Witness Name: Kirsty Williams

Statement No: 1 (Module 8)

Exhibits: 112

Dated: 1 August 2025

UK COVID-19 PUBLIC INQUIRY

WITNESS STATEMENT OF KIRSTY WILLIAMS

I, Kirsty Williams, will say as follows:

Preface

1. I provide this statement in response to a request under Rule 9 of the Inquiry Rules referenced M08-KWILLIAMS-001.

2. I have previously provided a statement to Module 2B of the Inquiry, referenced M2B-WG-KW-01. This request asks me to expand on various aspects of that statement. To assist the reader, I have copied extracts of my previous statement, adding information to respond to the questions asked in Module 8.

3. The statement, following the structure of the Inquiry's Rule 9 request, will be structured as follows:

    a. Roles and responsibilities

    b. Planning for the pandemic

    c. School closures in March 2020

    d. Disruption to education from May to September 2020

    e. School closures from December 2020

    f. Other matters

    g. Lessons Learned

Introduction/Context

4. At the outset of this statement, it is important to note the characteristics of the education system in Wales. Specifically, it is important to recognise while many state schools in England converted to academies during the 2010s, this did not happen in Wales.
5. The Welsh Government provides funding to local authorities, and local authorities continue to be responsible for the funding and the operational running of state schools in Wales.
6. The Welsh Government sets education policy. In the years before the pandemic I had outlined a 'national mission' to raise standards, reduce the attainment gap and deliver an education system that was a source of national pride. My priorities had included curriculum reform, cutting infant class sizes, reform of teacher training and professional development, and providing more funding to support children from disadvantaged backgrounds.
7. Implementing policy requires close working with Welsh local authorities, which have operational responsibility for schools, and the education trade unions, which represent the workforce.
8. The close working relationship between the Welsh Government, Welsh local authorities and the trade unions continued in the pandemic. In the context of school closures, it is particularly important to note that it was local authorities – not the Welsh Government – which employed teachers and school staff.
9. In general terms, I always considered the role as Minister for Education to involve working with the system, not issuing instructions or directives to the system. The need for discussion and securing agreement is, I believe, a feature that is built into the system, and the 'national mission' was an approach that sought to do this in practice.
10. Throughout this statement I have been asked many questions about my interaction with education unions in Wales during the specified period. I will address specific decisions as the statement develops, but I thought it would be useful to set out some general reflections at the beginning of the statement.
11. It is important to state there is a distinction between education unions and the teaching profession. I was often frustrated by what I perceived to be a lack of willingness from the leadership of education unions to actively consider the need to re-open schools, but through emails, social media and meetings I was also aware of hugely committed headteachers, teachers and support staff who were willing to go above and beyond in supporting children's education.

12. It is also important to say that the various unions did not always share the same view on particular questions. Different unions had different positions on issues and different approaches to discussions. In this statement there are times where I have been able to refer to a specific education union, and there are also times where I have provided a summary of the position of education unions in more general terms.

13. In general, understandably, unions were primarily focused on advocating for their members. However, my impression was that this focus was not accompanied by a significant amount of time spent thinking about the interests of children. The Inquiry has asked me if I considered whether, on balance, there was a conflict between the position of education unions and the rights and the interests of children. In general terms I think that there was such a conflict. Although I understand that the role of unions was to protect its members, I would have liked to have seen more consistent and constructive efforts to minimise the disruption to children's education. More is now known about the long-term effects of Covid-19 on education, and in the event of a future pandemic I would hope a key lesson for all involved would be that any disruption to education should be kept to an absolute minimum.

14. The concerns raised by unions were a factor in my decision-making throughout the pandemic. That is an inevitable consequence of the education system in Wales involving close working between the Welsh Government, local authorities and trade unions. Decisions around Covid-19 were subject to a constant process of negotiation and issues were resolved through discussion and social partnership. A feature of negotiation is compromise and it was not always possible to resolve issues in the way I would have liked to see. In general terms, following the initial decision to close in March - which I do think was necessary and when I was broadly aligned with the position of education unions - I would have liked to see schools re-open earlier, less disruption to education and greater continuity of learning.

Part A: Roles and responsibilities

15. Education has been devolved in Wales since the establishment of the Senedd in 1999, and the Senedd has the power to enact primary legislation in this area.

16. I was appointed Minister for Education in May 2016, and served until the end of that Senedd term in May 2021.

17. I worked closely with a dedicated team of policy officials working in two Welsh Government directorates – the Education Directorate, and the Skills, Higher Education and Lifelong Learning Directorate. I was also supported by a Special Adviser and a Specialist Policy Adviser for education.

18. My ministerial responsibilities in February 2020 are exhibited as **M8/KWilliams/01-001 - INQ000066139**. They included:

    a. School governance, organisation, and admissions;

    b. School standards;

    c. Funding of schools;

    d. Foundation Phase;

    e. Additional learning needs;

    f. Safeguarding and inclusion in schools;

    g. Sponsorship of Qualifications Wales;

    h. Teachers' Pay and Conditions;

    i. Further Education;

    j. Further Education student support;

    k. Adult community learning;

    l. Higher Education policy, strategy and funding;

    m. Science: development of science policy, including day to day liaison with the Chief Scientific Adviser for Wales and the National Science Academy; and

    n. Research and Innovation, including research and development, knowledge transfer and commercialisation; maximising research and innovation incomes; and Research Centres of Excellence.

19. In paragraph 16 of my Module 2B statement, I said:

> 'During my time in Government, policy responsibility for education sat with me. Responsibility for childcare and play, our vision for early childhood play, learning and care, and the operation of the Childcare Offer for Wales and Flying Start programmes sat with the Deputy Minister for Health and Social Services. During the pandemic, we wanted to maintain simple and clear messaging: I would often announce decisions about childcare at the same time as decisions on education. However, decisions on childcare were not my policy responsibility and decisions were primarily taken by the Minister and/or Deputy Minister for Health and Social Services'.

20. I did not take any individual decisions about childcare, which sat with the Minister and Deputy Minister for Health and Social Services. I did contribute to Cabinet discussions

on childcare and was part of collective cross-government decisions in Cabinet. Additionally, given the links between education and childcare I discussed matters with the relevant portfolio Ministers as part of efforts to reach collective decisions. However, had no individual or formal decision-making responsibility in relation to childcare throughout the specified period.

21. In my Module 2B statement I also outlined how I received medical and scientific advice. That was primarily given by the Chief Medical Officer for Wales and the Chief Scientific Adviser for Health (and their respective teams).

22. In paragraph 42 of my Module 2B statement I said:

> 'There were times when I would have liked better access to scientific and medical advice and modelling which was specific to the situation of educational establishments in Wales. At some of the crunch points for schools I did not always feel that I had ready access to specific scientific and medical advice and modelling for education. I am conscious when writing this that those providing such advice (primarily the CMO(W) and the CSA(H) via TAC/TAG) were under enormous pressure and had many different competing calls on their time and energy. I know how hard they were working. I don't have an easy solution to suggest but it remains the case that I occasionally felt that I was unable to call on the scientific/medical and technical advice on an urgent basis as the Welsh Government was heavily reliant on a relatively small number of individuals with the required expertise'.

23. The 'crunch points' for schools I was referring to were the decisions about school closures in March 2020 and December 2020. For the former, I believe this was primarily caused by the absence of a detailed understanding of the virus in the early stages of the pandemic. For the latter, I had concerns about a draft paper from the Technical Advisory Cell which I felt did not consider key information about the education sector. These concerns were outlined in an email exhibited as **M8/KWilliams/01-002 - INQ000350044**. The draft paper is exhibited as **M8/KWilliams/01-003 – INQ000337340**, and the final paper – which addressed some of my concerns – is exhibited as **M8/KWilliams/01-004 - INQ000350057**.

Part B: Planning for the pandemic

24. My awareness of Covid-19 gradually increased from late January 2020 onwards. I received regular updates from officials about developments relating to Covid-19. As an example, I exhibit an update on public health communications dated 03 February 2020 as **M8/KWilliams/01-005 - INQ000349148**.

25. With the benefit of reviewing the documents for the purposes of preparing this statement, my recollection is that the first time the potential for school closures was noted was on 14 February 2020. I received an update from an Education Directorate official about the Pandemic Flu Bill (which became the Coronavirus Bill), which stated the Bill provided for the temporary closure of educational institutions. It added that the Welsh Government would have the power to 'give directions to restrict attendance at premises used for education premises i.e. temporary closure of schools and other educational institutions in an area or across Wales'. This email is exhibited as **M8/KWilliams/01-006 - INQ000349154**.

26. The Welsh Government's response to Covid-19 was initially led by the Health and Social Services Group, with relevant information shared more widely. For example, on 20 February 2020 I received an email containing further information on the UK Government's Coronavirus Bill. This is exhibited as **M8/KWilliams/01-007 - INQ000087067**.

27. In relation to the preparation and planning work being undertaken by the Education Directorate, I understand a detailed chronological narrative is contained in the witness statement provided by the Education and Public Services Group (M08-EPSGW-001). I also understand that chronology shows that the prospect of the total closure of schools in Wales was under active consideration from 05 March 2020 onwards, when the question was considered at a Covid-19 preparedness meeting.

28. On 5 February 2020 and 10 February 2020, the Director of Education wrote to schools with public health information, exhibited as **M8/KWilliams/01-008 - INQ000615879** and **M8/KWilliams/01-009 - INQ000615790**.

29. Guidance for schools in Wales was published on 21 February 2020, as referred to in a summary update exhibited as **M8/KWilliams/01-010 - INQ000409957**.

30. Around this time my focus had been on more routine business within education, as well as preparing for exit from the European Union which took a huge amount of time and resource within the Welsh Government. Wales had also suffered serious flooding in February 2020.

31. As February 2020 progressed, although I still did not fully realise how serious the impact of Covid-19 would be, I became increasingly concerned about the virus. On 25 February 2025, following a Cabinet discussion of Covid-19, I established fortnightly meetings with the relevant Director General (Tracey Burke) and Director (Steve Davies), with details exhibited as **M8/KWilliams/01-011 - INQ000530636**.

32. On 26 February 2020, the First Minister had asked me, the Minister for Health and Social Services and the Minister for Housing and Local Government to join him to receive a briefing from the Chief Medical Officer for Wales. I recall that for me personally the substance of this briefing significantly increased my concern about the effect Covid-19 would have in Wales. Following this meeting, my special adviser contacted officials requesting information on contingency planning in the event the virus peak occurred during exam period. His email noted that there could be various scenarios including whole schools being closed and individual pupils being quarantined. This is exhibited as **M8/KWilliams/01-012 - INQ000349155**.

33. Cabinet met on 04 March 2020 to discuss Covid-19 and the relevant minutes are exhibited as **M8/KWilliams/01-013 - INQ000216456**. In paragraph 63 of my Module 2B statement I said that 'this meeting reinforced my concern that we needed to be taking steps to prepare the education community in Wales for what was coming'. An email from the Education and Public Services Group ahead of that meeting outlined our thinking at the time. It noted communication had been ongoing with schools since the beginning of February and that certain settings could need to close to prevent the spread of infection. The email also said that there could be major impacts on examinations due to be sat in the summer term, and there could be related implications for employment and childcare. This email is exhibited as **M8/KWilliams/01-014 - INQ000530640**.

34. The minutes from the Cabinet meeting on 04 March 2020 state 'in terms of education, there would be a need for clear internal and external communications on the policy on school closures'. This was, of course, a crucial element of the Welsh Government's response, but as the chronology shows wider planning work was also underway.

35. That work included consideration of the provision of free school meals if schools were to close. When discussing the response to a question from a member of the Senedd received on 09 March 2020, officials noted that the suspension of free school meals remained an 'absolute last resort' but staff absence, supply chain disruption or school closures could disrupt provision. Officials added that in the event of prolonged school closures the Welsh Government would need to consider any further measures that could be taken. My special adviser suggested that the Welsh Government may need to begin conversations with local authorities about setting up programmes similar to the School Holiday Enrichment Programme, which provided healthy meals, physical activity and enrichment sessions to pupils in areas of socio-economic disadvantage during the school summer holidays. This exchange is exhibited as **M8/KWilliams/01-015 - INQ000622959**.

36. The Education and Public Services Group worked with Public Health Wales to produce Covid-19 guidance for education settings which was published on 06 March 2020. This guidance gave information on infection control as well as advice on steps to take if positive cases or close contacts were identified. The guidance is exhibited as **M8/KWilliams/01-016 - INQ000349159**.

37. On 12 March 2020, my special adviser emailed various officials regarding a number of important issues in education at the time, including the potential for school closures. In response, the Director General for Education and Public Services confirmed the latest understanding at the time, which was that school closures would be kept under review but would be a last resort because of a 'low scientific base for flattening the peak'. This exchange is exhibited as **M8/KWilliams/01-017 - INQ000530665**.

38. In relation to remote learning, the Welsh Government had launched Hwb – a collection of digital tools and resources in support teaching – in 2012. It is available to every learner in maintained schools, providing free apps, software, virtual classrooms and a range of other resources which can be used to support both in-person teaching and online teaching. The existence of Hwb meant Welsh schools had some support available to them in delivering remote learning. On 12 March 2020, *'Distance learning through Hwb'* guidance was published, which supported schools in understanding the tools available to them. The guidance was produced in anticipation of teachers likely needing to deliver more remote learning. It is exhibited as **M8/KWilliams/01-018 - INQ000622961**.

39. Although some preparations had taken place, the practical details of how schools would provide remote learning for the statutory provision of education had not been fully worked through by the time I took the decision to close schools. Planning work continued - an *'Ensuring Continuity of Learning'* paper, exhibited as **M8/KWilliams/01-019 - INQ000530738** and dated 18 March 2020, was produced to help ensure students had access to the technology and resources that they needed. Ministerial Advice, exhibited as **M8/KWilliams/01-020 - INQ000116628** and dated 24 March 2020, gives more detail on the work that was undertaken.

40. In paragraph 82 of my Module 2B statement, I explained that on 16 March 2020 I asked officials to place an increased emphasis on planning for potential school closures. This was because of the worsening public health situation. This is not to say that planning had not happened before that date, there had been a degree of emphasis that I felt needed to increase as a result of my developing understanding of Covid-19.

41. With the benefit of hindsight, of course I would have wanted more planning for the pandemic between 4 March 2020 and 16 March 2020 to have happened. At the time, I

was responding to what felt like an incredibly fast-moving situation while attempting to act in line with the scientific advice that was available to me. As late as 16 March 2020, the position of COBR – informed by advice from the Scientific Advisory Group for Emergencies - remained that schools should not be closed.

42. Inevitably, a greater emphasis on planning for potential school closures in this period would have increased the opportunity for consultation and assessment of the likely impact on children and young people. However, the limited time available to carry out this work would have been considerably less than normal. I also cannot know for certain, but I do not think the results of a formal consultation or the carrying out of impact assessments would have changed the final decision.

43. I am asked for my views, in hindsight, of how well my department prepared between January and mid-March 2020 for the possibility of a lockdown and the consequential disruption to education. In particular, I am asked about assessment and planning for school attendance, free school meals, remote learning, child protection mechanisms and the impact on children's lives. Given the impact the virus would have, I fully accept that my department and I did not prepare well enough for it, and I consider that to be true across each of the areas identified.

44. There was considerable consultation with governments across the United Kingdom at this time, primarily focused on information sharing and developing a shared understanding of challenges and potential solutions. There was also considerable consultation with local authorities and schools, again focused on information sharing about the practical realities of the present and future impact of Covid-19. There were some discussions with unions which focused on the impact on the workforce. My recollection is that the arrangements for discussions with groups representing or safeguarding the rights and interests of children and young people were not formalised until later in the pandemic – I will address the establishment of the Vulnerable Children and Young People and Safeguarding workstream later in this statement.

45. I am also asked if I consider anything more could have been done given what was known at the time. Bearing in mind the swiftly developing situation in which we found ourselves and, in particular, the Scientific Advisory Group for Emergencies' advice on school closures, I think the actions of my department were not unreasonable. However, that is not to say that - with the knowledge I now have of how serious the impacts of the virus were - the planning and preparation work was sufficient. I am clear in my own mind that if I had the knowledge then that I have now, I would have acted differently in a number of ways, including requiring schools and local authorities to begin drawing up lists of

vulnerable children and those who would need support to access remote learning at a far earlier stage (from February 2020). I would also have asked my officials to put in place robust systems for information gathering from schools and social care professionals from early 2020. Additionally, although in some ways we were well placed in Wales to move to remote learning, I would have wanted more focus on pedagogical support for remote learning for staff.

Part C: School closures in March 2020

46. The decision to close schools was ultimately taken on 18 March 2020. The previous day I had spoken to the UK Government's Secretary of State for Education on the phone to discuss the possibility of closures and the impact of exams. A brief note of the call, circulated by my specialist policy adviser, is exhibited as **M8/KWilliams/01-021 - INQ000622964**. I am asked what impression I was left with about Gavin Williamson's plans in respect of school closures. I am afraid I cannot recall further specific details of the call although to the best of my recollection I believe that at that point his intention was schools in England would remain open.

47. In my Module 2B statement I referred to three papers produced by officials and circulated in the early hours of 18 March 2020, exhibited as **M8/KWilliams/01-022 - INQ000349171, M8/KWilliams/01-023 - INQ000349172** and **M8/KWilliams/01-024 - INQ000349173**. I am asked for my opinion on the quality of those papers and whether they were an adequate basis for decision-making. I consider them perfectly adequate at highlighting issues for consideration at the time. They were planning documents to inform future thinking and more detailed work. Looking back at them they look to be truncated versions of what I would normally have seen in formal advice, which was a result of the pace of developments at this time. The papers contributed to decision-making but were not by themselves a basis for decision-making and were never intended to be so.

48. I am also asked a series of questions about the circumstances in which the decision to close schools to most children was reached. I consider this was my decision. I was having regular conversations with the First Minister at the time, and I informed him of the decision which he agreed with. There were various factors under consideration: the impact school closures would have on the spread of the virus; the disruption they would have on education and the impact on exams; the fact schools were already closing; the impact it would have on the physical and mental health of children; the safety of schools, both in terms of the health and wellbeing of teachers and the ability of schools to operate safely with limited numbers; childcare considerations and economic implications; the

effect on the ability to make sure that free school meals continued to be provided; and consistency of action with other governments in the United Kingdom – we were aware coordinated action would be helpful to the wider public health message. In amongst these considerations, I do believe the likely impact on children and young people was adequately weighed. I also believe decision-making during this period did adequately consider the impact of school closures on children generally, and in respect to different groups of children.

49. Attempts at coordination with other governments in the United Kingdom did not mean the decision to close schools was not that of the Welsh Government. The Welsh Government acted independently of the UK Government and it was a decision taken by me as the Welsh Government's Minister for Education.

50. I cannot recall specifically considering the United Nations Convention on the Rights of the Child in the sense of considering the wording of specific Articles, but the decision was taken with the best interests of children in mind.

51. Given the pace of events, formal Ministerial Advice had not been produced in advance of the decision. In order to create a formal record, it was drafted after the event and sent to me on 23 March 2020, setting out relevant information and advice that had underpinned the decision. It is exhibited as **M8/KWilliams/01-025 - INQ000145342**. In paragraph 108 of my Module 2B statement I said that:

> 'The Ministerial Advice noted that no legal advice had been sought before these decisions were announced. It queried whether I had the power to vary the dates of school holidays and whether I had the power to cancel examinations. As I indicated above, my intention was to set out the Welsh Government's policy on school closures and it was then for individual schools or local authorities to act in accordance with that policy if they saw fit'.

52. In paragraph 140 of that statement I added that on 06 April 2020 I agreed in principle to make a Temporary Closure Direction and for local authorities to be authorised to give Temporary Continuity Directions to schools in their areas, but that these directions were ultimately not needed as local authorities and schools continued to co-operate and act in accordance with our policy.

53. This reflected that the Welsh Government's approach to decision-making which was to form advisory policy, developed collaboratively with local authorities and unions, with the aim of ensuring voluntary compliance.

54. In practical terms, I do not believe this approach affected the Welsh Government's ability to impose provisions on schools. The approach in Wales was, and remains, to resolve issues through discussion and negotiation, an approach that was necessitated by the collaborative characteristics of the education system in Wales. I do not consider that this approach afforded children less protection.

55. My recollection of the discussions with education unions between 04 March 2020 and 23 March 2020 was that unions were very worried about their members, and were telling us that schools could not function properly because significant numbers of staff were not coming to work. There was a desire for a national direction on whether schools should remain open rather than individual schools closing on a case-by-case basis. I also recall some concerns over the potential new purpose for schools, which included face-to-face provision for children in families with people identified as key workers. Having education unions say schools were being forced to close and their members were at risk did of course influence the decision that was taken.

56. I am asked if with the benefit of hindsight I consider the decision to close schools was the right one. Given what we knew about the virus at the time, I consider it was reasonable. Given what we know now, I still believe there was no practical alternative to closing schools for most children. The practical realities were that schools were closing, and it was likely many more would close, irrespective of any decisions by local authorities or the Welsh Government. The decision meant there was a consistent and well-understood national approach. I regret that later in the pandemic schools remained closed, and regret the disruption it caused to children's education, but even with the benefit of hindsight I do not believe there was a practical alternative to the initial decision taken in March 2020.

Protection of vulnerable children and young people from March 2020

57. I am asked a series of questions about the protection of vulnerable children and young people from March 2020. Although I did have responsibility for vulnerable children and young people (part of my Ministerial responsibilities, as set out above, included safeguarding and inclusion in schools and additional learning needs), there were other Ministers who were also involved in decision making for this cohort, including the Deputy Minister for Health and Social Services, Julie Morgan MS, and the Minister for Health and Social Services, Vaughan Gething MS. Teachers and social workers on the ground had the best understanding and local knowledge of vulnerable children and young people in their school or area. In my experience of talking to teachers when I was

Minister for Education, they had a good sense of which children and young people were vulnerable, even if they fell outside the social care system.

58. The definition of vulnerable children did change over time whilst I was Minister for Education. I was involved in decision-making about the changing definitions along with Julie Morgan MS who at that time was the Deputy Minister for Health and Social Services and Vaughan Gething MS who was the Minister for Health and Social Services.

59. The initial definition, as I set out in my statement on 20 March 2020, exhibited as **M8/KWilliams/01-026 - INQ000299040**, was as follows:

> 'Vulnerable children include those with safeguarding needs and supported by social care, which include children with care and support or support plans, children on the child protection register and looked after children, young carers, disabled children and those with Statements of special educational needs. The most vulnerable of these should be prioritised'.

60. The guidance changed on 11 May 2020 so that children with statements of special educational needs would not automatically be considered 'vulnerable'. This change was prompted by concerns raised by local authorities that not all children with statements of special educational needs should be considered vulnerable. I discuss this in more detail below.

61. A further change came in October 2020 at the time of the firebreak in Wales which I discuss in Part D below. The approach taken to children of key workers and vulnerable children was different during the firebreak than the first lockdown. There was no provision for the children of critical workers to attend school during the firebreak, and only those with exceptional needs were provided for. The definition adopted for vulnerable children was wider in scope than the one we had used in the lockdown in March. This took account of the lessons learnt about the impact of the lockdown on different groups of children and the different vulnerabilities ranging from their educational, emotional, mental and physical health needs, as well as the safeguarding needs. This time, we did not define specific categories of children and young people as being vulnerable (e.g. if they had social workers or Statements of Special Educational Needs). This was to enable schools and local authorities to determine on a case-by-case basis who their most vulnerable students were without restricting access to specific groups.

62. In paragraph 120 of my Module 2B statement I said that:

'We liaised with the UK Government to agree a common approach to the identification of critical workers and vulnerable children who would be able to attend school. We estimated that around 20% of children would be attending educational settings across each local authority area. My officials were also working closely with directors of education in local authorities to finalise the list of children who could attend'.

63. I cannot now remember, and I have not been able to identify a single document which was the origin of the 20% estimate. I can see that when the proposed definition of critical workers was circulated by the UK government on 19 March 2020 there was a proposed limit of fewer than 20% of children attending schools based on the guidance and it may have been that was the basis of the figure. This is exhibited as **M8/KWilliams/01-027 - INQ000530760**. It was not intended to be a target, and I do not remember it being treated as such at the time.

64. I did receive Ministerial Advice on 20 March 2020 which set out some further information on the estimated numbers of children who might be attending school in-person during the lockdown, exhibited as **M8/KWilliams/01-028 - INQ000349189**. A document accompanied the Ministerial Advice, titled *'Analysis of the estimated number of children of key workers and vulnerable children needing exception school provision as a result of Covid-19 school closures'*. This is exhibited as **M8/KWilliams/01-029 - INQ000299038**. The estimates of the number of children and young people of key workers who would be entitled to attend school ranged from 13.6% (if both parents and lone parents were eligible) to 44.8% (if all children with one or more key worker parents is eligible).

65. That document estimated that there were 29,589 children under 16 in school who would be classified as vulnerable but did not estimate the proportion of vulnerable children who might attend school. The document also made clear that the definition of vulnerable children had been drawn relatively narrowly to include those who have care and support needs, which included children with care and support or support plans, children on the child protection register and children looked after, young carers, disabled children and those with statements of special educational needs.

66. It was clear from the Ministerial Advice that information from local authorities about take-up of school places would be forthcoming from the following week and that would inform our understanding of how many vulnerable children and children of key workers were accessing school. There were some initial problems obtaining the information from local authorities – I exhibit an example of incomplete reporting from an email chain dated 24

March 2020 as **M8/KWilliams/01-030 - INQ000622969** – but my officials were then provided with this information on a regular basis. By 25 March 2020 data from 21 of 22 local authorities was being received, and by 27 March 2020 data from all local authorities was being received, as demonstrated in an email chain exhibited as **M8/KWilliams/01-031 - INQ000530766**.

67. I was not aware of all the discussions that were taking place between officials in my department and local authorities and directors of education but given how the schools system operates in Wales, with local authorities' running the vast majority of schools, I was clear that we should be communicating frequently and openly with directors of education. Following the Inquiry's question about the nature and detail of the discussions taking place between my officials and directors of education, I am aware that steps have been taken to find contemporaneous documents (including documents that I would not have been aware of at the time) in order to help the Inquiry. These documents are detailed below.

68. I exhibit an email thread dated 18 March 2020 which was copied to my special advisers as **M8/KWilliams/01-032 - INQ000622965**. This thread illustrates that the definition of 'vulnerable children' was an issue that was debated across government and that the Welsh Local Government Association also fed into the debate. In a further exchange on 18 March 2020, two senior Education and Public Services Group officials were considering what measures were required in respect of vulnerable children, school closures and children's rights. It is clear from this exchange – exhibited as **M8/KWilliams/01-033 - INQ000622966** - that local authority directors of education were contributing to this work, and they nominated individuals to work with the Welsh Government.

69. An update from an official dated 19 March 2020 on the work that was being done across four areas, one of which being vulnerable people and young people/safeguarding, noted that 'discussions also took place today with the Welsh Local Government Association local authority Directors of Education and Unions, and it was clear from those that there is much good work already taking place across Wales on these key issues'. This is exhibited as **M8/KWilliams/01-034 - INQ000530751**. Although discussions were clearly taking place, the contemporaneous documents indicate that Chris Llewelyn of the Welsh Local Government Association did not consider that there was adequate communication and consultation with local authorities at this early stage in the pandemic. This is evident in an email exhibited as **M8/KWilliams/01-035 - INQ000622967**. Tracey Burke (Director General) was copied into this email and I cannot recall her raising it with me at the time.

70. Her response, exhibited as **M8/KWilliams/01-036 - INQ000622968**, and that of another of my senior officials shows that attempts were being made to involve local authorities and directors of education in decision-making but the pace at which events were changing made that challenging and, in some cases, impossible. The level of engagement between officials in my department and local authorities is illustrated in an email exchange on 24 March 2020, exhibited as **M8/KWilliams/01-037 - INQ000622970**, which describes daily discussions with local authorities. It also describes how the implementation was working and some early issues:

> 'LAs have put in place provision as best they can, but the position we've had to take is the need for practical ways forward in the immediate-term with an intention to make the necessary changes asap; reflecting how fast the situation is developing. We're having daily conference calls with the LAs as well frequent discussions with individual LAs and the WLGA, and what we're expecting to see will be the flexing of provision over the next week or so. LAs put in place arrangements as best they could before the guidance on critical workers was published on Friday, and have done so on the basis of defining critical/ key workers and making assumptions around the capacity needed. The other thing we're going to see in the first week or so therefore will be inconsistencies across LAs. We are looking at how we achieve greater consistency across LAs, but as you might imagine, the solutions are by necessity at the local level'.

71. As with many things at this point in the pandemic, communication was imperfect as we struggled with the pace of change but officials were working incredibly hard to consult with local authorities and incorporate their views.

72. Individual schools and local authorities were the ones identifying vulnerable children from the categories that had been set out by the Welsh Government. In a Ministerial Statement of 20 March 2020, previously exhibited as **M8/KWilliams/01-026 - INQ000299040**, I stated that:

> 'Vulnerable children include those with safeguarding needs and supported by social care, which include children with care and support or support plans, children on the child protection register and looked after children, young carers, disabled children and those with Statements of special educational needs. The most vulnerable of these should be prioritised'.

73. Within these broad categories, it was for schools and local authorities to prioritise. My officials would not have been working on the list of individual named children and

families, they would have been setting out the categories and advising, if asked, on how the categories should be interpreted as set out in email exchanges above.

74. I was advised in the Ministerial advice dated 19 March 2020, previously exhibited as **M8/KWilliams/01-028 - INQ000349189**, that the scientific advice was that numbers in the vulnerable and key worker provision should be kept as low as reasonably practicable. I acknowledge that this was not consistent with an estimate of 20% or indeed any particular percentage. As far as I can tell from reading the advice, it was an indication that although schools needed to remain open for the children of key workers and vulnerable children, ideally only those children from those groups who needed to be in school should attend.

75. I reflected the position as set out in the latest scientific advice in my statement to the Senedd on 20 March 2020, exhibited as **M8/KWilliams/01-038 - INQ000299030**. I said that 'every child who can be safely cared for at home should be and only where there is no safe alternative should provision be made in schools or other settings'. I made a further public statement on 23 March 2020, exhibited as **M8/KWilliams/01-039 - INQ000350781**, stating: 'I'd like to thank parents for listening to the advice and keeping most children at home. I'd be grateful if tomorrow morning you only use schools or childcare as a last resort. …Children should be at home wherever possible'. The priority in terms of policy objective at this point of the pandemic was to minimise social contacts so that the virus would not spread. The scientific advice was clear that if we were not able to slow the spread of the virus the NHS would be overwhelmed and more people would die. That does not mean that I and my team were unaware that there would be an increased risk to vulnerable children in some groups if they did not attend school. The statements I made on 20 March 2020 and 23 March 2020 made clear that schools would remain open for the most vulnerable children. I accept that the messaging referred to above suggested that the government (and I) was emphasising the need to minimise the number of children in school above all else.

76. I am asked if I should have foreseen that the messaging from me would have led to lower numbers attending school than the 20% estimate. At that stage of the pandemic, given how little we knew about the virus and the clear indications that the NHS would soon come under immense strain, our priority was to minimise social contacts. Indeed, as I have stated above, school attendance being below 20% would have been seen as desirable at this stage of the pandemic. I was also cognisant of the need to have clear messaging. We did not know how the public would react to public health messaging. As the pandemic developed, we got a better understanding of this and more nuanced

messages were possible and were made, but at the beginning and against the background of a fast-approaching public health crisis, clear messages were needed.

77. I do not accept that with the benefit of hindsight there were problems with the messaging. It was coupled with an understanding that on the ground, local authorities and schools would prioritise encouraging the most vulnerable children to attend school. In fact, looking back, I think that whatever we had said at this stage, very many parents would have kept their children away from school. There was a great deal of uncertainty and fear. Perhaps what should be thought about and strengthened is the ability of schools and local authorities to prioritise the most vulnerable children and young people because faced with the possibility of the NHS being overwhelmed and a high death rate, I think the messaging would likely be the same again.

78. The proportion of children who attended school on 23 March 2020 was 4%. This was during the Easter holidays and in Cabinet we discussed that schools should be ready for more pupils to attend after the holidays. The relevant minutes are exhibited as **M8/KWilliams/01-040 - INQ000048924**. I accept that the government's public communications will have contributed to the low proportion of children attending school in March 2020 but as I have set out above, other factors will also have contributed including prior arrangements ahead of the Easter holidays and the fact that parents were understandably scared and cautious. I do not consider that, even with the benefit of hindsight, this was problematic at this point of the pandemic given the public health context. However, I reiterate that it is of the utmost importance that schools and local authorities are able to identify and support their most vulnerable students. Any steps that can be taken to ensure that can be done effectively during a future pandemic should be taken. To the extent that our public messaging should have encouraged schools and local authorities to do that, it should have been done.

79. By early April 2020, it had become apparent that the majority of children still attending school were children of critical workers and that vulnerable children were largely being kept home to reduce the risk of catching the virus. We were concerned that safeguarding referrals had reduced. We were also concerned that attendance at childcare and school 'hubs' during lockdown was lower than expected. I suspected this was because our guidance was being interpreted too strictly, and that local authorities and schools were anxious to limit the number of children attending to limit social contact as much as possible. We wanted to ensure that all children who fell within this category were attending school.

80. In order to begin to address these issues, I approved Ministerial Advice dated 02 April 2020 which recommended the establishment of the Vulnerable Children and Young People and Safeguarding workstream. This is exhibited as **M8/KWilliams/01-041 - INQ000116756**. The advice contained an in-depth consideration of safeguarding issues in relation to vulnerable children and the systems that had been put in place by local authorities to meet those concerns, which were being monitored by the Welsh Government on a weekly call. The advice referred to a number of provisions of the United Nations Convention on the Rights of the Child. An external stakeholder group was also established which included representatives from the Children's Commissioner for Wales, the Inspectorates, the third sector, the Youth Justice Board, the National Safeguarding Board, Directors of Education, Directors of Social Services, the Police, Public Health Wales, the Adverse Childhood Experiences Hub and Child and Adolescent Psychology. It was clear that steps needed to be taken to address the risks posed to vulnerable children and young people during the lockdown. This was important work and the workstream dedicated significant resource to trying to mitigate the concerns.

81. Part of the policy response to the issue of low attendance of vulnerable children and young people was the guidance I directed should be issued on 17 April 2020 - titled *'Guidance for hubs and schools: provision for children of critical workers and vulnerable children'*. This is exhibited as **M8/KWilliams/01-042 - INQ000081020**. It was the responsibility of both schools and social workers to support and encourage vulnerable children and their families so that vulnerable pupils were attending school. Officials from the Welsh Government and those working in local authorities were also discussing such matters and the Welsh Government was seeking reassurance that schools and local authorities were fulfilling their functions (as is clear from the letter dated 23 April 2020 discussed below).

82. The Director of Education and Deputy Director General Health and Social Services in the Welsh Government issued a letter to all Directors of Education and Social Services in local authorities dated 23 April 2020 clarifying expectations and asking for reassurance about the arrangements that were in place to keep in touch with vulnerable children. This is exhibited as **M8/KWilliams/01-043 - INQ000115689** I believe that this letter does make clear how important the Welsh Government considered support for vulnerable children and young people was and shows that it acted urgently to address the issue. It stated:

> 'The provision [for vulnerable children to attend school] was established at speed which, we appreciate, resulted in variation of approach and differences in attendance by vulnerable children; in many authorities the daily attendance of vulnerable children has been in single figures. We have seen a small rise this week but the proportion still remains very low. We are clear that the longer we continue in lockdown the greater potential for some children and young people to be at risk. We have serious concern about the reduced number of referrals to children's services as we know you do [...] You have expressed some resistance to the inclusion of children with statements of SEN and we understand why you do not consider all children with statements should be prioritised, and how a statement in Wales is not equivalent to children with an EHC Plan in England since their legislative changes. As a result we intend to refine this definition to say all children with a statement of special educational needs should be risk-assessed'.

83. My understanding of the local authorities' resistance to the inclusion of all children with statements of special educational needs in the vulnerable category goes no further than what is set out in the letter. I should note that this was not my letter, although I would have been informed about it. It appears that that some local authorities considered that a statement of special educational needs in itself did not mean that a child was necessarily vulnerable and were resistant to all children with a statement of special educational needs automatically being able to attend school. This point had been considered by my officials and, as the letter sets out, the definition was refined to say that all children with a statement of special educational needs should be risk assessed to see whether they should fall within the vulnerable category.

84. The letter goes on to say:

> 'In most cases home is the safest option but not for all children, and from your RAG ratings we are confident you have identified those children who would benefit from time away from the home environment. While we understand there are a variety of reasons for low attendance we are not sufficiently reassured that maintaining contact with children who are most at risk is enough of a protective measure alone. [...] However, despite recent increases in the attendance of vulnerable children at settings this week, we are concerned that so few of these children are attending provision in some authorities. [...] As a result, we expect a greater proportion of the children you have rated to be most at risk and in need of the provision to attend these settings. This should not be

seen as a punitive measure to families but an opportunity for their children to play safely and for parents who are under pressure to have a break. It is important that families are encouraged by social workers to use this provision in a positive way as something that will be of help to them in a difficult time'.

85. I understood that schools and social workers were in contact with families and encouraging them to take up a place at school. I am not familiar with social workers working practises during this stage of the pandemic so that information would be best coming from others. I was copied into Ministerial Advice for the Deputy Minister for Health and Social Services, Julie Morgan dated 16 April 2020 which advised that she issued operational advice on children's social care which provided guidance to social workers on working with vulnerable children during the pandemic. The advice is exhibited as **M8/KWilliams/01-044 - INQ000383575** and I also exhibit the operational guidance as **M8/KWilliams/01-045 - INQ000097645**. The guidance encouraged social services departments to risk assess their cases in order to prioritise. Local authorities were encouraged to use the vulnerable child provision in schools. I think it was sensible to rely on established relationships and people on the ground (schools and social workers) who knew families best and had all of the contextual information. I am unsure what the Welsh Government could have done without those local relationships to encourage greater take up. What we sought to do was ensure that local authorities and schools were using their established relationships, we ensured there was oversight and accountability and we sought to amend our guidance when we considered it might be counterproductive (such as not labelling children as 'vulnerable' so that a stigma was potentially attached to school attendance).

86. As I stated above, the Vulnerable Children, Young People and Safeguarding workstream was established following Ministerial Advice dated 2 April 2020. It consolidated the work related to cross-governmental issues affecting vulnerable children which had been organised before that time. I do not consider that the structures ought to have been established sooner. Work on issues affecting vulnerable children and young people had begun at the earliest stages of the pandemic. I think it was reasonable, given how quickly everything was happening in March 2020, for the structures to come in early April. As I have said, it did not stop work being done on these issues before that date.

87. I was not involved in the day-to-day meetings of the workstream. I received summary reports which updated me about its work, such as the summary report for the period March 2020 – early September 2020 which is exhibited as **M8/KWilliams/01-046 - INQ000282125**. I am sure that my officials and special advisers would also have

provided relevant information but I am unable, now, to provide a detailed picture of all the occasions that the work of the group was relayed to me.

88. I was able to test the information provided to me as part of the workstream. This was in large part due to the support of officials and my special advisers. I am asked, specifically, how I tested and challenged the sufficiency of providing 10,000 MiFi devices and 10,000 software licences to local authorities to support digitally excluded families (as set out in the Ministerial Advice dated 10 February 2021, exhibited as **M8/KWilliams/01-047 - INQ000350609**). This issue was the subject of a report from the Children's Commissioner for Wales, exhibited as **M8/KWilliams/01-048 - INQ000622984**. My officials were keen to understand the extent to which issues with access to laptops and the internet remained a problem following that report, a relevant email is exhibited as **M8/KWilliams/01-049 - INQ000622987**. My lasting impression is that the Welsh Government was proactive in sourcing both devices and access to the internet for the digitally excluded and a lot of good work was done but ultimately provision was patchy and did not cover all those who would have benefitted. This was, in part, due to the different way that schools and local authorities addressed the issue. As acknowledged in the email above, while support was given including setting a clear definition of a digitally excluded pupil and making new devices available through procurement, the Welsh Government remained reliant on schools and local authorities to identify where gaps were.

89. At the beginning of the pandemic in March and April 2020, I am not sure that anything could have been done to increase the rates of attendance of vulnerable children. Parents were scared and the public health situation required us to keep attendance at school at a minimum. As we went through the pandemic, although attempts were made to ensure that more vulnerable children attended school, it is possible that more explicit communication about the benefits to children of being in school would have helped attendance. For some medically vulnerable children who were shielding, or who were from families where someone was shielding, the picture is more complicated. When I left the Welsh Government in May 2021, discussions about ventilation in schools had begun to be more frequent but they were still at an early stage. On reflection, it is possible that more that could have been done for socially vulnerable children (those on the edge of the care system), but I think proposals for the most practical measures should come from schools and social workers and I do not feel I am best placed to comment.

90. Given what we know now about the harm suffered by vulnerable children and young people during the pandemic, specifically that the most disadvantaged children suffered

disproportionately, I would have liked to have been able to have taken decisions that would have ensured that more vulnerable children attended school. I accept that the initial arrangements did not always adequately meet the needs of vulnerable people, which was largely because of the uncertainty about Covid-19 at that time and the prioritisation of public health messaging. I do consider that the Welsh Government learned lessons quickly in this area and improved its approach, both in the action taken from April 2020 and the approach around the firebreak lockdown which will be addressed later in this statement.

Part D: Disruption to education from May to September 2020

91. Following the decision in March 2020, through the Spring and summer my attention shifted to attempting to best mitigate the disruption to education and ensure a return to the classroom for more students.

92. On 27 April 2020 the Chief Medical Officer updated Cabinet on the public health situation and the potential for restrictions to be lifted when the timing was right. The relevant minutes are exhibited as **M8/KWilliams/01-050 - INQ000129868**.

93. In my statement to Module 2B, I noted that when considering the re-opening of schools 'we were advised that closing schools did make a contribution to the national effort and strategy to reduce transmission of Covid-19'. I am asked if I considered I had the information I needed about transmission rates amongst children and the epidemiological impact of school closures. I think at this stage of the pandemic I had some information but not as much information as I would have liked. In part, I believe this is because the general understanding of the virus was still developing. I also think there were resource constraints within the Welsh Government that caused challenges. There were relatively few scientific advisers to call upon which at times made it feel difficult to commission additional information.

94. I am also asked to explain a message I sent on 27 April 2020 around a Cabinet meeting that day. My recollection is that another Cabinet member was mistakenly being referred to as the Minister for Education instead of myself.

95. In paragraph 163 of my Module 2B statement I said:

> 'I understood that at a TAC meeting on 1 May 2020, the view had been that a return to school for early years' children would lead to an increase in the rate of transmission of between 2-4% and the return of pupils in older years would lead to an increase in the rate of transmission of 11%'.

96. I am asked for the source of these figures, the relevant paper is exhibited as **M8/KWilliams/01-051 - INQ000215348**.

97. I also referred to advice from the Technical Advisory Cell on implications for re-opening schools, exhibited as **M8/KWilliams/01-052 - INQ000349396**. The paper outlined a possible option of a 'return to some face-to-face learning and support services, mixed with online, for displaced workers and vulnerable groups', before adding that further information was needed on the policy before being able to consider the likely effect on the r-rate. This was something under consideration and would form part of our thoughts about the wider re-opening of schools in the months to follow, as will be detailed in the remainder of this section.

98. On 06 May 2020, I attended a four nations Education Ministers conference call. In relation to the WhatsApp message I sent the day after that meeting, I had been hoping for more information on the plans of the UK Government but this had not been forthcoming.

99. On 06 May 2020, I also received a letter from NASUWT which raised concerns about the potential for schools re-opening, exhibited as **M8/KWilliams/01-053 - INQ000349387**. The following day Cabinet agreed that schools should not re-open on 01 June 2020, and the relevant minutes are exhibited as **M8/KWilliams/01-054 - INQ000048792**. I am asked if the letter persuaded me to take this position. It did not alone, and by itself it was a relatively small factor, but the letter did reflect the concerns of NASUWT and education unions more generally which we were previously aware of. These were a significant factor in decision-making at the time given the continuing process of negotiation and discussion in the education system in Wales, and the need for policy to be deliverable.

100. The position of the unions was a result of their focus on representing their members. I do consider this an example of a conflict between the position of unions and the interests of children, as I outlined towards the top of this statement. Without agreement from unions I did not believe it would be possible to re-open schools, and I retain that view with the benefit of hindsight.

101. Although I recognise that unions were doing their job in representing members, I do consider this to be an example of unions having too much influence on whether schools could be re-opened.

102. In paragraph 167 of my Module 2B statement, in relation to the Cabinet discussions on 07 May 2020, I said 'the Welsh Government had committed to giving educational settings a 3-week lead time to prepare to re-open and to put measures in place to reduce

transmission'. This lead in time had been agreed with the Welsh Local Government Association, as the representative of employers, in order to give schools adequate time to prepare for re-opening. I am asked if I considered this proportionate. I was advised this was the necessary period of time and I had no reason to disagree. It was a practical decision to enable safe and effective reopening. It was also agreed by Cabinet and was consistent with the Welsh Government's wider attempts to ensure those affected by changes to restrictions had reasonable notice to plan for those changes.

103. In relation to those Cabinet discussions, in paragraph 172 of my Module 2B statement, I said that 'we understood that there had been no time to prepare a full equality impact assessment before this [regulations] review was carried out', but a summary of initial evidence to support assessments of the economic, social well-being and equality impacts of the proposals was included. Given the pressure across government at the time, I do think this was reasonable. My Cabinet colleagues and I were actively considering inequalities as part of our decision-making at all stages of the pandemic.

104. The result of those Cabinet discussions was that Cabinet agreed that schools should not re-open on 01 June 2020. It also agreed that I should make an announcement confirming that decision following the meeting (which had happened in the morning). This was because of the commitment to provide three weeks' notice to any change in policy. After Cabinet, I contacted the First Minister to express frustration which related to the timing of the issue of the statement. I wanted it issued as soon as possible, and after re-reading the message my best recollection is there had been discussions involving the central Welsh Government communications team about delaying it until the evening. Ultimately, the statement was issued at 15:35 which was in line with my wishes for an earlier announcement. It is exhibited as **M8/KWilliams/01-055 - INQ000299270**.

105. On 15 May 2020, the First Minister published *'Unlocking our society and economy: continuing our education'*, which included a traffic light guide for moving out of lockdown. On the same day I published *'The decision framework for the next phase of education and childcare: considerations, planning and challenges'*, which set out the thinking at the time about how schools would operate and five principles that underpinned the Welsh Government's approach which had been developed in consultation with the sector. This is exhibited as **M8/KWilliams/01-056 - INQ000299284**. I am asked about messages I sent to the Minister for Health and Social Services relating to the scientific and medical advice at the time. There was a regular process of receiving information and advice and it appears I wanted a clear steer on the effect the potential wider re-opening of education settings would have on the wider public health situation, which on

this occasion I felt I did not have. Discussions continued and my ministerial diary shows I met the First Minister, Minister for Health and Social Services, Chief Medical Officer and Chief Scientific Adviser for Health on 21 May 2020. I cannot recall any further specific information around these messages now.

106. Cabinet minutes on 27 May 2020, exhibited as **M8/KWilliams/01-057 - INQ000221014**, noted that:

> 'The Minister for Education advised Cabinet that she was exploring with the teaching Trades Unions whether it was possible to vary planned term dates for the remainder of this, and the next, academic year. The proposal was that the summer holidays would be brought forward to begin on or around the 22nd June, with schools returning at or around the beginning of August, as testing and tracing was likely to be more embedded by this point'.

107. The minutes added that the risk of schools returning in summer was 'likely to be lower as the virus was believed to be transmitted less in sunlight and outdoors, while good weather allowed schools to maximise use of outdoor spaces'. The proposal would have given schools some planning time before the summer, and allowed students a longer bedding in period. Part of the rationale was also that it would guarantee students would have some contact time if there was a need to decrease operations due to a second peak. I concluded my update by saying there would be further discussions with trade unions later that week and Cabinet would be informed of the outcome.

108. I understand a list of meetings between the Education Directorate and unions has been provided in the Education and Public Services Group statement (M08-EPSGW-001). The 'Covid-19 response: Evidence for operation of schools' meeting had been established in May 2020 to answer key questions that would allow schools to reopen. Representation from the Welsh Government always included senior officials, and it would sometimes include my special or specialist adviser. Union representation included: the National Education Union; NASUWT; Voice the Union; GMB; the Association of School and College Leaders; Unison; the National Association of Head Teachers; the University and College Union; and Undeb Cenedlaethol Athrawon Cymru.

109. I had attended the meeting on 26 May 2020 to set out the three options under consideration, and the minutes are exhibited as **M8/KWilliams/01-058 - INQ000607982**. I acknowledged that bringing forward the term dates was a 'big ask' but I believed that it had the best interests of staff and students at heart. The minutes stated that questions were raised about notice periods for new contracts, clarity on assessment and the exam series, and practicalities about the wider educational community such as caterers and

contractors. Unions would seek further views from their members before future meetings.

110. Ultimately education unions opposed the proposals as they were not willing to consider a significant change to any term dates. As I outlined in my Module 2B statement it was not feasible for local authorities to insist on changes to teaching staff terms and conditions in the absence of co-operation from the unions.

111. The position of the unions was the main reason why the Welsh Government did not vary term dates. I am asked whether I felt this was a conflict between the position of education unions and the rights and interests of children, and I believe this was an occasion where this was the case. I regretted, and still regret, that we could not take more advantage of those summer months to help students to catch up on education. As the Cabinet minutes indicated, the possibility of further peaks was known, and given the further disruption that would happen later in 2020 and in the early months of 2021 I believe that this was a missed opportunity to help pupils.

112. I also consider this an example of the degree of influence of the unions' position being problematic. Although the Welsh Government had legal powers to compel changes to term dates, we did not feel that such powers would be effective in practice if workforce representatives were not willing to endorse or accept a return to work.

113. I am asked whether Cabinet shared my concerns about this influence. My Cabinet colleagues were supportive of our efforts to re-open schools to more pupils and my recollection is that many did share my concerns.

114. I am asked about a message that I sent to Welsh Government Ministers on 29 May 2020 relating to information being shared by the National Education Union. The message referred to the ongoing discussions about the timing of re-opening. As is common with discussions between government and representative organisations, discussions with trade unions were undertaken on the understanding that the substance of sensitive topics would not be made public. This is in the interests of aiding a full and frank conversation. Of course, I would expect unions to update their members following conversations, and it was a judgement call for unions as to what information was shared and how that information was shared. At the time I clearly felt the way information had been shared in public was inappropriate. On 05 June 2020, I met with the National Education Union to discuss plans for schools reopening and the minutes – exhibited as **M8/KWilliams/01-059 - INQ000615668** – note there was some direct discussion of this issue.

115. As outlined in the ministerial call on 02 June 2020, exhibited as **M8/KWilliams/01-060 - INQ000349519**, as the proposal to bring forward the autumn term was not going ahead I developed alternative options. On 03 June 2020, I announced that there would be a phased reopening of schools from 29 June 2020. I also proposed that schools would open for an extra week, with term ending on 27 July 2020, and that week's holiday being redistributed to the autumn term. In my statement, which is exhibited as **M8/KWilliams/01-061 - INQ000350747**, I said it would allow pupils to check-in, catch-up and prepare for the summer and the September term. I also said the proposal would give schools 'an extra break in what is likely to be a long and challenging autumn term'.

116. This had been agreed with the Welsh Local Government Association. I am asked if this was proposal was endorsed by the education unions. This was not the case. As reflected in the minutes of the 'Covid-19 response: Evidence for operation of schools' meetings on 09 June 2020, unions raised concerns including a lack of guidance, members having already booked holidays, and questions over the educational purpose. These minutes are exhibited as **M8/KWilliams/01-062 - INQ000615673**.

117. It did not prove possible to resolve these issues. Towards the end of June, it became apparent that re-opening for the additional fourth week of the summer term would not happen in most schools in Wales as agreement across the wider education system could not be reached. Conwy County Council, Pembrokeshire County Council and Powys County Council went ahead with the additional week and were able to provide the additional learning, while the other 19 local authorities in Wales did not.

118. Once again, I do consider this was a conflict between the position of education unions and the interests of children, and I do consider that the degree of the unions' influence in decision-making was problematic. As with decision-making over bringing forward the summer term, while there were additional legal powers available to the Welsh Government we did not think this option would lead to practical change without buy-in from workforce representatives.

119. On 23 June 2020, I announced that I had temporarily disapplied the basic curriculum requirements for Wales, as well as associated assessment arrangements for schools and funded non-maintained nursery settings. The decision was taken to give education settings greater flexibility as they managed more students attending again. In my statement, exhibited as **M8/KWilliams/01-063 - INQ000300037**, I said 'as schools open to more learners, I have been clear that the priority should be focusing on the health and well-being of learners supporting them to prepare for and re-engage with school

learning'. The Ministerial Advice which underpinned the decision, exhibited as **M8/KWilliams/01-064 - INQ000145231**, stated:

> 'Disapplication of the basic curriculum requirements will give schools and nursery settings the flexibility to respond to the unprecedented circumstances presented by COVID 19 and allow maintained schools and maintained nursery schools to focus and prioritise learning to meet the changing needs of learners in this time'.

120. On 26 August 2020, ahead of the beginning of the new term, the Minister for Health and Social Services and I issued a joint written statement on face coverings in schools, exhibited as **M8/KWilliams/01-065 - INQ000300223**. We confirmed that education settings and local authorities would be required to undertake risk assessments to determine if face coverings should be recommended for staff and learners in communal areas. The statement summarised the scientific advice at the time as follows:

> 'We are advised that while face coverings are likely to be of little value in children under the age of 11 years, the rates of infection and transmission increase after from the age of 11 onwards and could have a role in risk mitigation. The current advice from the Chief Medical Officer for Wales is that face coverings are recommended for all members of the public over 11 years in indoor settings in which social distancing cannot be maintained, including schools and school transport'.

121. We believed that the decision was best taken locally to enable decisions to better take into account local circumstances, for example community transmission rates or the physical estate (such as the size of corridors). Some opposition politicians and trade unions wanted a national policy, including Unison which was concerned about the protection of school support staff. This was the context for the message sent to the Minister for Health and Social Services on 27 August 2020.

122. On 26 August 2020, I approved a contingency fund for free school meals in the event that schools had to close because of local or national public health restrictions. The relevant Ministerial Advice is exhibited as **M8/KWilliams/01-066 - INQ000103954**.

123. In relation to further work to support vulnerable children and remote learning, *'Guidance for supporting vulnerable and disadvantaged learners'* had been published in the same month and is exhibited as **M8/KWilliams/01-067 - INQ000081386**. The guidance included a section on 'preparing for a further lockdown or blended learning approach'.

124. The previous month I had also agreed funding of more than £28 million to provide catch up support for students taking A-Levels and GCSEs in 2021, as well as disadvantaged and vulnerable pupils, who had lost out during school closures earlier in the year. The relevant Ministerial Advice is exhibited as **M8/KWilliams/01-068 - INQ000349657**. The advice noted that an 'Accelerated Learning Plan' would include progressing best practice in the effective use of remote and blended learning.

125. This built on the support for remote learning which had increased during the summer, following the *'Ensuring Continuity of Learning'* paper in March 2020. For example, in April 2020 I approved a £30 million investment into the Hwb EdTech programme, which supported digitally excluded students. The relevant Ministerial Advice is exhibited as **M8/KWilliams/01-069 - INQ000103897**.

126. Around the beginning of the new term a number of Integrated Impact Assessments were published which had been carried out since March 2020. These are exhibited as **M8/KWilliams/01-070 - INQ000087154, M8/KWilliams/01-071 - INQ000299535, M8/KWilliams/01-072 - INQ000350751, M8/KWilliams/01-073 - INQ000350750 and M8/KWilliams/01-074 - INQ000350779**. In paragraph 217 of my statement to Module 2B I said that 'I cannot now recall if I saw these impact assessments at the time, but they provide a helpful summary of the work that was being done and the impact of different protected groups and on children's rights'. The Inquiry asks if these assessments influenced my decision-making at the time. I cannot recall the documents themselves influencing decisions, but the issues contained within them had been considered throughout the pandemic and were at the forefront of my mind as I was making decisions.

127. On 18 October 2020 an emergency Cabinet meeting took place to discuss the firebreak lockdown. The relevant minutes are exhibited as **M8/KWilliams/01-075 - INQ000048801**. As part of the Cabinet papers a children's rights assessment and equalities impact assessment were produced, exhibited as **M8/KWilliams/01-076 - INQ000048882** and **M8/KWilliams/01-077 - INQ000048883**. I am asked what role these papers had in decision-making. They would have been read before the meeting to inform discussion and ultimately decisions. In discussions with Cabinet colleagues, I consistently re-emphasised the point that schools being closed was detrimental for children.

128. Related to the firebreak lockdown, in October 2020 the First Minister and I both received letters from the Children's Commissioner for Wales raising concerns about how children's rights considerations had been taken into account in decision-making. The

Children's Commissioner for Wales was worried that decisions about which pupils could attend schools could lead to variation across Wales. The First Minister responded to the Children's Commissioner for Wales and confirmed the Welsh Government would continue to work with schools, local authorities and unions on guidance around checking in with more vulnerable pupils. He also added that 'children's rights have been at the forefront of our thinking' - referring to the children's rights assessment - and noted that the Children's Commissioner for Wales was in ongoing discussions with Welsh Government officials to further our understanding of potential impacts on children and young people. This response is exhibited as **M8/KWilliams/01-078 - INQ000622990**.

129. In paragraph 244 of my statement to Module 2B, I explained the different approach that was taken to vulnerable children in the firebreak lockdown compared to the initial lockdown in March 2020. The definition for vulnerable children was wider, and we did not define specific categories of children as being vulnerable in order to enable schools and local authorities to determine on a case-by-case basis who their most vulnerable students were. This was in recognition that there could be vulnerabilities not captured by a specific grouping, and that there were limitations in a centralised approach that could not always take individual circumstances into account.

130. I am asked if, given the experience in April 2020, I considered there was any risk that schools or local authorities would narrow the prescribed attendance of vulnerable children. I did not consider this to be the case. The decisions following the March lockdown were taken in the context of significant uncertainty about how Covid-19 would impact children and society more generally. By October 2020 we had more confidence in how we could respond to the challenges it posed, and schools had been open for periods between these decisions. With hindsight, I still consider that the change in approach was correct and it appropriately reflected the lessons we had learned during the pandemic.

131. In relation to the firebreak lockdown and how I worked to ensure the Welsh Government reduced the impact on disadvantaged learners, this is outlined in Ministerial Advice dated 20 October 2020 which is exhibited as **M8/KWilliams/01-079 - INQ000235915**.

132. The advice noted that schools would remain open for the most vulnerable pupils regardless of year group. It highlighted that schools and local authorities should work together - and with children and families – to identify the children and young people who would most benefit from provision in schools, in line with the approach outlined above.

Part E: School closures from December 2020

133. In paragraph 259 of my statement to Module 2B, I addressed concerns I had over a draft Technical Advisory Cell paper, previously exhibited as **M8/KWilliams/01-003 – INQ000337340.** In an email, previously exhibited as **M8/KWilliams/01-002 - INQ000350044**, I noted it was 'deeply difficult for education' and was concerned about the potential for more disruption to education. This led to another version of the paper being produced and ultimately published, previously exhibited as **M8/KWilliams/01-004 - INQ000350057**.

134. The email was in direct relation to this instance of the decision in December 2020, although it did reflect my more general concern that I wanted schools to remain open.

135. I retained some concerns about the version of the paper that was published. It addressed a key concern that education was being singled out in the paper's modelling, but I retained concerns about the tone it took in relation to education.

136. My department produced a briefing paper ahead of a Cabinet meeting on 09 December 2020 which demonstrates that at that stage my team and I wanted schools open. The paper, which stated a clear position that schools should remain open until the end of term, is exhibited as **M8/KWilliams/01-080 - INQ000350060**.

137. However, the following morning the Minister for Health and Social Services contacted me saying we needed to talk, before adding he thought we needed to move secondary schools to distance learning and he was 'more worried than ever before'. These emails are exhibited as **M8/KWilliams/01-081 - INQ000396433**.

138. While the Minister for Health and Social Services was in COBR, I met with the First Minister to discuss the situation. He informed me that the Chief Medical Officer had recommended that schools should move to online learning from Monday 14 December 2020. This advice, which was sent to me shortly afterwards, is exhibited as **M8/KWilliams/01-082 - INQ000350065**.

139. At that meeting with the First Minister we agreed the move to online learning. Confirmation is exhibited as **M8/KWilliams/01-083 - INQ000350063**, and the public statement is exhibited as **M8/KWilliams/01-084 - INQ000350580**.

140. As with the decision in March 2020 this decision was mine, but on this occasion I reached the decision extremely reluctantly. I was very conscious of the disruption to education and was worried about when we would be able to re-open schools again. However, given the strength of the advice from health colleagues within government, I felt I had no alternative and this was the only possible decision.

141. I am asked to explain the circumstances of a WhatsApp exchange with the Minister for Health and Social Services on 10 December 2020. I cannot recall from memory, but my ministerial diary suggests I sent the initial message (14:42:18) after a 'meeting with stakeholders', and the later messages (beginning 17:44:34) were sent around a Cabinet meeting that day.

142. In that Cabinet meeting we decided in principle that Wales would move to Alert Level 4 on 28 December 2020 if there were no improvements to transmission rates. In relation to schools, in paragraph 269 of my Module 2B statement I said that 'Cabinet was concerned that local authorities would take unilateral decisions to close primary schools and was concerned about when schools would return after Christmas if the country was still in Alert Level 4'. This concern was a result of the experience of the situation in March 2020, where high transmission rates led to a shortage of teachers which forced schools to close even before I had made the national announcement.

143. In relation to the role of the unions in this decision, my recollection is that unions were lobbying for schools to close due to the impact of transmission rates on schools and the potential for their members to become unwell and have to self-isolate over Christmas. These considerations were a factor in my decision, although the advice and recommendations I received from the Chief Medical Officer and the Minister for Health and Social Services were a much more significant factor.

144. We had intended a staggered start for schools re-opening in January, with local authorities retaining flexibility to make plans according to local circumstances, before all schools returning to face-to-face learning from 18 January 2021. Face-to-face learning for vulnerable children and the children of key workers would be retained from the start of term. These plans are summarised in the note of the ministerial call on 31 December 2020 which is exhibited as **M8/KWilliams/01-085 - INQ000350151**.

145. However, the public health situation – and specifically the impact of the 'Kent' variant – meant the wider return to face-to-face learning had to be delayed.

146. In relation to the delays to 29 January 2021 and then until 22 February 2021, the education unions were very vocal in raising concerns about the safety of schools and risks to their members. It was once again very clear they did not want schools to be open for a full return to face-to-face learning. I was frustrated by this given the ongoing disruption to learning, and these frustrations are what are expressed in the WhatsApp messages between myself, the Minister for Health and Social Services and the Minister for Housing and Local Government which have been identified by the Inquiry.

147. In paragraph 286 of my Module 2B statement I referred to an improvement in the quality of online lessons. This had predominantly been informed through the process of regular discussions with the wider education sector. For example, in my public statement on 10 December 2020 confirming the move to online learning for secondary school pupils – previously exhibited as **M8/KWilliams/01-084 - INQ000350580** – I said that 'having spoken to local education leaders, I am confident that schools and colleges have online learning provision in place'. However, to say I was satisfied the quality of online lessons had improved is not to say I was satisfied online lessons brought all the benefits of face-to-face learning.

148. My confidence level in online learning was also informed by research undertaken by Welsh universities, funded by the Welsh Government, into the impact on the pandemic on various aspects of education. This is summarised in a paper prepared for the Cabinet meeting on 25 January 2021. It found the gains, including a greater emphasis on digital forms of learning and parental engagement, were outweighed by a number of detrimental effects. These included variability in access to digital kit, variability in the quality of communication and engagement from schools to parents, and the loss of Welsh language competence by pupils in Welsh medium schools where the language of their home was not Welsh. The paper's summary was that 'whilst there have been improvements in the delivery of remote learning, as noted above there is variability and our priority remains for all learners to receive face-to-face learning with minimal disruption'. It is exhibited as **M8/KWilliams/01-086 - INQ000129921**.

149. In paragraph 292 of my Module 2B statement, I referred to guidance on remote live lessons, and a letter from NASUWT expressing opposition to it – exhibited as **M8/KWilliams/01-087 - INQ000350774**.

150. Around this time my recollection is that some schools were facilitating remote live lessons and others were not. We did not intend to make remote live lessons mandatory across schools. We recognised there were practical considerations, for example the availability of equipment in households with multiple children, and we had always intended for schools to retain flexibility in how they approached this issue.

151. My officials met education unions to discuss the issue, and the meeting note is exhibited as **M8/KWilliams/01-088 - INQ000615847**. The position of the education unions was not determinative of whether the Welsh Government could or would prescribe standards and expectations for remote learning. I also did not consider this was a conflict between the position of education unions and the rights and interests of children on this occasion, nor did I consider the degree of influence was problematic – this was a nuanced issue

relating to wording in guidance. I do not recall considering the use of any legal powers as we did not intend to make remote live lessons mandatory.

152. In paragraph 297 of my statement to Module 2B, I refer to the Prime Minister's announcement on 27 January 2021 that schools in England would not be opening immediately after half term but that they may start to reopen from 08 March 2021. I added that this 'made our discussions with the teaching unions more difficult'. My reflection on discussions with education unions around this time reflects my view of earlier discussions. I was frustrated at how difficult discussions often were and I felt there could have been more pragmatism in considering the benefits of face-to-face learning, and greater focus on finding solutions to ensure that this happened. Education unions represented their members but I would have liked to have seen greater consideration of the interests of children and I did consider there was a conflict at this point. The position of education unions was a significant factor in my decision making, again given the characteristics of the education system in Wales which I have previously outlined.

153. In paragraph 306 of my statement to Module 2B I refer to letters from **NAHT** and the National Association of Schoolmasters Union of Women Teachers which referred to the potential for legal action in the context of a return to face-to-face learning in primary schools. The letters, dated 09 February 2021 and 16 February 2021 respectively, are exhibited as **M8/KWilliams/01-089 - INQ000350273** and **M8/KWilliams/01-090 - INQ000350281**. The responses are exhibited as **M8/KWilliams/01-091 - INQ000350775** and **M8/KWilliams/01-092 - INQ000350287**.

154. This reflected a disagreement between the Welsh Government's interpretation of the available medical and scientific information and the interpretation of the education unions. As the Welsh Government's responses stated, we considered that on balance the phased return of the youngest pupils was the right thing to do and was in line with the latest advice we had. I did not consider raising to the possibility of legal action to be a helpful or useful way to move forward, and my recollection is this was a feeling shared by my Cabinet colleagues. This was another occasion where I felt there was a conflict between the position of education unions and the interests of children, although on this occasion while their concerns were considered we were able to proceed with the plans we had set out.

155. In relation to the WhatsApp message I sent on 18 February 2021, this was in relation to the availability of lateral flow tests in schools. On 05 February 2021, I had announced details of testing arrangements for schools, colleges and childcare settings, exhibited as **M8/KWilliams/01-093** **INQ000299978** My message reflects my desire to extend this

offer to include Lateral Flow Tests at home for older secondary school pupils, in line with the next phase of the return to face-to-face learning. Ultimately this did end up happening, with the relevant statement exhibited as **M8/KWilliams/01-094 - INQ000534395**.

Part F: Other matters

Remote learning

156. Once I had announced our policy position that schools should close for most pupils, my priority was to operationalise a practical response to mitigate as best we could the impact of these decisions on children and young people. This was a cross-Government effort, and we worked closely with local government and with schools to implement it.

157. One of the key priorities was to try to ensure continuity of learning by making remote learning available for those children who could not attend school. We already had a pre-existing digital learning platform, known as the Hwb, which included virtual classrooms and video conferencing facilities. These tools allowed teachers and pupils with suitable internet connected devices to continue their classroom activities outside of school. It provided tools to help education practitioners create and share their own resources and assignments, together with purchased/commissioned resources, including bilingual material. The Welsh Government acted swiftly to address the effects of digital exclusion, taking urgent steps to support pupils in accessing the appropriate technology for learning. Access to the Hwb was also rolled out to independent schools and further education institutions.

158. I agreed to the Continuity of Learning Project which put in place a distance learning digital strategy at the end of March 2020, previously exhibited as **M8/KWilliams/01-020 - INQ000116628**. The objective of the Continuity of Learning Plan was to ensure the provision of remote learning, which was broad, balanced and enabled pupils to make meaningful progress whilst maintaining a balance in securing their health and well-being and not placing too much pressure on schools and the teaching workforce. The project aimed to achieve this by:

    a. Ensuring leaders and teachers can support the wellbeing of learners and each other through the use of the technology;

    b. Ensuring parents understand their redefined role in supporting their children's learning;

    c. Providing guidance and support to all participants in the system — leaders, teachers, learners, adults supporting learning, governors and parents/carers;

d. Promoting collaboration across the system both at school-to-school level and across and within tiers in the system;

e. Supporting learners in accessing the appropriate technology, relevant, high quality resources for learning, and purposeful learning activities and experiences online;

f. Enabling leaders and teachers to act in line with best practice in creating and using online learning resources for an extended period for all learners;

g. Enabling schools, leaders and teachers to develop, share and curate purposeful resources across the system; and

h. Ensuring schools and teachers can use the Hwb toolset to support continuity of learning for learners of all ages.

159. Although I was not involved in the detail of developing the strategy, I was aware of how important it was that children and young people across Wales who were not able to attend school could access education remotely, so I did keep a close eye on the policy initiatives and how things were working from March 2020. I also received regular updates so I could inform Ministerial colleagues about the initiatives.

160. The main source of information was from local authorities which were sourcing information from schools about how many pupils needed laptops and access to the internet. The Children's Commissioner for Wales also passed on issues and concerns and as set out above produced a report about access to the internet in January 2021 which I refer to above. There were gaps in our knowledge because we were reliant on information being provided by schools and local authorities.

161. I also asked Estyn for advice in November 2020 on how further education colleges, work-based learning providers and adult learning in the community partnerships had developed their practice to deliver teaching, training and learning, either as remote or blended learning, from March 2020 to January 2021. The report is exhibited as **M8/KWilliams/01-095 - INQ000611677**, and the Welsh Government's response is exhibited as **M8/KWilliams/01-096 - INQ000611676**. The report was a valuable resource and before I left the Welsh Government I put steps in place to implement its recommendations, as outlined in the response. Estyn's report titled *'Reflections on refining remote learning in maintained special schools and pupil referral units (PRUs)'* was delivered in June 2021, after I had left the government.

Examinations and certification

162. The closure of schools led to significant decisions being made in relation to examinations and certification, which I will address here.

163. As Minister for Education, I consider that I was the decision-maker and had ultimate responsibility for the system that was in place. As outlined in my ministerial responsibilities at the beginning of my statement, I was responsible for the sponsorship of Qualifications Wales. Qualifications Wales is the independent regulator for qualifications in Wales, and has responsibility to ensure the robustness and credibility of the qualification system.

164. I consider this arrangement to be appropriate, as qualifications should as much as possible be free from political interference.

165. It is also worth stating at the outset that qualifications have a particular four nation significance. Qualifications need to be portable for students, exam results need to have currency across each nation if students are to have the option of going to higher education, training or employment across the United Kingdom.

166. The decision to cancel the summer 2020 exam series for GCSEs, AS levels and A levels was taken in March 2020. The relevant Ministerial Advice is exhibited as **M8/KWilliams/01-097 - INQ000145227**. It noted that Qualifications Wales and WJEC (Wales' largest awarding body) would develop a methodology to estimate grades based on available evidence, in order to recognise work and enable progression.

167. On 26 March 2020 I agreed that year 10 pupils taking GCSEs and year 12 students taking AS levels would not be required to sit these exams at a later date, but would have the option to do so. This was based on recommendations from Qualifications Wales and WJEC, which were agreed with by Welsh Government officials. The relevant Ministerial Advice is exhibited as **M8/KWilliams/01-098 - INQ000097680**.

168. In order to enable Qualifications Wales to take the practical actions necessary to exercise its functions of cancelling the summer exam series and making arrangements for grades to be issued, I issued a direction to Qualifications Wales in April 2020.

169. The relevant Ministerial Advice is exhibited as **M8/KWilliams/01-099 - INQ000145228.** It listed the 'areas of Welsh Government policy that Qualifications Wales must have regard to' as:

- 'that the 2020 cohort of GCSE, AS, A level and Welsh Baccalaureate Skills Challenge Certificate students should be issued with results this summer
- 'results should be based on exam centres' judgements of learners' ability in the relevant subjects, supplemented by a range of other evidence

- 'that a fair and robust approach to issuing grades to the summer 2020 cohort of GCSE, AS, A-level and Welsh Baccalaureate Skills Challenge Certificate students is adopted;
- 'and that a fair and robust approach to issuing grades to the summer 2021 cohort of GCSE and A level learners, who have been affected by the cancellation of the summer 2020 exams, is adopted'.

170. It was also noted that this was a 'novel and contentious approach, which has not been used before to issue grades', and the direction was intended to provide reassurance to the wider education sector – regulators, awarding bodies and exam centres.

171. I understood and accepted this advice, received from Welsh Government officials and Qualifications Wales as the independent regulator.

172. I recall external concerns, for example education unions raising issues of teacher workload in the assessment arrangements. I also discussed the arrangements with the Children's Commissioner for Wales on 04 June 2020. The meeting note is exhibited as **M8/KWilliams/01-100 - INQ000622991.** My recollection is that the Children's Commissioner for Wales raised some concerns about potential unfairness with teacher calculated grades, and the note reflects me saying that other data would also be looked at. The note also said that:

> 'The standardisation process which the WJEC would use on the data provided by centres would look at the centres' performance in previous years and other historic data so results would not be likely to be totally different from previous years. The centre assessed grades would be based on a range of available evidence'.

173. I am asked to what extent I considered I was adequately advised by officials and by Qualifications Wales about the risks and likely outcomes of the models being developed. There was inevitably uncertainty given the approach was by necessity new, but I do consider that the Ministerial Advice documents I received both highlighted the risks and covered options in detail. I particularly remember advice that the retention of AS levels in Wales meant assessments could be made on recent robust information. I do not recall having data on estimated grades.

174. Similar arrangements were in place across the four UK nations. I considered this to be a positive thing, as I have previously stated qualifications need to be portable and recognised across different nations. A level students in Wales, England and Northern Ireland received their results on Thursday 13 August 2020, while A level students in

Scotland received their results on Tuesday 4 August. The results in Scotland led to significant criticism and protests from students, leading to the Scottish Government's decision on Tuesday 11 August 2020 to revert to grades estimated by teachers and an upgrade in results for students.

175. This meant in the run-up to A level results day in Wales there was considerable pressure on the system, with students expressing concern results would be unfair. The collective four nation benefit of the initial approach had also been weakened.

176. In this context, and in an attempt to be fair to students, I announced on Wednesday 12 August 2020 that a student's final A level grade could not be lower than their AS grade when they received it the next day.

177. On Friday 14 August 2020, I received Ministerial Advice recommending revised arrangements in Wales and the awarding of centre assessed grades. It stated:

> 'Due to last minute alterations to the awarding process made in other administrations, changes to the Welsh Ministers' policy regarding the summer exams needed to be made to ensure Welsh learners were not disadvantaged – particularly A level learners whose university application might otherwise have been disadvantaged compared to other learners in the UK. This change in approach has been discussed and agreed with Qualifications Wales and WJEC so that immediate action could be taken for those learners due to receive their results on 13 August'.

178. The advice is exhibited as **M8/KWilliams/01-101 - INQ000145235**. I agreed to its recommendations, and made a public statement which is exhibited as **M8/KWilliams/01-102 - INQ000421856**. The rationale for the change was explained in that statement, where I said 'given decisions elsewhere, the balance of fairness now lies with awarding centre assessment grades to students'.

179. I am asked if I accept that the revised approach introduced new risks to the accuracy of results, and if I accept that issued grades were higher than they would otherwise have been. I do accept both of these points, but on balance believe it was a necessary decision.

180. In my public statement I also said 'in due course I will be making a further statement on an independent review of events following the cancellation of this year's exams'. On 28 August 2020, I announced that Louise Casella, the Director of The Open University in Wales, had agreed to chair this review. My statement is exhibited as **M8/KWilliams/01-103 - INQ000300050**. The independent review's final report was published on 22

January 2021. I welcomed the report in a statement that day, exhibited as **M8/KWilliams/01-104 - INQ000622981**. I am asked for a high level opinion about the conclusions reached. I considered it a constructive, pragmatic response to the challenges around qualifications we were facing. As I said in my statement, its work had informed the policy approach I took on qualifications and examinations following the events of August 2020.

181. On 10 November 2020, I announced my intention to direct Qualifications Wales that there should be no end of year exams for GCSE, AS and A level qualifications. This was in line with recommendations from Qualifications Wales and the independent review. In a public statement, exhibited as **M8/KWilliams/01-105 - INQ000350748**, I said 'the primary reason for my decision is down to fairness; the time learners will spend in schools and colleges will vary hugely and, in this situation, it is impossible to guarantee a level playing field for exams to take place'.

182. Ministerial Advice dated 18 November 2020 and exhibited as **M8/KWilliams/01-106 - INQ000145241**, outlined that 'an approach to centre-based outcomes linked to a national approach for consistency that includes some externally set and marked assessments should be co-constructed with the education profession'. I established a Design and Delivery Advisory Group, made up of headteachers and college leaders (with input from Qualifications Wales and WJEC), to help inform decision-making.

183. Informed by this group's work, on 16 December 2020 I announced that for 2021, qualifications would be supported by a '3 pillar approach' - non-examination assessments where already planned in the qualification, internal assessments, and assessments that are externally set and marked. In my statement, exhibited as **M8/KWilliams/01-107 - INQ000622989**, I said teachers would have flexibility in the arrangement of assessments which would allow for teacher professional judgement and flexibility in the event of disruption to education.

184. With schools unable to return to face-to-face learning in January 2021, this flexibility was needed as it proved necessary to revisit the approach. On 20 January 2021, I announced that GCSE, AS level and A level grades would be determined by schools and colleges based on an assessment of a students work. My statement is exhibited as **M8/KWilliams/01-108 - INQ000622979**. The proposals were informed by the Design and Delivery Advisory Group, which had reconvened to develop new proposals in the context of the public health disruption.

185. Although I had left the Welsh Government by August 2021, my understanding as an outside observer is that the system for awarding results ran considerably more smoothly than it had in August 2020.

186. My approach from September 2020 had been taken with the events of August 2020 firmly in mind.

187. Looking back, I believe I was too focused on protecting the standard of qualifications. I had significant concerns that if the qualification arrangements we decided on were not seen as robust and rigorous, then the qualifications students obtained would be devalued and could risk limiting their progression in education or into the workplace.

188. In broad terms, the shift from August 2020 was to have less of a focus on the perceived value of qualifications, and more of an emphasis of ensuring results were considered fair for pupils and students.

189. The use of a moderating process is common, and familiar to people involved in the education system, although perhaps not as widely understood outside of it. While the arrangements for August 2020 were by necessity new, they did maintain characteristics of the usual process, and I believe that I underestimated how much of a departure the new system was perceived as.

190. I deeply regret not anticipating the distress to pupils and students which followed the initial August 2020 results earlier. I believe the resolution, and the subsequent policy approach during my remaining time as Minister for Education, was the correct one - but I wish it was an approach I had reached earlier.

Clinically vulnerable children and young people, and children from clinically vulnerable families

191. I attended a Cabinet meeting on 30 March 2020 where we were told that shielding letters had been issued to around 81,000 people, and discussions were taking place on supply arrangements for shielded and vulnerable people.

192. My officials and I understood that clinically vulnerable children would be accessing the remote learning provision that was being provided. It also became clear that families where there was clinically vulnerable person living in the family were understandably reluctant to send their children to school at points in the pandemic. This concern was readily understood and discussed on many occasions.

193. The Health and Social Services department led on issues relating to clinically vulnerable families, and it was asked to feed in the most up to date advice to educational guidance. I exhibit by way of an example a request for information when the operational

educational guidance was being updated in May 2020 as **M8/KWilliams/01-109 - INQ000530791** and further exchanges as **M8/KWilliams/01-110 - INQ000530801**. I also exhibit the guidance as **M8/KWilliams/01-111 - INQ000615650**. My officials and I were guided at all points by the advice that we received from health colleagues. The advice in May 2020, exhibited as **M8/KWilliams/01-112 - INQ000622973**, was as follows:

'Shielding and clinically vulnerable children

'For the vast majority of children coronavirus (COVID-19) is a mild illness. Children who have been classed as shielding due to pre-existing medical conditions have been advised to undertake specific 'shielding' measures. These children have serious underlying health conditions which put them at very high risk of severe illness from COVID-19 and are advised to rigorously follow shielding measures in order to keep themselves safe. We do not expect these children to attend settings at this time. Other clinically vulnerable children (who are not shielding) will need to be considered case by case, but of course we would only expect these to attend where parents/carers are satisfied that this is safe for them.

'Shielding and clinically vulnerable adults

'Shielding adults including staff from childcare settings should also follow the shielding guidance and therefore should not attend work.

'Living with a shielding or clinically vulnerable person

'If a child or member of staff lives with someone who is clinically vulnerable (but not shielding), including those who are pregnant, they can attend their childcare setting. If a child or staff member lives in a household with someone who is shielding, they should only attend a childcare setting if stringent social distancing can be adhered to, and the child is able to understand and follow those instructions. This may not be possible for very young children and older children without the capacity to adhere to the instructions on social distancing. In those instances, we do not expect those children to attend a setting.

More advice can be found in the guidance on shielding'.

Long covid

194. I left the Welsh Government in May 2021. As far as I recall, although long covid had begun to be talked about in respect of children and young people before I left, there was relatively little known about it and I think it would be fair to say that it did not play a role in my decision making. The information gathering, treatment options and decisions were being led by the Technical Advisory Group and by the Minister for Health and Social Services at the point I left.

Part G: Lessons learned

195. I am asked to reflect on my engagement with the Children's Commissioner for Wales, and in particular whether I feel I was able to respond effectively to the concerns she raised. There was a considerable amount of discussion with the Children's Commissioner, including with myself, my special advisers and the Education and Public Services Group more broadly. The nature of a relationship between a Minister and a Commissioner is that there will not always be agreement on every issue, but in general terms I do believe the Welsh Government was able to respond effectively to the issues that were raised. In particular, the Children's Commissioner was influential in our approach to producing impact assessments which had not been possible in the early months of the pandemic. In this statement I have also referred to examples of the Children's Commissioner's informing the Welsh Government's work, for example through the Vulnerable Children and Young People and Safeguarding workstream and our approach to qualifications.

196. I am also asked if I consider that either the United Nations Convention on the Rights of the Child and the use of Children's Rights Impact Assessments made any appreciable difference to the way I made policy decisions. I do consider this to be the case on both fronts. This was reflected in the formal decision-making process, such as Ministerial Advice documents and Cabinet papers.

197. For example, I have previously referred to my decision on 26 August 2020 to approve a contingency fund for free school meals in the event that schools had to close. The relevant Ministerial Advice, previously exhibited as **M8/KWilliams/01-066 - INQ000103954**, noted that 'the right to nutritious food is set out in Article 24 of the United Nations Convention on the Rights of the Child'. It added the assurance that 'all policy obligations in relation to Programme for Government, Welsh Language Standards, equality and human rights, United Nations Convention on the Rights of the Child, the tackling poverty agenda, the Well-being of Future Generations (Wales) Act 2005 and EU law have been considered in preparing this advice'.

198. Similarly, I have previously referred to the children's rights assessment which informed Cabinet discussions and decisions around the firebreak lockdown. This has been previously exhibited as **M8/KWilliams/01-076 - INQ000048882**.

199. I acknowledge that in the earliest months of the pandemic this process did not work as it should have, because of the speed of events and the speed of decisions. However, I do consider that at every point of the pandemic my decisions were taken with the best interests of children and young people in mind.

200. In relation to lessons being learned across the four nations, each education system is a distinct system than operates in a distinct culture. For example, the Welsh education system has a far greater emphasis on a bilingual education than England, Northern Ireland or Scotland.

201. There was a considerable amount of discussion between governments which was predominantly focused on information sharing. Developments in England were of particular relevance to me, because of the proximity between Wales and England as well as broadcasting arrangements. Developments around school opening dates or closures in England would be followed with various questions about what the situation was in Wales and whether anything had changed, so I was particularly keen to have an early understanding of potential changes.

202. There were also times when it made a difference to policy decisions. In March and April 2020, as we were assessing how we could best ensure free school meals continued to be provided, the experience in England of a voucher system influenced our decision to give local authorities more flexibility. This led to most providing a cash payment to families.

203. I do think the impact of decisions on children and young people was carefully factored into the Welsh Government's decision-making. Where we had to made decisions we knew would be detrimental to children and young people, these were taken in the context of a public health emergency that risked lives, including risking the lives of some children and young people.

204. In terms of what more could be done to mitigate against detrimental impacts, at a very high level I hope a key lesson from the experience of Covid-19 is that disruption to education should be kept to an absolute minimum. In a future pandemic there should be a collective effort, both across government and outside of government, to only close schools as a last resort. I acknowledge it is easier to say this now than it would have been in March 2020, when case rates and death rates were rising, the NHS was at risk of being overwhelming and decisions were being taken in the context of a very real fear.

However, as we learned more about the virus and the response to the pandemic developed, there were times when I believe widespread face-to-face learning should have been happening but was not happening, and that remains a source of deep regret for me.

205. I also believe it would be beneficial for a Minister to Education to have dedicated paediatric scientific advice. This should be dedicated in the sense of subject specialism, and also dedicated in the sense of reporting to the Minister for Education. I am thankful for the support and advice I received from the Welsh Government's scientific and medical advisers through the pandemic, who were working tirelessly in very difficult circumstances. I think their resources were too stretched, and as I have mentioned in my statement there were times when I would have liked more sector specific scientific advice to support my decision-making. A future pandemic would likely come with similar uncertainty and strengthening the advice available to a Minister for Education would mitigate negative impacts for children and young people.

206. In terms of the positive aspects of the response, I was consistently inspired by the commitment shown by teachers, headteachers and wider teams working in schools. The education system in Wales is comprised of countless people who go above and beyond in the best interests of children and young people, and I would like to again put on record my thanks to all of them.

207. I think the Welsh Government's approach which ensured that free school meals continued to reach children was positive. I also think the Welsh Government maintained a concerted focus on the mental health of children and young people, for example through the Joint Ministerial Task and Finish Group on a Whole-School Approach to Mental Health and Wellbeing.

208. I am also asked to set out any further information I want to provide in relation to the impact of the pandemic on children and young people. Given my role in the pandemic, the content of my statement has inevitably been focused on the education system and decisions in that context, but I would like to recognise that the education system alone cannot resolve all issues for children and young people. There were so many ways in which the pandemic affected children and young people, whether it was not being able to see friends, limitations in being able to leave the house, having to deal with illness and deaths in families, and many other things that should not have to be experienced. Improving the life opportunities of children and young people, or mitigating negative effects in a future pandemic, will always require government-wide and society-wide efforts. The education system is one part of that, and a crucial part, but it will always need to be a part of broader efforts.

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.

Signed: Personal Data

Dated: 1 August 2025