Witness Name: Julia Kinniburgh

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UK COVID-19 INQUIRY

CORPORATE STATEMENT OF JULIA KINNIBURGH ON BEHALF OF THE DEPARTMENT FOR EDUCATION

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I, JULIA KINNIBURGH, OF THE DEPARTMENT FOR EDUCATION,
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SAY AS FOLLOWS:

INTRODUCTION

I, Julia Kinniburgh, am employed by the Department for Education ("DfE" or "the department") as the Director General for Skills Group. I have held this position since December 2022. Prior to this role, I was the Director General for the Covid Response and Recovery Group in DfE from December 2020 to April 2022 and then Director General for Strategy Group in DfE from April 2022 to December 2022.

I make this statement in response to the Inquiry's Request for Evidence under Rule 9 of the Inquiry Rules 2006 sent in draft on 12 September 2024 ("the Rule 9 request"). I have been asked to provide a statement relating to mass testing plans (question 77), face covering decisions (questions 65 and 67), free school meal provision (questions 88 and 89), remote education (questions 31, 32, 33 and 38), and access to technology (questions 34 and 35). Although I did not join DfE until December 2020, I have been assisted in preparing this statement by officials in DfE who worked in the relevant areas throughout the relevant period. DfE officials have also searched for all relevant documents from the period.

DfE officials have searched thoroughly for any available evidence in order to set out what happened when and why as fully as possible. To the extent there are any gaps in evidence about decision-making, this is because DfE has not been able to find evidence to fill those gaps.

I am satisfied from the documents found and exhibited to this statement, assurance from current and former DfE officials who worked on this area through the pandemic and my own recollection that this statement sets out the key events that occurred during the period as accurately as possible.

During COVID-19, the Secretary of State for Education ("SSE") did not have complete autonomy to make core decisions. The central structures of decision-making changed during the pandemic and the parameters and timeframes for

decisions were often set centrally. Consequently, owing to unavoidable gaps in evidence, DfE cannot always give a complete picture of decision-making processes that took place outside the department.

Furthermore, DfE's responsibilities mostly cover only England. Education, childcare and children's social care ("CSC") are devolved matters under each of the devolution settlements. The relevant departments for education in the Scottish Government, Welsh Government and the Northern Ireland Executive have responsibility for education, childcare and CSC in Scotland, Wales and Northern Ireland respectively. DfE had regular engagement with the devolved administrations ("DAs") throughout the pandemic. DfE engaged the DAs at ministerial and official level on a range of areas covering schools, skills and family policies.

In a number of places this statement refers to schools and other settings being "closed to the majority of pupils" or "fully reopened". Settings were always open at the very least to children of critical workers ("CCW") and vulnerable children and I would like to record my gratitude to all the teaching and other school and college staff and staff in other settings who attended in person throughout the pandemic period to enable this to happen. Where this statement refers to schools and colleges being closed to the majority of pupils, this refers to periods when attendance at schools and colleges was limited to vulnerable children and CCW. Likewise, when the statement refers to schools being fully reopened, this refers to schools, colleges and other education settings easing attendance restrictions and allowing all children back into face-to-face education.

This statement focuses on answering a range of queries raised by the Covid-19 Inquiry, mainly in relation to different types of mitigations the government deployed to alleviate the impacts of the pandemic on children and young people. It does not seek to set out the full range of such measures. For a detailed overview of the full range of COVID-19 response measures in education and care settings, please refer to the Corporate Statement provided by Susan Acland-Hood dated 29 03 2023 (Exhibit JK2/001 – INQ000146054).

The statement comprises the following chapters:

Chapter 1: Mass testing plans: this chapter is a summary of when mass testing plans started to be made for schools and colleges and what these plans were.

Chapter 2: Face coverings in education settings: this chapter covers the decisions that were made about the use of face coverings in education settings and on school transport and how these decisions were communicated to education settings. It also explains the issues children experienced with the use of face coverings on returning to their education setting and what action was taken by DfE in response.

Chapter 3: Free school meal ("FSM") provision during COVID-19. This chapter provides a summary of DfE's assessment of the impact attendance restrictions might have had on children's access to food and an overview of the decisions that were made in relation to FSM.

Chapter 4: Remote education: this chapter explores the work done by DfE to prepare settings to deliver remote education prior to the first lockdown, the work done by DfE to improve and enhance remote education within and between each period of attendance restrictions, as well as a summary of the effectiveness of remote education.

Chapter 5: Access to technology: a description of the work undertaken by DfE to understand the needs of children for both devices and access to the internet; as well as the work done by DfE to address the provision of devices and internet access for those who did not have these.

This statement is supported by documentary evidence, which will be referred to in the format (Exhibit JK2/XX - INQ0000).

1. Mass COVID-19 testing plans for schools and further education colleges

- 1.1 This chapter sets out when the mass testing plans, mainly using lateral flow devices ("LFD") started to be made for schools and further education ("FE") colleges and what these plans were. A fully detailed account of DfE's work on testing has been submitted to module 7 of the Inquiry in the witness statement of Tessa Griffiths dated 06 05 2025 (Exhibit JK2/206 INQ000587559).
- In relation to COVID-19 testing, DfE worked in partnership with the Department for Health and Social Care ("DHSC") and its agencies. DHSC provided scientific advice, clinical advice, public health advice and determined health policy. DfE worked closely with DHSC to help ensure that proposed COVID-19 testing measures in education and care settings were appropriate and deliverable and any impacts on the provision of education and care were taken into account. DfE also worked closely with DHSC, Public Health England ("PHE")/UK Health Security Agency ("UKHSA") and Ministry of Housing, Communities and Local Government ("MHCLG") formerly known as Department for Levelling Up, Housing and Communities ("DLUHC") and its partners on the delivery of test and trace across education settings.
- 1.3 DfE led on the delivery of the mass LFD testing programme in schools and FE colleges. It was accountable for media handling; communications with education settings including the DfE helpline; liaison and communication with stakeholders; guidance and information that explained how LFD testing would work; and a route to provide funding to support the workforce and other reasonable costs. DHSC was accountable for the provision of all test kits, all personal protective equipment ("PPE") required for testing and delivery of this to schools and FE colleges; the clinical advice on which COVID-19 test to use in particular settings, and clinical instructions on how to test and standard operating procedure documentation to ensure clinical governance was assured; Medicines and Healthcare products Regulatory Agency ("MHRA") approval for relevant testing technology; and guidance on how to set up testing sites including waste disposal (Exhibit JK2/002 INQ000497758).
- 1.4 Prior to mass testing plans being developed for schools and FE colleges, the government had expanded symptomatic PCR testing capacity, so it was available

to all individuals. Initially, polymerase chain reaction ("PCR") testing was only available for those caring for hospital patients with pneumonia or acute respiratory illness, frontline NHS staff and then all symptomatic care home residents and staff. Then from 23 April 2020, PCR testing was made available to all key workers, including the education, childcare and CSC workforce. From 18 May 2020, PCR testing was made available for all individuals aged 5 or over and then for under 5s from 1 June 2020 when early years ("EY") settings, schools and FE colleges were recommended to open to a greater number of children and young people. Symptomatic PCR testing was viewed as an important tool in enabling EY settings, schools and FE colleges to ease restrictions over summer and autumn 2020.

- 1.5 By October 2020, DHSC was leading efforts to investigate the use of mass LFD tests across different parts of society. DHSC and PHE delivered several mass testing pilots in a number of education settings. DfE supported these pilots (Exhibits JK2/003 INQ000497678 and JK2/004 INQ000497680). The pilots were designed to understand how on-site LFD testing could be best delivered in various education settings, such as secondary schools and FE colleges. At the same time, work was also taking place to introduce LFD testing into all higher education ("HE") settings. This was aimed at providing LFD tests to HE students prior to returning home for the Christmas holidays. DfE officials provided a paper on this topic Government approach to managing the return of students at the end of term December 2020 (Exhibit JK2/005 INQ000507817) and this was presented to Covid O at a meeting on 5 November 2020. Covid O agreed to DfE's proposal (Exhibit JK2/006 INQ000575682).
- 1.6 This was announced on 11 November 2020 (Exhibits JK2/007 INQ000075697 and JK2/008 INQ000075698) along with guidance to HE institutions (Exhibit JK2/009 INQ000497891).
- 1.7 During December 2020, the lessons from the LFD pilots, as well as the ongoing work to introduce LFD testing into HE institutions, were fed into the development of plans for introducing mass testing into secondary schools and FE colleges. On 10 December 2020, DfE and DHSC submitted a joint Covid O paper, which proposed weekly LFD testing for primary school, secondary school and FE college staff and daily testing (for a given period) for school and FE college students (year

7 and above) who were identified as close contacts (Exhibit JK2/010 - INQ000075484). Covid O agreed the proposals set out in the paper on 10 December 2020 (Exhibit JK2/011 - INQ000575686). This was announced by SSE on 15 December 2020 and testing was planned to begin at the start of the new term in January 2021 (Exhibit JK2/012 - INQ000075709).

- 1.8 A further joint DfE and DHSC paper on mass testing in schools and colleges was submitted for Covid O discussion on 16 December 2020 (Exhibits JK2/013 -INQ000075499, JK2/014 - INQ000075502 and JK2/015 - INQ000075503). The paper set out the plan to supplement the already announced testing with two LFD tests on return in January 2021 three days apart for all secondary school and college pupils, and school and FE college staff, alongside the existing offer of weekly testing for school and FE college staff and daily testing for staff and pupils who were close contacts. In order to accommodate the two tests on return, secondary schools and colleges would provide remote education for the week beginning 4 January 2021 and delay the return to face-to-face education for most pupils to 11 January 2021 whilst vulnerable children and CCW would return to face-to-face education on 4 January 2021. The paper also set out that children in alternative provision ("AP") and special schools should follow the same testing regime as those considered vulnerable and return to face-to-face education on 4 January 2021. Covid O agreed the approach and it was announced on 17 December 2020 (Exhibit JK2/016 - INQ000075710).
- 1.9 On 17 December 2020, DfE officials sent a submission to SSE setting out a proposed delivery approach for setting up the regular asymptomatic testing in schools and FE colleges from January 2021. This submission noted that there were several challenges associated with delivering regular LFD testing that DfE, together with other government departments ("OGDs"), local authorities, Directors of Public Health ("DsPH"), academy trusts, schools and FE colleges, were to work to address ahead of implementation from 4 January 2021. These challenges included obtaining consent, PPE availability, supply chain logistics and impact on community testing delivery (Exhibit JK2/017 INQ000497711).
- 1.10 On 17 December 2020, DfE published for the first time its guidance on asymptomatic testing in schools and colleges. This initially included: a letter template to explain testing to parents, students and staff; a consent form template;

- and a leaflet that could be distributed to parents, students and staff (Exhibits JK2/018 INQ000575814, JK2/019 INQ000575815 and JK2/020 INQ000575816). From 23 December 2020, this was updated to include a testing handbook, which schools and colleges could use to prepare for rapid mass testing (Exhibits JK2/021 INQ000575817 and JK2/022 INQ000575688).
- 1.11 The department moved staff from other teams in DfE to take forward the significant amount of work needed to implement testing from 4 January 2021. This required close working with secondary schools and FE colleges over the Christmas holidays to help them set up mass on-site LFD testing for staff and students and it is important that we state here how very grateful we were that colleagues in the education sector worked so hard to have this ready. During this period, DfE also worked closely with teaching unions and sector stakeholder groups through forums such as the Permanent Secretary's Stakeholder Group ("PSSG") and the Recovery Advisory Group ("RAG") to seek their views and support to ensure the approach was agreed. DfE also worked through the crossgovernment Cabinet Office Taskforce Education Gold meetings along with senior officials from Cabinet Office ("CO"), DHSC, No.10 and the UKHSA/PHE.
- On 29 December 2020, a meeting took place attended by the Prime Minister, Chancellor of the Exchequer, the Secretary of State for Health and Social Care ("SSHSC"), SSE and the Chancellor of the Duchy of Lancaster as well as the government's Chief Medical Officer ("CMO") and Chief Scientific Adviser ("GCSA") (Exhibit JK2/023 INQ000075506). At this meeting, it was agreed by the Prime Minister, SSHSC, SSE and the Chancellor of the Duchy of Lancaster that the majority of secondary school pupils would return a week later than planned (19 January 2021, rather than 11 January 2021) with secondary schools teaching remotely in the meantime. This would allow additional time to set up and offer LFD testing on return for those returning at this later date. However, vulnerable children and CCW would return from 4 January 2021 and those in exam cohorts from 11 January 2021. Therefore, LFD testing arrangements at the beginning of the term continued. LFD test kits were delivered to settings and guidance offered, so that school and FE college staff and students could test on return and then test regularly.

- 1.13 It was also agreed that primary school pupils would return in full on 4 January 2021, except for those in the very worst affected areas. In these areas, primary schools would deliver remote education to most children. Vulnerable children and CCW could, however, return to face-to-face teaching from 4 January 2021 (further detail on the Contingency Framework is provided in the first Corporate Statement provided by Julia Kinniburgh (Exhibit JK2/339 INQ000651498).
- 1.14 On 4 January 2021, regular on-site mass LFD testing commenced in secondary schools and FE colleges for staff, vulnerable children and CCW. Even though the Prime Minister re-introduced attendance restrictions from 5 January 2021, regular LFD testing continued to be offered to staff and students who continued attending their secondary school or FE college. Data provided on 5 January 2021 showed that an estimated 97% of schools had received LFD kits to start testing (Exhibit JK2/024 INQ000497877). By 6 January 2021, 46,475 LFD results had already been reported, of which 46,130 were negative and 155 were positive.
- 1.15 On 8 January 2021 (incorrect 2020 date on submission), SSE received advice from DfE officials (Exhibits JK2/025 INQ000497723 and JK2/026 INQ000497724) on the testing programme in schools and colleges. The advice noted that, following a Prime Ministerial steer, officials were working up options for secondary school and FE college students to test on a weekly basis, which would bring them into line with the testing regime for the school and FE college workforce.
- 1.16 On 13 January 2021, staff in primary schools, school-based nurseries and state-maintained nursery schools who worked on-site were informed by DfE that they could expect to receive home testing kits for staff to carry out at-home LFD tests. This would start from 25 January 2021. DfE published guidance about this on 18 January 2021 (Exhibit JK2/027 INQ000575820). In line with wider testing policy, there was no LFD testing for primary school children or children in nursery schools owing to their age (Exhibit JK2/027 INQ000575820).
- 1.17 On 26 January 2021, following on from the submission of 8 January 2021, SSE received further advice on LFD testing in schools and FE colleges. The submission advised that when attendance restrictions were eased in secondary schools and FE colleges, students should be offered two on-site LFD tests 3 to 5

days apart and then home test kits so they could regularly test twice a week. The advice also proposed to move the secondary school and FE college workforce to home test kits (as above, primary school, school-based nursery and nursery school staff had been provided with home test kits since 25 January 2021) (Exhibits JK2/028 - INQ000497734 and JK2/029 - INQ000497735). This was considered preferable to continued on-site testing, because it would be less disruptive to the school day in terms of the time it would take, as well as the impact on staff time and spaces within settings that were needed for on-site testing. SSE agreed with the advice on 28 January 2021 (Exhibit JK2/030 - INQ000075581).

- 1.18 The mass testing regime remained in place for education and early years settings until 21 February 2022. During this period, government advice strongly encouraged children of secondary school age and above to test twice a week at home. Staff in education and early years settings were also strongly encouraged to test twice a week at home.
- 1.19 To give a sense of the size of the school and college testing programme in England, 500 million LFD tests were distributed for the schools testing service over the 18-month period from October 2020 to March 2022, representing 25.1% of the total number of LFD tests distributed for England during this period. The scale of the take-up of the testing programme and the buy-in from the sector was a critical factor in enabling education settings to re-open fully as soon as possible and then stay open (Exhibit JK2/031 INQ000496252).

2. Face coverings in education settings

- 2.1. This chapter sets out the decisions about the use of face coverings in education settings and school transport, including how these decisions were communicated. It also sets out DfE's awareness of the issues that children experienced when face coverings were used in education settings.
- 2.2. Face coverings were used differently in schools than in some other parts of society, such as in shops and on public transport (where it was, at certain times, a legal requirement). Face coverings were not legally required for students and staff in education and childcare settings. Instead, education settings were advised to strongly encourage their staff and pupils (in year 7 and above) to wear them in indoor communal spaces and classrooms at different points in the pandemic, in line with public health advice.

Decision not to recommend face coverings in education settings in May 2020

- 2.3. On 11 May 2020, DfE issued standalone guidance *Coronavirus* (*Covid-19*): implementing protective measures in education and childcare settings (Exhibit JK2/032 INQ000497887) to support education and childcare settings to open to a wider cohort of children and young people as the first lockdown began to be lifted. The guidance focused on measures that could be put in place to help limit the risk of the virus spreading and set out a hierarchy of controls. The guidance was based on advice received by DfE from PHE. In relation to face coverings, it said: "Wearing a face covering or face mask in schools or other education settings is not recommended. Face coverings may be beneficial for short periods indoors where there is a risk of close social contact with people you do not usually meet and where social distancing and other measures cannot be maintained, for example on public transport or in some shops. This does not apply to schools or other education settings. Schools and other education or childcare settings should therefore not require staff, children and learners to wear face coverings."
- 2.4. On 15 July 2020, CO published standalone guidance, Face coverings: when to wear one and how to make your own (Exhibit JK2/033 INQ000575805), including

an explanation of the settings in which face coverings were required. The guidance said: "In England, you must by law wear a face covering in the following settings: Public Transport; Shops and Supermarkets as of 24 July 2020". The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 came into force on 24 July 2020 and applied to England only. Education and childcare settings along with home to school transport were not included in the legislation or guidance.

2.5. Between 15 July and 25 August 2020, there were 47 updates to the CO guidance document on face coverings. Education and childcare settings were not included in the CO face coverings guidance at any point.

Introduction of face coverings into education settings

- 2.6. On 21 August 2020, the World Health Organisation ("WHO") published a statement about children and face coverings. It advised that "children aged 12 and over should wear a mask under the same conditions as adults, in particular when they cannot guarantee at least a 1-metre distance from others and there is widespread transmission in the area" (Exhibit JK2/034 INQ000070536).
- 2.7. In response to this, on 24 August 2020, following a meeting in the morning between CO, PHE, DHSC and DfE regarding face coverings in education settings, PHE submitted a summary policy position to DfE officials about face coverings (Exhibits JK2/035 INQ000075465 and JK2/036 INQ000075466). PHE advised that face coverings should not be worn by children in education settings, owing to the 'system of controls' (further detail on the system of controls is provided in the Corporate Statement provided by Julia Kinniburgh (Exhibit JK2/339 INQ000651498) and existing measures to prevent transmission having been put in place by education settings, along with the potential educational problems which could be caused by hindrance of communication. Face coverings were only recommended for education staff when interacting with other education staff and adults where social distancing could not be maintained, but not with children (Exhibit JK2/037 INQ000542935).

- 2.8. On 25 August 2020, the Scottish government announced a change in face coverings guidance (Exhibit JK2/038 INQ000075798), specifically, that "adults and pupils in secondary schools should wear face coverings when they are moving around school in areas where distancing is challenging for example, through corridors or in communal spaces." The position in Scottish and English schools was not consistent, and this created a pressure on the UK government to review its position.
- 2.9. On 25 August 2020, DfE officials sent SSE a submission and policy position paper on face coverings. The policy position had been agreed between DfE, PHE, and the Deputy Chief Medical Officer (Exhibits JK2/039 INQ000075467, JK2/040 INQ000075468, JK2/041 INQ000075469, JK2/042 INQ000575663 and JK2/043 INQ000152722).
- 2.10. The advice recommended that SSE agree: "to extend a presumption that face coverings should be worn by all school pupils in year 7 and above outside classrooms where social distancing cannot be maintained; that staff in all settings, and adult learners in FE and HE, should also wear face coverings where social distancing cannot be maintained; that these changes should be reflected in guidance this week and commenced from the start of the Autumn term."
- 2.11. The advice also set out the issues which children may face. First, it set out that it may cause distress or alarm to those with special educational needs and disabilities ("SEND") and/or affect learning and communication. Therefore, it said that face coverings should only be used in special schools where it would not cause distress, alarm or impede learning. Second, officials advised SSE that there may be situations where children may struggle to wear a face covering, such as illness, impairment or disability, or where communication relied on lip reading, clear sound or facial expressions and therefore advised education settings to be mindful and respectful of such circumstances and apply discretion where they considered it necessary.
- 2.12. After consultation with DfE officials, the Prime Minister and No.10 officials, SSE decided that schools should have the option to advise that face coverings should be worn in communal areas if they believed that was right in their circumstances (Exhibits JK2/044 INQ000075471 and JK2/045 INQ000075472). SSE decided it

- would not be necessary for anyone to wear face coverings in classrooms where protective measures already meant the risks were lower, and where they inhibited learning.
- 2.13. In addition, SSE decided that in some local areas the government would advise that adults and pupils wear face coverings when moving around the education setting, such as in corridors and communal areas where social distancing was difficult to maintain. These local areas were areas where transmission of the virus was high and defined by the government as areas of national government intervention. This was consistent with WHO's advice.
- 2.14. Officials across DfE, CO, PHE and No.10 worked together during 25 August 2020 to draft the new *Face coverings in education* guidance. The press notice announcing the change in policy was released on 25 August 2020. The new guidance (Exhibit JK2/046 INQ000075764) was published on 26 August 2020, and was applicable to schools, FE colleges and other education institutions that taught pupils and students in years 7 and above in England. It did not apply to children in year 6 or below and did not apply to EY and childcare providers. The policy came into effect from 1 September 2020.

The revision of face coverings guidance (based on COVID-19 alert levels)

- 2.15. On 12 October 2020, the Prime Minister made a statement (Exhibit JK2/047 INQ000075749) introducing three levels of COVID-19 alert. In line with the announcement, CO asked for all COVID-19 guidance documents to be updated to reflect the new categorisation of COVID-19 alert levels (Exhibit JK2/048 INQ000075474).
- 2.16. On 16 October 2020, the Face coverings in education guidance covering education settings was updated and came into force on the same day (Exhibit JK2/049 INQ000075765). The new guidance advised that face coverings should be worn by staff and pupils in year 7 and above (when moving around indoors) if a school or a college was within a local area that had moved to COVID-19 alert level 'high' or 'very high'. This was different to the previous guidance which advised face

coverings should be worn where an education setting was in an area that was "an area of national government intervention."

The introduction of a nationwide approach to face coverings in education settings

- 2.17. On 31 October 2020, there was a Cabinet meeting which SSE attended. An email dated 31 October 2020 (Exhibit JK2/050 INQ000075475) from SSE's private office confirms that the Cabinet meeting "relates to a national lockdown as reported in the press."
- 2.18. An email, sent by a DfE official, later on 31 October 2020 (Exhibit JK2/051 INQ000075477), to fellow DfE officials states that: "We have confirmed with Cabinet Office Face coverings: we're effectively saying that all schools are moving to 'tier 1' and therefore face coverings should be worn in communal areas where social distancing isn't possible."
- 2.19. On 31 October 2020, the Prime Minister announced that tougher national restrictions would be introduced (Exhibit JK2/052 INQ000075750). These national restrictions allowed for education settings to remain open but with the expectation that face coverings should be worn by pupils in year 7 and above, adults on site and visitors, as well as children in year 7 and above travelling on dedicated school transport (Exhibit JK2/053 INQ000075479). Pupils in primary settings were not expected to wear face coverings. The face coverings guidance was updated on the same day and took effect from 5 November 2020 (Exhibit JK2/054 INQ000075767).
- 2.20. This guidance was removed on 27 November 2020 when national restrictions were lifted. Guidance returned to the position that existed prior to 5 November 2020, which was based on local restriction tiers.

Key decision to introduce new guidance advising a nationwide approach to face coverings

2.21. On 29 December 2020, PHE provided new face coverings advice to DfE (Exhibits JK2/055 - INQ000075510, JK2/056 - INQ000075509, and JK2/057 - INQ000575689). The new advice recommended that face coverings should be

worn by students and teachers in secondary and FE settings (as well as university lecture halls and seminar rooms). The advice from PHE stated that: "PHE altered their advice on face coverings. In view of the widespread increase in COVID-19 prevalence and the likelihood that it will continue to increase, and because the dominant strain is now the new variant (which PHE say is at least 50% more transmissible), it is now reasonable to take a more precautionary approach than even three weeks ago. Increasing use of face coverings is one of several measures being taken to reduce transmission – the other key education-based measure being the roll-out of mass testing."

- 2.22. Following the PHE advice, later on 29 December 2020, DfE officials sent advice to SSE outlining PHE's recommendations. It also made clear that PHE advice did not extend to a change in approach for EY or primary schools (except where local advice from the PHE health protection team recommended it). Furthermore, it did not propose the use of face coverings in special school classrooms where their use may be impractical. The PHE advice proposed that face coverings in secondary school and FE classrooms should be recommended for education settings situated within tier 2 and above areas, with discretion for education settings in tier 1 to implement it if they wished (Exhibit JK2/058 INQ000075508).
- 2.23. On 30 December 2020, SSE confirmed that he agreed with the recommendations set out in the advice (Exhibits JK2/056 INQ000075509 and JK2/059 INQ000075507). The SSE discussed the matter with the Prime Minister later during 30 December 2020.
- 2.24. The country entered a third national lockdown on 4 January 2021 and education settings were closed to most children (further detail is provided in the Corporate Statement provided by Susan Acland-Hood dated 29 March 2023 (Exhibit JK2/001 INQ000146054). Face coverings guidance reverted to the advice that was present during the second national lockdown during November 2020, that face coverings were recommended in secondary schools and colleges for adults and pupils in indoor communal areas where social distancing could not be maintained. The updated Face coverings in education guidance (Exhibit JK2/060 INQ000075766) was published on 8 January 2021.

Introduction of face coverings into secondary and further education classrooms

- 2.25. On 16 February 2021, SSE met with the Prime Minister to discuss testing and face coverings to enable the safe return to education settings for all pupils on 8 March 2021. DfE officials provided slides which identified the higher risk of transmission compared to previous returns to education settings. Officials advised that transmission rates could be reduced with the current systems of control as well as adding the additional control of face coverings in classrooms which would reduce risk of transmission and increase public confidence (Exhibits JK2/061 -INQ000542663 and JK2/062 – INQ000542664). At this meeting, the Prime Minister and SSE agreed to implement PHE's late December 2020 advice on introducing face coverings in FE and secondary classrooms (as well as university lecture halls and seminar rooms) due to increased transmissions. The Prime Minister and SSE agreed that the new face coverings policy would be reviewed at the start of the Easter holidays. The decision would bring English policy more in line with Scotland and Wales and officials advised that DfE had been "lobbied hard by the sector on this. 85% of teachers agree that the benefits of wearing masks in school outweigh the downsides. 71% of parents agree that facemasks being worn by staff and pupils at all times will make them feel more confident about sending their child to school" (Exhibit JK2/063 - INQ000542506).
- 2.26. Following the Prime Minister and SSE's agreement, DfE officials sent advice to SSE on 18 February 2021 (Exhibit JK2/064 INQ000075678). The advice summarised to SSE that: "Ahead of reopening PHE have advised that we update our guidance to recommend that face coverings be worn in HE, FE and secondary schools in classrooms unless social distancing can be maintained. In early years and primary schools, face coverings have now been recommended for adults in indoor communal areas, where social distancing (between adults) cannot be maintained, but not in classrooms. Our current guidance states that face coverings are optional for adults in communal areas in EY and primary."
- 2.27. The advice also proposed excess face masks could be delivered by DHSC, subject to SSHSC approval, to support settings' face coverings contingency stock. On 19 February 2021, SSE agreed the advice (Exhibits JK2/065 INQ000075542 and JK2/066 INQ000575697).

- 2.28. On 22 February 2021, the Prime Minister announced the roadmap for the easing of lockdown restrictions and the easing of education setting attendance restrictions from 8 March 2021 (Exhibit JK2/067 INQ000075756). The restrictions outlined in the roadmap included the wearing of face coverings in secondary school and FE classrooms for the rest of the spring term.
- 2.29. Updates to the DfE's Face coverings in education guidance were published on 1 March 2021 (Exhibit JK2/068 INQ000075548) and applied from 8 March 2021 when education settings reopened to most children.

The Easter review of face coverings in classrooms

- 2.30. In late March 2021, after the full reopening of education settings on 8 March 2021, the policy on face coverings was reviewed. As part of this review, DfE requested PHE to provide evidence and advice on the requirement of face coverings in classrooms. This information was used within advice that was sent to SSE's office on 30 March 2021 (Exhibits JK2/069 INQ000575700, JK2/074 INQ000575705 and JK2/071 INQ000575702).
- 2.31. Updated evidence was sent to SSE's office by DfE officials on 1 April 2021 (incorrectly labelled as 31 March 2021). This followed further discussions between DfE officials, CO officials and No.10 officials. The final position maintained by the evidence was that face coverings should continue to be advised for use by adults and pupils in year 7 and above in communal areas and classrooms in secondary schools and FE colleges. The evidence also detailed that the face coverings advice was expected to be removed as part of step 3 of the roadmap (Exhibits JK2/072 INQ000075565, JK2/073 INQ000575710, JK2/074 INQ000575705, JK2/075 INQ000575707 and JK2/076 INQ000075556).
- 2.32. The advice included stakeholder intelligence gathered by DfE officials on the use of face coverings. The advice explained that parents, teachers, and pupils all reported that there were considerable benefits to their continued use. The overall view was that compliance with the policy was high, and the discontinuation of face coverings could receive significant stakeholder challenge (Exhibit JK2/073 INQ000575710).

2.33. DfE issued a press release on 6 April 2021 confirming that the face covering measures were to be maintained (Exhibit JK2/077 - INQ000075755).

The removal of most face coverings advice relating to education settings

- 2.34. On 5 May 2021, SSE received advice from DfE officials on face coverings. This was in preparation for step 3 of the government's roadmap, which would be enacted on 17 May 2021 (Exhibits JK2/078 INQ000075561 and JK2/079 INQ000075569). Once step 3 of the roadmap was reached, the expectation was that face coverings in secondary schools, classrooms should no longer be advised for pupils in year 7 and above and teachers and that the use of face coverings by pupils in year 7 and above was also not advised in communal areas but was advised for adults in communal areas. The advice recommended SSE agree to this policy change. PHE were supportive of this approach and would be involved in the CO Taskforce process for testing the readiness of step 3 and if the country should move to it.
- 2.35. On 10 May 2021, SSE received additional advice from DfE officials about the new Delta variant of concern (VoC B.1.617.2). The advice recommended that: "...it would be a sensible step to emphasise in our communications that we allow local flexibility in response to outbreaks, with specific reference to VoCs. This would not contradict the national recommendation to remove face coverings for pupils and students in education settings given the improving overall picture of the pandemic and is in line with our current approach to local outbreak management." (Exhibit JK2/080 INQ000075571).
- 2.36. The private office of SSE emailed DfE officials later that day to confirm that (Exhibits JK2/081 INQ000075570 and JK2/080 INQ000075571): "...he was content with the proposed approach."
- 2.37. In line with the announcement that England would be moving to step 3 of the roadmap from 17 May 2021, the new face coverings policy was also implemented from this date (Exhibit JK2/082 INQ000075759). The updated Face coverings in education guidance was published on 10 May 2021 (Exhibit JK2/083 INQ00007572) and DfE issued a press release (Exhibit JK2/084 INQ000075757) announcing that face coverings would no longer be advised in secondary school classrooms from 17 May 2021.

2.38. During May 2021, the first Parent and Pupil Panel findings, from March 2021, were published (Exhibit JK2/085 - INQ000542798). The results showed that the majority of pupils who were required to wear face coverings did so consistently, but they had mixed feelings about face coverings. Some felt they helped keep others safe and made them feel secure, while others found them uncomfortable and a barrier to communication. The report stated: "four-in-five found wearing a face covering made it difficult to communicate with others (80%) and more than half (55%) felt wearing a face covering made learning more difficult."

Introduction of face coverings guidance for parts of north-west England

- 2.39. On 12 May 2021, SSE attended a ministerial Gold meeting with SSHSC where a new recommendation for the north-west, in response to the new Delta variant of concern (VoC B.1.617.2), was discussed: "Recommendation from National Incident Management Team that face coverings continue to be a control measure option in Bolton, Blackburn and Sefton secondary schools."
- 2.40. While DfE does not hold a formal readout of the ministerial Gold from CO, SSE's ministerial private office sent a readout to DfE officials (Exhibit JK2/086 INQ000075573). This stated that: "Our SoS set out the following: We should not be looking to reintroduce face coverings back in schools particularly if this step is the only action being taken in the region. It needs to be part of a wider set of actions (across all sectors) that GOLD can then consider/look at it'll be odd to single out schools. Therefore, any reintroduction of face coverings should be linked with other interventions as opposed to being on its own."
- 2.41. SSHSC said in reply that that position seemed reasonable and set out: "Any use of face coverings would be part of an overall approach, noting we did not want to essentially unwind the national position. That Gold's conclusion should be to look to a permissive approach on face coverings where a local Director of Public Health ("DPH") has good reason to do it as part of a broader set of measures in an area, subject to the Education Secretary also being content."
- 2.42. Following the ministerial Gold, the Prime Minister agreed to a set of actions which could be introduced, short of imposing additional economic and social restrictions in Bolton and Blackburn with Darwen (the areas worst affected by the Delta

- variant). As well as surge testing, enhanced support for isolation, increased enforcement and pausing the new social distancing guidance on friends and family, this included granting some flexibility to DsPH and local authorities to agree approaches to "Retaining the advice to wear face coverings in classrooms and communal areas in schools and colleges in affected areas" (Exhibit JK2/087 INQ000075574).
- 2.43. This meant that it was for the relevant local authorities to determine the most appropriate advice for face coverings in schools and colleges. In addition, as they had been considered via the Local Action Committee structure (Exhibits JK2/088 INQ000075721 and JK2/087 INQ000075574) (see explanation below) during the week of 12 May 2021, the Prime Minister also agreed that the DsPH in Lancashire and Sefton would also be able to advise schools to retain face coverings.
- 2.44. On 14 May 2021, advice from DfE officials went to SSE which recommended giving DsPH in Bolton, Blackburn with Darwen, Sefton and Lancashire discretion to recommend the continued use of face coverings in schools and colleges from Monday 17 May 2021 (Exhibits JK2/087 INQ000075574 and JK2/089 INQ000075575).
- 2.45. On 14 May 2021, the Prime Minister made a statement about the Delta variant, with specific reference to the north-west (Exhibit JK2/082 INQ000075759). On that same day, the north-west Regional School Commissioner shared information with the four relevant DsPH covering these areas, outlining the discretion being given to the four local authority areas, as well as reiterating the approach for other DsPH to escalate any concerns via DfE's regional teams.

The removal of standalone face coverings guidance

2.46. On 18 May 2021, DfE officials sent advice to SSE on face coverings in education settings (to mirror any societal policy change at step 4 of the roadmap) (Exhibit JK2/090 - INQ000075579). The advice recommended that, if wider restrictions were eased in step 4, restrictions within settings should be eased, as far as possible, to the same extent at the same time. On 26 May 2021, SSE agreed with the recommendation in the advice, around the principles of easing restrictions in settings in line with wider society (Exhibit JK2/091 - INQ000497760).

- 2.47. On 17 June 2021, the final step 4 submission was sent to SSE by DfE officials (Exhibit JK2/092 - INQ000075583). The advice set out the recommendation that face coverings be removed from education and childcare settings at the end of the summer term 2021.
- 2.48. On 2 July 2021 (Exhibits JK2/093 INQ000575720 and JK2/094 INQ000063951), Covid O agreed a recommendation in a paper by the COVID-19 Taskforce that: "in line with wider society, face coverings will no longer be recommended for adults in indoor communal areas in [educational] settings."
- 2.49. On 7 July 2021, DfE published an evidence summary (Exhibit JK2/095 INQ000061242). This set out the evidence relevant to, and in support of, the government's decision to revise the guidance on the COVID-19 safe working and protective measures that had been used within schools, colleges and EY settings in England during the pandemic. It noted that education had been significantly disrupted because of COVID-19 and infection prevention and control measures. The evidence summary also noted that the infection risk in education settings could not be separated from wider behaviours and contacts, and both modelling and observational evidence suggested that infection and transmission within school settings increased or decreased with community prevalence. On the impact of COVID-19 safe working and protective measures, the evidence summary noted that a combination of measures might reduce the likelihood and size of outbreaks. Qualitative data from stakeholders did suggest that some interventions were, however, detrimental to schools' and colleges' ability to teach a full curriculum.
- On 12 July 2021, the Prime Minister confirmed that the implementation of step 4 would occur on 19 July 2021 (Exhibit JK2/070 - INQ000075760).
- 2.51. In line with step 4 of the roadmap, face coverings were no longer advised for pupils, staff or visitors in either classrooms or communal areas, for any education or childcare settings. Face coverings therefore became a contingency policy within DfE's Contingency Framework (further detail of the Contingency Framework is provided in the first Corporate Statement provided by Julia Kinniburgh (Exhibit JK2/339 INQ000651498). The standalone Face coverings in education guidance was removed and instead, the new policy was explained in individual

sector guidance, e.g., in the Schools COVID-19 operational guidance (Exhibit JK2/096 - INQ000075666), which stated that "Face coverings. From Step 4, face coverings will no longer be advised for pupils, staff and visitors either in classrooms or in communal areas."

DsPH discretion to temporarily advise face coverings in communal areas

- 2.52. On 14 October 2021, SSE's private office received new advice in an email (Exhibit JK2/097 INQ000075604) outlining that: "Professor Susan Hopkins had recommended to SSHSC and Cabinet Office that DsPH should be able to recommend the use of face coverings in communal areas in education settings where prevalence is high (without the need to go through any additional process, such as the LAC process)."
- 2.53. On 20 October 2021, SSE received advice from DfE officials on the response to high case rates in the secondary-school-aged population that were affecting attendance (Exhibits JK2/098 INQ000075605 and JK2/099 INQ000075607). The advice outlined that: "UKHSA has now provided public health advice in favour of enabling DsPH to recommend face coverings are used in communal areas for all pupils (e.g. hallways, lunch queues, stairwells), and in classrooms for close contacts only, without seeking central government approval."
- 2.54. The submission explained that UKHSA's advice was that allowing greater flexibility for face coverings in communal areas would have minimal impact on education but would likely deliver three key benefits:
 - 2.54.1. A direct impact on case rates through reduced transmission. It would be difficult to quantify the impact as it would also be affected by other factors such as testing uptake, vaccination rates and community case rates.
 - 2.54.2. Improved relationships with DsPHs and local teams, therefore making it easier to influence and, where necessary, challenge if they acted outside of guidance and applied measures considered disproportionate.
 - 2.54.3. Contribute to an increase in other positive behaviours such as testing by signalling to individuals/settings that COVID-19 continued to be prevalent.

- 2.55. The submission explained that UKHSA's advice "is supported by the latest UKHSA evidence review (published 14th October 2021) on the role of face coverings in mitigating the transmission of Covid-19, which amongst other findings notes that all types of face coverings are, to some extent, effective in reducing transmission of SARS-CoV-2 in both healthcare and public, community settings."
- 2.56. Within the submission, DfE officials set out why they did not recommend the SSE agree to UKHSA's advice that DsPH should be able to recommend for close contacts to wear face coverings in both classrooms and communal areas. The submission explained how previous feedback from stakeholders highlighted that face covering use in classrooms had a negative impact on communication and teaching and learning. There were also concerns this approach may stigmatise the children affected.
- 2.57. On 25 October 2021, SSE agreed the recommendations for DsPH to have greater flexibility to advise face coverings for all pupils in communal areas, and that close contacts should not be advised to wear them in communal areas or classrooms. SSE considered this would stigmatise these individuals and disrupt education delivery (Exhibit JK2/098 INQ000075605). Following high case rates in November 2021, the Contingency Framework was updated to allow this DsPH discretion where there was high or rapidly increasing prevalence.

Re-introduction of face coverings for secondary school and college communal areas

- 2.58. In response to the impact of the Omicron variant, the Prime Minister announced a set of temporary measures on 27 November 2021 (Exhibit JK2/100 INQ000114458). This included the re-introduction of face coverings on public transport and in retail.
- 2.59. Alongside these wider measures, DfE officials provided advice to SSE on 28 November 2021 on how to respond to the impact of the Omicron variant in education settings (Exhibits JK2/101 - INQ000075614 and JK2/102 -INQ000075615). The advice recommended that for the next 3 weeks, face coverings should be worn in communal areas in schools, out-of-school settings

and in FE colleges by staff, students (year 7 and above) and visitors. It also advised SSE that DsPH should have discretion, without central government approval for 3 weeks, to recommend the use of face coverings in secondary school classrooms, classrooms in out-of-school settings and FE college classrooms for staff, visitors and pupils in year 7 and above.

2.60. On 28 November 2021, SSE confirmed he was content with the recommendations in the advice (Exhibit JK2/103 - INQ000075695). The DfE's Schools COVID-19 operational guidance (Exhibit JK2/104 - INQ000519689) was updated on 29 November 2021 in line with SSE's decision.

Key decision to re-introduce face coverings into classrooms

- 2.61. On 22 December 2021, DfE officials provided SSE with January readiness advice for the new term (Exhibits JK2/105 INQ000575732, JK2/106 INQ000075634 and JK2/107 INQ000075633). The advice recommended that DfE advise the use of face coverings in secondary school and FE classrooms for pupils in year 7 and above and adults. It also proposed to give DsPH discretion to temporarily advise face coverings for older children in primary schools where there was an outbreak.
- 2.62. On 30 December 2021, SSE met with DfE officials to discuss evidence which suggested that face coverings could reduce transmission of COVID-19 and the impact on attendance (Exhibits JK2/108 INQ000075629 and JK2/109 INQ000075630).
- 2.63. On 31 December 2021, No.10 confirmed with SSE's private office that the Prime Minister was content to proceed with SSE's proposal to recommend face coverings for pupils in year 7 and above and adults in secondary school and FE classrooms (Exhibit JK2/110 INQ000075631). SSE's private office confirmed to No.10 officials on 1 January 2022 detail on how the guidance would be drafted (Exhibit JK2/111 INQ000075637).
- 2.64. On 2 January 2022, DfE updated the face coverings section of the COVID-19 operational guidance (Exhibit JK2/112 INQ000519692) to recommend the use of face coverings in secondary school and FE classrooms and communal areas for pupils in year 7 and above and adults along with dedicated home to school

transport. The guidance noted that teachers would not be expected to wear a face covering in the classroom if they were at the front of the class (in order to support education delivery). Face coverings in primary schools remained recommended in communal areas only for staff and adults (including visitors).

2.65. On 2 January 2022, SSE sent an open letter to all education and childcare leaders about the January 2022 return to school, including an update on the use of face coverings in both communal areas and classrooms for pupils in year 7 and above and adults in education settings. The letter made clear that the guidance would be reviewed on 26 January 2022 in line with other measures taken across wider society (Exhibit JK2/113 - INQ000075761).

Removal of face coverings in classrooms and communal areas

- 2.66. On 5 January 2022, DfE published an Evidence Summary on Covid-19 and the use of face coverings in education settings (Exhibit JK2/114 INQ000075662). The evidence summary included a DfE statistical analysis that aimed to look at the impact that face coverings had on COVID-19 absences (i.e. the proportion of pupils absent due to suspected or confirmed cases). Using COVID-19 absence data, which was submitted in the Educational Settings Form, the analysis compared COVID-19 absence in those settings that using face covering vs those that were not. The analysis used data from 123 schools using face coverings in this period and compared it against 1,192 schools that were not using face coverings in the same period.
- 2.67. The results, whilst caveated, indicated that COVID-19 absence fell by 0.6 percentage points more (an 11% relative difference) in secondary schools that used face coverings compared to similar schools that did not over a 2 to 3 week period. The evidence summary was used to inform the government's review of face coverings in communal areas and classrooms.
- 2.68. The summary set out that face coverings could contribute to reducing transmission of COVID-19 primarily by reducing the emission of virus-carrying particles when worn by an infected person. The summary also set out the key issues that children faced in education when they wore face coverings. The key findings were:

- 2.68.1 Face coverings impaired verbal and non-verbal communication, making it harder for teachers and students to interact effectively; and
- 2.68.2 Face coverings significantly impact those with hearing impairments, hindering their ability to lip-read and understand speech.
- 2.69. On 18 January 2022, SSE received advice on DfE's preparedness for responding to the Plan B review and the potential return to Plan A, including different options on face coverings policy, depending on whether the government ended Plan B measures or not (Exhibits JK2/115 INQ000075639 and JK2/116 INQ000075640).
- 2.70. On 18 January 2022, SSE's private office responded to the advice (Exhibit JK2/117 INQ000075642). The readout said that SSE had considered all options and was content to remove face coverings in classrooms at the earliest opportunity, which was on 20 January 2022, and remove face coverings in communal areas on 26 January 2022 as part of a wider step down of Plan B measures across wider society. The advice also included a revised process for national sign-off should DsPH have evidence of the need for reintroducing face coverings in certain places.
- 2.71. On 19 January 2022, the Prime Minister announced the end of Plan B measures and set out the government's *Living with Covid Strategy* (Exhibit JK2/118 INQ000075762). DfE also announced that face coverings were no longer recommended to be worn in classrooms from 20 January 2022 or in communal areas of schools and colleges from 27 January 2022.
- 2.72. The DfE's Schools Covid-19 operational guidance (Exhibit JK2/119 INQ000519694) was updated on 19 January 2022 and stated the upcoming changes from 20 January and 27 January 2022.
- 2.73. Following the removal of face coverings in classrooms and communal areas, DfE brought together further research and evidence on the impact of face coverings, in a document named Face coverings in schools findings from surveys and qualitative focus groups November 2022 (Exhibit JK2/120 INQ000575751).

The publication detailed two quantitative studies that were carried out as part of DfE's regular representative panel surveys: the Parent, Pupil and Learner Panel and the School and College Panel. Additionally, two qualitative studies were conducted: separate focus groups with pupils, undertaken by Deltapoll, and with teachers, undertaken by DfE researchers.

- 2.74. The key findings from this research were as follows:
 - 2.74.1. Teaching and learning: overall, face coverings were preferable to online learning. Subjects that required greater practical or communication-based elements, such as dance, drama and languages, were more difficult to deliver. Furthermore, communication was more difficult for some newly qualified teachers who had less experience to draw on. Some teachers explained how they had adapted their style to help with communication, such as using a microphone or increased written communication.
 - 2.74.2. Behaviour: nearly 40% of teachers thought that face coverings made behaviour more disruptive to some extent, but some teachers felt that pupils would just find another way to disrupt the class without face coverings. Pupils also thought that face coverings led to more chatter in class, which made it more difficult to focus.
 - 2.74.3. Mental and physical health: 21% of pupils in years 7 to 13 felt anxious when wearing a face covering. The proportion was higher amongst those with SEND as well as those who were eligible for FSM. Teachers also considered that it was harder to identify who was struggling when children were wearing a face covering. It was also acknowledged that face coverings were considered to be exacerbating skin complaints such as eczema and acne, which in turn could have a negative impact on learners' confidence.

- 3. Free school meal provision and other help to provide food for families during COVID-19
 - 3.1 The Education Act 1996 requires maintained schools and academies (including free schools) to provide FSM to disadvantaged pupils who are aged between 5 and 16 years old. Children are eligible to receive FSM if their parents are in receipt of certain benefits. Eligible parents self-certify which is then verified by DWP (Exhibit JK2/121 INQ000575789). As of January 2020, 1.44 million children at state funded schools in England were eligible for FSM with annual costs of £515 million (Exhibit JK2/122 INQ000575792).
 - 3.2 Additionally, children from reception to year 2 are entitled to universal infant free school meals ("UIFSM") regardless of parental income. Since September 2014, all infant children from reception to year 2 in state funded schools have been entitled to UIFSM regardless of parental income. Funding for UIFSM is provided to schools at a rate of £2.30 per meal or £437 per eligible pupil per year (Exhibit JK2/123 INQ000575818).
 - 3.3 Early in the pandemic, DfE was in discussions with HMT on how meals could be provided to disadvantaged children who needed to self-isolate. Following the Prime Minister's announcement on 18 March that all school and colleges would be closed to all students except vulnerable children and CCW, the decision was made to ensure that FSM eligible pupils would receive vouchers or food parcels throughout the period that education settings were closed to most children. The government was aware of the increased pressure on families as a result of the pandemic. The increased need for FSM vouchers was evidenced by the increase in FSM eligible pupils. By March 2021, the number of FSM eligible pupils had increased to 1.63 million pupils. An additional 302,400 pupils had become eligible for FSM since the announcement of the first national lockdown (Exhibit JK2/122 INQ000575792).
 - 3.4 Only FSM eligible pupils received vouchers or food parcels. This was not available to UIFSM pupils. Additionally, the provision of FSM during holidays was unprecedented. Given the nationwide economic situation and the individual financial situation that many families found themselves in, there was an increased

need to provide additional support to families during the holiday periods. The policy rationale behind this decision is covered in paragraphs 3.15 and 3.16.

Assessment of the impact of attendance restrictions on children's access to food

- 3.5 Prior to the first phase of attendance restrictions, DfE officials had started to assess the impact of restricting school attendance on children's access to food and consider what steps needed to be taken. Full detail of DfE planning from January 2020 to March 2020 is provided in the first Corporate Statement provided by Julia Kinniburgh (Exhibit JK2/339 INQ000651498). This was part of a wider plan assessing children from low-income households' access to food if they had to self-isolate due to displaying COVID-19 symptoms or someone within their household having symptoms. At this stage, DfE was not considering the impact of nationwide attendance restrictions on access to food because this was not yet being considered by government as a policy option.
- 3.6 As part of the assessment of restricting school attendance, DfE officials, along with officials from the Department for Work and Pensions ("DWP"), HM Treasury ("HMT"), and DLUHC met on 10 March 2020, to assess the impact of self-isolation on individuals considered economically vulnerable (Exhibits JK2/124 INQ000512848 and JK2/125 INQ000512849). DfE's briefing to SSE for a COBR meeting, on 12 March 2020, articulated DfE's concerns on the impact on FSM provision if individual children were required to stay at home as part of self-isolation guidance. The advice also set out the possible options to mitigate this impact. These were:
 - 3.6.1 Option A: DfE/school network schools would arrange to offer a food voucher or cash to eligible families (£11.50 per week per child) for children who had to self-isolate.
 - 3.6.2 Option B: DWP/HMRC benefit system delivery through the benefit system was considered complex and challenging in the timescale. The most straightforward delivery mechanism would be a lift in rates for all those with a child attached to a claim. The costs would be significantly more but would reach many more families. Cost was estimated to be the equivalent to £3

- to £4 billion over the course of a year across all benefits, although the exact need was unknown at this stage.
- 3.6.3 Option C: Local authorities a "vulnerable people fund" had been launched the previous day, but it was felt that there would be overwhelming asks on local authorities in the coming weeks. Therefore, whilst some very vulnerable families might be supported it was considered unhelpful to suggest that all FSM families could access this funding (Exhibits JK2/126 INQ000512850, JK2/127 INQ000512851 and JK2/128 INQ000512852).
- 3.7 Officials provided an FSM options note to SSE on 13 March 2020 (Exhibit JK2/129 INQ000575609). The note was used to brief the Prime Minister on the same day, with Option A recommended as the most viable option, whereby FSM would be delivered through schools ordering e-vouchers online to then be issued to families. DfE officials recommended Option A to be taken to COBR the following week for ministerial agreement.
- 3.8 On 17 March 2020, SSE received advice from DfE officials which outlined that the preferred option following discussions with the Prime Minister on the 13 March 2020, was the establishment of a DfE-led voucher scheme, as per Option A (Exhibits JK2/130 INQ000512853 and JK2/131 INQ000512854).

Key decisions to help families provide food for children during the pandemic

- 3.9 On 18 March 2020, the Prime Minister announced the decision to restrict school attendance at the daily COVID-19 press conference. At the same time, the Prime Minister announced provisions would be made to supply meals and vouchers for children eligible for FSM who had been asked to stay at home, and that the cost would be reimbursed. The SSE announced in Parliament that DfE would continue to provide benefits-related FSM for those children and young people who were being asked to stay at home and who were not eligible to attend face-to-face classes (Exhibit JK2/132 INQ000075716).
- 3.10 On 20 March 2020, following advice from DfE officials, SSE decided to implement a national voucher scheme for FSM (Exhibit JK2/133 INQ000512856). This

- would be delivered by Edenred, as DfE could quickly adapt an existing Crown Commercial contract to provide vouchers through an online platform. Under the scheme, schools would be able to order and send vouchers to eligible families via email, post or in-person (if required).
- 3.11 Schools also had the flexibility to provide meal packages and claim back the costs via an exceptional costs fund. SSE made clear to HMT his preference that £15 per child a week should be provided, rather than the existing £11.50, which was felt insufficient as individual households did not have the same economies of scale as school caterers. Furthermore, the funding would be in addition to existing FSM funding, as SSE wished to reduce the risk of school caterers failing and agreed with advice that schools should continue to use their existing suppliers, where possible. Where this was the case, schools were only eligible to apply for reimbursement of £3.50 per pupil per week as caterers had already received the £11.50 through the existing FSM funding.
- 3.12 On 23 March 2020, HMT agreed the funding uplift to £15 a week.
- 3.13 On 31 March 2020, the national voucher scheme opened. Guidance was made available, and all state schools received an email with registration and log in instructions to use the ordering platform (Exhibit JK2/134 - INQ000512895).

Decision to provide free school meals to those with no recourse to public funds (April 2020)

3.14 On 30 March 2020, DfE officials provided advice to SSE on providing childcare entitlements and FSM to children who were ineligible to receive such entitlements due to their immigration status. The advice was provided in response to DfE receiving two pre-action protocol letters which challenged the ineligibility of some children for childcare entitlement and FSM due to their immigration status and having no recourse to public funds ("NRPF"). The advice proposed to extend eligibility to these groups of children. On 6 April 2020, SSE agreed the advice (Exhibits JK2/135 - INQ000540830, JK2/136 - INQ000540831 and JK2/137 - INQ000540832). Further detail is provided in the first Corporate Statement provided by Frances Oram (Exhibit JK2/340 - INQ000587996). These were:

- 3.14.1 Children of families receiving support under section 17 of the Children Act 1989, defined as "a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled." There is no specific threshold for when a child should be referred to a local authority for an assessment under section 17 of the Children Act 1989.
- 3.14.2 Children of Zambrano carers (derivative right to reside in the UK under European law as the primary carer of a British child or dependent adult).
- 3.14.3 Children of families with a right to remain with NRPF granted on family or private life grounds under Article 8 of the European Convention on Human Rights ("ECHR").
- 3.14.4 Families refused asylum in the UK and receiving support from the Home Office under section 4 of the Immigration and Asylum Act 1999
- 3.14.5 The pandemic exacerbated the difficulties for these families because while these children had attended school, headteachers would often use their discretion to provide meals. The attendance restrictions during the pandemic meant that these children no longer had access to this food.
- 3.14.6 Guidance was issued on the extension of FSM to those with NRPF on 20 April 2020 (Exhibit JK2/138 INQ000575808). This change was eventually made permanent on 24 March 2022 (Exhibit JK2/139 INQ000541055).

Decision to re-focus the Holiday Activities and Food programme for summer 2020

3.15 In 2018, DfE introduced the Holiday Activities and Food ("HAF") programme. In its first year, HAF provided £2 million of funding to new and existing holiday clubs to pilot ways to best help the most disadvantaged children benefit from healthy meals and enriching activities during school holidays. The pilot was expanded, and £9 million funding was provided in each of 2019 and 2020.

- 3.16 On 8 April 2020, SSE agreed that the HAF programme for summer 2020 would proceed with a 're-scope' to how food delivery, health and wellbeing, and activities/education would be delivered in summer 2020 to account for further lockdowns or reduced attendance at clubs. The re-scoped areas were:
 - 3.16.1 Food distribution: ensuring food reached target children safely, whether at home or in a club setting.
 - 3.16.2 Health and wellbeing: improving mental and physical health of children and families, preparing them for the return to school.
 - 3.16.3 Activities/Education: preventing disadvantaged pupils from falling behind by exploring home learning and other educational activities.
- 3.17 The SSE decision followed advice from DfE officials on 1 April 2020, which stated that, owing to the pandemic, it was unlikely that the HAF programme could go ahead in its original form for summer 2020 due to social distancing measures in place and the likelihood of lower attendance and reduced staffing. (Exhibits JK2/140 INQ000575625 and JK2/141 INQ000575626).
- 3.18 The programme was delivered in the summer of 2020 with £9 million funding assigned to 10 successful bidders. These were: Suffolk County Council, StreetGames UK, Gateshead Council, Spring North, Edsential, Voluntary Action Sheffield, London Borough of Tower Hamlets, Leeds Community Foundation, The Romsey School, and the Mayor's Fund for London.

Free school meals during 2020 Easter holidays

3.19 On 4 April 2020, the Chancellor of the Duchy of Lancaster announced that FSM vouchers would be provided throughout the 2020 Easter holidays, contrary to the previously agreed position to remain term time only (Exhibit JK2/142 - INQ000086569). On 5 April, No.10 confirmed that although this had been a mistake, the change would be honoured. HMT agreed to fund the vouchers with the condition that the extension applied only to vouchers, and not to any alternative local arrangements, and the extension would apply to the Easter holidays only (Exhibit JK2/143 - INQ000575620).

- 3.20 The delivery arrangements agreed with Edenred assumed there would be no delivery during the Easter holidays. The surprise announcement and the change in the agreed policy affected Edenred's ability to deliver vouchers as it was not ready for the immediate delivery timescales. Following its implementation on 31 March 2020 and during April 2020, the Edenred voucher system faced significant technical issues including 40,000 vouchers which had received email 'bounce back' responses, owing to email inboxes being full, or schools providing incorrect or out of date email addresses, leading to delays in processing vouchers. This had an impact on vulnerable families if schools were unable to support them another way, for example printing out the vouchers. In the week of 13 April 2020 the Minister for Children and Families ("MfCF"), had a call with the Edenred CEO to agree on urgent improvements, including redistributing vouchers which had not been resolved in other ways by schools, and to improve customer service. SSE also requested twice daily updates on the progress Edenred were making to resolve the issue with ordering FSM vouchers through the national scheme. By 28 April 2020, Edenred reported £31 million of vouchers had been redeemed, and 15,500 schools had ordered vouchers (Exhibits JK2/144 - INQ000512863 and JK2/145 - INQ000512864).
- 3.21 Nevertheless, Edenred still faced significant performance challenges, specifically around its management of queries and the infrastructure needed to manage the high volumes from schools and parents. DfE took the view that Edenred would always struggle to manage this volume of demand and that steps should be taken to reduce it. On 11 May 2020, SSE agreed to advice from DfE officials on reducing the demand on the national voucher scheme. The advice recommended encouraging schools to use local voucher schemes and to continue using school food suppliers for all pupils once children returned to school (Exhibits JK2/146 INQ000512865 and JK2/147 INQ000512866).

Free school meals during the 2020 May half term

3.22 On 15 May 2020, SSE agreed to the recommendation to seek HMT agreement to confirm schools could provide vouchers over the May half term, with DfE absorbing the costs if HMT did not agree to fund the voucher scheme (Exhibit JK2/148 - INQ000512869). This came following advice by DfE officials that DfE was under increasing pressure to provide FSM during the upcoming half term and that if schools remained open to vulnerable children and CWW during half term,

as they did in Easter it would be impossible to justify FSM being provided during Easter holidays but not the May half term (Exhibit JK2/149 - INQ000512868).

Free school meals during the 2020 summer holidays and the COVID Summer Food Fund

- 3.23 The contract with Edenred was due to expire on 22 June 2020. On 2 June 2020, SSE agreed with advice from DfE officials around the exit plan for the national voucher scheme in the context of full attendance in September 2020 (further detail is provided in the first Corporate Statement provided by Julia Kinniburgh (Exhibit JK2/339 INQ000651498). The advice recommended:
 - 3.23.1 Extending the national voucher scheme with Edenred from 22 June to 24 July 2020 to support children eligible for benefits-related FSM during the phased wider opening of schools, colleges, and nurseries.
 - 3.23.2 Updating the FSM guidance to reflect that school kitchens may reopen and should move to food parcels where possible. The guidance would also be updated to advise that primary school children not attending school should not receive vouchers "unless there is a legitimate reason for the pupil's non-attendance. Schools would have a level of discretion here, and our published examples would be: their household is self-isolating a member of their household meets the criteria to 'shield'."
- 3.24 SSE agreed to extend the contract to coincide with the end of the summer term on 24 July 2020, however, he did not approve the recommendation to close the voucher scheme to those not attending school stating that: "Instead, we should maintain the current position and guidance on eligibility and allow schools to provide vouchers for eligible pupils who are not attending school" (Exhibits JK2/150 INQ000512875 and JK2/151 INQ000512876).
- 3.25 The government did not intend to provide FSM provision during the summer holidays. The government considered that FSM should retain its position as a benefit only provided during term-time, because there were more appropriate mechanisms to support disadvantaged children and their families, such as further piloting the HAF programme and wider support being provided by DWP, MHCLG and Department for Environment, Food and Rural Affairs ("DEFRA") which was targeted at those who were disadvantaged and/or clinically vulnerable.

- 3.26 By June 2020, the government was coming under significant pressure to continue to provide FSM throughout the summer holidays, because of a high-profile and well-publicised campaign by footballer Marcus Rashford, alongside others.
- 3.27 The government had faced pressure from MPs, media and the Children's Commissioner Anne Longfield to extend the FSM voucher scheme to summer holidays from early June. At a meeting with MfCF, on 1 June 2020, Anne Longfield urged the government to extend the voucher scheme to summer 2020 (Exhibit JK2/152 INQ000575644).
- 3.28 On 4 June 2020, DfE received a letter threatening legal action from Sustain and Good Law Project. This threatened legal action if government did not reverse its decision on not providing FSM over the summer holidays. From 5 June, news outlets started reporting on this legal threat (Exhibits JK2/153 INQ000575645).
- 3.29 On 9 June 2020, SSE reaffirmed the government's position that the voucher scheme would not be extended into the summer holidays. In an oral statement on the wider reopening of education settings, SSE stated that "We have never traditionally provided free school meals all the way through the summer, but the DWP has put in an extra £6.5 billion to support those families who are most vulnerable. We will continue to work with the DWP, the Ministry of Housing, Communities and Local Government and the Department for Environment, Food and Rural Affairs to continue to support those families who are most vulnerable" (Exhibit JK2/154 INQ000542929).
- 3.30 On 15 June 2020, DfE officials began preparing to brief the SSE for an opposition day debate on FSM to be held the following day. The debate included an opening speech by SSE and closing speech by MfCF. The debate came following an open letter from Marcus Rashford to MPs on 15 June 2020, asking for the government to reconsider cancelling the food voucher scheme over the summer holidays (Exhibit JK2/155 INQ000575811).
- 3.31 On the morning of the 16 June 2020, DfE officials were told that the Prime Minister had decided to provide a summer food fund, (Exhibit JK2/156 INQ000575646) to be called the "Covid Summer Food Fund" which, funded by HMT, would provide £15 per week funding for all children eligible for FSM to receive vouchers throughout the summer holidays and that SSE's opposition day debate speech

- should be amended to announce the new fund (Exhibit JK2/157 INQ000512877). In his speech, SSE thanked Marcus Rashford for his campaign efforts and stated the government's commitment to ensuring families have adequate support over the summer holidays (Exhibit JK2/158 INQ000575791).
- 3.32 On 16 June 2020, the Prime Minister announced the £120 million Covid Summer Food Fund to the media (Exhibit JK2/159 - INQ000575790), with SSE confirming the scheme in the chamber later that day (Exhibit JK2/158 - INQ000575791). The scheme provided £15 per week for the continuation of vouchers for benefitsrelated FSM throughout the 2020 summer holidays.

Free school meal provision for 2020 to 2021 academic year

- 3.33 On 25 June 2020, SSE received advice from DfE officials on the provision of FSM in the context of full attendance in September 2020 (further detail is provided in the first Corporate Statement provided by Julia Kinniburgh (Exhibit JK2/339 INQ000651498). The submission made two recommendations:
 - 3.33.1 From September 2020, DfE should return as closely as possible to the original FSM policy, meaning that children should receive FSM in school, but with schools arranging food parcels for those who are required to stay at home due to COVID-19 measures.
 - 3.33.2 DfE should explore setting up a mitigation arrangement of a national voucher scheme for FSM in schools with significant pupil absence. FSM would only be provided via parcels if the absence was COVID-19 related (Exhibits JK2/160 INQ000512878 and JK2/161 INQ000512879).
- 3.34 On 30 June 2020, SSE agreed to the recommendations (Exhibit JK2/160 INQ000512878).
- 3.35 In August 2020, SSE received advice from DfE officials on the provision of FSM from September 2020, in the context of the return to full mandatory attendance for all pupils. The advice recommended:

- 3.35.1 Schools should use existing FSM funding to provide food parcels for pupils at home due to COVID-19.
- 3.35.2 DfE should explore options with HMT for 'top up' funding if schools required further FSM funding.
- 3.35.3 As a contingency, DfE should proceed with open procurement for a supplier, should a voucher scheme be needed in the future i.e. moving away from a single tender arrangement into a competed arrangement (Exhibits JK2/162 - INQ000512880 and JK2/163 - INQ000512881).
- 3.36 On 28 August 2020, SSE decided that schools should return as closely as possible to the pre-pandemic arrangements (i.e. FSM being provided in schools and other education settings). He decided there should, however, be provision for children and their families to receive food parcels if they were required to stay at home, using their existing FSM funding of £11.50 per week. SSE agreed only to explore options for extra 'top up' funding from HMT if it was shown that schools required £15 per week.
- 3.37 SSE decided that there would not be an open procurement process for a new national voucher scheme supplier, noting that he agreed with MfCF's view, that instead schools should contact Edenred directly, rather than having a DfE funded voucher scheme (Exhibit JK2/164 INQ000512882).
- 3.38 In September 2020, schools and colleges returned as normal with full attendance except for where individual pupils were advised to self-isolate due to COVID-19. Where FSM pupils did need to self-isolate, DfE advised schools to provide food parcels or locally arranged vouchers. On 23 September 2020, DfE issued guidance setting out what schools should do when providing school meals from September 2020. This included:
 - 3.38.1 Working out arrangements for lunchtimes so that pupils did not mix with pupils from other groups or bubbles. Paragraph 4.108 of the first Corporate Statement of Frances Oram (Exhibit JK2/340 INQ000587996) provides further information on 'bubbles'.
 - 3.38.2 Having several lunch sittings or serving lunch in more than one location including, if appropriate, in a classroom.

- 3.38.3 Asking caterers to look at other flexible ways of giving pupils access to lunch, for example, taking food to pupils in the areas they are in for the day (Exhibit JK2/165 - INQ000497839).
- 3.39 On 2 October 2020, SSE received advice on providing FSM during the October 2020, Christmas 2020 and February 2021 school holidays. This advice was sent in the context of a second campaign by Marcus Rashford to extend FSM provision into the school holidays. At the time, No.10 officials were taking the position that FSM should return to being a term-time benefit only. At a meeting with DfE officials on 8 October 2020, SSE decided that DfE should revert to the position that FSM was a term time benefit only. However, SSE emphasised that he wanted to ensure DfE had strong contingency planning in the event of a last-minute change in the No.10 position. SSE also decided that asking schools to provide food parcels during the school holidays at such short notice would be unrealistic and that DfE should be prepared to reopen the Edenred voucher scheme should there be any late shifts in the government position that would require DfE to provide FSM over the October half term (Exhibits JK2/166 INQ000512883 and JK2/167 INQ000512884).
- 3.40 The government's position did not change on extending FSM beyond term time. On 21 October 2020 at a House of Commons debate, the government defended its decision that FSM should remain term time only, highlighting existing support measures in place and citing the £63 million in welfare assistance funding for local authorities to support families with urgent needs, including over the October half term (Exhibit JK2/168 INQ000575806).
- 3.41 On 2 December 2020, the National Audit Office published a report on the investigation into the FSM voucher scheme with the following findings:
 - 3.41.1 Scheme design and procurement: DfE set up the voucher scheme in time for the announcement of the first national lockdown. Edenred, having an existing government framework contract was appointed to run the scheme.
 - 3.41.2 DfE wanted to ensure the scheme was accessible by everyone and requested an analysis by DEFRA to check that at least one participating store was available in each local authority. Where eligible families could

- not access participating stores, DfE advised schools to arrange voucher schemes through local shops and to seek reimbursement from DfE.
- 3.41.3 Scheme performance: By August 2020 94% of state schools registered to use the scheme with Edenred estimating that the scheme supported between 850,000 and 900,000 families. Remaining schools who did not register for the scheme opted for local free school meal arrangements.
- 3.41.4 Initial problems: schools and families faced issues with registration, accessing the website, and receiving support, particularly in the early weeks.
- 3.42 Improvements: DfE and Edenred took steps to enhance the scheme's capacity and performance, and increasing the number of participating retailers from 6 to 10 leading to reduced processing times and improved satisfaction (Exhibit JK2/169 INQ000575798).

Decision to introduce the Covid Winter Grant (Winter 2020)

- 3.43 Throughout October 2020, DfE worked on a commission from No.10 with MHCLG, DWP and HMT to develop a ring-fenced Christmas grant scheme to be run by local authorities.
- 3.44 The DfE responded to the commission on the 29 October 2020 with the outline policy proposal for the Covid Winter Grant scheme (then titled Covid Christmas 2020 grant scheme) (Exhibits JK2/170 INQ000575676, JK2/171 INQ000575677and JK2/172 INQ000575678).
- 3.45 The scheme was "a ring-fenced grant scheme that requires local authorities to provide food support to children and families that qualify for free school meals during term-time. Support should mainly be focussed in the periods that children are out of school i.e. the two-week Christmas holiday, however local authorities would be able to provide support outside of this period at their discretion, i.e. to individuals or families in crisis."
- 3.46 The outline policy proposal also stated that, "the Christmas/Winter Food Fund would run for 13 weeks from the beginning of December 2020 to the end of

February 2021. However, the expectation was that the main focus would be on the holiday periods when schools are closed. Funding would be allocated on the basis of providing support over these specified periods, but there would be flexibility to use the funding outside of the holidays. Local authorities would be asked to provide food to these families, which could be in the form of food parcels, or meals provided at a local setting."

3.47 On 8 November 2020, the government, led by DWP, announced the Covid Winter Grant scheme (Exhibit JK2/173 - INQ000575799).

Decision to extend the Holiday Activities and Food programme in 2021

3.48 Following an options appraisal commissioned by No.10, which DfE officials had developed through October 2020 with support from DWP, on 8 November 2020, DWP announced that the HAF programme would be extended from Easter 2021 at a cost of £200 million to £220 million. It would cover the Easter 2021, summer 2021 and Christmas 2021 holidays and the fund would be available to all local authorities. It was recognised that, given the relatively high number of bank holidays close together during the Easter and Christmas holidays, local authorities would need flexibility about how the weeks' worth of provision in those holidays would be delivered.

Free school meal provision during the third lockdown (January 2021 to March 2021)

- 3.49 The third national lockdown was announced on 5 January 2021 with access to education settings restricted to those who were deemed to be vulnerable children and CCW. On 4 January 2021, SSE received advice from DfE officials with options on providing FSM to eligible pupils who had to learn from home due to the lockdown (Exhibits JK2/174 INQ000512885 and JK2/175 INQ000512886).
- 3.50 The five options in the submission were:
 - 3.50.1 Retain the current approach of food parcels wherever possible, with schools able to flex that arrangement to provide vouchers (but with no additional funding).

- 3.50.2 Financial top-up to schools, supporting caterers to provide food parcels.

 Equivalent to £3.50 per FSM eligible pupil per week, based on increasing the existing £11.50 for FSM to the £15 rate paid previously.
- 3.50.3 Reimburse locally arranged vouchers at £15 per eligible pupil per week, acquired by schools only when their food supplier was unable to provide a food parcel.
- 3.50.4 Top up the Covid Winter Grant Fund (recommend monitoring use via DWP).
- 3.50.5 Setting up a centrally funded, national voucher scheme.
- 3.51 The submission recommended the second option: financial top up to schools. Following this advice, SSE decided on a centrally funded voucher scheme. SSE also instructed DfE officials to secure the £3.50 uplift from HMT specifically for education settings who wanted to provide food parcels. Edenred was chosen as the preferred supplier for the scheme as they could be mobilised most quickly. However, DfE worked with Crown Commercial Services to include more voucher suppliers in the framework, to avoid future reliance on a single supplier (see paragraph 3.55). SSE made the announcement in a statement to Parliament on 6 January 2021 (Exhibit JK2/176 INQ000542887).
- 3.52 At the start of the third lockdown, concerns were raised about the standards of food parcels provided to families by caterers, particularly the quality and quantity of food items with people criticising the parcels on social media. Both SSE and MfCF had a discussion with the suppliers, who subsequently issued an apology. DfE issued guidance to schools and local authorities on food packages which provided greater clarity on the quality assurance of food parcels (Exhibit JK2/177 INQ000519628).
- 3.53 The national voucher scheme reopened on 18 January 2021. On the same day,
 DfE issued guidance which said that schools could claim for costs incurred before
 the voucher scheme was reopened. The scheme remained open until 5 March
 2021. Owing to the feedback and support provided to Edenred around their
 system, especially the call handling system, the voucher scheme this time did not

- experience any of the issues previously experienced (Exhibit JK2/178 INQ000512893).
- 3.54 On 8 March 2021, schools and colleges returned to full attendance. For FSM it was also a return to normal, except that settings could secure local vouchers or deliver food parcels where FSM pupils needed to self-isolate. This flexibility remained in place until Easter 2021 (Exhibits JK2/179 INQ000512887, JK2/180 INQ000512888 and JK2/181 INQ000512889).

Future contingency

3.55 Following the lifting of attendance restrictions in March 2021, DfE started preparing for any further attendance restrictions due to COVID-19. The department ran a full commercial competition for future national voucher suppliers. On 17 November 2021, DfE officials advised SSE on which supplier should be appointed. The contract was intended to be utilised in the event of any further attendance restrictions and ran for 2 years (Exhibit JK2/182 - INQ000575731).

4. Remote education

- 4.1 This chapter addresses the Inquiry's queries on the preparation, planning and delivery of face-to-face and remote education provision during each phase of attendance restrictions. Remote education is a broad term encompassing any learning that happens outside of the classroom, with the teacher not present in the same location as the pupils.
- 4.2 During the pandemic, DfE did not collect data on the differences in remote education between independent and state sectors. Therefore, DfE is unable to provide any further information on the question of disparities in teaching or education provided to children in private versus state sectors. After education settings closed to most children, DfE focused on mitigating learning loss for children not attending their education setting, particularly disadvantaged and vulnerable children. This effort was supported by information from DfE regional teams as well as research and analysis (further detail is provided in the third Corporate Statement provided by Susan Acland-Hood (Exhibit JK2/341-INQ000587992). An education recovery package was also implemented in response to DfE's research findings on learning loss.

Pre-pandemic remote education approach

- 4.3 Prior to the COVID-19 pandemic, the concept of remote education was not prevalent or well established in England. DfE did not set standards or expectations for remote education or collect information about remote education practices across education settings.
- 4.4 Before the pandemic, remote education in England was also not widely implemented in primary and secondary schools. It was primarily used in FE or HE settings. Some education settings provided remote education in exceptional cases. For example, if a student could not attend school due to medical reasons, the setting might send home paper-based assignments and conduct welfare check-ins. In other cases, on days when an education setting was closed, such as for a 'snow day', mainly paper-based work may have been provided. Some FE providers also delivered remote learning, for example, to support students needing flexible schedules. Some settings were also using technology to support remote education, using platforms such as Google classroom to upload resources, set

homework assignments and provide feedback online. However, teachers generally had limited experience with remote education. In particular, delivering live online interactive real-time lessons via a video conferencing tool (Exhibits JK2/183 - INQ000575750 and JK2/184 - INQ000575767).75685JK2

- 4.5 Pre-pandemic, DfE did play a supportive role in promoting technology in education. This was intended to foster innovation, reduce barriers, and enable digital learning environments. On 3 April 2019, DfE published a strategic paper Realising the potential of technology in education (Exhibit JK2/185 INQ000575607) to guide schools and other education settings in integrating technology into education delivery, including improving broadband infrastructure. DfE also released a suite of guidance for education providers (Exhibit JK2/186 INQ000575793) to assist in their technology infrastructure implementation.
- 4.6 DfE also committed investment, in this paper to, "...a network of 'demonstrator' schools and colleges to showcase best practice and offer peer-led hands-on support...", aimed at helping schools and colleges develop digital strategies. Prior to the pandemic this was focused on the use of technology to improve education in the classroom, not on providing remote education to children.

Remote education planning between January 2020 and 18 March 2020

- 4.7 Prior to the first round of attendance restrictions coming into place, DfE's focus was on keeping as many children as possible in face-to-face education and the focus on remote education was more limited. It concentrated on the use of remote education for those individual children who needed to self-isolate for a short period of time. It also focused on the use of remote education for when an education setting needed to close completely for a number of days. For example, when it needed to carry out a deep clean in line with public health advice.
- 4.8 From March 2020, DfE recognised that there was a lack of remote education resources and support for education settings, and began to generate support, guidance and resources (Exhibits JK2/187 INQ000286012 and JK2/188 INQ000540794).

- 4.9 DfE prepared remote education guidance. This was originally intended to help education settings with contingency planning if an individual setting needed to close or a cohort was sent home for a limited period of time. This was shared with SSE on 13 March 2020, as part of a wider strategy to support settings and minimise educational disruption. The advice considered the digital divide (the disparity between those settings and children with easy access to broadband and digital devices and those without) and included non-technology-based solutions. Although the original guidance was not published in its original form, it was subsequently updated and incorporated into other support and guidance materials (Exhibits JK2/189 INQ000542433, JK2/190 INQ000542455, JK2/191 INQ000542456 and JK2/192 INQ000542457).
- 4.10 DfE also developed remote education resources and support that targeted schools, colleges, teachers, parents, and children. This involved collaborating with industry leaders to achieve the support required. By mid-March 2020, DfE was exploring various technology solutions, this included (Exhibits JK2/189 INQ000542433 and JK2/193 INQ000575756):
 - 4.10.1 Working with the BBC to deliver a national education offering through live TV, iPlayer, podcasts, and online learning like BBC Bitesize. DfE gathered education sector expert advice to maintain curriculum content and quality of the offer (Exhibit JK2/194 INQ000226744).
 - 4.10.2 Working closely with education settings that successfully used technology to facilitate remote learning and flexible teaching to develop remote education best practice case studies which were published in April and May 2020 (Exhibits JK2/189 INQ000542433 and JK2/195 INQ000226712).
 - 4.10.3 Partnering with technology platforms, such as Google and Microsoft, as part of the DfE's 'Platform Provisioning programme'. This initiative provided a range of educational tools, to boost resource sharing among education settings, parents and pupils.
 - 4.10.4 Working with major publishers of education textbooks to expand home access to textbooks.

- 4.10.5 Developing a list of recommended education apps and learning tools that were linked to the curriculum and students could use independently. An initial list of websites for English, maths, science, wellbeing and SEND was published on 7 April 2020 (Exhibit JK2/199 - INQ000542870).
- 4.11 As set out in the chapter below on access to technology, DfE took a range of actions to improve access to devices and connectivity for children and young people.
- 4.12 On 19 March 2020, DfE officials advised SSE and the Minister of State for School Standards ('MoSSS') on strategies to ensure ongoing education during school attendance restrictions and staff shortages. DfE aimed to complement schools' efforts. It considered varying technological capacities and children's ability to engage. For example, self-directed learning via the BBC's educational content. DfE was aware of schools' positive feedback about using BBC content. Digital learning tools and apps would also be promoted to aid self-directed learning and ease navigation for parents. Support for schools and colleges included guidance on online tools, providing devices and broadband, and training teachers in distance learning practices were also proposed (Exhibit JK2/193 -INQ000575756). On 23 March 2020, SSE agreed the suggested plans. SSE emphasised prioritisation of year 10 and, within that year group, English and maths, and more generally support for science (due to the challenges parents could face accessing online resource in comparison to other subjects) as part of a nationwide education initiative with the BBC (Exhibit JK2/198 – INQ000542452).

Classroom-based teaching and learning in the first lockdown

4.13 From 23 March 2020, schools and other education settings were closed to most children except vulnerable children and CCW. In this period, education settings were faced with significant challenges. As settings closed to most children (apart from vulnerable children and CCW), they needed to remotely educate most children, dealt with staff shortages owing to illness or self-isolation, and make alternative arrangements for children eligible for FSM. It was uncertain how long the lockdown would last and the prevailing assumption across government was

that it would be a shorter lockdown and a shorter pandemic than it turned out to be.

- 4.14 The expectations on schools and provision were outlined in *Guidance for schools* about temporarily closing (Exhibit JK2/200 INQ000575794), which said, "Schools, and all childcare providers, are therefore being asked to continue to provide care for a limited number of children children who are vulnerable, and children whose parents are critical to the COVID-19 response and cannot be safely cared for at home."
- 4.15 The guidance added, "while as many schools as possible should try to stay open for eligible pupils, this will not be possible for all settings, and the local authority should coordinate pooling of resources so pupils are able to access provision elsewhere." Such pooling of resources could include the co-ordination of support from other schools or local authorities in the event of high demand for places or severe staff shortages.
- 4.16 With the expectation that all pupils would return to school full time in the 2020 to 2021 autumn term, guidance to schools for full opening, published on 2 July 2020, set out key principles and expectations for curriculum planning. Schools were required to teach an ambitious and broad curriculum in all subjects from the start of the autumn term, but with some flexibility to create time to cover the most important missed content. This was to ensure that pupils were able to catch up on any learning they had missed during the lockdown period (Exhibit JK2/201 INQ000575765).

Remote education during the first lockdown

4.17 In the days leading up to the initial phase of attendance restrictions on 23 March 2020, remote education guidance, resources and support were being developed by DfE, in partnership with other organisations. However, DfE did not develop remote education standards and expectations at this stage. Instead, it chose to let education settings plan their own remote education provision, because the disruption was not expected to last a significant amount of time, and it did not want to overwhelm education settings at a time when they were already facing a

number of significant challenges in the context of the pandemic.

- 4.18 DfE's focus was on improving and enhancing remote education resources, guidance and support to teachers and parents. DfE aimed to build consensus with key stakeholders and sector groups, including the National Association of Head Teachers ("NAHT") and the Association of School and College Leaders ("ASCL"), Ofsted, and the Education Endowment Fund ("EEF"), to provide more comprehensive and useful support to the sector (Exhibits JK2/337 INQ000575627, JK2/338 INQ000575628 and JK2/266 INQ000575629).
- 4.19 However, there were significant challenges in issuing definitive guidance at such an early and challenging stage of the pandemic. Advice to SSE in April 2020 on publishing case studies (see section 4.27 for further details on the case studies) highlighted the sensitivities around issuing remote education expectations. For example, during a meeting on 31 March 2020 attended by SSE and representatives from the Association of Directors of Children's Services ("ADCS"), Ofqual, Ofsted, NAHT, ASCL, the National Education Union ("NEU"), and the Confederation of School Trusts ("CST") (Exhibit JK2/196 INQ000575617), the NEU raised several concerns. First, many teachers lacked experience in online teaching. Second, there was unequal access to technology at home among both pupils and staff. Third, the home learning environment and the level of parental support varied significantly between families, especially since many parents were working from home. Lastly, school staff were often also caring for their own children at home.
- 4.20 DfE was mindful of the concerns raised by teaching unions and wanted to avoid potential criticism for appearing to set formal, standardised expectations for schools and potentially limit the effectiveness of any guidance issued. The department aimed to strike a balance that would best support children's needs, the needs of schools and colleges as well as taking into account teachers' perspectives and needs. DfE officials proposed guidance in the form of case studies, which would demonstrate best practice, from schools instead (see paragraph 4.27 for further details) (Exhibits JK2/195 INQ000226712 and JK2/196 INQ000575617).

- 4.21 DfE commissioned in-house research on user needs to help shape its approach to remote learning support. This was a qualitative rapid piece of user research. It involved interviews with relatively small cohorts of parents and teachers. The aim was to quickly understand the issues facing parents and schools in remote education and to explore what measures may help. On 27 March 2020, the researchers identified challenges across EY, primary, and secondary education. The areas of focus included mitigating the impact of transitioning to home learning on EY children, supporting the engagement and motivation of pupils in years 10 and 12 as they prepared for exams, and ensuring learning outcomes and quality. The research found that comprehensive guidance and support would be well received by care-givers, teachers, and schools. This would help to clarify curriculum expectations and achieve consistency in remote learning. However further work would be needed to develop remote education expectations and comprehensive guidance for the education sector and parents (Exhibit JK2/197 -INQ000575615).
- 4.22 On 24 March 2020, DfE met with senior representatives from the BBC to collaborate on an ambitious and high-quality educational offer to support parents, teachers, and pupils. The new BBC offer, Bitesize Daily, was available from 20 April 2020. It delivered varied content by well-known faces, alongside top-quality teachers and customised learning days, through BBC iPlayer, Red Button, the BBC Bitesize website and app. BBC Bitesize offered curriculum-relevant content for children of all ages throughout the UK (Exhibits JK2/198 INQ000542452 and JK2/194 INQ000226744).
- 4.23 In April 2020, teachers and colleagues from leading education organisations, came together to set up Oak National Academy ("Oak"), a brand-new national teaching resource and online classroom, owned by the Reach Foundation charity. On 15 April 2020, SSE received an update from DfE officials on the Oak's launch plans and a submission which sought approval to provide conditional grant funding to support Oak's start-up costs.
- 4.24 DfE provided a £500,000 grant to help establish Oak, which also received additional financial support from The Mohn Westlake Foundation, and pro- or low bono support from various companies including Google, KPMG and McKinsey & Company. The grant was conditional to support its start-up costs with funding

- terms emphasising assurance on finance and performance, quality, accessibility, and narrowing the educational divide for students with SEND (Exhibit JK2/204 INQ000497607).
- 4.25 Oak launched on 20 April 2020 with 180 weekly video lessons for students from reception to year 11 (including SEND-specific materials), and over 40,000 online learning resources. The video lessons attracted 250,000 users on its debut day. Oak's online education model offered a structured curriculum with daily lessons, flexible access to pre-recorded lessons on any device, and high-quality teaching led by expert teachers and heads of department on a pro bono basis. DfE continued to invest in Oak. Overall, a further £7 million was invested into Oak from the 2020 to 2021 academic year to March 2022 (Exhibits JK2/205 INQ000497606 and JK2/204 INQ000497607).
- 4.26 During April 2020, DfE published initial guidance and information for parents and teachers on remote education provision including safeguarding guidance for teachers (Exhibits JK2/207 INQ000575763, JK2/208 INQ000226748 and Exhibit JK2/209 INQ000575762). Specific secondary school guidance was published on 21 May 2020, which included online resources, mental health support, and advice for parents and teachers to aid remote learning (Exhibit JK2/210 INQ000519927).
- 4.27 Also in April 2020, DfE launched the platform provisioning programme, a funded initiative with Microsoft and Google accredited partners to support schools and trusts to start using a digital education platform for remote learning (Exhibit JK2/211 INQ000575824).
- 4.28 DfE also published information on remote education best practice and case studies during April and May 2020 (Exhibits JK2/212 INQ000575752, JK2/213 INQ000575638, JK2/195 INQ000226712, JK2/214 INQ000575771, JK2/215 INQ000575772, JK2/216 INQ000575773, JK2/217 INQ000575774, JK2/218 INQ000575775, JK2/219 INQ000575776, JK2/220 INQ000575777, JK2/221 INQ000575778, JK2/222 INQ000575779, JK2/223 INQ000575780, JK2/224 INQ000575781, JK2/225 INQ000575782, JK2/226 INQ000575753 and JK2/227 INQ000575754). Many of these were put together with the aid of an expert steering group and covered a range of areas including wellbeing, adapting

- teaching methods and the curriculum for remote learning, and keeping students motivated and engaged.
- 4.29 DfE adapted the £3.5 million EdTech Demonstrator programme to better serve the needs of education settings during the COVID-19 pandemic and build long-term resilience. DfE aimed to improve the use of technology in schools and colleges by selecting institutions ('demonstrators') with outstanding technology practices to provide peer-to-peer support to help teachers and support workers in other institutions to use technology as effectively as possible (Exhibits JK2/228 INQ000575618 and JK2/229 INQ000575619).
- 4.30 On 24 April 2020, DfE announced the 20 successful applicants selected as demonstrator schools or colleges. A further 18 demonstrators were selected in May 2020 and another 13 selected in September 2020 (Exhibits JK2/230 INQ000575783, JK2/231 INQ000575640, JK2/232 INQ000575642, JK2/233 INQ000575641 and JK2/234 INQ000226725).
- 4.31 Demonstrator schools and colleges provided up to 30 hours of support to schools and colleges who requested it. This included a blend of group and individual support. The support covered the use of digital platforms and new digital devices, helping institutions to improve remote education strategies, enhance teacher-pupil links, monitor student progress, and support wellbeing while saving teachers' time. By 23 July 2020, 695 schools and colleges were involved in the programme and had received or were receiving support, 270 additional schools and colleges had requested support in the prior week, indicating strong rising demand from schools who had accessed DfE's successful platform provisioning programme which was launched in April 2020 (Exhibit JK2/235 INQ000575658).
- 4.32 With the expectation that all pupils would return to school full time in the 2020 to 2021 autumn term, guidance to schools for full opening, published on 2 July 2020, set out key principles and expectations for curriculum planning. These were that all pupils should receive a high-quality, broad, and ambitious curriculum that prepared them for future opportunities and responsibilities. Schools should use existing flexibilities to cover missed content to ensure that pupils were able to catch up on any learning they had missed during the lockdown period, prioritise key components for progression, and aim to return to the normal curriculum by summer 2021. Curriculum planning should be based on pupils' needs, using

regular formative assessments to address knowledge gaps. In addition, remote education should be integrated into curriculum planning to ensure continuity of learning, especially in case of local lockdowns (Exhibit JK2/201 - INQ000575765).

Developing remote education evidence, standards and expectations

- 4.33 Anticipating that education settings may need to be closed, again, to most children in the future, DfE's focus shifted. It worked with the sector to build a stronger evidence base in relation to remote education, understand the impact of remote education on children's learning and the key lessons learnt. This helped inform the setting of remote education expectations and standards.
- 4.34 During June 2020, DfE was exploring the use of a direction power (using the Coronavirus Act's powers to clarify that schools were required to provide remote learning when pupils were not in school due to COVID-19, and to develop high quality remote education programmes). This was followed by stakeholder engagement, with various education representatives over the summer, to better understand their needs and the impacts of implementing a Direction for remote education (Exhibits JK2/236 - INQ000575649 and JK2/237 - INQ000575662). The Coronavirus Act 2020 Provision of Remote Education (England) Temporary Continuity Direction was issued on 1 October 2020 and came into force from 22 October 2020. The Direction made clear that schools had a legal duty to provide remote education for state-funded, school-age children unable to attend school due to COVID-19. The 'Get help with remote education' page was also published on the same day, which hosted the full remote education support package in one place to assist educators with resources for remote teaching, offering a usertested package of resources (Exhibits JK2/238 - INQ000575759 and JK2/239 -INQ000575672).
- 4.35 DfE also established more robust guidelines for schools and colleges to enhance remote education for the latter part of the 2020 summer term. On 2 July 2020, remote education guidelines set out what was expected in terms of remote education provision in *Guidance for full opening schools* (JK2/201 INQ000575765). Schools were to fully reopen with higher remote education provision standards. Schools were required to have robust contingency plans for remote education provision for pupils self-isolating to ensure a quality learning experience for children during periods of remote education. Schools were asked to provide daily meaningful and ambitious assignments across various subjects, teaching a well-sequenced curriculum to build knowledge and skills incrementally, offering frequent and clear explanations of new content through teachers or high-quality resources, assessing pupils' progress using questions and tasks, adjusting

- teaching pace or difficulty based on assessments, and planning a programme equivalent in length to core in-school teaching, ideally including daily teacher contact (Exhibit JK2/201 INQ000575765).
- 4.36 DfE continued its remote education support in the autumn term, leveraging data insights and research findings from the initial stage of the pandemic. Measures included:
 - 4.36.1 Expanding peer technology support through the EdTech Demonstrator programme, legally mandating schools to provide remote learning providing further digital infrastructure support to ensure access to devices and connectivity for those who were in most need and continuing to support schools to set up a digital education platform.
 - 4.36.2 Eighty grants of £1,000 were made to FE providers (applications were limited to a maximum of two per provider organisation) to offer additional training and support for mentors and coaches who specialised in assisting teachers with remote education (Exhibit JK2/202 INQ000575795).
 - 4.36.3 DfE provided new resources for education staff. This included a sector-led remote education good practice guide that supported the development of remote education contingency plans and was published on 1 October 2020 (Exhibit JK2/203 INQ000519932), school-led webinars for school leaders (to share good practice) and teachers (how to adapt classroom practice for remote teaching) (Exhibit JK2/240 INQ000519865).
- 4.37 Having issued the Temporary Continuity Direction in October 2020 in November 2020, DfE worked on strengthening the accountability regime for remote education. This included setting clear minimum standards and requiring schools to inform parents and children about their remote education provision.
- 4.38 On 3 December 2020, DfE introduced minimum expectations of daily hours for remote education. This was based on existing guidelines, stakeholder input and the principle of equivalence to in-school education. These were 3 hours for primary and 4 hours for secondary students. Schools had flexibility to use a range

of resources (including a blend of live teaching/recorded lessons, assignments and independent reading). A varied approach aimed to ensure pupil engagement and effective remote learning (Exhibit JK2/241 - INQ000519665). DfE also announced targeted Ofsted inspections focusing on curriculum, remote education and attendance, particularly for vulnerable children (Exhibit JK2/242 - INQ000575755).

- 4.39 DfE collaborated with schools to create an (optional) template to support schools in setting out their remote information on their website. On 15 December 2020, DfE asked education settings to post details of their remote learning provision on their websites by 25 January 2021. The aim was to provide clarity to children and parents in case of self-isolation or local or national lockdowns (Exhibit JK2/243 INQ000575764).
- 4.39 On 11 January 2021, informed by recent visits and research, Ofsted published a short guide, *What's working well in remote education*, which provided helpful advice for navigating remote education, and helped school and college leaders and teachers develop their remote education offer (Exhibit JK2/244 INQ000575766).

Remote education effectiveness during 2020

- 4.40 In June 2020, the majority of schools (88%) were providing remote education through online learning platforms, according to the DfE COVID-19 School Snapshot survey [referred to as unpublished in sitrep] (Exhibit JK2/245 -INQ000542575).
- 4.41 In July 2020, Ofsted published *Ofsted: schools and further education & skills* (*FES*), its findings of remote education in the FE and skills sector during COVID-19. The findings were based on a review of a 'small sample of 20 volunteer colleges and other providers', carried out in June 2020 (Exhibit JK2/246 INQ000575800).
- 4.42 This report revealed mixed experiences. Learners' experiences during this period varied significantly across providers and subject areas. For instance, the amount of face-to-face contact through video conferencing differed greatly even within the same provider. Some learners appreciated the convenience of online education

while others missed face-to-face interactions and immediate feedback. Engagement levels differed; particularly for those at levels 1 and 2 (equivalent to GCSE grades 1 to 9), than those at level 3 (equivalent to A-levels and T-levels), who struggled more with the technology necessary for online learning, leading to disengagement with some online teaching methods. Both learners and teachers preferred live online lessons for better interaction, though managing smaller groups increased staff workload. The success of online education relied on staff training, strategic planning, and compatible software and platforms. In mid-September 2020, Ofsted inspectors conducted pilot visits across FE and skills providers before carrying out interim visits to various education (and social care institutions) until December 2020 (Exhibit JK2/247 - INQ000575769). These nongraded visits were to monitor compliance with the Temporary Continuity Direction and to ensure education settings were prepared to deliver effective remote education, providing assurance rather than formal grades or judgement (Exhibit JK2/248 - INQ000575801).

- 4.43 Following these visits, Ofsted released a series of briefings. The briefings outlined the challenges education settings faced with remote education, such as curriculum variations, safeguarding, parental involvement, and the need for tailored approaches for certain students. These briefings offered insights into remote education's effectiveness and the strategies used to maintain education standards during the pandemic (September 2020 briefing: Exhibit JK2/249 INQ000575673). Ofsted's interim visits also informed its brief guide to what worked well in remote education, which was published in early January 2021 [addressed later, in section 4.61].
- 4.44 Building on the universal package already in place (toolkit, peer support, Oak) DfE was also developing tiered and targeted support for schools and colleges, where it was needed most. This initiative was expected to begin in the north-east and north-west regions, aligning with the regional disparities highlighted in findings on remote provision over the first lockdown.
- 4.45 DfE also sought to enhance information on remote education. Data and intelligence were gathered from various sources to create a national overview and identify at-risk regions. This included a data portal, starting from the week of 12 October 2020. This collected daily self-reported data from schools on isolated

pupil groups, provision in place, hours of set work, and regularity of checks or contact. Monthly surveys of parents and secondary school pupils were undertaken to gather data on pupils' experiences, such as hours spent studying and available resources. Additionally, a monthly panel of school leaders and teachers was set up in order to provide insights into delivery.

- 4.46 Ofsted were also conducting assurance visits and structured telephone interviews to understand challenges, schools' approaches, pupil engagement, and quality, complemented by a parent survey on remote education experiences.
- 4.47 DfE worked with Ofsted to establish a clear understanding of effective practices.

 Ofsted examined a select group of schools with advanced approaches, identifying key lessons for other schools and using these insights as benchmarks for inspections (Exhibit JK2/245 INQ000542575).
- In January 2021, DfE published the first of a series of reports produced by The Education Policy Institute and Renaissance Learning. These reports helped track education progress and learning loss children had experienced since the COVID-19 pandemic began. The reports were useful in helping DfE understand the impact that the shift to remote learning had had on children's loss of learning and highlighting that the impact of lost learning was felt more by disadvantaged groups of children than those from more affluent backgrounds. The findings helped shape the department's strategic approach for medium term intervention and support. This included the development of comprehensive policy options including tutoring and device provision (Exhibit JK2/250 INQ000542855).
- 4.49 The report's analysis was based on the results achieved by children in the first half of the 2020 to 2021 autumn term (up to and including 25 October 2020) in comparison to children in previous years. The first report estimated the mean learning loss in reading (for primary and secondary pupils) and mathematics (for primary pupils only due to small sample sizes in secondary). Findings included that schools with high levels of disadvantage experienced higher levels of learning loss than other schools, particularly in secondary (2.2 months in schools with high rates of FSM eligibility and 1.5 months in schools with low rates of FSM eligibility). It was not possible to break down results by pupil characteristic at this stage of the research (Exhibit JK2/251 INQ000542835). Further detail on the Renaissance

Learning reports is provided in the first Corporate Statement provided by Julia Kinniburgh (Exhibit JK2/339 - INQ000651498).

Remote education provision from January 2021

- 4.50 By January 2021 significant progress had been made to develop remote education provision. A comprehensive support package during the first phase of restrictions, including devices, internet access, the EdTech Demonstrator programme, and Oak, aided schools' and colleges' ability to provide effective remote education. Furthermore, in October 2020, DfE had set a legal requirement for schools to provide remote education and established minimum hours in December 2020.
- 4.51 Schools were also asked to publish details of their remote education provision on their websites by 25 January 2021. The Statutory Instrument making it a legal duty for schools to publish remote education information on their websites was laid in February 2021 (Exhibit JK2/252 INQ000542646).
- 4.52 FE providers were also asked to publish details of their remote education offer on their website by 18 January 2021 (Exhibit JK2/253 INQ000575807). This allowed parents, carers and students to understand what to expect from their school's or college's remote learning and to voice concerns if the standards (set out in the *Guidance for full opening*, initially published 2 July 2020, *Further education (FE) operational guidance* updated 14 December 2020, and those which schools or colleges had self-reported on their website) were not met.
- 4.53 Following the Prime Minister's announcement on 4 January 2021, that, from 5 January 2021, education settings would be closed to all pupils except vulnerable children and CCW, DfE sought to further improve the quality of remote education provision as well as work with partners to track the effectiveness of remote education and children's educational development.
- 4.54 On 6 January 2021, DfE further strengthened the minimum expectations for remote education provision. SSE provided a statement in Parliament announcing increased minimum hours for remote education (Exhibit JK2/254 -

- 4.55 Detailed guidance on expectations followed on 7 January 2021, setting out minimum hours per day for remote education: 3 hours for key stage 1 on average across the cohort with less for younger children, 4 hours for key stage 2, and 5 hours for key stage 3 and key stage 4 (Exhibit JK2/255 INQ000575819).
- 4.56 On 12 January 2021, DfE published *Review your remote education provision* for schools and FE providers. This voluntary self-assessment framework aimed to assist settings in evaluating and enhancing their remote education provision, and to signpost them to resources that would help them improve their practice (Exhibits JK2/256 INQ000575747 and JK2/257 INQ000575746).
- 4.57 DfE continued to fund the EdTech Demonstrator programme to improve technical skill and ensure access to online resources. As of 18 January 2021, the EdTech Demonstrator programme had aided 10,000 schools and FE colleges with remote teaching technology resources and training. The second phase of the programme began in May 2021 and focused on transitioning from crisis response to supporting the sustained use of technology in settings. Support was available for state-funded institutions in England until June 2022 (Exhibit JK2/258 INQ000575749).
- 4.58 Oak continued to be supported by DfE (Exhibit JK2/259 INQ000575716 and JK2/260 INQ000575717). ImpactEd assessed the impact of Oak's evaluation reports produced in July 2021 and summer 2022. The first report revealed Oak resources were extensively used during the first lockdown, with most teachers citing Oak as their main source of remote learning support due to its alignment with the school and national curriculum. The 2021 report also highlighted that Oak was a primary source for remote learning, with 110 million lessons started, 40,000 teachers attending webinars, 885,000 resources downloaded, and 239,000 lesson links shared. These resources were adapted for various uses including cover classes, self-isolating students, and professional development and positively impacted pupil engagement and independence during remote learning (Exhibit JK2/261 INQ000497799).
- 4.59 The second report confirmed that the use of Oak resources remained high during the 2021 to 2022 academic year. An average of 32,000 teachers and 170,000

pupils used Oak resources each week. The most used subjects were science, English, and maths, particularly in areas with higher levels of disadvantage. Oak resources improved pupil attainment, with teacher-users 35% more likely to report that over 20% of their pupils exceeded expectations compared to non-users. Pupils also reported positive impacts on their learning due to the quality and structure of Oak lessons (Exhibit JK2/262 - INQ000575748).

- 4.60 Building on this success, DfE established Oak as an arm's length body on 1 September 2022. It operates independently of DfE and provides free, optional digital curriculum resources for teachers and pupils.
- 4.61 To ensure schools continued to provide high quality remote education and prevent further learning loss during any further periods of disruption due to COVID-19, a further Direction, Temporary Continuity Direction (No 2), came into force on 23 August 2021. This placed a legal duty on schools to provide remote education to state-funded, school-aged pupils whose attendance at school would be contrary to any government guidance relating to the incidence or transmission of COVID-19 during 2021 to 2022 (Exhibit JK2/263 INQ000226746). An explanatory note was published on GOV.UK (Exhibit JK2/264 INQ000497836).

Effectiveness of remote learning during the third lockdown

In January 2021, situational report data on remote education stated that almost all schools reported providing remote education in line with the expected/minimum hours set in guidance published on 7 January 2021 (Exhibit JK2/265 - INQ000542628). As well as capturing data on remote education via the EdSet from early January 2021, settings had started to publish remote education information on their websites following the request to schools (that settings should be required to publish information about their remote education offer, see paragraph 4.51) and the provision of the self-reporting template on 15 December 2020 (Exhibits JK2/243 - INQ000575764, JK2/336 - INQ000575684 and JK2/267 – INQ000575685).

- 4.63 In addition to capturing data on remote education via the EdSet (Exhibits JK2/269 INQ000542597 and JK2/270 INQ000542598), DfE revised and strengthened remote education expectations that set out minimum hours for remote education for key stage 1, key stage 2 and key stages 3 and 4, as 3 hours, 4 hours and 5 hours a day respectively (Exhibits JK2/271 INQ000575690, JK2/272 INQ000575691, JK2/273 INQ000575692, JK2/274 INQ000575802 and JK2/275 INQ000542606). DfE also updated guidance on supporting pupils with SEND to access remote education (Exhibit JK2/276 INQ000575796).
- 4.64 Ofsted continued to support the sector, publishing a short guide to *What's working well in remote education*, on 11 January 2021. The guide provided insights and examples from Ofsted's interim visits in 2020, to help settings develop their remote education offer (Exhibit JK2/244 INQ000575766).
- 4.65 Ofsted subsequently published *Remote Education Research* on 25 January 2021 (Exhibit JK2/277 INQ000575804) (updated 18 February 2021 Exhibit JK2/184 INQ000575767). This report compiled various research activities conducted between the summer and the end of 2020. It provided a comprehensive overview of how schools managed remote education during the pandemic, highlighting disparities in access and effectiveness. These findings supported DfE's ongoing efforts to enhance digital education infrastructure and support remote education. The paper acknowledged significant progress made by education settings in delivering effective remote education through hands-on experience. It aimed to facilitate the sharing of knowledge and best practice.
- 4.66 The research showed that schools' effectiveness in providing remote education varied greatly. Having a digital device, a stable internet connection and good quality educational content were essential. Remote learning had affected primary school children more than older children. Staying engaged and motivated was a challenge for younger children and more so for those from disadvantaged backgrounds. The research highlighted '...that engaging younger pupils was a much more challenging task when done remotely', the importance of parental involvement in remote learning of younger pupils, and the design of online lessons. The report provided examples of how schools were overcoming barriers and developing effective remote education systems. It concluded that remote education was 'an imperfect but necessary substitute in mitigating against learning

- loss where classroom teaching is not possible. Pupils are still learning more than they would without any school support' (Exhibit JK2/184 INQ000575767).
- 4.67 In February 2021, situational reports continued to include information on remote education. The report data for 25 February 2021 stated that almost all schools reported providing remote education in line with the expected minimum hours set in guidance published on 7 January 2021 (Exhibit JK2/278 INQ000541100).
- 4.68 DfE Survey data (DfE's *Parent and pupil survey and School snapshot survey*) (Exhibit JK2/279 INQ000542797) from April 2021 also supported an improved picture of remote education provision for spring term 2021. Most schools delivered the expected number of hours and provided feedback on pupils' work. The data indicated that schools were meeting or exceeding expectations in terms of remote learning (Exhibit JK2/280 INQ000542897).
- 4.69 By the end of February 2021, Ofsted had conducted around 200 monitoring visits to schools that were previously rated as inadequate or requiring improvement at their last full inspection. These schools were found to be taking effective measures to provide education under the current circumstances (Exhibit JK2/278 INQ000541100).

Evaluation of remote learning during the pandemic

- 4.70 The effectiveness of remote learning varied widely. While the success of remote education was significantly affected by the approach taken by an individual school or college, it was also influenced by the level of parental support, a child's self-sufficiency and accessibility of digital tools.
- 4.71 The shift to remote learning had notably impacted disadvantaged pupils. These pupils often faced greater challenges in accessing online resources and maintaining engagement with their studies for a variety of reasons.
- 4.72 In October 2021, DfE published a further report from Education Policy Institute and Renaissance Learning *Understanding Progress in the 2020/21 Academic Year Complete findings from the spring* (Exhibit JK2/281 INQ000542833), and a further report, *Understanding progress in the 2020 to 2021 academic year:*

findings from the summer term and summary of all previous findings, these findings included (Exhibit JK2/282 - INQ000542834):

- 4.72.1 Secondary aged pupils experienced an average learning loss of about 1.5 months in reading by the first half of the autumn term. By the summer term, they had only slightly caught up, resulting in an estimated learning loss of around 1.2 months. Analysis for secondary aged pupils was more limited due to sample sizes; robust estimates could only be determined in reading.
- 4.72.2 During the first national lockdown, missed in-person learning led to reduced progress in reading and mathematics for most children. The 2020/21 academic year saw periods of catch-up and further losses. Primary pupils had lost an estimated 1.8 months of learning in reading by the end of the first half of the 2020 to 2021 autumn term, improving to 0.9 months by the summer term. In mathematics, primary pupils lost 3.6 months initially and improved to a 2.2-month loss by the summer term.
- 4.72.3 Disadvantaged pupils faced greater losses, with 1.9 months in reading amongst both primary and secondary aged pupils and 4.5 months in mathematics for primary aged pupils by the end of the first half of the autumn term and showed less recovery overall. Regional disparities were significant, with pupils in the north-east and Yorkshire and the Humber experiencing greater losses, 5.1 and 5.7 months respectively. In contrast those in the south-west and London experienced losses in mathematics of 0.2 and 0.8 months respectively. By the summer term, primary pupils in Yorkshire and the Humber showed the greatest recovery, regaining 2.1 months in reading and 3.8 months in mathematics.
- 4.73 DfE published a subsequent report, Understanding Progress in the 2020/21 Academic Year Extension report covering the first half of the autumn term 2021/22 (Exhibit JK2/282 INQ000542834) in March 2022. The analysis revealed some recovery in reading among primary-aged pupils, with overall learning loss remaining like the summer. The results also indicated further recovery in mathematics. However, secondary-aged pupils had experienced further reading losses since the summer. DfE's education recovery package, including the Catchup Premium, the Summer Schools initiative, Nuffield Early Language Intervention, Accelerator Fund and the National Tutoring Programme, was put in place to begin

- to address learning loss that had been identified. The pandemic's differential effects on disadvantaged pupils and those from specific regions also persisted (further detail on the Renaissance Learning reports is provided in the Corporate Statement provided by Julia Kinniburgh (Exhibit JK2/339 INQ000651498).
- 4.74 On 16 December 2021, Ofsted published a further briefing (and subsequently in spring and summer term 2022) Education recovery in schools: autumn 2021 on the continued impact of the pandemic and education recovery on schools and FE and skills providers. This briefing was based on Ofsted routine inspections carried out in autumn 2021, providing insights into how schools were coping and progressing during this period (Exhibit JK2/283 INQ000553803). The key points related to remote learning were:
 - 4.74.1 Learning gaps: remote learning had led to significant gaps in students' knowledge and skills, particularly in practical subjects like science and physical education. These gaps were more pronounced in younger pupils and those with SEND.
 - 4.74.2 Assessment and catch-up: schools conducted regular assessments to pinpoint learning gaps and applied catch-up methods, including personalised support, especially for students facing difficulties with remote learning.
- 4.75 The independent evaluation of Oak for the 2023 to 2024 academic year revealed that it remained a widely used resource across all types of schools and phases. Oak's data on daily pupil activity showed a consistent weekly cycle, with approximately 28,000 lessons taken each day. Oak continues to be an essential resource for remote education, especially during school disruptions. For instance, when over 100 schools had to close due to Storm Ciarán on 2 November 2023, there was a 2.5-fold increase in lessons taken that day compared to an average school day (Exhibit JK2/284 INQ000542909).

Remote Education after March 2022

- 4.76 With the Temporary Continuity Direction (No.2) ending on 24 March 2022, DfE sought to embed the remote teaching good practices developed during the pandemic and provide consistent opportunities for pupils to continue their education in various scenarios where physical attendance is not possible. On 24 February 2022 DfE officials recommended pursuing legislation in the Schools' Bill to place a duty on schools to provide remote education when physical attendance is not possible (Exhibits JK2/285 INQ000575739 and JK2/286 INQ000575743). Updated guidance was also needed alongside this legal duty.
- 4.77 On 9 March 2022 SSE received follow up advice. The advice recommended writing a legal duty into the Schools Bill as it would ensure compliance and consistency. The advice also provided an alternative option, which was to publish non-statutory guidance to the education sector.
- 4.78 SSE preferred issuing non-statutory remote education guidance. The guidance would detail expectations for remote education and specific situations for its provision. SSE decided against a new duty on schools, because of concerns about placing potential burdens on school staff and equipment, the possibility of discouraging pupil attendance, and the risk of incentivising school closures. It was also recognised that local authorities already had a duty to provide education for children with long-term illnesses.
- 4.79 As of 25 March 2022, the legal requirement for schools to offer remote education ceased with the expiration of the temporary provisions in the Coronavirus Act 2020. New guidance published on 30 March 2022 (and updated on 19 August 2024) advised remote education was not equivalent to in person attendance. It should be used as a last resort if the alternative was no education. For instance, where individual children or individual cohorts could not attend school or the whole school was required to close to all or most pupils (Exhibits JK2/287 INQ000575770 and JK2/288 INQ000575797).

5 Access to technology

5.1 This chapter covers the planning the department carried out in order to understand what the needs of children would be in relation to access to equipment and access to the internet, as well as an account of the work done by the department to address the provision of devices to those pupils.

Understanding the need for technology

- 5.2 DfE purchased laptops and tablets (devices) that education settings and local authorities could give to vulnerable and disadvantaged children. This would enable them to stay in touch with the services they needed (e.g. children's social services) keep them safe and support their home learning. DfE also offered options for connectivity products (internet access), including 4G routers, MiFi devices, SIM cards with data packages, and access to BT Wi-Fi hotspots. Additionally, DfE worked with mobile network operators to increase data allowances and whitelist educational websites (accessing whitelisted websites does not draw on a user's data allowance).
- 5.3 In March 2020, DfE officials estimated that around 1.3 million disadvantaged and vulnerable children (aged under 19) lacked access to devices for continued education and or social care support. The department used the number of children receiving FSM as a guide for determining need and allocation for education settings. This information was detailed in the retrospective business case COVID-19 Devices, Connectivity, and Digital Infrastructure Delivery Programme (Exhibit JK2/289 INQ000541132) which also set out that:
 - 5.3.1 12,500 schools (1,000 secondary and 11,500 primary) did not use a cloud-based education platform such as Google Classroom or Office 365 that would allow them to teach virtually at scale. This meant that they would not be able to take advantage of the fact that a majority of school children would have access to an appropriate device to facilitate home learning.
 - 5.3.2 15% of teachers reported that more than a third of their students did not have access to an adequate device for learning from home.
 - 5.3.3 an "estimated 1 million children and their families do not have adequate access to a device or connectivity at home. And while figures are unavailable for those under 16, more than a third (36 percent) of 16-24

year olds live in mobile only households" which was recorded in the March 2020 Institute for Public Policy Research ("IPPR") modelling Children of the Pandemic (Exhibit JK2/290 - INQ000575616) and was based on Ofcom data (Exhibit JK2/291 - INQ000575813). The IPPR also stated that "a recent survey from Teach First has shown that only 2 per cent of teachers working in the most disadvantaged schools believe their pupils have adequate access to online learning" (Exhibit JK2/292 – INQ000575809).

- 5.4 The business case also referred to EEF figures which estimated that "the attainment gap between disadvantaged children and their peers would grow by between 25% and 75%, compared to what it would have been by the end of the term, if schools remain closed. The same research concluded that continuing to provide remote access to teaching, via technology, has the potential to make a positive overall impact on pupil attainment."
- 5.5 To manage these risks, the Get Help with Technology ("GHwT") programme was established at the end of March 2020 to:
 - 5.5.1 provide devices and internet connectivity to vulnerable children and young people and disadvantaged pupils.
 - 5.5.2 deliver new digital education platforms to support remote education.
 - 5.5.3 offer training, advice and peer-to-peer support for teachers and families to enable effective use of new digital tools.
 - 5.5.4 support continued social care for children with social workers and care leavers and education for disadvantaged children (years 3 to 13), focusing on equity of access, in order to maintain wellbeing of vulnerable children and young people, minimise the impact on overall attainment and minimise the widening of the attainment gap.

Initial development and roll out of the GHwT programme

- On 8 April 2020, SSE attended the General Public Sector Ministerial Implementation Group ("GPSMIG") (Exhibits JK2/293 - INQ000083405, JK2/294 -INQ000575621, JK2/295 - INQ000575622, JK2/296 - INQ000575623 and JK2/297 - INQ000575624) to secure support for the GHwT programme. Due to the attainment and safeguarding risks around attendance restrictions, it was proposed that:
 - 5.6.1 Children in need (those on a children in need plan, child protection plan or care plan), and care leavers that do not currently have access to a device and/or an internet connection would be given first priority.
 - 5.6.2 Priority year groups would include disadvantaged children at critical junctures in their education, in the following order: those approaching exams (year 10 and 16-19 students); those at a critical development age (early years, years 1 and 2); and those in a transition year (years 5 & 6).
- 5.7 Following this meeting, SSE received advice on 10 April 2020 (Exhibits JK2/298 INQ000575631 and JK2/299 INQ000575632) which set out proposals to provide digital infrastructure to vulnerable and disadvantaged children, and the financial implications. On 15 April 2020, SSE agreed for DfE officials to engage with HMT on the proposals. (Exhibit JK2/300 INQ000575635).
- SSE received further advice on 16 April 2020, recommending he agree to a direct award contract for devices and connectivity to an organisation that had evidenced it could meet requirements, and had recently supplied IT to NHS Nightingale hospitals. On 17 April 2020, SSE agreed, and on 18 April 2020 the Chief Secretary to the Treasury approved DfE to spend £85 million on devices and connectivity for children in need, care leavers and those in year 10. DfE Officials had made some initial exploration with HMT officials about a wider distribution of devices. HMT officials had reservations about the value for money, because they assumed that closure of education settings to most children would not be for a long period of time. This attitude changed as the pandemic progressed. A directly awarded contract was then placed with Computacenter (Exhibits JK2/300 INQ000575635,

JK2/301 - INQ000575634, JK2/302 - INQ000575636, JK2/303 - INQ000575637). Devices would also be made available to 16–19 year old pupils and this would be covered by an existing bursary scheme, therefore it was not subject to HMT approval.

- 5.9 On 19 April 2020, an initial contract was agreed and signed with Computacenter to purchase 220,000 devices (Exhibit JK2/304 INQ000576061). On the same day, SSE announced that disadvantaged children across England would receive laptops and tablets to make remote education accessible for those pupils staying at home. Guidance for local authorities, academy trusts and schools on how to get internet access and digital devices was published on the same day (Exhibits JK2/305 INQ000542868 and JK2/306 INQ000575823).
- 5.10 The delivery of these devices would be through the local authority, MAT or diocese, who have responsibility for the various types of education settings. These are known as responsible bodies ("RB"). The RBs would be assigned a set allocation of devices and connectivity. They would then decide which children required support based on the eligibility criteria set out in paragraphs 5.6.1 and 5.6.2. These would then be ordered through an online portal. The devices, including routers, would be owned by the RBs.
- 5.11 On 24 April 2020, DfE issued a survey inviting RBs to forecast the number of devices they needed to support the children they were responsible for. On 15 May 2020, the first devices were ordered by the RBs, and these were dispatched on 18 May 2020.
- 5.12 The first statistics published show that 114, 536 devices were delivered or dispatched to local authorities or academy trusts as of 14 June 2020 (Exhibit JK2/307 - INQ000575670).
- 5.13 On 19 June 2020, based on RBs' forecasts for devices for the vulnerable children category, a first variation to the original contract (of 19 April 2020) was agreed. This added an additional 10,000 devices to the original number, to take the total number of devices to 230,000 (Exhibit JK2/308 INQ000575647).

5.14 On 24 June 2020, a second variation was agreed to the original contract which was for a demand-led increase to the maximum number of devices that the provider would supply. This variation revised the total number of devices to 239,947 (Exhibit JK2/309 - INQ000575784).

Building a device reserve

- 5.15 In advance of the government's 2 July 2020 announcement that there would be a full return to schools in September 2020, DfE ministers and officials began to plan for how a more comprehensive remote learning offer could be put in place, in the event that a COVID-19 outbreak in a school, or local outbreak required school closures in the autumn term.
- 5.16 As part of this, DfE officials sent submissions to SSE around device procurement.

 Taken together, this built up a plan for procuring additional devices to form a device library or reserve, that could be utilised by schools and colleges in the event of future lockdowns.
- 5.17 Submissions on this subject were sent to SSE on 17 June, 24 June and 29 June 2020.
- 5.18 The submission of 17 June sought SSE's initial views on the creation of a device library or reserve to support areas where there was a local lockdown (Exhibit JK2/310 - INQ000542543).
- 5.19 The submission of 24 June 2020 provided further detail on how this 'flexible pool' of devices would work. This submission recommended that SSE agreed to procure 133,000 devices for this flexible device reserve, which would initially cover up 15% of disadvantaged school children in years 3 to 11. DfE officials estimated up to 15% of pupils would experience a temporary school closure and would need to receive a device through this reserve (Exhibit JK2/311 INQ000542544).
- 5.20 The submission of 29 June 2020 updated SSE that DfE had received approval from the Schools Capital Board for £60 million of capital underspend that could be used to procure a device reserve to support remote education during school closures. This submission amended the figure for the number of devices expected

- to be needed in the 24 June 2020 submission slightly to 132,500, at a cost of £60.4 million, with advice provided to HMT on 26 June 2020 to request approval for this expenditure (Exhibit JK2/312 INQ000542542). Approval was subsequently received from HMT (Exhibit JK2/313 INQ000575657).
- 5.21 On 1 July 2020, following the submissions received on 17, 24 and 29 June 2020, SSE agreed to adopt a flexible device reserve model, to deploy devices in the event of localised lockdowns in the new academic year and to procure up to 133,000 devices for the reserve pool (Exhibit JK2/314 INQ000542541).
- 5.22 On 12 August 2020, DfE officials sought SSEs agreement to buy a further 120,000 devices. This was in addition to the 132,500 detailed above, which had been combined with 20,000 devices remaining from the initial overall procurement to create a reserve pool of over 150,000 devices (Exhibit JK2/315 INQ000542560). Purchasing a further 120,000 devices would provide coverage equivalent to 33% of the total population of disadvantaged school-age children who lacked access to a suitable device up from the 15%, which was originally planned. As set out above, HMT had already agreed the funding envelope of £60.4 million to purchase devices. Because the initial tranche of 132,500 reserve pool devices had cost less than originally expected the funding for the further tranche would be taken from the same funding envelope, with HMT's agreement.
- 5.23 On 17 August 2020, SSE agreed to extend the devices reserve by an additional 120,000 devices, as recommended in the advice provided on 12 August 2020 (Exhibit JK2/316 INQ000575659).

Expansion of the GHwT programme – autumn 2020

- 5.24 On 22 September 2020, following the full return of pupils to schools at the beginning of September 2020, DfE officials sent a submission to SSE (Exhibit JK2/317 - INQ000575668) that:
 - 5.24.1 Updated on progress with the device reserve pool, which would reach over 250,000 devices once the procurement process set out in paragraph 5.19 to 5.23 of this statement was complete.

- 5.24.2 Recommended that SSE agree to purchase an additional 530,000 devices and that DfE should engage with HMT around funding for these devices.
- 5.25 The reasoning behind the recommendation to purchase the additional 530,000 devices was that:
 - 5.25.1 Schools were eligible to order devices from the reserve pool when at least some groups of pupils were not in attendance or where 15 or more children were required to self-isolate. Devices could also be requested where individual children were shielding but the school was otherwise open.
 - 5.25.2 As of 21 September 2020, 684 schools had already met these criteria and had been invited to order devices from DfE's reserve pool. These had tended to be larger, urban secondary schools with a large number of disadvantaged children. If all of these schools chose to order their full allocation, this would have equated to approximately 64,000 devices.
 - 5.25.3 If demand was high, DfE's policy position at the time was to reduce schools' allocations to cover disadvantaged children in years 10 and 11 (only) when there were 50,000 devices remaining in the reserve pool. These devices would cover 100% of the disadvantaged pupils in years 10 and 11.
 - 5.25.4 If the number of schools that met DfE's criteria to order devices from the reserve pool climbed to around 400 per week, DfE expected to reach the point at which allocations had to be reduced by December 2020.
 - 5.25.5 Buying the additional devices would allow DfE to provide devices to schools and colleges to enable access to remote education for all disadvantaged children and young people in years 3 to 13 without a device. This would extend provision to include those in FE, recognising the importance of their exam preparation.
 - 5.25.6 Providing devices ahead of a disruption, rather than waiting for schools to apply after the disruption happened, would reduce the burden on them and

allow them to prepare more effectively to deliver remote education.

- 5.26 On 24 September 2020, SSE (Exhibit JK2/318 INQ000575666) agreed with the proposal to purchase the additional 530,000 devices and to engage with HMT about the necessary funding.
- 5.27 On the same day, SSE wrote to the Chancellor of the Exchequer, setting out his COVID-19 emergency measures, 'where action was required ahead of the conclusion of the spending review.' This included proposals for the additional 530,000 laptops for schools and colleges at an initial estimated cost of £160 million for the devices, plus an additional £30 million for connectivity, to be absorbed through existing capital budgets (Exhibit JK2/268 INQ000575671).
- 5.28 On 9 October 2020, DfE officials updated SSE on discussions with HMT (Exhibit JK2/319 INQ000542580). Following SSE's letter to the Chancellor, the Chief Secretary to the Treasury had agreed to DfE procuring the devices, provided costs were met through existing DfE budgets. This submission asked for SSE's agreement that, following the agreement of HMT, DfE could move ahead with procuring the 530,000 devices.
- 5.29 On 13 October 2020, SSE agreed to the procurement of the additional 530,000 devices (Exhibit JK2/320 INQ000542579).
- 5.30 Following SSE's agreement, DfE was able to immediately purchase up to 100,000 devices that had been already manufactured and available in-country. DfE also then published an invitation to tender for the remaining c430,000 devices.
- 5.31 On 11 December 2020, following this invitation to tender, a contract was agreed with Computacenter to deliver 424,651 laptops and tablets (Exhibit JK2/321 INQ000575785).
- 5.32 Including the initial tranche of devices purchased in spring 2020 and the devices purchased for the device reserve pool, this brought the number of devices purchased for use by disadvantaged children and young people to around 1 million (Exhibit JK2/322 INQ000575821).

5.33 From 4 January 2021 until 8 March 2021, only CCW and vulnerable children could attend school due to a period of national lockdown. The GHWT programme continued throughout this period and 688, 317 devices were distributed to RBs (Exhibit JK2/323 - INQ000575825).

Post 2021 return

- 5.34 In considering the future of the GHwT programme, on 18 March 2021, DfE officials sent a submission to SSE which outlined two proposed options (Exhibit JK2/324 INQ000575699). These options took into account reasonable worst case ("RWC") COVID scenario from September onwards and SSE's ambition to provide a device for every eligible child:
 - 5.34.1 Option 1 involved procuring devices for all children from years 1 to 13, including those with social workers and care leavers, to ensure that each child would have sole access to a device during lockdowns.
 - 5.34.2 Option 2 focused on household access without guaranteeing individual devices for each child and would not require additional funding from HMT.
- 5.35 Regardless of any RWC scenario, the purchased devices would still be allocated to schools and colleges, supporting SSE's goal of a 1:1 device ratio for eligible children. If SSE decided against further procurement, the GHwT programme would conclude at the end of the academic year 2021.
- 5.36 The submission also requested approval to keep the GHwT service open for the summer term to deliver devices to RBs who had not yet ordered their allocation and to provide approximately 5,200 available devices to the newly eligible care leavers.
- 5.37 On 23 March 2021, SSE agreed to the sole access option which would involve procuring up to 1.34 million devices and focused on ensuring every eligible child has access to a device, rather than each eligible household having a device which would be shared between children. SSE also agreed to keep the programme open from the summer term and to provide the available devices to the eligible care leavers (Exhibit JK2/325 INQ000575698).

- 5.38 On 23 June 2021, DfE officials sent a submission to SSE that set out that HMT had agreed spend of £195 million of the department's FY-22 Capital headroom for the purchase of a further 500,000 devices and associated activity. The devices would be delivered in schools in the second half of the 2021/22 autumn term (Exhibits JK2/326 INQ000575718 and JK2/327 INQ000575719).
- 5.39 On 5 July 2021 SSE agreed to the procurement of 500,000 devices but these were to be reserved for rapid distribution as and when they were required (Exhibit JK2/326 - INQ000575718).
- 5.40 On 15 September 2021, Rt Hon Nadhim Zahawi MP was appointed as SSE. At that time, contracts for the 500,000 devices had not yet been signed. Therefore, DfE officials had to obtain rapid confirmation to proceed with the procurement. This request was made via a submission sent to SSE on 17 September 2021 (Exhibits JK2/328 INQ000575722 and JK2/329 INQ000575725).
- 5.41 On 21 September 2021, SSE approved the purchase of 500,000 devices (Exhibit JK2/330 INQ000575724). Subsequently, on 29 September 2021, SSE agreed to DfE officials' proposed distribution model for these devices (Exhibits JK2/331 INQ000542787 and JK2/332 INQ000575727), which would involve:
 - 5.41.1 Delivering devices to schools upfront, with most shipments occurring in the second half of the autumn term.
 - 5.41.2 Allocating devices to schools based on their level of disadvantage.
 - 5.41.3 Reserving 25,000 devices to meet additional requests from schools.
 - 5.41.4 Providing 10,000 devices to local authorities for care leavers and young people supported by social workers.
 - 5.41.5 Allocating 6,000 devices for Afghan refugee children who arrived under Operation Warm Welcome and were placed in a school in England

- 5.42 On 1 March 2022, DfE officials provided SSE with an update on the GHwT programme and advised conclusion of the programme by the end of March 2022 (Exhibits JK2/333 INQ000497831 and JK2/334 INQ000575737). The programme had delivered nearly 1.9 million devices and provided connectivity solutions to over 100,000 disadvantaged children and young people since the start of the pandemic. At this point, there were just over 60,000 devices left, which were on track to be delivered by the end of spring term 2022 (a total of 1,955,623 devices were delivered by the end of the programme).
- 5.43 With government and society moving into a different phase of managing the virus, known as 'Living with Covid', much of the COVID-19 legislation and guidance was removed. As part of this, the Remote Education Temporary Continuity (no.2) Direction (referenced in paragraph 4.60) expired on 1 April 2022.
- 5.44 The total number of devices provided through the GHwT programme was equivalent to the number required so that all disadvantaged children in years 3 to 13 had access to a device for remote education in their household, when taking into account devices already owned by families. This meant that schools and colleges had sufficient IT hardware in place to deal with future disruption, within the lifespan of devices that DfE had delivered.
- 5.45 There were also some indications that the programme was nearing 'saturation point' with DfE having to increasingly prompt schools to order devices that were available to them. Any unordered devices were made available to other schools.
- 5.46 DfE ceased providing devices and connectivity solutions to schools through the GHwT programme from April 2022.

Progress data on devices and connectivity products.

5.47 DfE published data showing the number of devices and connectivity products that were dispatched or delivered since the start of the programme. The information was initially published on an ad hoc basis from May 2020, when the first devices were ordered and dispatched, until 22 December 2020. Subsequently, updates were, in the main, provided weekly from 12 January 2021 until 5 April 2022 when

the programme ended. A table taken from these figures is included below (Exhibit JK2/335 - INQ000541073).

Total number of devices (laptops and tablets) delivered or dispatched to local authorities, trusts, schools and colleges (cumulative)	
Date	Number delivered or dispatched
14 June 2020	114,536
30 June 2020	202,212
26 August 2020	220,494
22 October 2020	105,508 *
18 December 2020	562,421
11 January 2021	702,226
09 February 2021	986,849
09 March 2021	1,250,738
11 May 2021	1,313,449
15 June 2021	1,330,962
13 July 2021	1,352,559
14 December 2021	1,679,785
11 January 2022	1,723,517
08 February 2023	1,836,930
08 March 2022	1,901,477
05 April 2022	1,955,623

5.48 In June 2022, the DfE published guidance that reaffirmed made it clear that the ownership of laptops, tablets, and 4G wireless routers was transferred from DfE to the local authorities, academy trusts, schools, colleges, and Further Education institutions that received them. DfE expected local authorities and education settings to decide how best to make devices available to disadvantaged children and young people so they could access remote education, face-to-face learning and children's services when needed.

^{*}This is the figure that was published on 22 October 2020. Unlike the other numbers in this column it is not the cumulative total to that date, but instead the number of devices that had been delivered or dispatched since the previous figure was published

Conclusion

This statement has addressed the Inquiry's questions relating to mass testing, face coverings, free school meals, remote education and access to technology. Lessons learned relating to these areas can be found in the first Corporate Statement provided by Julia Kinniburgh (Exhibit JK2/339 - INQ000651498).

STATEMENT OF TRUTH

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

Signature:

Personal Data

Dated: 17 July 2025