On 17 February 2021, MoSU's office confirmed that DfE would actively monitor those with a lower uptake and work with HEIs to drive this upwards (Exhibit TG/134 - INQ000497747).
- 3.109 From 11 February 2021, DHSC's weekly statistics on test and trace, which started to be published on 11 June 2020, began to include details on the number of LFD tests conducted by staff and students in schools. From 18 February, this covered all education settings (Exhibit TG/135 - INQ000497883).
- 3.110 On 22 February 2021, the Prime Minister announced the roadmap for the easing of lockdown restrictions at his COVID-19 press conference (Exhibit TG/136 - INQ000075754). His announcement included the return to full attendance for schools and colleges from 8 March 2021, including breakfast and after school clubs. Measures to be put in place upon the return to schools included twice weekly LFD testing for education staff and secondary aged and above pupils. Regular LFD testing was seen as playing a critical role in breaking chains of transmission in education settings and the wider community. It was also intended to instil confidence among CYP, their parents and the workforce.
- 3.111 Throughout this period, starting at the point that attendance restrictions were announced in early January 2021, DfE staff had conducted extensive planning and preparation work to ensure that the sector was ready for the wider reopening of schools and colleges. This included regular close working with stakeholders and schools and colleges themselves. For example, the PSSG continued to bring key stakeholders together in a weekly forum, with testing being discussed regularly

during this period, alongside plans for the wider opening of schools (Exhibit TG/137 - INQ000497940). Regular communications through a variety of channels also ensured that settings were kept up to date with the latest developments.

- 3.112 On 4 March 2021, as part of the preparation work to prepare schools and colleges for reopening, and to engage the wider sector, SSE and SSHSC sent a joint letter to DsPH in England (Exhibit TG/138 - INQ000497750). This recognised that they and their teams would be crucial to the effort to reopen schools and colleges. This letter included an annex giving an overview of testing regimes in education and childcare.
- 3.113 From 8 March 2021, schools and colleges gradually returned to full attendance. LFD testing was available for all secondary school and college students. During this first month that attendance restrictions were eased, 11,502,608 LFD tests were carried out and reported by students in secondary schools alone (Exhibit TG/139 - INQ000497943). Students on university courses requiring practical teaching, specialist facilities or on-site assessments also returned to face-to-face teaching, but all others were asked to continue with online learning, with a review of this position before the end of the Easter holidays.
- 3.114 On 9 March 2021, DfE communicated through its daily sector bulletin DHSC's decision that if a pupil or student received a supervised school-based LFD test, and it was positive, then they and other members of their household must self-isolate. LFD tests taken on site at the education setting would not need a confirmatory PCR because testing was carried out in a controlled environment with staff trained to read the test results (see 3.115 for information on the reintroduction of PCR testing) (Exhibit TG/140 - INQ000497752). All positive results from LFD tests undertaken at home would need to be confirmed with a standard PCR test because these tests were not conducted in a controlled environment.
- 3.115 Following the rollout of LFD testing to staff at nurseries within state-maintained primary schools in January 2021, DfE officials had worked to ensure that LFD testing kits could also be delivered to staff in PVI nurseries, childminders and wraparound care providers. At the time, DfE did not possess a full list of PVI addresses and contact details to enable deliveries to happen, and logistically, it was extremely difficult in the run-up to January 2021 for DfE to compile this list. However, DfE officials worked with Ofsted and by March 2021 had gathered an accurate list of PVI addresses to enable deliveries to PVI providers to begin. In the meantime, these

providers were able to access testing via the CTP programme Regular LFD at-home testing was also made available to staff and students in attendance at universities (Exhibit TG/317 – INQ000497949).

- 3.116 On 26 March 2021, the DfE daily sector bulletin advised that schools and FE colleges needed to continue managing the contact tracing process over the Easter holiday period (Exhibit TG/141 - INQ000497754). DfE advised that settings would be able to designate a limited period in the day to receive notifications of positive cases and advise close contacts to self-isolate, and that beyond the first six days of the Easter holidays, they would not be asked to remain on call or conduct any contact tracing.
- 3.117 The DfE daily sector bulletin on 30 March 2021 said that from 31 March 2021, NHS Test and Trace was reintroducing confirmatory PCR testing for positive LFD tests conducted at all asymptomatic testing sites, including schools and colleges. The bulletin said that PHE and NHS Test and Trace had kept the pause in confirmatory PCR testing under review and, as prevalence of the virus in England was considered low, confirmatory PCR testing would be reintroduced to help to minimise the chances of false positives. The bulletin also provided a link to PHE's blog on reintroducing confirmatory PCR testing for further information (Exhibit TG/142 - INQ000497755).
- 3.118 On the same day, the DfE daily sector bulletin also gave instructions to school and college staff around their contract tracing responsibilities during the Easter holidays.
- 3.119 Starting in April 2021, and ending in June 2021, Oxford University conducted an independent study (Exhibit TG/143 - INQ000497885), sponsored by DHSC and supported by DfE and the Office for National Statistics ("ONS"). It found that "*daily testing of secondary school students who were in contact with someone with COVID-19 was just as effective in controlling school transmission as the current 10-day contact isolation policy*". The study was mentioned in the DfE daily sector bulletin on 23 July 2021 (Exhibit TG/144 - INQ000497784, TG/145 - INQ000497867 and TG/146 - INQ000497868). The government introduced daily testing of close contacts in December 2021 (see paragraph 3.153 of this statement).
- 3.120 On 30 April 2021, MoSU received advice from DfE officials on LFD testing in the HE sector from the autumn term 2021. MoSU agreed the advice for LFD testing in the

autumn as well as on maintaining an on-site testing offer when universities were providing summer teaching (Exhibit TG/147 - INQ000497759).

3.121 In May 2021, DHSC and DfE worked together to plan how schools and colleges could potentially provide support in surge testing (Exhibit TG/148 - INQ000497871).

3.122 On 18 May 2021, DfE officials sent advice to SSE on safety measures in education settings for step 4 of the roadmap. In relation to HE, the advice recommended that the current asymptomatic LFD testing programme should continue, with testing over the summer break for some university students, such as PhD students. HE students should also be tested on return to their setting (Exhibit TG/149 - INQ000497761). SSE agreed the advice (Exhibit TG/150 - INQ000497760).

3.123 On 27 May 2021, MoSU received an update on the DfE's strategy undertaken to improve HE LFD testing uptake and plans for the summer and autumn 2021. The advice recommended:

3.123.1 To continue with twice weekly testing over summer 2021 with a blended on-site/home testing model to be approved by DHSC.

3.123.2 For autumn 2021 LFD testing to reflect the approach to testing in wider society. Also, to implement a test before travel and a test on return policy for all students.

3.123.3 To switch to a more flexible 'options' model and escalation routes available in case of local or national outbreaks i.e. contingency planning.

3.123.4 The HE policy for the autumn to no longer test twice weekly and to no longer encourage providers to keep their ATS provision open beyond 'test on return' and with processes in place to be able to re-instate ATS provision at short notice if required (Exhibit TG/151 - INQ000497864).

3.124 On 15 June 2021, MoSU sent a letter to HE providers setting out the next steps for LFD testing in HE providers (Exhibit TG/152 - INQ000497863). The letter set out that the HE LFD testing programme would be extended until at least 31 July 2021. HE testing continued into the rest of 2021 in line with the government's guidance.

- 3.125 On 17 June 2021, DfE officials advised SSE to consider continued regular LFD testing in education settings that remained open over the summer; to prepare to stand up ATS in schools and colleges on the return to school and college after the summer break and to provide ATS and LFD collection points in universities on return in the autumn term (Exhibit TG/153 - INQ000075583). SSE agreed the advice on the same day (Exhibit TG/154 - INQ000075584).
- 3.126 On 28 June 2021 the DfE daily sector bulletin confirmed that regular LFD at-home testing would stay in place until the end of the summer term. Regular LFD home testing would pause in education settings over summer 2021 except for those that remained open such as summer schools, out of school settings and those that did not operate on a term-time basis. In these cases, only those attending would continue to test regularly using LFDs. The bulletin informed settings that DfE would provide all schools and colleges with refreshed guidance, test kits, and PPE so that they could be ready to stand up ATS from the start of the autumn term (Exhibit TG/155 - INQ000497764). Instructions and guidance were subsequently sent out in the DfE daily sector bulletins in August 2021, (for example (Exhibit TG/156 - INQ000497793), with updates also made to the guidance documents sent to the different education settings).
- 3.127 In July 2021, DfE launched an education data rapid testing dashboard, using LFD testing data provided by DHSC, which education settings could use to monitor their own LFD testing data. This was available to primary and secondary maintained schools, nurseries, FE colleges and other FE providers. The dashboard provided data on staff and students, covering total tests, negative tests, positive tests and void tests, with settings being able to download their own results. The dashboard remained active until April 2022. The data dashboard was dependent on education settings uploading their LFD test results from ATS as well as parents or children uploading their individual home test kit results.
- 3.128 On 1 July 2021, Covid O met to discuss exemptions to the self-isolation policy 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 advance of this meeting, which SSE attended, DfE officials and ministers pushed for children to be included in this exemption. In speaking notes provided to SSE 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”* (Exhibits TG/157 - INQ000497770, TG/158 - INQ000497768, TG/159 - INQ000497765, TG/160 - INQ000497766 and TG/160a - INQ000497767).

- 3.129 As a result of this, following on from the Covid O meeting on 1 July 2021, Covid O agreed that DHSC would work with DfE to prepare an announcement for exempting under 18s from self-isolation from 16 August 2021 (Exhibit TG/161 - INQ000497772).
- 3.130 On 2 July 2021, Covid O agreed LFD testing on return for all HE students in the autumn term 2021. On arrival at their HEI, students were expected to take two LFD tests, three to four days apart, as soon as possible. It was expected that students would then be asked to do LFD tests twice weekly until the end of September 2021, in line with the testing strategy for school and college students (Exhibit TG/162 - INQ000497782).
- 3.131 On 6 July 2021, the DfE daily sector bulletin confirmed that from Monday 16 August 2021, children under 18 years old, and those who were double-vaccinated, would no longer be required to self-isolate if they were identified as a close contact. Self-isolation would continue for those who had tested positive for COVID-19, and close contacts of a positive case would be informed and advised to take a PCR test (Exhibit TG/163 - INQ000497775).
- 3.132 On 9 July 2021, the DfE daily sector bulletin included a message encouraging eligible students in FE to be vaccinated because increasing vaccine take-up would ensure more students could benefit from the change in self-isolation rules on 16 August 2021, when double-vaccinated adults would no longer need to self-isolate if they were identified as a close contact of someone with COVID-19 (Exhibit TG/164 - INQ000497777).
- 3.133 DfE also advised in the bulletin, that from 19 July 2021, NHS Test and Trace would be responsible for managing the contact tracing process for education settings (see paragraphs 3.136 below and 6.55 of this statement for more information). This was a significant change for education settings, because they would no longer be formally responsible for the contact tracing process in their setting. NHS Test and Trace already managed the contact tracing process for the rest of society and this decision

brought education and childcare settings into alignment with that established processing activity. Education and childcare settings had managed the contact tracing process over the course of the pandemic as government initially considered settings best placed to do so as they knew their pupils, parents and staff best. However, as shown in paragraphs 3.64, 3.116 and 6.49 of this statement, this responsibility was very resource intensive and placed a burden on settings. By July 2021, government considered that NHS Test and Trace was well established and had expertise in supporting people to identify close contacts so contacting tracing could be transferred from education and childcare settings to NHS test and trace.

- 3.134 Also, on 9 July 2021, DfE officials sent a submission to SSE, which set out the rationale, evidence and Equalities Impact Assessments (“EQIA”) for Step 4 policy changes in education settings. This advice was provided to enable the SSE to support the changes which would be put forward by the government for agreement at a Covid O meeting which took place on 12 July (Exhibits TG/165 - INQ000497780, TG/165a - INQ000497781, TG/166 - INQ000497778 and TG/166a - INQ000092534).
- 3.135 On 12 July 2021, following the Covid O meeting, the Prime Minister announced as part of the announcement on Step 4 of the COVID-19 roadmap, that there would be an isolation exemption for contacts of positive cases for under 18s and for double-vaccinated adults from 16 August 2021 (Exhibit TG/167 - INQ000497893).
- 3.136 On 19 July 2021, the DfE daily sector bulletin confirmed that from that date, schools, colleges and nurseries no longer needed to carry out routine contact tracing and close contacts would be identified and contacted by NHS Test and Trace (Exhibit TG/168 - INQ000497783).
- 3.137 During this summer 2021 period, the NHS COVID-19 app was sending very large numbers of people alerts every day, dubbed the ‘pingdemic’. More detail on this, including DfE’s response is included in chapter 6 of this corporate statement.

### **Test, Trace and Isolate in education: August 2021 to January 2022**

- 3.138 DfE continued to support education settings to deliver regular asymptomatic testing throughout the remainder of 2021, including for those settings that remained open to offer holiday clubs during holiday periods. This included communications and support

on ways to raise testing participation and reporting levels. As Christmas approached, DfE worked with UKHSA and DHSC to continue regular testing in education settings into spring term 2022. DfE focused on using its communications channels to work with education settings to make sure they had ordered enough test kits in time to be able to continue to deliver testing. As the Omicron variant emerged, DfE ensured that education settings had the information and guidance that they needed to be able to remain open. This section sets out the main policies that applied during this period, when the key decisions were taken and how the policies were communicated.

- 3.139 On 11 August 2021, DHSC confirmed that from Monday 16 August, people who had received two vaccinations or were aged under 18 would no longer be legally required to self-isolate if they were identified as a close contact of a positive COVID-19 case (Exhibit TG/169 - INQ000497894).
- 3.140 On 17 August 2021, DfE guidance provided an update on the contact tracing and self-isolation rules that had been confirmed by DHSC on 11 August. People who had received two vaccinations or were aged under 18, and had been identified as a close contact, should continue to attend their setting (Exhibit TG/170 - INQ000497930 and TG/171 - INQ000497939).
- 3.141 On 10 September 2021, SSE received advice from DfE officials setting out the results of UKHSA's review into asymptomatic testing (Exhibit TG/172 - INQ000075593). The review recommended that secondary, FE and HE learners, as well as staff in all education and childcare settings, should continue to be offered twice weekly testing. It was recommended to and agreed by SSE that this should be reviewed again towards the end of the autumn term 2021 (Exhibit TG/173 - INQ000075594).
- 3.142 Covid O met during week commencing 13 September 2021 and agreed UKHSA's broad proposals to continue to offer asymptomatic testing, including testing in education and childcare settings (SSE did not attend).
- 3.143 On 24 September 2021, the DfE daily sector bulletin included actions for education settings to take if an individual from their setting had a positive LFD test taken at home, including that they should self-isolate straightaway, report their test result and book a confirmatory PCR test as soon as possible.

- 3.144 On 11 October 2021, after close work between DfE and DHSC, SSE and SSHSC sent a joint letter to parents of secondary school and college students in England about the importance of COVID-19 testing and vaccines. The letter asked parents for their continued support to make sure CYP were able to stay in face-to-face learning by encouraging CYP to test themselves for COVID-19 twice a week (Exhibit TG/174 - INQ000497919).
- 3.145 On 11 October 2021, the DfE daily sector bulletin outlined that staff in education and childcare settings, secondary pupils and FE students should continue to test regularly over half term and ideally test the night before they returned to their setting after the break (Exhibit TG/175 - INQ000497800). This message was repeated in the daily sector bulletin on 20 October 2021 (Exhibit TG/176 - INQ000497803). The 11 October 2021 daily sector bulletin also included a link to the joint SSE and SSHSC letter (see 3.140 for more information).
- 3.146 On 16 November 2021, following close work between DfE and DHSC, SSE received and agreed to advice recommending that on return in January 2022, secondary school students should complete only one LFD test on site. The advice also recommended that FE and HE students and all staff in education and childcare settings should do one at-home test before returning (Exhibits TG/177 - INQ000075610, TG/178 - INQ000075621 and TG/233 - INQ000075622). SSE agreed to this advice on the same day.
- 3.147 On 18 November 2021, the DfE daily sector bulletin (Exhibit TG/179 - INQ000497805) contained advice that settings should use DfE's education data rapid testing dashboard to understand their own LFD testing data and how this compared with LFD testing rates nationally, to help improve the uptake of LFD testing within settings. The dashboard had been introduced by DfE in July 2021 (see paragraph 3.127 of this statement) and remained active until April 2022.
- 3.148 On 26 November 2021, following further joint work to agree proposals, a pair of co-ordinated submissions were sent by DfE and UKHSA officials to SSE and SSHSC respectively, seeking their agreement that regular twice weekly testing be continued until at least the end of the February 2022 half term. This was agreed by SSE and SSHSC, with arrangements being confirmed in a follow up exchange of emails between officials in SSE's (2 December 2021) and SSHSC's private offices (Exhibit TG/180 - INQ000497810).

- 3.149 On 26 November 2021, the DfE daily sector bulletin (Exhibit TG/181 - INQ000497807) updated settings on the plans for COVID-19 testing in educational and childcare settings over Christmas and on return in January 2022. The bulletin asked all secondary schools to prepare to test their pupils once on-site on return in January 2022. To enable testing on return in January 2022, settings were told they needed to order sufficient test kits by Tuesday 30 November 2021. Updated guidance was made available to all education settings via the DfE G drive, to help them prepare. FE and HE students, and staff in all education and childcare settings, were to take one self-test at home either the evening or morning before they returned in January 2022. They were then to continue to test in line with government guidelines. The DfE daily sector bulletins on 29 and 30 November 2022 reiterated this advice.
- 3.150 On 28 November 2021, the DfE daily sector bulletin included information for all education and childcare settings on new measures in response to the identification of the Omicron variant of COVID-19 in the UK. These measures included that the current guidance on contact tracing and isolation remained in place and any suspected or confirmed close contacts of the Omicron variant would be asked to isolate for 10 days regardless of vaccination status or age. Close contacts would be contacted directly by NHS Test and Trace and told to isolate (Exhibit TG/182 - INQ000497808).
- 3.151 On 9 December 2021, the DfE daily sector bulletin said that following the Prime Minister's announcement of plan B of the *COVID-19 response: autumn and winter plan*, to reduce pressure on the NHS (Exhibit TG/183 - INQ000497817), all close contacts of a suspected or confirmed case of the Omicron variant of COVID-19, irrespective of vaccination status and age would continue to be required to self-isolate and asked to book a PCR test. The government planned to introduce daily contact testing as soon as possible as an alternative to self-isolation for contacts of positive Omicron cases who were fully vaccinated or under the age of 18 years and 6 months (18-year-olds were treated in the same way as those under 18 up until the age of 18 years and 6 months, to allow them time to become fully vaccinated).
- 3.152 On 10 December 2021, the DfE daily sector bulletin announced that LFD testing would be continued into the spring term for education staff, pupils and students in year 7 and above (Exhibit TG/184 - INQ000497818). The bulletin also set out that if

settings needed additional test kits for staff, pupils or students to test on their return in the first week of January 2022, they should place an order before they broke up for the Christmas holidays. Any orders placed between Thursday 9 December 2021 and 5pm on Tuesday 28 December 2021 would be delivered in the week commencing 3 January 2022.

- 3.153 On 13 December 2021, the DfE daily sector bulletin communicated DHSC's decision that from 14 December 2021, a new national approach to daily testing of contacts of COVID-19 ("DTCC") would be introduced (Exhibit TG/185 - INQ000497819). Under this policy, all adults who were fully vaccinated and children aged 5 to 18 years and 6 months, identified as a contact of someone with COVID-19, whether the Omicron variant or not, should take an LFD test every day for 7 days instead of self-isolating. DHSC took the decision to introduce this approach to limit the impact on people's day-to-day lives while helping to reduce the spread of the Omicron variant.
- 3.154 On 2 January 2022, the DfE daily sector bulletin said that people who were fully vaccinated, or CYP aged between 5 to 18 years and 6 months, identified as a close contact of someone with COVID-19, should take an LFD test every day for 7 days and continue to attend their setting as normal, unless they had a positive test result or developed symptoms at any time. Children under 5 were not being advised to take part in the daily testing of contacts (see 3.16 for more information on testing children under 5) (Exhibit TG/186 - INQ000497822).
- 3.155 On 6 January 2022, following a decision by SSHSC, the DfE daily sector bulletin updated settings that, across all society, confirmatory PCR tests were to be temporarily suspended for positive LFD test results from Tuesday 11 January 2022. This meant that anyone who received a positive LFD test result would be required to self-isolate immediately and would not be required to take a confirmatory PCR test (Exhibit TG/187 - INQ000497825). On 11 January 2022, the DfE daily sector bulletin said that confirmatory PCR tests were suspended temporarily, and this change had been *"informed by public health advice. With high COVID-19 rates, the risk of a positive LFD result being false is very small"* (Exhibit TG/188 - INQ000497826).
- 3.156 On 17 January 2022, the government announced that people who were self-isolating with COVID-19 had the option to reduce their isolation period after five full days if they tested negative with an LFD test on both day 5 and day 6 and did not have a

temperature. This was included in the DfE daily sector bulletins on 14 (Exhibit TG/189 - INQ000497827) and 18 January 2022 (Exhibit TG/190 - INQ000497828).

### **Test, Trace and Isolate in education: February 2022 to March 2022**

- 3.157 As the country moved towards living with COVID-19, DfE and DHSC developed plans to end regular LFD testing in mainstream settings, as well as wider changes to TTI rules affecting education settings and the whole of society. DfE's focus was on helping education settings make the transition to living with COVID-19 without significantly affecting the confidence of the education workforce, students and parents in the safety of settings. This section sets out the main policies that applied during this period, when the key decisions were taken and how the policies were communicated.
- 3.158 The government had planned for regular testing in mainstream education and childcare settings to continue until the end of the spring term in 2022 based on the public health advice from UKHSA that was current at the start of term. In early February 2022, however, the Covid O paper by CO COVID-19 Taskforce (Exhibit TG/191 - INQ000075653 and TG/192 - INQ000075654) set out that this would no longer be needed in mainstream settings. The paper expanded on evidence provided by both DfE officials and UKHSA officials to propose that regular LFD testing should end in mainstream settings from February half term 2022 but continue in SEND, AP and CSC settings due to the increased vulnerability of young people who attended these settings and be reviewed in March 2022. The public health rationale for change given in the paper was that routine testing in education and childcare settings was originally implemented to support the safe re-opening of face-to-face education settings at a time when vaccines were not available, with significant parts of the population vulnerable to poor health outcomes from COVID-19.
- 3.159 A Covid O meeting to discuss this change was scheduled for 8 February 2022. The final Covid O paper, mentioned above, was shared with SSE on the morning of 7 February 2022 (Exhibit TG/193 - INQ000075652). Alongside the CO's Covid O paper, DfE officials also sent SSE the DfE EQIA on ending regular testing (Exhibit TG/194 - INQ000075656) and a DfE communications plan for handling this announcement (Exhibit TG/195 - INQ000075657). Covid O met on 8 February and agreed the key recommendations set out in the paper but did not decide when the

announcement would take place (Exhibits TG/193 - INQ000075652 and TG/191 - INQ000075653).

- 3.160 Subsequently, No.10 officials provided a readout that the Prime Minister had decided that the end of regular LFD testing in mainstream education settings should be announced as part of the Living with Covid announcement on 21 February 2024, which would also be when the first tranche of schools return from half term (Exhibit TG/196 - INQ000075661).
- 3.161 On 21 February 2022, the government published *COVID-19 Response: Living with COVID-19* (Exhibit TG/197 - INQ000497852) which set out the government's plan for living with COVID-19.
- 3.162 Education and childcare settings were informed of the end of regular asymptomatic testing, in mainstream settings via the DfE daily sector bulletin on 21 February 2022 (Exhibit TG/198 - INQ000075658). Although testing ended for mainstream provision at this point, it continued for specialist SEND and AP provision until Easter 2022 (see below).
- 3.163 On 21 February 2022, DfE updated its guidance for education and childcare settings including EY, schools, colleges and HE to reflect the end of the asymptomatic LFD testing for staff and students in mainstream settings (Exhibit TG/199 - INQ000075714). Students and staff in these settings were no longer advised to test twice weekly using LFDs, but settings could be advised by local public health teams to re-start asymptomatic LFD testing to manage an outbreak. In parallel, guidance for education and childcare settings on tracing close contacts and self-isolation was replaced by general UKHSA guidance which applied to the whole of society.
- 3.164 Staff and students of secondary school age and above in SEND settings, AP settings, and SEND units within mainstream settings or equivalent in further education colleges were advised to continue testing twice a week (Exhibit TG/200 - INQ000497830). Staff in residential units in CSC (open and secure children's homes) and children of secondary age and above in open children's homes were advised to continue LFD testing twice a week. CYP arriving in secure children's homes continued to test on arrival. Government took this approach because public health advice recommended that testing be retained in these settings due to the health risk to some SEND children from COVID-19 as well as the greater risk of these specialist

settings closing because of a COVID-19 outbreak (due to high staff: student ratios and specialised staff).

- 3.165 The DfE daily sector bulletin on 21 February 2022 (Exhibit TG/200 - INQ000497830) also reminded education settings they should no longer distribute test kits to pupils, students or staff for regular LFD testing and not to place further orders for LFD test kit supplies. The online ordering platform (Exhibit TG/201 - INQ000497853) remained open for education settings to access LFD test kits free of charge, but only for those settings where there was an outbreak and where they had been advised to resume LFD testing by a DPH, local authority or a local HPT.
- 3.166 On 29 March 2022 SSHSC set out the next steps for 'living with COVID-19' (Exhibit TG/202 - INQ000497851) in England from 1 April 2022. With the population having stronger protection against COVID-19 than at any other point in the pandemic, this meant beginning to manage the virus like other respiratory infections. As a result, regular LFD testing was no longer recommended in any education setting including in SEND and AP settings.
- 3.167 In the lead up to the announcement on 29 March 2022, DfE and DHSC agreed to keep LFD testing available for residential SEND settings for a number of additional months. Residential SEND settings were told that they could be advised by their local HPT to re-introduce some time-limited asymptomatic LFD testing. This would be an exceptional measure, for targeted groups of staff and pupils or students (secondary age or above) in the event of a possible COVID-19 outbreak. The reason for taking this approach was that these settings provide care for some of the most vulnerable children and young people, providing year-round care for children with complex needs. Should one of these settings need to close as the result of a COVID-19 outbreak, the impact on these children and young people, particularly because of the need for them to be placed in specialist environments with consistency in their care and support, would be high. This was set out in the DfE daily sector bulletin of 31 March 2022 (Exhibit TG/203 - INQ000497835). This bulletin also included a reminder to settings on distributing existing stocks of LFD home test-kits.

4.

## **DfE role in Test, Trace and Isolate**

- 4.1 DHSC had overall responsibility for TTI. DHSC, along with PHE and UKHSA, were responsible for developing TTI policies and public health advice. As set out in this chapter and chapters 5-7, DfE had an important role in many aspects of test and trace policies and programmes in education settings. DfE also led on and was accountable for the overall delivery of the mass LFD programme in schools, colleges and other FE settings.

## **DfE objectives for using Test, Trace and Isolate measures**

- 4.2 DHSC will be best placed to comment on the overall objectives for the wider TTI programme. Drawing on advice provided to ministers as well as Covid O, DfE's objectives for using TTI measures could be summarised as follows:
- 4.2.1 Face-to-face education and care: to keep as many CYP in face-to-face education and childcare or enable them to return to it as early as reasonably possible on an individual or group basis (e.g. easing restrictions) (Exhibit TG/068 - INQ000075770).
  - 4.2.2 Confidence: using testing to increase workforce, learner and parental confidence in the safety of settings and reduce risks and concerns as CYP came back together following the easing of restrictions (Exhibit TG/082 - INQ000075484).
  - 4.2.3 Reducing transmission: reduce COVID-19 transmission in education settings and in the wider community (Exhibit TG/154 - INQ000075584).

## **Test, Trace and Isolate and equalities**

- 4.3 DfE assessed the equality impacts of TTI measures in relation to education settings. TTI measures often formed part of a broader suite of COVID-19 measures to control and manage transmission in education settings. DfE often evaluated the TTI measures alongside other measures as a single package. For example, DfE carried out an EQIA on the partial easing of restrictions in June 2020.

- 4.4 DfE judged that the negative impacts on those with particular protected characteristics were appropriately mitigated against and the remaining negative impacts were justified by the educational, economic and wellbeing benefits of asking some children and young people to return to settings (Exhibit TG/017 - INQ000497873). The PSED and other equality considerations regarding DfE's work on TTI are covered in more detail in the following chapters of this document.
- 4.5 In response to the Covid-19 Inquiry's question about children and young people in traveller communities, I am not aware that any separate issues arose in relation to the TTI measures with which DfE was concerned.

### **DfE's role**

- 4.6 DfE worked in partnership with DHSC and its agencies during the pandemic. DHSC provided scientific advice, clinical advice, public health advice and determined health policy. DfE worked closely with DHSC to help ensure that proposed TTI measures in education settings were appropriate and deliverable and any impacts on the provision of education were taken account of. DfE also worked closely with DHSC and its partners on the delivery of test and trace across education settings. Most notably, DfE led on the delivery of the mass LFD testing programme in education settings with DHSC (Test and Trace) leading on the public health advice, provision of test kits and spending decisions involved in the programme (Exhibit TG/110 - INQ000497758).
- 4.7 DfE's Rapid Testing in Schools and Further Education Programme Board (sometimes referred to as Mass Testing in Schools and Further Education Programme Board) was established in January 2021 to have oversight of the programme to roll out asymptomatic mass LFD testing in schools and FE settings in England. This met initially weekly, and then fortnightly and was attended by DfE, DHSC and PHE/UKHSA officials (see paragraph 3.97 of this statement).
- 4.8 DfE's involvement in TTI measures (other than mass LFD testing) took different forms depending on the context, and more detail on DfE's involvement split by each of the areas of TTI is included in the chapters below. In summary, this involved feeding into policy discussions at ministerial levels, via Covid O meetings or other cabinet level discussions, or at senior official level prior to the overall TTI policy being formed, for example, the introduction of mass LFD testing into secondary schools,

colleges and HEIs. In other cases, it involved working with health agencies on the implementation of specific TTI measures for use in the education context (Exhibit TG/068 - INQ000075770).

- 4.9 DfE also worked with health agencies to draft guidance specific for education and care settings. The overall policy position was established by health agencies, DfE then drafted the operational guidance to enable the TTI policy to be delivered in the education context.
- 4.10 DfE was responsible for communicating specific information and news as well as key national policy changes to education and care settings via the DfE daily sector bulletin, the daily email from DfE to all education and childcare settings, and DfE guidance. This ensured settings were aware of key national TTI policy changes for the whole of society. DfE also set up a COVID-19 helpline, which was in place throughout the pandemic period, to answer questions from education sector staff, parents and pupils. DfE provided feedback to health agencies on the practical implementation of overall TTI policies in education settings and suggested how policy and delivery arrangements could be improved to enhance their effectiveness.
- 4.11 As with other areas of COVID-19 decision making, DfE and other parts of government often had to work to challenging timescales to feed into the development of new policies and key decisions on TTI. Undoubtedly, it would have been preferable to have had additional time to work through the implications of each TTI change more thoroughly and test such proposals with the widest possible range of education settings and education stakeholders. DfE tested and consulted as much as was feasible, but sometimes this was limited (or very limited) by the need to deliver policy changes quickly and in line with the latest scientific advice, public health advice and epidemiological and virological data.
- 4.12 DfE kept in regular contact with the DAs at ministerial and official level, as set out in detail at 2.15-2.19 above. These meetings were used to update each other on respective COVID-19 response measures, including TTI measures. In general, TTI policy development was tailored to the different education systems, rather than uniform, so it was not done jointly, but was informed by the work each administration was doing in their own context.

## **5. COVID-19 testing**

5.1. This section provides information on the role that DfE and education settings played in COVID-19 testing policy and delivery that was applicable to education settings. It includes details on:

5.1.1. DfE's involvement in COVID-19 testing policy and delivery, including communications, policy, and delivery roles.

5.1.2. The role of education settings in COVID-19 testing.

5.1.3. COVID-19 testing participation, reporting and results; and

5.1.4. COVID-19 testing and equalities.

### **DfE involvement in COVID-19 testing policy and delivery**

5.2. DfE worked closely with DHSC and its partner agencies (NHS Test and Trace, PHE and then UKHSA) in the formation of COVID-19 testing policy. For example, DfE contributed to the roll out of PCR testing to essential workers in spring 2020. DfE and DHSC ministers met regularly, and DfE ministers also met senior officials from DHSC's partner organisations (see chapter 3 of this document for more detail on this joint working). DfE also issued joint communications with DHSC. This included joint letters from SSE and SSHSC to education settings as well as other stakeholders, such as DsPH in England, about COVID-19 testing (see paragraphs 3.58, 3.112, and 3.144 of this statement for examples).

5.3. DfE also worked with OGDs on COVID-19 testing policy. CO would typically commission papers to be written and presented to Covid O. DHSC and DfE would jointly draft these papers with DHSC providing the public health position and DfE leading on the education-related aspects.

5.4. DfE's involvement in COVID-19 testing policy and delivery can be split into four areas: communications, policy, delivery and testing pilots. I have set each of these areas out below and included examples to illustrate DfE's involvement in each area.

5.5. Communications: throughout the pandemic, DfE was responsible for communicating any changes in COVID-19 testing policies to its sectors as well as encouraging CYP and the education workforce to test in line with the relevant COVID-19 guidance. In

some cases, the communications related to specific changes that DfE was involved in advising upon, such as the introduction of mass LFD testing in education settings. In other cases, DfE communicated changes affecting the whole of society as well as education settings, such as when PCR testing was made available to all members of society in May 2020 (Exhibit TG/204 - INQ000497618) or when confirmatory PCR testing was paused in January 2021 (see paragraph 3.101 of this statement). DfE worked with CO on national communications campaigns around the full return to schools and colleges at different points during the pandemic, not only as pupils and students returned to settings after lockdowns, but also after holiday periods, to ensure education settings, staff, pupils and parents had the most up to date and accurate information.

- 5.6. DfE communicated key changes and specific instructions to education settings in a variety of ways. It used its daily sector bulletins, non-statutory guidance (published on GOV.UK) and detailed practical guidance via DfE's G drive. It also used regular webinars delivered with DHSC colleagues and training videos (Exhibits TG/205 - INQ000497674, TG/326 - INQ000606827 and TG/327 - INQ000606828). DfE was also responsible for leading substantial engagement about testing policies with education sectors through existing engagement forums such as group meetings with DfE's PSSG, which met weekly from January 2021 onwards through the remainder of the pandemic and which had regular representation from UKHSA. Membership of PSSG was made up of representatives from:

- 5.6.1. Association of Colleges
- 5.6.2. Association of Directors of Children's Services
- 5.6.3. Association of School and College Leaders
- 5.6.4. The Children's Commissioner
- 5.6.5. Confederation of School Trusts
- 5.6.6. Council for Disabled Children
- 5.6.7. Early Years Alliance
- 5.6.8. GMB Union
- 5.6.9. Local Government Association
- 5.6.10. National Association of Schoolmasters Union of Women Teachers
- 5.6.11. National Association of Head Teachers
- 5.6.12. National Education Union
- 5.6.13. Ofsted
- 5.6.14. Out of Schools Alliance

- 5.6.15. Sixth Form Colleges Association
- 5.6.16. Solace
- 5.6.17. Unison
- 5.6.18. Unite
- 5.6.19. Universities UK
- 5.6.20. Voice Community

- 5.7. This meant that the right people were aware of policy detail, able to ask questions and feed in their perspective (Exhibit TG/206 - INQ000497804). DfE gathered feedback on the implementation of COVID-19 testing policies, talked through DHSC testing policy proposals with key stakeholder groups and sought comments (Exhibit TG/207 - INQ000075482). For example, as mentioned at paragraph 3.66 of this statement, DfE officials discussed the proposed introduction of mass asymptomatic LFD testing into secondary schools with the Secondary Headteacher Reference Group to gather their feedback (Exhibit TG/081 - INQ000075525). Julia Kinniburgh, Director General of COVID-19 Response and Recovery Group also held weekly meetings with representatives from the Association of School and College Leaders, the National Association of Head Teachers and the Council of School Trusts from December 2020 onwards, for the remainder of the pandemic period.
- 5.8. Policy: DfE worked to support DHSC to develop testing policies that were specific to education settings (Exhibit TG/082 - INQ000075484). The exhibit provides an example of DfE working collaboratively with DHSC as a critical friend to investigate how these testing policies could be most effectively delivered, both in terms of public health and to minimise the operational impact on education settings with the least possible disruption. DfE was responsible for guidance to the education sector, so DfE officials worked with DHSC, PHE and UKHSA officials to ensure testing policy changes were incorporated into the relevant operational guidance, as well as communicating in other ways such as blogs on GOV.UK.
- 5.9. In terms of the mass LFD testing programme, DfE's 'g drive' platform was used to share key documents, such as; 'how to guides', videos and recorded webinars both at pace and in an easily accessible and engaging format for education settings. Materials could be updated and shared quickly, ensuring education settings were able to access the most up-to-date advice.

- 5.10. DfE worked to ensure the efficacy of the tests being delivered and to fully understand the data which allowed DfE to feed into policy and delivery via avenues such as a regular quality assurance board with DHSC, which DfE attended.
- 5.11. Delivery: DfE worked with DHSC on the development, and then delivery, of LFD testing in HEIs in the autumn term of 2020. This helped ensure that students could test and then isolate, if necessary, before travelling home. DfE helped HEIs understand what they needed to do to enable testing to take place (Exhibit TG/073 - INQ000497891). For the roll out of mass asymptomatic LFD testing in HEIs in November 2020, DfE provided case specific support and communications to HEIs, which it was then able to learn from and feed back into the system to be used later as a framework in the much larger programme of testing in schools. DfE also worked closely with DHSC on the logistics of the design and delivery of on-site testing at ATSS. This included supporting them to develop the Standard Operating Procedure (“SOP”) for on-site testing in schools and colleges. DfE’s input as set out in this paragraph helped ensure that on-site testing could be delivered in a way that was practical and feasible for education settings.
- 5.12. For the mass LFD testing programme in schools, FE colleges and other FE settings, DfE led on the delivery of this joint programme. As a joint programme with NHS Test and Trace, Permanent Secretaries from DfE and DHSC agreed to split accountability in the following ways:
- 5.12.1. DfE accountabilities: DfE was accountable for media handling, communications with education settings including the DfE helpline, liaison and communication with stakeholders, guidance and information that explained how LFD testing would work in schools and a route to provide funding to support workforce and other reasonable costs.
  - 5.12.2. NHS Test and Trace accountabilities: Test and Trace was accountable for the provision of all test kits, all PPE required for testing and delivery of this to education settings, the clinical advice on which COVID-19 test to use in particular settings and clinical instructions on how to test, SOP documentation to ensure clinical governance was assured, MHRA approval for relevant testing technology and guidance on how to set up testing sites including waste disposal.

- 5.13. Regional DfE teams also worked with UKHSA HPTs and DsPH as mass LFD testing became fully operational in education settings. This helped ensure education settings understood how to apply COVID-19 LFD testing guidance in practice.
- 5.14. DfE also worked with NHS Test and Trace and then UKHSA to track overall LFD supply and demand to enable sufficient stock to be supplied into education settings during the periods covered from paragraph 3.72 onwards in chapter 3 of this statement. The government was able to fulfil demand for test kits throughout, although on a small number of occasions, particularly at the beginning of 2022, deliveries of LFD tests were phased over two weeks to smooth the delivery impact. This was because the outbreak of the Omicron strain along with the government's introduction of daily contact testing for close contacts had significantly increased the order volumes from education and childcare settings during December 2021 (Exhibit TG/208 – INQ000497946). The Operations Working Group mentioned within the exhibit was a group of officials (below senior civil servant level) that aimed to ensure alignment with NHS T&T. It was chaired by a DfE official and included representation from NHS T&T and DfE REACT teams. It met on a weekly basis from June 2021.
- 5.15. Testing pilots: DfE worked with DHSC on piloting new testing technology and techniques. For example, DfE supported DHSC on piloting mass LFD asymptomatic testing in schools and colleges in the autumn of 2020 (Exhibit TG/065 - INQ000497680 and TG/067 - INQ000497688). The pilots were commissioned by DHSC. As the LFD technology was still being developed in the early days of the pilots, a key part of DfE's role was planning what should be done in schools, colleges and HEIs when such technology became available. Outcomes of the mass asymptomatic testing pilots were eventually put to Covid O in December 2020, in a paper jointly written by DfE and DHSC (Exhibit TG/066 - INQ000497682).
- 5.16. Following the roll out of mass asymptomatic testing in HEIs in late 2020 and then schools and colleges in early 2021, DfE also supported a DHSC-sponsored study that piloted daily contact testing. Oxford University conducted an independent study on this subject between April and June 2021. The results were initially published by the University of Oxford on 23 July 2021 (Exhibit TG/143 - INQ000497885) and formally published in The Lancet on 14 September 2021 (Exhibit TG/209 - INQ000147233). This important scientific evidence fed into the government's plans for daily contact testing for close contacts which was introduced for fully vaccinated

adults and CYP aged between 5 and 18 years and 6 months in December 2021. This was a key moment in the government's response to the pandemic. It meant the government had the evidence to enable a different approach so that individuals would not need to self-isolate unless they tested positive. For example, CYP who were a close contact would not need to stay at home and could continue to attend their education setting.

### **Role of education settings in COVID-19 testing**

- 5.17. Education settings played a critical role in the local delivery of testing programmes. Initially, this role was relatively targeted. When only PCR testing was available, the role of education settings was focused on explaining to their workforce, parents and students where testing could be accessed and, in exceptional circumstances, providing them with a PCR test kit if they were unable to secure one through the usual channels (Exhibit TG/029 - INQ000497884 and TG/030 - INQ000497625 INQ000497625).
  
- 5.18. As mass asymptomatic LFD testing was introduced into education settings in late 2020 and early 2021, the success of the programme relied on the support of education settings. Piloting of mass asymptomatic testing in schools, colleges and HEIs in autumn of 2020 had shown that this approach could be effective in helping to reduce pupil absence (Exhibit TG/210 - INQ000497944). Delivering mass LFD testing in education settings (including schools and colleges) was a huge achievement and due entirely to the adoption of the programme by education settings. Examples of the significant contribution they made included:
  - 5.18.1. Securing consent: as the initial tests were conducted on-site, schools needed to secure consent from parents for their children to test on-site. If settings were unable to secure consent, children were still able to attend their education setting untested, as testing was voluntary (Exhibit TG/211 - INQ000497787).
  
  - 5.18.2. Providing staff and space for on-site testing at an ATS: education settings had to stagger the start of term to enable their students to test on-site using LFDs. To facilitate on-site testing in education settings, ATS were set up in nearly all secondary schools and colleges. Settings needed to provide a dedicated space/s, such as a large hall,

as well as provide dedicated staff to run the ATS. They had to order and train how to use PPE. This was a major undertaking for all schools, colleges and universities, especially as it was very disruptive, in terms of staff being diverted away from their usual duties, as well as school halls, typically used for exams, sports and assemblies, being used for COVID-19 testing.

5.18.3. Explaining how to test: as the first round of LFD tests were conducted on-site at settings at ATS, the education workforce was on the frontline: explaining to concerned staff, students and parents about how to test correctly. It was also education staff who often had to deal with anxious staff, parents and CYP and provide reassurance to them about the value of mass LFD testing to help ensure that both staff and CYP continued coming to their setting. Where students were unable to test themselves, such as some students in special schools and AP, there were several options available to settings and families. This included having a parent, carer or suitably trained member of staff assist with swabbing on-site or have the parent do this at home or supervise the child to do so. (Exhibit TG/212 - INQ000497832). If these specialist settings did not have enough staff to undertake assisted swabbing, for example, due to staff absence, DfE arranged for further support to be made available from Medacs Healthcare, if needed. DfE also provided support and guidance for schools on how to find volunteers to assist with on-site testing.

5.18.4. Recording test results: where testing was conducted on-site at an ATS, education settings were responsible for recording and uploading students' test results to NHS Test and Trace and then, in due course, UKHSA (Exhibit TG/213 - INQ000497838). Where testing was carried out at home, as set out in DfE's *Coronavirus (COVID-19) asymptomatic testing in schools and colleges guidance* document, "*Staff, pupils and students must report their result to NHS Test and Trace as soon as the test is completed either online or by telephone as per the instructions in the home test kit. Staff, pupils and students should also share their result, whether void, positive or negative, with their secondary school or college to help with contact tracing*" (Exhibit TG/214 - INQ000497918).

5.18.5. Supplying test kits: as LFD testing switched to home testing, settings were responsible for taking deliveries of LFD test kits and supplying them to their students and workforce. As the mass testing programme developed, all education settings (including nurseries, schools, colleges and universities) took on this role (Exhibit TG/212 - INQ000497832).

5.18.6. Communicating with students and education staff: as LFD testing switched to home testing, settings continued to play an important role in communicating directly with their workforce and their students about the importance of testing twice weekly, and then reporting those tests. DfE provided settings with some tools and techniques to encourage regular LFD testing and reporting of results, including through bulletins, blogs, webinars and via stakeholder groups (Exhibit TG/215 - INQ000497915). Many of the resources were later included and then publicised in the *Testing Participation Toolkit*, which was published in October 2021 by DfE (Exhibits TG/216 - INQ000497906 and TG/216a - INQ000497907).

5.19. Delivering regular LFD testing, especially on-site LFD testing at ATS, was a major undertaking for education settings. As detailed above, it meant settings needed to stagger the start of term, dedicate specific space for COVID-19 testing and train staff. The joint paper presented by DfE and DHSC at the Covid O meeting that took place on 10 December 2020 set out the rationale for ATS testing taking place in schools and colleges, as well as DfE's confidence that, while challenging logistically, many schools and colleges would be keen to take up this offer (Exhibit TG/082 - INQ000075484). Despite these challenges, education settings engaged early in the planning and delivery of mass LFD testing. As set out in a submission on regular asymptomatic testing on 8 January 2021, "*over 70% of secondary schools/colleges in scope have now registered to deliver testing and a quarter have now started testing (with over 60,000 tests taken)*" (Exhibits TG/113 - INQ000497723 and TG/113a - INQ000497724). Put simply, mass LFD testing in schools and colleges would not have been possible without education staff rising to the challenge and making significant personal sacrifices to make it happen, such as working over holidays and weekends to set up ATS in their settings along with governors, parent volunteers and other volunteers helping with testing arrangements.

5.20. Settings did have some additional sources of government support, both from DfE and from OGDs and agencies:

5.20.1. Funding: additional grant funding was provided via ESFA to cover the additional workforce and other costs involved in delivering on-site testing at an ATS (Exhibit TG/110 - INQ000497758).

5.20.2. Guidance: DfE published visual and easy-to-understand 'How To' guides and resources on how to deliver each aspect of the mass testing programme including on-site testing at an ATS, at home testing and testing in different settings (Exhibit TG/211 - INQ000497787, TG/212 - INQ000497832 and TG/213 - INQ000497838). This included a toolkit, available on DfE's G drive (Exhibits TG/216 - INQ000497906 and TG/216a - INQ000497907).

5.20.3. Communications: the government sent out direct communications to the public, including parents, young people and children about the importance of regular LFD testing, especially testing on return. For example, CO paid for targeted radio adverts, typically towards the end of each school holiday, to help remind parents and students about the importance of testing prior to returning to full-time school, college or university.

5.20.4. MACA: the army provided advice and attended planning meetings on how to deliver mass asymptomatic testing in advance of the planned re-opening of education settings in January 2021 and were on standby to assist settings if they did not have enough resource to provide testing, with approximately 500 military personnel available until 29 January 2021 to support schools and colleges to set up their testing capability (Exhibit TG/217 - INQ000497732). This was based on their experience of rolling out mass community asymptomatic testing over the course of autumn 2020, including one of the government's first mass asymptomatic testing trials in November 2020 (see paragraph 2.14 of this statement) (Exhibits TG/218 - INQ000497729, TG/218a - INQ000497730 and TG/218b - INQ000497731). In the event, settings took action and were broadly able to provide enough volunteers and staff themselves to provide LFD on-site testing so very few requests were made for army personnel to assist.

## COVID-19 testing participation, reporting and results

- 5.21. During the early months of the pandemic, all testing was done through PCR tests. Once done, COVID-19 PCR tests were sent to a laboratory for processing and the laboratory uploaded the result to the NHS Test and Trace website. NHS Test and Trace then sent the result to the participants. As PCR test kits did not rely on participants to upload the result, this meant that all results were reported and recorded. The key stakeholder groups that DfE ran during the pandemic did not record that any part of the workforce, parents or young people had difficulty understanding their PCR test result.
- 5.22. During the autumn of 2020, as set out above, the government began to pilot COVID-19 LFD tests. These were then used for mass testing in education settings, at first in HEIs and then in schools and colleges. LFD results were reported in one of two ways:
- 5.22.1. On-site LFD test at an ATS (for the pilots and then after the mass roll out): the results were recorded and reported by education settings with the results uploaded in bulk (for example up to 100 tests) to NHS Test and Trace. The result was also instantly reported orally by the education setting to the child or young person with the appropriate steps taken, such as a parent being contacted to collect the child if the child had tested positive and was unable to travel home by themselves. As the setting, rather than the student, was responsible for reporting test results and as the setting received funding for each test they uploaded, on-site testing appeared to achieve higher participation rates than at-home testing. However, this may be, in part, a reflection of higher reporting rates.
  - 5.22.2. At-home LFD test (after the mass roll out): as with the rest of society, the LFD result was recorded and reported by the child, young person or their parent to NHS Test and Trace either online or by telephone, as well as to their education setting. DfE guidance on testing in schools and colleges, which included a section on home testing, advised that staff, pupils and students *“must report their result to NHS Test and Trace as soon as the test is completed either online or by telephone as per the instructions in the home test kit”* (Exhibit TG/219 -

INQ000497934). DfE did not expect education settings to require students in schools and colleges to demonstrate to their setting that they had tested at home prior to attending school or had reported their test result. As with the rest of society, home LFD testing relied on the goodwill of children, young people and their parents to both test and upload their results.

- 5.23. As DfE's guidance had only ever been that LFD testing was advisory, not mandatory, education settings looked for ways to encourage testing and reporting of results. This became more pressing when surveys began to suggest that reporting of at-home testing results was particularly low, as set out at paragraphs 5.25 – 5.27 below.
- 5.24. A key focus of DfE's activity was to encourage and support CYP and the workforce to regularly test. This included regular communications to settings about the importance of regular testing as well as broader communications aimed at CYP, such as targeted radio adverts using influencers and social media. The testing and participation toolkit included best practice from schools and colleges on raising participation levels (Exhibits TG/216 - INQ000497906 and TG/216a - INQ000497907). Furthermore, DfE blog posts were provided explaining why reporting test results was important (Exhibit TG/220 - INQ000497917).
- 5.25. Once the vast majority of LFD testing began to be done at home, variable levels of reporting meant that the data on testing participation levels was never fully known for CYP, nor the rest of society, and results, particularly negative results, were often not uploaded.
- 5.26. As regular LFD testing progressed, DfE received stakeholder feedback that testing reporting was perhaps a more significant issue than actual testing participation. For example, United Learning surveyed students across 34 of its schools. Approximately 7100 students completed the survey. United Learning compared the reported test results for these schools with the data the students had provided. They concluded that only around 7% of all tests taken across the 34 schools were being reported by students (Exhibit TG/221 - INQ000497865).
- 5.27. This was further supported by a DfE omnibus survey. One omnibus survey was carried out between November 2021 and January 2022. 4000 secondary school students completed it. In this survey, 68% of pupils said they had taken at least one

LFD test in the past seven days and 46% had taken at least two tests in that time (Exhibit TG/222 - INQ000497834). By way of comparison, only 22% of LFD tests distributed to schools reported their test results (Exhibit TG/131 - INQ000496252). At the time, this evidence indicated that reporting of results was a more significant issue than testing participation.

- 5.28. DfE held workshops and engaged directly with young people to better understand testing participation and reporting behaviour. In October 2021, DfE worked with a youth engagement organisation called Participation People (Exhibits TG/223 - INQ000497869 and TG/223a - INQ000497870) to organise a student focus group with students and pupils aged between 13 and 19 years old. DfE used the focus group to gain a better understanding of young people's views on testing and vaccination take-up, perceived barriers to this and what could be done to encourage take-up, including identifying trusted sources of information for young people. DHSC used the result of this and other focus groups to produce education focused content for social media platforms such as TikTok and Snapchat. This education focused content, produced by DHSC, was then shared by DHSC directly by content creators to feel organic to an audience that, according to insight, did not particularly trust government messaging.
- 5.29. DfE also worked with the Youth Policy Development Group ("YPDG"), sponsored by the Department for Culture, Media and Sport ("DCMS"). YPDG brought together a cohort of 40 young people, selected by an agency appointed by DCMS, for four months that could be consulted on policies by central government departments and ministers. The YPDG commissioned a survey of CYP views on COVID-19 testing and vaccinations and reviewed the available literature and data. The group then put together a slide deck with their analysis and recommendations, which was presented to MoSSS on 7 December 2021 (Exhibits TG/224 - INQ000497815 and TG/224a - INQ000497816).
- 5.30. The YPDG presented three overarching recommendations. These focused on making it easier for CYP to test and report their results, using 'familiar faces' that come from a similar background to most CYP to persuade them to report and use schools as an effective forum to monitor take-up and hold discussions about testing. As these proposals were received by DfE just before Christmas 2021 and the government started to plan for the end of regular testing in education settings shortly

thereafter, there was not time to implement the recommendations provided. DfE is not aware that the information gathered from the exercise was used elsewhere.

### **Mass LFD testing programme and equalities**

- 5.31. When considering the equalities impact of the mass LFD testing programme in education, it is important to understand the wider context. Mass testing was intended to enable more CYP to get back into face-to-face education at a quicker pace than would otherwise have been achieved. Bringing CYP back into face-to-face education was seen as having significant positive equality impacts for all CYP, and particularly those who might struggle to learn remotely. The equality analysis recognised that those groups who stood to benefit most from the return to face-to-face education were also those who may be less likely to engage with testing (CYP from disadvantaged backgrounds) or find it challenging or uncomfortable to test (CYP who had SEN or certain disabilities). LFD testing was always voluntary and so a key focus for DfE was to consider ways to improve take up among CYP, including among those less likely to test, to ensure that everyone could get back into face to face education as quickly as possible.
- 5.32. This section sets out the equality considerations around:
- 5.32.1. Use of LFD pilots in secondary schools in 2020.
  - 5.32.2. Introduction of mass LFD testing into schools and colleges in 2021.
  - 5.32.3. The continuation of testing from summer 2021 to winter 2021/22; and
  - 5.32.4. The end of regular LFD testing in mainstream education settings in 2022.
- 5.33. DfE considered the equality impacts of introducing COVID-19 testing into education settings. In some cases, this formed part of a larger EQIA on a combination of COVID-19 measures being deployed in settings, such as the partial easing of restrictions in June 2020 (Exhibit TG/225 - INQ000075443). In other cases, specific EQIAs were prepared on changes to the testing programme. This section will focus on those specific EQIAs. In a few cases, DHSC provided the EQIA, for example, the equality analysis of the proposed mass testing pilot that was run by Porton Down (the PHE Research Centre) starting in October 2021 (Exhibits TG/065 - INQ000497680

and TG/065a - INQ000497681). Examples of specific equality analyses in relation to introducing and/or changing the testing programme are shared below.

### **LFD pilots in secondary schools in 2020**

- 5.34. An equality analysis was provided within the submission to SSHSC and shared with SSE concerning the proposed LFD mass testing trial in four schools and run by Porton Down (Exhibit TG/065a - INQ000497681). SSHSC was responsible for providing approval to proceed with the proposed trial, however, SSE was to have sight of the submission.
- 5.35. The equality analysis explained that improving access to testing by expanding coverage in schools would likely improve outcomes within all population groups, including disadvantaged groups. However, DHSC officials went on to advise that certain disadvantaged groups were less likely to engage with testing services for a range of reasons and this could impact their ability to engage in wider society if mass testing became a universal requirement in some settings. The analysis also explained that the pilot would help to better understand accessibility requirements surrounding the equipment used so that equality impacts could be better understood.
- 5.36. SSE noted the proposal and DfE officials' recommendation for SSE to endorse SSHSC's decision to approve the trial (Exhibit TG/065 - INQ000497680). SSE instructed his senior private secretary to flag several points with SSHSC's private office. These points included DfE welcoming the pace and ambition to develop a scalable model for mass testing in schools and expanding the age range to 11-18. Additionally, DfE officials also wanted to flag that DfE would support and facilitate the proposed pilots, but DHSC would be responsible for their delivery and accountable for their outcome.

### **Introducing mass LFD testing into schools and colleges in 2021**

- 5.37. Introducing mass LFD testing: following the LFD pilots in secondary schools and prior to the roll out of mass LFD testing, DfE officials provided SSE with equalities impact advice on the mass LFD testing in schools and colleges. This included equality advice within a submission on 17 December 2020 which considered potential risks and flagged the importance of conducting evaluations to understand equalities

impacts and implement mitigations. An example of a potential risk flagged by DfE officials related to individuals with accessibility requirements being unable to access testing facilities which could potentially lead to their exclusion from everyday life. Access to university was highlighted as one potential exclusion if weekly testing was required by universities, as a disabled student unable to complete a test for reasons related to disability would be disproportionately impacted (Exhibit TG/097 - INQ000497712). A submission, including a full EQIA, was also submitted to SSE on 18 December 2020 where the decision to stagger the start of term to ensure students could be tested in advance was proposed (Exhibit TG/226 - INQ000497715). There were further submissions and EQIAs on 7 January 2021 and 26 January 2021 concerning the full roll out of regular LFD testing (Exhibits TG/227 - INQ000075582 and TG/230 - INQ000497735). Furthermore, SSE received an EQIA, as part of the advice he received on 16 February 2021, on the full easing of attendance restrictions on 8 March 2021 (Exhibit TG/228 - INQ000226739 and TG/229 - INQ000226740). In these pieces of advice, DfE officials set out several equality impacts and associated mitigations which have been summarised below.

- 5.38. Equality advice recognised the overall benefits of mass testing to students. It would help to bring down transmission rates within settings because positive cases would be identified and would self-isolate rather than spreading infection within a setting (Exhibit TG/226 - INQ000497715). This would have a positive impact as it would enable a greater number of CYP to return to face-to-face education and minimise the need for remote education.
- 5.39. Equality advice recognised at an early point that participation in testing was likely to be lower among CYP from disadvantaged groups (Exhibit TG/230 - INQ000497735). The advice noted that service evaluations and monitoring would be used to mitigate this risk as the roll out expanded (Exhibit TG/097 - INQ000497712). Insights from the monitoring and evaluation would then feed into the future design of the testing programme as well as work by regional DfE teams and the equality and diversity teams in NHS Test and Trace (Exhibit TG/230 - INQ000497735). DfE officials advised SSE in the 7 January 2021 submission that language could also be a barrier to parents giving consent for on-site testing (Exhibit TG/227 - INQ000075582) and so model consent forms were provided in a range of languages to widen access (Exhibit TG/230 - INQ000497735). In advance of Ramadan in April 2021, DfE also shared, via the daily sector bulletin, The British Islamic Medical Association's view that taking

PCR or LFD tests during Ramadan did not invalidate the fast (Exhibit TG/231 - INQ000497753).

- 5.40. The earlier equalities advice on 17 December 2020 recognised the need for a better understanding of the accessibility surrounding each piece of testing technology used so that the impact on equalities could be properly understood and mitigations be put in place (Exhibit TG/097 - INQ000497712). This was followed up by the 7 January 2021 submission to SSE (Exhibit TG/227 - INQ000075582) and the 26 January 2021 submission to SSE (Exhibit TG/230 - INQ000497735) which set out that some CYP with SEND were unable to self-swab when testing. The 26 January 2021 submission to SSE then explained that mitigations were being put in place. The mitigations included publishing guidance that outlined strategies to help reduce anxiety and make reasonable adjustments where needed, for example, guidance on supervised or assisted swabbing by a trusted adult or working with a parent on-site to swab or supervise (Exhibit TG/230 - INQ000497735). Continuing testing in special schools, AP and SEND units within schools and colleges was considered to provide reassurance to students and parents that transmission would be tracked and managed, as well as helping to protect the health of individuals that may have been more susceptible to COVID-19.
- 5.41. The 18 December 2020 EQIA further identified that mass testing at the start of the spring term in 2021 would provide a safer environment for clinically vulnerable children and staff. Cases (including asymptomatic ones) would be identified, and it would likely result in transmission being reduced (Exhibit TG/226 - INQ000497715). Similar points were included in the EQIA cover note and the EQIA provided to SSE on 16 February 2021 about the easing of attendance restrictions on 8 March 2021 (Exhibit TG/228 - INQ000226739 and TG/229 - INQ000226740).
- 5.42. The 18 December 2020 EQIA identified that groups with protected characteristics at potentially greater risk (male staff, older members of staff and minority ethnic staff) were likely to benefit from mass testing. Mass testing would help further limit the risks of transmission for these individuals attending or working in these settings (Exhibit TG/226 - INQ000497715). The 26 January 2021 submission to SSE also highlighted that mass testing should be a helpful mitigation because it could improve outcomes for all groups by reducing transmission levels, including within high-risk groups (Exhibit TG/230 - INQ000497735). Similar points were put forward within the EQIA

cover note and EQIA provided to SSE on 16 February 2021 (Exhibit TG/228 - INQ000226739 and TG/229 - INQ000226740).

### **The continuation of testing from summer 2021 to winter 2021/22**

- 5.43. SSE also received equalities advice on testing over summer and autumn 2021. On 17 June 2021, SSE received a submission from DfE officials that set out DfE's strategy for COVID-19 measures, including testing in education settings over the summer and autumn term 2021 (Exhibit TG/153 - INQ000075583). The advice proposed that testing should continue in settings that remained open over the summer holidays with other settings providing on-site testing when they reopened at the start of the autumn term. The submission included an EQIA on testing (Exhibit TG/232 - INQ000497879).
- 5.44. The EQIA recognised that a small number of CYP with disabilities would be unable to test at home over the summer as they would require specialist assistance. It concluded though, on balance, this would only impact a small number of children, and they could re-start on-site testing at the start of the new academic year. The EQIA also mentioned that those with disabilities were over-represented in those groups that were not regularly testing, but mitigations had been put in place, including staff training to assist with swabbing and medical assistance through a third party (Medacs Healthcare), as well as exploring more accessible testing technology (Exhibit TG/232 - INQ000497879).
- 5.45. The EQIA also advised that CYP from minority ethnic groups and disadvantaged groups were less likely to carry out regular LFD tests. This was a national issue across the whole of society and not limited to CYP in education settings. DfE worked with the DHSC equalities team to better understand the reasons for this issue. As a mitigation, it was proposed to conduct further user research to better understand any equalities impact and build learning into the future design of at-home LFD testing. This would sit alongside work to improve the digital user journey and stronger strategic communications designed to help mitigate the risk that those who experienced a language barrier would be unable to access testing guidance (Exhibit TG/232 - INQ000497879). As set out above, in autumn 2021, DfE worked with a youth engagement organisation called Participation People (Exhibit TG/223 - INQ000497869) to gain a better understanding of young people's views on testing

participation and reporting (see paragraphs 5.28-5.29 of this statement for more information).

- 5.46. On 16 November 2021, DfE officials sent advice to SSE on continuing regular LFD testing when settings returned after the 2021 Christmas holidays (see paragraph 3.146 of this statement for more information). This would include one on-site test for secondary school pupils only and one test at home for all other groups (FE/HE students and the workforce). The submission contained an EQIA setting out the equality considerations (Exhibit TG/233 - INQ000075622).
- 5.47. The assessment identified some positive and negative impacts on those with different types of disability. On the one hand, the EQIA found that continuing regular testing into spring term 2022 would help to reduce the number of cases in settings, which would provide a safer environment for students who may be at more risk from contracting COVID-19 or from those who would be most negatively affected by missing out on face-to-face education. On the other hand, the assessment recognised that LFD testing could have negative mental health impacts on CYP with different types of conditions that made testing more stressful. This impact would be mitigated through measures to make swabbing more accessible, including staff training, nasal-only swabbing and medical assistance from Medacs Healthcare.
- 5.48. In terms of age, the EQIA also identified that as only secondary school pupils were being asked to test on-site (upon their return to school), this could lead to more false positive results as greater numbers would be tested compared to others testing at home. As a result, more would likely need to self-isolate and lose out on face-to-face education. However, it was considered that this was outweighed by the benefits in helping to reduce COVID-19 transmission in secondary schools and in turn indirectly keeping a greater number of children in face-to-face education.

#### **The end of regular LFD testing in mainstream education settings in 2022**

- 5.49. On 7 February 2022, alongside the CO's Covid O paper on ending regular LFD testing in mainstream settings, SSE received an EQIA on the same subject matter from DfE officials (see paragraph 3.159 of this statement for more information) (Exhibit TG/194 - INQ000075656). DfE officials set out an overview of assessment of

negative and positive impacts across the protected characteristics. In summary, some of the impacts and intended mitigations included:

- 5.49.1. Individuals from minority ethnic groups: the EQIA identified the potential negative impact that ending regular testing could have on staff members from these groups, especially for those who were older or unvaccinated. It was considered that this risk was mitigated by giving the settings the option to reintroduce regular testing if there was a rise in case rates (known as targeted testing) alongside greater take-up of the COVID-19 vaccine (Exhibit TG/194 - INQ000075656).
- 5.49.2. Individuals with disabilities: the EQIA identified the risk that CYP with SEND could be negatively impacted by the ending of regular testing in mainstream settings. However, this was considered to be mitigated by continuing regular testing in special schools, AP and SEND units within schools and colleges, including on-site testing for those unable to test at home.

## **6. COVID-19 contact tracing, DfE and education settings**

- 6.1. This chapter will address issues concerning contact tracing within educational settings. It will not set out a chronology of contact tracing decisions and activities as this has been set out in detail in chapter 3. Instead, this chapter will focus on issues that the Inquiry has asked DfE to provide further information on. This chapter will cover the following:
- 6.1.1. The use and role of the NHS COVID-19 app in educational settings.
  - 6.1.2. Delivery concerns in educational settings.
  - 6.1.3. Advice provided by DfE on the use of students' and staff's data as part of DHSC tracing policies.
- 6.2. SSHSC was responsible for contact tracing policy. DHSC, rather than DfE, were also responsible for determining if contact tracing policies were effective in public health terms.
- 6.3. DfE worked closely with DHSC and its partner agencies, including the NHS, NHS Test and Trace and PHE on the formation of a contact tracing policy. DfE's input was focused on providing education policy advice, advising DHSC and its agencies (PHE and UKHSA) on what may be needed to make their contact tracing policies deliverable for education settings. Chapter 3 of this statement provides more detail on the interaction from February 2020 to March 2022.
- 6.4. DfE provided operational guidance and communications to settings throughout the pandemic, including in relation to contact tracing. However, it remained the responsibility of individual settings to comply with their health and safety obligations.

### **The use and role of the NHS COVID-19 app in educational settings**

- 6.5. This section will provide an overview of the following:
- 6.5.1. The role of the app in education settings.
  - 6.5.2. Guidance provided by DfE to education settings.
  - 6.5.3. Assessment of the use of the app in education settings.

6.5.4. Feedback on implementation of the app.

6.5.5. Impact of the 'pingdemic'.

### **The role of the app in education settings**

- 6.6. Launched on 24 September 2020 and in use until April 2023, the app was a voluntary contact tracing app for monitoring the spread of COVID-19 in England and Wales. The app could be used by anyone aged 16 or over and was available on Android and IOS smartphones. Therefore, the app was available to download by many students in year 11, anyone in years 12 and 13, those in FE colleges, other FE providers, universities and all staff in education and childcare settings.
- 6.7. It is important to note that, by the time the app launched, education and childcare settings had established contact tracing systems in place. The app did not replace these systems. The agreed process for ensuring a setting was aware of a positive case, as set out in the *Guidance for full opening of schools* (Exhibit TG/234 - INQ000497922) and *Further education colleges in the autumn term* (Exhibit TG/235 - INQ000497921), remained in place. Settings continued to manage the contact tracing process, but the app was more useful for interactions for education and childcare staff and CYP outside of their setting, such as on public transport.
- 6.8. DfE's role was to provide advice to NHS X on implementing and launching the app in education and childcare settings. DfE collaborated with NHS X to develop guidance to education and childcare settings on how to use the app alongside their existing contact tracing role and published guidance through established education sector channels (see paragraph 2.26 for more detail on DfE communication activities) (Exhibit TG/031 - INQ000497629 and TG/032 - INQ000497630). DfE also worked with DHSC and DHSC partner agencies to ensure the app did not lead to incorrect notifications for staff and students to self-isolate. DfE officials recommended that the app be piloted within education settings to ensure it was appropriate and did not cause issues in settings, for example, children and staff needing to self-isolate unnecessarily. See paragraphs 6.19 to 6.25 for more detail on app implementation.
- 6.9. However, DfE did not focus on the effectiveness, efficacy or impact of the app within or outside education and childcare settings. DfE also did not gather or hold data on the take-up of the app among education and childcare staff and students. Therefore,

DfE was unable to assess who did not or could not use the app or take steps to mitigate any lack of access to the app.

### **Guidance provided by DfE to education settings**

- 6.10. While DfE was not involved in developing the app, DfE did work with DHSC and DHSC partner agencies to develop guidance for schools and FE settings which set out the key principles of the app, how it should be used within an education setting and how it integrated with processes for managing contact tracing within settings (see paragraphs 3.33 and 3.46 of this statement for more information). As with other guidance, guidance developed by DfE in collaboration with DHSC and partner agencies would be reviewed by DHSC and partner agencies ahead of publication (Exhibit TG/041- INQ000497923 and TG/042 - INQ000497637). Draft app guidance was also shared with education and childcare stakeholders including MATs, responsible bodies and charities (Exhibit TG/243 - INQ000497901). See paragraph 6.29 for more detail.
- 6.11. Students in HE settings were not referred to within the app guidance published on 22 September 2020 (Exhibit TG/041 - INQ000497923) as it was expected that, given the age of the HE cohorts involved, students and staff in HE settings would follow the guidance produced for the general public and workplaces (Exhibit TG/042 - INQ000497637).
- 6.12. In advance of the app launch, stakeholder groups were sent a draft copy of the guidance and were also given notice of the guidance publication date. School and FE stakeholders were also able to access DHSC and NHS resources to support the roll out and use within settings (Exhibit TG/236 - INQ000497662).
- 6.13. The app guidance on *Use of the NHS COVID-19 app in schools and FE colleges* was published on 22 September 2020 (see paragraph 3.46 of this statement for more information) (Exhibit TG/041 - INQ000497923). It initially applied to schools and FE colleges, but was then expanded to include all education settings, EY and childcare settings from 6 November 2021 (Exhibit TG/022 - INQ000497937). The guidance mirrored the national guidance and ensured that education leaders, staff as well as CYP and parents had the latest advice and understood how the app should be used in their setting. For example, the guidance was updated on 15 June 2021 to cover

four situations for pausing the app when an individual would not be able to have their phone with them in an education setting or because it was stored in a locker or communal area (Exhibit TG/237 - INQ000497925).

- 6.14. The guidance *Use of the NHS COVID-19 app in education and childcare settings* was withdrawn on 17 August 2021. Individuals were redirected to the *Get help using the app* page on the NHS website. This change in guidance mirrored the shift in contact tracing responsibilities from education settings to UKHSA, which occurred in July 2021.
- 6.15. DfE continued to provide COVID-19 operational guidance and updated the tracing close contacts and isolation section of the guidance on 19 July 2021 (Exhibit TG/238 - INQ000497926) and 17 August 2021 (Exhibit TG/239 - INQ000497927). DfE also provided contact tracing and isolation frequently asked questions (“FAQs”) (Exhibit TG/240 - INQ000497801).
- 6.16. This updated guidance informed settings that they only needed to do contact tracing up to and including 18 July 2021. After this date, close contacts would be identified via NHS Test and Trace and education settings would no longer be expected to undertake contact tracing.
- 6.17. As with positive cases in any other setting in society, NHS Test and Trace would work with the positive case or their parent to identify close contacts. Settings were also informed that they could be contacted in exceptional cases to help NHS Test and Trace with identifying close contacts.

#### **Assessment of the use of the app in education settings**

- 6.18. As DfE did not own or develop contact tracing policies and SSE was not involved in advising or deciding on contact tracing policy, EQIAs were not carried out to assess policy. This responsibility would have rested with DSHC as the policy owners.
- 6.19. DfE did not carry out any specific equalities assessment in relation to contact tracing or the use of the app in education settings. DfE officials did consider app implementation issues for settings and made proposals to SSE and DHSC to address these issues. The implementation issues included delaying the app roll out until late September 2020, implementing a clear communication strategy, amending

wording on app alerts and piloting the app with 16 and 17 year olds in education settings ahead of the app launch. Further information on each implementation issue can be found below.

- 6.20. Delaying the app roll out: in August 2020, DfE officials proposed that the rollout be delayed from the proposed launch date of 10 September 2020 to late September 2020 to allow more time to engage with stakeholders, communicate with settings and prepare guidance (Exhibits TG/031 - INQ000497629 and TG/032 - INQ000497630).
- 6.21. DfE officials recognised that the app could be a powerful addition to the NHS Test and Trace programme but identified that the proposed timings for roll out would be as schools and colleges returned for autumn term 2020 and would be bedding in measures to manage COVID-19 transmission risks. DfE officials provided advice to DfE ministers on the implementation of the app in settings (Exhibit TG/032 - INQ000497630). The decision to launch on 24 September 2020, instead of 10 September 2020, was a DHSC decision (Exhibit TG/056 - INQ000497636).
- 6.22. Implementing a communication strategy: DfE wanted to ensure a clear communication strategy was in place before the app's launch so that settings were aware of the app, its purpose and functions. DfE considered that this would enable settings to determine how the app would work in their specific setting. Awareness of the following was considered:
  - 6.22.1. How the app would interplay with existing rules on mobile phones in settings. Mobile phone policy was a particular concern for schools at the time as schools wanted pupils to continue to adhere to the setting's mobile phone policy after the app had been launched. Guidance issued ahead of the launch made clear that there was no requirement for settings to change existing policy on the use of mobile phones by students due to their use of the app (Exhibit TG/041 - INQ000497923).
  - 6.22.2. If the app could be misused.
  - 6.22.3. How the functions of the app related to the processes adopted by settings for managing confirmed cases, including their processes for engaging with NHS Test and Trace and their local PHE HPTs.

- 6.22.4. How to communicate with all pupils about the use of the app within the setting, including any rules in place to pause the app.
- 6.22.5. What support should be offered to pupils should the app notify them whilst on the premises that they are at high risk of contracting COVID-19 or have been in close contact with a confirmed case.
- 6.22.6. What should be communicated to parents about the use of the app by their children in the setting.
- 6.23. Amending the wording on app alerts: DfE officials provided advice on app implementation to DfE ministers. The advice provided background information and explained that DfE agreed with DHSC and partner agencies that the app should not be made available for children younger than 16 years old given concerns around the potential for the app to be misused or cause anxiety for younger children as well as concerns around children's maturity and the Gillick competence principles. Gillick competence is used in medical law to decide whether a child (under 16) is able to consent to their own medical treatment. If the app were to be made available to under 16s, DHSC would have likely needed a process to assess Gillick competence (Exhibit TG/032 - INQ000497630).
- 6.24. The advice also explained that DfE agreed with DHSC that the app was suitable for anyone aged 16 and over and worked with DHSC to agree minor textual changes to alerts about risk or contact with a positive case, advising those under 18 to speak to a responsible adult. This change helped to address DfE concerns about 16 to 17 year olds being made anxious about the alerts and responding incorrectly (Exhibit TG/032 - INQ000497630).
- 6.25. Piloting the app: DfE officials proposed to SSE that 16- to 17-year-olds should pilot the app, including within education settings, to ensure it was appropriate and did not cause operational or behavioural issues in settings. However, DHSC and partner agencies felt that a pilot would not provide useful information and could not be done without creating a whole new app for 16- to 17-year-olds or pausing the roll out of the app for the whole of society. SSE advised that he did not agree with the piloting proposal on 8 September 2020 and the app was not piloted (Exhibit TG/056 - INQ000497636).

#### **Feedback on implementation of the app**

- 6.26. DfE received feedback from stakeholders across education and childcare sectors about the implementation of the app via a range of meetings and forums. These groups included the Stakeholder Advisory Group (“STAG”), the Schools Recovery Advisory Group (“SRAG”) as well as the HE taskforce and REACT meetings. Feedback was requested prior to the launch of the app and during implementation.
- 6.27. DfE shared stakeholder feedback about the app with DHSC and partner agencies prior to its implementation to enable it to be acted upon. DfE was not responsible for the implementation of the app in education settings. In advance of the launch, DfE published guidance about the app, how it worked and how to use it within settings (Exhibit TG/241 - INQ000497924).
- 6.28. In advance of the app launch, DfE organised meetings between stakeholders from across education and childcare sectors, DHSC and DHSC partner agencies. In July 2020, DfE, DHSC and DHSC partner agencies met with CEOs of academy trusts, the Teaching Schools Hub Council, steering group members from the National Network of Parent Carer Forums and board members from the Young Camden Foundation via the SRAG to discuss the implementation of the app (Exhibit TG/242 - INQ000497897). At this meeting, NHS officials led an agenda item that sought views on the app being made available for children under the age of 18. Education and childcare stakeholder feedback advised there was general agreement that the app should not be made available to children under the age of 16 and that children aged 16 or above with complex needs would be unlikely to have a mobile phone to access the app.
- 6.29. On 8 September 2020, SRAG which included DfE officials and education and childcare stakeholders, held a second meeting where NHS officials were in attendance and the app featured as an agenda item (Exhibit TG/243 - INQ000497901). Stakeholders were given a demonstration of the app, and the meeting discussion included the potential impact on setting mobile phone policies, a potential trial of the app with 16 to 17 year olds and the app’s tracking ability. Stakeholders were given access to an app introduction pack (Exhibit TG/244 - INQ000227681) and draft app guidance (Exhibit TG/245 - INQ000497911) to review and provide feedback to NHS officials. Feedback from stakeholders provided during this meeting and noted in the meeting notes, included viewing the app as helpful,

raising concerns about use of mobile phones and possible parental objections (Exhibit TG/243 - INQ000497901).

- 6.30. A DfE HE Missions Group meeting held on 16 September 2020, attended by DfE officials, Department for Business, Energy and Industrial Strategy (“BEIS”) and heads of the HE sector representative organisations, advised that the app featured as one of the key themes from the university COVID-19 testing roundtable (Exhibit TG/246 - INQ000497661). Meeting notes identified a keenness to get the app widely disseminated as a key tool to reduce transmission rates.
- 6.31. Following the launch, the app was discussed in REACT meetings and in the STAG. In October 2020, DfE received feedback on what worked less well. This feedback included examples where staff had been receiving alerts via the app for periods when their mobile phones had been left in communal areas (e.g. left in staff lockers with the phone owner not present) or in adjacent classrooms (Exhibit TG/247 - INQ000497908). As a result, some education settings had advised staff to turn the app off.
- 6.32. DfE also received feedback on confusion around when staff should have the app turned on and questions on how confident settings could be about the app’s effectiveness in school settings (Exhibit TG/248 - INQ000497862 and TG/249 - INQ000497856).
- 6.33. In November 2020, DfE officials and ministers met with trade unions and representative bodies as well as school stakeholder organisations at the STAG. On 11 November 2020, the STAG held a meeting where NHS officials were in attendance and the app featured as an agenda item (Exhibit TG/250 - INQ000497857). Feedback focused on raising questions about the use of the app in education settings, rather than its effectiveness. Queries centred on the use of the app within settings, including whether staff and CYP could or should turn the app off. Stakeholders were also keen to understand what to do when the app guidance was different to the advice provided by NHS Test and Trace. This latter point was also picked up in a REACT meeting as stakeholders advised that there seemed to be a possible disconnect around app advice telling staff to isolate when they may not have been in full contact with a colleague who had tested positive for COVID-19 (Exhibit TG/251 - INQ000497905).

## Impact of the 'pingdemic'

- 6.34. The period when the app was sending alerts to tens of thousands of people every day was dubbed the 'pingdemic'. This peaked in July 2021 with the number of self-isolation alerts sent in England during the week commencing 15 July 2021 at just under 700,000 (Exhibit TG/252 - INQ000497928). Between 17 June and 26 August 2021, the number of self-isolation alerts was over 200,000 in England.
- 6.35. DfE recognised the potential impact the 'pingdemic' could have on public confidence in July 2021 (Exhibit TG/253 - INQ000497785). During this period DfE continued to use attendance data, including workforce and pupil absence rates as reported directly by schools via DfE's daily education settings survey, to assess attendance impact and inform decision making (Exhibit TG/254 - INQ000497797).
- 6.36. Guidance to settings on 17 August 2021 provided an update to the contact tracing and self-isolation rule to explain that:

*"Individuals are not required to self-isolate if they live in the same household as someone with COVID-19, or are a close contact of someone with COVID-19, and any of the following apply:*

*they are fully vaccinated*

*they are below the age of 18 years and 6 months*

*they have taken part in or are currently part of an approved COVID-19 vaccine trial*

*they are not able to get vaccinated for medical reasons*

*Instead, they will be contacted by NHS Test and Trace, informed they have been in close contact with a positive case and advised to take a PCR test. We would encourage all individuals to take a PCR test if advised to do so.*

*Staff who do not need to isolate, and children and young people aged under 18 years 6 months who usually attend school, and have been identified as a close contact, should continue to attend school as normal." (Exhibit TG/239 - INQ000497927)*

- 6.37. Education workforce absence rose to 11% in July 2021. However, DfE also saw pupil attendance fall to 74% in July 2021 and, given that under 16s were not using the app, it may be the case that the rise in staff absence was driven by an actual rise in COVID-19 transmission rates (as it was in under 16s). It is therefore difficult to determine the role that the 'pingdemic' played in workforce absence.
- 6.38. In September 2021, absence figures had significantly improved for students and the education workforce. DfE officials considered that this was driven by changes in self-isolation rules which came into force on 16 August 2021 (Exhibit TG/254 - INQ000497797).
- 6.39. DfE also identified that the proportion of EY settings that were open during this period remained stable. This suggested to DfE officials that education workforce absences at that time either did not materially affect operating status or that the data collection was not sensitive enough to changes within the sector to reflect impacts in the data (Exhibit TG/255 - INQ000497821). DfE was aware of the impact that not applying self-isolation exemptions to education and childcare staff could have on EY settings and engaged with EY stakeholders about this in July 2021 (Exhibit TG/256 - INQ000497786).
- 6.40. DfE was also aware that wraparound childcare had seen an increase in staff needing to self-isolate and that this did lead to some closures of wraparound care provision over summer 2021. The staffing pressures did appear to ease once the self-isolation rules change came in on 16 August 2021 (Exhibit TG/257 - INQ000497820).
- 6.41. DfE used attendance data, including workforce absence rates and number of open settings, to assess impact and address issues relating to workforce shortages that could potentially lead to setting closures (Exhibit TG/255 - INQ000497821). DfE responded to potential workforce shortages in a number of ways including DfE encouraging qualified teachers and ex-teachers to temporarily join supply agencies. DfE also issued best practice sector examples of flexible ways to maintain face-to-face on-site provision (Exhibit TG/255 - INQ000497821 and TG/186 - INQ000497822) and provided additional funding (for a second time) from December 2021 to enable schools to increase staffing levels through the DfE COVID-19 workforce fund (Exhibit TG/258 - INQ000497809). This fund supported schools facing the greatest funding and staffing pressures to continue to deliver face-to-face education, especially where schools may have been struggling to pay additional staff from existing budgets.

## **Delivery concerns in educational settings**

- 6.42. This section will focus on the time from primary infection to tracing of contacts. When education settings managed contact tracing, DfE is not aware of any significant concerns that were raised by DHSC or its partner agencies about the turnaround time from primary infection to tracing of contacts. DfE does not hold any evidence of receiving such concerns from any education stakeholders. Once contact tracing was taken back from education settings by UKHSA on 19 July 2021, DfE did raise concerns about the turnaround times (Exhibit TG/259 - INQ000497796).
- 6.43. DfE's involvement in raising contact tracing concerns can be split into two periods:
- 6.43.1. Period one - concerns raised from May 2020 to 18 July 2021, when education settings managed contact tracing; and
  - 6.43.2. Period two - concerns raised from 19 July 2021 to 24 February 2022, when contact tracing was managed by UKHSA.
- 6.44. Decisions across education settings were informed by scientific and medical evidence, both on the risks of COVID-19 infection, transmission and illness, and on the known risks to CYP not attending education settings. For example, the *Evidence summary: COVID-19 - children, young people and education settings* published in February 2021 set out the evidence relevant to, and in support of, the government's decision to lift restrictions on education from 8 March 2021 (Exhibit TG/260 - INQ000075546). Government determined that a robust test and trace programme was a pre-requisite to widening attendance from 1 June 2020 (Exhibit TG/261 - INQ000497909). The phased reopening of educational settings from 1 June 2020 was guided by scientific advice (Exhibit TG/260 - INQ000075546) and was supported by but not dependent on the NHS Test and Trace programme.
- 6.45. DfE raised concerns about the conflicting advice provided by HPTs and NHS Test and Trace on which close contacts of positive cases in schools should be isolating during the launch of the NHS COVID-19 app in September 2020. (Exhibits TG/328 - INQ000606820 and TG/329 - INQ000606821) provides an example of DfE highlighting this issue to No. 10 on 10 September 2020. DfE explained that there had been a continued increase in settings sending groups of pupils home based on PHE

or DPH advice. DfE advised No. 10 that actions were being taken to mitigate this issue. These actions included working with PHE to investigate the consistency of the advice provided, capacity to provide advice and issuing a joint letter (Exhibits TG/330 - INQ000606822 and TG/331 - INQ000606823).

- 6.46. DfE officials provided advice to SSE on 28 May 2020, which stated that contact tracing would help to limit spread of COVID-19 by isolating symptomatic individuals and their contacts (see paragraph 3.20 of this statement) (Exhibit TG/017 - INQ000497873).
- 6.47. Exhibit TG/262 - INQ000497675 and TG/263 - INQ000497676 are about the requirement for settings to have contact tracing responsibilities over holiday periods following the return to wider opening from autumn 2020 (Exhibit TG/077 - INQ000497920). DfE's involvement in raising concerns about the implementation of the NHS COVID-19 app can be found in the NHS COVID-19 app section of this chapter, between paragraphs 6.5 and 6.33.
- 6.48. The management of contact tracing by education and childcare settings from May 2020 until July 2021 was a key part of the test and trace programme. At this early stage in the pandemic, government considered that settings were well placed to deliver this role. They held the most up to date information on their CYP and staff, were able to quickly communicate with parents and young people and were trusted by staff, parents and young people. Therefore, this was considered to be the most efficient and thorough way to do contact tracing for education and childcare settings. During this period, DfE was aware, through stakeholder groups, of the additional burden that contact tracing work placed on staff in education settings (Exhibits TG/264 - INQ000114988, TG/265 - INQ000497860 and TG/266 - INQ000497861). DfE worked to mitigate this burden, particularly during holiday periods, as set out below.
- 6.49. When NHS Test and Trace assumed contact tracing duties from 19 July 2021, DfE publicly stated:

*“Education and childcare settings have done a brilliant job in identifying contacts over the course of the pandemic, but it is very resource intensive. NHS Test and Trace already manage the contact tracing process for the rest*

*of society and have expertise in supporting people to identify close contacts.”*  
(Exhibit TG/240 - INQ000497801).

- 6.50. Although, as set out above, stakeholder groups had fed back on the burden involved in contact tracing, at this stage, DfE was contacted by a number of settings that did not want NHS Test and Trace to take over, as they felt that they remained best placed to fulfil this role for their students.
- 6.51. After raising stakeholder concerns about contact tracing responsibilities over holiday periods with PHE and DHSC during autumn term 2020, DfE took steps to support settings. DfE recognised the challenge in settings continuing to have contact tracing responsibilities over holiday periods and worked with DHSC and PHE to highlight and reduce this burden. Following PHE and then Prime Ministerial agreement, DfE advised settings that they would not be asked to play a role in any contact tracing beyond a six-day period following the final day of teaching (see 3.70 for more information). Beyond these six days, NHS Test and Trace would deal with positive cases (Exhibit TG/077 - INQ000497920, TG/267 - INQ000497691 and TG/268 - INQ000497692). DfE also advised that they would not ask settings to be on call at all times during this first six-day period. Instead, settings would be able to designate a limited period in the day to receive notifications of positive cases and advise close contacts to self-isolate (see 3.64 and 3.65 for more information) (Exhibit TG/079 - INQ000497696).
- 6.52. These changes were then applied to holiday periods in 2021 (Exhibit TG/141 - INQ000497754 and TG/269 - INQ000497763), until 19 July 2021, when settings were no longer required to manage the contact tracing process (as this was done by NHS Test and Trace).
- 6.53. As well as collaborating with DHSC, DHSC partner agencies, PHE and UKHSA to support settings with concerns about contact tracing responsibilities over holiday periods and the implementation of the NHS COVID-19 app, DfE supported settings by issuing FAQs (Exhibit TG/240 - INQ000497801) and communications (Exhibit TG/270 - INQ000497802), holding webinars (Exhibit TG/271 - INQ000497794), engaging with stakeholders and setting up the DfE COVID-19 helpline. DfE also supported settings by providing guidance (Exhibit TG/239 - INQ000497927 and TG/041 - INQ000497923), including guidance for EY and childcare providers (Exhibit

TG/022 - INQ000497937) which contained information and links to other relevant guidance to support settings with contact tracing.

**Concerns raised from 19 July 2021 to 24 February 2022 (when the contact tracing process was managed by NHS Test and Trace)**

- 6.54. Contact tracing was transferred from education and childcare settings to NHS Test and Trace on 19 July 2021. DfE took steps to communicate with stakeholders about contact tracing responsibilities moving from settings to NHS Test and Trace prior to implementation on 19 July 2021, and during the period after. In early July 2021, DfE ministers and officials met with trade unions, representative bodies and school stakeholder organisations via STAG, to update them on the contact tracing policy change (Exhibit TG/272 - INQ000497829).
- 6.55. While education and childcare settings were best placed in May 2020 to take on this role (see paragraph 6.48 above for more information), the balance had shifted by July 2021. The public health risks of the pandemic had diminished. The vaccine programme was available to all adults and the country had moved to Step 4 of the roadmap (final step of the roadmap) for easing restrictions on society. Furthermore, NHS Test and Trace had developed capacity and expertise since settings had taken on contact tracing. Government considered they were better able to take on this role and reduce burdens on individual settings.
- 6.56. However, education and childcare stakeholders did raise concerns that contact tracing through NHS Test and Trace was not as thorough, rapid or accurate as it had been when done through education and childcare settings. Stakeholders flagged concerns around capacity, safety and feasibility (Exhibit TG/273 - INQ000497859 and TG/274 - INQ000497824). For instance, they flagged slow response times from NHS Test and Trace and HPTs, and that this delay could result in close contacts continuing to attend settings whilst awaiting a PCR result. Settings were also concerned that this would increase virus transmission and posed a health and safety risk as it had the potential for an outbreak to manifest (Exhibit TG/259 - INQ000497796).
- 6.57. Stakeholders raised concerns about the lack of information provided by individuals about positive cases. If settings were not informed about positive cases, they could not provide NHS Test and Trace with contact details for unvaccinated staff members

to instruct them to isolate. Stakeholders explained that some settings felt they had been put in a vulnerable position as an employer, particularly where they were aware of contacts who were unvaccinated or clinically vulnerable.

- 6.58. Despite the burden managing the contact tracing process had placed on settings, stakeholders explained that settings continued to have an important role in the process when NHS Test and Trace took over responsibility as settings had the detailed information required to manage the process. Some settings reported that they were finding it challenging to stop contact tracing activities at the same time as complying with their own health and safety obligations and following public health advice from their local authority. In these instances, some settings decided to continue to undertake contact tracing responsibilities (Exhibit TG/259 - INQ000497796).
- 6.59. Stakeholders shared concerns over parental confidence with NHS Test and Trace, as parents were worried that their child could be more exposed to transmission of the virus due to delays with NHS Test and Trace. Stakeholders explained to DfE that some parents of SEND pupils had expressed concern relating to some children with SEND having additional clinical needs, which could put them at greater risk of impact from exposure. Additionally, young children and SEND pupils might be unable to identify close contacts when interacting with NHS Test and Trace.
- 6.60. DfE continued to support settings and sought to address concerns about capacity, safety and feasibility. DfE worked closely with DHSC and its partner agencies to update operational guidance, update the contingency framework and develop contact tracing FAQs (Exhibit TG/275 - INQ000497798, TG/240 - INQ000497801 and TG/276 - INQ000497774). DfE also held and organised meetings with stakeholders and DHSC officials (Exhibit TG/259 - INQ000497796). DfE challenged DHSC on conflicting advice provided by BEIS on staff cases and NHS Test and Trace on required actions by education settings to report staff cases within the workplace. Steps taken by DfE resulted in DHSC changing their advice to no longer recommend that education settings should contact the NHS self-isolation hub to report staff cases (Exhibit TG/275 - INQ000497798). DHSC updated their guidance at the same time and DfE requested that DHSC issue communications to DsPH and PHE to clarify the position and rationale (Exhibit TG/277 - INQ000497945).

- 6.61. DfE continued to engage with stakeholders. DfE invited NHS Test and Trace officials to attend a STAG meeting to engage directly (Exhibit TG/273 - INQ000497859). DfE held a webinar for school and college leaders where contact tracing questions were discussed (Exhibit TG/271 - INQ000497794) and provided further information about contact tracing via the DfE daily sector bulletin (Exhibit TG/270 - INQ000497802). The DfE daily sector bulletin also signposted settings to updated guidance, including the contact tracing FAQs (Exhibit TG/240 - INQ000497801).
- 6.62. In January 2022, DHSC decided to give under 18s digital online access to the NHS Test and Trace tracing journey (Exhibit TG/278 - INQ000497806). This meant under 18s could be notified if they tested positive for COVID-19 by text, email or phone as well as providing information on their recent contacts. DfE officials considered the impact, as shown within the EQIA included within the SSE and ministerial briefing note, and took steps to mitigate the potential impact through proactive communications to settings and parents (Exhibit TG/279 - INQ000497823).

**DfE advice on the use of student and staff data (as part of DHSC tracing policies)**

- 6.63. This section covers the advice provided by DfE on the use of personal data as part of DHSC contact tracing policies. DfE did not lead on any specific contact tracing privacy policies, but supported DHSC and DHSC partner agencies on what data protection guidance would be helpful to support settings with their data protection obligations. DfE was heavily involved in the drafting process, engaging directly with DHSC officials and the assigned project team to create resources and templates for settings to use.
- 6.64. The DfE daily sector bulletin advised education settings that they could access resources via the schools and colleges document sharing platform to support the rollout of rapid testing. Although not specific to contact tracing, these resources provided information about the use of student and staff personal data as part of the TTI system (Exhibit TG/280 - INQ000497719).
- 6.65. The resources included a consent form template for settings to issue to parents to provide consent for their child to participate in testing (Exhibit TG/281 - INQ000497720), a privacy notice for settings (Exhibit TG/282 - INQ000497718), a

privacy notice for parents (Exhibit TG/283 - INQ000497717) and data protection FAQs (Exhibit TG/284 - INQ000497912).

6.66. In summary, the resources provided the following advice in relation to contact tracing:

- 6.66.1. Personal data provided when registering for a test would be used to inform individuals if they tested positive. For children, personal data provided by parents when registering their child for a test would be used and the named parent of the child informed of a positive test.
- 6.66.2. In the event of a positive result, in addition to sharing the result with the named parent, settings would share the result only with appropriate contacts in the setting to allow required individuals to start the required self-isolation process. Settings would not inform any unauthorised individuals about the result.
- 6.66.3. Staff and students would be notified by the setting if they were a close contact of someone who had tested positive. The setting would not identify the individual with a positive result and parents and staff did not have the right to know who had tested positive. Settings would follow their existing policy in identifying close contacts of positive cases.
- 6.66.4. Information would be transferred from the setting to DHSC, who would then share information with the NHS. PHE and local government would use this information for wider test and trace activities as well as statistical and research purposes.
- 6.66.5. Information would be processed and shared under obligations set out in public health legislation under regulations 3 (1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) which allowed the sharing of data for COVID-19 related purposes. The information would be kept by the setting for up to 14 days and by the NHS for eight years.
- 6.66.6. Individuals that were managing the delivery of testing and were providing their personal data as part of this role were advised that their data would only be used for the purpose of delivery of testing in settings. Individuals were informed about the personal data required and how their personal data would be processed. Individuals were

also advised about their rights and given a link to DfE's personal information charter for more information about how DfE processed personal data (Exhibit TG/285 - INQ000497929).

- 6.67. In addition to providing resources and templates, DfE's Data Protection Officer ("DPO") provided advice and content for and helped run a DfE webinar session on the rapid testing programme to support settings with their data protection obligations in relation to TTI. DfE's DPO provided advice about the lawful basis for processing personal data relating to a test, which included processing personal data relating to test results, which could have included contact tracing where necessary. (Exhibits TG/286 - INQ000497721, TG/287 - INQ000497722 and TG/288 - INQ000497910). On 11 January 2021, the DfE daily sector bulletin advised that the webinar could be accessed via DfE's YouTube page (Exhibit TG/115 - INQ000497728).
- 6.68. As well as collaborating with DHSC and DHSC partner agencies to support settings by providing resources and holding webinars, DfE also provided guidance to support settings with their data protection obligations. When the NHS COVID-19 app launched, joint DfE and DHSC guidance advised settings to review their existing privacy notices to check whether the notice had been updated to inform individuals about what the setting would do with information provided in response to a positive case notification alert. DfE also published a contact tracing and self-isolation FAQs document, which advised settings about the lawful basis for sharing of information with NHS Test and Trace in exceptional circumstances (Exhibits TG/041 - INQ000497923 and TG/240 - INQ000497801).

## **7. Self-isolation, the roles of DfE and education settings**

7.1. This chapter provides information on the role that DfE and education settings played in the development of COVID-19 self-isolation policy relevant to education settings and its implementation. It includes details on the adherence with policy, equalities considerations and what mitigations were put in place for VCYP. This chapter covers the following:

- 7.1.1. Evidence base for self-isolation policies
- 7.1.2. Self-isolation adherence; and
- 7.1.3. Equalities and self-isolation considerations

### **Evidence base for self-isolation policies**

7.2. The self-isolation policies affecting CYP 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 (see 7.4 below for exemptions to the policy). 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.

Guidance, including information on self-isolation, for those in residential settings advised settings to consider whether the CYP should return home or remain at the setting (Exhibit TG/289 - INQ000497931). DfE published and updated guidance for different parts of the education sector throughout the pandemic, such as the *COVID-19: guidance for educational settings* published on 17 February 2020. This guidance mainly repeated government advice on actions that any workplace should take if an individual began to display COVID-19 symptoms or were contacts of a confirmed case of COVID-19 who was symptomatic while attending that workplace (Exhibit TG/001 - INQ000497895).

7.3. As with other areas of TTI policy, SSHSC was responsible for self-isolation policy. DfE was not involved in helping to formulate or develop self-isolation policies. DfE was not engaged in the virological or epidemiological evidence base behind each decision on self-isolation policy. DfE cannot comment on the evidence that was used, or if international comparisons were used by DHSC prior to decisions being made on self-isolation policy.

- 7.4. The only exception to this is 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 ministers pushed for children to be included in this exemption. In speaking notes provided to SSE 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 rollout of the vaccine programme to children (depending on advice from the JCVI) (Exhibits TG/157 - INQ000497770, TG/158 - INQ000497768, TG/158a - INQ000092004, TG/159 - INQ000497765 and TG/160 - INQ000497766).
- 7.5. 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 TG/161 - INQ000497772).
- 7.6. When the government, based on scientific advice, announced that those aged 16 - 17 could receive one dose of the vaccine, DfE ministers were then asked to agree that the plan to exempt all under 18s identified as close contacts from a legal duty to self-isolate from 16 August 2021 should continue. DfE ministers agreed to this: taking account of scientific advice that noted the lower risk of children becoming seriously ill with COVID-19, as well as the significant impact that self-isolation can have on children and young people's mental health and on emotional/physical wellbeing and educational development (Exhibit TG/290 - INQ000497788 and TG/291 - INQ000497792).
- 7.7. From early in the pandemic, DfE was also able to create its own evidence base to show school attendance, school opening and eventually self-isolation rates. In March 2020, DfE introduced an online tool that schools could use to self-report data on attendance and self-isolation rates. This was a voluntary daily data collection where schools completed a form manually to supply data on a daily basis. Analysts collected and then shared this data, in detail within DfE and central government, and online for the public at a high level. Using the tool, DfE tracked the status of all schools that had self-reported having asked pupil groups to isolate. This was

supplemented by intelligence from regional REACT teams and ongoing operational management of local issues. DfE used this data to monitor and show how many schools had pupils self-isolating, for example in September 2020, 13% of secondary schools had isolating pupils compared to 4% of primaries. This data gathering did not extend into data collection on adherence with self-isolation policy, but only focused on the levels of self-isolation (Exhibit TG/292 - INQ000497667).

### **Self-isolation adherence**

- 7.8. In terms of increasing self-isolation adherence and compliance, DfE and education settings did not have a formal or informal enforcement role or any specific powers to do so. In a joint DfE and NHS Test and Trace FAQs document on contact tracing and self-isolation, it stated that individuals who were displaying symptoms or had tested positive for COVID-19 should not attend their setting. It also stated that *“In exceptional cases, settings may take the decision to refuse a person admission if, in the setting's reasonable judgement, it is necessary to protect other pupils and staff from possible infection with COVID-19. The decision would need to be carefully considered in light of all the circumstances and current public health advice”* (Exhibit TG/240 - INQ000497801).
- 7.9. Despite not focusing on compliance and enforcement, DfE is not aware of any notifications from education stakeholders or education settings about concerns around non-compliance with self-isolation rules by either CYP or staff. There is no record of it being raised by stakeholders in key stakeholder meetings, such as the PSSG or STAG. Instead, stakeholder feedback tended to relate to seeking clarity about self-isolation rules (Exhibit TG/293 - INQ000497858), impact on school budgets of staff needing to isolate (Exhibit TG/294 - INQ000497855) and children being taken out of school to self-isolate in the run-up to Christmas 2020 to avoid needing to self-isolate over the Christmas holidays (Exhibit TG/295 - INQ000497878).
- 7.10. DfE's efforts in this area were focused on helping education settings understand what the government's self-isolation policies meant for them. This was achieved through operational guidance for each type of education setting as well as local engagement that brought DfE's REACT teams together with local HPTs and DsPH to help explain to settings what these policies meant in practice.

- 7.11. In one instance, in August 2021, PHE published a version of its self-isolation guidance that DfE officials predicted could be interpreted by parents of young people as meaning that young people would need to self-isolate while awaiting the result of a PCR test, thus potentially missing summer school and/or school unnecessarily. DfE and DHSC officials worked together to amend the wording in this guidance to make it clearer that young people did not need to self-isolate in these circumstances (Exhibit TG/296 - INQ000497791).
- 7.12. DfE also shared good practice and advice on supporting students during self-isolation, as part of the testing participation toolkit (Exhibits TG/216 - INQ000497906 and TG/216a - INQ000497907). This advised settings about:
- 7.12.1. Telling students in advance about the remote education offer and seeking their feedback on it.
  - 7.12.2. Signposting to mental and wellbeing support as well as checking in on students on a regular basis and assigning students a buddy to support them.
  - 7.12.3. Using technology to give inclusive access to settings from home, including extra-curricular activities.
  - 7.12.4. Signposting parents to the financial support available if they needed to be absent from work to care for a child or young person.

### **Equalities and self-isolation**

- 7.13. This section considers the equalities advice that DfE officials provided to SSE regarding self-isolation.
- 7.14. DfE did not own or develop self-isolation policies and SSE was not involved in advising or deciding on self-isolation policy. The responsibility to undertake EQIAs rested with DSHC as the policy owners.
- 7.15. Equalities impacts were considered by DfE and a combination of measures, of which self-isolation was a part, were implemented to maximise attendance and minimise disruption to education (Exhibit TG/297 - INQ000061242).
- 7.16. DfE completed a specific EQIA on self-isolation which related to an exemption for under 18s in August 2021 (7.4 to 7.6 of this statement provides more information on

this exemption). This considered the equalities impacts of the plan to exempt all under 18s identified as close contacts from a legal duty to self-isolate from 16 August 2021 (Exhibit TG/298 - INQ000497790).

- 7.17. The EQIA considered the equalities impacts against all protected characteristics and concluded that:

*"Continuing with the current policy to exempt all under-18 close contacts from self-isolation could have an impact on the protected characteristic of age, given we are proposing to treat 16-and-17-year-olds that have the option of one dose of the vaccine differently from adults who can be double vaccinated. This could be considered discriminatory. However, given the importance of keeping young people in face-to-face education, the low secondary attack rate of close contacts in education settings shown by the DCT trial, the operational complexities of making a change in time for 16 August and the expectation that the JCVI will provide further advice in the near future on whether 16 and 17 year olds should be eligible for a second dose, in our view the balance falls on retaining the exemption for all under-18s."*

- 7.18. On 28 May 2020, SSE received advice and supporting evidence from DfE officials on the phased reopening of settings from 1 June 2020 (Exhibit TG/324 - INQ000075416). The advice contained several submissions, including the *School opening ministerial submission*. Within the submission DfE officials recommended a phased return and advised that their view was that *"the negative impacts on those with particular protected characteristics are appropriately mitigated against and the remaining negative impacts are justified by the benefits of asking some children and young people to return to settings on – namely educational, economic and wellbeing benefits"* (see paragraph 3.20 of this statement for more information (Exhibit TG/017 - INQ000497873). DfE officials advised that wider opening would help mitigate the impact of attendance restrictions on children and young people. Other mitigations included issuing guidance on implementing protective measures in settings and communications on the benefits of wider opening.

### **Vulnerable children and young people**

- 7.19. This section considers the impact of self-isolation on VCYP, and the mitigation measures employed by DfE to reduce negative impacts. The definition for VCYP,

agreed with ministers and published in March 2020, defined VCYP as “those who have a social worker and those children and young people up to the age of 25 with education, health and care (EHC) plans.” The definition also included the flexibility for educational settings to provide support to those who were otherwise vulnerable e.g. young carers and those at risk of becoming not in education, employment or training (Exhibit TG/299 - INQ000497932).

- 7.20. Early in the pandemic, DfE recognised the impact that self-isolation could have on VCYP. DfE understood this group would stand to lose more proportionally than other groups in missing face-to-face education, whether through attendance restrictions or self-isolation periods. Therefore, SSE secured the Prime Minister’s agreement that VCYP could continue to attend settings when attendance was restricted from March 2020 (Exhibit TG/300 - INQ000107248).
- 7.21. This policy stayed in place during the second phase of attendance restrictions during January to March 2021. This meant that while VCYP had to self-isolate if they tested positive for 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, maximising their opportunity to attend their usual setting.
- 7.22. DfE employed several mitigation measures during the pandemic that attempted to reduce some of the negative impacts of self-isolation on VCYP as well as all CYP.
- 7.23. DfE supported schools to ensure that CYP eligible for free school meals (“FSM”) continued to receive this provision when they were self-isolating or at home due to attendance restrictions. This was first announced on 18 March 2020 by SSE (Exhibit TG/301 - INQ000497846). When schools returned to full attendance in September 2020, guidance was issued to settings making it clear that settings should work with their suppliers to prepare meals or food parcels to eligible children who were self-isolating due to COVID-19 (Exhibit TG/302 - INQ000497839).
- 7.24. When VCYP had to self-isolate and were unable to attend their usual setting, DfE aimed to mitigate some of the educational impacts. For example, DfE distributed laptops and tablets to local authorities, MATs and other responsible bodies. While responsible bodies had discretion in who they considered most needed the devices, they were asked to give them to specific groups of vulnerable and disadvantaged

children who were judged to be most in need of them. These groups included disadvantaged secondary school children, children in need (those on a children in need plan, child protection plan or care plan), children with social workers and care leavers that did not have access to a device and/or an internet connection (Exhibit TG/323 - INQ000575823). By April 2022, 1.9 million devices had been provided (Exhibit TG/303 - INQ000497831). The provision of devices helped ensure that these children could continue their learning if they were self-isolating and unable to attend their setting. DfE also provided routers and data to vulnerable and disadvantaged children that did not have internet access.

- 7.25. As the pandemic progressed, DfE provided a stronger remote education offering for those either self-isolating, or at home because of national lockdowns. In October 2020, DfE published a *Temporary Continuity Direction* regarding the provision of remote education in schools under the Coronavirus Act 2020. This meant that schools had a duty to provide education to children at home if they were complying with self-isolation guidance, or if there were local or national restrictions in place, as they would when children were in the classroom. This helped provide assurances to both pupils and parents that if pupils had to self-isolate at home their education would continue (Exhibit TG/304 - INQ000497836).
- 7.26. DfE also continued to develop stronger guidance for and expectations of the sector. On 6 January 2021, SSE provided a statement in parliament that included details of revised and strengthened remote education expectations, including that minimum hours for remote education would increase to 3 to 5 hours per day depending on key stage (Exhibit TG/305 - INQ000497841).
- 7.27. Alongside stronger expectations, guidance, and the legal duty to provide remote education, DfE also supported and promoted the sector-led Oak National Academy (Exhibit TG/306 - INQ000497606 and TG/307 - INQ000497607). Oak offered a national online teaching resource that was made available to all students (Exhibit TG/308 - INQ000497799). It helped bolster the learning offer that all children, including VCYP, could receive when they needed to self-isolate. An evaluation report produced by ImpactEd, in partnership with Oak Education was published in June 2021 and included analyses of Oak National Academy data based on activity between 1 January and 31 May 2021. This found that, *“In the 2020/21 school year, teachers downloaded a total of 885k resources (slides and worksheets) and shared a link to a lesson 239k times. Since the start of the pandemic, 130m lessons have been*

*started, with 110m of these in the 2020/21 school year. During June 2021, a Teacher Tapp survey showed that 56% of teachers had used Oak in the past six months (which would equate to roughly 350,000 teachers).” (Exhibit TG/309 - INQ000497795).*

- 7.28. DfE recognised that children, especially VCYP, would need additional support to catch up on the education they had missed through attendance restrictions and periods of self-isolation. In total, almost £5 billion education recovery funding was allocated to support CYP across EY to post-16. Most of this funding was aimed towards supporting disadvantaged pupils. This included tutoring in schools and colleges (termed National Tutoring Programme (“NTP”), the 16-19 Tuition Fund, additional funding for schools (termed Catch-up premium, and then Recovery premium), and early language support for children in EY (termed Nuffield Early Language Intervention). In addition, funding streams such as for summer schools, additional time in education for 16 – 19-year-olds, and teacher training opportunities benefitted all students, including the most disadvantaged. More detailed information on these programmes will be given in Module 8.
- 7.29. From the outset of the pandemic, DfE recognised the need to safeguard children who may have been at a greater risk during periods of self-isolation and attendance restrictions, efforts to safeguard these children included the establishment of the first VCYP National Board in April 2020 to provide a forum for education and care system leaders to support a coherent system wide response to VCYP through the pandemic (Exhibit TG/310 - INQ000497845). Board membership included representatives from charities, schools, social work practitioners, Ofsted, the Children’s Commissioner and other sector stakeholders. The board was planned as three meetings across six weeks in April and May 2020. However, as they acted as a positive forum for sector engagement they were continued through to April 2022. (Exhibit TG/311 - INQ000497604, TG/312 - INQ000497842, TG/313 - INQ000497843 and TG/314 - INQ000497844).

## 8. Lessons learned

- 8.1. Throughout the pandemic, DfE worked with partners across government to balance the need to reduce transmission of the virus and protect the vulnerable, with keeping as many CYP as possible in face-to-face education. Establishing these clear objectives from the start of the pandemic was key in delivering an effective response to COVID-19, and a learning for DfE for future pandemics is the importance of setting objectives early in any response. However, balancing these objectives was an ongoing challenge and, as transmission rates and the epidemiology of the virus changed, DfE policies and guidance for education settings were regularly reviewed internally, with DHSC, with other departments and stakeholders and updated to reflect this.
- 8.2. Like other elements of COVID-19 policy, TTI was fast-moving and required government to work rapidly to respond to the latest epidemiological evidence and trends. For DfE, this meant working at pace to ensure education settings were prepared and informed for each relevant aspect of TTI. Speed of delivery and agility in decision making was particularly critical in delivering mass LFD testing. DfE and DHSC officials were focused on real-time, rapid-cycle improvement rather than pausing the programme to undertake formal reviews. Officials worked together to test approaches, consult with stakeholders and frontline service providers, and then to apply this learning back into the delivery of the programme. There was regular reflection on what was working and what was not, with officials making immediate changes as a result of that reflection. This was the case, for example, on the change made to enable schools and colleges to upload all test results per day in one bulk upload, rather than having to upload them one by one or in small batches. Another example of real-time review and response was on the work done to understand and drive-up testing participation rates, as set out at paragraph 5.28 of this statement.
- 8.3. As part of closing down the mass testing programme, a lessons learned exercise on testing (Exhibit TG/213 - INQ000497838, slides 30 - 32 and TG/315 - INQ000497833) was carried out in March 2022 in order to capture key points of learning from a policy and delivery perspective which could be drawn on for any future testing programme. Key lessons identified through this project included:

8.3.1. Delivery highlighting the importance of establishing:

- 8.3.1.1. A document sharing platform between DfE and settings, such as the 'g drive', to streamline the sharing of documents and other information with education settings.
- 8.3.1.2. Timely communications from DfE to settings, giving them sufficient time to react to changes; and
- 8.3.1.3. Early definition of key success measures, key performance indicators and the collection of relevant data, to inform evidence-based decisions.

8.3.2. Policy highlighting the importance of:

- 8.3.2.1. Robust record keeping.
- 8.3.2.2. Including "the voice of the customer" as early as possible, including sharing draft documents and policies verbally with key stakeholders.
- 8.3.2.3. Considering similarities and differences between DfE sectors, for example in how testing should be approached; and
- 8.3.2.4. Improvements which could be made to EQIAs.

8.4. Reflecting more generally on the key successes and challenges of the TTI programme for education and care settings and on its legacy, key learnings for DfE are set out below.

8.5. The role of education settings: the delivery of one of the largest testing programmes in society, among a cohort with unique and distinctive challenges, was a key success of the TTI programme and played a critical role in returning pupils to face-to-face education. Education settings led this work, often acting as pioneers in COVID-19 testing, trialling programmes ahead of the rest of society. For example, the mass LFD testing in December 2020 by HEIs, prior to students returning home for the Christmas holidays, was one of the first uses of mass LFD testing in the country. Several secondary schools were also involved in trialling and piloting LFD testing in schools, which helped to build the evidence base, the case and practical delivery arrangements for rolling out mass asymptomatic testing across society. To give a sense of the scale of the testing programme, there were 500 million LFD tests distributed for the schools testing service over the 18-month period from October 2020 to March 2022, representing 25.1% of the total number of LFD tests distributed

for England. Of these, 341 million were distributed for use in secondary schools and colleges (Exhibit TG/131 - INQ000496252). Between 5 November 2020 and 9 February 2022 over 75 million tests were reported as taken in secondary schools and colleges and over four and a half million tests reported as part of testing in HE. In delivering these trials and the on-site mass testing programme, schools, colleges, HEIs and other settings made a significant contribution both to their students and to wider society.

- 8.6. However, delivering these trials and the ongoing TTI programme created a significant new burden of work for education settings. A particular challenge was the limited lead-in time schools and colleges were given to develop on-site testing in time for the start of term in January 2021. The decision by government to implement mass LFD testing in schools and colleges at short notice was driven by the rapidly worsening epidemiological situation in the run up to Christmas 2020. This meant that when the plan for mass testing was first communicated to schools and colleges on 15 December 2020, very little preparation work had been done. As set out earlier in this statement, DfE and other parts of government worked closely with schools and colleges to support them with the delivery of mass LFD testing, but the additional work the programme created for school staff at a time when they were juggling multiple new priorities, was a significant challenge and should not be underestimated. This was particularly the case given mass LFD testing began as on-site testing in ATS rather than less burdensome home testing. In delivering ATS, secondary schools and colleges had to set up sites able to deliver two rounds of LFD tests spaced three to five days apart, likely supporting between 198 and 660 LFD tests a day, and then upload each test result (Exhibit TG/316 - INQ000497941). Furthermore, this had to be done alongside work on contact tracing and supporting pupils who were self-isolating, this was of course on top of their primary role as educational institutions, which was in itself more challenging during the pandemic due, for example, to increased staff absences and the need to deliver remote learning.
- 8.7. In delivering this work, schools and colleges acted as the public face of the TTI programme for pupils and parents. In addition to managing the logistics of the programme, the education workforce had to manage concerns and provide reassurance to staff, students and parents where needed, ensuring they felt safe to continue to attend settings. Headteachers, as trusted figures in the local community were critically important in the public acceptance of and the quick uptake of mass

testing. In light of this, communications from DfE to settings reiterated messages of thanks for the vital role they played during the pandemic. Considering these challenges, a learning for DfE for any future pandemic should be around early consultation with the sector on how to staff a future testing regime. This should look at how much government support, such as military personnel via the MACA programme, should be used to support testing alongside or instead of schools and colleges organising staff and volunteers. Every effort should be made to give settings sufficient notice to establish testing, where the science allows. This includes providing settings with information on staff training, advice and support, and funding arrangements for on-site testing as early as possible. Ideally, DfE would want to co-create programmes like this with the sector, giving sufficient time to test approaches and understand any delivery challenges.

- 8.8. Another learning for a future pandemic would be to consider whether education settings should be the delivery route for testing staff and/or CYP or whether, subject to availability, a universal at-home community testing offer would work better. This was not initially an option for COVID-19 as in the lead up to January 2021 it was not known when universal at-home LFD testing would become available. However, in another pandemic, use of any available community testing offer could avoid the additional burden on education settings, as well as on DfE, in terms of managing logistics of the programme. It would also help with the simplicity of messaging and guidance to the public, as everyone could be directed to a universal testing offer with a single route for ordering test kits and reporting results.
- 8.9. Isolation policies: A particular challenge associated with the TTI programme was the negative impact of isolation policies on children's access to face-to-face education. Whilst DfE was not responsible for contact tracing and isolation policies (SSHSC had responsibility for these), DfE was aware of this issue and looked to mitigate against it, for example, by supporting a trial looking to replacement of isolation with daily contact testing for close contacts. In January 2021 DfE officials were advising SSE (Exhibit TG/230 - INQ000497735) that daily contact testing of close contacts, in place of self-isolation, should be a part of the mass testing programme in education settings, subject to PHE advice following planned pilot programmes. The advice from DfE officials recognised that, based on public health advice at that point in time, daily contact testing was not an appropriate alternative to self-isolation given the prevalence and rates of transmission of the then new variant of COVID-19. To support an eventual move to daily contact testing, DfE therefore worked with DHSC

to trial this in schools and colleges, resulting in a government policy shift to daily contact testing for close contacts, introduced for fully vaccinated adults and CYP aged between 5 to 18 years and 6 months in December 2021. The scale and pace at which this trial was established was key to facilitating an evidence-based change in policy.

- 8.10. In developing isolation guidance for any future pandemic, learning from the experience of COVID-19, DfE would work with DHSC to consider whether daily contact testing for close contacts (rather than self-isolation) was appropriate for another disease, drawing on the previous trial and experience of COVID-19. Another learning would be to consider a more flexible approach to isolation policy for vulnerable children to provide them with more opportunity for face-to-face education, should the scientific evidence support this. 'Vulnerable children' here refers to those meeting the definition set out at paragraph 7.19 of this statement, i.e. those who have a social worker and those CYP up to the age of 25 with education, health and care ("EHC") plans. Given the different types of safeguarding, educational and health risks that some of these children may be facing if they were to self-isolate, a more flexible approach that still aligned with overall public health advice could deliver better outcomes for this group of CYP.
- 8.11. DfE worked with settings to develop a strong remote learning offer, which aimed to mitigate the educational impacts self-isolation had on pupils. Throughout the pandemic, DfE worked to develop and progress this offer. Although it was initially challenging to provide the number of devices needed, DfE set up the Get Help with Technology programme. It provided 1.9 million devices along with internet connectivity to many VCYP as well as disadvantaged learners. This included the provision of laptops, tablets, routers and data to support remote learning. DfE and education settings also learned how to deliver a better quality of remote education as the pandemic progressed. Remote education guidance was first published on 2 July 2020 and then revised and strengthened guidance was published on 6 January 2021. DfE also supported and promoted the sector-led Oak National Academy which produced high quality online content. The use of remote learning during the pandemic, alongside recent developments in technology and artificial intelligence more generally, has helped facilitate opportunities for education settings to innovatively deliver remote education. Since the pandemic, DfE has also undertaken further work to create an environment where all schools and trusts can use technology to improve access to education and outcomes, reduce staff workload, and

run operations more efficiently. This includes setting digital and technology standards for schools, colleges and trusts; working with commercial providers to accelerate gigabit capable broadband rollout to schools; and working to establish a strong evidence base for effective use of technology and embed this across the school system.

- 8.12. Within HE, there were similar efforts by universities to support remote learning. For example, the use of innovative virtual clinical experiences which feedback suggested was very beneficial. These now sit alongside in-person clinical experiences to enhance the overall student learning, effectively giving more experience hours. More broadly, a significant number of courses are now delivered in a hybrid way, mixing online and in-person learning. The continuation of this approach is often based on feedback from some staff and students that they welcome the range of approaches, allowing staff and students greater flexibility on how and when they can engage to suit their needs and circumstances.
- 8.13. Effective use of data: Given the scale of the TTI programme and the large number of tests being carried out on a regular basis, it was challenging to establish an accurate picture of uptake due to low reporting rates. This was the case across wider society, not only in the education sector. Although only 22% of LFD tests that were distributed via schools and colleges were officially reported (Exhibit TG/131 -INQ000496252), this did not necessarily mean that CYP had low testing rates, but it resulted in uncertainty about the level of testing generally, as well as in each setting and in each local area. Work was undertaken to try and improve this by DfE via regular communications to settings, and broader communications aimed at CYP, on the importance of testing.
- 8.14. However, given additional time, a more effective approach to increasing testing participation and reporting could have been devised. Conducting user research, on a larger scale, among CYP, could have helped establish drivers to ensure higher levels of testing and reporting of results. While precise participation rates were not clear, it was recognised that children from more socially and economically disadvantaged backgrounds were less likely to test and/ or report results (Exhibit TG/131 - INQ000496252). Robust user research at the start of the TTI programme would have helped inform government and schools on how they could persuade children and their parents to test and report their results. In devising any future testing regime, DfE would also draw on the analysis and recommendations compiled by the YPDG on

how to make it easier for CYP to test and report their results, as set out at paragraph 5.29 of this statement.

- 8.15. Another learning, to help increase the reporting of tests, is that any future testing programme should include capability for a bulk upload of test results, avoiding settings having to upload test results one by one. Streamlined systems for reporting data would also be useful in a future pandemic. During COVID-19, initially pupils and staff were asked to report their test results to NHS Test and Trace, but also separately to their setting because education settings were unable to access test data themselves. In a future pandemic, better developed technology would also likely help avoid this issue and facilitate easier uploading of test results.
- 8.16. Noting the example of United Learning, set out (at paragraph 5.26 of this statement), DfE and DHSC could also have asked settings to capture snapshot survey information from their student bodies on the number of tests they were taking on a regular basis. Whilst this would not necessarily have provided comprehensive accurate data, this would have given government a better sense of the level of under-reporting and participation levels, enabling the response to be calibrated accordingly.
- 8.17. Reflecting on these points, a key learning for DfE for any future testing regime is the importance of developing a clear data collection strategy from the start of the programme, with a plan for how tests will be tracked and results captured.
- 8.18. The importance of close working relationships: The strong links built with a range of partners, particularly those in public health was another important lesson learned. Close working between DfE, DHSC and its partners throughout the pandemic was a key success of the TTI programme. This resulted in collaborative development and delivery of policies affecting education settings. As an example, with the introduction of mass testing, DfE testing and regional teams worked with UKHSA HPTs, and DsPH to help ensure settings understood how to apply COVID-19 testing guidance in practice, and with DHSC on the roll out and implementation of mass testing across schools and colleges. As DfE was reliant on advice from others on public health, building strong relationships with these bodies was key to ensuring a shared understanding of how any public health advice would impact education settings.
- 8.19. A legacy of this work is a continued closer working relationship between DfE and UKHSA. This is largely facilitated by the DfE Resilience Directorate and DfE Science

team, the creation of which are a consequence of the pandemic, as these teams did not exist before COVID-19. The Science team was established during the pandemic to support wider DfE teams to interpret relevant scientific data. The director-led Resilience Directorate was set up in July 2022, providing dedicated resource in DfE for emergency planning and response work. In any future pandemic DfE would look to leverage this science function, to enable better join up with scientific expertise across government, including linking in with SAGE, and interpreting what any scientific and public health advice on the disease meant for education and care settings. The Science team is led by an externally appointed CSA who links in with the cross-government CSA network, putting the department in a stronger position to access scientific advice in a future pandemic.

- 8.20. Contact tracing: Interpreting contact tracing principles and guidance for the classroom environment was particularly challenging for education settings. The rest of society largely relied on the NHS Test and Trace app for any contact tracing, whereas schools and colleges were, in practice, required to run their own system. As set out at paragraph 6.48 of this statement, this was because government considered education settings best placed to communicate with CYP, staff and parents. This created significant additional work for school staff. Despite this, settings quickly established an effective system of contact tracing and as set out at paragraph 6.55 of this statement, it was only when the work was moved from education settings to NHS Test and Trace in July 2021 that concerns were raised by education settings about the time taken to identify contacts. A learning for any future pandemic is to consider whether additional funding could be provided to education settings to support them to deliver this work, both in and outside of term times, in the same way that government covered the resource costs involved in delivering on-site mass LFD testing. Given the success of contact tracing in education settings (and the challenges around NHS Test and Trace capacity), another consideration for the whole of government could be whether other workplaces across society could play a similar contact tracing role for a future pandemic.
- 8.21. Logistics: In addition to the short timescales to get testing established, the logistics of running on-site testing in schools and colleges was very challenging to manage. The significant amount of space required and time the testing took up meant that the testing programme disrupted the start of term for settings (see paragraph 5.19 of this statement). The need for a staggered start of term to facilitate testing for pupils before their return resulted in lost learning time. Whilst the impact was less severe on

HEIs, as they had larger campus spaces and on-site testing fell outside of exam periods, this could be challenging in a future pandemic if the timing were different.

- 8.22. It was also important for schools and colleges to get support from DfE to work through a range of issues including securing consent to be tested, the logistics of delivering tests to settings, regulatory approval for on-site testing by schools, and approval for at-home testing. The learnings on how to manage these issues have been captured by DfE in a series of detailed 'how to' guides (Exhibits TG/211- INQ000497787, TG/212 - INQ000497832 and TG/213 - INQ000497838) (see paragraph 5.20.2 of this statement) which could be deployed if a future testing programme were required. DfE officials put considerable effort into working with schools, colleges and HEIs to help ensure they could set up ATS in settings and had trained staff to run these sites. As home testing was less disruptive and resource intensive, the obvious solution would have been to begin with at-home testing, rather than on-site testing, but the at-home testing technology was not available at that point in time. DfE officials worked closely with schools, colleges and HEIs to help ensure they could set up ATS in education settings and had trained staff to run these sites. Delivering testing on site also meant schools were able to help CYP to test and ensure more CYP tested.
- 8.23. The significant amount of work done across the education sector to support, pioneer and deliver a large scale and complex TTI programme was one of the major successes of the pandemic. For example, HEIs led the way on mass LFD testing, for the rest of society to follow. Mass LFD testing increased the confidence of students, parents and the workforce in the safety of settings, helping ensure higher levels of in-school attendance than otherwise may have been achieved. The work done at incredible speed to successfully roll out mass testing in all schools and colleges in just over three weeks, over Christmas 2020 was also a particular success. Whilst there were many challenges associated with delivering this work, a range of lessons have been learned from these which DfE could apply to future TTI scenarios.

**Statement of truth**

I believe that the facts stated in this statement are true. I understand that proceedings for contempt of court 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 in its truth.

Signature:

**PD**

Dated: 06 May 2025

## Annex A

### Key figures and decision-makers

Name	Role	Time in post within the specified pandemic period (1 January 2020 to 28 June 2022).
Jonathan Slater	Permanent Secretary – Department for Education	Jan 2020 to Aug 2020
Susan Acland-Hood	Permanent Secretary – Department for Education	Sep 2020 to Jun 2022
Mike Green	Chief Operating Officer of the Department for Education and Director General for Operations Directorate	Jan 2020 to Mar 2022
	Chief Operating Officer of the Department for Education and Director General – Operations and Infrastructure Group	Apr 2022 (1 month)
Lucy Smith	Director General – Department’s COVID-19 Response Unit and Exams	Sep 2020 to Dec 2020
Julia Kinniburgh	Director General – Covid Response and Recovery Group	Dec 2020 to Mar 2022
Iain King	Interim Chief Operating Officer and Acting Director General for Operations and Infrastructure Group	Apr 2022 to Jun 2022
	Operational Finance Director	Jan 2020 to Jun 2022
	Director – Recovery Department Operations Centre (R-DOC)	Jan 2020 to Jul 2020
Tessa Griffiths/Sarah Maclean	Director – Rapid Covid Testing	Nov 2020 to Jan 2021
	Director – Covid Response Measures	Feb 2021 to Jun 2022

(Jobshare)		
Mike Pettifer	Director – Delivery Department Operations Centre (D-DOC)	Feb 2020 – Jun 2020
	Director – Covid Response Unit	Jul 2020 – Jun 2022
Sophie Taylor	Director – Schools Covid Response	Jul 2020 to Mar 2022
	Deputy Director – Counter Extremism	Jan 2020 to Jul 2020
	Deputy Director – Schools Response <i>Shared role with Lorna Howarth and Alice Lakeman</i>	Mar 2020 to Jul 2020
Alice Lakeman	Deputy Director – Central Capital Unit – working on Response, Department Operation Centre (R-DOC)	Mar 2020 – May 2020
	Deputy Director – Central Capital Unit – working on Schools Response <i>Shared role with Lorna Howarth and Sophie Taylor</i>	May 2020 – Aug 2020
Hollie Godsmark	Deputy Director – Principal Private Secretary to the Secretary of State	Jul 2020 to Jun 2022
Kate Cornish/May Elkomy (Jobshare)	Deputy Director – Rapid Testing Policy	Nov 2020 to Jun 2022
Sophie Westlake	Deputy Director – Mass Testing in Schools and Colleges	Dec 2020 to Jun 2021
Jonathan Dewsbury	Deputy Director – Testing Delivery and Programme Director Covid Response Measures	Dec 2020 to Mar 2021
Paul Tucker	Deputy Director – Testing Delivery and Programme Director, Covid Response Measures  <i>Jobshare with Sarah Lyth</i>	Feb 2021 to Jun 2022

Sarah Lyth	Deputy Director – Testing Delivery and Programme Director, Covid Response Measures <i>Jobshare with Paul Tucker</i>	Feb 2021 to Jul 2021
Helen Slater	Deputy Director – Covid Response Measures, (responsible for testing policy in secondary schools and, from summer 2021, face masks and wider Covid response measures, such as vaccines)	Jan 2021 to Jun 2022
Shubana Nawaz	Deputy Director – Rapid Response and Coordination Unit  <i>Jobshare with Rebecca Hewstone and then Bhupinder Bhoday</i>	May 2020 to Jun 2022
Rebecca Hewstone	Deputy Director – Rapid Response and Coordination Unit  <i>Jobshare with Shubana Nawaz</i>	Jun 2020 to Feb 2021
	Deputy Director – Strategic Planning	Feb 2021 to Aug 2021
	Deputy Director – Ventilation	Sep 2021 to Jun 2022
Bhupinder Bhoday	Deputy Director – West Midlands, Regional Delivery Directorate	Jan 2020 to Apr 2021
	Deputy Director – Rapid Response <i>Jobshare with Shubana Nawaz</i>	Feb 2021 to Dec 2021
	Deputy Director – Planning and Oversight	Dec 2021 to Jun 2022
Rachel Shooter-Smith	Deputy Director – Covid Operational Communications	Feb 2020 to Jun 2020
	Deputy Director – Sector Information and Guidance	Jul 2020 to May 2022

**Mass Testing in Schools and Further Education (FE) Programme Board (start date 19 January 2021) Membership (excludes board members who are already included in list above):**

Heather McNaughton/ Caroline Pusey (Jobshare)	Director – Workforce	Mar 2020 to Jun 2022
	Director – Covid Schools*  <i>*Shared responsibility on a rotating basis</i>	May 2020 to Jul 2020
Neil McIvor	Director – Chief Data Officer	Apr 2020 to Jun 2022
Emma Stace	Director – Delivery Department Operations Centre (D-DOC)	Mar 2020 to Jun 2020
Lorna Howarth	Deputy Director – Teacher workforce, Strategy, Portfolio, Design	Jan 2020 to Jun 2022
	Deputy Director – Schools response <i>Shared role with Sophie Taylor</i>	Mar 2020 to Aug 2020
Jonathan Duff	Director – Regional Delivery Directorate Services, Operations and Transformation	Jan 2020 to Mar 2022
	Regional Schools Commissioner – East of England and north-east London	Apr 2022 to Jun 2022
Warwick Sharp	Deputy Director – Principal Private Secretary to the Secretary of State	Jan 2020 to Jul 2020
	Director – Academies and Maintained Schools, Education and Skills Funding Agency	Jul 2020 to Jun 2022
Gillian Hillier	Director – Careers and Further Education	Mar 2020 to Jul 2021
Roger Cotes	FE Improvement and Oversight Deputy Director	Jan 2020 to Jul 2021
	Interim Director – Careers and FE Systems	Jul 2021 to Jun 2022
Ben Connah	Deputy Director – Delivery Department Operations Centre (D-DOC)	Mar 2020 to Jun 2020
	Deputy Director – Planning and Oversight	Jul 2020 to Dec 2021

Kate Shiner	Deputy Director – Delivery Department Operations Centre (D-DOC)	Mar 2020 to Jun 2020
	Deputy Director – Planning and Oversight	Jul 2020 to May 2021
	Deputy Director – Additional Time in Schools	Mar 2021 to Apr 2021
	Deputy Director – National Tutoring Programme	May 2021 to Nov 2021
Hannah Streatfield	Deputy Director – Schools Covid Response	Aug 2020 to Apr 2021