

Wednesday, 15 October 2025

1
2 (10.00 am)
3 **LADY HALLETT:** Ms Dobbin.
4 **MS DOBBIN:** Good morning.
5 My Lady, please may I call Ms Susan Acland-Hood.
6 **MS SUSAN ACLAND-HOOD (sworn)**
7 **LADY HALLETT:** Thank you for coming along to help us,
8 Ms Acland-Hood.
9 **Questions from LEAD COUNSEL TO THE INQUIRY FOR MODULE 8**
10 **MS DOBBIN:** Can I ask you to give your full name to the
11 Inquiry, please.
12 **A.** Susan Elizabeth Acland-Hood Andrews.
13 **Q.** Ms Acland-Hood Andrews, is that how -- would you prefer
14 if I addressed you in that way?
15 **A.** No, just Acland-Hood or Susan Acland-Hood is fine.
16 **Q.** Ms Acland-Hood, you ought to have in front of you three
17 different witness statements, or they'll certainly come
18 up in front of you. I'm going to take them one at
19 a time.
20 The first is INQ000587823. And may I check, please,
21 that you're content that that witness statement is true
22 to the best of your knowledge and belief?
23 **A.** Yes.
24 **Q.** The second statement is INQ000587992, and are you
25 content that that witness statement is true to the best

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1 in that second permanent secretary role, Jonathan
2 resigned, so about four days after, in fact, and I was
3 asked to become acting permanent secretary and I then
4 applied for the job and substantively was given it in
5 December.
6 **Q.** I see. I'm grateful for that clarification. But
7 I think the important point for our purpose is that you
8 weren't in post at the time of some of the specific
9 events that Module 8 is interested in?
10 **A.** That's right.
11 **Q.** But you are authorised, I think, to provide evidence as
12 to the Department for Education's assessment of those
13 issues and reflections upon them; is that right?
14 **A.** Yes, I'm very happy to speak on behalf of the
15 department. I will be doing that from what I have
16 gathered from documentary evidence for the portion where
17 I wasn't there in the department.
18 **Q.** All right.
19 I'm being asked if you could perhaps slow down
20 a touch.
21 **A.** Of course.
22 **Q.** I'll try and do the same.
23 What I wanted to do this morning, Ms Acland-Hood,
24 was maybe try and draw the camera back a bit from some
25 of the issues that the Inquiry has examined and to

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1 of your knowledge and belief?
2 **A.** Yes.
3 **Q.** And the third statement is INQ000146054. And again, are
4 you content that that statement is true to the best of
5 your knowledge and belief?
6 **A.** Yes.
7 **Q.** Thank you.
8 I want to ask you a little bit about your
9 background, please. I think it's right that you were
10 the chief executive of Her Majesty's Courts and
11 Tribunals Service between 2016 and 2020; is that right?
12 **A.** That's correct.
13 **Q.** And that in September of 2020, you came to the
14 Department for Education?
15 **A.** Yes, that's right.
16 **Q.** And in fact you joined in the aftermath of the
17 assessment issue that had arisen or had certainly become
18 a real issue in August 2020; is that correct?
19 **A.** Yes.
20 **Q.** And you joined, the Inquiry understands, because
21 Mr Jonathan Slater had resigned?
22 **A.** That's not quite right. I initially was asked to come
23 and give assistance as a temporary second permanent
24 secretary in the department, specifically focused on
25 addressing the exam issues. Very shortly after I joined

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1 ascertain what the Department for Education accepts, and
2 then to seek your assistance in clarifying some of the
3 factual issues that evidence had been given about over
4 the past couple of weeks, but perhaps require a degree
5 of clarity.
6 So can I start, then, please, with planning --
7 **A.** Mm.
8 **Q.** -- and ask whether it's accepted by the Department for
9 Education that although SAGE had started to provide
10 advice from 4 February 2020, that there might be mass
11 school closures, that the provision of this advice
12 didn't prompt operational planning for the closure of
13 schools?
14 **A.** Yes, I think that the department was planning on the
15 assumption that there might be local or regional or,
16 indeed, individual school closures in response to
17 workforce challenges, but did not, until quite a late
18 stage, do extensive operational planning for the full
19 closure of all schools.
20 **Q.** And does it also follow that that advice hadn't prompted
21 operational planning as to how children's social care
22 services would be provided in the event that the
23 pandemic became more severe?
24 **A.** Again, I think there was quite a lot of operational
25 planning that was based on assumptions around workforce

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1 shortage, so people were doing scenario planning based
2 on proportions of social workers being ill, but much
3 less planning, actually both a long time before the
4 pandemic, and in that period, was focused on the social
5 work consequences of other infection control measures
6 like lockdown.

7 **Q.** Yes, so rather than thinking about operationally "what
8 will we do if the pandemic gets worse", and, for
9 example, children aren't at school, how will social care
10 or child protection systems be maintained in that
11 scenario, it was that sort of planning that wasn't in
12 place until a late stage?

13 **A.** Yes, I think people were planning for what happens if
14 the pandemic gets worse and lots of social workers are
15 ill --

16 **Q.** Yes.

17 **A.** -- instead.

18 **Q.** And is it also accepted that there weren't any specific
19 plans in fact for example delineating who vulnerable
20 children might be until in and around 17, 18 March?

21 **A.** I think for the purposes of who might be going to be
22 kept in school, that true, yes.

23 **Q.** And I think it follows from all of the evidence that
24 we've heard, that because there was no planning around
25 the prospect that schools might close until a late stage

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1 public advice --

2 **Q.** Yes.

3 **A.** -- on infection control.

4 **Q.** And is it accepted, then, that a number of consequences
5 flowed from that? And if I may, I'll put those to you.

6 Schools hadn't been given notice by the Department for
7 Education that they should start to make plans for
8 educating most children in their homes, and I mean prior
9 to the 15th, 16th, that period?

10 **A.** So there was standing existing guidance from the
11 department that asked every school to have an emergency
12 plan, including a plan for school closure and we'd
13 frequently managed the closure of individual schools or
14 groups of schools in response, for example, to -- for an
15 individual school it might be a buildings issue, for
16 a group of schools it might be a gas leak that meant
17 that an area was evacuated. So as a standing
18 instruction to the system, every school was expected to
19 have an emergency plan of that kind. And we were also
20 having conversations with schools about individual
21 closures and, indeed, small numbers of schools were
22 closing because of illness or anxiety or because they
23 had an individual pupil affected and they were managing,
24 for example, deep cleans around that.

25 So there were conversations going on about

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1 and, I think, can we check that we're on the same ground
2 here by "late stage" we mean 16, 17, 18 March?

3 **A.** That's right.

4 **Q.** That for that reason there hadn't been any meetings with
5 the leaders of multi-academy trusts or school leaders of
6 local authority schools or with local authorities in
7 order to discuss that eventuality?

8 **A.** In order to discuss the specific mass closure of
9 schools, yes, correct. There were other meetings
10 discussing other aspects, but not that.

11 **Q.** And what, in terms of the other meetings and the other
12 things that were being discussed in the lead-up to
13 school closures, what sort of things were being focused
14 on at that point?

15 **A.** So there would have been meetings and guidance focused
16 on infection control measures in schools, for example.

17 **Q.** Yes, and do you accept, and hopefully we won't need to
18 go to it, but by infection control measures at that
19 point, that was the sort of basic advice around how long
20 you, you know, washing your hands --

21 **A.** Yes.

22 **Q.** -- wiping down surfaces, that kind of advice, not
23 infection control in the sense of there should be
24 distancing in schools or --

25 **A.** Yes, it was the passing on of that, of the current

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1 individual schools thinking about an individual closure,
2 but it was predicated on the assumption that that was
3 workforce or illness related. I think it would be fair
4 to say it was predicated on, I assume it would be for
5 relatively short periods --

6 **Q.** Yes.

7 **A.** -- not the whole system for a long period.

8 **Q.** I mean, most people who have children at school, will be
9 familiar with snow days, and the kind of very widespread
10 events that might close schools. But again, none of
11 that is premised on parents, for example, providing
12 education to their children or children being educated
13 online.

14 **A.** Yes, I mean, I would say, actually, that the guidance we
15 give the system now does have a strong expectation that,
16 even for a relatively short closure, there will be
17 remote education provided. But at the time that was
18 less common.

19 **Q.** Forgive me, I didn't want to speak over you --

20 **A.** Sorry.

21 **Q.** -- and we'll come to what may have changed since, but
22 I think at the time, and I think -- I understand you're
23 accepting that schools weren't given the forewarning
24 that they might be required to pivot to educating
25 children in their homes for potentially a significant

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1 period of time?

2 **A.** Yes, that's correct.

3 **Q.** And do you accept that schools just weren't prepared for

4 that wholesale pivot to having most children at home and

5 in need of education?

6 **A.** I think different schools were very differently

7 prepared. And again, I think you've heard some evidence

8 to the Inquiry on the preparations made by both some

9 trusts and some individual schools. So my

10 characterisation would be that preparation was very

11 uneven and not where you would have wanted it to be.

12 **Q.** And do you accept it was uneven because, in order to

13 provide or in order to have or achieve consistency,

14 there does need to be guidance issued from the centre

15 that ensures that everyone is preparing --

16 **A.** Yes.

17 **Q.** -- in the same sorts of way?

18 And do you also accept the evidence which has

19 emerged since, that many schools in England weren't

20 geared towards teaching online? So, for example,

21 teachers hadn't been trained in online teaching or

22 schools didn't have access to the sorts of platforms,

23 maybe, that some schools did have access to.

24 **A.** Yes, again, I completely accept that for the generality

25 of the system. I think, again, for complete accuracy,

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1 recognising that in any emergency of this kind it tends

2 to be the people who are already vulnerable who suffer

3 the most.

4 I think there were conversations that were going on

5 about trying to make sure that we were heavily focusing

6 on vulnerable children, but on that specific issue of

7 identifying people to attend school in a mass closure,

8 that's correct.

9 **Q.** Well, I think it's more about being able to have the

10 conversations in advance --

11 **A.** Yes.

12 **Q.** -- in order to think about how -- there's the messaging

13 issue that I'll come to --

14 **A.** Yes.

15 **Q.** -- but I think understanding from schools and from -- if

16 I say "schools", in general -- if -- I mean leaders and

17 local authorities -- in order to understand potentially

18 who do they say the most vulnerable children are, if

19 we're categorising vulnerable children, are there

20 children who we are missing, and if we're affording

21 a discretion, are there specific groups of children that

22 schools think we ought to be including in the guidance

23 as well? So it's the lost opportunity for those sorts

24 of conversations.

25 **A.** Yes.

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1 there were some schools that were -- that had done more

2 of that in their daily life and were better prepared

3 than others.

4 **Q.** Yes. I think the figures, obviously, that were provided

5 by the Department for Education in the June of 2020 were

6 12,000 schools that didn't have a learning platform.

7 I think the majority of those, to be accurate, were

8 primary schools?

9 **A.** Right.

10 **Q.** And that 1.3 million children didn't have access to an

11 appropriate device.

12 **A.** Yes.

13 **Q.** We'll obviously come back to the impact that had on

14 children's education. Just on the issue of the

15 vulnerable child policy, if I may call it that, but the

16 mitigation of allowing vulnerable children to go to

17 school, is it accepted that another one of the

18 consequences of the lack of planning was that there

19 hadn't been time to engage with local authorities or

20 school leaders of MATs or school leaders of local

21 authority schools in order to consider the best or the

22 potentially best ways of identifying vulnerable

23 children?

24 **A.** Yes, again, from my reading of the documents, I think

25 there were conversations, again, about -- I mean,

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1 **Q.** And then also that schools missed the opportunity to

2 have conversations with families in advance of the

3 announcement being made that schools would close about

4 the prospect, for example, that their child might come

5 into school?

6 **A.** Yes. I'm pausing on that one because I think that --

7 and, again, the department has accepted in all of our

8 corporate statements that there should have been more

9 planning, both a long way in advance and in that

10 immediate period. I think the communication of the

11 expectation that schools might be about to close, in

12 that very short-term period, I think would have been

13 remained problematic even if the planning had been done.

14 And again, I've thought about this quite carefully.

15 I think that ideally you would do that planning not in

16 the heat of a growing crisis, because I genuinely do

17 think there are difficult choices to be made at a point

18 where you are seeking to keep schools open as long as

19 possible. And again, there was a principle that I don't

20 think was firmly established until summer 2020, but

21 which was that school is so important to the lives of

22 children that you want it to be one of the very last

23 things you close and one of the very first things you

24 open in trying to manage spread.

25 And when you decide that, you almost, by definition,

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1 put schools at the frontier, you put them at the point
 2 where you're going to be making decisions both to open
 3 and close at a cusp point where it's difficult to make
 4 that decision, and so I think talking to people about
 5 being about to close before you get to that point, when
 6 people are anxious and in the midst of it, was
 7 a difficult decision to make and I think would have been
 8 a difficult decision to make even in the presence of
 9 more detailed planning.

10 And that was true, I think, in the run-up to, in
 11 December and January, where there was more planning but
 12 it still felt very difficult to signal that without
 13 accidentally catalyzing it before the moment where
 14 people had decided it was -- the decision had to be
 15 made.

16 And, so I -- again -- I'm sorry, I'll stop in
 17 a minute -- I think my reflection is we should have done
 18 more sharing, we should have engaged people better but
 19 the absolute best time to have done that would have been
 20 further in advance as part of more detailed contingency
 21 planning such that when you got into the crisis moment
 22 people had more of that understanding at their
 23 fingertips rather than being doing it in that crisis
 24 moment.

25 **Q.** Yes.

13

1 **A.** Yes.

2 **Q.** -- but if we were to reach it, here are the sorts of
 3 things that you need to do?"

4 **A.** Yes.

5 **Q.** A number of witnesses before the Inquiry have talked
 6 about the potentially stigmatising effect of the
 7 messaging about vulnerable children or, as the director
 8 from Kent Social Services described it, almost anger on
 9 the part of people, you know, "You're telling everyone
 10 else their children shouldn't go to school so why should
 11 mine?" Do you accept, again, that that was one of the
 12 consequences of the lack of planning, that there hadn't
 13 been time to think about how that message would be
 14 provided to people if there was -- if this policy was
 15 going to be implemented?

16 **A.** I certainly think more planning would have given more
 17 time to think about the messaging. I'm not sure I'd
 18 make the direct connection with a sense of stigma,
 19 partly because I think that reluctance of people to send
 20 their children, particularly in the first lockdown, was
 21 more related to perceptions around safety than stigma,
 22 and we see that both in surveys that were carried out
 23 and in what happened in January, where the -- I don't
 24 think there was a reason why stigma would have been
 25 different but perceptions of safety were and the numbers

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1 **A.** And I know, you know, the best time to plant an oak tree
 2 is 100 years ago and the second best time is now, but
 3 I do think there's something about that decision-making
 4 in those very fraught moments.

5 **Q.** Yes, decision making at an inflection point --

6 **A.** Correct.

7 **Q.** -- may not be necessarily -- may not have the outcome
 8 that you or, let's be accurate about this, it's not
 9 decision making, it's --

10 **A.** -- (overspeaking) --

11 **Q.** -- consultation and sharing information at an inflection
 12 point, maybe -- may lead to consequences --

13 **A.** Yes.

14 **Q.** -- that are not intended.

15 But just sticking with here --

16 **A.** Yes.

17 **Q.** -- does that mean that what you're suggesting is that in
 18 a future pandemic -- and I'm putting aside long-term
 19 planning for a future pandemic, but you really need to
 20 start to have those conversations before you're heading
 21 towards the tipping point?

22 **A.** Yes.

23 **Q.** So here, in February, when you could have a calm
 24 conversation and say, you know, that "We haven't reached
 25 this point yet --

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1 were very different.

2 **Q.** So, again, if we just stick on that issue for a moment,
 3 do you accept, though, that the messaging and putting it
 4 in terms of vulnerability, was nonetheless potentially
 5 a barrier to some people sending their children to
 6 school and the different kinds of messaging needed to be
 7 provided in order to get more children into school in
 8 the early part of the pandemic?

9 **A.** I think more time to plan would have allowed us to do
 10 better work on the messaging, certainly.

11 **Q.** Because, I mean, I think, witnesses like the Children's
 12 Commissioner, I think, have said it could have been
 13 framed in a much more positive way, in other words there
 14 could have been ways to convey this to families that
 15 didn't make it seem as though it were punitive or that
 16 it was an unsafe thing to do.

17 **A.** Yes, again, I hesitate on that because I think ...
 18 I don't see anything in the department's messaging from
 19 that time that made it look punitive and there was quite
 20 a lot of care taken to make the point that schools were
 21 not closing because they were unsafe but because there
 22 was a need to reduce overall community transmission.
 23 I think again, however, I completely accept your point
 24 that more time would have allowed more thought, work and
 25 consultation on trying to make sure the messaging was as

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1 good as it could have been. I think it would still have
 2 been difficult. I mean, I think the overarching message
 3 to society at that time was so strongly that the right
 4 thing to do was to stay at home that you were going to
 5 have difficulty persuading people not to.

6 **Q.** But do you accept that that's not inexorable because --
 7 that that will be the position because the concern is,
 8 obviously, that it leaves very, very many very
 9 vulnerable children in potentially dangerous situations
 10 and that everything does need to be done to try to get
 11 those children into a safe place --

12 **A.** Yes.

13 **Q.** -- during those sorts of periods?

14 **A.** I think it would have been much better if there'd been
 15 earlier planning. I think we could have done better
 16 messaging and I think that might well have helped. I'm
 17 just not sure it would have been the silver bullet.
 18 I think it would have remained difficult.

19 **Q.** All right. And maybe we can come and consider some of
 20 the issues that might have made a difference in
 21 January 2021.

22 **A.** Yes.

23 **Q.** Can I just turn, then, to the issue that has been raised
 24 with a number of witnesses, which is the position of
 25 children who had education, health and care plans and

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1 education, health and care plan, is better provided in
 2 school. And in a sense, the essence of the education,
 3 health and care plan being in place is that they need
 4 specialist provision in order to be able to get good
 5 access to their education.

6 I think the balance between those two aims shifted
 7 from the very first iteration of the guidance. I think
 8 it actually shifted quite quickly but I think the very
 9 first iteration of the guidance was heavily counted
 10 towards care and safety.

11 And so there were -- the phrasing you describe was
 12 in there, as well as some phrasing that essentially said
 13 if they could safely be supported at home, they should
 14 be, which I think tilted towards a default of, kind of,
 15 at home unless they need to be at school.

16 I think we quite quickly -- and sorry, I say "we" as
 17 the department -- I think the department quite quickly
 18 saw that the numbers attending were very low and were
 19 concerned about that.

20 And, sorry, the other thing I should say is that
 21 across government there was very -- there was high
 22 concern, when writing the list of key workers who would
 23 be able to send their children to school, and making
 24 these decisions, that there would be too many people in
 25 schools for effective infection control. And very early

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1 trying to understand what the rationale for allowing, on
 2 the face of the policy, those children to attend school
 3 was.

4 If I can just premise the question by saying that --
 5 and the Inquiry has looked at the guidance for March and
 6 April and I think this follows through into the guidance
 7 of May 2020, as well -- that on the face of the
 8 policies, it said that children with an education,
 9 health and care plan could attend school but the policy
 10 then qualified it effectively by saying that the test --
 11 and I mean "test" in the sense of a test in guidance --
 12 was whether or not children with an EHCP whose personal
 13 care needs couldn't be met at home could go to school,
 14 and whether -- so that's the premise.

15 And first of all, was that the intention of the
 16 policy: that really only a subset of children with
 17 education, health and care plans should attend school?

18 **A.** So I think the -- I think there were two aims in
 19 allowing children with an education, health and care
 20 plan to attend school. The first was around care and
 21 safety and recognising that some of those children would
 22 get better care and be safer at school because of the
 23 needs that they had. And I think there was a second
 24 concern which was around the provision of their
 25 education, which again, in general, for a child with an

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1 on that was the biggest concern. And it very quickly
 2 pivoted, because it became clear that, actually, not
 3 very many people were going to school, to a concern
 4 about there not being enough children who were
 5 vulnerable and would be better off in school, in school.

6 So you can see that when we published the updated
 7 guidance on 19 April 2020, we changed the wording quite
 8 significantly. And I don't think it was just wording,
 9 actually, I think the underlying intent shifted. And so
 10 that guidance said -- and I have an INQ number if you
 11 would like: INQ000519887. And that guidance says:

12 "The government encourages vulnerable children and
 13 young people to attend educational settings unless they
 14 have underlying health conditions that put them at
 15 severe risk."

16 So it changed that presumption.

17 It also set out specific expectations for each of
 18 children and young people with a social worker, children
 19 and young people with an education, health and care
 20 plan, and children and young people who were otherwise
 21 vulnerable.

22 And on the -- sorry, do you want me to --

23 **Q.** No, I'm just -- we need to just go to the page number,
 24 which I have.

25 **A.** Of course, I'm so sorry.

20

1 Q. No, it's fine, you've just raced slightly ahead of me.
 2 A. So, 0003.
 3 Q. It's page 3.
 4 A. So at the top, just below those two bullets:
 5 "The government encourages vulnerable children and
 6 young people to attend educational settings unless they
 7 have underlying health conditions that puts them at
 8 severe risk."
 9 Thank you very much indeed.
 10 Q. So if we carry on with that and look at the next
 11 sentence:
 12 "During the coronavirus ... outbreak, vulnerable
 13 children and young people are defined as those ..."
 14 So we have the first one: effectively, children who
 15 have a social worker.
 16 Then the second bullet is:
 17 "have an education, health and care ... plan whose
 18 needs cannot be met safely in the home environment."
 19 So, it's not a test that puts it the other way round
 20 and asks -- risk assesses whether or not this child can
 21 safely attend school; it's still premised on children
 22 whose needs -- do you see the point?
 23 A. Yes, I do.
 24 If you go to the next page, 004 --
 25 Q. Yes.

21

1 then in further iterations of the guidance you see that
 2 balance shift further towards attendance. And again,
 3 I think there's a -- I think there was a real challenge
 4 here in trying to get the balance right between
 5 children's safety, education, managing the fact that
 6 there was still quite a lot of uncertainty, that as well
 7 as children with an education, health and care plan,
 8 often needing that school support, there was also a very
 9 large overlap with children who, at that stage, were
 10 being told that they were clinically vulnerable or
 11 clinically extremely vulnerable, and people were trying
 12 to manage that balance and that shifting picture.
 13 Q. I think that's understood, but I think it's just not
 14 clear why a simple test that said "risk assess whether
 15 or not this child can safely go to school", rather than
 16 the other way round, would have answered that.
 17 A. I have to say, I tend to agree with you.
 18 Q. And the other issue that has come up in respect of this
 19 is obviously the risk assessment itself and the evidence
 20 that some children either weren't being risk assessed,
 21 or -- and that was evidence that I think the Children's
 22 Commissioner had gathered during this period, and then
 23 the Ofsted evidence, as well, that some people -- some
 24 children who were entitled to go to school were not --
 25 were still not being offered places. And I think the

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1 A. -- you have the specific expectations for children with
 2 an education, health and care plan. I agree with you,
 3 it has that starting headline that says "cannot be met
 4 safely in the home environment", but it then says,
 5 again, the second paragraph underneath "Expectations on
 6 attendance":
 7 "Where the risk assessment determines a child or
 8 young person with an EHC plan will be as safe or safer
 9 in an educational setting, it may be more appropriate
 10 for them to attend ..."
 11 So it's starting to shift, and it then shifts
 12 further. And I think the key thing to say is we can see
 13 a shift in the attendance of children between the
 14 writing of this guidance, and the next attendance
 15 figures. So, at 17 April, the estimate was that
 16 about 5% of vulnerable children and young people were
 17 attending on site. After the publication of these
 18 guidance, the next figures were on 24 April 2020, and
 19 the estimate then was that 10% were attending. So
 20 approximately a doubling in the attendance of vulnerable
 21 children and young people.
 22 I think it is still far lower than you would want,
 23 to be clear --
 24 Q. Yes.
 25 A. -- but the department was seeking from this point -- and

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1 issue that goes to is how, in this sort of situation,
 2 the government monitors the implementation of these
 3 kinds of policies and knows if there are problems in
 4 their implementation which may not be -- may not be
 5 clear because these are decisions being made by
 6 individual institutions.
 7 Is that a matter that the Department for Education
 8 has reflected on since the pandemic?
 9 A. Yes, and I think -- I mean, Ofsted, of course, is part
 10 of the answer to that question so the reason that Ofsted
 11 are able to opine on that is because they were working
 12 closely with local authorities and looking at that, and
 13 both in emergency situations and in normal business, the
 14 department has to think very carefully about, where you
 15 have duties that apply to schools or local authorities,
 16 how you make sure that you've got assurance that the
 17 duties are being carried out, but how you do that in
 18 a way that doesn't remove responsibility from the body
 19 that holds the duty. And we think about that a lot.
 20 Q. Yes. But is it accepted that -- and thinking about the
 21 context of a pandemic, that there does need to be
 22 a better way to ensure that that intelligence is coming
 23 to the Department for Education quickly, so that it's
 24 understood there is a blockage in the implementation of
 25 the policy we've enacted?

24

1 A. So I think one of the reflections -- so there were a set
2 of places where data flows were a challenge before and
3 during the pandemic on many of which we actually used
4 the pandemic as a spur to try to put much better data
5 systems in place subsequently. That's still a work in
6 progress. But I think often having good, transparent
7 and relatively real-time data can really help with those
8 challenges and making sure that you are getting
9 assurance without being overbearing on a system that is
10 working hard under difficult circumstances.

11 Q. I'm going to move on, I wanted to check, though, before
12 I do, the Inquiry has obviously heard evidence about
13 section 42 being adjusted --

14 A. Mm-hm.

15 Q. -- so that the duties on local authorities to provide
16 requirements in education, health and care plans was
17 abrogated and the duty became one of reasonable
18 endeavours, the Inquiry understands from the evidence
19 that the rationale for that was that these were the
20 sorts of services or therapies that children might be
21 offered in school, and if they weren't in school, they
22 weren't getting them. And I think the issue that has
23 arisen, that that doubly disadvantaged these children
24 because of the way the policy was working. And because
25 of the need of a risk assessment, which meant that they

25

1 did really hard work during the pandemic with staffing
2 pressure and difficulty, the kinds of staffing level
3 drops that we had been asked to plan for, and that
4 people thought might transpire, didn't come to pass.
5 And so it's quite easy to look back on it and say,
6 "Well, it looks like there were enough people that you
7 could have done all of those things and you didn't need
8 to disapply it", that really wasn't clear at the point
9 when those provisions were put in place and we were
10 trying to strike the right balance between making sure
11 children got everything that they possibly could and not
12 leaving people in a position where they were forced into
13 unlawfulness because they -- because it was impossible
14 to do the thing that was asked.

15 Q. But is there a lesson to be learned from that about
16 pre-empting or making changes to children's rights and
17 entitlements before there is evidence that it's actually
18 required? Because I think that was an issue that also
19 arose in respect of the coronavirus regulations, where
20 it seemed to be assumed that there would be a need for
21 the changes that were made, but I think the department's
22 position is they weren't used because they weren't
23 needed?

24 A. Yes. I think there's definitely a lesson to be learnt
25 about that although I would, on the coronavirus

27

1 weren't at school, and then at the same time, because
2 they weren't at school, they weren't getting what was
3 offered -- sorry, what they had previously been
4 entitled to.

5 A. Yes, and I think there's a reason that the department
6 didn't make a similar set of provisions when it came to
7 the January lockdown, where the approach that was taken
8 was a little more: if the child cannot get the provision
9 that they need not in school, then we should do
10 everything we possibly can to support them to be in
11 school and to get that provision.

12 I think the -- again, I think some of this is not
13 about the level of preparation; it's about the deep
14 uncertainty that there was during that very early
15 pandemic period. Uncertainty about safety, not just of
16 individual children but of different procedures and
17 processes. So for example, there was an enormous amount
18 of work the department did on aerosol-generating
19 procedures, which are needed for some children and young
20 people, where there was real uncertainty about the
21 safety for the child and young person and for the person
22 administering the process and uncertainty about
23 workforce impact.

24 So again as it turned out, although many, many
25 schools and colleges and children's social work teams

26

1 regulations, I don't think it was an assumption that was
2 made; I think it was something we were being asked for
3 rather powerfully by -- so there were meetings with
4 ADCS, Local Government Association, and those changes
5 were specifically asked for because people thought they
6 would be needed. So it wasn't -- I don't think it's
7 fair to say that the department assumed it. I think
8 a very large gathering of people who were responsible
9 for the provision of those services agreed. I actually
10 think the key mistake there was that we were speaking to
11 the providers, the producers, and we didn't engage
12 children's charities and children's rights organisations
13 directly in those conversations to make sure we were
14 looking at both halves of that.

15 I say that. I'm very, very clear that those
16 producer organisations were trying to do the right thing
17 for children; I don't think they were trying to, sort
18 of, do something they shouldn't but I think we would
19 have had better preparatory discussions if we'd engaged
20 a wider group of people in them, but I don't think it's
21 fair to say that the department assumed it was needed.
22 The department were asked for the changes.

23 Q. Yes, and maybe that's a question of the department
24 testing more --

25 A. Yes.

28

- 1 **Q.** -- whether or not those changes are needed, and I think
2 the position in adult social care was different because
3 there was a need to demonstrate workforce shortages.
4 But that wasn't the position when it came to children.
- 5 **A.** Yes, and I think that is exactly the sort of thing we've
6 learnt from and would do differently in a future
7 pandemic.
- 8 **Q.** Can I just ask you, then, just about children more --
9 the much broader cohort of children who might be
10 described as vulnerable, not in a technical sense of the
11 term. But the Inquiry has seen the analysis that was
12 prepared by the Children's Commissioner for England,
13 I think in 2018 and 2019, and I can take you to it in
14 your bundle, Ms Acland-Hood, if you want to see it --
- 15 **A.** Yes -- (overspeaking) --
- 16 **Q.** -- but I don't think it's controversial that the
17 Children's Commissioner, on her analysis, thought there
18 were about 2.3 million children who would fall within
19 her categorisation of vulnerability, those being
20 children who live with one of the three toxic trio
21 factors for childhood adversity and we have seen some
22 evidence that the Department for Education calculated it
23 on a lower basis.

24 First of all, I wanted to check whether it was
25 accepted that there was a much broader cohort of

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1 The one thing I would say is that a very large
2 proportion of that group will be children on free school
3 meals, and of course, schools do know which children are
4 on free school meals. So it's true that the school
5 might not know, for example, that the child is a child
6 of a prisoner, but it's -- I think it's -- I don't think
7 it's quite right to suggest that the school would be
8 unaware of any form of vulnerability for all of those
9 children in that identified group because the free
10 school meals category is so large, and overlaps with so
11 many of those other characteristics.

- 12 **Q.** So can I --
- 13 **A.** Again, I don't say that to be difficult, or to question
14 her analysis, I think her analysis is very useful, but I
15 just -- it's been bothering me a bit that we haven't
16 been clear about that -- (overspeaking) --
- 17 **Q.** The composition of --
- 18 **A.** -- quite significant overlap.
- 19 **Q.** -- that vulnerable group?
- 20 **A.** Yes.
- 21 **Q.** So I think on the department's own narrow estimate for
22 vulnerable children, I think -- is it 1.9 million
23 children, on a narrower measure?
- 24 **A.** Yes, and, again, it's not -- it's a slightly different
25 composition of factors and I don't think we would ever

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- 1 children who would fall potentially within a definition
2 of vulnerability than that that was set out in the
3 department's guidance.
- 4 **A.** Yes, and that was the reason for the other "vulnerable"
5 category. I'll just say one thing about the Children's
6 Commissioner's analysis, so I think we completely accept
7 that there's a much wider category of children who could
8 be described as "vulnerable". I think Indra Morris, in
9 giving evidence to the Inquiry, raised questions about
10 the use of the term "vulnerable", and I have to say
11 I personally share that uneasiness about the use of the
12 term, but I'll use it for ease.

13 The Children's Commissioner's analysis looks at
14 number of factors including children in low income for
15 which she uses the definition of free school meals. She
16 then adds up groups of children who suffer from all of
17 those different kinds of vulnerabilities and some
18 statistical analysis is done to try to remove overlaps
19 because of course they are heavily overlapping groups.

- 20 **Q.** Yes.
- 21 **A.** She then subtracts from that children in contact with
22 children's social care, and identifies a group that are
23 not in touch with children's social care but might be
24 otherwise vulnerable, and we accept all of that
25 analysis.

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1 suggest there was a sort of hard boundary of -- and
2 again, it's one of the reasons why the "vulnerable" term
3 is slightly difficult. I mean, these things exist on
4 spectrums. Also, people can have extremely satisfying,
5 effective and fulfilling lives, even while in these
6 categories, they can have excellent parenting, people
7 can be extremely supportive despite being in one of
8 these categories and so they are -- they are strong
9 indicators of risk that you want to be attentive to and
10 think about but I don't think they should be used as
11 a sort of label, a definitive label of, kind of, lack of
12 safety in the home, for example.

- 13 **Q.** I think what in fact this really goes to is the
14 calculation of the attendance of vulnerable children at
15 school and having a much better understanding of the
16 risks that children are exposed to when they're not at
17 home. Because the Department for Education statistics
18 were measuring children with a social worker and
19 children with an EHCP?
- 20 **A.** Yes.
- 21 **Q.** And I wanted to ask whether it's accepted that that's an
22 underestimate of the -- in fact, the number of children
23 who would have been vulnerable or at risk during the
24 pandemic?
- 25 **A.** Yes, it is. I think it's the -- I think that

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1 particularly children with a social worker is a good
2 proxy for the group where there was the clearest
3 knowledge that there was likely to be some risk to them
4 in the home. Almost by definition. Because if we know
5 that there's a risk to a child in the home, we use those
6 procedures around the children's social care system.

7 **Q.** Yes, but you understand there's lots of children on the
8 cusp of care?

9 **A.** Yes.

10 **Q.** There are lots of children who receive services that are
11 less than the statutory services, in order to prevent
12 them escalating --

13 **A.** Yes.

14 **Q.** -- to be in that position?

15 **A.** Yes.

16 **Q.** Can I just come on then, please, to a separate issue,
17 which is the one that you've just touched on, which is
18 that of consultation, and used the coronavirus
19 regulations as an example of that, and first to ask
20 whether it's accepted that the way that those
21 regulations were enacted was entirely asymmetrical in
22 terms of consultation. That consultation was only with
23 those organisations who sought the relaxation of those
24 statutory requirements as opposed to organisations who
25 might speak to the consequences of them?

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1 **Q.** Yes --

2 **A.** -- my understanding is that there were informal
3 conversations with the Children's Commissioner, and that
4 the team at the time thought that they were engaging
5 her, but that was short of a formal consultation with
6 her, and that the court judged that that was
7 insufficient and we accept that judgment.

8 **Q.** When you say engagement with her, do you mean the email
9 that was sent on 16 April?

10 **A.** It is my understanding that there was other engagement
11 with her.

12 **Q.** Right. Well, I don't think we've heard anything about
13 that. But nonetheless it's accepted, as the Court of
14 Appeal said, the regulations were unlawful for that
15 reason.

16 **A.** Yes.

17 **Q.** And it's still very -- I'm not sure I quite understand,
18 there had been consultation, albeit informal. Are you
19 suggesting that the Children's Commissioner had in fact
20 been treated in the same way as local authorities and
21 the service providers who had been consulted?

22 **A.** So there had been -- there wasn't a formal consultation
23 of any kind. So the -- everyone who was consulted was
24 consulted informally. I think there was more
25 conversation with -- and again, I do this on the basis

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1 **A.** Yes. I think that's right. I think there was an
2 attempt to engage informally with the Children's
3 Commissioner, but as the Court of Appeal found in the
4 judicial review, that was inadequate. And we accept
5 that.

6 **Q.** And the Inquiry has looked at the correspondence from
7 around this period and has seen that the Children's
8 Commissioner was writing to the Department for Education
9 on 6 April, precisely on the point that the guidance
10 that had just been published left a void because it
11 informed -- it stated that local authorities may well --
12 I'm summarising -- may well not be able to meet their
13 statutory obligations, and didn't say anything about
14 what those statutory obligations were.

15 Yes. So she had written on that very issue and
16 these were the regulations that were going to fill
17 that --

18 **A.** Yes.

19 **Q.** -- that void. And it's difficult to understand why, in
20 those circumstances, putting to one side that she is the
21 Children's Commissioner, why she would have been left
22 out of the consultation.

23 **A.** So I think the -- and -- and, again, remembering that
24 I'm doing this on the basis of the documents that I've
25 seen.

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1 of the documents that I've been provided with -- I think
2 that there had been more discussion and consultation
3 with those who were putting forward the measures. But
4 it's not that there was a formal consultation process
5 from which she was omitted; it was that the work was
6 being done at enormous pace and people were trying to
7 engage as quickly as they could.

8 It is my view that if we had time to ring up and
9 talk to the ADCS, we had time to ring up and talk to
10 a wider range of children's organisations, not just the
11 Children's Commissioner, actually.

12 As it happens, I think people did try to have that
13 informal engagement with the Children's Commissioner,
14 but I don't actually think that -- I think we should
15 have sought to have at least that informal level of
16 consultation more widely. That's my view.

17 **Q.** I'm going to move on to an entirely separate, albeit
18 related issue, away from consultation. And it's just to
19 understand the position about the social work guidance
20 that was provided on 6 May.

21 So, first of all, I think it's right to say that
22 that guidance was intended to fill the void that had --

23 **A.** Yeah.

24 **Q.** -- existed until that point, in terms of making
25 absolutely clear what statutory obligations could be --

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- 1 A. Yeah.
- 2 Q. -- no longer had to be met in the way that they had been
3 put before, yes.
- 4 And that guidance put some guardrails around the
5 exercise of those obligations -- around the exercise of
6 those regulations as well, didn't it?
- 7 A. Yes, it did.
- 8 Q. It required sign-off and all the rest -- and those other
9 things we see in the guidance. But the concern is that
10 the other visits that that guidance applied to, so the
11 other forms of everyday social work visits, those safety
12 rails didn't apply to that, and, indeed, appeared to
13 presume that social work visits would be remote unless
14 it was necessary. So, again, instead of it being the
15 other way round: you should use remote visits only if
16 it's necessary.
- 17 A. Yes.
- 18 Q. Do you accept that?
- 19 A. Yes, I do.
- 20 Q. And do you accept that the guidance, such as it was
21 issued, was -- just didn't contain the safeguards that
22 were necessary in order to ensure that social work
23 practice was consistent and was being carried out in
24 a way that ensured child protection was maintained?
- 25 A. I think it -- what it sought to do was protect the

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- 1 we were being asked to do was for as many people as
2 possible to stay at home, to do your work from home if
3 you possibly could.
- 4 Again, I think this is one of those where, having
5 lived through that, you might well -- again, if you were
6 faced with exactly the same pandemic -- which, again,
7 I'm always conscious we need to make sure that we aren't
8 overplanning for exactly the same thing we just
9 experienced, but I think you might do something
10 different: I think you might push harder that you go
11 face-to-face unless you can't, rather than the other way
12 round.
- 13 Q. Yes, you reverse the presumption --
- 14 A. Yes.
- 15 Q. -- and you put a consistent --
- 16 A. Yes.
- 17 Q. -- you put some clear principles around --
- 18 A. Yes.
- 19 Q. -- deviating from the norm of social work practice?
- 20 A. Yes.
- 21 Q. And the other issue in relation to this is obviously the
22 really practical one of PPE.
- 23 A. Yes.
- 24 Q. And about providing guidance that's actually realistic
25 about what might happen on the doorstep. So can I just

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- 1 highest priority work and allow flexibility so that
2 social workers could prioritise. So the challenge with
3 some of the statutory timescales was that they risked
4 requiring social workers to go and do the thing that was
5 about to be out of time rather than the most presently
6 urgent thing. So I think the intent was to allow social
7 workers to focus on the things that would allow them to
8 safeguard children best.
- 9 I think, again, this is another case in which people
10 were worrying about both a set of workforce challenges
11 and a set of challenges around acceptability of
12 face-to-face visits to families, not just to the social
13 workers, that risked putting people in a place where,
14 even they were trying to do the right thing, they were
15 found to be unlawful. And this guidance essentially
16 reflected those regulations and, as you say, put those
17 guardrails around it.
- 18 It did seek to say, "Where you're worried about
19 risk, you should prioritise face-to-face", but you're
20 right: it carried the implication that other things
21 would default to remote.
- 22 Q. Yes.
- 23 A. And I think that is -- again, I really understand why
24 that was the position at that time. Again, if you think
25 back, the kind of -- the whole thrust of everything that

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- 1 deal with those two things as well.
- 2 A. Yes.
- 3 Q. Did this guidance also reflect the fact that there were
4 shortages in PPE as well, or was that a concern at this
5 point?
- 6 A. It was. We were making sure very hard to make sure PPE
7 was prioritised for the children's social work force,
8 and we were relatively successful in that, I would say,
9 but we were always conscious -- I mean, again, this was
10 a period in which everyone representing any workforce
11 that was still in face-to-face contact with anybody was
12 clamouring for PPE. And so there was a sort of enormous
13 cross-government ... I was about to use the word
14 "bun fight", but that's probably not helpful. It was
15 better than that.
- 16 There was a process in which everybody could see the
17 really clear need for their workforces to have PPE, and
18 there was a really difficult exercise, in my view, being
19 done to try to rank those needs in order and get as much
20 PPE to the people who needed it most as possible. And
21 we did quite well at getting children and social workers
22 to the top of that list, but we were acutely conscious
23 that it was -- you know, there was far more demand than
24 supply, as a whole, and so we couldn't -- I think it
25 would be fair to say at this stage we couldn't

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1 necessarily guarantee that if we had pushed for
2 everything to be done face-to-face we could have said
3 there would definitely be enough PPE to make that
4 happen.

5 So we -- again, we were trying to give flexibility.
6 I think you could have given that flexibility still with
7 the default the other way round --

8 **Q.** Yes.

9 **A.** -- and it might have been better, but I think people
10 were acutely conscious of those practical difficulties.

11 **Q.** All right. I'm going to move on to a new topic which is
12 that of impact assessments, and specifically equality
13 impact assessments as well.

14 I think -- can we see if we can do this without
15 necessarily needing to go to one, just so that the
16 Inquiry can understand the Department for Education's
17 perspective on equality assessments.

18 I don't think there's any dispute, there wasn't an
19 equality assessment carried out prior to the closure of
20 schools.

21 **A.** Yes.

22 **Q.** I think we have a draft one that was carried out some
23 time after, I'm not sure it's clear if it was finalised.

24 Or not?

25 **A.** It was written at the same time as the impact assessment

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1 development, education, and many of the other issues
2 that you're concerned with; correct?

3 **A.** Yes.

4 **Q.** And the second, perhaps, inherent limitation is that the
5 characteristic of age isn't a protected characteristic
6 when it comes to the provision of services either.

7 **A.** Yes, and I mean, as you can see in the impact
8 assessments we wrote, we tend to write the impact
9 assessment as if it is, because it's helpful. But
10 you're right, that's not part of the legal duty.

11 **Q.** No. And also an equality impact assessment is about
12 comparing protected characteristics, as well, which is
13 of less use in a pandemic situation, because those
14 things may be of much less interest. What you're really
15 interested in is just impact on children.

16 **A.** Yes.

17 **Q.** Which obviously raises the -- or points to the
18 importance of child rights impact assessments as an
19 alternative tool. Do you agree?

20 **A.** So I certainly think that there's value in making sure
21 that impact on children is being considered. The
22 department do use children's rights impact assessments
23 and we find it a helpful tool in many circumstances.

24 I suppose the other -- and, again, this is covered
25 in the legislation on equalities impact assessments, but

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1 for reopening in June. It was done because the Public
2 Sector Equality Duty -- I mean, again, you, of course,
3 know this, but applies not just to moments of decision
4 making, but to all of the exercise or the functions of
5 any public authority and so the judgement was it was
6 much better to write one in detail when we could and
7 then make sure that in the implementation we were going
8 back round and seeing if we could do even more.

9 Again, the writing of the assessment isn't the thing
10 that fulfils the duty; the duty is fulfilled by giving
11 good -- giving due consideration at the moment that the
12 decision is made. But as a department, we tend to find
13 the writing of those assessments helpful, as well
14 necessary, in trying to make sure we're doing our job as
15 well as we can.

16 **Q.** Yes, and because they can be important for identifying
17 mitigations, as well.

18 **A.** Yes.

19 **Q.** But can I just come back to equality impact assessments
20 and their potential limitations in relation to children.

21 **A.** Mm-hm.

22 **Q.** I mean, the first limitation that may be particularly
23 relevant to children is that socioeconomic disadvantage
24 isn't a protected characteristic, yet it is one of the
25 most important characteristics that affects children's

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1 you always have to guard against, a bit against the sort
2 of writing of the assessment substituting for the
3 thinking really deep embedded in the decision itself,
4 and so my only question about the use of children's
5 rights impact assessments is whether you -- whether what
6 you actually want is for the core of the decision to be
7 focused on children's rights.

8 I would actually argue a lot of the decisions the
9 department took during the pandemic were kind of deep
10 focused on the rights and interests of the child. But
11 I mean, I agree with your reflections on the limitations
12 of equality impact assessments in focusing on
13 disadvantage.

14 **Q.** But I think what you're saying is that if rights
15 assessments are to be used as a meaningful tool, then
16 they have to -- they do have to properly reflect all of
17 the implications, for example, of a policy on children
18 in a way that is meaningful and realistic?

19 **A.** Yes, and I think I'm saying that you want to make the
20 requirement around it comparable with the real-world
21 decision making that happens.

22 And again, I say this carefully, but there is
23 a trade-off between a requirement that -- and again,
24 I -- I do feel there's a little bit in respect of
25 equalities impact assessments, there's a trade-off

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1 between a requirement that asks you to consider every
 2 one of an extremely long list of things, some of which
 3 may be more or less relevant to the specific decision
 4 being taken, and how far it is easy to genuinely get
 5 a decision maker to think about all of those things,
 6 including when they may not be that relevant to the core
 7 of the decision being taken. So there's something
 8 about -- and again, the legislation does actually cover
 9 this but there's something about our practice in doing
 10 it and the way we set it up to encourage this. There's
 11 something about proportionality and the -- and I don't
 12 mean not caring about equalities or children's rights,
 13 I mean really focusing on the things where you're going
 14 to make the biggest difference, have the biggest impact,
 15 and making sure that is at the centre of the decision
 16 maker's consideration, and that can sometimes be easier
 17 if you're not required to present those things in a list
 18 of everything you can think of --

19 **Q.** Yes.

20 **A.** -- as opposed to with focus on them.

21 **Q.** Can I just check that I've understood. You, I think,
 22 maybe does that go to the sort of comparative
 23 exercise --

24 **A.** Yes.

25 **Q.** -- that you have in an impact equality assessment

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1 it's proportionate that I think is hard, and bears
 2 consideration.

3 **Q.** Can I just separate out, I think there are two --

4 **LADY HALLETT:** Before you do, I've been asked twice now to
 5 ask you to slow down.

6 **THE WITNESS:** I'm so sorry.

7 **LADY HALLETT:** I didn't ask you the first time because, like
 8 me, you speak very quickly so I didn't want to criticise
 9 myself but if you could, I'd be really grateful.

10 **THE WITNESS:** I'm so sorry, I will. I'm going to write
 11 myself a note.

12 **MS DOBBIN:** I think that on that issue you've just raised,
 13 Ms Acland-Hood, you may have jumped to an issue that
 14 Module 8 has been exploring, which is the question of
 15 where you measure or where you balance children's rights
 16 against precisely the sort of other interests and rights
 17 that you've just described. So if you're considering
 18 schools, where that -- when you're considering the
 19 closure of schools because of the potential impact it
 20 might have on broader transmission of a disease, where
 21 does that thinking and where does that weighing up and
 22 balancing take place?

23 The Inquiry has seen the evidence of the Children's
 24 Commissioner, writing to SAGE to suggest, or to ask why
 25 are children's interests not being taken into account in

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1 whereby those comparisons may not mean very much in the
 2 context of the decision you're making?

3 **A.** I think it goes to the comparative part, and it also
 4 sometimes goes to -- and again, I say this carefully
 5 because I do think there's something about the logical
 6 exercise of being required to think about everything
 7 that is helpful, but for a decision maker, for example,
 8 taking decisions about school closures in a pandemic,
 9 there are some things where the impact is so great that
 10 it genuinely should be weighed up against the risk of
 11 mass fatality.

12 And there are a whole lot of other things that just
 13 aren't ever going to seriously be considered -- I mean,
 14 sorry, even if they were considered seriously, it
 15 wouldn't be for very long, in contrast to that. And
 16 again, I hesitate to give an example, but the question
 17 is, how do you make sure that in the moment of actually
 18 making those very difficult decisions, you are able to
 19 focus remorselessly on those things that have really
 20 big, really serious impacts that genuinely might shift
 21 your decision making on those really material points?

22 And sorry, I -- I'll -- I will shut up in a minute,
 23 I'm sorry, but I've thought about this quite a lot. But
 24 there is something about how you frame a requirement or
 25 a provision, both so that it's comprehensive and so that

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1 that forum?

2 So can I ask you about that first.

3 **A.** Mm.

4 **Q.** The Department for Education was represented on the
 5 children's task and finish group --

6 **A.** Yes.

7 **Q.** -- wasn't it?

8 **A.** Yes.

9 **Q.** So is it correct that in fact insofar as there was
 10 a voice for children's interests or a voice that was
 11 able to say, "This will have terrible consequences for
 12 children's education", it was -- it was reflected in
 13 SAGE, or certainly, as the children's task and finish
 14 group?

15 **A.** So, yes, and the department was part of the setting up
 16 of the children's task and finish group. I think the --
 17 although I think there -- SAGE is not a decision-making
 18 body; SAGE is an advisory body focused on medical and
 19 health evidence, and so principally, we were listening,
 20 at SAGE, not talking, because we aren't the holders of
 21 the medical and health expertise. I think the more
 22 important point was that SAGE were providing one lens,
 23 that we needed to make sure that children's health was
 24 being considered, and was being considered in the
 25 broadest frame, but that there would be

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1 non-health-related considerations as well, and I don't
2 think it would have been -- I don't think the right
3 mechanism would have been to try to feed those in
4 through SAGE; I think it was about combining the SAGE
5 evidence on health with other evidence and perspectives,
6 and I think you can see the department doing that
7 throughout the pandemic, seeking to say: what about the
8 other impacts on children?

9 Again, at some of the most difficult moments where
10 the health advice is starting to say some more
11 restriction in society is needed in order to manage the
12 pandemic, the department, certainly from the summer
13 onwards was consistently saying, "Yes, and interfering
14 with children's education is the last thing you should
15 do when you're trying to identify the mechanisms for
16 controlling that spread".

17 **Q.** And I think the issue then is -- I think the first
18 issue, and it's the one that's been raised in evidence,
19 is whether or not the Department for Education was
20 sufficiently -- I hesitate to use the term "in the
21 room", but whether or not it was sufficiently integrated
22 into the main decision-making processes, and I think
23 that means Downing Street, in order to ensure that those
24 interests were properly taken into account.

25 Has the Department for Education reflected on
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1 assumed the key people you had in the room were the,
2 kind of, risk-causing people, not the risk-impacted
3 people. And we've now that conversation in those terms
4 really clearly within the resilience secretariat and
5 they've shifted that fundamental set of assumptions, so
6 we have not just a seat at the table when there's
7 something being decided about children but an assumption
8 that we should be a core part of resilience preparations
9 and contingency planning.

10 And again, we've been exercising that over the last
11 couple of weeks through Exercise Pegasus, which I think
12 may have been mentioned by others to the Inquiry, and we
13 do see a different approach.

14 I think that's also about the department's own
15 capacity and capability. So because of that starting
16 assumption, we didn't really see ourselves as
17 a department that needed a big infrastructure around --
18 a big standing infrastructure around resilience. We now
19 have a very good -- and I pay them tribute, they've done
20 a huge amount of work in support of me today --
21 resilience team in the department, and a much stronger
22 set of structures.

23 The second thing is I think there were a small
24 number of extremely high-profile decisions that directly
25 affected children where it was odd that the department

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1 whether or not it did have the role it ought to have had
2 when those really significant decisions were made?

3 **A.** Yes, so I think, in general, the department did have
4 a good voice. I think there are two things that I would
5 say about that which are relevant. The first is
6 actually back to the topic of pre-pandemic planning, and
7 the way that government as a whole thinks about its
8 resilience and rapid response planning. And I think
9 this was true before the pandemic and for quite a lot of
10 the course of the pandemic.

11 The starting assumption was that the key people to
12 have in the room were the owners of the presenting risk.
13 In other words, the Department of Health, because it was
14 a health risk.

15 Again, you can also see this in some of the
16 exercises that have run since. So, for example, the --
17 again, I may get the precise name wrong because it's
18 changed -- but the department for energy and net zero in
19 response to risks around power. And the Department for
20 Education doesn't hold many causes of risk. We have
21 some, but mainly, we're a department that holds really
22 big society-wide downstream impacts of those risks.

23 And quite a lot of the sort of structures and the
24 set-up around resilience during the -- before the
25 pandemic and during the early part of the pandemic

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1 was not in the room when the decision was taken.

2 **Q.** Do you mean the decision to close schools in March 2020,
3 the decision to close schools in January 2021?

4 **A.** Yes, I do.

5 **Q.** So essentially the biggest decisions --

6 **A.** Yes.

7 **Q.** -- that affected the Department for Education --

8 **A.** Yes. And I --

9 **Q.** -- wasn't present in the room --

10 **A.** And I both understand that -- and again, I do think it
11 comes down to this point of having decided that is the
12 last thing you're going to do, you're going to be doing
13 that in the most extreme crucible moments, but
14 I nevertheless think that it would have been better to
15 have the Secretary of State for Education in the room.

16 **Q.** And do you think that's a reflection of it being an
17 in extremis situation, or a reflection of children's
18 rights and interests not being properly afforded the
19 importance that they ought to be when those decisions
20 have the capacity to change their lives, effectively?

21 **A.** I think it's -- I think it's -- I think it's about those
22 very extreme moments, I think it's about everybody
23 involved thinking they knew how to worry about
24 children's rights themselves without someone else
25 needing to tell them. I think there's -- and again this

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1 is a sort of -- I have to be careful because this can be
2 a slightly tedious refrain of government. I think --
3 and I've worked in the centre of government as well as
4 in departments, but there's a bit of a tendency when you
5 work in the centre to assume you know what departments
6 are going to say and you have enough expertise without
7 them to take many decisions, and there's a tendency when
8 you work in departments to assume that the centre
9 doesn't have nearly the expertise it thinks it has, and
10 needs really your expert advice.

11 And sitting, as I am currently, in the department, I
12 would say that it was a less a risk that the people
13 taking the decision in the centre didn't care about or
14 take seriously children's rights, it was that they
15 thought they had the information that they needed
16 without the department in the room.

17 **Q.** Thank you.

18 Four more minutes to the break time, and maybe we
19 can make a start on the -- it's a related topic to what
20 you've discussed but it goes to events that I think you
21 were closely involved in, and the Inquiry would be
22 assisted by your evidence on it. And that is the events
23 leading up to 4 January 2021.

24 **LADY HALLETT:** If this is so important, Ms Dobbin --

25 **MS DOBBIN:** We'll have a break.

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1 Are you familiar with that meeting and the note to
2 which I'm referring, or would you like to see it?

3 **A.** Yes, no, that's fine. I'm familiar.

4 So I think, and my Lady, the Inquiry, I'd really
5 like to set out this sequence of events around mass
6 testing and I'll try and do it really slowly.

7 **Q.** Before you start, if I interrupt at any point --

8 **A.** Of course.

9 **Q.** -- it's because it may be that you're coming to a point
10 that I was going to ask you about where I think there
11 is -- or the Inquiry thinks there is a lack of clarity
12 so if I interrupt you it is for that reason.

13 **A.** Of course. And you should do exactly what you need to
14 do. I'm just really keen to help with this bit, because
15 I think it's quite confusing.

16 So I think the fundamental confusion arises because
17 there were several different plans for mass testing in
18 quick succession, so I'm just going to try and lay those
19 out and then perhaps we can look at particulars in
20 relation to them.

21 So I'm going to start in October 2020, when DfE
22 worked with DHSC and Public Health England on piloting
23 of mass asymptomatic lateral flow device testing, both
24 in universities and in schools and colleges. And two
25 different things were being tested: one was what was

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1 **LADY HALLETT:** And given the stenographer has been
2 struggling this morning, I think we'll take the break
3 now.

4 I think you've been warned about our breaks,
5 Ms Acland-Hood.

6 And I shall return at 11.30.

7 **(11.12 am)**

(A short break)

9 **(11.30 am)**

10 **LADY HALLETT:** Ms Dobbin.

11 **MS DOBBIN:** Thank you.

12 Ms Acland-Hood, before that adjournment, we were
13 turning to the issue of January 2021 and the events
14 leading up to school closures and specifically the issue
15 relating to mass testing. And it's really that
16 that I want to focus on and see if we can clarify some
17 of the events.

18 Shall we see if we can manage without the documents,
19 but if we -- but if we do, we can turn to them. The
20 Inquiry saw that on 4 December, I think it was a Covid-O
21 meeting, took place and the issue of mass testing was
22 discussed. And it was said at that point that the
23 taskforce was supportive of the proposal for testing in
24 schools, but said that the Department for Education
25 didn't have robust delivery plans or clarity on funding.

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1 called "test to find". So this was, effectively, mass
2 or widespread testing of asymptomatic people to see if
3 more positive Covid cases could be found and then
4 managed.

5 The second thing was what is quite often in the
6 papers referred to as "serial testing", and that is
7 using testing instead of self-isolation when there's a
8 positive case. So if someone tested positive, rather
9 than all of their contacts having to isolate for a long
10 period, the contacts would instead take seven
11 consecutive days of lateral flow tests.

12 And both of those two things were tested in the
13 pilot, and the pilots were supported by health
14 colleagues and by the military in terms of the
15 administration and management of that for schools and
16 HEIs.

17 **Q.** Ms Acland-Hood, it might help, just before you proceed
18 with that, just to clarify, the pilot was relatively
19 small, wasn't it?

20 **A.** Yes.

21 **Q.** It wasn't -- it might give the impression, if you talk
22 about a pilot, that it's all over the country in lots
23 and lots of schools but -- (overspeaking) --

24 **A.** No, no, it was very small, it was to establish whether
25 the principle worked.

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1 Q. Yes.

2 A. And it was promising, and at that stage in October we
3 were particularly interested in the serial testing
4 aspect because we could see at that stage that there
5 were many more children missing school because they were
6 self-isolating than because they were ill. So the
7 proposal -- that piloting led to two things. The first
8 thing was the deployment of mass testing in universities
9 for the return from university before Christmas. And
10 that was piloted on a wider scale and then it was rolled
11 out. So the announcement was made on 11 November that
12 there would be on-site lateral flow testing in
13 universities as students went home, to try and make sure
14 that that return of students didn't spread Covid.

15 And that was carried out. So test kits were
16 deployed to universities. They set up testing centres,
17 students were tested and they went home. So by the time
18 we get into this December period, one important thing to
19 remember is that we have done this in universities.
20 There's a lot more schools than universities, but we're
21 not starting from scratch.

22 The proposal that went to Covid-O, and this is the
23 10 December meeting, so this is the meeting after the
24 one that you referred to, was to set up testing sites on
25 school and college sites to deliver lateral flow testing

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1 for Health, on seeing the paper that morning, said that
2 he wanted it to go further, and for there to be more
3 testing. And that was quite challenging for the team
4 because up until that point the main interaction with
5 Health had been about whether or not enough lateral flow
6 devices could be made available to do the testing that
7 was already proposed.

8 So we had, again -- and I understand all of these
9 positions, incidentally -- we had officials saying,
10 "You've got this big plan for testing. We're also
11 seeking to roll out very widespread" -- there were
12 a whole series of plans for very widespread community
13 testing -- "We don't know if we can give you enough kit
14 to do the school testing you're proposing", and we'd
15 been negotiating that with them and trying to get to the
16 point that we could do what was in this proposal.

17 And then, when the Secretary of State for Health saw
18 it, he wanted there to be more testing.

19 In the meantime, they did agree this proposal and we
20 announced it on 15 December. And on that proposal, we'd
21 had quite a lot of discussion with school partners.
22 There was anxiety about school staff delivering the
23 tests, but because of the scale of it and because of the
24 benefits of the serial testing in particular, we were --
25 and because of the pilots as well -- we were pretty

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1 and it was specifically to do testing on return to
2 secondary schools of school and college staff, so not
3 students at this stage, just staff, and to introduce
4 serial testing of close contacts. And that, at that
5 stage, was still somewhat dependent on MHRA approval but
6 it was expected.

7 So what we were planning for and standing up on
8 10 December was something that requires a test site in
9 every school but not the regular or on-return test of
10 every pupil. It was staff and then it was serial
11 testing for staff and students. And that's important
12 because the numbers are very different. So if you're
13 only testing contacts, you don't need nearly as many
14 tests as if you're testing every student, either once on
15 return, or regularly.

16 You can see in the papers that, having worked on
17 that very closely with DHSC, they wanted to withdraw --
18 they didn't want the paper presented as joint and --

19 Q. Can I be clear, just so we're not losing the thread,
20 which paper it is you're talking about?

21 A. Sorry, so this is the paper that was presented to
22 Covid-O on 10 December.

23 Q. Yes.

24 A. And my recollection and understanding from the papers is
25 that that was principally because the Secretary of State

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1 confident that we could do it.

2 Q. So, just to go back to the meeting where it was being
3 said there wasn't robust delivery plans --

4 A. That was before that.

5 Q. But in terms of delivery of what? Was that delivery of
6 the more limited serial testing --

7 A. Yes.

8 Q. -- or was that -- so even at that point, with the
9 limited plan, that was the concern?

10 A. It was. I mean, I think I'd say two things about that.

11 First, six days is an awfully long time in this period.

12 We were doing -- we were moving things along hour by
13 hour on a lot of these issues. And the second is,

14 again, rightly, it is extremely common in government for
15 people to say that each other's plans are not robust
16 enough yet and to test them and kick them and push them.

17 So I think there were worries about it.

18 I think by the time we got to the 10th, the worry
19 wasn't about whether -- so there was a -- as I say,
20 there was still, relatively close to that, a concern
21 about whether or not enough lateral flow devices could
22 be made available, and there was still work to do on the
23 logistics. I mean, all of this was being done --

24 I mean, if in normal times in my day job you asked me to
25 set up a programme to administer a health test to a very

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1 large number of children in every school across the
2 country, I would tell you it would take three years.
3 That would be my starting estimate. So all of this is
4 being done at extreme pace.

5 But by the 10th, I think we were appropriately
6 confident that we could deliver that serial testing and
7 teacher testing proposal. And I can say that with quite
8 a lot of confidence because if you fast forward to what
9 we actually did, and there's some more story in between,
10 but schools reopened to vulnerable children and children
11 of critical workers on the 4th, secondary and primary
12 and we had some primary schools open, as well. By
13 6 January, two days after that, we had administered 47
14 -- a little bit more than 47,000 lateral flow tests in
15 school settings, which again, give or take, would have
16 been more than enough to meet the expected demand on
17 this first plan.

18 So my level of confidence that we could execute that
19 first plan is not theoretical. We did it. We did it
20 under slightly different circumstances, having attempted
21 something else, but I feel really secure in my judgement
22 that we -- had that remained the plan, we could have
23 executed it and I think we could have executed it really
24 well.

25 The second thing that happened then was that the
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1 **A.** So on the day we were announcing that, we were under
2 pressure to go further and do more. And the proposition
3 that was made then was for testing on return of every
4 secondary child, two tests within a week. And again,
5 the scale of that is an order of magnitude different
6 from the serial testing requirement. And that is why
7 there were -- even though the announcement was being
8 made on the 15th of the first plan, there were papers
9 circulating on the 15th which related to the second,
10 more intense plan. And it was in relation to that plan
11 that we were seriously worried we wouldn't have the
12 workforce and the capability to deliver.

13 **Q.** Yes.

14 **A.** And again, you can see in the papers, both us trying to
15 work out what we can do through the school workforce and
16 us saying we really think we would need support to do
17 this.

18 There was then a third ask, which is for secondary
19 pupils to be tested weekly. So both a test on return,
20 two tests a week apart, and weekly testing thereafter,
21 which again, just further increases the ask in respect
22 of testing.

23 **Q.** Can I just ask you to pause, because I think that is
24 suggestive of or relates to what Sir Gavin Williamson
25 said about these increasing demands --

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1 Secretary of State for Health continued to press for
2 a more comprehensive testing programme.

3 **Q.** Can just ask you to pause before we proceed to that,
4 because I think there's just a -- there is a factual
5 issue here in that the Secretary of State announced --
6 there was a public announcement on 15 December --

7 **A.** Yes.

8 **Q.** -- that schools would be expected to roll out testing --

9 **A.** Yes.

10 **Q.** -- and that's the serial testing --

11 **A.** Yes.

12 **Q.** -- that you were -- you've described. But we know that
13 on the same day, on 15 December, there is this important
14 paper that sets out the requirement, for example, to
15 mobilise 49,000 people, and I think that's where there's
16 a lack of clarity --

17 **A.** Yeah.

18 **Q.** -- whether or not, when the public announcement was
19 made --

20 **A.** Yeah.

21 **Q.** -- there were still -- are these --

22 **A.** No, this in relation to a new plan.

23 **Q.** -- (overspeaking) -- yes.

24 **A.** So this is why it's confusing.

25 **Q.** Yes.

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1 **A.** Yes.

2 **Q.** -- being placed on the Department for Education. This
3 is in the context of the transmission rates --

4 **A.** Yes.

5 **Q.** -- going up and the emergence of the Kent variant.

6 **A.** Yes.

7 **Q.** Did you -- I mean, you were party to all of this. Did
8 those demands seem unreasonable in that context? Or was
9 the issue, the manpower that would be expected? I hope
10 that makes sense.

11 **A.** Yes, it makes perfect sense.

12 **Q.** There's the reasonableness of the testing ask and the
13 reasonableness of how to man it.

14 **A.** Yes. So we entirely understood why more was wanted in
15 the context of the infection picture, and we really
16 wanted to do everything we could possibly do to keep
17 schools open, but on the 15th and 16th in particular we
18 were really worried about the practicalities of doing
19 that. So we'd done -- again, I'm not going to say it
20 wasn't rapid work, it was rapid work, even for the first
21 plan I described, but we got to the point where we
22 had a pretty good idea how we would do that, but this
23 was a huge extension of that.

24 Now, we -- and both I and the Secretary of State
25 expressed that, and again, you can see that in the

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1 minutes of meetings. However, everybody involved in
2 this, the Secretary of State for Health, the Secretary
3 of State for Education, me insofar as it is my place to
4 have a view rather than to execute the things I'm told
5 to do, and I mean I do advise as well as execute, really
6 wanted to do anything we could in order to keep schools
7 open. So I want to explain that the requirement
8 changed. I'm not actually complaining about it. I just
9 want it to be clear.

10 And what we did then, having expressed our
11 anxiousness about it, was -- and again, this might come
12 across oddly, but we did what civil servants do, which
13 is you give your best advice and then when you're given
14 an instruction, even if you think it's difficult, you
15 execute it as well as you possibly can.

16 So when we were asked to expand that, we went away
17 and we ran at that problem as hard as we possibly could.
18 I mobilised staff across the department and asked them
19 to work over Christmas. We communicated to schools. It
20 was a very, very difficult communication. We were
21 asking something that I think felt deeply unreasonable
22 to schools, and I really acknowledge that. But the
23 context was that we were being told: if you want to keep
24 schools open, you've got to go further and do more, and
25 make this happen.

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1 In some of the papers, it is presented as though the
2 delay was necessary in order to get the testing stood
3 up. That's not my recollection. My recollection is
4 that people wanted the delay anyway for infection
5 control reasons and it would help. I mean, it certainly
6 helped us. It made it easier. But there were a whole
7 set of people who needing testing on 4 January whatever
8 we did, because the school was open for vulnerable
9 children and the children of critical workers.

10 And we did have tests centres set up in the vast
11 majority of schools by 4 January. We had lateral flow
12 devices delivered to 97 -- I think 97.2% of schools by
13 4 January. We tested 47,000 people, as I said, by
14 6 January. We ended up carrying out something like
15 a quarter of all of the tests in the testing programme
16 in school sites. And I think that that testing
17 programme was one of the most extraordinary things that
18 was done in what was an extraordinary time, and I cannot
19 emphasise enough how grateful I am to schools, to
20 trusts, to teachers, to teaching assistants, to parent
21 volunteers in large numbers who came together to make
22 that happen, and actually also to my staff in the
23 department -- sorry -- who did that.

24 And I think it is -- again, there is a debate about
25 how far the testing really made the difference,

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1 And by the time we get to 29 December, which was the
2 day of the critical conversations around whether we
3 needed to kind of -- essentially whether we could open,
4 there was a conversation in which there were strong
5 health voices advocating for a bigger delay to the
6 return to school for infection management reasons, and
7 because, by the -- and again, I know this sounds --
8 again, in normal times this sounds very odd, but between
9 the 16th and the 29th, we had done a huge amount of work
10 on this. We'd got the logistics organised with the
11 delivery of this much larger number of tests, we'd
12 issued guidance, we'd got ready to run webinars for
13 staff, we had got some MACA support, not as much as we
14 wanted, it was advisory rather than on the ground, but
15 we were increasingly confident that we could deliver
16 this greater level of testing.

17 Again, we'd initially said it would be voluntary for
18 schools to take up, and there was a push to make it more
19 required, and we said we're going to have to accept that
20 this is a huge ask for them and people will possibly do
21 it if they possibly can, but you will see us in the
22 meeting on the 29th saying: actually we think we can now
23 do this much bigger ask, and if that's what it takes to
24 keep schools open, we'll do it. And the compromise was
25 a delay of a week, with that testing in place.

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1 including in, kind of, whether that could have held
2 infection in January, and I think it is the scientific
3 consensus that it wasn't going to hold that position,
4 but we didn't know that at the time we stood it up, and
5 it did really help us to manage infection through the
6 whole of that January to March period, and to manage
7 school return in March. And we continued to test on
8 return at each point when schools came back after
9 a break. And it increased both confidence and helped us
10 to manage.

11 And I just wanted to set out that -- there's quite
12 a lot of -- it felt as though there was a suggestion in
13 there that the testing was badly done or badly
14 organised, and I don't think that reflects the reality.
15 I think the reality was that we were asked to do some
16 very challenging things -- sorry -- that changed
17 rapidly, and people rose to that challenge absolutely
18 magnificently, and I wanted to say that.

19 **Q.** I think what might be surprising about all of that is
20 that it was left to schools, and that's not put as
21 a criticism; that's put as a -- obviously that would be
22 a mammoth effort --

23 **A.** Yes, it was enormous.

24 **Q.** So, I think one of the things that obviously wasn't
25 clear from the underlying papers, but I think can just

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1 about be worked out, that maybe there was military
 2 assistance of quite a small number of people?
 3 **A.** About 1,500.
 4 **Q.** So, small, compared to the number of schools that, if
 5 you were going to help implement this sort of plan,
 6 would be available?
 7 **A.** Yes. So we'd hoped -- so, again, if you go right back
 8 to those October pilots, there was military support for
 9 the pilots that was on the ground actually helping do
 10 the activity. And we had hoped for that as part of the
 11 rollout. And it became clear, again in that slightly
 12 messy period in December, that that was -- and again, we
 13 had a moment where there was a suggestion there might be
 14 5,000 people available. It was, I think, already --
 15 that was in the meeting papers, but already by the time
 16 the meeting took place, it was -- so again, this is the
 17 15 or 16 December meeting, I think, in the papers, I say
 18 in the meeting it's not clear that this is really a kind
 19 of solid offer.

20 The MACA request was made, we did get support from
 21 about 1,500 people, but again, if you think about the
 22 number of schools there are across the country, that
 23 didn't mean a person in every school; it was group of
 24 people who could give advice and support, and we had
 25 some sort of fly-in teams who could go if there was

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1 indeed, in the Ministry of Defence, trying to work out
 2 how to deploy the available resource to all of the
 3 different requirements that were being made, and we were
 4 doing it at great pace. And I don't know, and didn't
 5 have visibility at the time, of exactly what the other
 6 competing requirements were, but I wouldn't like to
 7 assume they weren't also very important.

8 **LADY HALLETT:** All of the other requirements would be doing
 9 their day job.

10 **A.** Correct, yes.

11 **LADY HALLETT:** And we made a lot of demands on the military,
 12 which they wouldn't normally expect, during the
 13 pandemic.

14 **A.** Yes.

15 **LADY HALLETT:** And I've heard a fair bit about it, things
 16 like PPE distribution and the like.

17 **A.** Yes, and I would say the MACA support they did give us
 18 was extremely, hugely welcome and very helpful. And
 19 they did it very well.

20 **MS DOBBIN:** My question had been about other sources of
 21 support that might have been available, rather than just
 22 the militaries sources. Again, reading from the papers,
 23 it would appear that it was thought that the Department
 24 of Health, or that they might have been able to mobilise
 25 assistance, or test and trace England may have been able

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1 a particular difficulty, but it did fundamentally mean
 2 the core of the activity was in schools and by schools.

3 And I think it was an exceptional thing to ask. It
 4 would have been much better to have been able to find
 5 a way of not asking school staff to do that, but in the
 6 moment where the choice was, if this is going to happen,
 7 this is how it's going to happen, we leant as hard as we
 8 could into trying to make it happen and we did.

9 **Q.** And do you have a clear understanding as to why the
 10 support that might have been available wasn't made
 11 available?

12 **A.** So I think there was -- I think there were couple of
 13 reasons. I think there's a limited amount of MACA
 14 capacity, so there's a sort of straight question about
 15 how many people were available, and all of the other
 16 things that they were being asked to do. There was,
 17 again, so as well as our several different testing plans
 18 during this period, there were a very large number of
 19 different plans put forward at various different points
 20 for mass community testing. And again, there was a mass
 21 testing event in Liverpool which schools were a part of
 22 and which was MACA-supported because the whole thing was
 23 MACA-supported, and I think that a bit is with the
 24 supply of the test devices, there were a lot of people
 25 in DHSC and the Cabinet Office trying to work out and,

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1 to --

2 **A.** Yes.

3 **Q.** It appeared that there were suggestions there might have
 4 been other forms of support --

5 **A.** Yes.

6 **Q.** -- that didn't materialise.

7 **A.** Yes, so again, in that set of papers, it was suggested
 8 there might be some possibility of more MACA support,
 9 there was a list of other workforces that might be
 10 possible to mobilise. And again, we continued to engage
 11 with DHSC on that, but I think at the pace available,
 12 they were struggling to crystallise that into a kind
 13 of -- and again, I really recognise that the colleagues
 14 in DHSC were doing quite a lot of other things at the
 15 time.

16 So again, we sought that additional help. We really
 17 tried to explore it, but in the end, the task was to do
 18 it if we could possibly do it, and we knew that we could
 19 work with staff in schools and colleges. We had those
 20 links and connections, and we did deliver the programme.

21 **Q.** Yes. I was going to say because that comes back to the
 22 issue of what the confidence levels were in and around
 23 the start of January 2020 -- '21 as to whether or not
 24 this could be delivered, but it appears, from your
 25 evidence, that you did have that confidence from the

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1 work that you had been doing, that it --

2 **A.** Yes.

3 **Q.** -- was deliverable?

4 **A.** Yes, and I think the confusion arises partly because of

5 the different plans. So on 10 December, I'm very

6 confident, and that's because I'm delivering the first

7 plan which we've been working on over time. On the 15th

8 and 16th, I'm very worried because the plan has changed.

9 By the 29th, I'm much more confident, even in the new

10 plan, because we'd done some work.

11 **Q.** I'm grateful. I'm going to move on to a different

12 topic.

13 **A.** Of course. I'm sorry we took long on that, I hope that

14 it was helpful.

15 **Q.** I think that it's been very helpful to have the clarity.

16 May I ask you, then, about, it's -- again, these are

17 two interrelated things, really, relevant to most

18 children, and the first relates to remote education and

19 its provision during the pandemic.

20 We've heard, obviously, evidence about children not

21 having access to devices, but then related issues about

22 children's engagement with online forms of education,

23 issues about how schools engaged with children in terms

24 of remote education as well, so providing feedback, the

25 ability to provide synchronous lessons, so a series of

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1 well --

2 **A.** Yes.

3 **Q.** -- so it may not have been quite as narrow as --

4 **A.** Thank you, you're quite right. The priority order

5 starting with those disadvantaged children with a social

6 worker, and that was about 220,000 laptops which were

7 distributed during that first period.

8 The logistics of getting hold of the laptops were

9 a real challenge. Once you start sourcing in tens or

10 hundreds of thousands, the laptops are being built for

11 you, and almost none of them are built in this country.

12 And so the flash to bang between ordering and getting

13 a laptop is -- involves somebody actually building the

14 laptop and shipping it here.

15 In terms of expectations set in that first period of

16 the pandemic, there were some expectations set, and they

17 were strengthened somewhat in June, and then work began

18 over the summer to develop the temporary continuity

19 direction, which was eventually enacted in October,

20 which required schools to make provision for remote

21 education. But I think it would be fair to say that the

22 requirements focused on schools' flexibility in the

23 first lockdown, recognising that not every child would

24 have a device, recognising that teachers were teaching

25 vulnerable pupils in school as well as trying to deliver

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1 issues related to online education.

2 So I wonder if you could summarise the department's

3 evidence between what changed between the first and

4 second set of school closures so that remote education

5 became more engaging or more effective?

6 **A.** Yes, I'm very happy to do that.

7 So, as we've covered, before the pandemic, remote

8 education was not a formalised or widespread practice in

9 England's primary or secondary schools. There were some

10 schools that were making extensive use of technology in

11 their teaching and others that were making very little.

12 Initial focus -- our initial efforts for that first

13 lockdown focused on working with a wide range of

14 partners to develop content that could be accessed,

15 whether through parents or through school offer, so

16 things like the partnership that we made with BBC, with

17 the setting up and development of the Oak National

18 Academy, work with Google and Microsoft on platforms,

19 work to whitelist education websites so that they would

20 not be counted in people's data usage, so they could be

21 accessed for free, and ordering a first set of devices

22 which was focused only on children with a social worker.

23 And I can talk a bit more about why we didn't order

24 more devices sooner.

25 **Q.** I think it was disadvantaged children in Year 11 as

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1 remote education.

2 I think our reflection over the summer and as we

3 went into the autumn was that we needed to strengthen

4 expectations. And we did that through the course of the

5 autumn, including asking for minimum daily learning

6 hours to be delivered for different ages of pupil, and

7 making more requirements in terms of contact and

8 feedback from teachers, and those were then enforced

9 through the temporary continuity direction which came

10 into force in October 2020.

11 **Q.** And was there -- I may be able to cut through this

12 a little bit -- was there more understanding by the time

13 of the second set of school closures as to what worked

14 in terms of --

15 **A.** Yes.

16 **Q.** -- helping children to engage? I mean, the Inquiry has

17 heard some very serious evidence about -- and it's also

18 reflected in what children told the Inquiry in its

19 Children and Young People's Voices report, but about the

20 real challenges that children might have in just -- you

21 might be online, but there are a whole lot of other

22 things that are vying for your attention which might

23 make engagement in remote education rather harder.

24 And I think it's trying to understand what makes the

25 difference in that context.

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- 1 **A.** Yes. And -- yes, so there was a lot of work, both
2 formally and informally, to try to make sure that we
3 were collecting and spreading good practice on what
4 worked in delivering remote education. So we had the
5 Get Help with Technology programme, which was not just
6 about the delivery of devices but was about the giving
7 of advice to schools on what worked. We had an Ofsted
8 report in -- which came out in January. We'd done some
9 work on case studies, which we'd circulated, of good
10 practice from schools. And that was not just about, as
11 it were, use of the devices; it was about how to teach
12 well through that medium and how to use blended
13 combinations of live lessons, recorded lessons, and
14 other types of work and contact.
- 15 **Q.** If I can just then put this in the context of this
16 Inquiry and looking to future pandemics --
- 17 **A.** Yes.
- 18 **Q.** -- can I ask you some questions about how you take that
19 knowledge and how it's being used in order to ensure
20 that teachers and schools might be ready in a future
21 pandemic. So, for example, does that form part of
22 teacher training or is it part of updates in teachers'
23 ongoing education? Are there ways it's being harnessed?
- 24 **A.** So, yes, we have a standing piece of guidance on remote
25 education now, which learns the lessons from the

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- 1 I think there is still a challenge, however. So we
2 don't require schools to have a teaching model that, for
3 example, involves one-to-one device use for children.
4 Some schools do, many do not. There are more schools
5 that make more use of devices now than there were before
6 the pandemic. There are now very few -- certainly very
7 few secondary schools that don't make use of some kind
8 of online learning platform. So that challenge of
9 schools without platforms, I think that is now -- has
10 moved on very considerably.
- 11 **Q.** Yes.
- 12 **A.** But I think it is still -- I think it is still the
13 case -- and again, we've been testing this a little bit
14 through the Pegasus exercise -- I think it is still the
15 case that if a pandemic broke out tomorrow, there would
16 be children without access to a device, and we would
17 need to work quickly to try to address that.
- 18 I think we've done a lot more work on our sourcing
19 and supply, but the challenge does remain that if you're
20 sourcing devices in the hundreds of thousands or the
21 millions, somebody needs to build them for you. You
22 can't just pop down to PC World and get
23 them -- (overspeaking) --
- 24 **Q.** Yes, I think it's more about understanding the extent to
25 which that is now a known, as opposed to an unknown --

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- 1 pandemic, in which we would expect -- we do expect
2 schools to use for short-term closures. And you saw
3 that being in use, for example, when schools had to
4 close in relation to RAAC. The standing remote guidance
5 which was there was used by schools to stand up
6 provision for students when they couldn't be in school
7 for short periods during that difficulty.
- 8 We continue to have available all of that good
9 practice.
- 10 In terms of embedding in teacher training,
11 there's -- I don't think we have embedded different
12 expectations on -- specifically on how you teach
13 principally remotely in teacher training, but there is
14 an awful lot more training and CPD available to teachers
15 on use of technology, more broadly.
- 16 **Q.** That's in fact exactly what I was going to ask you:
17 whether or not the position would be different now if
18 there was a pandemic or in a national emergency in terms
19 of, I suppose, first of all, children's ability to
20 access technology and whether there is -- whether there
21 are, sorry, audits carry out, for example, or whether
22 there is ongoing intelligence gathering about children's
23 access to technology, and whether that's better
24 understood now.
- 25 **A.** Yes. I think it's better understood. I think it's --

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- 1 **A.** Yes.
- 2 **Q.** -- which it was at the time of the pandemic. So, in
3 other words, if this happened, we know we would need to
4 do this.
- 5 **A.** Yes, it's better known. So I think we do a -- so we
6 have better data on tech access. Again, it's quite
7 unlikely, on the basis of the data that we have right
8 now, that we would know, sort of, to the child exactly
9 who had a device and who didn't on the day the pandemic
10 broke out.
- 11 I'm really confident that we could get that
12 information much more quickly than we did in the
13 previous pandemic, and one of the things we're looking
14 at -- again, coming out of Pegasus -- is whether we put
15 even more in place around that understanding.
- 16 **Q.** Because isn't that something -- I mean, schools could
17 audit those sorts of things presumably fairly easily --
- 18 **A.** Yes.
- 19 **Q.** -- on an ongoing basis, and there must be an issue about
20 that in any event, given that children's access to
21 technology may be generally important for their broader
22 education?
- 23 **A.** Yes, and as I say, we would have a whole set of data
24 series that would tell us, year to year, broadly, how
25 many children were using that -- do you see what I mean?

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- 1 Q. Yes.
- 2 A. We'd have a good macro picture, but unlike the daily
3 real-time data I now have on attendance where I can tell
4 you, literally tell you how many children were out of
5 school in any school in the country you would like to
6 choose yesterday and for what reason they were out of
7 school, and how that compares with the position the day
8 before last week, I don't have that level of pinpoint
9 accuracy real-time data on this issue. I could -- there
10 is a kind of how many things we ask the system to
11 provide us in that level of detail.
- 12 Q. Yes. Thank you.
- 13 I'm going to move on to a different subject, if
14 I may, and again, it's one you may have had some
15 personal involvement with, and it's not an issue that
16 the Inquiry has touched on before, and it's about the
17 appointment of Sir Kevan Collins and his plans for
18 recovery after the pandemic.
- 19 I probably don't need to take you to his plans
20 because I think I can probably summarise that the most
21 significant part of the plans that he produced were to
22 extend the school day. Is that accurate to say that?
- 23 A. Yes.
- 24 Q. It's not the only part of his plan, but it was probably
25 one of the most significant aspects of what he was

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- 1 and the independent adviser is very separate and then
2 they sort of pop out with their recommendations and you
3 look surprised.
- 4 This didn't work like that, this was much better
5 integrated. So we had his close team who were doing the
6 work with him but we were working in a very integrated
7 way with him. There was really -- there were really
8 regular conversations. We were very supportive of the
9 proposals and we were ... I mean, I think it would be
10 right to say we were conscious from the start that
11 because of the scale and the ambition of the proposal,
12 we would have to be working really hard on making sure
13 we were demonstrating the value for money of the
14 proposals, particularly to the Treasury, but we were
15 kind of seeking to do that with him.
- 16 Q. And were you satisfied that that -- I assume that
17 testing, then, was put in place to be able to say not
18 only is this workable but it's value for money as well,
19 and this is what it might produce at the end of it?
- 20 A. Yes, so ultimately, if I think the department -- I mean,
21 one of my jobs as the accounting officer for the
22 department is that if I think we're about to do
23 something that's really bad value for money, I have to
24 try and stop it. So -- but I would say -- so there's
25 a sort of straight "Is it good enough value for money

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- 1 recommending the government did.
- 2 A. Yes. He framed his advice around three Ts: teaching
3 quality, time, and -- it started off as tutoring and
4 then became targeted support because it extended
5 slightly beyond tutoring, and time was the one --
6 I mean, it -- I think he would say they were all equally
7 important, actually, but the time one was a big
8 proportion of the total overall cost.
- 9 Q. I notice on a slide he prepared, he said "Within
10 successful school reforms time is the single most
11 important powerful ingredient".
- 12 But that was the point, I think, that -- or maybe it
13 boils down to, that was the most expensive element of
14 the plans that he was proposing; correct?
- 15 A. Yes.
- 16 Q. And can you assist us with the extent to which the
17 Department for Education supported the plans that he
18 produced for recovery?
- 19 A. Yes, so as quite often happens when you have an
20 independent adviser of this kind, he had a team of civil
21 servants from the department supporting him closely and
22 helping him to develop the plan, so in a very practical
23 sense. It was colleagues from the department doing the
24 work with him, and we worked very -- and again,
25 sometimes you do that and you sort of wall off the team

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- 1 for the taxpayer to kind of reasonably support this?"
2 And it certainly met that test.
- 3 I would say, though, that in negotiation with the
4 Treasury you don't get to do everything you think passes
5 that "value for money" bar. The Treasury will also say,
6 well, which of these things is the best value for money?
7 So it's -- so we supported the proposals, we recognised
8 that there would be a conversation with the Treasury on
9 that sort of sliding scale of value for money point.
10 And I think we recognised, with Kevan, that the time
11 proposals would be the part where the value for money
12 argument was hardest to make.
- 13 Q. Can you just explain what happened, then, in the
14 discussions with the Treasury about the plan which was
15 supported by the department?
- 16 A. So there were a series of engagement -- so, right from
17 very on, Sir Kevan was transparent with the Prime
18 Minister about the scale of the package that he was
19 thinking about. So he talked about, certainly early on,
20 there was a sort of 10 to 12 billion range that he
21 described to the Prime Minister in one of the weekly
22 notes that he sent and I think that's in the
23 documentation, and the Treasury knew that that was the
24 sort of scale being described. And again, in fairness
25 to them, they said right from the start, "This is not

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1 realistic. We aren't going to be able to provide that
2 level of funding."
3 **Q.** Yes.
4 **A.** However, it is also true that at the start the
5 Prime Minister said, and again I paraphrase, "Yes, I am
6 looking for really big, really ambitious proposals.
7 Keep going."
8 So from quite early on in the process, there was
9 a -- a pair of messages -- and again, this is not
10 particularly unusual, and to some extent it represents
11 people in government playing their appointed roles and
12 doing their jobs but we were getting the message from
13 Number 10 that we should be ambitious, and from the
14 Treasury, that we were thinking about spending too much
15 money.
16 **Q.** Yes. And I think the final outcome of it was that there
17 was a much, much more reduced package than the one that
18 had been advocated for by Sir Kevan.
19 **A.** Yes, so the most important parts of the proposal on
20 teaching, which was a massive expansion of teacher
21 training, both for new teachers, so what is called the
22 Early Career Framework which is the support we give
23 teachers in the first two years of their career, and
24 national professional qualifications, which is training
25 for more senior teachers and for leaders, the

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1 reflected in your evidence the point about the
2 additional time being provided for 16- to 19-year-olds.
3 **A.** Yes.
4 **Q.** So it helps understand why that came about.
5 **A.** And I just will briefly say, because there's always
6 a risk that 16 to 19 and further education, in
7 particular, get overlooked in these conversations, the
8 reason we were successful in arguing for the extra time
9 in 16 to 19 was that, unlike nearly every other country
10 around the world, and indeed unlike the historic
11 position, we, as a country, fund and support less time
12 for our 16-18-year-olds than for our 5-to-16-year-olds.
13 Nearly everywhere else in the world they offer more
14 teaching time for those children and we offer less. So
15 in choosing where to put that funding, they put it in
16 that place.
17 I think, again, if you accept that there were
18 constrained resources, I think that wasn't a bad
19 decision to make.
20 **Q.** Yes, we might come to that, on some of the young people
21 who had disproportionately difficult experiences during
22 that period and there's been children who were in that
23 age group who are coming up to it.
24 Before I do, though, may I touch briefly on some of
25 the issues that were raised by Sir Jon Coles in his

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1 propositions he made on that were accepted. The
2 propositions he made on tutoring were accepted, and in
3 the initial announcement the Prime Minister asked that
4 the considerations about time be remitted and thought
5 about harder and put through the spending review
6 process.

7 And eventually, as a result of that, we secured
8 a bit more than £800 million for an expansion of time in
9 16 to 19 but not anything for an expansion of time in
10 schools.

11 We did, however, introduce a minimum requirement for
12 the length of the school day at 32.5 hours. So we
13 didn't increase time but we did effectively ask every
14 school to meet what was then the average being provided,
15 because one of the things that became clear through the
16 work that Sir Kevan did was that -- both that there was
17 a wide variation in the length of school days and that
18 it wasn't something that we had looked at or codified
19 for some time before that.

20 **LADY HALLETT:** I think the stenographer heard, and I did
21 too, 800 billion. I think it was 800 million?

22 **A.** Yes, I'm so sorry. Yes. That would have been
23 magnificent. No.

24 **MS DOBBIN:** I'm very grateful to you for clarifying that and
25 it's very helpful to understand then, because we've seen

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1 evidence.

2 I understand that you're familiar with and
3 understand the point that he made about assessment in
4 the summer of 2020 and the attempts that he made to
5 engage with the Department for Education in respect of
6 that. And in the course of his evidence, he explained
7 about his engagement with Sir Gavin Williamson, but
8 also, if I summarise more broadly, was critical of the
9 department and its, I suppose, willingness to listen
10 about the points that he was seeking to make.

11 Did you want to respond to that in terms of the
12 Department for Education's -- so, whether it accepts
13 that characterisation of its response?

14 **A.** Yes, I think there were two things I wanted to say about
15 that. So the first is, I think it's -- there's always
16 a risk that when you're in a position of relative power
17 and ability to influence, such as when you're in
18 a government department, that you don't take seriously
19 enough and listen hard enough to the views of others,
20 but I really see in the documents people trying to --
21 I mean, giving Sir Jon a lot of time and a lot of
22 attention and seeking to hear from him and listen to
23 him.

24 And I also think that there was a lot of -- it's --
25 it can be a little bit difficult when you can see and

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1 have explained to you one person's input and one set of
2 interactions. I think it's important to understand that
3 was happening in the context of a lot of people having
4 a view about this, including many views that were
5 directly pulling in different directions.

6 And so the department was not -- I don't think it's
7 a correct characterisation to say the department wasn't
8 listening. I think it was listening to lots of people,
9 who had many different views, and trying to kind of
10 internalise and manage them.

11 I do think -- the second thing that I'd like to say
12 is that -- and again, as explained at the beginning,
13 the -- my very first few days in the department were
14 entirely absorbed in thinking about what had happened
15 over the summer on exams, and the task I was set was to
16 understand that, to try to manage the consequences which
17 were still continuing when I arrived, and -- and to plan
18 for the following year's exams. And -- so I did quite
19 a lot of work, including on the formal lessons learnt
20 work that we did around this. And I think it is worth
21 saying that absolutely everybody involved in the process
22 thought that some form of standardisation or moderation
23 process was needed, including Sir Jon, whose alternative
24 proposal was a proposal that involved a slightly
25 different kind of standardisation than Ofqual had put in

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1 understandable that everybody wanted to try to make sure
2 they were holding on to that, but I find it very
3 difficult to see that any form of adjustment would have
4 worked, and yet every single person involved in that
5 debate thought we should be trying to do some form of
6 adjustment.

7 And the result of that is that what we put in place
8 for the future is, again, a standing requirement that,
9 every year, schools keep a sufficient sample of pupil
10 work through the year, that if they were to have to
11 assign grades on this basis in the future, it could be
12 clearly tied to people's work, and any moderation could
13 be clearly tied to pupil work as well.

14 **Q.** I mean, looking -- sorry, I didn't mean to cut over you.
15 Looking at it from the child's perspective, if you had
16 reached March of 2020 and you had been studying for your
17 A levels, working really hard, and were told overnight
18 that none of that would stand, and that your future was
19 going to be decided by some unknown process, as you say,
20 divorced from potentially everything that you had been
21 doing, in that -- that must have been incredibly
22 difficult --

23 **A.** Yes.

24 **Q.** -- for those children.

25 **A.** Yes.

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1 place.

2 And my conclusion, from having looked at the
3 evidence, was that even if you had had a different form
4 of standardisation and modernisation, and even if it
5 made less change to people's results than the Ofqual
6 proposal, I am not at all convinced that it would have
7 stood. I think there was a fundamental problem in
8 seeking to assign grades to students that were -- that
9 they couldn't see as being directly related to their
10 work.

11 And where you had allowed teachers to give
12 a judgement and the student knew what that judgement
13 was, I think that anything that attempted to change that
14 judgement would have been found to be unacceptable under
15 those circumstances.

16 I completely understand why everybody thought some
17 standardisation was necessary, and I also don't agree
18 that this was some kind of tussle between people who
19 care about fairness and people who are sort of
20 mechanically attached to standardisation of grades as
21 a good in itself. Fairness matters between years as
22 well as within years, so caring about standards
23 maintenance isn't instead of caring about fairness; it's
24 a form of caring about fairness.

25 And I therefore think that it was completely

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1 **Q.** Do you accept that?

2 **A.** Oh, absolutely. Absolutely.

3 **Q.** And do you think the better course, then, in that year,
4 would have been just to go with teacher-assessed grades
5 and to live with the inflation?

6 **A.** I think ... so -- and, again, I've thought about this
7 a lot, I think it's really hard to see a really good
8 answer if you start from there rather than starting
9 further back. And again, this comes back to, sort of,
10 the more planning you can do further in advance and the
11 more contingency you can put in in advance, the easier.

12 I think, with the massive benefit of hindsight --
13 and again, I, sort of, always remember, throughout all
14 of this period and all of our reflection on it, so
15 Sir Mark Walport, who was the Chief Scientific Adviser
16 right at the beginning of the pandemic, I remember him
17 saying the most powerful instrument in our scientific
18 armoury is the retrospectoscope. And I'm, sort of,
19 acutely conscious that it's easy to do this through the
20 retrospectoscope. But I think if I'd been doing it,
21 I would have -- knowing what I know now, and somehow,
22 mysteriously, despite knowing what I know not having put
23 in place the things that we put in place, I think
24 I would have attempted to do something that, as it were,
25 did the algorithm first and the teacher judgement later.

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1 In other words, that said: Here is what we think
2 a reasonable range of grates for your institution looks
3 like. Do your teacher assessment but be aware that if
4 you're outside that range we're going to come and have
5 a bit of a look.

6 So I think I'd have tried to do some more anchoring
7 in advance, so that you didn't have the situation where
8 you had a teacher judgement which then felt overruled,
9 but instead you tried to do some anchoring and then
10 asked teachers to do their judgement within the
11 anchoring. And I think you would still have seen
12 significant inflation and I think you would still have
13 seen schools taking quite different approaches within
14 that. So some schools would have stretched the envelope
15 more than others. I think it would have still been
16 deeply imperfect, but I think I'd have had a crack at it
17 that way around.

18 **Q.** Grateful.

19 The other point that Sir Jon Coles raised, and it's
20 documented at the time, is his attempts to provide
21 advice as a member of the recovery group.

22 **A.** Yes.

23 **Q.** And he -- we saw him sending emails at 2 o'clock in the
24 morning and asking the question: Is my advice going
25 anywhere? Because I'm -- the policies that come back

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1 **Q.** But also because shifts were being driven from outside
2 the department, as well?

3 **A.** Yes.

4 **Q.** I want to come up on, then, if I may, to impacts. Very
5 broadly, just to consider what the Department for
6 Education regards as being the persistent impacts of the
7 pandemic on children.

8 Can I start with children in elective home education
9 and the figures as they now stand. You've set out in
10 your witness statement that the current position is that
11 there are 92,000 children who are being home -- well,
12 who are said to be being home educated. May I ask,
13 first of all, does the department accept that there was
14 a link between that increase in the number of children
15 being home educated and the pandemic?

16 **A.** Yes, and again, I say that slightly cautiously because
17 the numbers were rising before the pandemic but we
18 certainly saw a very significant increase during and
19 after the pandemic.

20 **Q.** And is that part of the broader cultural issue that some
21 witnesses have pointed to, that there has been this
22 damage done to the contract between schools and families
23 and the expectation that you go to school?

24 **A.** Yes, I think that's certainly quite a significant part
25 of it. I should say -- it's very important to say that

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1 don't seem to take that into account.

2 **A.** Yes.

3 **Q.** Was there an issue during the pandemic with the
4 department's ability to integrate that sort of practical
5 advice or was the problem simply that the policy shifts
6 were so quick that that sort of advice couldn't be
7 meaningfully used?

8 **A.** I think it was much more the latter. I think -- I mean,
9 again, you're always synthesising and integrating lots
10 of people's advice, and so, even when you've done
11 a synthesis, some people will feel that they haven't
12 been heard as well as others.

13 I mean, you know Sir Jon's experience and pedigree.
14 We take him very seriously in the department, as rightly
15 we should. I think -- the other thing I have some
16 sympathy with colleagues on is the business of, kind
17 of -- again, in normal times we would really try to go
18 back to everybody and say: yes, you said this, this is
19 what we did, and this is why we've taken that bit and
20 not that bit. I think the pace and intensity of work
21 during this period -- and again, some of what he
22 describes as before my time in the department, but my --
23 I'm -- I think it's very, very likely that people were
24 just struggling to manage to find the time to do that
25 level of feedback.

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1 we don't, as a department, regard elective home
2 education as a, sort of, inherently bad thing. There
3 are many people who home-educate for very good reasons
4 and who do it extremely well and -- so again, we tend to
5 try to be a bit careful not to sort of speak about it as
6 though, kind of, like, everything about it is terrible.
7 But we do worry a bit about whether people have felt
8 forced into elective home education. We worry about
9 a small subset of those who are electively educating who
10 may wish their child to be off the radar of services for
11 reasons that are less positive than that, and again,
12 I -- I just need to be incredibly clear that I'm not
13 saying that I think that is the case for the vast
14 majority of home educators but I think it is a part of
15 the picture.

16 And we also do worry about, again, in some cases, we
17 worry about the comprehensiveness and effectiveness of
18 the education being offered.

19 **Q.** Yes, and forgive me I didn't mean to suggest that there
20 were -- (overspeaking) --

21 **A.** I know, I really know you didn't, I just -- it is one of
22 the topics on which I know I have to be very careful, so
23 I just ...

24 **Q.** Yes, and really, it's just a reflection of the Ofsted
25 concern about the numbers of children and the background

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1 to some of the children who are being home educated --

2 **A.** Correct.

3 **Q.** -- and the fact that a proportion of those children are

4 vulnerable children?

5 **A.** Yes. And we worry about that very much. And you can

6 see the provisions in the Children's Wellbeing and

7 Schools Bill which is currently before Parliament which

8 seek to address some of those concerns.

9 **Q.** That's a question that I wanted to ask you about. The

10 Inquiry understands that the register of children who

11 are being home educated is one of the things that the

12 Bill contemplates will happen.

13 **A.** Yes.

14 **Q.** Ofsted have raised the concern in the Inquiry about

15 whether or not it will have access to that register. Is

16 that an issue that's being worked out in the detail of

17 the bill?

18 **A.** Yes.

19 **Q.** The other broader issue, then, that arises is persistent

20 absenteeism arising out of the pandemic.

21 **A.** Yes.

22 **Q.** And the proportion of persistent absenteeism having

23 increased quite sharply, but I think from your evidence,

24 some signs that that might be starting to recover; is

25 that correct?

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1 absence, and we hope that having turned the corner on

2 persistent absence, we'll start to see severe absence

3 turn but we are working really hard to try to make that

4 happen and schools across the country are doing so too.

5 And again, the work that teachers, head teachers, and

6 others have done during and after the pandemic to try to

7 address some of these challenges is phenomenal and again

8 I wanted to take the opportunity to say "thank you" on

9 behalf of the department to them.

10 **Q.** Thank you. Your statement is incredibly detailed as to

11 elements of the effect on children's attainment.

12 **A.** Yes.

13 **Q.** And I -- it's not controversial so I'm not going to take

14 you through the detail of that. But I think, broadly

15 speaking, it's accepted on behalf of the department that

16 overall, the pandemic did harm the attainment of all

17 pupils and particularly those who were subject to the

18 disadvantage gap. Is that an overall accurate summary

19 of what's accepted?

20 **A.** Yes. So it harmed education attainment for the average

21 child but more for those from poorer backgrounds. It

22 reversed, at a stroke, about a decade's worth of work to

23 close the gap between -- in attainment between children

24 who receive free school meals and their peers. With the

25 determination and work of teachers and leaders, as

99

1 **A.** Yes. We have three different measures we look at, three

2 principal measures we look at on attendance. There's

3 overall attendance, which rose very significantly during

4 the pandemic, and has since been coming back down again,

5 including about five million more school days attended

6 in total last year than the year before, which is one of

7 the fastest year-on-year improvements on record.

8 The second is persistent absence and the definition

9 of persistent absence is a child that is missing one

10 school day every two weeks. So a tenth of their time in

11 school. And that also rose very significantly during

12 the pandemic, and that is also now reducing.

13 And the third is severe absence. And severe

14 absence, we define as children missing more than half of

15 school, and that is a much, much smaller number. So

16 it's about 2.3%, at the moment, of children miss half of

17 school or more. But that is the one that is still going

18 up. It's not yet started to come down. And we know

19 that when we have significant rises in persistent

20 absence, we see that feed through into later severe --

21 so again, like maths, as well as human behaviour says,

22 it's quite difficult to become severely absent if you

23 haven't passed through being persistently absent.

24 And so at the moment, that rise still looks like

25 it's the lagged tracking of the rise in persistent

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1 I described, that is gradually recovering, but it has

2 not yet recovered and it is being done with effort and

3 difficulty.

4 **Q.** The expert to Module 8 has set out in her evidence that

5 her view is that, as a general picture, the disadvantage

6 gap is still widening. Is that -- the most recent

7 statistics for the Department for Education, I think

8 demonstrates that in fact that recovery that you allude

9 to has started --

10 **A.** Yes.

11 **Q.** -- and can be seen --

12 **A.** Yes.

13 **Q.** -- reflected in the most recent --

14 **A.** Yes.

15 **Q.** -- data; correct?

16 **A.** Yes, again, the picture is very slightly different

17 depending on which set of results you look at, but

18 broadly speaking, we can see the gap now narrowing

19 again. It has not yet closed -- I mean, it's not yet

20 closed to where it was before the pandemic but it's

21 going in the right direction.

22 **Q.** The other thing that the expert to Module 8 said was

23 that there was a consensus that school closures

24 triggered by the pandemic have had a severely

25 detrimental effect on learning and attainment.

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1 Again, I want to ask if you accept that, subject to
 2 the evidence of recovery in the most recent data?
 3 **A.** Oh, certainly school closures impacted attainment.
 4 I mean, the pandemic is an incredibly good illustration
 5 of why we have schools.
 6 **Q.** Yes. I think it's really her "severely detrimental
 7 effect on learning and attainment", so I think it's
 8 just --
 9 **A.** It had a much severer effect for some children than
 10 others, but I think we -- I mean, it's -- I don't -- I'm
 11 not sure it's profitable to have an argument about the
 12 word "severe".
 13 **Q.** Do you accept, and of course there's a differential in
 14 the experience of disadvantaged children during the
 15 pandemic, but do you accept that overall, for most
 16 children during the pandemic, that it had a severe
 17 impact on their education as well? I'm conscious --
 18 **A.** Yes.
 19 **Q.** -- that there are children in private schools who may
 20 have had more access, obviously, to online education, so
 21 I'm talking about the mainstay of children in state
 22 schools.
 23 **A.** Yes. I mean, the only reason I hesitate on this -- so
 24 I think it did have a severe impact on the education of
 25 children, including children whose education was

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1 are really material in how children do. So if we
 2 accidentally project the message that these children
 3 cannot recover their education, that they're scarred
 4 forever, that -- we risk actually making that more true
 5 than it would have been if we continued to realistically
 6 hold the highest possible expectations.
 7 And again, I'm sorry to sort of harp on this, but
 8 head teachers I speak to, particularly in the immediate
 9 aftermath of the pandemic, were thinking about this
 10 really hard and were trying to manage children's
 11 aspirations and parents' aspirations in an environment
 12 where a lot of people in the world were projecting this
 13 really quite strong message that, you know, all was lost
 14 for a generation.
 15 And it's not about being Pollyanna-ish or suggesting
 16 there wasn't a problem -- there really was a problem, it
 17 was really serious -- but recovery for children is aided
 18 more by us asserting their entitlement to an education
 19 which sets really high expectations for them, and helps
 20 them to meet those really high expectations, than it is
 21 by a narrative that says that it's hopeless or can't be
 22 done.

23 **Q.** Thank you.

24 I just wanted to put something to you from the
 25 Inquiry's Every Story Matters report which brings

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1 relatively well served. I don't think that remote
 2 education was a good substitute for face-to-face
 3 education. I think the pandemic demonstrated that, even
 4 when well executed, it was very hard to make it
 5 substitute. I mean, not least because school provides
 6 a lot more than education.

7 I would say that when you look at the performance in
 8 the state system, of children who are not from deprived
 9 backgrounds, that we're -- on many measures, we've
 10 recovered. We have not recovered for children from --
 11 from -- vulnerable children from those more deprived
 12 backgrounds, and so that's why I just marginally
 13 hesitated over "severe impact". I think it did actually
 14 have a severe impact for everybody, but I think the
 15 lastingness of the impact was different across those
 16 different contours.

17 And the other thing I would say is we tread this
 18 quite careful line all the time between making sure we
 19 recognise impacts, disadvantages and vulnerabilities in
 20 the system and that we do not accidentally slide into
 21 reducing our expectations for children from those
 22 backgrounds.

23 **Q.** Yes.

24 **A.** Because the literature is so compelling that the
 25 expectations teachers, parents and we as a society have

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1 together the experiences of people, including those who
 2 work in education, and one head teacher in England said:
 3 "It" -- referring to the pandemic -- "developed
 4 a feeling that actually we can do just fine without
 5 school, and therefore I don't really need to come.
 6 Attendance is at the worst ever nationally currently, as
 7 a result."

8 I just wanted to ask you about whether you agree
 9 that one of the principal issues to come out of the
 10 pandemic is understanding that real relationship,
 11 I suppose, between continuing to attend school and the
 12 potential damage that can be done by disrupting that,
 13 and I think there's a second part to that: the very
 14 long-term consequences it can have, as well.

15 **A.** Yeah, I do agree with that. I think there's wider and
 16 more multifaceted pieces of -- I do think there's been
 17 damage to that sort of social contract, but I think
 18 we've got incredibly good, very clear survey evidence
 19 that there are more parents who think that missing a bit
 20 of school doesn't matter, and actually we also have
 21 incredibly clear evidence that every day really does
 22 count, that, for example, the difference it makes to
 23 your grades to go from being a 95% attender to a 90%
 24 attender is really significant, and actually is as
 25 significant as any other 5% gap, and re-communicating

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1 that and helping people hold on to that and understand
2 it is a big job of work.

3 There's also a huge impact on other people's
4 children when children are casually absent. So the
5 teacher has to address time in catching up the children
6 who've been absent. The class will often go back around
7 things. So people also, I think, don't necessarily
8 appreciate that the impact on their own child may not
9 just be about their own child's absence, both their
10 child's absence can affect other people's children and
11 that other people's children's absence can affect their
12 child.

13 **MS DOBBIN:** My Lady, it's almost, I think, time for the
14 short adjournment.

15 **LADY HALLETT:** Certainly. Very well, we shall return
16 at 1.45. Thank you very much.

17 **(12.43 pm)**

18 **(The Short Adjournment)**

19 **(1.46 pm)**

20 **LADY HALLETT:** Ms Dobbin.

21 **MS DOBBIN:** Ms Acland-Hood, I wonder if I could ask you
22 about a different topic, please, which is that of
23 ventilation in school. The Inquiry has a witness
24 statement from a Professor Noakes. I think it's
25 probably in your bundle.

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1 Can I ask you, please, and I have some questions on
2 behalf of the Core Participants about the position
3 during the pandemic, which I'll come back to, but may
4 I please ask what the Department for Education's -- what
5 work it's doing at the moment or whether or not it is
6 doing research in this field of ventilation across the
7 school estate more broadly?

8 **A.** Thank you, yes. There's some research under way which
9 we've been following closely which is not yet published
10 which essentially looks at the effect of -- so it's
11 specifically air cleaning, which is not quite the same
12 as ventilation but it has the same -- it has the effect
13 of removing particulate matter, and we are waiting for
14 the publication of that research, which we look forward
15 to.

16 In the meantime, we really welcome the joint work
17 we've been doing with experts, including Cath Noakes,
18 but we've been looking at our guidance on new build
19 schools and the ventilation standards that they must
20 meet. I think it's not yet in the public domain but the
21 new framework that we've put out around new build
22 increases the and clarifies the standards, and having
23 done that, we aren't -- and when we have the Bradford
24 study publication, we're going to go back round and look
25 at our guidance and standards for existing schools.

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1 **A.** Yeah.

2 **Q.** You don't need to go to it because I think I can just
3 set out in brief terms what she says at paragraph 8.2 of
4 her witness statement, which is this:

5 [As read] "My view is that while the evidence base
6 around infectious disease is still weak, there is
7 a growing body of evidence that indicates that enabling
8 better ventilation and indoor air quality in school
9 environments will have a positive effect on the health
10 of children. This is in terms of exposure to
11 communicable pathogens and other microorganisms such as
12 mould, exposure to air pollution, and enabling thermally
13 comfortable environments. Whilst ventilation or air
14 cleaning is not a silver bullet and will not reduce
15 transmission of Covid-19 or other respiratory infections
16 to zero, there is some evidence to indicate a positive
17 impact in schools and maybe enable environments to be
18 more resilient to both seasonal infections and future
19 pandemics."

20 And she goes on over the page -- I won't go to this
21 because it's quite simple. She sets out that one of the
22 steps that could be taken in the future is to improve
23 schools' knowledge base on the environmental impacts on
24 health and wellbeing in relation to air quality, as
25 well. And she sets out some recommendations about that.

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1 **Q.** I'm grateful, thank you. One of the questions that Core
2 Participants have asked is why the Department for
3 Education didn't ensure mitigation such as air filters
4 were deployed more widely during the pandemic given that
5 they're relatively low cost, and could have enabled
6 safer attendance, particularly for children from
7 clinically vulnerable families, whilst waiting for
8 long-term building upgrades?

9 **A.** Thank you.

10 So, what we did during the pandemic -- so, as soon
11 as SAGE had given a clear opinion on this, which was in
12 the early summer of 2021, we started the programme to
13 roll out carbon dioxide monitors in schools. Carbon
14 dioxide monitors are a proxy, they don't tell you about
15 the cleanness of the air but they do tell you how well
16 ventilated your space is. And we did that because we
17 wanted to try to make sure both that we were helping
18 people do really low costings to improve ventilation,
19 like open the window, which does work very well, and
20 that where that wasn't possible, either because of
21 thermal comfort or because of the way the building was
22 designed, we could then target the provision of the air
23 filters at the spaces with poor ventilation.

24 You don't get any benefit if you put an air filter
25 in a well ventilated space because the air is moving

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1 anyway.

2 **Q.** I mean, the question is asked whether it was adequate
3 that the first significant action in relation to
4 ventilation was the delivery of air units in 2022, so,
5 in other words, at a very late stage in the pandemic?

6 **A.** So, as I say, we had a clear position from SAGE on this
7 for the first time in -- in summer 2021. We then --
8 I don't think we could have rolled out the CO² monitors
9 more quickly than we did after that. And as soon as
10 schools reported back to us on areas of the school where
11 they couldn't bring the ventilation down, we started
12 shipping the filters. I'll double-check this but
13 I thought the first filters were shipped in '21. I can
14 double-check that.

15 **Q.** If it's not immediately apparent, that can be checked.

16 **A.** Yes. We prioritised special schools and alternative
17 provision for the -- both for the CO² monitors and then
18 for the first delivery of the air filters. I can check
19 that and come -- I don't want to tell you something
20 that's not right.

21 **Q.** Yes. I'm grateful.

22 The other question that's asked is whether or not,
23 beyond the extant Building Bulletin 101, with guidelines
24 on ventilation, the Department for Education left the
25 matter to responsible bodies for schools to address

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1 **Q.** I'm going to move on to a subject which has been raised
2 by Long Covid Kids, and it's this: you attended the
3 Permanent Secretary Stakeholder Group meeting on
4 education on Long Covid in children and young people --
5 sorry, and children and -- Long Covid in children and
6 young people was discussed three times at that group, so
7 in June, August and September 2021 and representatives
8 from the Local Government Association, teachers unions,
9 and representatives from school and educational
10 institutions were in attendance.

11 Do you agree that the stakeholder group should have
12 included input from patient advocacy groups like Long
13 Covid Kids who were instrumental in the recognition of
14 this new paediatric disease?

15 **A.** So I might just -- in giving the answer to that
16 question, I might just explain what the Permanent
17 Secretary Stakeholder Group was and how it worked,
18 because I think it will help -- I mean, sorry, the
19 answer is no, but I really want to explain why the
20 answer is no, because it's not because we don't take
21 really seriously the advocacy and work of such groups,
22 and the risk to children.

23 So the Permanent Secretary Stakeholder Group was set
24 up in January 2021 in the aftermath of the period we
25 discussed around particularly the very difficult issues

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1 ventilation?

2 **A.** Yes, so we -- responsible bodies are so called because
3 they're responsible for all matters to do with their
4 building, and so that is absolutely right. But in the
5 same way that they're responsible for maintenance of the
6 building and other forms of upkeep.

7 **Q.** Sorry, I was going to ask the follow-up question, which
8 is whether or not you perceive a problem with that or
9 whether you think that is the correct route to take?

10 **A.** So we get asked and think about this question in respect
11 of quite a large range of issues related to buildings,
12 and the trade-off is: do you try and kind of take all of
13 that centrally into the delivery of the department and
14 try to get right telling every school in the country
15 exactly which bit of their building most needs fixing
16 next, or do you take the position that the people closer
17 to the child and the building are in a better position
18 to do that?

19 And the department's consistent position over a long
20 period has been that it's better for the responsible
21 body to hold that. And we do have quite extensive
22 guidance for responsible bodies on how to exercise those
23 functions, we have various forms of support for them
24 across different parts of the building, but
25 fundamentally the duty sits with them.

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1 around 4 January. And we'd had a lot of feedback,
2 including through that period, difficult period, on
3 testing, about how we were engaging and communicating
4 with some of our really core stakeholders who held
5 responsibility for action across the system, and in some
6 cases we hadn't done enough. In other cases, actually
7 we had done a lot of communication but for various
8 reasons it wasn't always being represented, and there
9 was something about particularly we knew that the
10 reopening of schools in March would be very difficult
11 and it would require us all to work really closely
12 together in partnership.

13 And so the Permanent Secretary Stakeholder Group was
14 set up as a weekly meeting of those who had the
15 responsibility to take the action across the system to
16 make things happen together. And that was the kind of
17 core framing. And it had a stable membership. We
18 always had the same people at the meetings, and we
19 shared the scientific advice, we invited people from PHE
20 regularly to talk about different health aspects, in
21 order to create a group who could collectively work in
22 partnership on that reopening and then it was felt to be
23 a very valuable group and it persisted beyond 8 March.

24 It continued to meet weekly, then subsequently moved
25 to fortnightly. It still exists and meets monthly --

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1 actually, I think we have just moved to once every half
2 term because in a slightly different time with
3 a slightly different set of drivers, and the agenda was
4 often driven by the membership. So members of the group
5 would say, "We would really like to hear from an expert
6 from PHE or the UKHSA about this particular issue" and
7 that was a pattern we'd established particularly in
8 looking at some of the kind of risks as we moved towards
9 March reopening but then continued through the series.

10 We started every single meeting with what was called
11 "the voice of the child and young person", so a member
12 of the group -- in some cases we had children attending,
13 in other cases people would bring direct voice of
14 children into the meeting, so that informed everything
15 that we did.

16 But we didn't, I think it's true to say, ever,
17 invite people who were not part of that core delivery
18 group, or experts from across government who could be
19 held within that circle and that's partly because we
20 shared things with that group confidentially and
21 carefully in order to make sure we were building that
22 partnership for reopening.

23 So I think there is a different question, which is
24 could we or should we as a department have had more
25 contact with Long Covid Kids, but I don't think for this

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1 that for many there have been compounding challenges
2 beyond those presented by illness because of the very
3 wide range of symptoms and experiences, the difficulties
4 in diagnosis, particularly in the early stages, which
5 meant that some sufferers have not always felt or been
6 taken seriously, and I say everything I say in that
7 context.

8 As a department, we sought always to follow the
9 scientific and public health advice and to reflect it in
10 our guidance and we sought to do that in relation to
11 Long Covid and we continue to do so, so that's the sort
12 of core of our approach.

13 We were helped by the appointment of
14 Dougal Hargreaves as deputy Chief Scientific Adviser in
15 August 2020 because he was involved in the Children and
16 Young People with Long Covid study, the study known as
17 CLoCk, and again, I think you can see in the documents,
18 we were hearing from that and other studies and looking
19 at that as we went through.

20 We wouldn't generally, as a department, as it were,
21 have our own view on a medical or health issue. We
22 would usually take that from the Department of Health,
23 PHE, and then reflect it. And it's quite unusual for us
24 to do guidance to schools on a -- like, condition by
25 condition, rather than thinking about how it might

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1 particular meeting, set up in the way it was to do the
2 thing it was set up to do, that we'd have been doing
3 something very different from what we did in general in
4 those meetings if we'd done that and it wasn't a thing
5 we'd done on other topics.

6 **Q.** The evidence from some of the experts in the Inquiry,
7 and indeed some of the witnesses, have reflected
8 research that, unsurprisingly, children with Long Covid
9 would like to be able to attend school but also are at
10 risk of suffering disproportionate outcomes because of
11 the nature of their illness, and I think in your report
12 you've set out about young people with Long Covid being
13 most likely to report changing their career plans due to
14 the pandemic.

15 How did the department, at the time, deal with the
16 specific issues and challenges faced by pupils with
17 Long Covid? And there's a second part to the question,
18 in terms of what it's doing now, as well, in terms of
19 the ongoing challenges?

20 **A.** Yeah. So I think the first thing I want to say is how
21 sorry I am for any child who is suffering from
22 Long Covid, and particularly for children like those
23 whose voice we heard through the evidence in the video
24 that was shown at the beginning of this module, for the
25 parents of children who have been affected, and I know

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1 affect people.

2 So, again, there was a period where we were trying
3 to work out whether we should give schools some guidance
4 on it. I think we were quite keen to. We were trying
5 to work that out with the Department of Health and PHE.
6 In the end, we didn't issue any specific guidance to
7 schools, and that was partly because, I think, it was
8 difficult in that engagement with DHSC and PHE to work
9 out exactly what you would say that was specific to
10 this, rather than reflecting wider advice about how you
11 manage children with other types of long-term or chronic
12 conditions. And we, sort of, particularly didn't want
13 to put ourselves in a place where we were encouraging
14 teachers to do diagnosis.

15 **Q.** I'm grateful.

16 The second issue arises in relation to clinically
17 vulnerable children and the evidence that the Inquiry
18 has heard, which is very specific to the pandemic period
19 and to the return of children to school in
20 September 2020, and what the expert to the Inquiry has
21 characterised as a more punitive approach taken to
22 attendance, in that period, in England as compared to
23 other jurisdictions.

24 Does the Department for Education have reflections
25 on that period and whether the right approach was taken

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1 to attendance and specifically to the position of those
 2 children who were clinically vulnerable themselves or
 3 who had a family member?
 4 **A.** Yes. So I think we saw the overall government advice on
 5 clinical vulnerability and clinical extreme
 6 vulnerability for children change a lot between the very
 7 initial stages of the pandemic, where -- and I think
 8 it's in evidence from some people who are significantly
 9 more medically qualified than I am, but that children
 10 were identified on a somewhat precautionary basis early
 11 on during that period of uncertainty. And over the
 12 summer, both the requirement for the clinically
 13 extremely vulnerable overall to shield was lifted, in
 14 August, and the vast majority of children who'd been
 15 previously identified as clinically vulnerable or
 16 clinically extremely vulnerable were effectively removed
 17 from that designation and told "We think it is now safe
 18 for you to attend school."

19 There was a small number of remaining children under
 20 the care of a health professional who were told that
 21 they should have that health professional advice, and
 22 what we did was we reflected that position in our
 23 guidance and we sought to strongly encourage attendance
 24 for those for whom it was safe to attend. We did
 25 reflect in the guidance that position for children who

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1 I'm grateful, my Lady.

2 **LADY HALLETT:** Thank you very much, Ms Dobbin.

3 Ms Hannett, who is just there.

4 **Questions from MS HANNETT KC**

5 **MS HANNETT:** Ms Acland-Hood, I appear on behalf of
 6 Long Covid Kids and Long Covid Kids Scotland.

7 You attended a stakeholder meeting on 9 June 2021 at
 8 which Dr Shamez Ladhani of Public Health England stated
 9 that children should not be labelled with Long Covid,
 10 ie, a medical condition, as this has potential to cause
 11 longer-term psychological harm. My clients' experience
 12 was that the experience of Long Covid was minimised and
 13 disbelieved, including by their children's schools, not
 14 over-diagnosed. DfE hasn't produced guidance to advise
 15 schools on Long Covid, then or since.

16 Did Dr Ladhani's advice minimising paediatric
 17 Long Covid affect the approach taken by the Department
 18 for Education?

19 **A.** So as I've explained, we invited Dr Ladhani, who was the
 20 sort of person PHE recommended that we have to the
 21 meeting in response to members of the meeting suggesting
 22 that it would be a good topic to discuss.

23 My recollection is that everybody listened to her
 24 attentively. I think that -- I think that it's true
 25 that the minutes slightly kind of gloss what she said,

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1 were still under the care of a health professional. And
 2 we also reflected that there might be a period of
 3 adjustment for children, so there is advice in our
 4 guidance about managing that and encouraging head
 5 teachers and teachers to talk to families who might be
 6 anxious about it.

7 **Q.** I think the issue has been raised that for children who
 8 had a clinically vulnerable parent, they weren't dealt
 9 with in the guidance. And again, just looking at it
 10 from the perspective of a child and a family who might
 11 be very worried about a child going back to school and
 12 the risk that might present to the rest of the family,
 13 was that an area in which there could have been more
 14 guidance or more nuance?

15 **A.** Yes. And again, I think there was, in the -- in the
 16 central changes, there was advice that said families of
 17 those who are clinically vulnerable could go to work or
 18 to school. So, again, there was a position set out.

19 I completely appreciate that it felt very difficult
 20 to people, but again, I don't think it was for us in the
 21 department to create a different set of rules than those
 22 that were being set out by our health colleagues.

23 **MS DOBBIN:** I'm grateful.

24 My Lady, I think those are my questions. I'll just
 25 check.

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1 so I think she was talking a bit about the extent to
 2 which there's -- the heterogeneity of symptoms and the
 3 fact that there are a lot of overlapping symptoms with
 4 other conditions, but we wouldn't, as a department, have
 5 taken an independent view on a health condition. We
 6 would have taken -- and we wouldn't just have taken our
 7 advice from one expert appearing as a Stakeholder Group.
 8 We would have taken our advice from DHSC and PHE as
 9 a whole on a medical condition.

10 So no, I don't think her -- what she said at that
 11 Stakeholder Group affected the way we behaved, and the
 12 lack of provision of guidance was about taking care not
 13 to step into that health space when we weren't the best
 14 authority on that.

15 **Q.** Just picking up the evidence you gave on guidance just
 16 now to Ms Dobbin, in terms of Long Covid in
 17 September 2021, you gave evidence that you wouldn't
 18 ordinarily give guidance on a freestanding health
 19 condition. Do you accept that there was something
 20 different about Long Covid in the sense that it was
 21 a novel paediatric disease which significantly affected
 22 thousands of children quite quickly, and in those
 23 circumstances, DfE had a role, both to alert schools and
 24 teachers about its existence, but also to give guidance
 25 on what the schools could do in terms of its effect on

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1 attainment and attendance?
 2 **A.** So again, it's true that I would say it would be very
 3 rare for us to give condition-specific guidance. It's
 4 also true that there are some circumstances in which we
 5 might, for example, in relation to an outbreak of
 6 a particularly disease, but we would never, ever do that
 7 without DHSC, PHE backing advice and I mean, it would be
 8 completely irresponsible for us, I think, to do that
 9 unilaterally.

10 **MS HANNETT:** Thank you, Ms Acland-Hood.

11 Thank you, my Lady.

12 **LADY HALLETT:** Thank you, Ms Hannett.

13 Ms Twite -- she's over there.

14 **Questions from MS TWITE**

15 **MS TWITE:** Ms Acland-Hood, I have a question on behalf of
 16 Children's Rights Organisations about the remit of the
 17 Department for Education during the pandemic. And what
 18 we would like to understand is the ability of the
 19 department to influence decision making in some broader
 20 issues outside of schools or social care but which still
 21 hugely impacted children. And the sort of decisions
 22 that I'm talking about are: how health protection
 23 regulations that limited inter-household mixing were
 24 framed and whether children should have been treated
 25 differently, for example, under 5s were exempted from

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1 responsibilities sit in other people's departments.
 2 And if you want to, you can call on your
 3 cross-cutting role to have influence but you're not, as
 4 it were, obligated to, and the system doesn't
 5 necessarily push you to in the same way. So, again --
 6 sorry, this might sound a bit technocratic, but the
 7 minute -- the civil servants in your own department
 8 will, kind of, feed you stuff to do all the time. Civil
 9 servants in other departments over whom you might have
 10 an interest in a piece of their policy, probably won't.
 11 So you have to decide to go and get involved in that.

12 Now, I think, on the issues you describe, it would
 13 have been open to the Secretary of State for Education
 14 to get engaged to assert their role as cross-government
 15 Minister for Children, and there are some examples of
 16 that. So the example that I would give is the work on
 17 health, visitors and the under-1s: not part of the
 18 department's policy, enormously part of the department's
 19 interest in looking after the most vulnerable children.

20 And there was, again, you can see in the papers,
 21 a lot of activity to try to exercise our cross-cutting
 22 responsibility on that.

23 I have personally reflected quite a lot on those
 24 issues around family mixing, and actually particularly
 25 play, and where, sort of, the technical responsibility

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1 them in January 2021, whether playgrounds should have
 2 closed, whether the guidance should have clarified that
 3 play was exercise. Those are just some examples.

4 Quite apart from the rights or wrongs of those
 5 decisions, were these decisions the sort of decisions
 6 that the Department for Education would have been at all
 7 involved in, or had any ability to influence?

8 **A.** So the Secretary of State for Education does also have
 9 a named role as the government's lead minister for
 10 children. It's one of those interesting things, lots of
 11 people call for there to be a minister for children but
 12 actually, technically, there is one, and it is the
 13 Secretary of State for Education.

14 I think what I would say is the extent to which
 15 secretaries of state choose to step into and exercise
 16 that wider responsibility, and the issues on which they
 17 exercise it, tend to be a bit of a matter for them. So
 18 any time you have a cross-cutting ministerial role of
 19 that kind, and this goes for roles like -- it's quite
 20 common for a minister, for example, to have a role on
 21 a cross-cutting equalities matter as well as their core
 22 role -- whereas in relation to your core role, you
 23 typically have standing teams existing, guidance, sets
 24 of levers, pieces of responsibility, when you exercise
 25 your cross-cutting role, some of those levers, teams and

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1 for play spaces was with MHCLG because of their
 2 responsibility for local government, but I think --
 3 I think I should have given or caused to be given to the
 4 Secretary of State more advice about intervening on
 5 those issues. And I take that responsibility.

6 **Q.** Do you think there's anything structurally that could be
 7 done to make it easier, then, in a future pandemic, for
 8 those -- I reflect on your answer earlier to a different
 9 question, that people at the centre often think they
 10 know more about children's rights than perhaps they do,
 11 and whether or not that can be solved more by the
 12 Department for Education?

13 **A.** So I think there probably are some structural things
 14 that you could do, and indeed, some of the structures
 15 that we've put in place, as we've thought about
 16 mission-based government for this government, have
 17 created an architecture that give us more reach and more
 18 connectivity, and -- and again -- sorry, I've framed it
 19 a bit as the Secretary of State going and prodding other
 20 people but actually some of it is about creating common
 21 cause and common interest as well, and I do think those
 22 structures could have helped.

23 They're particular to a sort of way of working this
 24 government has asked us to operate in, which is, (a), we
 25 could unilaterally choose to sustain some of those ways

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1 of working, and (b), we could be required to work more
2 in that way across some of these areas of cross-cutting
3 responsibility.

4 **MS TWITE:** Thank you. Thank you, my Lady.

5 **LADY HALLETT:** Thank you, Ms Twite.

6 Mr Jacobs, who is over there, right down the end.

7 **Questions from MR JACOBS**

8 **MR JACOBS:** Good afternoon.

9 **A.** Afternoon.

10 **Q.** Ms Acland-Hood, a question, if I may, on the role of
11 public health and health services in supporting schools
12 during a pandemic.

13 In December 2020 the National Association of Head
14 Teachers said in a press release:

15 "What we have ... is the education system supporting
16 the public health response to Covid, when what we need
17 is support from the health system to preserve the
18 quality of education for young people. Teaching is the
19 only profession that is being asked to do two things --
20 preserve education for children AND play a part in the
21 mass testing programme."

22 Can I just ask for your reflections on that and
23 whether you do think there's needs to be more of an
24 emphasis on public health and health services supporting
25 schools on the, sort of, public health element of the
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1 education of children.

2 And I think where we see diminution or fraying of
3 those relationships, we have a less good offer both for
4 children in schools and for people in communities. And
5 again, I'd say some of the work we're thinking about as
6 part of missions is about trying to think what is the
7 overarching aim here and how do we wrap ourselves round
8 that together?

9 **Q.** My Lady, one follow-up question, if I may.

10 Given the inevitable pressures on an array of
11 services and the difficulties that you've described of
12 trying to pull in support from Test and Trace or the
13 army, whoever it may be, is it quite important, do you
14 think, in pandemic planning to try to think through and
15 have some sort of designated responsibilities for who is
16 going to support schools in some of these -- the public
17 health elements of response, if I can call it that,
18 rather than the Department for Education trying to
19 create a very difficult solution in the moment, as it
20 were?

21 **A.** Yes. I mean, I hope it's been clear throughout that I'm
22 in favour of more planning on nearly everything.
23 I think it can be very difficult to make a detailed plan
24 that is going to respond to every possible version of an
25 emergency that you might face, but I think you can
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1 response?

2 **A.** So I have talked quite a lot about that specific testing
3 period. And again, I think my sort of hierarchy of
4 desirability would have been more people we could have
5 wrapped around schools to help them do it, at the top,
6 but not doing it at all at the bottom.

7 And I -- you know, I do think there are other
8 examples of many professions during the Covid period who
9 went above and beyond what would normally have been
10 expected, and it's hard to say that that's right or
11 wrong. I think some of it represented a really deep
12 human urge, that a lot of us felt, to do everything that
13 we could do. And again, I will just say I think
14 teachers and head teachers, teaching assistants, and
15 actually children themselves, did the most extraordinary
16 things during the pandemic.

17 I think if you're asking a broader question, I think
18 that partnership between public health and schools is
19 incredibly important, and it works in both directions.
20 I think there are a huge number of things that schools
21 do as part of their daily business that are critically
22 important to public health, to developing really good
23 understanding of positive health behaviours, PE and
24 school sport, school food plays an enormous role, but
25 I also think public health has a role in supporting the
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1 create building blocks that are likely to be widely
2 deployable.

3 And I also think we've got to be realistic about the
4 extent to which, in a health-driven emergency, the
5 people who do health might be quite busy. And so
6 I think there might be something about having a standing
7 expectation, and a set of variations to that, that tell
8 you what to do if your plan A isn't available.

9 **MR JACOBS:** Thank you.

10 My Lady, my question on ventilation has, I think,
11 been covered already, so I won't cover the same ground.

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

13 **MR JACOBS:** Thank you.

14 **LADY HALLETT:** Ms Douglas, who is there, I think. Yes.

15 **Questions from MS DOUGLAS**

16 **MS DOUGLAS:** Thank you.

17 Good afternoon, Ms Acland-Hood. I appear on behalf
18 of CVF. CVF represents both clinically vulnerable
19 children and children living in households with
20 a clinically vulnerable family member. And you were
21 asked this morning about absenteeism and you touched on
22 the work that's being done to turn the corner on rates
23 of persistent and severe absence which arose during the
24 pandemic.

25 You've explained in a little more detail in your
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1 witness statement about how the Department for Education
2 monitors data on differences in attendance across pupil
3 subgroups or with different characteristics.

4 In CVF's experience, persistent and severe absence
5 from school has been significantly higher among children
6 in clinically vulnerable families than the national
7 average or, indeed, other vulnerable groups, including
8 children eligible for free school meals or with
9 education, health and care plans.

10 I note that there is precedent for new data
11 collection in this context and I think we've seen that
12 in relation to absence rates among young carers. Would
13 it be helpful to collect and monitor data on the levels
14 of attendance and reasons for absence among clinically
15 vulnerable children and children in clinically
16 vulnerable families?

17 **A.** I think that's a good question, and it's definitely
18 something we could take away and think about. I think
19 the challenge would be that we -- so at various points
20 during the pandemic we saw the definition of who was
21 considered to be clinically vulnerable and clinically
22 extremely vulnerable change over time, and I think
23 sometimes people continued to feel vulnerable, including
24 clinically vulnerable, when they didn't quite meet that
25 designation as was being set out by the health

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1 **LADY HALLETT:** But I am genuinely grateful to you all for
2 your help.

3 **THE WITNESS:** Thank you.

4 **LADY HALLETT:** Thank you.

5 Dr Treanor?

6 **DR TREANOR:** My Lady, the final witness today is Derek
7 Baker.

8 **MR DEREK BAKER (sworn)**

9 **LADY HALLETT:** I hope you haven't been waiting for too long.

10 **THE WITNESS:** No, thank you.

11 **Questions from COUNSEL TO THE INQUIRY**

12 **DR TREANOR:** Mr Baker, good afternoon. Thank you for your
13 attendance today, and for the provision of your witness
14 statement dated 28 August 2025, which is at
15 INQ000588169. I think you should have that in front of
16 you.

17 **A.** I do. I don't have it on the screen.

18 **Q.** Pardon?

19 **A.** I don't have it on the screen but I do have a hard copy.

20 **Q.** Oh, you have a hard copy?

21 **A.** Yes.

22 **Q.** Right. And can you confirm that the contents of that
23 statement are true to the best of your knowledge and
24 belief?

25 **A.** I can.

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1 authorities.

2 So I think there'd be something about -- I am not
3 sure about how far there is a stable health definition
4 that you could use, particularly in the context where it
5 depends what you're vulnerable to.

6 **Q.** I appreciate that there are a challenge perhaps in
7 comparison to data on a child that's eligible for free
8 school meals, for example, but I think that, just by way
9 of contrast with young carers, that data relies on sort
10 of self-reporting --

11 **A.** That's true.

12 **Q.** -- and declarations by parents or guardians, so perhaps
13 there's a bit of a -- there's a precedent there for
14 collecting that kind of data.

15 **A.** Yeah, it's certainly something we could look at.

16 **MS DOUGLAS:** Thank you.

17 **LADY HALLETT:** Thank you, Ms Douglas.

18 Ms Acland-Hood, that completes the questions we have
19 for you. It's been extremely helpful and you've
20 obviously put in not just a great deal of thought but
21 a great deal of work in preparing for today, and I'm,
22 like I say, I'm really grateful to you and to all your
23 colleagues who obviously helped, including the poor soul
24 that put in all those tabs in your file.

25 **THE WITNESS:** It was a team effort, the tabs, thank you.

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1 **Q.** Thank you.

2 Mr Baker, you were the Permanent Secretary to the
3 Department of Education in Northern Ireland from
4 February 2017 until your retirement on 27 November 2020;
5 correct?

6 **A.** Correct.

7 **Q.** And throughout your time, the Minister of Education was
8 Lord Weir, who had been appointed in January 2020 when
9 power sharing was restored; is that right?

10 **A.** That's correct.

11 **Q.** And my Lady, you will recall having heard evidence from
12 Lord Weir in the course of Module 2C.

13 Mr Baker, Lord Weir was later succeeded by
14 Ms McIlveen in June 2021; is that right?

15 **A.** That's correct.

16 **Q.** And in terms of your successors as permanent secretary,
17 I understand that Lianne Patterson partially covered the
18 role between November 2020 and February 2021,
19 Mark Browne was then in post from March 2021 until
20 December 2024, and Ronnie Armour has been acting
21 permanent secretary since December 2024; is that
22 correct?

23 **A.** Correct.

24 **Q.** And in light of that, Mr Baker, at the outset, I'd like
25 to just take a moment to set out the consequences of

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1 events which has preceded your attendance to give
2 evidence today?
3 Initially, the Department of Education had provided
4 a witness statement signed by the current acting
5 permanent secretary, Mr Armour, and he was invited to
6 give evidence. The department then wrote to the Inquiry
7 advising that during the specified period Mr Armour was
8 the Director General of the Northern Ireland Prison
9 Service and that you and Mr Browne would be better
10 placed to give evidence, and following careful
11 consideration, and mindful that you had retired from the
12 Civil Service, the Inquiry then invited Mr Browne to
13 attend and give evidence, but the department then wrote
14 to the Inquiry again advising that Mr Browne was unable
15 to attend and having made further inquiries and
16 following careful consideration, the Inquiry then
17 invited you to give evidence.

18 So Mr Baker, that sets out the basis upon which
19 you're being put forward as a witness by the department;
20 is that correct?

21 **A.** I wasn't privy to all that correspondence but
22 I understand it to be the case.

23 **Q.** Thank you.

24 Now, Mr Baker, at the outset I'd like to ask you
25 a bit about the role of the Department of Education in

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1 those issues.

2 **Q.** And I think it's right that the Department of Education
3 would have overall responsibility and accountability for
4 the quality of education in schools?

5 **A.** It does.

6 **Q.** And just so that it is clear, in contrast to the
7 position in England, the Department of Education in
8 Northern Ireland does not have any responsibility for
9 children's social care in Northern Ireland.

10 **A.** No.

11 **Q.** That sits with the Department of Health; isn't that
12 right?

13 **A.** Correct.

14 **Q.** And again in Northern Ireland, unlike in England,
15 Scotland and Wales, local authorities have no role in
16 the provision of education?

17 **A.** Correct. Correct.

18 **Q.** Now, Mr Baker, I'd like to begin by looking at the
19 department's pre-pandemic planning with you. In your
20 statement, and this is at paragraph 597, for your
21 reference, you knowledge that the department failed to
22 identify as a risk the possibility of schools suddenly
23 having to close and you explained that that was because,
24 and I quote:

25 "Officials considered that such a prospect seemed

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1 Northern Ireland in relation to children and young
2 people, because I think there are some important
3 differences as compared with England, Scotland and
4 Wales.

5 So the Department of Education is one of nine
6 Northern Ireland Executive departments and we understand
7 from your statement that responsibilities in relation to
8 children and young people sit across virtually all of
9 those departments; is that right?

10 **A.** Some expects of responsibility for children --
11 legislation and policy in respect of children, straddle
12 the interests of quite a few departments, that's
13 correct, yes.

14 **Q.** What particular responsibilities does the Department of
15 Education hold in relation to children and young people?

16 **A.** The Department of Education has policy and legislative
17 responsibility for three broad areas: one is children's
18 education in primary and post-primary but no
19 responsibility for further and higher education. It has
20 responsibility for youth services and it has
21 responsibility for childcare.

22 And all of those matters are devolved to the
23 Northern Ireland administration, so whilst we would have
24 regard to what is happening in our -- in other
25 jurisdictions, we have full responsibility for all of

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1 too apocalyptic to be realistically included in a risk
2 register.

3 And you say that:

4 "As a consequence, officials had to react urgently
5 to an entirely unforeseen and extreme set of
6 circumstances ..."

7 Is that correct?

8 **A.** That is correct.

9 **Q.** Mr Baker, I think you accept in your statement that the
10 department had done very limited planning for an
11 emergency of this scale prior to 2020; is that correct?

12 **A.** Yes, I would fully accept that the department was
13 neither psychologically nor practically prepared for
14 huge swathes of the education system closing down in
15 March 2020.

16 **Q.** And you make the point in your statement that the only
17 prior planning and testing was in respect of bird flu or
18 human influenza planning which was pre-January 2020; is
19 that right?

20 **A.** It was a long time before that, actually. I think the
21 guidance was issued in 2009, 2010, but I would not wish
22 to place any particular store by that guidance in
23 respect of the Covid crisis which befell us in 2020.

24 **Q.** May I ask why, Mr Baker?

25 **A.** Because I think the previous flu guidance that was

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1 issued in 2009, 2010, anticipated at worst, perhaps
 2 individual schools having to close periodically for
 3 a short period, but it did not foresee in any respect
 4 the circumstances which we faced in March 2020 with
 5 whole swathes of the education system closing down. So
 6 I think, in many respects, that bird flu guidance was
 7 irrelevant to the Covid-19 crisis.

8 **Q.** Okay. Well, perhaps we can take a look at the pandemic
 9 flu plans that the department held prior to 2020. If we
 10 could have on screen, please, INQ000617116, and just
 11 pausing at the cover page, Mr Baker.

12 This is a Department of Education document; correct?

13 **A.** Yes.

14 **Q.** And we can see that it's a contingency plan both for the
 15 department itself and for the wider education sector, so
 16 for schools and education settings; is that right?

17 **A.** Yes.

18 **Q.** And in your statement, you explain, and this is at
 19 paragraph 80, that schools and arm's length bodies are
 20 responsible for contingency planning in their respective
 21 roles but I think it's right that ultimately the
 22 department has oversight of that contingency planning;
 23 is that correct?

24 **A.** I think, for any contingency planning that relates to
 25 system-wide emergencies, you're absolutely right: the

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1 a revision under way in 2017 as shown on the screen, but
 2 that never was completed, to the best of my knowledge.

3 **Q.** I see. But this is guidance -- and we will see some
 4 tracked changes throughout where perhaps revisions were
 5 intended, but this is guidance that nevertheless had
 6 been issued at some point --

7 **A.** In 2009/10, yes, that's correct.

8 **Q.** Yes, okay.

9 And perhaps we could look at page 20 of this,
 10 please. So this is a section entitled
 11 "Possible/Probable Closure of Schools", and if we look
 12 at paragraph 20.1, it suggests that:

13 "... schools may be an exception to the general
 14 'business as usual' message that underpins Government
 15 guidance to other sectors in relation to a ... pandemic
 16 [because] there are ... specific issues to consider
 17 concerning children."

18 Yes?

19 **A.** Yes.

20 **Q.** If we could look at paragraph 20.4, please. This
 21 paragraph says that:

22 "Schools have been advised to plan both for staying
 23 open during a pandemic and for the possible closure to
 24 children of schools, if the Government proposes such
 25 closure, at a national level ..."

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1 department should be taking the lead in such emergency
 2 planning. Individual schools would have
 3 a responsibility for issues which would affect them on
 4 an individual basis, such as an exceptional closure, you
 5 know, issues, maybe such as a burst pipe, such as snow,
 6 such as bad weather or an outbreak of some particular
 7 disease, but at a system-wide level it would be for the
 8 Department of Education and the Education Authority.

9 **Q.** That's helpful. Thank you.

10 Now, Mr Baker, the department has provided this plan
 11 to the Inquiry in draft form, and in your statement you
 12 explain that this is the version that was held within
 13 the department at the time prior to January 2020. But
 14 I don't think that we need to be too concerned about
 15 this plan being a draft.

16 If we could look in the box at the bottom -- thank
 17 you -- at the bottom right-hand side of the screen, we
 18 can see that this version 6 and that it had been issued
 19 in December 2017; is that right?

20 **A.** I would question that and I do apologise to the Inquiry
 21 for that, because I made some enquiries myself having
 22 read the department's corporate witness statement again,
 23 whilst a final version was produced in 2009-2010,
 24 subsequent to that, my understanding is that it was
 25 being revised in the department, and there was

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1 It suggests that:

2 "Closure could either be very localised and
 3 brief ... or more widespread and for a longer
 4 period ..."

5 Depending-on national public health advice.

6 **A.** Yeah.

7 **Q.** So we see here, Mr Baker, schools being advised to plan
 8 both for staying open and for possible closures. Was
 9 the department's own internal planning also predicated
 10 on the basis that you may need to plan for both
 11 eventualities?

12 **A.** It's difficult to answer that question because I'm not
 13 sure the department had any internal planning for any of
 14 these eventualities. I think the key point in that
 15 advice is that it's contingent on public health advice
 16 coming to the education sector, and, I have to say, at
 17 that time, in February, early March, 2020, there was no
 18 public health advice that the department was aware of
 19 that indicated that we should prepare for the
 20 whole-scale closure of the education system.

21 **Q.** May I just ask you about that, Mr Baker, before we
 22 continue to look at this document.

23 What scientific advice or briefings was the
 24 Department of Education receiving from the Department of
 25 Health in that initial period?

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1 **A.** Through the month of February, when Covid started to
2 become an issue, there was considerable engagement
3 between the Department of Health and the Public Health
4 Agency, on one hand, and the Department of Education on
5 the other. And I think the Inquiry has at its disposal
6 a kind of chronology of events affecting education
7 during that period, and you will note that, during the
8 month of February, a number of pieces of guidance were
9 issued to the education sector but mainly about public
10 health issues, about social distancing, about keeping
11 safe, about isolation.

12 The contact with the Department of Health were
13 really about staying safe in the context of a pandemic.
14 But there was no engagement with the Department of
15 Health or with the Chief Medical Officer, either
16 directly or through the medium of the Executive
17 Committee -- that's the equivalent of the cabinet of
18 ministers -- which suggested that we needed to prepare
19 for the eventuality of closing the education system.

20 **Q.** Thank you, Mr Baker.

21 Before we leave this document, there are a few more
22 paragraphs that I would like to take you to. If we
23 could look at paragraph 20.5, please. So this paragraph
24 appears to expressly recognise the impact of school
25 closures for those we would come to know as key workers;

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1 possible use of on-line material, where pupils have
2 Internet access."

3 So whilst not setting out any detailed plan,
4 recognising here the possibility of a need to educate
5 children in their homes in the event of a pandemic; yes?

6 **A.** Uh-huh, yes.

7 **Q.** Then finally, at paragraph 28.3, this paragraph says:

8 "[The department] will need to consider ... what
9 scope there is to provide curricular support at national
10 level in the event of school closures ... this issue has
11 been mentioned in the schools guidance, with an
12 indication that further advice will issue in due
13 course."

14 Mr Baker, to your recollection, did the department
15 ever issue any further advice on remote education to
16 schools prior to January -- prior to, sorry, March 2020?

17 **A.** To the best of my recollection it didn't, and I would
18 have to concede to the Inquiry that when Covid struck in
19 March 2020, I wasn't even aware of the existence of this
20 guidance.

21 **Q.** How can that be, Mr Baker, when this was Department of
22 Education guidance that had been produced by
23 departmental officials?

24 **A.** I think that would be explained simply by loss of
25 corporate memory. I think everybody who might have been

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1 yes?

2 **A.** Yes.

3 **Q.** And if we look at paragraph 22.2, we see here express
4 acknowledgement that:

5 "... if schools [in the Republic of Ireland] were to
6 close because the pandemic had arrived, schools [in
7 Northern Ireland] may [need] to close ... even if there
8 were no cases at that stage ..."

9 Isn't that right?

10 **A.** That is correct.

11 **Q.** If you could look at paragraph 26.1, please.

12 The first sentence of this paragraph acknowledges
13 the possibility of multiple waves in a pandemic,
14 possibly weeks or months apart; yes?

15 **A.** Yes.

16 **Q.** I'm almost there. If we could look at paragraph 28.1,
17 please.

18 This paragraph relates to remote learning. And it
19 says that this is an area that needs further work,
20 because:

21 "During a pandemic ... it might ... not be possible
22 to provide the usual full education service for children
23 ... if [children] are unable to attend schools ..."

24 And it says in the last sentence:

25 "Plans to provide remote learning could include the

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1 in a position of authority when the guidance was
2 originally produced, in 2009/10, and issued, had
3 probably moved on, and that those who had been working
4 on redrafting it had moved on. But it certainly wasn't
5 drawn to my attention that it existed when I took up
6 post in 2017 and through the Covid period.

7 **Q.** And, Mr Baker, I think in an earlier answer you had
8 suggested that the guidance was being revised in 2017.

9 **A.** Yeah.

10 **Q.** Nevertheless, that wasn't something you were aware of at
11 that --

12 **A.** I wasn't aware of it and I don't think that process was
13 concluded.

14 **Q.** Okay. Now, Mr Baker, earlier I referred you to the
15 suggestion in your statement that officials had to react
16 to an entirely unforeseen set of circumstances. It
17 might be suggested that this plan had rather accurately
18 forecast the circumstances that the department would
19 face in March 2020 in the course of Covid-19; would you
20 agree with that?

21 **A.** I wouldn't entirely agree with it. I think the set of
22 circumstances which we faced in 2020, in which -- and
23 I use the shorthand phrase, you know, school closures --
24 couldn't really have been anticipated. I think the flu
25 guidance to which you're referring was more likely to be

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1 focusing on individual schools having to close, but the
2 whole-scale closure of the education system was, in my
3 view, wholly unprecedented and wholly unforeseen and
4 unpredicted by anybody.

5 And, you know, I say that -- and forgive me,
6 I didn't mean to cut across you there -- but, you know,
7 I did reflect on this point at the time, but more
8 recently, when I knew that I was going to be invited to
9 give evidence, and I looked back over the minutes of
10 various fora which existed at that time, and where one
11 might have expected such circumstances to be predicted,
12 like departmental board meeting minutes, the minutes of
13 our weekly meetings with the minister, and probably most
14 importantly, the minutes of the weekly meetings that all
15 permanent secretaries had, where we ranged over and
16 discussed issues of common interest.

17 And right through the period January, February and
18 into early March 2020, there was no hint or suggestion
19 that we were facing into the whole-scale closure of
20 large elements of society.

21 Covid was certainly on the agenda but it was very
22 much in the context of it being a health-related issue,
23 which was going to place huge pressures on the health
24 service, but nobody was gearing up for closure of other
25 sectors of society, be that hospitality, tourism,

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1 Beyond the guidance that we've just looked at, did the
2 department have more detailed plans that schools could
3 take and implement, or was it, rather, a case that the
4 individual schools would have to come up with those
5 plans themselves?

6 **A.** I think the expectation would have been that individual
7 schools should have their own business continuity plans
8 to deal with things like exceptional closures, but that
9 would have been the height of it. Certainly I would not
10 have expected schools to have plans in place for the
11 long-term closure of the education system.

12 **Q.** So those plans would have been for things like inclement
13 weather rather than --

14 **A.** Yes, I agree.

15 **Q.** Now, Mr Baker, I think it's right that on 9 March 2020
16 the minister asked officials to seek assurance from the
17 department's arm's-length bodies that they had
18 appropriate contingency plans in place.

19 Firstly, can you help us with that, contingency
20 plans for what?

21 **A.** Now, could you please help me, did he say contingency
22 plans or did he say business continuity plans?

23 **Q.** Contingency plans.

24 **A.** Did he? I think what he was referring to was the
25 business continuity plans which every body corporate has

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1 business, public transport and education.

2 **Q.** Thank you, Mr Baker.

3 And for completeness, if we could perhaps quickly
4 scroll through to the end of this section at page 27, we
5 can see that there is some brief mention of headline
6 issues. So boarding schools, special schools, exams,
7 recovery arrangements?

8 **A.** Yeah.

9 **Q.** What we don't see in this document, Mr Baker, is any
10 consideration of the potential impact of school closures
11 on children themselves; is that right?

12 **A.** Sorry, I haven't got the particular paragraph in front
13 of me. Which paragraph are you referring to, please?

14 **Q.** I'm referring to the document generally, Mr Baker?

15 **A.** Oh, the document as a whole, sorry.

16 **Q.** We can check it afterwards.

17 **A.** Yeah.

18 **Q.** But I think you can take it from me that there is no --

19 **A.** That's okay. That's okay. I won't argue with you.

20 **Q.** I'm grateful.

21 That can come down, thank you.

22 Now, Mr Baker, I think you suggest in your statement
23 that it was the department's expectation that schools
24 would have had plans for possible closure based on this
25 plan that we've just looked at in this subparagraph 115.

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1 to have in place, and they were largely internal
2 documents for the department and its arm's-length
3 bodies. If, for example, we had staff going off on
4 sickness absence or for some reason we could not use our
5 own premises. But I don't think it related to the wider
6 education system closing down. And we did actually ask
7 our arm's length bodies if they were gearing up for the
8 possibility of losing staff through sickness to Covid.

9 And we also dusted down our own major emergency
10 response plan and business continuity plan, which we
11 eventually had to activate on, I think, 19 March.

12 **Q.** Yes. And you mention there that you did speak to the
13 arm's length bodies. To what extent was the department
14 assured through that process that children and young
15 people would have continued access to education
16 throughout the pandemic?

17 **A.** No, I would not -- I would not want to suggest for one
18 moment that we had assurance that children and young
19 people would continue to have access during the Covid
20 period. And I think we always made it clear -- and
21 I would refer to our opening statement, which counsel
22 submitted to the Inquiry when he quoted, I think, what
23 we said to the Education Committee of the Assembly on
24 18 March, the day the announcement was made -- that the
25 closure of schools was simply a bad thing, there was

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1 nothing positive about it, and the best that we were in
2 was mitigation of these very negative circumstances.

3 Remote teaching and learning, and the closure of
4 schools, was no substitute in any way for
5 classroom-based learning. It was always going to be
6 a very, very second best, and we acknowledged that in
7 our guidance to schools. It could never be a substitute
8 for classroom-based learning.

9 **Q.** Mr Baker, I will come on to look at those mitigations
10 with you.

11 **A.** Okay.

12 **Q.** But before we do, I'd like to ask you a bit about the
13 department's role in the closure of schools and that
14 decision.

15 **A.** Yeah.

16 **Q.** If we could have on screen, please, INQ000289859.

17 Mr Baker, on 12 March you attended an all ministers
18 and all permanent secretaries meeting which had been
19 called in response to the Taoiseach announcement that
20 schools in the Republic of Ireland were closing, and if
21 we zoom in at the box at the bottom, we can see that at
22 the time the Health Minister wasn't recommending the
23 closure of schools but that the SAGE advice that when
24 school closures are considered appropriate, it should be
25 for 15 weeks was being conveyed; is that right?

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1 and the Chief Medical Officer were adamant that schools
2 should not close.

3 **Q.** Yes, Mr Baker. I don't mean to suggest that any
4 decision was made at this meeting, but when we see
5 a reference to "any decision needing to include primary
6 and post-primary", that is a decision about a potential
7 closure of schools; is that correct?

8 **A.** It was a discussion about a potential decision, but
9 I can confirm that the notion that schools might be
10 closed was dismissed by the various individuals whom
11 I've just listed.

12 **Q.** Yes.

13 **A.** And the policy to the department was very clear: schools
14 stay open.

15 **Q.** Perhaps we'll come back to that policy, but I think it's
16 right that your key concern, certainly at this point,
17 were the impact of any potential decision on exams and
18 on free school meals; is that right?

19 **A.** I honestly can't confirm that because I don't remember
20 what I said. I mean, I would say that the note of that
21 meeting, I think, is a very shorthand note of what was
22 a very long and robust discussion. So I'm not going to
23 demur from what is recorded there. If I said that I
24 said that. I may have said more than that. I can't
25 really confirm otherwise. It is too long ago for me to

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1 **A.** That's correct, yeah.

2 **Q.** And if we could look over the page, please, and if we
3 could look at the last paragraph, we see a contribution
4 from you, Mr Baker. You say:

5 "300,000+ children in schools -- any decision would
6 need to include primary and post-primary. Childcare
7 implications huge for local economies. Power to close
8 schools in place and can be used at any stage. Biggest
9 issue -- impact on exams and consideration of those
10 eligible for free school meals."

11 So this is a discussion, it seems, Mr Baker, about
12 the impact of a potential decision to close schools in
13 Northern Ireland; is that right?

14 **A.** Not entirely. I recall the meeting. I don't actually
15 remember contributing to the meeting but it was over
16 five and a half years ago. I can't remember exactly
17 what I said, but there was a very robust discussion
18 amongst ministers about the fact that schools had closed
19 in the Republic of Ireland and whether or not that had
20 any implications for Northern Ireland, and that's
21 correct. But there was no clear agreement amongst
22 ministers as to whether that should influence the
23 decision in Northern Ireland whether or not to close,
24 and I do recall from that discussion that the First
25 Minister, the Health Minister, the Education Minister

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1 remember, I'm sorry.

2 **Q.** Okay, and jumping slightly forward then -- that document
3 can come down, thank you -- to the decision to close
4 schools. In your statement you have said that until the
5 First and Deputy First Minister's announcement of school
6 closures on 18 March, it was the Department of
7 Education's understanding that schools would remain
8 open?

9 Are we to understand from that, Mr Baker, that the
10 Department of Education was taken off guard by the
11 decision to close schools in Northern Ireland?

12 **A.** Yes. And I was taken off guard.

13 **Q.** Okay. And the Inquiry is aware from Module 2C that on
14 16 March, so two days before that announcement, the
15 Executive Committee had voted in favour of closing
16 schools essentially when the Chief Medical Officer
17 advised that it was appropriate. Were officials in the
18 department aware of that decision at the time?

19 **A.** Not on 16 March, no.

20 **Q.** So is it your evidence, Mr Baker, that the first that
21 the department learned of this decision was through the
22 media, essentially, at the same time that --

23 **A.** No, I was probably informed of it towards the late
24 afternoon or evening of 17 March, which was a public
25 holiday with us, Saint Patrick's Day, as you know.

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1 **Q.** Now, Mr Baker, the Minister of Education was at that
 2 meeting and had participated in that vote. Why would
 3 officials in the department not have been aware?
 4 **A.** I don't know.
 5 **Q.** Okay. Perhaps we can look at what you've said about the
 6 department's position at that time.
 7 If we could have on screen, please, paragraph 108 of
 8 Mr Baker's statement, page 29.
 9 So Mr Baker, you've said here that the department
 10 hadn't been informed that schools would be closing prior
 11 to the announcement we've discussed "whilst an
 12 indication had been given that schools may have to close
 13 in the future".
 14 Pausing there, when was it first indicated to the
 15 Department of Education that there may be a need to
 16 close schools in Northern Ireland?
 17 **A.** Well, as you mentioned earlier, there was this
 18 discussion amongst ministers on 12 March. I think that
 19 was a Thursday. And it came as a bit of a shock to
 20 everybody, I think, when the Republic of Ireland
 21 announced that they were closing schools. So I think
 22 that was the first time it ever entered our
 23 consciousness that something like this could conceivably
 24 be possible. But the clear direction following that
 25 meeting was that schools should stay open. And that was

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1 if schools close, or if we are not able to hold
 2 examinations the way we normally do?
 3 We were also thinking about how best could we
 4 deliver free school meals.
 5 But I would have to confirm that we were in no more
 6 than the foothills of considering those issues when the
 7 announcement was made on 18 March.
 8 **Q.** Just moving slightly further down the paragraph, you say
 9 that:
 10 "[Department] officials did not give specific advice
 11 on whether schools should be closed, nor were plans
 12 drawn up in the eventuality that all schools would
 13 close. [Department] officials were not involved in the
 14 decision to close schools or the timing of the
 15 announcement ..."
 16 As you've said.
 17 Mr Baker, stepping back, we have the 2017 plan,
 18 which had conceived of a potential need to close schools
 19 possibly at national level, possibly on more than one
 20 occasion, possibly for a long time. On 11 March the
 21 World Health Organisation had declared Covid-19
 22 a pandemic. On 12 March, the Republic of Ireland had
 23 closed its schools and you were in that meeting at which
 24 the SAGE advice was conveyed. The Minister had written
 25 to schools to advise them that there was a possibility

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1 still the position when we got to Monday, the 16th, and
 2 it was only during the course of the 17th that suddenly
 3 it became apparent that there could be an announcement
 4 that schools would close.
 5 **Q.** Okay. And you continue here that:
 6 "The public announcement of closures came within
 7 days of schools being made aware of the potential."
 8 Is that a reference of the minister's letter to
 9 schools of 16 March?
 10 **A.** It is.
 11 **Q.** Okay. And you say then:
 12 "Whilst [the department] and schools were starting
 13 to build resilience into plans, the sudden announcement
 14 by the Executive did not allow sufficient time for this
 15 work to be fully completed."
 16 Can you help us with what that means, Mr Baker?
 17 What does it mean to build resilience into plans?
 18 **A.** I had mentioned -- well, you quoted the notes of the
 19 meeting that had taken place earlier with ministers, and
 20 the comments that I made about free school meals, for
 21 example, and examinations. At that time -- and it was
 22 only days before the announcement was made -- I know
 23 that some of my colleagues in the department were
 24 starting to think: what will we do about public
 25 examinations, the summer 2020 exam series, for example,

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1 that schools in Northern Ireland may need to close. Why
 2 would the Department of Education not have drawn up
 3 plans in the eventuality that schools would need to
 4 close by that point?
 5 **A.** Schools would only have closed for one reason, and one
 6 reason only, and that is if the Department of Education
 7 and the Minister of Education had received clear and
 8 unequivocal public health advice that schools should
 9 close, effectively to save lives. No such advice was
 10 received in that period.
 11 You mentioned the meeting that took place on
 12 the 16th. Schools closed four working days after that.
 13 I really don't think there was time to make proper
 14 preparations for the closure of schools in that period.
 15 It would never have been enough.
 16 **Q.** Now, Mr Baker, throughout the course of your evidence
 17 you have said that the department was operating on the
 18 basis that schools would remain open and that that had
 19 been the department's position until 18 March, when this
 20 announcement was made; is that correct?
 21 **A.** That is correct.
 22 **Q.** So where do we see the department's plans for schools
 23 remaining open that had been made in that period between
 24 January and March 18th?
 25 **A.** I don't quite understand a plan to remain open. That

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1 was the status quo, supplemented by the public health
2 advice, which had already been issued to schools, about
3 staying safe, issues around distancing, issues around
4 cleansing of equipment and so forth, issues around
5 isolation.

6 So the advice to schools was in and around the
7 public health advice, but we didn't have a separate plan
8 for schools staying open because that was de facto the
9 status quo.

10 **Q.** So, in that sense, it was business as usual, was
11 really --

12 **A.** Well, it wasn't business as usual, because obviously
13 schools had received a lot of advice and were receiving
14 a lot of advice from the Public Health Agency as to how
15 they could stay safe and, above all, how pupils and
16 staff could stay safe.

17 **Q.** And given that the Department of Education has a role in
18 overseeing schools' contingency plans, where was the
19 Department of Education at that time, in terms of
20 assisting schools with implementing the guidance they
21 were receiving? Did the department have a role prior to
22 18 March?

23 **A.** I don't think the department would have a role insisting
24 individual schools to implement guidance. I'm not
25 really too sure how we could have done that. There are

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1 mitigations with you, so we'll start by looking at the
2 first mitigation that the department introduced which
3 was the policy of operating school clusters so that
4 vulnerable children could attend. At the point of the
5 decision to close schools, what level of understanding
6 did the Department of Education have about the likely
7 numbers of vulnerable children who might be attending
8 school?

9 **A.** We didn't have any real information about how many
10 children would attend, either vulnerable children or the
11 children of key workers. We just did not know. So --
12 well, I don't want to proceed to answer another question
13 but the concept of clusters was a contingency in case
14 some schools closed, and there would be no school or
15 educational institution in a particular locality to
16 provide a base for the children of key workers or
17 vulnerable children.

18 You'll understand that in Northern Ireland we have
19 some exceptionally small schools with maybe only two or
20 three teachers. So if those teachers were ill or
21 shielding or vulnerable, those schools could have closed
22 in their entirety. So we needed to put in place some
23 kind of contingency arrangements to make sure there was
24 a home for those pupils in every locality. Although in
25 the event, clusters did not become an important feature

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1 over one --

2 **Q.** Mr Baker, I'm sorry to cut across you. It's not
3 individual schools; it's all schools in Northern
4 Ireland.

5 **A.** Yes, but there are 1,000 schools in Northern Ireland.
6 I don't think the department would ever have been in
7 a position to assist 1,000 schools to implement public
8 health guidance. That was a matter for school
9 leadership teams to do themselves and make sure that
10 they were complying with the guidance issued by the
11 Public Health Agency. The department could really not
12 have gone into schools and marked their homework in
13 that, I don't think so.

14 **DR TREANOR:** Okay.

15 My Lady, I know we're a few moments off the break.
16 This might be a convenient place.

17 **LADY HALLETT:** Of course, certainly.

18 I shall return at 3.10.

19 **DR TREANOR:** Thank you.

20 (2.56 pm)

(A short break)

22 (3.10 pm)

23 **LADY HALLETT:** Dr Treanor.

24 **DR TREANOR:** Thank you, my Lady.

25 Mr Baker, I promised to return to the issue of

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1 of keeping some schools open for vulnerable children.

2 I think, at any given time, according to the daily
3 information that we received from schools, there were
4 never more than about 30 or so clusters in Northern
5 Ireland, and that's set against typically 400 schools
6 being open on any given day.

7 **Q.** Mr Baker, I'll ask you in a moment about the numbers of
8 children who were attending, but before I do, just on
9 the point of data, you've indicated that really, the
10 department, I think you'd said had no real information
11 about the numbers of vulnerable children.

12 I do see, at tab 5, and I'll not put it up on the
13 screen, but for the transcript, it's at INQ000087625 and
14 it's at page 3, the minutes of a contingency planning
15 update meeting on 19 March, and in the course of that
16 meeting it suggested that 156,000 children were expected
17 to be accommodated with an additional approximate 17,000
18 statemented children and 6,000 social work related?

19 Can I ask you, what was the basis for those figures?
20 Do you know where they came from?

21 **A.** Well, the latter two figures you mention, I think are
22 self-explanatory. The first figure, I think, would have
23 related to the total number of children in receipt of
24 free school meals, which we were using as an extremely
25 loose proxy for potentially vulnerable children but at

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1 that stage we had absolutely no idea how many children
 2 might attend schools during this period.

3 **Q.** Okay. And the former Children's Commissioner for
 4 Northern Ireland has made the point that during the
 5 pandemic there was a considerable lack of disaggregated
 6 data available on children by age or other
 7 characteristics that made them particularly vulnerable,
 8 so for example, disability or care experience?

9 **A.** Yes.

10 **Q.** Do you recognise those sorts of gaps in Northern
 11 Ireland's data collation?

12 **A.** We issued a survey every day to all schools asking
 13 schools: which schools are open? How many pupils are
 14 attending? How many teaching staff are attending? How
 15 many non-teaching staff are attending? And that was
 16 broken down by phase, pre-school, primary school,
 17 post-primary, special school and so forth. And
 18 occasionally we supplemented those daily surveys with
 19 information about vulnerable pupils so we would have
 20 up-to-date data for the top management in the department
 21 and the minister about what was happening out there.

22 But I fully accept the comments by the former
 23 Children's Commissioner that we didn't go right down
 24 into disaggregating the data by all kinds of different
 25 vulnerable children. I think, from our guidance on

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1 **Q.** And in your statement you also point up data quality
 2 issues in relation to those survey responses. Is it
 3 right that there were issues with the quality of that
 4 data in terms of the ability to validate it?

5 **A.** There were, and I did probe that again, on re-reading
 6 the corporate witness statement, and we engaged with our
 7 statisticians. We were getting daily returns via the
 8 Education Authority, from schools, as I've just
 9 explained.

10 Our statisticians are quite precious about the
 11 quality of data and they want to make sure that
 12 everything is properly validated and I think there was
 13 one field in the data which sometimes wasn't properly
 14 completed, and they were concerned about that, and they
 15 felt that that could call into question some of the
 16 validity of the data, but that was fixed after a week of
 17 the daily surveys, I'm given to understand.

18 I don't think it was a major issue, but the daily
 19 survey would not have measured up to the Kitemark of
 20 official national statistics which, as you know, our
 21 statisticians are quite precious about.

22 **Q.** Yes. Is it your position, then, that notwithstanding
 23 any limitations, that that data was sufficiently robust
 24 to allow the department to rely upon it for planning in
 25 this context?

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1 vulnerable children, we identified 12 different
 2 categories of vulnerable children, and we certainly
 3 didn't ask schools to fill in that data on a daily
 4 basis.

5 I think, in due course, school leaders and school
 6 principals found the imposition of a daily survey quite
 7 difficult, given all the other things they were having
 8 to cope with, and later in the crisis we reduced the
 9 daily survey maybe to a weekly survey.

10 **Q.** Mr Baker, I just want to clarify something that you said
 11 in the course of that answer, I think you said that that
 12 survey data was broken down by primary, secondary,
 13 special school, but in your statement at paragraph 78,
 14 and this is on page 21, just for your reference, you say
 15 that:

16 "A survey of pupil attendance was issued to all
 17 educational settings from 23 March 2020 to 29 June 2020,
 18 but a breakdown by school setting type was not
 19 possible."

20 Can I just clarify whether it was possible, to break
 21 that down by setting?

22 **A.** Yeah, I am bemused by that because I have actually seen
 23 copies of the reports, and I do apologise if in any way
 24 we have misled the Inquiry, but the breakdown does show
 25 individual phases of schools.

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1 **A.** Well, I think it was more for reporting and knowing what
 2 was happening out there, and we used that data to feed
 3 through to the central Civil Contingencies Group in the
 4 Executive Office, who also wanted to produce daily
 5 reports for ministers and for the Executive as to what
 6 was happening outside in the world, in terms of, you
 7 know, business and how many people were moving around
 8 and what was happening in schools. So I think, for the
 9 times that we're in it, that daily survey was sufficient
 10 for that purpose.

11 **Q.** Okay. And a few minutes ago, Mr Baker, you mentioned
 12 that the numbers of vulnerable children attending school
 13 in Northern Ireland were very low. Was that an intended
 14 outcome?

15 **A.** No, it wasn't. And the minister was actually concerned
 16 about that, and I think the Inquiry has evidence of
 17 a letter that the minister sent to schools to remind
 18 them that he was concerned by the low numbers of
 19 vulnerable children attending school, and he urged
 20 school leaders to get in touch with the parents of
 21 vulnerable children to make sure that they were aware
 22 that schools were open to provide services for them.

23 I think that probably, given the overriding message
 24 that was coming from the government at the very -- you
 25 know, at the most senior levels, from the Prime Minister

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1 of the United Kingdom down, which was 'Stay at Home' to
 2 stay safe, it was very difficult, simultaneously, to be
 3 encouraging the parents of some children to send them to
 4 schools. I think everybody followed the predominant
 5 message 'Stay at Home', whereas we were trying to
 6 encourage some parents to send their children to
 7 schools. And that was a difficult tension. There's no
 8 question.

9 **Q.** Can we have on screen, please, INQ000308437 at page 19.
 10 And it's the message from Mr Baker at the bottom I'd
 11 like to look at.

12 Mr Baker, this is a WhatsApp message from you to the
 13 PSS Covid-19 group chat. I think this comprises the
 14 attendees of the permanent secretary's stocktake
 15 meeting; is that correct?

16 **A.** That's correct.

17 **Q.** And you say here that:

18 "Anecdotally the key worker arrangements in
 19 education settings are operating generally without major
 20 incidents. The 'last resort' messaging over the weekend
 21 appears to have worked, and numbers in individual
 22 settings are low and manageable. For example, a 1350
 23 pupil school in South Down has 6 pupils and 17 staff
 24 attending. Neighbouring 500 pupil school has zero
 25 pupils."

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1 concerned, that was a positive outcome.

2 I think the context of this particular comment is
 3 about the children of key workers, and not vulnerable
 4 children.

5 **Q.** I see. Thank you.

6 And can I just clarify then, Mr Baker, had the
 7 department set any internal target or maximum number of
 8 children who could safely attend school?

9 **A.** No, that was left to individual school leaders, because
 10 the logistics in every school are different. It depends
 11 on the premises, the size of the building and so forth,
 12 and who and how many could be safely accommodated.
 13 So, we weren't going to set a target of 5%, 10%, 50%.
 14 I think that would have been wholly inappropriate.

15 **Q.** And you made clear in your answer a moment ago that the
 16 focus was really on the children of key workers, and
 17 their attendance at school, and keeping that manageable;
 18 is that correct?

19 **A.** That particular comment that you referenced, yes.

20 **Q.** Yes.

21 **A.** But it was made clear that schools were to remain open
 22 for the children of key workers and for vulnerable
 23 children. And the minister did press that latter point
 24 in his letter to all school principals.

25 **Q.** Now, Mr Baker, I won't turn it up. For your reference,

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1 And it continues to discuss data collation issues.

2 You say here, Mr Baker, that "the 'last resort'
 3 messaging" seems to have "worked".

4 Worked in what sense, Mr Baker, if not to keep the
 5 numbers of children attending school low and manageable?

6 **A.** That is exactly what it was intended to do.

7 I think you need to go back to the context at the
 8 time. We -- as soon as it was announced that schools
 9 were closing, we had pretty intensive discussions with
 10 the teaching unions, who obviously were very concerned
 11 about the safety of their pupils and indeed their own
 12 members, and pressed us very hard on what we meant by
 13 schools remaining open for the children of key workers
 14 in particular.

15 There was quite a long list of key professions whose
 16 children needed to be accommodated, and I think the
 17 teaching professions were concerned that schools would
 18 open and very large numbers of pupils would attend. And
 19 naturally enough, there was a fear factor around that.
 20 So it was a relief to us that when schools did open, low
 21 numbers of the children of key workers actually did
 22 attend, and it didn't impose a burden on the schools
 23 themselves, or create a major safety risk.

24 So, as far as I was concerned, and I think the
 25 minister was concerned, and the teaching unions were

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1 it is at tab 10 of the bundle.

2 And for the transcript it's at INQ000617935.

3 And this is the department's 31 March 2020 guidance
 4 on Covid-19 clusters. And in that guidance, it makes it
 5 clear that the provision in hubs was for those key
 6 workers who had no alternative. Is that an example of
 7 the 'last resort' messaging you were referring to just
 8 a moment ago in the message that we looked at?

9 **A.** No, I think the reference to clustering is about making
 10 sure that there was somewhere for those children to go,
 11 if all of the other schools in the locality were closed.

12 **Q.** Sorry, Mr Baker, I perhaps didn't phrase that correctly.

13 **A.** Okay, apologies.

14 **Q.** My question was, rather, about whether this was an
 15 example of the 'last resort' messaging that you referred
 16 to in that exchange.

17 **A.** Could you remind me what the exchange was? I don't have
 18 it on the screen in front of me.

19 **Q.** Could we have back on screen, please, INQ000308437, at
 20 page 19.

21 Thank you.

22 So you referred here, Mr Baker, to the 'last resort'
 23 messaging.

24 **A.** Yes.

25 **Q.** And if you look at the tab 10 of your bundle, see the

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1 clustering guidance that I referred to, it says:
2 "This service is only for those Key workers who are
3 unable to find a viable alternative option ..."

4 **A.** That's correct.

5 **Q.** So that is a reference to that messaging?

6 **A.** It is. It is, thank you, yeah.

7 **Q.** Thank you. And just on that guidance, Mr Baker, while
8 we're here, on its face, it purports to address both the
9 children of key workers and vulnerable children. And
10 I think when you look at it, you look at the substance
11 of the guidance, it really seems to focus on key
12 workers, which I think is aligned with what you've just
13 said, but my question to you is: do you think there's
14 a risk that that 'last resort' type of messaging may
15 have, even if inadvertently, dissuaded vulnerable
16 families from making use of the provision that was being
17 made for their children?

18 **A.** I don't think so because the minister made it absolutely
19 clear to all school principals that he wanted them to
20 consider very carefully the position of vulnerable
21 children, of whom they were aware, and schools would
22 have been aware of vulnerable children. It's what they
23 do. They have a designated teacher to look after the
24 interests of vulnerable children, and he was encouraging
25 school principals to reach out to those families to

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1 else, so far as I knew. It simply wasn't what we did.

2 There was never any requirement for schools to
3 maintain a parallel online or digital learning system.
4 They didn't do it. And we wouldn't have expected
5 schools to do that.

6 I think to have maintained such a system could have
7 been extremely expensive, and it would have required
8 a lot of time and effort, but it simply wasn't part of
9 our system. It's not how teaching and learning was
10 done.

11 **Q.** And on 10 May, the Education Authority initially
12 estimated the number of devices required across schools
13 in Northern Ireland to be around 11,500, and in your
14 statement, and this is paragraph 237, you have confirmed
15 that no devices had been allocated to children prior to
16 22 May 2020.

17 Mr Baker, the schools were closed in March. Why,
18 given the pressing need that had been identified, had no
19 devices been allocated to children before the end of
20 May?

21 **A.** Well, I don't think that's quite right. We're talking
22 about two different things here. Many schools had their
23 own devices that they distributed to their own pupils.
24 Many pupils that their own devices at home which they
25 could use. Schools had one-to-one device schemes which

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1 ensure vulnerable children knew that they could attend
2 schools.

3 **Q.** Okay. Well, I'll move on then, Mr Baker, to the second
4 mitigation, which is the provision of remote learning.
5 I think, consistent with the evidence that it hadn't
6 planned for closures, before schools closed, the
7 Department of Education had not carried out any
8 assessment of how schools could deliver remote learning;
9 is that right?

10 **A.** That's correct.

11 **Q.** And prior to March 2020, the department hadn't
12 undertaken work to regulate or develop standards for
13 remote learning; is that right?

14 **A.** That's correct.

15 **Q.** Now, Mr Baker, given that the plan that we looked at,
16 and accepting all of the caveats around the pandemic
17 influenza plan, but given that it had identified school
18 closures as a possibility, and pointed to a potential
19 need to deliver online learning to children in the event
20 of mass school closures, why would that sort of
21 assessment or planning for delivery of remote education
22 not have been done?

23 **A.** Notwithstanding the earlier guidance, the simple fact is
24 that remote teaching and learning was simply not part of
25 the education system in Northern Ireland, or anywhere

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1 they were able to use to give to pupils.

2 So, I think what you're talking about is the
3 procurement of additional devices, which the department
4 undertook as a project on foot of some work that it did
5 with all schools to assess what the need was for pupils
6 who couldn't get access to either their own devices at
7 home or devices which were lent by individual schools.

8 So the project to procure devices was based on that
9 submission and got under way at that point. And I think
10 ultimately, by the end of 2021, or midway through 2021,
11 about almost 25,000 devices were procured and
12 distributed at a cost to the department of £5 million.
13 But schools were already lending their own devices.

14 We were a little bit concerned at the start that
15 maybe all schools were not lending all of their devices.
16 They might have been a little bit reluctant to do so for
17 whatever reason. But, again, we encouraged them to do
18 so. There needed to be a little bit work done
19 occasionally before you would distribute devices to
20 pupils to make sure that they were properly configured
21 to make them safe, and that could hold things up from
22 time to time.

23 But I don't think it's right to say that no devices
24 were distributed before May 2020.

25 **Q.** Mr Baker, that is what you have said in your statement,

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1 at paragraph ... oh, forgive me -- at paragraph 237.
 2 You say that no devices had been allocated to children
 3 prior to 22 May.
 4 **A.** I think -- well, schools were already distributing their
 5 own devices to children. I apologise again if that is
 6 misleading. I think what we're talking about there is
 7 devices distributed on foot of the project to procure
 8 and distribute additional devices over and above those
 9 held by schools.
 10 **Q.** I do appreciate the distinction you're making, Mr Baker,
 11 but is it not the case that the reason there was a need
 12 for that procurement exercise was that schools couldn't
 13 meet the need themselves through the loan of devices?
 14 **A.** Absolutely. And we established that need through the
 15 work that was done with every school during the course,
 16 I think it was, of April 2020. The Education Authority
 17 engaged with all schools and asked them: Right, how many
 18 schools do you need, and for which pupils?
 19 And the culmination of that work was the submission
 20 I think you're referring to of May 2020.
 21 **Q.** Okay. And moving on then, Mr Baker, you also explained
 22 that it was not until July 2020, which is after the
 23 school term had finished, that the department launched
 24 a scheme to provide free wi-fi and mobile connectivity.
 25 Does it follow from that, Mr Baker, that a number of the

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1 **Q.** Thank you. Now, it has been suggested, Mr Baker, that
 2 some children in Northern Ireland still did not have
 3 access to the equipment they needed during the second
 4 set of school closures in 2021. Can you help us to
 5 understand why it had not been possible to address the
 6 level of need by that stage?
 7 **A.** I do know that there had been an order placed for
 8 additional devices, which was expected to be delivered
 9 in September 2020, but for reasons of supply and demand,
 10 and you will appreciate that it seemed at that stage
 11 that the whole world was chasing after the same devices,
 12 they did not get delivered until early in 2021, and that
 13 delayed our ability to distribute some devices. But
 14 there was a market supply and demand problem for
 15 devices, I mean, even the whole Civil Service was
 16 looking for advices, the public sector and the private
 17 sector.
 18 So it just wasn't easy to get all of the supply that
 19 you wanted immediately when you wanted it. We went
 20 through standard public procurement procedures. We
 21 might have short-circuited those but I have to say that
 22 my colleagues in the department were protecting me, as
 23 the accounting officer, through the procurement of that.
 24 There have been procurement issues around some of the
 25 issues during Covid, but we went through sort of Crown

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1 children who had been allocated devices prior to that
 2 point would still nevertheless have been unable to
 3 engage in online learning because they didn't have
 4 Internet access?
 5 **A.** I -- yes, I mean, I think that's a fair assumption to
 6 make.
 7 You will be aware of the remote nature of parts of
 8 Northern Ireland where wi-fi connection is difficult,
 9 and we realised that, in addition to making sure that
 10 advices were distributed, we would have to assist some
 11 families or some specific pupils to gain access to
 12 wi-fi, and we worked with companies like British Telecom
 13 to try to support that. And I think over the course of
 14 the next year, about 10,000 solutions were issued, such
 15 as, you know, wi-fi vouchers and so forth, to assist
 16 connectivity for such pupils.
 17 **Q.** But was that gap between the provision of devices and
 18 the provision of wi-fi, was that something that the
 19 department had appreciated at the time that they were
 20 making the devices available, in May and June?
 21 **A.** I think the department appreciated that there were
 22 definitely going to be connectivity gaps in Northern
 23 Ireland, but by the time we had negotiated arrangements
 24 with British Telecom and so forth to set up the schemes
 25 of assistance, it took some time.

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1 Commercial Services framework contract to get these
 2 things as fast as we could, and it didn't always happen.
 3 **Q.** Thank you.
 4 Now, Mr Baker, I understand from your statement also
 5 that the department wasn't monitoring the quality or
 6 amount of online learning take place; is that correct?
 7 **A.** Yes and no. And I know that's not the answer you want
 8 to hear. The way that we in the department would
 9 monitor and assess the quality of teaching and learning
 10 is through school inspection, as you might imagine. And
 11 typically, what happens is a school inspection team
 12 would go into a school, would talk to school leaders,
 13 teachers, governors, pupils, and observe the delivery of
 14 teaching and learning and observe the receipt of that
 15 teaching and learning by pupils, and assess some of the
 16 work being done. Clearly, inspection was impossible
 17 during this period. We weren't going to send school
 18 inspectors into the homes of teachers. Many teachers
 19 were at home delivering online teaching and learning,
 20 and we certainly weren't going to send inspectors into
 21 the homes of pupils.
 22 The second point is that immediately upon the
 23 closure of schools, and I use that phrase as shorthand,
 24 we suspended school inspection and we repurposed the
 25 whole inspection team -- it's not a huge resource, but

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1 from recollection it's about 60 to 70 staff -- to go out
 2 there and operate as link officers to support individual
 3 schools in any way that they could during this difficult
 4 period, and specifically using their knowledge and
 5 skills and pedagogy to assist schools in remote teaching
 6 and learning, to signpost them to sources of advice, and
 7 materials on teaching and learning, to share group
 8 practice, both within and across schools, and to gather
 9 case studies and to feed that back to the department.

10 So to the extent that we had our school inspectors
 11 in schools supporting online teaching and learning, we
 12 had good feedback material coming to the department and
 13 the centre which supported us in developing the guidance
 14 that was ultimately issued on remote teaching and
 15 learning.

16 So it wasn't without a quality assurance process,
 17 but I would say this: I think it was a much more
 18 productive use of the time of our inspectors to go out
 19 and support schools at this really difficult time than
 20 to try and engage in inspection.

21 **Q.** Thank you, Mr Baker.

22 I'd like to move on, then, to ask you about the
 23 further school closures in January 2021.

24 Now, when schools closed in the week before
 25 Christmas 2020 as usual, I understand, from your

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1 **A.** They did, and it was coming up towards New Year's Eve
 2 and the New Year period, yes.

3 **Q.** And just taking a step back if we could. You've
 4 indicated that the department was anticipating that
 5 schools would reopen in January 2021, and in your
 6 statement you said that no epidemiological advice was
 7 sought by officials at that time. Is that because you
 8 weren't anticipating further school closures at that
 9 point?

10 **A.** That's correct, but whilst we didn't seek any
 11 epidemiological advice, we received epidemiological
 12 advice from the Chief Medical Officer, and you will see
 13 from the note of a meeting which the Health Minister
 14 that with the Education Minister that the Chief Medical
 15 Officer was saying that the latest science was showing
 16 that children under the age of 17 were more likely to
 17 pass the virus on to others, and that no doubt was one
 18 of the reasons why the advice from the Department of
 19 Health was: please don't open schools as normal come
 20 January.

21 **Q.** And just taking a step back again towards the start of
 22 December, given the rise in case numbers in late 2020,
 23 were any alternative scenarios to reopening, so, for
 24 example, partial closures or staggered reopening, were
 25 those being actively planned for or modelled or

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1 statement, that it was the department's expectation at
 2 that point that they would reopen in 2021; is that
 3 right?

4 **A.** That's correct, yes.

5 **Q.** And is it right, then, that the department was not
 6 anticipating any further school closures at that stage?

7 **A.** The department, at that point, was anticipating schools
 8 opening again as normal in January 2021, and for obvious
 9 reasons: because we were all aware of the negative
 10 consequences of closing schools on pupils. We wanted
 11 schools to open but, as no doubt you're coming to, the
 12 Minister for Health and the Chief Medical Officer were
 13 starting to get very concerned about spikes that were
 14 rising in the incidents of Covid and engaged with the
 15 Education Minister at that time, and they were making it
 16 clear that in their view, to stop the spread of Covid,
 17 schools really could not open as usual in January 2021.
 18 Bringing 350,000 children and 20,000 teachers, and so
 19 forth, together into confined spaces would be really
 20 dangerous for public health.

21 And I think that was a big difference between the
 22 second closure and the first closure.

23 **Q.** And I think it's right, Mr Baker, that the exchanges
 24 that you're referring to, they come slightly later in
 25 December, is that right, towards the end of December?

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1 discussed within the department?

2 **A.** They were. I think there's documentation from the
 3 Minister of Education, who was setting out various
 4 options for opening which wouldn't represent a full
 5 opening of all schools, but a sort of graduated opening
 6 of schools, and they were proposed. And I think that
 7 was his first -- that was the Minister of Education's
 8 first proposal to the Minister of Health.

9 **Q.** And just a point of clarification, in your statement,
 10 and this is at paragraph 473, you say that:

11 "... stakeholders considered it to be an open or
 12 close scenario as partial opening ... was not considered
 13 viable at that time ..."

14 Can you help us to understand what led to that
 15 conclusion, that partial opening was not viable at that
 16 time?

17 **A.** We were -- by "partial opening", we were considering
 18 whether you could have some pupils in one week, and
 19 maybe another group of pupils in another week and
 20 staggering it like that, and it was felt that that
 21 simply would be impractical, and unworkable, and
 22 logistically impossible. So it was either open or
 23 close, with mitigations, and obviously with the
 24 exceptions for vulnerable children and special schools
 25 which under any circumstances, were to remain open.

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1 **Q.** As you've already alluded to, Mr Baker, at the end of
 2 December, matters moved apace and the decision to keep
 3 schools closed after Christmas was again taken at
 4 Executive Committee level at a meeting on
 5 4 January 2021. To what extent did the Department of
 6 Education have advanced notice of that decision on that
 7 occasion?

8 **A.** I think we were well -- well, first of all I have to
 9 enter the caveat: I wasn't there at the time, and I'm --
 10 so I'm speaking on the basis of conversations with my
 11 former colleagues and reading the documentation, but
 12 I think the department was well abreast of that
 13 decision, and I don't think there was any difficulty
 14 with that decision at all, because the Education
 15 Minister was fully involved and he was relaying those
 16 issues back to the department. So communications at
 17 that point were good.

18 **Q.** Now, Mr Baker, you've indicated that various options
 19 were under consideration within the department. Can you
 20 tell us a bit about the work that the department had
 21 been undertaking between schools reopening in
 22 August 2020 and December 2020 in preparation for the
 23 potential or the prospect of further school closures?

24 **A.** When schools reopened in September 2020, we'd obviously
 25 been through a period of closure and our guidance on

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1 you about, and that is the enduring impacts of the
 2 pandemic on education in Northern Ireland.

3 Now, I understand from your statement that the
 4 Department of Education has not commissioned any
 5 reviews, nor conducted any assessments or monitoring in
 6 relation to the long-term impacts of the decisions made
 7 in relation to education during the pandemic; is that
 8 right?

9 **A.** That's correct, as far as I know.

10 **Q.** And if we could have up on screen, please, INQ000588022
 11 at page 101.

12 Mr Baker, I'd like to very quickly look at some of
 13 the contributions from participants in Northern Ireland
 14 to the Inquiry's Every Story Matters record. And if we
 15 could look at the third quote, please. Thank you.

16 This is a quote from a secondary teacher in
 17 Northern Ireland:

18 "We have schools now that maybe have 70% attendance,
 19 they just don't come to school because they've got into
 20 the habit of not going to school in Covid and they've
 21 never returned."

22 And if we could look over the page at the second
 23 quote, please:

24 "Attendance is definitely down. Punctuality as
 25 well, it's just, like 'I'll go in when I feel like going

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1 things like remote learning had been refined and
 2 updated. So when schools reopened in September 2020, we
 3 had laid down pretty clear expectations to schools as to
 4 what we expected from them in the sense of any
 5 individual closures or if individual pupils had to
 6 isolate or groups of pupils had to isolate, individual
 7 classes or bubbles. We had pretty detailed guidance for
 8 what we called new school day guidance in
 9 September 2020.

10 I think by that point we were in pretty good shape
 11 for offering schools guidance regarding the closure in
 12 January 2021, in particular in respect of our
 13 expectations on remote teaching and learning. The
 14 guidance was there. It had been updated. It had been
 15 refined in the light of experience, and in the light of
 16 feedback from our link officers, and it was ready to go
 17 in advance of the closures of schools in January 2021,
 18 and indeed, I think the Inquiry has received
 19 confirmation in the witness statements of a couple of
 20 school principals for Northern Ireland that such
 21 guidance was actually welcomed and in much better shape
 22 obviously than it had been during the first closure.

23 **Q.** Thank you.

24 Now, Mr Baker, before I move on to take your
 25 reflections, I just have one more topic I'd like to ask

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1 in'. More and more parents were ringing up to get
 2 children out of school [and] children texting their
 3 parents 'Ring up and get me out'. We would have an
 4 element of it before but it's definitely on the
 5 increase. For some, the value of education has
 6 definitely diminished and people's priorities have
 7 changed."

8 Mr Baker, in your statement you characterise this
 9 issue as a significant concern, and you point to a 123%
 10 increase in persistent absence since the pandemic. So
 11 I think this is an issue that you would recognise as an
 12 enduring impact on Northern Ireland.

13 **A.** It is, and I think the data collected by the department
 14 backs that up. It is an issue which the department and
 15 the minister is acutely aware of. It is a major
 16 problem.

17 And I think, in fairness, it is an issue -- and
 18 again, I'm speaking from secondhand knowledge -- it's an
 19 issue which the department is committed to address, and
 20 I think, as we speak, the current minister is
 21 considering a new strategy on promoting attendance
 22 amongst school pupils. I think that draft strategy is
 23 called Attendance Matters.

24 Now, obviously I can't pre-empt the minister as to
 25 if and when such a strategy might be launched, but it is

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1 an issue of considerable concern because attendance has
2 definitely got worse since Covid.

3 **Q.** And in light of that considerable concern, can you help
4 us to understand why the department has not sought to
5 commission any formal assessment in respect of pupil
6 attendance since the pandemic?

7 **A.** Well, I think the department has. I think, you know,
8 when the strategy -- let's go back to the department has
9 not commissioned any work on the impact of Covid. It
10 has looked at certain elements, there has been a lot of
11 work done on pupil attainment. Northern Ireland has
12 participated in international studies. There's been
13 a lot of work done by the Education and Training
14 Inspectorate on the impact of Covid. The Education and
15 Training Inspectorate, you know, produced a report on
16 pupil attainment, wellbeing and teacher practice. But
17 specifically, as part of the strategy of -- for
18 attendance, it has looked at attendance, it has looked
19 at the impact of Covid, and all of that will be factored
20 into the strategy if and when it is published. And
21 measures will be taken to address that problem.

22 **Q.** So, Mr Baker, is it the case, then, that at
23 paragraph 551 of your statement, wherein it's indicated
24 that:

"Since the specified period DE has not commissioned
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1 work. To what extent do you consider that those provide
2 a proper basis for gaining a thorough understanding of
3 the impacts in Northern Ireland and a proper basis for
4 future planning?

5 **A.** Yeah, I think officials in the department did consider
6 very carefully the international evidence that was
7 produced about what was happening to literacy and
8 numeracy and so forth during Covid, and there was also
9 a fair body of research produced by local
10 higher education institutions about Northern Ireland,
11 and they concluded that the position in Northern Ireland
12 was unlikely to be much different. But that is not to
13 say that there weren't -- there wasn't some work done
14 that gave departmental officials an indication of the
15 state of literacy and numeracy.

16 Northern Ireland participated during the Covid
17 period in some international studies. They go by fancy
18 acronyms, like PIRLS, I think that's Progress in
19 [International] Reading literacy Study. That focuses on
20 literacy amongst 10-year-olds.

21 And then there was another study called PISA,
22 I think that's Programme for International Student
23 Assessment, and that looks at pupils in post-primary
24 schools aged about 15, focusing on reading, on science,
25 and on maths. And we were able to use -- or sorry,

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1 any formal impact assessments on the impact of pupil
2 attainment or attendance ... on children in pre-school
3 settings."

4 Is that --

5 **A.** In pre-school settings specifically?

6 **Q.** It's specific to pre-school settings. Thank you.

7 **A.** Sorry, I wasn't answering your question. I was just
8 querying whether you meant pre-school settings.

9 I am sorry, if I have said that in the witness
10 statement, it must be true. I can't recall
11 specifically -- (overspeaking) --

12 **Q.** No, forgive me, that was my mistake. It does refer to
13 pre-school settings.

14 **A.** Yes.

15 **Q.** Now, Mr Baker, you say in your statement, and just so we
16 can have clarity on this, you say the department did
17 consider commissioning a specific Northern Ireland
18 assessment on the impact of the pandemic on literacy and
19 numeracy, but that due to practical barriers and the
20 existence of a body of international evidence, that
21 didn't proceed.

22 I want to ask you, at other stages in your statement
23 you point to the availability of international evidence
24 and independent research in explaining why the
25 department hasn't sought to commission certain pieces of

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1 I wasn't there at the time, but they were able to use
2 those studies to compare how things were before and
3 after the pandemic, and whether things had declined.

4 And indeed, subsequent to that, there have been key
5 stage assessments done in schools, typically at ages 8,
6 11 and 14, on literacy and numeracy. And sadly, that
7 found that three out of ten pupils leaving primary
8 schools were not at the expected level of literacy and
9 numeracy. And I know that the department, through the
10 Council for the Curriculum, Examinations and Assessment,
11 is commissioning system-wide assessments which will give
12 good quality, hard information about educational
13 attainment and what has happened during the Covid
14 period, so hopefully corrective action can be taken.

15 **Q.** That's very helpful. Thank you, Mr Baker.

16 And finally, Mr Baker, you'll be glad to know we've
17 come to your lessons learnt and recommendations.

18 Now, in your statement at paragraph 567, you've said
19 this:

20 "There have been no formal lessons learned exercise
21 commissioned as the initial decision to close schools
22 and a lot of the other decisions around societal impacts
23 were driven by the [Executive/Chief Medical
24 Officer/Department of Health], and [Department of
25 Education] had to react to these, rather than implement

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1 what it considered to be its own decisions. DE officials
2 continue to work on policy areas throughout Covid-19,
3 and whilst conscious of the impact, policy areas were
4 not specifically reviewed to complement the specific
5 unique circumstances."

6 Is it the department's suggestion there, Mr Baker,
7 that any lessons to be learned are perhaps for others,
8 the Executive Committee, the Chief Medical Officer, the
9 Department of Health, rather than the Department of
10 Education?

11 **A.** No, I don't think so. And I would say to the Inquiry
12 that if I had to draft that statement again, I wouldn't
13 present it in such stark terms. I think it would be
14 more nuanced.

15 During Covid and in our immediate response to Covid,
16 we developed a Covid response plan which had a number of
17 workstreams in it, about six workstreams, I won't go
18 over them. And that metamorphosed quite quickly in
19 May 2020 into an education restart programme which,
20 again, had a number of workstreams.

21 And whilst it is true to say that there was no
22 single overarching lessons learned exercise on the
23 totality of the Covid response, the individual
24 workstreams within both the Covid response plan and the
25 education restart plan were subject to either

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1 might take away from its experience of implementing
2 these decisions --

3 **A.** I am --

4 **Q.** -- during -- (overspeaking) --

5 **A.** I am sure there is no end of practical learning, and the
6 department has learnt from them, I'm quite sure, having
7 spoken to my former colleagues. I know that the
8 department is enhancing its capacity in the area of
9 emergency planning and contingency planning and has put
10 in place dedicated resource for that. The department is
11 working with all of its arm's length bodies to set up
12 a strategic steering group on emergency planning so that
13 it is better placed to respond to such emergencies. It
14 is participating in, if I can use the term, war-gaming
15 exercises, and there is one going on as we speak, which
16 you've probably heard about, which focuses on the
17 potential for a pandemic, and there are lots of lessons
18 learned. And from all of the plans that were put in
19 place at the time, and all of the individual
20 workstreams, there are lots of lessons learned for the
21 future which I think the department can benefit from,
22 if, heaven forbid, there is any repetition of this.

23 **DR TREANOR:** Thank you very much, Mr Baker.

24 My Lady, those are all of my questions. Have you
25 any questions?

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1 independent evaluation, post-project evaluation, or
2 inspection by the Education and Training Inspectorate
3 and I can give you examples. For example, you will
4 recall the difficulties we had around the awarding of
5 grades for public examinations in the summer 2020
6 series. That was subject to an independent review by an
7 outside consultancy firm, I won't mention their name,
8 but those lessons were learned and they carried through
9 to the subsequent awarding arrangements for 2021 and
10 2022.

11 The Engage Programme, which we put in place to
12 support pupils who had suffered loss of learning was
13 subject to an evaluation and lessons learned by the
14 Education and Training Inspectorate. The food programme
15 which we put in place was subject to independent
16 evaluation. The devices procurement project was subject
17 to a post-project evaluation, and so on and so on and so
18 on.

19 So the individual workstreams were subject to
20 detailed evaluations which exist and I'm sure that
21 lessons have been learned from them.

22 **Q.** Mr Baker, in that answer you've pointed to reviews
23 looking backwards. Looking forwards then, in your view,
24 is there anything in practical terms that the Department
25 of Education or practical learning that the department

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1 **LADY HALLETT:** No, I have no questions.

2 Thank you very much, Mr Baker. Thank you for your
3 help, and I appreciate not that easy when you've retired
4 and somebody suddenly passed the parcel to you when the
5 music stopped. But thank you very much for coming to
6 help us. Are you going back to Belfast?

7 **THE WITNESS:** This evening, my Lady.

8 **LADY HALLETT:** Well, have a safe journey
9 and -- (overspeaking) --

10 **THE WITNESS:** Thank you very much. Goodbye.

11 **LADY HALLETT:** Thank you, bye-bye.

12 10.00, please, tomorrow.

13 **(3.55 pm)**

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

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