

**Witness Name: Louise Macdonald**

**Statement No.: 5**

**Exhibits: LM5/01 - LM5/36**

**Dated: 26 June 2025**

## **UK COVID-19 INQUIRY**

### **MODULE 8**

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#### **WITNESS STATEMENT BY THE DIRECTOR GENERAL COMMUNITIES**

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**This statement is one of a suite provided for Module 8 of the UK Covid-19 Inquiry by the Scottish Government and these should be considered collectively. In relation to the issues raised by the Rule 9 request dated 22 October 2024 served on the Scottish Government, in connection with Module 8, the Director General for Communities will say as follows:**

#### **Structural Overview**

1. The Permanent Secretary is the senior civil servant in Scotland. There are eight portfolio Directors-General who report to the Permanent Secretary. A Director-General (DG) manages a number of Directorates and agencies which are responsible for proposing legislation and putting Scottish Government policy into practice. The direct reporting line for a Director is the DG but they also report directly to the Permanent Secretary and to Ministers. The direct reporting line for Deputy Directors is to Directors but they may also report directly to Ministers. During the pandemic responsibility for the impact of the pandemic on children and young people in relation to Local Government and Housing within the specified period of 1 January 2020 to 28 June 2022 sat within the remit of the Director General for Communities.

#### **Part A - Role and responsibilities of the Directorate**

2. At the start of the pandemic, in March 2020, responsibilities for Scottish Government work on Local Government and on Housing were split between two Directorates: the Local

Government and Communities Directorate made up of six divisions as set out in the organogram in Annex A and the Directorate for Housing and Social Justice which was made up of four divisions. The Local Government and Communities and Housing and Social Justice Directorates were subject to a restructure in March 2022 as part of a wider restructure.

### Scottish Government Structure

3. The Ministers and Senior Civil Servants (SCS) responsible for each area during the specified period are outlined below:

#### Cabinet Secretary

Cabinet Secretary for Communities and Local Government

- Aileen Campbell (June 2018 to May 2021)

Cabinet Secretary for Social Justice, Housing and Local Government

- Shona Robison (June 2021 to March 2023)

Ms Robison succeeded Ms Campbell, the title of the role changed in May 2021 after the Scottish Parliament Elections.

#### First Minister and Other relevant Cabinet Ministers

First Minister

- Nicola Sturgeon (November 2014 to March 2023)

Deputy First Minister and Cabinet Secretary for Education and Skills

- John Swinney (May 2016 to May 2021)

Deputy First Minister and Cabinet Secretary for Covid Recovery

- John Swinney (May 2021 to March 2023)

Cabinet Secretary Finance, Economy and Fair Work

- Derek Mackay (June 2018 to February 2020)

Cabinet Secretary Finance

- Kate Forbes (February 2020 to May 2021)

Cabinet Secretary Finance and the Economy

- Kate Forbes (May 2021 to March 2023)

Cabinet Secretary Social Security and Older People

- Shirley-Anne Somerville (June 2018 to May 2021)

### Relevant Ministers

Minister for Equalities and Older People

- Christina McKelvie (June 2018 to March 2023)

Minister for Local Government, Housing and Planning

- Kevin Stewart (June 2018 to May 2021)

Minister for Public Finance and Migration

- Ben Macpherson (February 2020 to May 2021)

Minister for Social Security and Local Government

- Ben Macpherson (May 2021 to March 2023)

Minister for Community Wealth and Public Finance

- Tom Arthur (May 2021 to May 2024)

Minister for Zero Carbon, Active Travel and Tenants' Rights

- Patrick Harvie (August 2021 to April 2024)

### Scottish Government Officials

#### Permanent Secretary

- Leslie Evans (June 2015 to December 2021)
- John-Paul Marks (January 2022 to present)

#### Director General

Director General Education, Communities and Justice

- Paul Johnston (2015 to March 2021)

Director General Communities

- Paul Johnston (March 2021 to March 2023)
- Louise Macdonald (March 2023 to present)

#### Directorate for Housing and Social Justice

Director for Housing and Social Justice (until April 2022)

- Shirley Laing (2019 to April 2022)

Deputy Director Better Homes (moved to Local Government and Housing Directorate in April 2022)

- David Signorini (August 2017 to December 2019)
- Catriona MacKean (December 2019 to April 2022)

Deputy Director More Homes (moved to Local Government and Housing Directorate in April 2022)

- Gareth Brown (August 2019 to March 2020)
- Brad Gilbert (March 2020 to October 2021)
- Colin MacBean (June 2021 to April 2022)

Deputy Director Social Justice and Regeneration (only the Regeneration team moved to Local Government and Housing Directorate in April 2022)

- Paul Tyrer (October 2019 to October 2021)
- Julie Humphreys (October 2021 to April 2022)

4. During the pandemic the Housing and Social Justice Directorate worked with communities and other partners to ensure everyone in Scotland had access to quality, sustainable homes they could afford and to make Scotland fairer by helping create jobs and opportunities in disadvantaged areas. The Directorate had no responsibility for education, healthcare, social care, child safety, wellbeing and development of children, online safety of children, immigration or criminal justice. Local authorities have statutory responsibilities for social care, child protection and children in contact with the immigration system.

The Directorate was responsible for:

- housing supply
- ensuring the energy efficiency of housing and providing safe, affordable homes
- tackling inequalities and building stronger, safer communities including working with partners to create a fairer Scotland
- providing evidence and analytical advice on housing, poverty, social justice, regeneration, social security and equalities

#### Directorate for Local Government and Communities

Director for Local Government and Communities (until April 2022)

- Stephen Gallagher (2018 to January 2021)
- David Robb (interim) (January 2021 to April 2021)
- Sean Neill (May 2021 to April 2022)

Director for Local Government and Housing

- Sean Neill (April 2022 to September 2024)

Deputy Director Local Government and Analytical Services

- Brenda Campbell (August 2018 to September 2021)
- Ellen Leaver (September 2021 to September 2024)

#### Chief Planner Planning and Architecture Division

- John McNairney (April 2020 to August 2021)
- Fiona Simpson (September 2021 to April 2022)

#### Chief Planner Planning, Architecture and Regeneration (Regeneration Team moved from Housing and Social Justice Directorate in April 2022)

- Fiona Simpson (April 2022 to November 2024)

#### Deputy Director Building Standards Division

- Stephen Garvin (January 2018 to present)

#### Deputy Director Public Service Reform, Public Bodies and Third Sector (moved to Public Services Reform (PSR) Directorate April 2022)

- Claire McPherson (September 2018 to October 2020)
- Catriona MacLean (November 2020 to April 2022)

#### Deputy Director Equalities and Human Rights (became Directorate for EIHR in March 2021)

- Lisa Bird (From 2017 to March 2021)

#### Deputy Director Connected Communities (Became a division in the Directorate for EIHR in March 2021)

- Robert Marshall (Pre 2018 to March 2023)

From April 2022 onwards following their move from Housing and Social Justice Directorate:

#### Deputy Director Better Homes

- Catriona MacKean

#### Deputy Director More Homes

- Colin MacBean

5. During the pandemic the Local Government and Communities Directorate was also responsible for building strong relationships and networks of influence between Local Authorities and policy makers. The Directorate guided, supported and enabled others to deliver better outcomes for people and the places they live in. Local authorities have

engagement directly with many different policy areas within Government. The Directorate for Local Government and Communities did not have responsibility for the policy areas led by other Directorates. The Directorate for Local Government and Communities was responsible for Local Government Finance. The Directorate had no responsibility for education, healthcare, social care, child safety, wellbeing and development of children, online safety of children, immigration or criminal justice. Local authorities have statutory responsibilities for social care, child protection and children in contact with the immigration system.

The Directorate:

- Sponsored local government and its underpinning financial arrangements working in partnership with the Convention of Scottish Local Authorities (COSLA) and UK Treasury on local government financial compensation and flexibilities
- Collected and analysed data from local government to inform policy choices and provide insight. Policy areas such as Health and Education also have an Analytical Service Division collecting data relevant to their policy responsibilities
- Served people and communities through the quality of homes and buildings, by planning frameworks and support of place making
- Championed public services which work in partnership to meet the needs of people, and which break cycles of lost opportunity. They did this by supporting public service leaders to work together across the diverse public bodies landscape and supporting the smarter sponsorship of public bodies to add value and share learning
- Supported a thriving third sector and social enterprise ecosystem
- Maintained and adapted the planning and building standards systems in partnership with local government to ensure these continued to operate throughout the pandemic
- Celebrated the diversity of people and communities, promoting their human rights and preserving the dignity of those seeking asylum at all stages of their journey
- Brought knowledge and networks of communities together to build connected communities to counter hate crime and extremism
- Championed open government, community empowerment, local democracy and participation.

6. The Directorate for Local Government and Communities ceased to exist after March 2022 when it became the Directorate for Local Government and Housing. The responsibilities of the Directorate are outlined below, these were valid up to September 2024, after that Local Government and Housing split into two separate directorates. Responsibilities of the Directorate for Local Government and Housing covered:

- overseeing local government finance, functions and performance
  - acting as a centre of expertise on local government and community planning
  - ensuring everyone in Scotland has access to quality sustainable homes which they can afford, through housing supply and ensuring the energy efficiency of housing providing safe, affordable homes
  - using evidence and analysis to shape policies.
7. The Equality and Human Right Division and Connected Communities Division became part of the new Directorate for Equality, Inclusion and Human Rights (EIHR) in March 2021. The Module 2A DG Communities corporate statement submitted to the Inquiry on 23 June 2023, [LM5/01 - INQ000215472] offers further information on the work of the Scottish Government in connection with equalities and human rights throughout the pandemic. The Directorate is responsible for ensuring that the rights of those with protected characteristics under the Equality Act 2010 (namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) are embedded into Scottish Government policy making.

#### Local Government in Scotland

8. Local Government in Scotland comprises thirty-two unitary local authorities, commonly referred to as councils. Local authorities vary considerably in size and population, but all have responsibility for providing a range of public services to the communities in their area. Each council provides public services, including education, social care, waste management, libraries and planning. Councils receive the majority of their funding from the Scottish Government but operate independently and are accountable to their local electorates. Councils raise additional income via the Council Tax (a locally variable domestic property tax), and Business Rates. The Scottish Government guarantees the amount each council receives, protecting councils if the amount actually collected differs from the forecast.
9. The Local Government (Scotland) Act 1973 established many local authority powers and responsibilities for local government in Scotland. The Local Government etc. (Scotland) Act 1994 set up the current council structures. The Local Government in Scotland Act 2003 introduced a range of new duties for local authorities, including requirements to secure best value, engage in community planning and additional enforcement and financial and licensing functions, including taxis, parades and public houses. The Local Government (Scotland) Act 2004 sets out provisions for local government elections and expenses, and new requirements for the membership of local authorities (including pay and pensions).

10. Key responsibilities of Scottish local government in relation to children and young people include:

- Primary and secondary schooling
- Housing and Homelessness
- Early Learning and Childcare Services
- Social Work and Social Care Services
- Protection of vulnerable children and adults
- Sports and leisure services.

11. Local Authorities in Scotland have statutory duties in relation to homelessness. These are:

- If a household is unintentionally homeless (or threatened with homelessness), the local authority must offer settled accommodation. Until this is available, the local authority must offer temporary accommodation
- If a household is intentionally homeless (or threatened with homelessness), the local authority has no statutory duty to provide settled accommodation (although they may choose to do so)
- There is a duty to provide temporary accommodation and advice and assistance to help the household secure alternative accommodation
- While previously local authorities had a legal duty to investigate whether a household became intentionally homeless, from November 2019 this became a discretionary power
- Temporary accommodation must be offered while the household is awaiting an assessment decision
- The statutory duty lies with the local authority the household applies to. If a household has no local connection to the one to which it applied, but to another local authority, they may be referred
- A household can accept, or refuse offers of accommodation. A local authority's duty to secure accommodation for unintentionally homeless people would be fulfilled by an offer that is refused, provided that the offer is a reasonable one.



12. All those assessed as homeless by local authorities in Scotland have a right to accommodation.
13. Those at risk of homelessness are legally entitled to help and support. This is to stop people from losing their homes and help them to find another as soon as possible. This also helps identify other contributing issues, such as debt or mental health problems, so that the right support measures can be put in place.
14. Not all of those who approach their local authority for assistance go on to be assessed as homeless, often due to a change in circumstances. For those who do become homeless, the availability of temporary accommodation means that people have a place to stay until permanent accommodation is found and support (if needed) is in place [LM5/02 - INQ000569859].
15. In May 2020 the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020/139 came into effect. The legislation extended the Unsuitable Accommodation Order to all homeless households, which meant that the maximum number of days that local authorities could use unsuitable accommodation for any homeless person was seven days. This legislation also included temporary exceptions to allow local authorities to provide households with accommodation in response to Covid-19. The legislation meant that a placement was not considered unsuitable if:
- a person in the household has symptoms of coronavirus and the household requires to isolate
  - the accommodation is required to provide temporary accommodation to ensure that a distance of two metres can be maintained between a member of the household and a person who is not a member of the household in order to prevent the spread of coronavirus
  - the local authority is unable to place the household in suitable accommodation as a result of the impacts of coronavirus on temporary accommodation supply in the area, provided that where a household includes a child or a pregnant woman the household is not placed in unsuitable accommodation for more than seven days.
16. The rights for homeless households in Scotland are stronger than the rest of the UK as 'priority need' was abolished in 2012. The Homelessness (Abolition of Priority Need Test) (Scotland) Order 2012 is exhibited at the end of this paragraph. The Inquiry has asked whether consideration was given to introducing an initiative to move homeless children and their families to suitable accommodation, as was introduced by the UK Government as part

of the 'Everyone In' initiative. Due to the rights already existing in Scotland, there was no need to mirror the 'Everyone In' initiative to the same extent, since most homeless households already have strong rights to housing. Scotland has notably stronger homelessness rights than the rest of the UK as we have abolished 'priority need,' the removal of this provision entitles any household experiencing homelessness to advice, support and temporary accommodation if needed. Please see provided the relevant statute [LM5/31 - INQ000646069]. Furthermore, prior to 31 December 2012 the duty on a local authority to secure accommodation under section 31(2) of the Housing (Scotland) Act 1987 was subject to the local authority being satisfied that the person had a priority need (which included people who had children living with them and some young people). From 31 December 2012, this was no longer necessary. Throughout the pandemic, the duty in section 31(2) applied to anyone who was not intentionally homeless.

17. The exception to this was people with no recourse to public funds (NRPF), a policy imposed by the UK Government which prevents local and national government from providing accommodation to people with NRPF at the times when they need it most. This is one of the biggest barriers to eradicating rough sleeping in Scotland and the Scottish Government have repeatedly raised the impact that NRPF policy has with the UK Government.
18. The Scottish Government, through the Better Homes Division of the Housing and Social Justice Directorate, provided almost £1.6 million in funding to third sector partners and worked with local authorities and third sector partners to commission emergency hotel accommodation for those at risk of rough sleeping to stay in. The Winter Support Fund for Families and Children also helped people on low incomes, children and people at risk of homelessness or social isolation cope with winter weather and the economic impact of coronavirus (Covid-19) and Brexit, [LM5/07 - INQ000528678]. Over £5 million of this fund was paid directly to local authorities through the Local Government Finance Settlement to help those at risk of homelessness find a settled home.
19. An evaluation of Covid support in low income households was published in February 2022 covering the period from March 2020 to November 2021, provided [LM5/04 - INQ000569872]. The research focused mainly on the lived experience of six family types who are at greater risk of poverty and also included the experiences of families on low incomes but above the threshold for relative poverty and single people and couples under 30 on low incomes. The focus was on gathering the experiences of families in the following six priority groups most at risk of being in child poverty:

- Lone parents
- Families with a baby aged under 1
- Families with three or more children
- Families with a disabled family member
- Young mothers (aged under 25)
- Minority ethnic families.

The study also included the following low-income households:

- Families on low income but above the threshold for relative poverty
- Single young adults (under 30) with no children but in relative poverty
- Young couples (under 30) with no children but in relative poverty.

Conclusions of this study have been exhibited as part of [LM5/04 - INQ000569872]

#### Preventing Evictions during the Pandemic

20. The Coronavirus (Scotland) 2020 Act put in place a number of temporary measures to ensure that tenants in the rented sector were provided with additional protection from eviction during the coronavirus pandemic. Measures included:

- Increased notice period across all eviction grounds in the private and social rented sector, except for certain grounds including, abandonment and vacant property grounds, antisocial and criminal behaviour
- For the private rented sector, all grounds for eviction were made discretionary. Prior to the emergency legislation coming into force, some grounds for eviction were mandatory and, if all the conditions were met, the First-tier Tribunal for Scotland (Housing and Property Chamber) had to grant the order. This measure ensured that the Tribunal – once it became operational again – was able to use discretion and take all factors into account before deciding whether to issue an eviction order or not
- The introduction of pre-action requirements for private landlords seeking to end a private tenancy due to rent arrears. The Tribunal was also required to take account of the extent to which a landlord has complied with the pre-action requirements when deciding whether it was reasonable to grant an order for eviction on the grounds of rent arrears
- In addition to these measures, additional protections were introduced under The Health Protection (Coronavirus) (Protection from Eviction) (Scotland) Regulations to introduce a temporary ban on the enforcement of eviction in both the social and private rented sectors with the exception of cases of serious anti-social behaviour or criminal behaviour including cases of domestic abuse. This was initially in place

between 11 December 2020 and 22 January 2021 and was subsequently extended to apply to evictions in areas subject to level 3 or 4 restrictions, again with some exceptions including for serious anti-social behaviour and criminal behaviour, including domestic abuse.

21. These changes supported tenants to be secure in their homes and ensure that they had time to apply for and receive the available support to pay their bills in the short term and, if necessary, to give them time to plan for the longer term. It also prevented additional burdens being placed on health and housing services during a time where they were already working hard due to the impact of the pandemic.

### Eradicating Child Poverty

22. The Scottish Government is committed to ending child poverty. The Child Poverty (Scotland) Act 2017 requires the Scottish Government to reduce the number of children who live in poverty. By 2030, these targets must be met:

- Fewer than 10% of children living in families in relative poverty
- Fewer than 5% of children living in families in absolute poverty
- Fewer than 5% of children living in families living in combined low income and material deprivation
- Fewer than 5% of children living in families in persistent poverty
- The Act also included a set of interim targets to be met by 2023.

23. The Tackling Child Poverty Delivery Plan 2018-22 provided, [LM5/05 - INQ000569860] ensured the focus on eradicating child poverty was maintained throughout the pandemic. The plan contains many actions on child poverty that the Scottish Government committed to take forward between 2018 and 2022. The actions delivered under the plan were published as part of the progress report exhibited in the next paragraph, these included:

- *Provided support to over 8,300 parents through Fair Start Scotland, with nearly 3,000 job starts by parents, including around 1,200 job starts by lone parents, between April 2018 and March 2022;*
- *Provided support to nearly 2,900 parents, including over 1,800 lone parents, through No One Left Behind local employability services, including the Parental Employment Support Fund, between April 2020 and December 2021;*

- *Applied Fair Work First conditionality to over £2.4 billion worth of public sector funding between April 2019 and March 2021, which includes nearly £620 million worth of contracts, promoting security of contracts and payment of the Real Living Wage;*
- *Increased the number of real Living Wage accredited employers by just over 1,800, with almost 25,000 employees seeing an increase in their wages as a result – this has helped to support a 5% point increase in the proportion of people earning the real Living Wage or more in Scotland, rising from 80.6% in 2018 to 85.6% in 2021;*
- *Almost doubled funded hours for Early Learning and Childcare from 600 hours in 2018 to 1,140 hours as of August 2021 – available for every child aged 3 and 4, and for 2 year olds who need it most – which saved families up to £4,900 per eligible child in 2021;*
- *Helped more than 20,400 clients to be better off by an average of £2,000 per household – collectively better off by over £44 million – through the Money Talk Team service between November 2018 and end of March 2022. Of those supported over 11,500 were from our six priority family types, with 3,500 of those supported collectively better off by £12.5 million;*
- *Delivered 35,095 affordable homes, 25,562 of which were homes for social rent (which included 9,519 council homes) between April 2018 and March 2022 – supporting an estimated 11,580 households with children into affordable housing;*
- *Increased School Clothing Grant from the previous lowest level of £40 to at least £120 for every eligible primary school age child and £150 for every eligible secondary school age child from the current academic year – with over 485,000 payments issued across 2018-21;*
- *Expanded universal Free School Meal provision to children in primaries 4 and 5, saving families around £400 per child, and delivered alternate Free School Meal provision during school holidays across 2020-22 for children from low income families – benefiting around 145,000 children from low income households;*
- *Tackled the digital divide by providing nearly 20,000 devices and over 13,250 connectivity packages to families with children through the Connecting Scotland Programme since May 2020;*
- *Extended concessionary travel to all under 22's in Scotland, with approximately 930,000 young people eligible for support estimated to save families up to £3,000 by the time their child turns 18; 12*
- *Introduced the Scottish Child Payment, issuing more than 1.2 million individual payments to more than 95,000 clients between 15 February 2021 and 31 March 2022 – awarding £58.6 million to eligible families with a child under the age of 6.*

- *Significantly increased the value of support available across the early years through our package of five family payments – which includes Best Start Foods, three Best Start Grants and the Scottish Child Payment. By the end of 2022 this support will be worth a maximum of over £10,000 by the time an eligible family's first child turns 6, this is over £8,200 more than is available elsewhere in the UK;*
- *Delivered over 650,000 Carer's Allowance Supplement payments between September 2018 and December 2021, totalling £188 million to around 126,000 carers, with carers continuously in receipt of this support receiving over £2,270 more than carers in the rest of the UK.*

24. The final progress report on the 2018-2022 Delivery Plan, provided [LM5/06 - INQ000617022], was published in June 2022. It covered the period of moving from Covid-19 response into Covid-19 recovery, with the vast majority of restrictions lifted and implementation of planned activity able to restart or regain momentum that had been lost during the height of the pandemic. It reflected progress delivered to 31 March 2022, including the emerging cost of living crisis and actions to support families.

25. Over the course of 2020-21 the Scottish Government made over £1 billion of additional investment available to help local communities through the pandemic, and to build resilience in public services. This included over half a billion through the Communities Funding Package, distributed across councils, local services and initiatives to support those in need. A further £479 million was awarded to local councils in addition to this to meet demand for local services and build resilience across the sector. The Scottish Government estimates over half of the total funding available was focused on supporting low-income households.

26. The response placed a strong emphasis on protecting children and young people and on mitigating the impacts of poverty, building on the shared knowledge and approach established by the Tackling Child Poverty Delivery Plan. The Communities Funding included an additional £56 million to enable the continuation of alternate Free School Meal provision, £32 million to deliver the new Covid Hardship Payments to around 145,000 children and young people and almost £5 million of additional funding, to support families through the difficult winter period from 2020-2021, through children's charities. Scottish Government also tackled new and emergent challenges such as digital exclusion through the introduction of the Connecting Scotland programme.

27. In 2021-22 the investment continued with a range of additional financial support for families to support recovery from the pandemic and to assist with the rising cost of living.
28. Through Low Income Pandemic Payments and Scottish Child Payment Bridging Payments the Scottish Government put over £148 million into the pockets of Scottish households. Scottish Government also delivered a £41 million Winter Support Fund, building on learning from the Covid-19 response, to tackle the increased cost of living over the winter period. Please see exhibited here [LM5/07 [INQ000528678] and refer to paragraph 18. This included providing £25 million of flexible funding to councils to tackle financial insecurity in their local areas, £10 million to establish a new Fuel Insecurity Fund and £6 million to third sector partners to deliver targeted support to low-income families with children. The Scottish Government announced a further £290 million package of measures to tackle the cost-of-living crisis in February 2022 in order to provide continued support.

### **Part B - Pre-pandemic planning**

29. The Directorates for Housing and Social Justice and for Local Government and Communities did not carry out any pre-pandemic planning in relation to children and young people. Responsibility in the Scottish Government for children and young people policy falls to the Directorates for Education and Children and Families. Pre-pandemic planning for these directorates is outlined in Part B of the DG Education and Justice, Education statement submitted to the Inquiry on 13 December 2024.

### **Part C - Significant decisions which affected children during the pandemic**

30. As outlined above, the Scottish Government placed a strong emphasis on protecting children and young people and on mitigating the impacts of poverty, building on the shared knowledge and approach established by the Tackling Child Poverty Delivery Plan. This emphasis continued throughout the pandemic in the face of the disruption to the lives of children and young people including those at risk of losing their family homes and the closure of schools.

#### **Announcement of 18 March 2020 of communities funding**

31. The funding announced by the then Communities Cabinet Secretary Aileen Campbell on 18 March 2020 included a £50 million Wellbeing Fund to help charities and others who require additional capacity to work with at-risk people who may be worst affected by the crisis,

including homeless people and those experiencing fuel poverty, provided [LM5/32 - INQ000646070].(There was no direct funding for individuals but instead funding to organisations who support at-risk groups, although these were not sub-categorised. A high level of flexibility was applied to the third sector organisations in receipt of funding, allowing them to use their knowledge and expertise to determine where the funding should be directed, negating the need for the Scottish Government to specify who should benefit. Organisations that work with children and young people that were in receipt of funding included Aberlour, Action for Children, Barnardo's, Cash For Kids, Children 1st, NSPCC Childline, Stop It Now! Scotland, Young Scot and Youthlink. The support for marginalised groups submission dated 29 April 2020 outlines impacts of the support, provided [LM5/08 - INQ000569882]. The submission stated that marginalised groups include those who have "experiences of homelessness, problem alcohol and drug use, imprisonment and prostitution. They are more likely to have experienced poverty and adverse childhood experiences, including violence and other forms of abuse, and they often have multiple overlapping risk factors and extreme levels of morbidity and mortality". Support measures for marginalised groups include "medical and social care; accommodation and facilities for self-isolation; access to food and cash; advice, information and advocacy; and continuation and expansion of wrap around support for those with multiple and complex needs." The impact of the support has meant that for example, "Over £500,000 has been provided to third sector organisations in major cities, enabling them to requisition hotel accommodation for rough sleepers and people with no recourse to public funds. As a result, outreach teams report that there are now fewer than 30 people sleeping rough in Scotland". In addition, "Portaloos and showers have been delivered to a number of locations where Gypsy/Travellers were living with limited or no sanitation facilities", and there is more flexibility offered "to grant-funded providers of accommodation for victims of trafficking so that people are not moved on unless they have a safe alternative". There has also been "softer impacts" as a result of the support provided, which include but not limited to "swifter and more honest information sharing; more collaboration and less competition between organisations; more rapid decision-making, especially when it comes to funding decisions; better cross-sector and partnership working (improved power dynamics); more telephone (human) contact; meeting clinical and emotional needs in a joined up way, and a reduction in unnecessary bureaucracy". The need to gather this was primarily motivated by a requirement to assess the effectiveness of the support but, also to improve decision-making and to make informed changes to best support marginalised groups.

#### School closures and the first national lockdown



32. The Directorates for Housing and Social Justice and Local Government and Communities were not involved in the decision to close schools. The Directorate for Local Government and Communities' responsibility was focussed on funding and the strategic relationship with local authorities via COSLA and not on the specific policies or areas funded.
33. Advice to Ministers on the decisions around closing schools was provided by the Directorate for Education as outlined in Part C of the DG Education and Justice, Education statement submitted to the Inquiry on 13 December 2024. The Director of Local Government and Communities and the Director of Housing and Social Justice were updated on the decisions around school closures through updates from the Scottish Government Resilience Room (SGoRR) as well the DG Education, Justice and Communities Senior Leadership Team discussions.
34. Between January and March 2020, the Directorates for Housing and Social Justice and Local Government and Communities did not receive or provide advice or information on the topic of school closures and were not part of the decision-making process for school closures. This is covered in the DG Education and Justice, Education statement submitted to the Inquiry on 13 December 2024. The Directorate for Local Government and Communities role was mainly on the funding/business grants which will be detailed in the Scottish Government's response to Module 9. The Directorate was also responsible for supporting the day to day relationship management between local and national government. The Local Government Directorate, formerly the Local Government and Analytical Services Division within the Local Government and Housing Directorate, routinely provide day to day support to COSLA and Local Authorities. Under normal circumstances that involves informal weekly and fortnightly meetings between senior officials at Scottish Government and COSLA but also includes formal monthly meetings with Local Authority Directors of Finance and through the jointly chaired Settlement and Distribution Group. This activity is in addition to routine political engagement. Such official engagement is generally more frequent in the run up to fiscal events such as the Scottish Budget and in the exceptional case of the Covid-19 pandemic, that engagement was enhanced by additional structural engagement including twice-weekly meetings with the Covid Business Support Fund Local Authority Working Group. Following the introduction of a levels approach, regular engagement, coordinated by the LG Policy & Relationships Team, took place with individual councils and COSLA on the level to be allocated to each council area. This engagement included meetings between Local Authorities and Ministers when appropriate and involved various Ministers, as well as the Chief Medical Officer, attending key COSLA decision-making meetings such as COSLA Leaders to answer questions and inform our partners in Local Government of significant

developments. As noted elsewhere in evidence, significant financial support was also made available to Local Authorities through the Local Government Settlement with the Settlement and Distribution Group considering 87 papers during 2020-21 (an increase of 38%) and a further 112 papers in 2021-22 (an increase of 29%).

#### Children's Rights and Wellbeing Impact Assessments

35. As outlined in the DG Strategy and External Affairs Statement submitted to Module 2A of the Inquiry on 22 June 2023, over the course of the pandemic, decision-making was supported by various types of impact assessment including Business Regulatory (BRIA); Equality & Fairer Scotland (EQFSIA); Children's Rights and Wellbeing (CRWIA) and Island impact assessments, where appropriate. Due to the fast-moving nature of the public health emergency, the rapid pace of decision-making meant that formal impact assessments could not always be undertaken in advance of decision-making; however, processes such as the four harms assessments enabled impacts (for example, on groups with protected characteristics) to be discussed in relation to each of the harms. The Scottish Government published impact assessments at various stages of the pandemic which provide insights into the relevant considerations for decision-making. These impact assessments are previously exhibited as part of the statement as mentioned above at [LM5/34 - INQ000216655]. The guidance relied on is provided here [LM5/33 - INQ000131028].

#### The First Minister's announcement of 23 March 2020

36. The Directorates for Local Government and Communities and Housing and Social Justice were aware of the first lockdown through updates from SGoRR as well DG Education, Justice and Communities Senior Leadership Team discussions. No specific advice was provided to the Directorates in relation to children. Work such as supporting local authorities to ensure the small number of people rough sleeping were able to find temporary accommodation was not specific to children.

37. The Deputy First Minister and Cabinet Secretary for Education and Skills was part of the wider portfolio and involved in the decision making to close schools, as was the Director General for Education, Communities and Justice. The impact on children was mainly dealt with by the Children and Families and Learning Directorates. The educational wellbeing of children fell outside the remit of the Directorates for Local Government and Communities and Housing and Social Justice. Within the remit of these directorates, the focus was on preventing the spread of infection, particularly for those at risk of rough sleeping. Families

with young children are not typically part of the cohort at risk of rough sleeping. Families with children are provided temporary accommodation as outlined above in the statutory duties on Local Authorities.

38. "The Directorate monitored the statistics around homelessness. The statistics bulletin provided information on homelessness in Scotland in the period from 1 April 2020 to 31 March 2021, alongside historical data, [LM5/09 – INQ000569848]. It provided statistical information on all stages of the homelessness process, the circumstances from which people became homeless, use of temporary accommodation and the final outcomes of their application to be considered Homeless. This information was broken down by characteristics of households, including ethnicity, gender and age and provided for each Local Authority area. In the period covered by the statistics there were 42,149 people in homeless households – 30,345 adults and 11,804 children. In response to the pandemic, local authorities made efforts to house all of those in need (including those who would not otherwise be eligible for homelessness support). This included, but was not restricted to, the accommodating of rough sleepers. The "Homelessness in Scotland 2020 to 2021" publication highlights the impact of the pandemic on homelessness trends for example, it states that "the 27,571 homeless households in 2020/21 contained a total of 42,149 people, comprising 30,345 adults and 11,804 children (Tables 13, 14 & 15). While the number of adults fell by 16% compared to 2019/20, the number of children decreased by 26%. This is due to the greater proportion of households without children assessed as homeless in this period (75% in 2020/21 compared to 71% in 2019/20. This chart [Chart 2] also shows that the increase for households with children and/or pregnant women in temporary accommodation is not as steep as for households overall (12% increase for all vs 2% for households with children/ pregnant women). There were a total of 7,130 children in temporary accommodation at 31<sup>st</sup> March - a decrease of 2% (from 7,280) the previous year. (Tables 26-28)".

39. After the first national lockdown, the Directorate did not carry out any assessment on the impacts of the lockdown specific to children and young people at risk of or experiencing homelessness. The reasons for this are explained in paragraph 35.

40. The Scottish Government worked with feedback from 66 stakeholders which included Local Authorities and Charities on how to reduce and prevent homelessness through the Homelessness and Rough Sleeping Action Group. This work resulted in a number of recommendations mostly made to the Scottish Government to prevent homelessness. These

recommendations are set out in the report published on the 19 August 2020 from the Homelessness and Rough Sleeping Action Group (HARSAG), provided. The plan was updated to recognise the changing circumstances caused by Coronavirus which included 4 key areas:

- Continuing to strengthen the national plan for ending homelessness
- Strategic housing needs
- Rapid rehousing and maximum housing options for all
- Prevention [LM5/010 – INQ000569849]

#### **Part D - Sources of information available about children**

41. The Directorate monitored the impact the pandemic was having on children and young people affected by the policies for which it was responsible. The principal sources of information available to the Directorate regarding the impact that the pandemic was having on homelessness are outlined below.

42. The Homelessness statistics exhibited at paragraph 38 capture details of people who have become homeless or who have made a homeless application. Rough sleeping is the most acute form of homelessness and where people are at the greatest risk of harm, which is why the Scottish Government focused on rough sleepers.

43. In June 2020 the Scottish Government re-convened an expert group, the Homelessness and Rough Sleeping Action Group (HARSAG), to make recommendations to Ministers on actions that were needed in relation to homelessness and rough sleeping as a response to the pandemic. This group had originally been established in 2017 following renewed homelessness commitments in that year's Programme for Government, with its pre-Covid report published on 1 June 2018 [LM5/11 - INQ000569857]. This group included Shelter Scotland. A cross-government approach was proposed, incorporating other relevant programmes of work already in place, for example, the Child Poverty Delivery Plan, the Poverty and Inequality Commission, Getting It Right For Every Child (GIRFEC) and the Independent Care Review. The response to the expert recommendations was captured in the updated homelessness strategy, "Ending Homelessness Together Updated action plan, October 2020" provided [LM5/12 - INQ000569850]. Annual reports on the progress the Scottish Government is making against actions in the strategy are laid in the Scottish Parliament each October.

The Ending Homelessness Together action plan is a long-term strategy for preventing and tackling homelessness. The pandemic created a backlog of households in temporary accommodation, which meant that some families waited longer for a settled home. Although some actions in the strategy were reprioritised as a result of the Covid-19 pandemic, this did not impact on the overall trajectory of implementing recommendations to prevent and respond to homelessness in Scotland.

The following recommendations were set out by the Scottish Government from the updated Homelessness and Rough Sleeping Action Group publication dated 19 August 2020:

- Frequent local audit of people in emergency and unsuitable temporary accommodation by local authorities and by homelessness service providers – i.e. what every household requires in housing/support terms.
- Undertaking local and national equalities assessments of impact of Covid-19 on housing and homelessness risk for particular groups (BAME, gender, age, Gypsy/Traveller community, disability / pre-existing health conditions), including access to appropriate temporary and settled housing options.

#### **Part E - Interim planning (from Summer 2020)**

44. The Directorate did not complete any assessments around the impacts of school closures after the first lockdown. These were completed by Education colleagues as outlined in the DG Education and Justice, Education statement submitted to the Inquiry on 13 December 2024. The Scottish Government's 'Ending Homelessness Together' report contained learnings from the pandemic. These are outlined in the annual report on progress where it is detailed that the Scottish Government would build on the evidence base to understand the impact of Covid-19 on the risk of homelessness for particular groups. [LM5/13 - INQ000569851].

#### **Refugee and Asylum-seeking Mothers and children**

45. The Inquiry has asked about the accommodation of refugee and asylum-seeking mothers and their young children in Scotland by Home Office contractor Mears Group Plc. The Scottish Government is not responsible for asylum support or asylum accommodation. The Home Office is responsible for all provision of asylum accommodation, including hotels procured as contingency for initial asylum accommodation. The Home Office must ensure that there is a smooth and efficient pathway into asylum support when people claim asylum.

People must not be left without accommodation, especially families with children. The Scottish Government recognises that hotels can provide temporary accommodation but is clear that hotel use for asylum seekers is not comparable to its use for other groups being supported in temporary accommodation. The Scottish Government believes that community-based asylum accommodation is the best way to support people and ensure access to the services they need to rebuild their lives and welcomes the closing of contingency hotels. The Home Office must ensure that anyone who is accommodated in a hotel it has procured can access the essential services they need, as well as support and advocacy.

46. The Scottish Government was not involved in the decision to move mothers and young children into what was described as a “Mother and Baby Unit.” Mears Group became contract holders for Scotland in late 2019. It is understood that they started to develop plans for a mother and baby unit prior to the pandemic. Due to the pandemic, pregnant women and mothers with young babies were moved into the unit from the community (i.e. flats in Glasgow) rather than the unit receiving new arrivals dispersed to the city. Access to shared facilities in the building and visits by essential services (including midwives) were also not able to take place as originally proposed. A timeline of the Scottish Government’s understanding regarding the unit is provided below:

Jan 2021	Mears Group, the UK Government contracted asylum accommodation provider, opened a mother and baby unit in Pollokshaws, Glasgow.
10 Feb 2021	Then Cabinet Secretary for Communities and Local Government (CLG), Aileen Campbell MSP, met the Chief Executives of Scottish Refugee Council and Aberlour Childcare Trust to hear concerns about the unit.
19 Feb 2021	Then Cabinet Secretary for CLG wrote to Mears Chief Operating Officer, John Taylor, to raise concerns. [LM5/14 - INQ000569862], [LM5/15 - INQ000569863], [LM5/15a - INQ000569864]
June 2021	Freedom to Crawl campaign issued briefing to MSPs raising concerns and calling for the Mother and Baby Unit to close. [LM5/16 - INQ000569865]
28 June 2021	Then Cabinet Secretary for Social Justice, Housing and Local Government (SJHLG), Shona Robison MSP, wrote to John Taylor requesting an update and highlighting concerns. [LM5/17 - INQ000569866], [LM5/18 - INQ000569868], [LM5/19 - INQ000569869]
July 2021	Children and Young People’s Commissioner Scotland sent a copy of a report to Cabinet Secretary for SJHLG, she acknowledged receipt and a recommendation for the Scottish Government.

	The report had been submitted to Glasgow City Council, NHS Greater Glasgow and Clyde, the HSCP and Mears Group in July 2021. [LM5/18 - INQ000569868], [LM5/20 - INQ000569879], [LM5/21 - INQ000569870]
Oct 2021	Mears informed the Asylum Partnership Board that the accommodation would be repurposed, and they would relocate all pregnant women and mothers with babies from the property.
31 March 2022	Children and Young People's Commissioner Scotland published a report on <i>Accommodation of Asylum-seeking Mothers and Babies in Glasgow</i> . [LM5/22 – INQ000569871], [LM5/23 - <b>INQ000146895</b> ] (This was an update of the report shared with Cabinet Secretary for SJHLG in August 2021).
Summer 2022	Mears Group confirmed that all women with children and pregnant women had been relocated from the property previously operating as a mother and baby unit. Scottish Government officials were made aware through engagement in the Asylum Partnership Board.

**Part F - Regional protection levels commence with most local authorities in levels 1 to 3 (November 2020)**

47. When the regional protection levels were introduced, the Directorate continued to work with local authorities to ensure that people at the acute end of homelessness were accommodated in hotel accommodation. The Scottish Government's policy towards local authorities' spending is to allow local authorities the financial freedom to operate independently. Local authorities are best placed to identify and respond to local needs and priorities, and this was the approach taken to accommodation decisions taken during the pandemic.
48. The Inquiry has asked about children in households experiencing domestic abuse. The Directorates for Local Government and Communities and Housing and Social Justice were not directly involved in and did not contribute to any assessment about the impact that a further lockdown might have on children experiencing domestic abuse. However, it is recognised that women and children experiencing domestic abuse are at increased risk of homelessness. In August 2019, the Cabinet Secretary for Communities and Local Government, Aileen Campbell MSP, announced a Scottish Government working group to consider how Scotland could improve housing outcomes for women and children experiencing domestic abuse. The working group consisted of representatives of the following organisations: Scottish Government (Housing and Social Justice Directorate),

Scottish Women's Aid, Chartered Institute of Housing (Scotland), Fife Council, Association of Local Authority Chief Housing Officers (ALACHO), COSLA, Shelter Scotland, Brodies LLP, Engender and Almond Housing Association. Through the workings of this group, it was recognised that women and children experiencing domestic abuse are at increased risk of homelessness. The Scottish Government took forward the actions in the expert report as part of the response to the pandemic, accepting all 27 recommendations in the report in principle, [LM5/24 - INQ000569852]. Work is still ongoing to implement these recommendations, with priority given to the recommendations relating to the Housing (Scotland) Bill, currently going through the parliamentary process. The following recommendations from the report were given priority:

- National and local plans to ensure people experiencing domestic abuse or at risk of domestic abuse, including those with No Recourse to Public Funds, can immediately access housing advice, emergency accommodation (if needed) and other support to prevent homelessness.
- Test and target homelessness prevention approaches across wider public services, including for those at risk of eviction due to rent arrears or income shortfalls, those experiencing or at risk of domestic abuse, or women engaged in commercial sexual exploitation.
- A proactive housing management approach focused on earlier intervention, with independent advice, information and advocacy for tenants and access to housing support on a longer-term basis where necessary.
- Develop homelessness and housing pathways for those experiencing or at risk of domestic abuse, avoiding homelessness in every case and enabling survivors to remain in their home where this is their preferred option.
- Acceleration of upstream prevention activity across local authorities and RSLs, up to 6 months prior to homelessness (pre-empting new prevention duties and the work of the Prevention Review Group (PRG) for “mandated set of activities”).
- Develop commitments and practice with all relevant public bodies to take steps to prevent homelessness, including asking about housing situation and acting by referral to local authority, expectation of eliminating evictions or discharge into homelessness.
- Ensure prevention activity is prioritised by introducing legal duties on housing and wider public bodies to prevent homelessness following the recommendations of the Prevention Review Group (PRG).



49. During the pandemic it was recognised that women and children could be at an increased risk of violence and abuse so the Scottish Government responded by providing more than £5.75 million to ensure that frontline services could adapt and continue to help people. Funding was provided by the Equality, Inclusion and Human Rights Directorate. The first phase of the funding in May of £1.5m was provided to help tackle higher levels of abuse through the women's aid and rape crisis network. The investment of £4.25 million in September 2020 was for charities and projects across Scotland supporting women and children experiencing or at risk of violence and domestic abuse. The additional investment was to help respond to an increase in demand from victims of abuse for support services during the Covid-19 pandemic.

50. The Homelessness statistics exhibited at paragraph 38 capture details of people who have become homeless or who have made a homeless application as a result of domestic abuse. There was no monitoring or assessment done by the Housing and Social Justice Directorate on the impacts of the second lockdown. Work continued as part of the 'pathway to prevent homelessness due to domestic abuse' and this work is still ongoing. The Assessments carried out for children and young people are outlined in the DG Education and Justice, Education statement submitted to the Inquiry on 13 December 2024.

#### **Part G – The increased in level restrictions and the closure of schools in January 2021**

51. The Directorates for Local Government and Communities and Housing and Social Justice did not contribute to any assessment of the impact a second lockdown would have on children and young people. The reasons for this are explained in paragraph 35. The lockdowns in Scotland were different to those in England. The January 2021 restrictions applied in the areas of highest prevalence but were not nationwide. Scotland did not lockdown between 5 November 2020 and 2 December 2020 when England did.

52. As already set out in the statement, the Directorate did not provide advice or information on the topic of school closures and were not part of the decision-making process for school closures. Details are outlined in the DG Education and Justice, Education statement submitted to the Inquiry on 13 December 2024.

53. The Scottish Government routinely collects data from local authorities in relation to Homelessness and Temporary Accommodation, which were incorporated into the homelessness statistics exhibited at paragraph 38.

## Lessons learned

54. The former Housing and Social Justice Directorate provided information, to Ministers or Senior Officials, which was used to assist relevant Scottish Government boards and groups such as the Social Renewal Advisory Board, which was co-chaired by Aileen Campbell MSP, Cabinet Secretary for Communities and Local Government. The Board had an action specific to children to: 'extend free early learning, childcare and social care so all parents and carers can access the childcare they need, when they need it' and the Board took account of lessons learned however, the Directorate did not carry out any lessons learned exercises in relation to children and young people. This was due to the limited involvement of this Directorate with policy areas relevant to children and young people. Lessons learned from this period are outlined in the DG Education and Justice, Education statement submitted to the Inquiry on 13 December 2024.

## **Part H - Specific groups of children**

### Homeless young people

55. The HARSAG publication dated 1 June 2018 recommended that pathways to prevent homelessness should be developed for groups that evidence suggests are more at risk of homelessness and rough sleeping, including young people [LM5/11 - INQ000569857]. The 'Ending Homelessness Together High-Level Action Plan' dated November 2018 [LM5/35 - INQ000646071], that followed from the HARSAG recommendations assures that:

- "We will ensure a clear, effective focus on preventing and responding effectively to youth homelessness. Rapid rehousing transition plans will be required to respond appropriately to the needs of young people experiencing homelessness and include the planning and development of pathways and a range of affordable housing options and associated supports for young people."

56. The Youth Homelessness Prevention Pathway was drafted by members and partners of the coalition to end youth homelessness amongst young people aged 16-25, provided [LM5/25 - INQ000569853]. The key recommendations from this report include:

- Universal prevention: timely support for all about housing and financial issues;
- Targeted prevention: better identifying those at risk and providing early interventions;
- Crisis prevention: effective interventions and advice to resolve a crisis;

- Emergency: accommodation and support targeted at helping people to exit homelessness rapidly; and
- Recovery and housing stability: longer-term support to sustain independent living.

Vulnerable children, including care leavers and asylum-seeking children and young people

57. In July 2020, the Observatory of Children's Human Rights Scotland was asked by the Children and Young People's Commissioner Scotland to carry out an independent Child Rights Impact Assessment (CRIA) which analysed the impact of Scottish Government decision making, in response to the pandemic, through emergency legislation and procedures, on children's human rights.

58. A briefing was created by the Observatory of Children's Human Rights Scotland to set out how the Scottish Government worked to address these impacts, as set out in the Children's Version of the independent CRIA and how the Scottish Government listened to children and young people to understand how the pandemic affected their lives, [LM5/26 - INQ000569854]. This briefing set out how the Scottish Government worked to address these impacts as set out in the Children's Version of the independent CRIA and how the Scottish Government listened to children and young people to understand how the pandemic has affected their lives. The eleven recommendations from the Independent CRIA [LM5/36 - INQ000146890] were as follows:

- 1) Refocus resources on Prevention/Early Intervention
- 2) Maximise all opportunities for children to enjoy their rights to rest, leisure, recreation and cultural and artistic activities and address structural inequalities that constrain these rights
- 3) Target resources on reduction of inequalities in education
- 4) Legislate for the right to food/protection' from hunger
- 5) Guarantee provision of mental health services on a universal basis
- 6) Realign law, practice and policy around the need for evidence-based risk and needs assessments and provide children with robust legal protection from harm
- 7) Prioritise those children whose rights are most at risk
- 8) Reduce the number of children deprived of their liberty in all settings and ensure no children are detained in the prison estate
- 9) Treat all children as children in law
- 10) Communicate to children on all issues affecting them and, in a way, they understand

11) Redesign decision making processes to include children's rights to participate at a structural level

The Scottish Government were made aware of the independent CRIA and used this to inform the development of an overarching CRWIA published in Sept 2020 [LM5/30 -

**INQ000530035]**. The individual recommendations, although mentioned, were not responded to in detail via the published CRWIA.

During the pandemic a number of initiatives were run to ensure children and young people's voices were at the heart of our decision making process. These included:

- Lockdown Lowdown, an online survey and focus groups with vulnerable children and young people. Carried out at 3 different points in time between May 2020 and June 2021.
- The 15 Stories project that engaged with families and children under 8 years of age to understand the impact of COVID-19 on them.
- The national How Are You Doing? Survey was run 4 times with children aged 8 to 14 from across Scotland on their concerns about COVID-19.
- A focus group of 16 to 24 year olds with the National Clinical Director.

In March 2021, the UNCRC (Incorporation) (Scotland) Bill was introduced to the Scottish Parliament. The Covid-19 pandemic further highlighted that children's rights must be respected, protected and fulfilled, or inequality and harm for children and young people who are most vulnerable can grow. By providing more legal protection to children and young people's rights, incorporation of UNCRC is part of our ambition for renewal and to build back better in response to Covid-19. The duties in the UNCRC Act commenced in July 2024.

59. The Inquiry has asked whether children who were homeless or in unsuitable temporary accommodation during the pandemic were prioritised for attendance at school in person. Finalised guidance on provision for the children of key workers and vulnerable children was published on 24 April 2020, [LM5/27 - INQ000569880]. This guidance described 'vulnerable children' as "children who often rely on childcare settings and school life for hot meals or for a safe and comforting space". Identifying those at local level who may be vulnerable was largely at the discretion of the school/setting and local authority. After feedback from stakeholders suggested that a broader definition of vulnerability would be helpful, and some services, with respect to children affected by Domestic Abuse, the Children and Families Collective Leadership Group updated the definition of 'vulnerable children' at their meeting

on 21 May 2020, [LM5/28 - INQ000569855]. The Deputy First Minister agreed to the changes which are detailed on the submission on 25 May 2020, provided [LM5/29 - INQ000569856]. The updated definition of vulnerable children includes children and young people who “because of factors related to their personal development, features of their family life, or because of wider influences that impact on them within their community” are vulnerable. “Those children who were considered to be vulnerable prior to the pandemic should have been known to services and are likely to have had a child’s plan.” In addition, “where a child requires co-ordinated support from more than one agency, this is likely to suggest greater vulnerability, and the plan would be co-ordinated by a lead professional. This would include a range of children and young people, such as those:

- at risk of significant harm, with a child protection plan;
- looked after at home, or away from home;
- “on the edge of care,” where families would benefit from additional support;
- with additional support needs, where there are one or more factors which require significant or co-ordinated support;
- affected by disability;
- where they and/or their parents are experiencing poor physical or mental health;
- experiencing adversities, including problem alcohol or drug use amongst family members, domestic abuse or bereavement; and
- requiring support at times of key transitions.”

Furthermore, “children and families may also experience adversity because of the impact of poverty and disadvantage (including entitlement to free school meals), and many will be facing this because of the necessary measures to respond to the pandemic. This will include families with loss of income, experiencing social isolation, or otherwise struggling because of the lockdown.”

60. The Group was led by the Directorate for Children and Families. Local Government and Housing were not involved in the group or the defining of vulnerable children.

### **Part I - General assessment during the Specified Period and lessons learned**

61. The Directorate for Local Government and Housing and its predecessor Directorates have not completed any further assessments of impacts, reviews of lessons learned or analysis other than those outlined above and within the statements previously submitted to the Inquiry for DG Communities. The lessons learned in relation to equality and human rights

are outlined in the Module 2A DG Communities corporate statement submitted to the Inquiry on 23 June 2023, [LM5/01 - INQ000215472].

### **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.

*"I have been in post in DG Communities since March 2023. The substantive part of this note pertains to events before that date. In order to build the evidence in the statement the information has been gathered from working with my teams and from our official records. I therefore confirm this corporate statement is factually accurate."*

**Personal Data**

**Signed:**

**Dated:** 26 June 2025