

Witness Name: Huw Morris

Statement No.: 1

Exhibits: 357

Dated: 29 August 2025

## **UK COVID-19 INQUIRY**

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### **WITNESS STATEMENT OF HUW MORRIS**

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I, Huw Morris, will say as follows: -

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

#### **Preface**

2. This statement concerns the specified period between 1 January 2020 and 28 June 2022, a time which in this statement I shall also describe as 'during the pandemic'.

#### **Professional background**

3. At the time of the Covid-19 pandemic I was the Director of Skills, Higher Education and Lifelong Learning in the Welsh Government's Economy, Skills and Natural Resources Group. I took up this role in September 2013 having previously worked in six universities in the UK in a variety of roles over a 25-year period.
4. My qualifications include a degree in business studies and psychology, Master's degree in economics and a Doctorate in education as well as completion of the Institute of Learning and Teaching in Higher Education's Top Management Programme. I have extensive experience of the management and governance of universities, colleges, company-based education and training programmes as well as schools. I also have experience of education policy development in the four nations of the UK as deputy chair and then chair of the Association of Business Schools, the representative body for the UK's 120+ business schools. I was also a member of the Deputy Vice Chancellors and Pro Vice Chancellors' network.

5. My research and teaching experience included studies of the development of UK employment legislation, human resource management as well as time as a tutor on the MSc in Public Health Management at St George's Medical School. Between 2018 and 2020, I was a member of the Audit and Risk Assurance Committee of the Health and Social Care Group in the Welsh Government. In the Autumn of 2019, I enrolled on the UK Civil Service's Major Programmes Leadership Academy at Oxford University's Said Business School and I qualified as a major programmes review team leader for the Infrastructure and Projects Authority within the UK Cabinet Office.
6. On the basis of my role in the Welsh Government and my previous experience, in March 2020, I was asked to join the newly formed Technical Advisory Group to represent the Minister for Education's portfolio and I later became a member of its children and education sub-group. During the pandemic, I also reviewed plans for the Commonwealth Games in Birmingham, the National Tutor Programme for school education in England and the Welsh Government's vaccination programme. I also worked with senior staff in the UK Government's Department for Education on the development of the Higher Education Restructuring Regime on contingency planning for the financial support of those higher education institutions in financial difficulty.

#### **Part A: Roles and responsibilities of the Directorate**

7. Responsibility for education and childcare has been devolved in Wales since the first days of devolution in 1999. The Welsh Ministers have policy responsibility for further education, higher education and work-based learning and training.
8. At the start of the pandemic the Economy, Skills and Natural Resources Group was one of four groups in the Welsh Government. The Economy, Skills and Natural Resources Group comprised ten Directorates, each headed by a Director.
9. The Skills, Higher Education and Lifelong Learning Directorate was part of the Economy, Skills and Natural Resources Group and it was responsible for overseeing higher education, further education, the wider post-16 education, training and skills sector in Wales. It was also responsible for the funding of approved vocational qualifications and the development of employability policy.
10. During the relevant period, the Skills, Higher Education and Lifelong Learning Directorate was divided into five divisions which are shown on the organogram exhibited at **M08/ESNRG/001 - INQ000198602**. These were:

- a. **Higher Education Division** had responsibility for policy and delivery relating to Higher Education in Wales. Its work included sponsorship of the Student Loans Company and the Higher Education Funding Council for Wales; oversight and management of student finance support; development of policy relating to long-term funding and the delivery model for higher education;
  - b. **Employability and Skills Division** was responsible for policies to assist people to access, return to, remain in, and progress at work through the removal of employability barriers including the provisions of skills and training support;
  - c. **Post-Compulsory Education and Training Division** had responsibility for the development and implementation of the Tertiary Education Bill;
  - d. **Further Education and Apprenticeships Division** had responsibility for the planning and funding of further education colleges, sixth forms and community-based adult learning by local authorities. The division also contracted the apprenticeship and traineeship programmes in Wales; and
  - e. **European Transition Division** worked with higher and further education institutions to prepare for the effects of Brexit on education and training.
11. I have been asked to set out the particular responsibilities of the Economy, Skills and Natural Resources Group in respect to certain policy areas:
- a. The responsibility of the well-being of young people attending further and higher education depended on the issue being considered and the circumstances of the issue. The Skills, Higher Education and Lifelong Learning Directorate were advisory to the Minister to use their powers and advisory on the operation of regulations and guidance;
  - b. The learning and attainment of young people attending further and higher education was the responsibility of the Skills, Higher Education and Lifelong Learning Directorate;
  - c. Higher Education was the responsibility of the Skills, Higher Education and Lifelong Learning Directorate of the Economy, Skills and Natural Resources Group. Responsibility for further education was shared between the Directorate and the Education and Public Services Group. The former was responsible for post-16 full- and part-time education in further education colleges and St David's sixth form college whereas the latter was responsible for sixth forms in schools;
  - d. The provision of education and training to young people attending higher education was the responsibility of the Skills, Higher Education and Learning Directorate,

including the registration of providers, setting fee limits, degree awarding powers, access to education and participation. In practice, much of this was overseen by the Higher Education Funding Council for Wales. The provision of education and training to young people attending further education was the direct responsibility of the Skills, Higher Education and Lifelong Learning Directorate, further education institutions had freedom over curriculum, course offer and day to day running of institutions and were increasingly developing commercial areas of operation. The Welsh Government had a statutory duty under the Learning and Skills Act 2000 to secure provision of proper facilities for education (other than higher education) and training for students aged 16-19 and reasonable facilities for those over 19;

- e. Financial aspects of young people's attendance at further and higher education institutions were the responsibility of the Skills, Higher Education and Lifelong Learning Directorate. Student Finance Wales is the service provided by the Student Loans Company which administers higher and further education student finance on behalf of the Welsh Government;
- f. Young people's accommodation when they are attending further and higher education was not the responsibility of the Welsh Government. Students in universities either commute from home or reside in halls of residence which are owned by higher education institutions or private providers. Many students also find accommodation through the private rental sector. In practice, during the pandemic the Welsh Government had a keen interest in student accommodation. Further education institutions were in the main attended by students who commuted to study and therefore would have been residing in privately-owned accommodation. Therefore, I am not aware of any responsibilities held by the Welsh Government in respect of accommodation provision within further education; and
- g. Universities as autonomous institutions were responsible for their business operations and management of staff and students.

12. The relevant Welsh Ministers with responsibilities for matters related to further and higher education, 21 January 2020 to 28 June 2022 (the specified period), within the scope of Module 8 were:

- a. Kirsty Williams MS – Minister for Education from May 2016 until May 2021 (stepped down as a Minister and a Member of the Senedd at the Senedd election in May 2021);
- b. Jeremy Miles MS – Minister for Education and Welsh Language (following Senedd elections in May 2021 to March 2024);



- c. Ken Skates MS – Minister for Economy, Transport and North Wales from May 2016 to May 2021; and
- d. Vaughan Gething MS – Minister for the Economy from May 2021 to March 2024.

13. The Minister for Education's responsibilities in February 2020 are set out in **M08/ESNRG/002 - INQ000066139** and 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.

14. From May 2021, the responsibilities of the Minister for Education and Welsh Language included:

- a. School governance, organisation and admissions;
- b. School standards, improvement and pupil attainment, including National Categorisation;
- c. Estyn work programme remit;
- d. Funding of schools;
- e. Curriculum and assessment up to and including A levels;
- f. Welsh medium and bilingual education;
- g. Foundation Phase;
- h. Additional learning needs, including needs of pupils with severe, complex and/or specific learning difficulties, disabled pupils, able and talented pupils;
- i. Support for people with dyslexia;

- j. Safeguarding and inclusion in schools, including internet safety;
  - k. Complaints against Local Education Authorities and school governing bodies;
  - l. Delivery and management of 21st Century Schools and education programme;
  - m. Qualifications Wales;
  - n. Education workforce training and development, including initial teacher training and Post-Compulsory Education and Training;
  - o. Teachers' Pay and Conditions;
  - p. Further Education;
  - q. Further Education student support: Education Maintenance Allowance and Welsh Government Learning Grant;
  - r. Youth work policy;
  - s. Adult community learning;
  - t. Credit and Qualifications Framework including vocation, key and essential skills qualifications;
  - u. Prisoner Learning;
  - v. Higher Education policy, strategy and funding;
  - w. Tertiary Education, including post-16 curriculum reform;
  - x. International learning and strategy, including the International Learning Exchange;
  - y. Programme and Global Wales;
  - z. Medical Education (except for post graduate training); and
  - aa. The Welsh Language (including the Welsh Language Commissioner).
15. In January 2019, the responsibilities of the Minister for Economy, Transport and North Wales included:
- a. Minister for North Wales and Chair of the Standing Committee for Cabinet on North Wales;
  - b. Support and advice to assist the establishment, growth or development of business;
  - c. Support for Inward Investment;
  - d. Entrepreneurship, enterprise and business information;
  - e. Development Bank of Wales;
  - f. Community Bank;
  - g. Economic Advisory Panels;
  - h. Council for Economic Development and Social Partnership Strategy Group;
  - i. Cardiff, North Wales and Swansea Bay City Deals;
  - j. Simplification and integration of business skills and business development services;
  - k. Co-ordination of cross-cutting measures to promote prosperity and tackle poverty;

- l. Management of Welsh Government owned property assets relating to economic development;
- m. Transport for Wales;
- n. Transport policy;
- o. Roads, including construction, improvement and maintenance of motorways and trunk roads;
- p. Rail services through the Wales and Borders franchise;
- q. Ports policy;
- r. Careers Policy and the sponsorship of Careers Choices Dewis Gyrfa;
- s. Apprenticeship policy and delivery;
- t. Youth and adult employability policy and delivery, including Jobs Growth Wales;
- u. Essential Skills for Working Adults and the Skills Gateway;
- v. Work based learning providers;
- w. Sector skills including strategies, and development funds Wales Employment and Skills Board;
- x. Workforce skills development, including the Wales Union Learning Fund core funding for Wales, TUC education and learning services;
- y. European programmes relating to skills and employment, except the EU Structural Funds;
- z. Regional Skills Partnership;
- aa. National Occupational Standards;
- bb. Maintaining a modern regulatory framework that supports responsible business practices, growth and competitiveness;
- cc. Foundational economy;
- dd. Better Jobs Closer to Home;
- ee. Living Wage;
- ff. Social Enterprise and the social economy;
- gg. Co-operative economy; and
- hh. Digital connectivity infrastructure, including Public Sector Broadband Aggregation, fast broadband and mobile.

16. The responsibilities of the Minister for Economy in May 2021 included:

- a. Support and advice to assist the establishment, growth or development of business (including export support);
- b. Support for Inward Investment;
- c. International Trade policy, including coordination of matters relating to the UK/EU Trade and Cooperation Agreement;

- d. Entrepreneurship, enterprise and business information;
- e. Development Bank of Wales;
- f. Community Bank;
- g. Economic Advisory Panels;
- h. Council for Economic Development and Social Partnership Strategy Group;
- i. Promotion of Wales as a location for Business and Investment;
- j. Ports policy, including freeports;
- k. Cardiff and Swansea Bay City Deals;
- l. Mid Wales and North Wales Growth Deals;
- m. Management of Welsh Government owned property assets relating to economic development;
- n. Business skills and business development services;
- o. Careers Policy and the sponsorship of Careers Choices Dewis Gyrfa;
- p. Apprenticeship policy and delivery;
- q. Youth and Adult employability policy and delivery;
- r. Work-based learning providers;
- s. Sector skills;
- t. Workforce skills development;
- u. Migration;
- v. Remote working;
- w. European programmes relating to skills and employment;
- x. Regional Skills Partnership;
- y. National Occupation Standards;
- z. Regulatory Framework for responsible business practices, growth and competitiveness;
- aa. Foundational Economy;
- bb. Social Enterprise and the social economy;
- cc. Co-operative economy;
- dd. Science: development of science policy, including day to day liaison with the Chief Scientific Adviser for Wales and the National Science Academy;
- ee. Life Sciences;
- ff. Research and Innovation, including research and development, knowledge transfer and commercialisation; maximising research and innovation incomes; and Research;
- gg. Centres of Excellence;
- hh. Major events;
- ii. Culture, creativity and the arts, including Creative Wales;

- jj. Broadcasting Policy;
- kk. Sponsorship and remit of the Arts Council of Wales;
- ll. Tourism in and to Wales;
- mm. Hospitality;
- nn. The historic environment in Wales;
- oo. Cadw and the Royal Commission on Ancient and Historical Monuments;
- pp. National Museums and Galleries of Wales;
- qq. Local museums and collections;
- rr. National Library of Wales;
- ss. Non-devolved cultural property legislation and tax relief schemes;
- tt. Development on a National Archive for Wales;
- uu. National Botanic Garden of Wales;
- vv. Elite Sport;
- ww. Community sport, physical activity and active recreation in Wales, including sponsorship of the Sports Council for Wales;
- xx. The Valleys Taskforce and Programme;
- yy. Cross-cutting EU matters;
- zz. 2014-2020 EU Structural Funds; and
- aaa. Shared Prosperity Fund / Community Renewal Fund.

17. Organograms representing the organisational structure of the Welsh Government at significant points before and during the pandemic period are provided as exhibits to this summary:

- a. The structure in November 2019, representative of the structure in advance of the pandemic, is set out in **M08/ESNRG/003 - INQ000066086**;
- b. In organogram two at **M08/ESNRG/004 - INQ000066097**, dated January 2021, and organogram three **M08/ESNRG/005 - INQ000083229**, dated June 2021, the structural changes which took account of the pandemic are set out; and
- c. Organogram four, **M08/ESNRG/006 - INQ000066126** dated May 2022, highlights the change of Permanent Secretary in November 2021.

18. The relevant principal officials in the Economy, Skills and Natural Resources Group were as follows:

### *Director General*

- a. Andrew Slade was the Director General of Economy, Skills and Natural Resources until April 2022. Until 31 March 2022, his responsibilities included further and higher education through the Skills, Higher Education and Lifelong Learning Directorate. Andrew's responsibilities also included economic development, transport, planning, natural resources and sustainable development, agriculture and food, and animal health and welfare. He is now the Director General Economy, Energy and Transport.

### *Skills, Higher Education and Lifelong Learning Directorate Officials*

- a. I was the Director of Skills, Higher Education and Lifelong Learning Directorate, who led on higher education, further education, apprenticeships, and adult learning throughout the pandemic period;
  - b. Sinead Gallagher, Deputy Director for Higher Education who led on higher education throughout the pandemic;
  - c. Alan Woods, Deputy Director for Further Education and Apprenticeships Division who led on further education until May 2021; and
  - d. Rhian Edwards, Deputy Director for Further Education and Apprenticeships who led on further education from May 2021.
19. The nature of the Economy, Skills and Natural Resources Group's relationship with universities and other higher education institutions remained unchanged during the pandemic. The Welsh Government had an obligation to issue an annual funding letter to the Higher Education Funding Council for Wales to ensure the governance and funding infrastructure of the higher education system was appropriate and to manage and deliver the student finance system. The Higher Education Funding Council for Wales was the Welsh Government-sponsored body responsible the distribution of funds for education, research and related activities at Wales's higher education institutions. It was replaced by the Commission for Tertiary Education and Research – known as Medr in August 2024.
20. Although there was no formal change in respect of the relationship between the Welsh Government and higher educational institutions, in my experience, and those of other officials in the group, I would observe that what did arise from the pandemic response

was a constructive desire to work together for the mutual good of everyone in the sector including staff, students, and institutional leaders. The Higher Education Guidance Task and Finish Group exemplified this collaboration and although there were often differences of opinion regarding the best approach, they were aired in the context of understanding, compromise and negotiation to ensure the best interests of all involved were considered.

*Structures and groups involved in the decision-making in respect of further and higher education.*

21. During the relevant period, new structures were introduced into the Economy, Skills and Natural Resources Group to respond to the Covid-19 pandemic. These included the following:

- a. Regular meetings with senior leaders from further and higher education sectors as well as their representative bodies, the Higher Education Funding Council for Wales, the National Union of Students Cymru and joint trade unions, to agree the approach to safe operation and to ensure the sectors' support needs were met;
- b. Regular online meetings with trade unions for employees in further education, these meetings were initially daily, then settled into a twice weekly and then weekly pattern;
- c. Creation of a dedicated Economy, Skills and Natural Resources Covid-19 coordination policy function during week commencing 16 March 2020 to keep track of Covid-19 related issues and risks;
- d. Creation of the Higher Education Guidance Task and Finish Group in May 2020 to consult on the draft set of non-statutory guidance to support the reopening of higher education;
- e. Attendance of the Further Education Back to College Group, established and chaired by Colegau Cymru, from June 2020 to develop a practical approach to partly in-person and partly online learning models for the post-16 sector;
- f. Attendance of meetings of scientific and technical advisory bodies such as the Technical Advisory Group and its Children and Education sub-group. Further detail on the sub-group is in the Welsh Government statement to this module, **M08-HSSG-001**; and
- g. Creation of the Covid-19 Resilience Plan steering group from June 2020 to steer and advise on the implementation, further development and evaluation of the Covid-19 Resilience Plan for the post-16 sector.

22. The Economy, Skills and Natural Resources Group liaised with the following arms-length bodies and charities in respect of young people attending further and higher education; ColegauCymru, Coleg Cymraeg Cenedlaethol, Estyn, the Higher Education Funding Council for Wales, the Joint Information Systems Committee, the National Training Federation for Wales, the National Union of Students Wales, the Association of Directors of Education in Wales, Qualifications Wales, University College Union, Universities Wales and the Welsh Joint Education Committee.
23. Part C of this statement provides a chronological narrative of the decision-making process in respect of further and higher education. It includes how the group consulted with further and higher education institutions during the pandemic.
24. A number of guidance documents for further and higher education institutions were published by the Skills, Higher Education and Lifelong Learning Directorate during the pandemic. These documents are considered below, but there were two principal guidance documents that were regularly updated throughout the specified period: *'Covid-19 Guidance to Higher Education'* and *'Covid-19 Resilience Plan for Post-16 students'*. A frequently asked questions document was also regularly updated. The table below details the dates of publication of these three documents and their contents are summarised in Part C below.

| Guidance                                         | Date of publication                                | Date of updated publication                                                                                                                                                                                                          | Owner                                                      |
|--------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| Covid-19 Resilience Plan for the Post –16 Sector | 20 May 2020<br><b>M08/ESNRG/007 - INQ000349391</b> | July 2020<br><b>M08/ESNRG/008 - INQ000081354</b><br><br>9 February 2021<br><b>M08/ESNRG/009 - INQ000585358</b><br><br>9 March 2021<br><b>M08/ESNRG/010 - INQ000585466</b><br><br>16 July 2021<br><b>M08/ESNRG/011 - INQ000544800</b> | Skills, Higher Education and Lifelong Learning Directorate |



|                            |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                            |
|----------------------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| Higher Education Guidance  | <p>10 June 2020<br/><b>M08/ESNRG/012 - INQ000585232</b></p>    | <p>31 July 2020<br/><b>M08/ESNRG/013 - INQ000081352</b></p> <p>9 October 2020<br/><b>M08/ESNRG/014 - INQ000081515</b></p> <p>19 October 2020<br/><b>M08/ESNRG/015 - INQ000585460</b></p> <p>7 December 2020<br/><b>M08/ESNRG/016 - INQ000591729</b></p> <p>8 January 2021<br/><b>M08/ESNRG/017 - INQ000081758</b></p> <p>18 February 2021<br/><b>M08/ESNRG/018 - INQ000081854</b></p> <p>11 May 2021<br/><b>M08/ESNRG/019 - INQ000082017</b></p>        | Skills, Higher Education and Lifelong Learning Directorate |
| Frequently Asked Questions | <p>23 October 2020<br/><b>M08/ESNRG/020 - INQ000591726</b></p> | <p>9 November 2020<br/><b>M08/ESNRG/021 - INQ000591599</b></p> <p>18 November 2020<br/><b>M08/ESNRG/022 - INQ000591721</b></p> <p>7 December 2020<br/><b>M08/ESNRG/023 - INQ000591720</b></p> <p>23 December 2020<br/><b>M08/ESNRG/024 - INQ000591724</b></p> <p>14 January 2021<br/><b>M08/ESNRG/025 - INQ000585316</b></p> <p>21 January 2021<br/><b>M08/ESNRG/026 - INQ000591722</b></p> <p>8 April 2021<br/><b>M08/ESNRG/027 - INQ000591725</b></p> | Skills, Higher Education and Lifelong Learning Directorate |

|  |  |                                                          |  |
|--|--|----------------------------------------------------------|--|
|  |  | 21 June 2021<br><b>M08/ESNRG/028 - INQ000591728</b>      |  |
|  |  | 24 September 2021<br><b>M08/ESNRG/029 - INQ000082316</b> |  |
|  |  | 13 January 2022<br><b>M08/ESNRG/030 - INQ000591727</b>   |  |

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

25. The Health and Social Services Group led the Welsh Government's response to the pandemic. This part of the statement sets out what was done in terms of planning for further and higher education closures before January 2020. This work was led by the Health and Social Services Group and officials from the Economy, Skills and Natural Resources Group provided information about further and higher education institutions. Pandemic planning in respect of children and young people in sixth form schools is set out in statement **M08-EPSGW-001** as this was the responsibility of the Education and Public Services Group.

26. The UK Influenza Pandemic Preparedness Strategy 2011, which I exhibit at **M08/ESNRG/031 - INQ000188766**, dealt with further and higher education thus;

“Universities and Colleges all have their own business continuity plans and will make their own decision on closures or partial closures based on advice from public health services. The Department for Business, Innovation and Skills will provide advice and guidance to the sector bodies (Universities UK, the Association of Colleges, the National Union of Students and the Higher Education Business Continuity Network) as the pandemic develops to enable them to make locally based decisions and to communicate effectively with their staff and students.”

[...]

To help mitigate the impacts of staff absenteeism organisations from all sectors, critical national infrastructure and government departments should maintain business continuity plans. These plans need to be flexible and scalable to respond to a range of pandemic scenarios, from the mild to more

severe. They should aim to maintain business as usual for as long and as far as it is possible. They should at the very least aim to maintain core services and business activities for a number of weeks during the peak of the pandemic. [...]

To ensure business continuity plans are effective, the interdependencies between organisations should be identified and arrangements with key suppliers set up to ensure continued provision of critical infrastructure. Telecommunications networks have the capacity to support a significant increase in home working but the reconfiguration of networks to enable them to handle significant short-term changes in locations and patterns can take time. Organisations planning to increase the proportions of staff that work from home as a business continuity measure should discuss this with their telecommunications providers well in advance to allow them to put the necessary hardware and software in place”.

27. In August 2013, the Wales *‘Health and Social Care Influenza Pandemic Preparedness & Response Guidance’* was published: it is exhibited at **M08/ESNRG/032 - INQ000187482**. Although there was no specific advice about the closure of further and higher education institutions, it did contain advice on the possibility of school closures and the effect on other organisations caused by absence of parents from key occupations. It said that organisations should have robust and tested business continuity plans to preserve the continuity of services and the potential effect of staff absenteeism in particular.

28. Guidance for Local Resilience Forums was contained in the document *‘Preparing for Pandemic Influenza: Guidance for Local Planners’* dated July 2013, exhibited at **M08/ESNRG/033 - INQ000187483**. Although Annex C does not provide specific advice on further and higher education in respect of Wales, it did contain advice on the closure of schools and similar settings and sets out the following under the heading “Social Measures – Education”:

“In a pandemic, guidance on widespread school closures will be issued by central government/Welsh Government and passed to schools via the Local Education Authority. However the final decision to close will still rest with the Head Teacher. It’s unlikely that sixth form and further education colleges would be advised to close.”

29. In February 2014, the 'Wales Health and Social Care Influenza Pandemic Preparedness & Response Guidance' was revised and re-published but the provisions about schools and similar settings quoted above were not changed. I exhibit this guidance at **M08/ESNRG/034 - INQ000116503**.

30. Economy, Skills and Natural Resources Group officials were involved in the development of a UK Pandemic Influenza Bill during 2018 and 2019. The draft Bill provided specific powers for England to close schools and other education settings during a pandemic. Economy, Skills and Natural Resources Group officials requested identical powers for Wales. I exhibit these discussions as **M08/ESNRG/035 - INQ000530619**, **M08/ESNRG/036 - INQ000187109**, **M08/ESNRG/037 - INQ000591550** and **M08/ESNRG/038 - INQ000116443**.

### **Part C: Decision-making in respect of further and higher education**

#### *The initial response to the pandemic - January to March 2020*

31. Part C is a chronological narrative account of the decisions taken in respect of further and higher education institutions. At the end, I have set out thoughts about specific steps taken during the pandemic that may assist the Inquiry's investigation.

32. On 13 January 2020, I chaired the first Post-Compulsory Education and Training Change Board. It had been established to provide a mechanism for the Welsh Government to interact with stakeholders on the Commission for Tertiary Education and Research programme as well as the wider post-compulsory education and training sector. The remit of the board was to provide strategic oversight of the post-compulsory education and training reforms. It also acted as an advisory panel to help develop the implementation of the Commission for Tertiary Education and Research.

33. I was becoming increasingly concerned about the Coronavirus outbreak in China and its impact on Welsh University interests in the country. I recall discussing the situation with the Vice-Chancellor of Bangor College China, a part of Bangor University which has arrangements with the Central South University of Forestry and Technology in Changsha, the capital of Hunan province. Bangor College China is some 350 kilometers from Wuhan. I was told that the situation was being actively monitored, the university was closed for the winter vacation and so no cases of Covid-19 had been reported either by staff or students.

34. On 28 January 2020, the Health and Social Services Group sent an email entitled "Update 1: Wuhan novel Coronavirus", exhibited at **M08/ESNRG/039 - INQ000320708**. At this time there were no known cases of the novel Coronavirus in the UK and the advice focused on those returning from the Hubei province.
35. A Civil Contingencies Group meeting took place on 4 February 2020 where knowledge and experience of preparations for Coronavirus was shared with other teams in the Welsh Government. The minutes said that there would need to be advice on closing universities. This is exhibited as **M08/ESNRG/040 - INQ000533754**.
36. Daily updates were circulated thereafter. A ministerial Written Statement on the novel Coronavirus was issued by the Minister for Health and Social Services on 4 February 2020 which is exhibited at **M08/ESNRG/041 - INQ000320714**. The Written Statement said that travellers from the Wuhan or Hubei provinces of China would need to self-isolate for 14 days even if they had no symptoms. At this stage, the Health and Social Services Group led the Welsh Government's response.
37. Colleagues and I from the Economy, Skills and Natural Resources Group received an email on 4 February 2020 containing confidential information regarding the increasing numbers of novel Coronavirus in China and the declaration of a Public Health emergency by the World Health Organization. This is exhibited as **M08/ESNRG/042 - INQ000409954**. At this stage, the four UK Chief Medical Officers considered it prudent for governments and the NHS to escalate planning and preparation in case of a more widespread outbreak. The UK risk level was subsequently increased from low to medium risk. The email said that a suite of posters and leaflets on the novel Coronavirus had been sent to Welsh higher education bodies and that this information would be updated in light of any reassessment of the relevant risks.
38. An email was sent to Economy, Skills and Natural Resources Group colleagues (including myself) on 26 February 2020 about the powers that the UK Government Department for Education were considering for schools and colleges. These powers included potential additional funding to further education institutions to cover periods in which the institutions may have to close. Sustained closure of higher education institutions may extend the overall length of courses which may, in turn, require additional maintenance payments/additional fees for students. The email is exhibited as **M08/ESNRG/043 - INQ000585215**. The scope and substance of the powers for

higher education were summarised by the Legal Services directorate, exhibited as **M08/ESNRG/044 - INQ000585216**. Relevant powers included those to:

- a. Close educational institutions and childcare provision;
- b. Require educational institutions and registered providers to temporarily take on additional functions e.g. extended opening or childcare where education or the full range of education normally offered cannot be provided, and to require the owners/controllers of premises not normally used for education or childcare to make those premises available for such use;
- c. Disapply existing legislative provisions in relation to education and childcare; and
- d. Make directions in connection with the running of the education and registered childcare system and other education/childcare functions e.g. for educational institutions/providers to stay open or re-open, staff or pupils/students to attend different premises, to control or restrict attendance where there is risk of spreading disease to others.

39. The UK Scientific and Advisory Group for Emergencies was the principal source of advice between January and March 2020. Their advice helped the group to consider options for issuing guidance to further and higher education institutions should Covid-19 develop into a pandemic, including the effect of closing further and higher education facilities on the transmission of the virus.

40. On 12 March 2020, the Scientific Advisory Group for Emergencies advised that closing schools would be kept under review and was a last resort because they might have needed to be closed for 13-16 weeks for the measure to be effective. At this point this measure had low scientific basis for slowing the spread of Covid-19 and there was the possibility that children might congregate even if schools were closed. This is exhibited at **M08/ESNRG/045 - INQ000530665**.

41. On 16 March 2020, officials sent an education update to childcare, further education and higher education providers, schools and work-based students: this is exhibited at **M08/ESNRG/046 - INQ000530687**. The update announced that Estyn and Care Inspectorate Wales were suspending inspections; provided travel guidance to students, a link to the advice and guidance to childcare, further education, higher education and work-based students. It also gave the latest advice on assessments and public examinations from Qualifications Wales and a link to the digital distance learning page live on Hwb. Hwb is a bilingual collection of online content, tools and services created

by the Welsh Government for every student in maintained schools. Hwb provides centrally funded applications and software, virtual classrooms, and a vast repository of resources for use in the classroom or online with students.

42. Education officials met further education institutions principals and Colegau Cymru on 18 March 2020, to discuss the sector's response to Covid-19. The Minister for Education received a letter from Colegau Cymru, on behalf of further education institutions in Wales, on the same day, which is exhibited as **M08/ESNRG/047 - INQ000350756**. The Minister for Education's response to the letter is exhibited as **M08/ESNRG/048 - INQ000350780**.

43. On 18 March 2020, the scientific advice changed because there was now a suggestion that closing schools could play a significant role in flattening the curve so that the NHS was not overwhelmed. This is exhibited as **M08/ESNRG/049 - INQ000129062**.

#### *Announcement of a national lockdown*

44. On 20 March 2020, all further education institutions stopped face-to-face teaching. After considering Ministerial Advice, exhibited as **M08/ESNRG/050 - INQ000145388**, the Minister for Education, confirmed that funding for further education institutions would continue and that no claw back would be made for failing to meet delivery targets. The Minister for Education also confirmed that further education institutions could continue to make the education maintenance allowance, training allowance and financial contingency fund payments to students. Hwb accounts were rolled out to further education staff, to assist in digital learning. Discussions were ongoing with Qualifications Wales and its UK counterparts about the approach to vocational qualifications. The Minister for Education authorised officials to agree appropriate expenditure from the £2 million further education mental health and well-being fund to help support staff and students through the pandemic.

45. In relation to higher education, there were regular discussions between the Minister for Education, officials, the Higher Education Funding Council for Wales, Universities Wales, the University and College Union and individual senior staff within universities that took place. On 27 March 2020, the Minister wrote to Vice-Chancellors and Chairs on a range of issues including well-being of students on campus, rent cancellation, quality assurance of teaching and assessment, and concerns about a proliferation of unconditional offers being made across the sector. The Minister also welcomed the

contribution of universities to tackling the pandemic through volunteers, equipment, research and facilities. This letter is exhibited as **M08/ESNRG/051 - INQ000299095**.

46. Also on 27 March 2020, the Minister for Education wrote to all higher education institutions highlighting that universities in Wales were carrying out a range of activities aimed at supporting students' mental health and well-being, supported by funding made available through the Higher Education Funding Council for Wales. The Minister for Education recognised that universities were responsible for the planning and provision of teaching, but she confirmed that higher education institutions were expected to consider the needs of students by providing alternative and accessible formats for both teaching and assessment. This letter is exhibited as **M08/ESNRG/052 - INQ000300059**.

47. The Skills, Higher Education and Lifelong Learning Directorate initially adopted a three-phase response plan of Rescue, Review and Renew. Scenario planning considered what might happen over the coming months but inevitably it reflected the prevailing uncertainty about the development of the virus and its consequences. I exhibit the three-phase response plan at **M08/ESNRG/053 - INQ000591565** and the scenario planning at **M08/ESNRG/054 - INQ000544807**.

48. On 6 April 2020, the Minister for Education and the Deputy Minister for Health and Social Services agreed to set up a Vulnerable Children, Young People and Safeguarding workstream. The Ministerial Advice for this is exhibited at **M08/ESNRG/055 - INQ000116756**. The workstream included officials from teams in education, health, social services, children and families and communities to ensure that as far as possible, all aspects of the impact on safeguarding and vulnerable children and young people were considered as part of the Welsh Government's response to the pandemic. The Ministerial Advice also included a series of frequently asked questions which have been exhibited as **M08/ESNRG/056 - INQ000081386**.

49. The Higher Education Guidance Task and Finish Group was also established in April 2020 following a request from the Post-Compulsory Education and Training Change Board for officials from the Welsh Government and the further and higher education sector to develop guidance and advice to support the reopening of institutions.



50. The group included representatives from Universities Wales, Chairs of Universities Wales, National Union of Students Wales, University and College Unions, Association of Managers of Student Services in Higher Education – the Student Services Organisation and the Higher Education Funding Council for Wales, with representatives from Public Health Wales and the Welsh Government. Dr Ben Calvert, acting Deputy Vice-Chancellor of University South Wales, was asked by the Minister for Education to chair this group. The first meeting was due to take place on 1 June 2020: see exhibit **M08/ESNRG/057 - INQ000585229**. The group's draft terms of reference are exhibited as **M08/ESNRG/058 - INQ000300007** and the minutes of the first meeting exhibited at **M08/ESNRG/059 - INQ000300035**.

51. On 20 April 2020, the Minister for Education approved the publication of a policy statement on continuity of learning in the schools sector: see exhibit **M08/ESNRG/060 - INQ000145322**. The statement was published under the strapline 'Stay Safe, Stay Learning'. It set out plans to support the school system during and beyond the Covid-19 school closures, however its scope did not include other educational settings, including the post-16 sector. Therefore, officials from the Economy, Skills and Natural Resources Group began to work with further education providers to develop an equivalent plan for the post-16 sector, encompassing higher and further education, apprenticeships, employability programmes and adult learning.

52. In May 2020, a sub-group of the Technical Advisory Group, called Children and Education, was established to advise the Technical Advisory Group on children and schools, to make sure that the appropriate research questions were given to the Technical Advisory Cell and to provide a forum for discussion of surveillance and testing requirements as it concerned education. Although the sub-group's primary focus was children in school, further and higher education were often discussed and advised upon. In July 2020, the terms of reference were reviewed to focus on the specific needs and biological / scientific / behavioral / social aspects of children and young people up to the age of 18, which would include further education. Chaired by Dr. Heather Payne, I sat on this sub-group and we met weekly throughout the specified period. I exhibit the terms of reference for this sub-group at **M08/ESNRG/061 - INQ000271531**.

53. On 5 May 2020, the Minister for Education published a policy statement on the actions taken to alleviate financial pressures, such as providing an indicative annual grant to the Higher Education Funding Council for Wales and bringing forward the Student Loan Company tuition fee payments to institutions so that a greater than usual proportion of

funding was available to them in the autumn of 2020. I exhibit the press notice at **M08/ESNRG/062 - INQ000591562**.

54. One significant consequence of Covid-19 on higher education was financial. In particular, the financial position of universities in the following year was expected to be significantly adversely affected by fewer domestic and international students. Officials began working with the Higher Education Funding Council for Wales to better understand the implications of the pandemic on institutions. We recognised that the sector would need to work together to ensure there was a strategic Wales approach to support students and the workforce move to a new normal.

55. On Tuesday 19 May 2020, these issues were raised by the Minister for Education as part of the Minister's regular four nations call with the other UK education ministers. The agenda included the impact of the pandemic on higher education and the effects on, and the importance of, building the skills sector during the recovery from Covid-19. The Minister was keen to understand what advice the UK Government was intending to give about the full-scale return to university accommodation in the autumn term and she highlighted that the impact of decisions by the Home Office would have an effect on our international higher education students in Wales. It was important that officials were made aware of decisions in relation to international students so that we could plan and prepare how Welsh institutions could support them. Exhibited at **M08/ESNRG/063 - INQ000585230** are the lines taken by the Minister for Education.

56. It was important for the higher education sector to work together to ensure a strategic Wales approach to support students and staff to understand and support the learning provision for further education students, including online provision. See for example this exchange with the Managing Director of City and Guilds in April 2020 which is exhibited at **M08/ESNRG/064 - INQ000585219**.

57. On 20 May 2020, the Minister for Education approved the Ministerial Advice, exhibited as **M08/ESNRG/065 - INQ000299304**, which recommended funding should be allocated from the Welsh Government Covid-19 reserve to the higher education sector, to maintain workforce capacity, jobs and student services. The Star Chamber raised some concerns about the recommendation and asked for further evidence to be submitted. The Minister made a further request for funding in response to the Star Chamber in early July 2020, and that request was granted. I provide further information on this below.

### *Continuity of learning plan for post-16 education*

58. Officials from the Skills, Higher Education and Lifelong Learning Directorate worked with the further education and work-based learning sectors, their representative bodies and teaching unions to draft a resilience plan for the post-16 sector. The plan included actions to secure learning continuity and progression and the well-being of staff and students. Called the Covid-19 Resilience Plan, it was the equivalent to the schools continuity of learning plan published in April 2020 but reflected the wider and more diverse role of the post-16 sector.
59. A draft of the plan was shared with the Post-Compulsory Education and Training Change Board on 27 April 2020 with a request to members of the board to review and provide feedback before a final draft went to the Minister for Education in May 2020. It was also agreed that the draft would be shared more widely than the board, for example, with principals and Vice-Chancellors of further and higher education institutions. I exhibit the minutes of this meeting at **M08/ESNRG/066 - INQ000585221**.
60. Views from members were incorporated into the draft plan presented to the Minister for Education as part of Ministerial Advice which is exhibited at **M08/ESNRG/067 - INQ000349390**. Post-16 providers emphasised the importance of ministerial messages being inclusive, covering all education sectors rather than only focusing on schools. At the time, we were anticipating that the disruption to post-16 sector education would extend beyond the current lockdown period, with possible cycles of social distancing going into the next academic year. The publication of the plan would raise the profile of what was happening in the post-16 sector in response to the pandemic. The continuity plan reflected;
- a. The diversity of the sector and the variety of relationships between learning providers and the Welsh Government, which ranged from high levels of autonomy (in higher education and, to a lesser extent, further education institutions) to a hands-on contractual compliance relationship with work-based learning providers;
  - b. The diversity of the student population;
  - c. The different roles of partner organisations; and
  - d. The central role that the post-16 sector would need to play in economic recovery.

61. The consultation on the post-16 plan identified that although students saw continuity and progression as a priority, the post-16 plan's scope needed to be flexible because the sector would need to adapt in order to respond to changes in demand and funding. The plan also had to address the needs of those young people and adults who had been made redundant, who could not find work, or who needed to re-train in the wake of the pandemic.
62. Alongside the continuity of learning plan, detailed operational delivery plans were drafted to underpin six areas of work. These operational plans were not published as they would evolve throughout the pandemic. The six areas were:
- a. Student progression and transition;
  - b. Distance learning;
  - c. Student well-being and engagement;
  - d. Support for employment and economic recovery;
  - e. Building stability and resilience; and
  - f. Evaluation and future-proofing.
63. The '*Covid-19 Resilience Plan*' was published on 20 May 2020, and circulated to all post-16 providers, promoted through 'Dysg', the official education e-newsletter from the Welsh Government and social media channels and included on the Hwb platform. I exhibit the plan previously at **M08/ESNRG/007 - INQ000349391**.
64. During this same period, officials from the Skills, Higher Education and Lifelong Learning Directorate had begun working with the further and higher education sector to develop Covid-19 guidance and advice to further and higher education institutions and students.

*June – August 2020*

65. At the Post - Compulsory Education and Training Change Board meeting on 10 June 2020, I updated the members that officials from the Skills, Higher Education and Lifelong Learning Directorate had been working with the sector in developing guidance on how institutions should operate in line with Covid-19 restrictions and that this would be continually reviewed and be responsive to the risk level at any given time. I explained that there were three scenarios being planned for the autumn term: low risk which was a return to some face-to-face learning; medium risk which included partly in-person and partly remote teaching (which was sometimes called "blended learning"); and high risk,

which was a second spike and a further lockdown. This update allowed the sector to raise concerns about higher education funding, the consequences of the pandemic for the sector generally, students' mental health and well-being, the risk of digital exclusion and the need to get students the IT kit to access learning. The minutes to this meeting are exhibited as **M08/ESNRG/068 - INQ000585224**.

66. The meeting also provided the opportunity to update the Board on the Higher Education Guidance Task and Finish Group that had been requested at the previous meeting in April 2020. The first meeting of the task and finish group was on 1 June 2020, and it had focused on the initial draft set of non-statutory guidance to support the re-opening of higher education in Wales. The group was to provide comments on the draft advice and guidance and propose questions for the Technical Advisory Group to consider and to help the sector assess options for the autumn term.

#### *Guidance for higher education*

67. During the pandemic, guidance for higher education was provided in consultation with the Higher Education Guidance Task and Finish Group and advice from the Technical Advisory Group's Children and Education sub-group. Advice also ensured that the guidance on 'extremely vulnerable' and 'vulnerable' staff and learners reflected the then shielding guidance, clarity around social distancing and hygiene requirements; cross-references to other relevant guidance from the Welsh Government and UK Government; and the Test, Trace, Protect protocols. In June 2020, there were concerns around the testing regime and its capacity to handle 120,000 students in the autumn of which 25% were international students, along with key workers. This was highlighted to the Chair of the Technical Advisory Cell testing sub-group in order to plan logistics for the autumn term. The minutes of these discussions are exhibited at **M08/ESNRG/069 - INQ000314193**.

68. Once drafted, and before it went to the Minister for Education for approval, the guidance was shared with the Higher Education Funding Council for Wales, University and College Union, National Union of Students, Association of Managers of Student Services in Higher Education, Chairs of Universities Wales and further education colleagues in the Welsh Government for comment.

69. The guidance reminded higher education institutions of the need to comply with the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 and their

obligations under health and safety legislation. To that end, they were required to complete a full risk assessment before resuming face-to-face contact and inviting staff and students back into the place of teaching. The guidance was slightly different in other areas of education because it was intended to assist higher education institutions in taking decisions. It was not intended to tell them how to plan and prepare for re-opening, nor did it intend to cover pedagogy.

70. The guidance was published on 10 June 2020: it was exhibited previously as **M08/ESNRG/012 - INQ000585232**. The relevant Ministerial Advice agreeing to the guidance and publication is at **M08/ESNRG/070 - INQ000349552**.

*Guidance on recommencing face-to-face further education and work-based learning*

71. Officials from the Skills, Higher Education and Lifelong Learning Directorate met on a weekly basis with Colegau Cymru and further education organisations and established regular meetings with the Joint Trade Unions for further education. The meetings initially focused on developing guidance on recommencing face-to-face further education and work-based, with colleges prioritising the completion of vocational programmes disrupted by Covid-19.
72. On 10 June 2020, the Skills, Higher Education and Lifelong Learning Directorate published guidance on recommencing face-to-face further education and work-based learning. I exhibit the guidance as **M08/ESNRG/071 - INQ000081213**.
73. This guidance was part of the 'Rescue' phase of our overarching Covid-19 resilience plan for the post-16 sector. The guidance focused on students who needed to complete vocational assessments, and those who needed additional support to remain in learning.
74. Although we anticipated that the guidance would need to be updated regularly to keep pace with policy changes and scientific advice, the publication of the guidance meant that discussions with the further education sector moved to consider how best to provide teaching from September 2020. Officials from the Skills, Higher Education and Lifelong Learning Directorate set up a group to oversee the implementation of the Covid-19 Resilience Plan and its six workstreams (as detailed above at paragraph 62). Over the summer, officials identified dates by which action needed to have been taken and developed a framework for execution of the 'Renew' phase starting in September

2020. Organisations including Colegau Cymru, the National Training Federation for Wales, Estyn, the joint trade unions and Qualifications Wales were asked to contribute to the framework to ensure consistency and quality of teaching and to recognise the autonomous nature of the further education sector.

75. The principal elements on which we consulted and which were addressed in the framework were as follows:

- a. **Changes to learning delivery:** we anticipated that colleges and other learning providers would need to change their delivery model in order to accommodate new and continuing students within future social distancing requirements;
- b. **Funding implications:** early indications were that face-to-face learning would be, on average, restricted to one day a week and would be in smaller than usual groups to comply with Public Health Wales guidance. We were proposing to make no funding adjustments in 2020/21 but review delivery and associated costs in the context of the pandemic to determine future funding arrangements;
- c. **Extension of part face-to-face and part-online teaching** (blended learning): in many cases, colleges and other learning providers were reporting a successful move to online learning following the lockdown in March 2020. Work was needed with partners, including Estyn and JISC (formally known as the Joint Information Systems Committee) on partly-in person and partly remote teaching (blended learning) sustainable and to ensure students had academic, social and personal opportunities. We also recognised that the needs of students who were unable to study online would need to be met in a consistent way;
- d. **Quality assurance:** Estyn had by this point suspended inspections of post-16 providers and its programme of thematic reviews. Having cancelled the production of student exams for 2019/20, we were anticipating that performance measures would either continue to be suspended or would have to be curtailed for 2020/21 as well; and
- e. **Other considerations:** student engagement, the role of the student support staff in assisting students who needed additional help, challenging the more able and talented students, ensuring the teaching of A level courses was consistent in further education institutions and schools and working with Qualifications Wales to consider both the size of qualifications and any revision to assessment/examination requirements were all matters that would need to be considered within the framework.

76. The Minister for Education was updated of these plans by way of Ministerial Advice on 12 June 2020: it is exhibited at **M08/ESNRG/072 - INQ000349587**.

77. From 15 June 2020 onwards, colleges and training providers were starting to re-open for priority groups of students which included those who needed to complete vocational assessments and 'at risk' students who needed additional support.

#### *International students*

78. International students were a particular group of students about whom we were concerned. We used the Higher Education Guidance Task and Finish Group meeting on 19 June 2020 to update the sector about the Welsh Government guidance on international travel to Wales. Of particular relevance to the higher education sector was the guidance that institutions would need to provide transport to students arriving in the country, and that food and essential supplies would need to be delivered to those students in self-isolation for 14 days. Universities Wales said that it was working with Universities UK to discuss charter flights to return international students to Wales. Universities were very keen to bring international students back to this country and wished to work with the Welsh and UK Governments to find a practical solution. I exhibit the minutes of this meeting at **M08/ESNRG/073 - INQ000585430**.

79. Specific guidance for international students was considered at the task and finish group at its meeting on 25 June 2020. An early draft of the guidance was presented for consultation and the group was keen that it provided advice about those students who would be living in the community in private accommodation rather than halls of residence. Although it was acknowledged that institutions were unable to regulate what students did in private accommodation, they considered that they had a moral obligation to their students to manage and support them.

80. An update was provided on chartering flights for international students. Universities UK International and Universities Wales were proposing that providers would collaborate to assess the proposal's feasibility. Early discussions suggested that geographical groupings in Wales would work best so that Cardiff Airport was well placed to serve institutions in the south of Wales, and Manchester Airport in the north. Universities UK International was also in conversation with other organisations (such as Queen's University Belfast) which had already booked chartered flights and were taking payments from Chinese students.



81. It was agreed that as the detail was developed, Universities UK International and Universities Wales would provide high level advice to institutions on the proposed travel arrangements and co-ordinate engagement with regulators, Government departments and embassy teams to limit duplicate requests from the higher education sector.
82. Guidance was also developed for international students which included recommendations about how to transport students to their accommodation. I exhibit the meeting minutes of this task and finish group at **M08/ESNRG/074 - INQ000585431**.
83. Transport for all students was regularly raised at the task and finish group. At a meeting on 1 July 2020, an official from the Welsh Government transport department attended to explain that institutions needed to communicate with local authorities and other relevant bodies about their likely transport requirements when they returned to teaching. There needed to be a clear understanding of what transport services would be available to the institutions and ultimately the broader effect on transport services in Wales. It was critical that transport organisations understood the scale of the demand in order to decide what supply would be available. For example, there may be a need for additional funding if extra buses were needed to allow students to travel and to comply with social distancing guidelines. The minutes of this meeting are exhibited at **M08/ESNRG/075 - INQ000221099**.
84. On 11 August 2020, transport guidance for further education institutions was published as part of the wider Covid-19 resilience plan for the post-16 sector. The guidance was informed by the scientific advice of the Technical Advisory Group Children and Education sub-group and advice from Public Health Wales. Before publication, it had also been provided for consultation with Colegau Cymru. The guidance was aimed at local authorities for use by contact centers, further education colleges and independent schools. The guidance is exhibited at **M08/ESNRG/076 - INQ000591730** and the advice provided by the Children and Education sub-group is exhibited at **M08/ESNRG/077 - INQ000314233**.

*July – September 2020*

85. On 7 July 2020, the Technical Advisory Group's Children and Education sub-group produced a paper which I exhibit as **M08/ESNRG/078 - INQ000368149**. It provided advice on the return of face-to-face learning in the autumn term and the measures that

would be necessary to protect staff and students. It raised certain issues which concerned universities, notably accommodation and movement. The further education sector, particularly for those students who were 19 or older, had many different courses and teaching types and much of the teaching was practical. For that reason, particular thought had to be given to the necessary protective measures.

86. On 22 July 2020, the Minister for Education announced £50 million in additional funding for universities and colleges, to provide support in recovering from pandemic: the announcement is exhibited as **M08/ESNRG/079 - INQ000299526**. The additional money was the result of the funding bid that I have referred to above and was divided thus:

- a. £27 million was provided to higher education institutions to help their preparations for the autumn, and to support students suffering financial hardship;
- b. £23 million was provided to support students in further education colleges and sixth forms;
- c. £15 million was provided for 16–19-year-old students beginning courses at further education colleges in order to support their transition to post-16 learning;
- d. £5 million was provided to support vocational students to return to college to complete their “license to practice” qualifications and to avoid the need to re-sit the full year; and
- e. an additional £3.2 million to provide digital equipment to further education students.

87. Further sums were provided to support students undertaking Independent Living Skills programmes and mental health and well-being projects. During the pandemic, proposals for funding would be developed through the Ministerial Advice process where in advance of submission to the Minister, officials scrutinized proposed spending mechanisms. Once ministers were content, the funding request proposing new Covid-19 spending commitments within the Main Expenditure Groups would then be submitted to the Star Chamber for consideration and the Minister for Education would make the spending decisions. This process ensured decisions which required funding were affordable and offered value for money as well as meeting need. It also ensured there was a view of interventions being proposed across the whole of the Welsh Government, helping to avoid duplication. It had the further benefit of offering an additional level of assurance and scrutiny in a context where decisions were being taken very rapidly.

88. The Covid-19 resilience plan for the post-16 sector was updated in July 2020 and it focused on the strategic framework for learning delivery from September 2020. The plan, again prepared with the further education sector, set out our expectations of the sector and overall framework for the post-16 education from September 2020. It assumed that all students would return and it sought to provide teaching that was partly in-person and partly remote, an arrangement which was called 'blended learning'. We did not prescribe the balance between remote and face-to-face learning activities because this would necessarily differ for particular students, courses, colleges and universities. Providers had the flexibility to plan and provide teaching in ways that met local needs and complied with public health advice. The guidance is exhibited previously at **M08/ESNRG/008 - INQ000081354**.
89. At the same time, the '*Safe Operation Guidance*' was published. This guidance was part of the wider Covid-19 resilience plan for the post-16 sector and it recognised the need to strike a balance between meeting the educational needs of students and ensuring that their health and safety (and that of staff) was protected. We expected educational providers to follow the protective measures set out in the guidance and to prioritise actions to minimise the transmission of the virus. I exhibit this guidance at **M08/ESNRG/080 - INQ000591572**.
90. Some aspects of the guidance related specifically to learning which took place on college campuses, or in other learning centres (such as the 'off the job' elements of apprenticeships). For students, including apprentices, whose learning took place in the workplace, the responsibility for the safety of the learning environment rested with the employer and not the institution.
91. Both drafts, the '*Safe Operation Guidance*' and the '*Strategic Framework for the post-16 sector*', were shared with the further education working group for consultation before their publication. Both drafts had also been informed by advice from Public Health Wales, particularly about contact groups and social distancing and the intended requirements for different groups of students. In addition, for the '*Safe Operation Guidance*', we consulted the Health and Safety Executive which provided specific advice on the Personal Protective Equipment section.
92. Updated Covid-19 guidance for higher education was published in July 2020 to help the sector to prepare for the autumn term and beyond. The guidance covered areas

such as accommodation, supporting international students and working/studying in laboratories. As with the previous version, the guidance was intended to help and support decision-making in the sector. The updated guidance is exhibited previously at **M08/ESNRG/013 - INQ000081352** and the Ministerial Advice approving the guidance is exhibited at **M08/ESNRG/081 - INQ000177017**.

93. The Skills, Higher Education and Lifelong Learning Directorate regularly liaised with further and higher education institutions about preparation for the autumn term and the need for students to return to face-to-face teaching. This included consulting on how higher education institutions would manage Covid-19 outbreaks. In August 2020, officials from the directorate, in conjunction with Public Health Wales, asked to see universities' plans for the safe return to campuses. The request from the Minister asked them to share plans so that we could work with them and Public Health Wales to test them and consider what additional support and guidance might be needed. The request included plans for:

- a. Outbreak plan;
- b. Arrangements for students to communicate;
- c. Arrival plans;
- d. Isolation plans;
- e. Arrangements for accommodation;
- f. Communications with community; and
- g. Arrangements for blended learning

94. By 15 September 2020, all the higher education institutions in Wales had submitted plans to Public Health Wales to review. They were comprehensive with partly in-person and partly remote teaching, and virtual access provisions were enhanced. Plans included arrangements for six test sites on or near the higher education institutions, the first of which was at the University of South Wales.

95. During the autumn of 2020 and winter of 2020/21, my team continued to work with the universities on resilience planning and control measures. Work included Test, Trace, Protect, sharing best practice and providing support to universities to keep Wales safe. I exhibit at **M08/ESNRG/082 - INQ000591578** Public Health Wales's review of the universities' outbreak plans, and the letter from the Minister of Education to higher education institutions requesting these plans at **M08/ESNRG/083 - INQ000591587**.

96. In August 2020, there were further discussions about face coverings for children and young people. On 25 August 2020, the Technical Advisory Group's Children and Education sub-group published advice on face coverings for children and young people (under 19) in school and college settings: this is exhibited as **M08/ESNRG/084 - INQ000349842**. The advice acknowledged the range of opinion on the effectiveness of face coverings in reducing transmission. The operational guidance for further education was amended to require further education establishments and local authorities to carry out risk assessments of their estates to determine whether face coverings should be recommended for young people in communal areas. We confirmed that the guidance would be kept under review and it may change if community prevalence changed in Wales.

97. A draft of the '*Guidance for Operators and Public*' for face coverings in public places was shared with myself and my team in order to consider the effect on students in further and higher education institutions and particularly about the extent to which the guidance on public places applied. Although the document provided general guidance, it specifically recommended that it applied to public, non-teaching areas in further and higher education institutions. For that reason, the guidance was shared with those sectors before its publication in order to aid their planning and preparation. Exhibit **M08/ESNRG/085 - INQ000591576** refers.

98. It became increasingly clear from the beginning of September 2020 that, as expected, cases of Covid-19 began to increase. Accordingly, urgent additional measures had to be taken to address the deteriorating position in Wales. These measures included placing a maximum limit of six people meeting indoors, all of whom had to be members of the same household group or bubble (made from four households joining together). These and other restrictions were announced on 11 September 2020. They meant that from early in the autumn term, students in higher education were increasingly worried about the implications for their movement to and from their place of study, the effect on their accommodation arrangements, and for visiting family especially at Christmas.

99. We were acutely aware of the restrictions' effect on young people, particularly on their well-being and mental health and the practical consequences in respect of their accommodation, finances and travel. We recognised that a distinct approach was needed for young people because they moved around the country to go to and from their place of study, they lived in shared accommodation and the particular effect of restrictions on their mental health and well-being. Another important consideration was

the importance of making sure that they continued their education. I exhibit at **M08/ESNRG/086 - INQ000591579** an example of the discussions taking place at the time on implications and how we would be able to support the students and wider sector.

100. The issue was brought to our attention in a variety of ways: sometimes it was in formal group meetings, sometimes by direct discussions with educational bodies. The restrictions imposed in September 2020 and the rule of six were raised directly raised with us by the sector. Dr Ben Calvert, the Chair of the Higher Education Guidance Task and Finish Group, contacted officials within my team on 25 September 2020 to report students' concerns about whether they would be allowed to return home for Christmas. He suggested the group should consider a communications campaign aimed at students about how households and extended households worked. My team worked with the Welsh Government communications team over the following weeks to publish communications to inform students about the new rules and the practical consequences for them. Exhibit **M08/ESNRG/087 - INQ000591586** refers to these discussions.

101. In September 2020, it was recognised that the higher education guidance issued in July 2020 needed to be updated because it did not deal with the new regulations on the formation of groups which included student accommodation. Officials from my team sought advice from the Scottish scientific health team following their recent change on household rules and gatherings, which I exhibit at **M08/ESNRG/088 - INQ000591584** to assist with the drafting of the guidance.

102. On 28 September 2020, the Welsh Government issued guidance to universities about changes to the regulations and their application to student accommodation. The guidance, entitled '*Coronavirus rules and students: guidance*', is exhibited at **M08/ESNRG/089 - INQ000081473**. It explained what constituted a student household and who formed part of that household. It also explained why the measures were needed. The updated guidance sought to provide reassurance and gave recommendations to the housing sector (including the private rented sector) about students living in houses with multiple occupation.

103. A series of weekly meetings between the Minister for Education and National Union of Students Wales started in late September 2020. Their purpose was to allow the National Union of Students Wales to raise any concerns, to ask questions about current issues on behalf of students in further and higher education and for the Minister to

request information and updates. Examples of those meetings can be found at **M08/ESNRG/090 - INQ000591691** and **M08/ESNRG/091 - INQ000591692**. These meetings were part of regular routine engagement between ministers, officials and relevant organisations, in particular the National Union of Students Wales. The Minister for Education was keen to understand the reality of life 'on the ground' for students, and to have a complete picture on the application of the guidance and the consequences for students. Student views provided an important and distinctive perspective and, together with information from providers, it gave the Minister and my team a good idea about how things were working and the reality of the day-to-day effect of restrictions on students. The meetings were also an opportunity to ask the National Union of Students Wales for support in broadcasting important messages to students, particularly about restrictions, travel guidance, vaccination uptake, and financial support. The meetings did not have a formal agenda or note. In addition to the direct engagement ministers and officials had with relevant bodies, the Higher Education Guidance Task and Finish Group also brought these parties together to discuss how to apply existing guidance to further and higher education settings, and to hear the sector's views on future iterations of the guidance.

#### *October – December 2020*

104. On 1 October 2020, the First Minister met higher education Vice-Chancellors to discuss Covid-19 restrictions in higher education institutions. Although there is no formal minute, **M08/ESNRG/092 - INQ000591590** refers and that note shows that the purpose of the meeting was to reassure Vice-Chancellors.

105. On 6 October 2020, a meeting of the Higher Education Guidance Task and Finish Group considered revisions to the vulnerable staff and students section of the higher education guidance: **M08/ESNRG/093 - INQ000585239** refers. The group discussed whether there was a need to update the guidance to reflect the additional action that could be taken to protect students and staff in local health protection areas (local authority areas which were subject to additional restrictions due to a high prevalence of Covid-19). It was noted that Public Health Wales was providing guidance, but this did not supersede the statutory health and safety requirements of higher education institutions. Risk assessments needed to be carried out for all staff before they returned to the workplace and this particularly applied to those who were vulnerable. It was agreed that it would be useful to include and promote this matter in the guidance with officials from the Skills, Higher Education and Lifelong Learning Directorate finalising

the draft over the following days. The resultant actions for the group were to check the guidance to see if it included both staff and students when looking at vulnerable people and consider what other changes might be needed, for example a review of risk assessments in local health protection areas. A further agreed action was to circulate a list of the definition of a vulnerable person, see exhibit **M08/ESNRG/094 - INQ000585242** and **M08/ESNRG/095 - INQ000585446**. The meeting also noted that all Welsh higher education institutions had already put robust plans in place. Click and collect services had been made available at some sites, supermarkets were making priority delivery slots available to students and offering money off online purchases. Actions had also been put in place for other essential services. It was noted that it might be helpful to have some advice in place to set out what higher education institutions were already doing to support students in isolation. There was also discussion of arrangements regarding students' return home for Christmas. The options under consideration at that point were isolation prior to departing to return home, isolation on return home or only allowing students to travel if they were not going to or from an area with additional local restrictions. At that time the preferred option of the group was isolation on return home. The need for clear advice to students was acknowledged as well as the need to consider students who did not go home for Christmas who might feel isolated over the holiday period. It was agreed that guidance on risk assessments and Christmas arrangements would be further considered at the next meeting.

106. Also on 6 October 2020, the Welsh Government published the report '*Coronavirus reconstruction: challenges and priorities*', exhibited as **M08/ESNRG/096 - INQ000066123**. The report stated that the Welsh Government would ensure that young people did not lose out educationally or economically because of the effects of Covid-19 or any consequential economic downturn. The Welsh Government said that it would support all young people to stay in education and to catch up at school and colleges. In addition, the Welsh Government stated that it would ensure that particularly disadvantaged groups, including members of Black, Asian and Minority Ethnic communities, received the additional help that they needed. This would involve dedicated mentoring and revision support to those in years 11, 12 and 13, with a specific focus on Black, Asian and Minority Ethnic communities and vulnerable pupils and the development of new online learning materials in both English and Welsh for GCSE students to support blended learning and learning for those who had to self-isolate. The report highlighted that universities, further education colleges and students were to be supported with a £50 million fund to maintain teaching and research.



107. On 8 October 2020, the Childcare, Play and Early Years Division of the Education and Public Services Group provided Ministerial Advice, exhibited at **M08/ESNRG/097 - INQ000349933**, which sought agreement to the content and publication of '*Coronavirus Control Plan for Wales: Education and Childcare Settings*'. The plan was aimed at registered childcare and playwork providers, maintained schools (including special schools), further education institutions, work-based and adult learning providers, and providers of education other than at school. It did not cover higher education institutions which already had operational plans in place. The plan was intended to provide advice on the move to different stages of the pandemic response and the issues arising. If attendance at schools / colleges was restricted, the plan identified relevant considerations to the change to partly in-person and partly remote teaching or wholly remote learning. A copy of the plan is exhibited at **M08/ESNRG/098 – INQ000349932**. Although officials from the Skills, Higher Education and Lifelong Learning Directorate did not prepare the advice and control plan, they contributed to discussions about its content: **M08/ESNRG/099 - INQ000591585** refers.

108. Also, on 8 October 2020, the Welsh Government received information from Public Health Wales about a cluster of cases at a university halls of residence in Cardiff: see **M08/ESNRG/100 - INQ000585257**. In an update received on 10 October 2020, Public Health Wales reported that as a precautionary measure, the Cardiff and Vale University Health Board testing team had undertaken on-site testing of those residences thought to present a higher risk and that over 600 students would have been tested by the end of the weekend. Test, Trace, Protect had also arranged for a walk-in Mobile Testing Unit to be sited on the site from the following Monday to test over 80 students each day. Cardiff University organised this facility for students with symptoms who were living on the complex. In a further update on 12 October 2020, Public Health Wales said that the measures had been implemented and there were 132 confirmed cases although that number was expected to rise. Cardiff University issued a range of communications to students and put welfare measures in place, including money and access to food for isolating students. It was noted that tighter restrictions would risk students fleeing home and transmitting the virus at home and among the wider community. The information was sent to officials in the Economy, Skills and Natural Resources Group on 13 October 2020.

109. By 9 October 2020, officials from the Skills, Higher Education and Lifelong Learning Directorate were looking ahead to the end of the term, and the issues presented by university students travelling home and across internal borders: **M08/ESNRG/101 -**

**INQ000585241** refers. They also considered the support for students who had to remain on campus to combat loneliness and isolation.

110. An updated version of the '*Covid-19 Guidance to Higher Education*' was published on 9 October 2020, exhibited previously at **M08/ESNRG/014 - INQ000081515**, which included the revisions discussed at the Higher Education Guidance Task and Finish Group on 6 October 2020. The updates to the guidance included:

- a. The new requirement to wear face coverings in indoor public places in Wales;
- b. Local area restrictions including the advice to follow any local area restrictions that apply to an individual's local area or the areas where their institutions were based;
- c. An update on local testing sites;
- d. Information regarding the operation of the NHS Covid App and a request that institutions encourage students to download and use the app,
- e. Guidance for operating cafes, coffee shops, bars, student's unions and canteens;
- f. An explanation of the current rules regarding gatherings both indoors and outdoors;
- g. An explanation of the rule about being part of two households and how households would operate in terms of shared facilities in halls of residence;
- h. Extended households including risks of forming extended households;
- i. Information regarding large households where a household was made up of more than six people and the consequential rules regarding the members of such a household meeting for gatherings outside of that household; and
- j. Advice that support may be needed to help vulnerable students and students in increased higher risk categories in deciding on forming households and extended households. It was highlighted that such students may also require support in communicating with other students where additional consideration for the need to keep each other safe.

111. A Higher Education Guidance Task and Finish Group meeting held on 12 October 2020, the note of which is exhibited at **M08/ESNRG/102 - INQ000585441**, noted that the Minister for Education was concerned that not enough support was available to students who were required to isolate and that students who were self-isolating had complained about the food they were receiving and the lack of contact details available at universities when support was required. It was noted that the Minister for Finance had agreed an additional allocation of funding for higher education out of the Covid-19

reserve and that the Minister for Education had prioritised an additional £10 million for student mental health well-being, support services, hardship and supporting students in self-isolation. The funding was intended to support activities such as increased mental health services and student financial hardship funds as well as to help universities bolster their student support services, including food services for students who were required to self-isolate. It was also noted the guidance needed to be updated to reflect increased risks to vulnerable students and staff. A draft of the revisions had been provided to attendees in advance of the meeting. The task and finish group considered student rights and well-being and potential future risks for the higher education sector including the cancellation of teaching, closing of academic facilities and the lockdown of student accommodation. Officials updated relevant ministers on the matters raised in discussion to inform future decisions. An update on Christmas options was also discussed and it was acknowledged that the testing option was not seemingly viable at that time. Those present acknowledged that a decision was needed by 11 December 2020.

112. On 12 October 2020, the President of the National Union of Students Wales wrote to a number of ministers to raise student issues within their respective portfolios:

- a. Correspondence addressed to the Minister for Housing and Local Government, sought a meeting to discuss, among other matters, the #StudentsDeserveBetter campaign, see **M08/ESNRG/103 - INQ000585245**. Additionally, they sought a discussion regarding the right to leave accommodation contracts early. The letter raised concerns about the mental well-being of students who had returned to university campuses, commenting that the increased risk of loneliness and isolation required a sustained focus on student mental health and well-being. The covering email for the letter noted that the National Union of Students Wales was 'pleased' with progress that the Welsh Government had made in the following areas (see **M08/ESNRG/104 - INQ000585249**):
  - i. The commitment that students would not be treated differently to the rest of the public in relation to Coronavirus regulations; and
  - ii. The opening of walk-through testing sites in university towns and cities in Wales to increase testing capacity for student communities.
- b. A letter to the Minister for Mental Health, Well-being and the Welsh Language, exhibited at **M08/ESNRG/105 - INQ000585250**, asked for a discussion about the mental health and well-being support available to students, especially those

who were asked to self-isolate. The letter said that self-isolating students would often have to do so in small rooms in student halls and without access to their normal support network. The letter emphasized the importance of ensuring that students received the help they needed such as basic necessities and mental health support;

- c. A letter was addressed to the Minister for Education, see **M08/ESNRG/106 - INQ000585247**, which noted the positive tone for the public debate about students' return to campus in Wales but it too raised concerns about student mental health; and
- d. Correspondence was also addressed to the Minister for Economy, Transport and North Wales about the economic and apprenticeships policy and employment support for graduates and support for apprentices, see **M08/ESNRG/107 - INQ000585284**.

113. The Minister for Education agreed to meet the National Union of Students Wales to discuss the issues raised: see **M08/ESNRG/108 - INQ000585265**. On 18 November 2020, there was a meeting with the First Minister, the Minister for Education and the National Union of Students which discussed the issues raised in their correspondence.

114. On 13 October 2020, an internal Technical Advisory Cell briefing was received by Skills, Higher Education and Lifelong Learning Directorate officials, see **M08/ESNRG/109 - INQ000585252** for the email and **M08/ESNRG/110 - INQ000412115** for the briefing. The briefing stated that there was compelling evidence for further non-pharmaceutical interventions to reduce indirect harm from the virus. Officials also received information from the University of Warwick Covid modelling team on the impact of a two-week circuit breaker which aligned with half-term, exhibited as **M08/ESNRG/111 - INQ000412116**.

115. On the same date, officials also prepared a response to a report by the Scientific Advisory Group for Emergencies about the increase in online teaching and the risks of limiting face-to-face teaching, noting the potential mental health and long-term effects. The response acknowledged the detrimental effects of Covid-19 restrictions on young people and noted that ensuring access to education was vital to support their mental health and well-being and future life chances. The response noted that Public Health Wales had recorded an upsurge in student cases due to students moving to term-time accommodation and creating new households and new contacts. It was suggested that to move to a full online learning approach would mean inadvertently sending students

home without a clear rationale, causing further disruption to their education, see **M08/ESNRG/112 - INQ000585258**.

116. Having regard for these concerns, officials from the Skills, Higher Education and Lifelong Learning Directorate considered options for the ability of students to move between their term time and home addresses. Officials liaised with Scottish counterparts to understand the options being considered there which included exploring a specific exemption to allow students to move between their student household and home household. Officials also understood that the Department for Education were exploring a new exemption to lockdown under the new tier system to allow a person who is part of two households to move between those homes for a minimum period. Options being considered for Wales included whether there could be a reasonable excuse included under the Coronavirus regulations for students to move between households in order to return home for Christmas or a specific exemption to the regulations to allow movement between term time and family homes.

117. Also on 13 October 2020, I was asked by Reg Kilpatrick, Director General for Covid Crisis and Co-ordination, for my views on three different approaches to the future management of the pandemic. Those approaches were:

- a. To prioritise health and healthcare by keeping healthcare open and working through the backlog of waiting lists would require all education to be virtual, and all non-essential sectors to be limited;
- b. To balance and minimise harms with the use of a circuit breaker/fire break to reduce transmission for a period, then seek to release into a sustainable set of behaviours and minimal national restrictions; and
- c. To prioritise the economy by keeping commercial sectors open and permit travel for work and tourism. This option would likely to require most education to be on site, to promote work that could not be done from home and stimulate urban areas.

118. I exhibit this email at **M08/ESNRG/113 - INQ000385723** and **M08/ESNRG/114 – INQ000395860**. My response was sent on 13 October 2020 and it is exhibited at **M08/ESNRG/115 - INQ000585256** and **M08/ESNRG/116 – INQ000585255**. It showed that the Skills, Higher Education and Lifelong Learning Directorate continued to keep the proportionality of online learning for further and higher education students under consideration. The paper I had prepared (as exhibited above) set out the following disadvantages of remote learning for those students:

- a. The number of people reporting mild or significant mental health problems had tripled in the preceding six months from 10% of young adults to 31%. This was a particular problem among young people. Restricting their access to further and higher education with their peers and was likely to increase isolation and poor mental health;
- b. Moving to online only learning in college and/or university would prompt students in residential university settings to move to their permanent home address and would be more likely to take infections to multi-generational household settings in other parts of Wales and the UK. This would seed new infections with a negative impact on the health of older people;
- c. University students moving from halls of residence or houses of multiple occupation would be likely to request a refund of their rent and may seek repayment of fees. If the change arose as a consequence of the Welsh Government's decisions, the affected institutions would seek compensation from the Welsh Government. Although not legally obliged to provide this support, there would be political pressure to provide these funds or the institutions could become insolvent;
- d. Student progression and commitment on face-to-face courses and even in blended learning environments was significantly greater than with online only distance learning;
- e. Students who studied in colleges and universities also frequently worked in part-time jobs delivering food, serving in retail and hospitality outlets and undertaking other generally low paid service-based jobs;
- f. Further and higher education students received Education Maintenance Allowance, grants and loans to study while they were registered. If students dropped out they would generally receive less money through the benefits system and this would have a negative effect on their financial position as well as their health and well-being and the well-being of family members who would depend on this source of income; and
- g. Withdrawal from education and periods of unemployment could have a major and long-lasting negative impact on the well-being and life chances of people and this was most pronounced for people between the ages of 16 and 24.

119. On 15 October 2020, at the request of the Minister for Education, officials sought options to return students home in a safe and controlled way that could avoid a 14-day self-isolation period. There were concerns about the effect on students of repeated periods of self-isolation and behaviour and compliance fatigue. Scientific colleagues were also asked to consider new evidence from France regarding a seven-day isolation period alongside testing options: **M08/ESNRG/117 - INQ000585262** refers.

120. On 16 October 2020, officials from the Skills, Higher Education and Lifelong Learning Directorate were informed that ministers were likely to introduce national restrictions the following week. If agreed, these time-limited 'circuit break' restrictions were likely to come into force to coincide with half-term and university reading weeks and run to early November. The restrictions would include:

- a. A general requirement to stay at home, with short list of exceptions;
- b. Suspension of household visiting in all settings, with very limited exceptions;
- c. primary schools and childcare to include holiday period, but otherwise remain open;
- d. Secondary and higher and further education at that point remained under discussion; and
- e. Hospitality to move to takeaway only.

It was noted at that point that higher education and further education restrictions remained under discussion: see **M08/ESNRG/118 - INQ000585278**.

121. Subsequently, officials from the Skills, Higher Education and Lifelong Learning Directorate developed a case against universities being caught in any 'circuit breaker' which might require cessation of face-to-face learning, **M08/ESNRG/119 - INQ000585275** refers. Evidence was sought from the Higher Education Funding Council for Wales to support the maintenance of some in person learning on campus. Considerations included the increased risk of students 'dropping out', the struggles of first years compared to second and third years who had established friendship groups and the effect of poor broadband connectivity in some parts of Wales.

122. At a Cabinet meeting on 18 October 2020, concerns were raised about the consequences of a firebreak for higher education and further education. There was a risk of mass migration of students which could undermine the purpose of the firebreak. There was discussion as to whether the firebreak would coincide with reading weeks for universities. It was felt that if students left higher education institutions to return home, there was an increased risk in transmission. It was therefore decided that the



best option was to ask higher education and further education institutions to provide blended provision where there were plans in place to do so. I exhibit the minutes of the meeting at **M08/ESNRG/120 - INQ000048801**.

123. At a Cabinet meeting on 19 October 2020, the minutes of which are exhibited at **M08/ESNRG/121 - INQ000048802**, a decision was taken to apply the proposed firebreak. At that point the incidence for Wales measured higher than 100 cases per 100,000 people. Of particular concern was the rate of infection within the over 60s that was at 80 cases within 100,000, which was close to the rates seen in March 2020. The advice from the Technical Advisory Cell at that meeting was that a “comprehensive fire-break” was required to prevent an exponential rise in cases. A two-week firebreak was agreed commencing at 6pm on Friday 23 October 2020 and ending on Monday 9 November 2020. Ministers recognised the likely effects on the health and well-being of children and young people. They recognised that the decision would impact on further education and there would be a need to update guidance to reflect this decision. In respect of higher education, the importance for students to understand that the requirement for people to stay at home would apply to them and they would have to remain within their designated accommodation when not attending classes. Universities would continue to provide a blend of in-person and online learning.

124. The First Minister made an announcement later on 19 October 2020, which I exhibit as **M08/ESNRG/122 - INQ000350618**, which confirmed a two-week firebreak starting at 6pm on Friday 23 October and ending on Monday 9 November. The announcement made clear that the fire break included the half-term holiday for many children in Wales.

125. On 19 October 2020, officials from Skills, Higher Education and Lifelong Learning Directorate considered restrictions in relation to research facilities, catering, sport, libraries and study areas, **M08/ESNRG/123 - INQ000585270** refers. These matters were then included in updated frequently asked questions, **M08/ESNRG/124 - INQ000585269** refers.

126. On 19 October 2020, the guidance for higher education was further updated, I exhibit this previously at **M08/ESNRG/015 - INQ000585460**. This updated advice included information on extremely vulnerable or previously shielding staff and students and staff in need of support.



127. The announcement regarding the firebreak was discussed at a meeting of the Higher Education Guidance Task and Finish Group on 20 October 2020. Group members asked for clarification about whether libraries and study spaces in higher education institutions would need to close. Officials from the Skills, Higher Education and Lifelong Learning Directorate indicated that they were seeking legal advice on the point. Initially, it had been thought that all libraries should close but arguments were put forward for the justification of university libraries remaining open. Officials from the Skills, Higher Education and Lifelong Learning Directorate agreed to update the group once advice had been received. Christmas was once again considered with discussion of the potential options. The minutes of that meeting are exhibited at **M08/ESNRG/125 - INQ000585444**.

128. A ministerial quadrilateral meeting regarding Christmas holiday arrangements for universities took place on 20 October 2020: the minutes are exhibited at **M08/ESNRG/126 - INQ000585459**. That meeting was attended by ministers and officials from the UK and devolved governments. I attended that meeting with another official from the Skills, Higher Education and Lifelong Learning Directorate to represent the Welsh Government. On behalf of the UK Government, the Minister of State for Universities reported that their objective was to enable students and their families to enjoy a Christmas break, mindful of the advice from the Scientific Advisory Group for Emergencies and the three tier system operating in England. Discussion included where students should self-isolate at the end of the term. The UK minister confirmed that their plans did not include testing as a requirement as this might not be available. The Scottish Government's Minister for Further Education, Higher Education and Science indicated they had not yet developed plans for Christmas. It was reported that the University of Cambridge was researching asymptomatic testing which would help with policy development in this area. In reporting to that meeting on behalf of the Welsh Government the following points were made:

- a. A firebreak lockdown for Wales would commence at 6pm on Friday 23 October and will continue until 9 November;
- b. Students in Wales were to remain in Wales and not return home;
- c. Students in England should not return to, or travel to, Wales;
- d. No advice had yet been prepared for ministers on arrangements for students at Christmas, but the ministerial preference was to explore all options, including testing and minimising potential periods of self-isolation due to the impact on student mental health and well-being and compliance;

- e. It was hoped that firm proposals would be available in the following two to three weeks;
- f. The Welsh Government was determined to follow a secure approach which minimised the possibility of increased risk of infection for students or their families/ households;
- g. The Welsh Government sought to ensure that students were treated in a comparable way to other citizens; and
- h. The Welsh Government officials raised concerns regarding post-Christmas arrangements in the context of advice from the Scientific Advisory Group for Emergencies and the Independent Scientific Advisory Group for Emergencies that there should be online only provision.

129. On 20 October 2020, Ministerial Advice prepared by the Education and Public Services Group, exhibited as **M08/ESNRG/127 - INQ000235915** sought a decision regarding access to schools for vulnerable children, children of critical workers and children attending independent schools during the firebreak. Although officials from the Economy, Skills and Natural Resources Group did not prepare that advice, they actively contributed to discussion regarding its content in respect of further education, **M08/ESNRG/128 - INQ000591592** refers. The recommendation was that no specific provision should be made for children of critical workers, other than provision already made for those in nursery, primary and years 7 and 8 of secondary school and those taking exams in November. The expectation was that older children were more mature and able to engage with self-directed learning for one week, or be cared for by family members under informal childcare arrangements. It was noted that this position was consistent with the advice of the Chief Medical Officer for Wales. For older children in secondary school and further education, continuity of teaching via online platforms could be used to minimise disruption for learning and at the same time minimise social interaction, in accordance with the purpose of the firebreak.

130. On 21 October 2020, officials from the Skills, Higher Education and Lifelong Learning Directorate circulated a draft briefing for a Covid O meeting regarding arrangements for the return home of students at the end of term. The email referred to is exhibited at **M08/ESNRG/129 - INQ000585271**. The document, exhibited at **M08/ESNRG/130 - INQ000585272**, considered the following five options provided to ministers later that day:

- a. Mass testing of students, which itself gave rise to a number of options:
  - i. Mass asymptomatic rapid tests;

- ii. Asymptomatic antigen testing of the whole student population, given that the test is not validated for those not showing symptoms and testing asymptomatic people is not currently seen as an effective way to screen the general population outside of outbreaks;
  - iii. Randomised asymptomatic antigen testing of a sample population from each institution; and
  - iv. Mass antibody testing accompanied by an 'antibody passport'
- b. 14-day self-isolation/quarantine period
  - i. On return home; or
  - ii. Before travel;
- c. General population level travel restrictions (no-one to travel for Christmas);
- d. Behaviour techniques; and
- e. Do nothing and allow students to travel home in an uncontrolled way at the end of term.

131. The briefing recognised that Welsh students studied across the UK and that, whilst the Welsh Government could implement measures to ensure Welsh students studying in Wales could return home, it could not determine the policy in the rest of the UK.

132. Also circulated with that briefing on 21 October 2020 was a document provided by the UK Government regarding the approach to the end of term for universities across the four nations, see **M08/ESNRG/131 - INQ000585273**. Documents confirmed that at that time the following approach was being considered by the Welsh Government:

- a. Options, including mass testing, would ideally be exhausted before considering self-isolation. If self-isolation became the only option then this would be 'strongly recommended' rather than mandated and the length of isolation reduced if possible;
- b. The possibility of a phased approach to end of term dates if there was a need to move to teaching online;
- c. A single policy for all higher education students living in term-time accommodation in Wales as opposed to a differentiated approach based on local risk levels;
- d. Students travelling home would be considered to have a 'reasonable excuse' to travel in locked down areas; and
- e. Lateral flow mass testing could allow 'reasonably safe' travel if it was validated.

133. On 22 October 2020, additional funding of £10 million was announced by the Welsh Government (exhibited as **M08/ESNRG/132 - INQ000299632**) for higher education student support and well-being, to be managed by the Higher Education Funding Council for Wales; this was in addition to the £27 million higher education institution support announced earlier in the summer.
134. On 22 October 2020, an email, exhibited at **M08/ESNRG/133 - INQ000585274**, was sent from the Economy, Skills and Natural Resources Group to universities, the Welsh National Union of Students and Universities Wales to advise that the firebreak regulations had been published. The email noted that educational libraries were exempt so could remain open.
135. On 23 October 2020, frequently asked questions were published for higher education aimed directly at students to provide a clear and concise summary of the rules in place over the firebreak period, **M08/ESNRG/020 - INQ000591726** previously refers. The frequently asked questions for higher education was redirected to these firebreak specific frequently asked questions.
136. At a meeting of the Higher Education Guidance Task and Finish Group on 27 October 2020, the minutes of which are exhibited at **M08/ESNRG/134 - INQ000585445**, Economy, Skills and Natural Resources Group officials noted the Welsh Government was considering post firebreak Wales policy. Options for Christmas were also discussed. At that point the considerations under discussion were staggered end dates, testing, clear messaging for students and the provision of guidance. In discussion regarding student well-being the National Union of Students thanked the Welsh Government officials for the additional funding provided to Student Unions to help deliver mental health support to students. The group agreed that the decisions made around Christmas could have consequences for students' mental health and well-being and the options would need to be considered with this in mind.
137. On 28 October 2020, the Minister for Education had several discussions with stakeholders including Unions, the Association of Directors of Education in Wales and the Welsh Local Government Association, **M08/ESNRG/135 - INQ000585276** refers. At the meeting with the Welsh Local Government Association on that day, **M08/ESNRG/136 - INQ000591594** refers, the Minister noted that a four nations approach to students returning home at Christmas would be important to their return in the New Year. It was noted that there was a risk of financial consequences to

universities and communities of students not returning if face-to-face learning was not offered. It was acknowledged that there was a need to maximise the opportunities for face-to-face learning where safe to do so for the well-being of students, to avoid reputational damage to institutions and to balance the economic consequences.

138. Officials in the Skills, Higher Education and Lifelong Learning Directorate continued to advocate against any greater move to online learning for higher education in Wales, observing that Public Health Wales had been supportive of keeping school, colleges and universities open and that reducing R was only a single consideration, see previously **M08/ESNRG/135 - INQ000585276**.

139. At a meeting of the Higher Education Guidance Task and Finish Group on 2 November 2020, Economy, Skills and Natural Resources Group officials updated attendees regarding the potential new testing regime to test asymptomatic people. It was hoped that returning students could be involved in a pilot during December 2020. It was noted that different institutions were working to different end dates; some having already started to put actions in place to bring in person teaching to an end sooner than intended and therefore confirmation was needed as to end of term dates. Universities asked for confirmation of what they needed to put in place for a safe return home. It was noted that it was likely that different institutions would have different plans in place for January 2021 with some students needing to undertake exams. I exhibit the minutes at **M08/ESNRG/137 - INQ000585449**.

140. At a press conference on 2 November 2020, the First Minister said that the Welsh Government had received two reports about university examinations in 2021: one was from Qualifications Wales, the other from the Open University in Wales. He said that the Minister for Education would consider both reports and make an announcement once schools had returned so that they could be discussed with head teachers and teacher unions, **M08/ESNRG/138 - INQ000090631** refers.

141. On 2 November 2020, the proposed testing scheme was set out more fully in Ministerial Advice prepared by officials in the Health and Social Services Group, exhibited at **M08/ESNRG/139 - INQ000349985**. The advice outlined the detail of testing pilot schemes in education. It was recommended all higher education institutions in Wales should be offered the opportunity to join a pilot of mass testing for Covid-19 infectiousness using the new lateral flow device technology. The advice noted that the pilot could be hindered by resourcing requirements and that universities may request

support from the Welsh Government to deliver those pilots. A further risk was the tight timescale testing to be in place by week commencing 23 November 2020 to provide mitigation for students travelling home at the end of term. It was proposed that further education institutions (along with schools) would then join the policy in due course.

142. On 3 November 2020, officials met the National Union of Students Wales to discuss examinations and assessments for 2021 and provided information about proposed recommendations for comment. On 5 November 2020, further education students provided various opinions about how exams should proceed but the general theme was that the question was stressful. This information was passed to the Minister for Education, see **M08/ESNRG/140 - INQ000585290**.

143. On 3 November 2020, officials received an enquiry from the National Union of Students Wales querying the implications of the decision that from 9 November 2020 up to 15 people could take part in organised events indoors and up to 30 people outdoors would mean for students. Officials provided draft guidance for consideration by the National Union of Students Wales and student unions which set out how those proposals would work for students, **M08/ESNRG/141 - INQ000585279** refers.

144. On 5 November 2020, Ministerial Advice, exhibited at **M08/ESNRG/142 - INQ000145404**, recommended that the First Minister and Minister for Education should agree to certain principles to support a controlled movement of students between university and home before Christmas. Those principles included:

- a. The cessation of in-person teaching on or around 8 December 2020;
- b. Strong messaging about isolation/laying low during this period to reduce risk of transmission;
- c. A phased exit, recognising the need to liaise with transport colleagues across the UK to manage these risks;
- d. Online learning to continue until the end of term;
- e. Institutions to remain open for those who chose to remain or who had no other option;
- f. Support to those remaining, recognising the risk of loneliness and isolation and associated mental health concerns; and
- g. Asymptomatic testing where available to mitigate risk.

145. The advice also detailed projected figures for the numbers of students likely to be travelling along with evidence regarding transmission among students, noting the

higher risk among young adults of asymptomatic Covid-19. The advice also noted that during term time transmission amongst the student population had not resulted in increased prevalence in the general population, suggesting that during term time clusters could be managed and contained in university accommodation.

146. The advice further set out the asymptomatic testing scheme referred to above. Ministers had agreed to roll out the Department for Health and Social Care's pilot to all universities in Wales using 'lateral flow' asymptomatic testing devices.

147. On 9 November 2020, the higher education firebreak frequently asked questions were updated to reflect the position as we moved out of the firebreak period, **M08/ESNRG/021 - INQ000591599** previously refers.

148. The Technical Advisory Group's '*Evidence review on Children and Young People Under 18 in Preschool, School or College following the Firebreak*' dated 9 November 2020, exhibited at **M08/ESNRG/143 - INQ000176812** noted evidence that schools being open was associated with higher rates of infection in the population, although the precise mechanism for this, and the direction of transmission, remained unclear. It was recommended that this factor should be included in planning assumptions when developing options for school operations in the period following the firebreak, especially for the use of non-pharmaceutical interventions for infection control. The paper recognised that there was strong evidence that continuing preschool, school or college attendance was important to support the well-being of children and young people. The paper also noted that controls and existing recommended non-pharmaceutical interventions that were well coproduced and planned to promote adherence, were essential to maintain infection control and limit transmission rates in preschool, schools and further education. The paper went on to recommend that additional mitigations should be considered including ways of reducing daily face to face contacts to reduce exposure risk, and the possibility of wearing face coverings for older age groups in more circumstances, including on public and dedicated transport. There was also a suggestion that face coverings could be used in the classroom on a risk assessed basis, where effective social distancing could not be maintained. The paper also suggested the exploration of the feasibility of mass asymptomatic testing programmes in school and colleges.

149. On 11 November 2020, the Minister for Education issued a Written Statement '*Supporting students to travel home safely ahead of Christmas*' see **M08/ESNRG/144 -**

**INQ000585458.** The statement outlined that universities would conclude the majority of in-person teaching in the week leading up to 8 December 2020 and that students who were planning make arrangements to travel from term time accommodation would be encouraged to do so by 9 December 2020 at the latest. Secondly, students who wished to return home at the end of term were asked to follow a simple set of guidelines, having assessed the risk, based on their individual circumstances. The message was that every student must make responsible choices to protect the people they love, including the option to take an asymptomatic lateral flow test. The statement confirmed that tools, guidelines and messages were in development with Public Health Wales and would be published shortly.

150. At a Higher Education Guidance Task and Finish Group on 12 November 2020, the note of which is exhibited at **M08/ESNRG/145 - INQ000585439**, members were informed that the Welsh Government was in the process of drafting guidance to help students return home safely for the Christmas holiday. This guidance was being considered by Public Health Wales and the members were informed it would be shared. The guidance was due to be published in the week commencing 16 November 2020. It had already been shared with the National Union of Students, so it was informed by the views of students. Members were invited to comment on the guidance. A paper, exhibited at **M08/ESNRG/146 - INQ000591717**, set out some of the options being considered for students' return in January 2021 with an action arising from that meeting for individual higher education institutions to comment and advise officials on the matters considered in the paper, and in particular to interrogate and evaluate the working assumptions presented. The paper indicates that in the meantime officials from the group would continue to evaluate the ongoing situation in order to best advise ministers if and when decisions were required on the matter.

151. Ministerial Advice dated 13 November 2020 prepared by the Education and Public Services Group asked ministers to note a Technical Advisory Group paper published that same day and to agree subsequent recommendations. I exhibit the Ministerial Advice at **M08/ESNRG/147 - INQ000176813** and the paper previously at **M08/ESNRG/143 - INQ000176812**. The paper noted an updated Office of National Statistics study which showed that rates of transmission were highest in older teenagers and young adults (year 12 and older, including higher education age groups). The Ministerial Advice proposed face coverings should be used in communal areas of secondary schools and colleges by staff and students where social distancing and contact groups could not be maintained. It was noted that further education guidance



would be updated to reflect the position if agreed. On 23 November 2020 the updated operational guidance on the use of face coverings in secondary schools and colleges was published. The guidance, exhibited at **M08/ESNRG/148 - INQ000591604** now stated that face coverings should be worn:

- a. In all areas outside the classroom by staff and students in secondary schools and colleges;
- b. On dedicated school and college transport for students in year seven and up; and
- c. By visitors to all schools and colleges, including parents and carers dropping off and picking up children

152. On 16 November 2020, an impact assessment was circulated in advance of a Technical Advisory Group meeting the following day, **M08/ESNRG/149 - INQ000585304** refers. The document '*Socio-Economic Harms and Potential Future Mitigation Measures*' is exhibited at **M08/ESNRG/150 - INQ000585305**. The assessment, prepared by officials from the Welsh Treasury, noted that, unless effectively targeted, many mitigations were unlikely to reduce, and may increase, inequalities. The level of harm and the limited scope for mitigation should make school closures/childcare closure (unless of very limited duration) a very last resort.

153. On 17 November 2020, the Higher Education Guidance Task and Finish Group met and observed that plans for January 2021 remained unconfirmed. Options were discussed, and the meeting was informed that guidance to students regarding Christmas was due to be published imminently. There were issues regarding the insurance implications of mass testing in universities and officials from the group agreed to consider these as a matter of urgency. The note of which is exhibited at **M08/ESNRG/151 - INQ000591681**

154. On 18 November 2020, the Economy, Skills and Natural Resources Group provided an update for inclusion in a briefing for the Minister for Education. The Information provided included the effect of the firebreak on universities, noting that partly in-person and partly remote teaching (blended learning) had fortunately continued throughout that period. The update also informed the Minister that the mass testing pilot in Wales would continue into the spring to help break the chains of transmission in the student population. The update also reflected that decisions should bear in mind that not all students were young people straight out of school. The focus should be wider than the stereotypical student and also consider those returning to education and not living on

campus. The update also noted support available including food delivery services, laundry services, online mentors, buddy systems, virtual clubs and events as well as an additional £10 million in funding: see **M08/ESNRG/152 - INQ000585294**.

155. On 18 November 2020, the First Minister and the Minister for Education met the President of the National Union of Students Wales to discuss a number of matters including the union's priorities for the year ahead, the 2021 Senedd election, the #StudentsDeserveBetter campaign and student mental health and well-being. Potential plans for January 2021 were discussed and the union representatives offered to comment on the plans for January. In addition to general discussion regarding potential arrangements for Christmas and the return in January, the National Union of Students raised the question of a rent rebate for students who left their term time accommodation before 9 December 2020 following government guidance. It was confirmed that the Welsh Government had no power to force landlords or universities to provide rebates to students however it was agreed that the Minister for Education would raise this with Vice-Chancellors in respect of university accommodation. Also, during that meeting the union representatives stressed that a priority for that year was students' mental health and noted that there had been a great deal of support from the Welsh Government. The First Minister asked the union to outline its plans for what it wished to see in a joint strategy for the mental health of Welsh students. The note of this meeting is exhibited at **M08/ESNRG/153 - INQ000591670**.

156. On 19 November 2020, the Chief Scientific Advisor for Health shared a summary and paper '*Ranking the Effectiveness of Non-Pharmaceutical Interventions to Counter COVID-19 in UK Universities with Vaccinated Population*'. A copy of the email in which the Chief Scientific Advisor for Health provides a summary of that paper is exhibited as **M08/ESNRG/154 - INQ000591624**. It was acknowledged that the report would inform ministerial briefing.

157. On 19 November 2020, guidance to students, exhibited at **M08/ESNRG/155 - INQ000081624** and frequently asked questions regarding the return home at Christmas, exhibited previously at **M08/ESNRG/022 - INQ000591721** were published. The guidance specified that universities in Wales had agreed to move the majority of teaching online by 8 December 2020. This meant that students were able to undertake a period of laying low and reducing contacts for 14 days before Christmas without missing out on their education. The guidance provided clarification that laying low meant taking extra care; reducing social contact and going out only for essential

reasons and exercise as opposed to a requirement to self-isolate for a period of 10 days following a positive test or 14 days for close contacts, which were at that time required by law. The guidance also referenced the provision of the new system of lateral flow testing which some universities were offering as part of the mass testing pilot.

158. On 22 November 2020, the transport guidance for further education institutions was updated. The guidance was aimed at local authorities for use by contact centers, further education colleges and independent schools and applied at all dedicated home to college transport. I exhibit the guidance at **M08/ESNRG/156 - INQ000081630**.

159. On 24 November 2020, the Higher Education Guidance Task and Finish Group considered options for January 2021 once more. The group advised that at this stage there was little to be achieved in asking higher education institutions to confirm their start dates and instead they should be given a set of principles to work towards. Unless the overall decision was that all higher education institutions could only offer learning online, the Welsh Government could only provide guidance and it would be the higher education institution's responsibility to implement it in the way that was best for them. Skills, Higher Education and Lifelong Learning officials agreed to advise the Minister for Education about the task and finish group's feedback. I exhibit the notes of the meeting at **M08/ESNRG/157 - INQ000591671**.

160. In a ministerial call on 25 November 2020, the Chief Medical Officer for Wales, the Chief Scientific Advisor for Health and the Chief Executive of the NHS in Wales updated ministers about infection projections and the public health position: see **M08/ESNRG/158 - INQ000350028**.

161. At a Cabinet meeting on 26 November 2020, the most up-to-date scientific information and data was discussed including significant increases in those under 25 years old which had been observed in all but three local authority areas in Wales. It was observed that this would inevitably lead to more infections in older members of society. Cases were increasing and there was a real possibility that by Christmas Day the number of patients in hospital could be at its highest level since March. Considering all the available evidence including the modelling in relation to the reasonable worst-case scenarios and for projected excess deaths, it was agreed that further action was required. It was agreed in principle that restrictions should be imposed in the form of a tier system. One of the papers considered at that meeting included the closure of higher education and/or further education as an option, weighing up the benefits, harms and

mitigations as follows of the proposals under consideration. In relation to benefits the paper noted as follows:

- a. The closure of further and higher education institutions would have a moderate impact (moderate confidence). Less data than from schools, though students were older and thus more likely to be infectious. Transmission from asymptomatic individuals was likely. Further education was highly networked, linking households, further education institutes and workplaces, but this tended to be local; and
- b. There was evidence from the US of Covid-19 rates being high in college towns and transmission moving from students to more vulnerable populations, but a lot of UK student outbreaks seemed to be well contained within the student population.

In relation to potential harms, it was observed that:

- a. The effects of closing further and higher education institutions would be similar to school closures, although they were likely to be less adverse due to the greater scope for mitigation. Modelling could provide an indication of orders of magnitude of a subset of effects but would be subject to wide margins of error. For example, a one-week closure of further education and higher education without mitigation could result in lower economic returns to education (lifetime incomes) with a value of around £30 million. It was noted that further education closure was likely on average to impact more directly on lower income groups than higher education closure;
- b. There was evidence of an increased impact on mental health of 12-24 year-olds with restrictions increasing isolation;
- c. Greater use of distance learning may be more feasible in some further education/higher education settings;
- d. An increase in financial and student well-being support would be needed as students were confined to accommodation and not able to make friends. The level of harm and limited scope for mitigation should make closure of higher education places, in particular (unless of very limited duration), a last resort;
- e. Distance learning was more viable for older students but not a complete substitute for classroom and social learning experiences.
- f. Impact was assessed as low to moderate;
- g. Financial support was somewhat easier to substitute than social experience and assessed as low to moderate;

- h. Unemployment and loss of student benefits might lead to increase access to the welfare system;
- i. Financial effects could be high and in some circumstances it could lead to the permanent closure of higher and further education institutions;
- j. There were potential consequences for mental health if students could not return home; and
- k. A heightened risk of student withdrawal leading to loss of income for the institutions and the resultant risk of closure.

Mitigations were considered as follows:

- a. Greater use of distance learning may be more feasible in some colleges / universities noting that distance learning was more viable for older students but not a complete substitute for classroom and social learning experiences; and
- b. An increase in financial and student well-being support when students were confined to accommodation and not able to make friends. Financial support was noted to be somewhat easier to substitute than social experience.

162. On 2 December 2020, Ministerial Advice was provided, exhibited as **M08/ESNRG/159 - INQ000177019**, regarding the return of higher education students in January 2021. The advice recommended that ministers approve actions to mitigate the risks created for Coronavirus transmission by the movement of higher education students between their home and term-time address at the start of the next academic term in January 2021, namely coordination of a staggered start between and within universities alongside the asymptomatic lateral flow testing pilot. The advice also proposed communications and messaging about personal responsibility and risk management. The advice noted that ministers needed to agree an approach before 9 December 2020 to allow universities and students to plan and prepare for the next academic term ahead of students travelling home at the end of term. This was agreed and a Written Statement to this effect was issued by the Minister for Education on 7 December 2020, see exhibit **M08/ESNRG/160 - INQ000591687**.

163. Throughout December 2020 the policy was developing in respect of the use of asymptomatic/lateral flow testing in higher education institutions, **M08/ESNRG/161 - INQ000585303** refers.

164. The Technical Advisory Group's Children and Education sub-group produced a paper on this issue in early December 2020, which I exhibit as **M08/ESNRG/162 - INQ000350037**. The paper noted the progress with asymptomatic testing in higher education institutions and the pilot of asymptomatic testing in various education settings. The Minister for Education and the Minister for Health and Social Services later confirmed details of a testing programme in schools and further education, exhibited as **M08/ESNRG/163 - INQ000350090**.

165. On 2 December 2020, the Technical Advisory Group published a statement regarding non-pharmaceutical interventions in the pre-Christmas period, exhibited at **M08/ESNRG/164 – INQ000228579**. Whilst not specific to further and higher education the information provided was relevant to decisions regarding those institutions.

166. On 3 December 2020, the Higher Education Guidance Task and Finish Group was informed that the Minister for Education had agreed in principle to a staggered return for students in January 2021. This would allow time for tests to be undertaken and to reduce the numbers of people all travelling at once. This would also help reduce the impact on the Test, Trace, Protect system. Officials from the Welsh Government had met Vice-Chancellors that morning and taken them through the key principles and reported no initial objections with general support for the staggered return and the continuation of blended learning. Concerns were raised about the potential lack of tests available for students when they returned. The task and finish group noted that clarity was required about what information the higher education institutions needed to provide. A draft guidance document for the January 2021 return had been circulated to task and finish group members before the meeting, who made observations regarding the guidance during that meeting.

167. On 7 December 2020, updated guidance (**M08/ESNRG/016 - INQ000591729** previously refers) and frequently asked questions were published to include the return of students in January 2021, exhibit **M08/ESNRG/023 - INQ000591720** previously refers. The guidance was based on advice of Public Health Wales, **M08/ESNRG/165 - INQ000585298** refers. The Welsh Government relied on the following three strands of activity to mitigate any risks of increased virus transmission caused by student travel:

- a. Coordination of a staggered start between and within universities;
- b. Asymptomatic testing pilot at all universities; and
- c. Communications and messaging regarding personal responsibility and risk management.

168. Although plans had been considered by that point for early January 2021 the situation was changing at pace in early December 2020. Cabinet had agreed in principle to moving to an alert system to determine the Covid-19 risk in Wales. The proposed tiers were:

- a. Green (Level 1 / Low risk): Regulations in place during the summer (most relaxed), but allowing for some household mixing (e.g. rule of six);
- b. Amber (Level 2 / Medium risk): Post-firebreak regulations (i.e. those in place at that time);
- c. Red (Level 3 / High risk): Regulations that would be agreed for Friday 4 December; and
- d. Lockdown (Level 4 / Very high risk): Firebreak regulations.

169. As part of their continuing consideration, officials from the Skills, Higher Education and Lifelong Learning Directorate were asked to provide an understanding of plans for higher education to return and how they would be affected by the 'very high' proposal along with what needed to be done to prepare. In their response on 7 December 2020, a group official advised that all education should remain open, not just schools in Alert Level 4: **M08/ESNRG/166 - INQ000585300** refers.

170. On 7 December 2020, officials from Scotland told officials from the Skills, Higher Education and Lifelong Learning Directorate that Scotland would be announcing its approach to semester two the following day. The proposal was for a six-week staggered return, with testing and checkpoints to review and halt if necessary, **M08/ESNRG/167 - INQ000585301** refers.

171. On 7 December 2020, the Minister for Education announced the plans for the safe return of students to Welsh universities after the Christmas break, this is exhibited as **M08/ESNRG/168 - INQ000300001**. Students were asked to return to campus over a four-week period, starting from 11 January 2021, with a phased return to in-person teaching. As observed by the Minister this was a collaborative and partnership approach with higher education institutions in Wales. The lateral-flow testing pilots for asymptomatic students was to continue. Ministerial Advice outlines the rationale behind this, exhibited previously as **M08/ESNRG/159 - INQ000177019**. It was also noted that increased mixing over Christmas would mean cases would be present in the student population when they reformed their term time households in January/February 2021 and therefore student take-up of the testing was encouraged to help manage those

cases. Support was also to be put in place for students who remained on campus over the holiday period. This was to be provided by higher education institutions supported by £10 million mental health and well-being funding from the Welsh Government, as referred to at paragraph 138 above.

172. Statistics on the cases in higher education in Wales were published on 8 December 2020, exhibit **M08/ESNRG/169 - INQ000591723** refers. In summary:

- a. Overall, the numbers of cases reported to higher education institutions had been small, with each institution experiencing a peak in cases at different times;
- b. Cardiff University had seen the largest peak but this was the result of mass testing and so should be interpreted with caution; and
- c. Over the previous two weeks, all higher education institutions had a seven day rolling average of fewer than eight positive Covid-19 cases.

173. At a Post-Compulsory Education and Training Change Board Meeting on 9 December 2020, **M08/ESNRG/170 - INQ000585314** refers, Economy, Skills and Natural Resources Group officials provided an overview of the pilot schemes that were running in all universities except Cardiff University and Cardiff Metropolitan University who were conducting their own screening. Initial figures as at 4 December 2020 showed a 0.4% positivity rate which was low in the university population, with the rates steadily declining.

174. On 10 December 2020, following advice from the Chief Medical Officer for Wales, the First Minister and Minister for Education decided that secondary schools and further education colleges should close from 14 December 2020: **M08/ESNRG/171 - INQ000350064** refers. Regulations were made on 11 December 2020 and the relevant Ministerial Advice is exhibited at **M08/ESNRG/172 - INQ000350579**.

175. An updated '*Coronavirus Control Plan*' was published on 14 December 2020 as exhibited at **M08/ESNRG/173 - INQ000350093**. This set out the four Alert Levels and the measures which would be put in place to control the spread of the virus and protect people's health.

176. A joint statement issued by the Minister for Health and Social Services and the Minister for Education on 14 December 2020, previously exhibited as **M08/ESNRG/163 - INQ000350090**, announced that following discussions with Public Health Wales and the Technical Advisory Group's Children and Education sub-group, the Welsh



Government planned to introduce a serial testing programme in schools and further education colleges from January 2021.

177. At a meeting between the Minister for Education and the President of the National Union of Students Wales on 17 December 2020, the latter sought clarification about university clubs and societies. It was confirmed that the only exemption would be for elite sports. It was confirmed that Alert Level 4 applied the same rules as those in place in the autumn firebreak. A note of this meeting is exhibited previously at **M08/ESNRG/091 - INQ000591692**.

178. At a Cabinet meeting on 19 December 2020, the minutes of which are exhibited at **M08/ESNRG/174 - INQ000048803**, ministers discussed the new variant of the virus and the implications for Alert Levels. Cabinet agreed to bring forward the Alert Level 4 restrictions for Wales. These new restrictions would come into effect from midnight that night instead of on 28 December 2020.

179. On 21 December 2020, officials from the Skills, Higher Education and Lifelong Learning Directorate were considering whether the January 2021 return might need to be delayed in light of the developing situation. It was noted that this could result in fee and refund pressures. It was proposed that the phased return should be delayed until 25 January 2021 at the earliest. A cautionary approach was proposed with further advice sought from the Chief Medical Officer for Wales, the Scientific Advisory Group for Emergencies and the Technical Advisory Cell: see **M08/ESNRG/175 - INQ000585308**.

180. On 23 December 2020, the frequently asked questions for higher education were updated to reflect Alert Level 4 restrictions: **M08/ESNRG/024 - INQ000591724** previously refers.

181. On 29 December 2020, officials from the Skills, Higher Education and Lifelong Learning Directorate provided the Minister with a summary of the rationale and risks that had been applied for the return to essential in-person learning: **M08/ESNRG/176 - INQ000585309**. The rationale, exhibited at **M08/ESNRG/177 - INQ000585311**, included the following:

- a. If students (adult students in higher education) could study from home, they should;

- b. All in-person teaching was at that point limited to essential only with most students having limited in-person learning per week. These were considered to be essential tutorial hours to maintain learning, to support well-being and to make sure that students stayed in education;
- c. For the return to study in January 2021, institutions had agreed to ask only those for whom it was essential to attend in-person learning to return before 11 January 2021. Institutions agreed to apply that principle until 2 February 2021 and the majority of courses would resume in-person teaching from the week of 25 January 2021;
- d. Universities had asked students not to return before they were asked to do so and not before in-person learning resumed; and
- e. Universities had reported that those studying health related subjects, those on placements, science students who required laboratory facilities, final year students and post-graduate students had been prioritised.

182. The rationale recognised that many students had term-time homes and may choose to move home under the regulations and that students should be treated the same as other adults and not given any more punitive regulatory restrictions than the rest of society. To refuse essential in-person learning would be a change to this principle and would risk future supply of qualified professionals. The rationale also recognised that to stop in-person learning wholesale would place students who had remained in their term time accommodation at greater risk of loneliness and isolation. The rationale considered a worst-case scenario of high prevalence, high community transmission and high student infection, noting mitigating factors to balance this including testing and limiting contacts. The document also noted that Public Health Wales was confident that outbreaks in the student population could be contained and controlled with spread in a low-risk population rather than spread in the community in multi-generational households with higher risk. In contrast it was noted that there was a risk of the creation of a two-tier system where healthcare and science students were prioritised for in-person learning over humanities and creative subjects creating financial implications including requests for fee refunds and the enhanced costs of blended learning as well as the risk of permanent closure of some higher education institutions. It was also raised that restrictions would likely have greater impact on those students from lower income groups and with associated consequences for household income if they returned home. The effects on the mental health of the young people affected was also highlighted.

183. On 4 January 2021, I attended the Higher Education Guidance Task and Finish Group which agreed to publish guidance on the approach to higher education in Wales. The group summarised that plans were in place for the staggered return of students to higher education institutions during January and February 2021 and the Minister for Education was keen for those plans to be followed through although group members should consider contingencies in case they are required at short notice. The group also discussed whether universities may wish to implement the wearing of face coverings. The group agreed to allow students access to Covid-19 -secure campuses, as long as safety messages around personal responsibility for safe behaviours and getting tested/self-isolation were being communicated and understood. I exhibit the minutes at **M08/ESNRG/178 - INQ000221127**.

184. Also, on 4 January 2021, the Minister for Education received Ministerial Advice from the Education and Public Services Group which recommended all students in schools and colleges move to online learning until 18 January 2020. I exhibit the advice at **M08/ESNRG/179 - INQ000368695** and the Written Statement confirming this at **M08/ESNRG/180 – INQ000353851**.

185. On 7 January 2021, I attended the Higher Education Guidance Task and Finish Group which noted testing for those students who had returned had commenced. The Minister for Education made clear that higher education institutions in Wales were structured in such a way that each needed to look at their own teaching and delivery options. I exhibit the minutes at **M08/ESNRG/181 - INQ000585456**. The group received a Scientific Advisory Group for Emergencies paper which I exhibit at **M08/ESNRG/182 – INQ000063145** which contained evidence and recommendations to reduce transmission of the new Covid-19 variant.

186. On 7 January 2021, I responded to a draft Technical Advisory Group paper on education and control of the virus and I made the point that it was a concern that all of the data and comment on the adverse consequences of school closure and online learning was relegated to an annex and no reference was made to the longer term impacts on pupil and students' educational outcomes, economic fortunes, morbidity or mortality. I also noted that the potential difficulty for the future was that it was not yet clear whether the introduction of school closures and a move to online learning would reduce the incidence of Covid-19 infection. I exhibit my email at **M08/ESNRG/183 - INQ000585312**.

187. On 8 January 2021, the Minister for Education announced that she had spoken to universities in Wales and asked them to be realistic about how they delivered teaching in the forthcoming term. The announcement (exhibited as **M08/ESNRG/184 – INQ000299750**) also referred to a fund for student hardship and mental health. Updated guidance was published for higher education, exhibited previously as **M08/ESNRG/017 - INQ000081758**. This guidance contained updated safety advice, Alert Levels, self-isolation guidelines, advice on establishing households in student accommodation and the exemptions for gatherings in shared accommodation with multiple individual households.

188. Also on 8 January 2021, the Minister for Education wrote to further education principals confirming the First Minister would bring decision making on school and colleges in line with the Welsh Government's three-week reviews. I exhibit this letter at **M08/ESNRG/185 - INQ000585432**. The Covid-19 Resilience Plan for the post-16 sector was also updated. There was additional guidance added on minimising the number of contacts and shielding. I exhibit this guidance at **M08/ESNRG/186 - INQ000585428**.

189. On 14 January 2021, updated guidance was issued on the return to college arrangements from January 2021. This guidance provided advice for students returning to colleges in January, college operations, face coverings and testing for Covid-19. I exhibit this guidance at **M08/ESNRG/187 - INQ000081777**. The frequently asked questions document was also updated with advice for students on the position of travelling to university. The advice was to stay home, work or study from home if you could, only attend your place of work or study if you could not work from home. Universities in Wales were open for essential on campus activity as many students and staff needed access to a laboratory, specialist academic library, appropriate study space or studio which meant they needed to leave home as they could not complete that work from home. I exhibit the frequently asked questions document previously at **M08/ESNRG/025 - INQ000585316**.

190. Also on 14 January 2021, the Higher Education Guidance Task and Finish Group agreed to review the position of a staggered return of students towards the end of January 2021. The group advised that most institutions had announced their decisions on potential refunds for accommodation costs where students were being asked not to return to campus accommodation. I exhibit the minutes at **M08/ESNRG/188 - INQ000222614**.

191. On 15 January 2021, an updated Coronavirus Communications toolkit was circulated to Covid-19 leads in higher education institutions, the Higher Education Funding Council for Wales, the National Union of Students Wales and the University and College Union. It was designed to help universities to give messages to encourage students to adopt the correct behaviours on and off campus. I exhibit this toolkit at **M08/ESNRG/189 - INQ000585318**.

192. On 18 January 2021, the Minister for Education announced an additional £40 million for universities to support students facing financial hardship, helping the students most affected by the pandemic with expenses such as accommodation costs. This was distributed by the Higher Education Funding Council for Wales. I exhibit the press notice at **M08/ESNRG/190 - INQ000585321**.

193. On 20 January 2021, the Higher Education Guidance Task and Finish Group agreed to discuss contingency plans and communications with university Vice-Chancellors. It was noted that higher education institutions preferred the principles already in place for a staggered return to learning. I exhibit the meeting notes at **M08/ESNRG/191 - INQ000585450**.

194. Also, on 20 January 2021, the Minister for Education confirmed students in Wales studying for Qualifications Wales approved GCSE, AS and A levels that year would receive grades determined by their school or college, based on work they had completed over their course. I exhibit the press notice at **M08/ESNRG/192 - INQ000299760**.

195. On 21 January 2021, the Minister for Education agreed to continue to fund educational provision for young people with learning difficulties. The Minister agreed to fund placements already agreed until the end of the 2020-21 financial year, providing assurance to the specialist further education sector. I exhibit the Ministerial Advice at **M08/ESNRG/193 - INQ000145460** and the Minister's letter to further education institutions confirming this at **M08/ESNRG/194 - INQ000585332**.

196. On 21 January 2021, the frequently asked questions document for higher education was updated to provide information to students who were unable to return to private rented accommodation and were paying full accommodation costs. I exhibit the frequently asked questions document previously at **M08/ESNRG/026 - INQ000591722**.

197. On 25 January 2021, Cabinet considered a paper on the proposed return to a mix of campus and online learning in further education colleges following the half term break. The paper recommended that the regulation of arrangements in universities either change to follow the advice given to schools, or the advice given to general workplaces. I exhibit this paper at **M08/ESNRG/195 - INQ000129915**. Cabinet agreed there should be a prioritised and phased return of post-16 learners after half term, with public advice on limiting numbers on site at any one time. I exhibit the draft minutes at **M08/ESNRG/196 - INQ000129912**.

198. On 26 January 2021, I attended the Higher Education Guidance Task and Finish Group and the frequently asked questions document was updated to address the £40 million hardship fund. I exhibit the minutes of this meeting at **M08/ESNRG/197 - INQ000585453**.

199. I exhibit a letter from Cardiff University on 18 January 2021 to Economy, Skills and Natural Resources Group officials requesting alternative venues for clinical assessments at **M08/ESNRG/198 - INQ000585440**. In response, on 26 January 2021 the Minister for Education provided authority to enable Cardiff Medical School to use two venues in Cardiff for Integrated Structured Clinical and Written Examinations for final year medical students. Under Alert Level 4 restrictions, conference premises were required to be closed, therefore authorisation from Welsh Ministers was required. I exhibit the Ministerial Advice at **M08/ESNRG/199 - INQ000177020** and the letters of authorisation to Cardiff City Hall and Cardiff City Stadium at **M08/ESNRG/200 - INQ000585335** and **M08/ESNRG/201 - INQ000585336**.

200. In advance of the Resilience Plan Steering Group meeting on 27 January 2021, officials from the Skills, Higher Education and Lifelong Learning Directorate prepared a paper setting out the challenges, principles and possible interventions to support the education system's recovery from the disruptions due to Covid-19. I exhibit this paper at **M08/ESNRG/202 - INQ000585330**. The Steering Group made observations that further detail would be needed for each sector: further education; work based learning and adult learning. I exhibit the meeting notes at **M08/ESNRG/203 - INQ000585346**.

201. On 27 January 2021, at a meeting between officials and university Vice-Chancellors, Vice-Chancellors confirmed all universities were planning to continue online for the majority for the rest of the term while continuing in person teaching for those already

back in a few cases. I exhibit the notes of the meeting at **M08/ESNRG/204 - INQ000585333**.

202. On 28 January 2021, officials from the Education and Public Services Group provided advice to the Minister for Education to agree £9 million funding for additional learning needs focused on Covid-19 recovery. This funding addressed areas of concern raised by further education institutions and allowed institutions to put in place systems to extend support for these students. I exhibit the Ministerial Advice at **M08/ESNRG/205 - INQ000145459** and the Minister for Education and Minister for Finance and Trefnydd approval at **M08/ESNRG/206 - INQ000591610**.

203. On 28 January 2021, the Economy, Skills and Natural Resources Group requested advice from the Technical Advisory Cell on testing in higher education. I exhibit this request at **M08/ESNRG/207 - INQ000585337**.

204. On 29 January 2021, the First Minister announced the outcomes of the latest 21-day review. He confirmed that a phased return of face-to-face education would be planned to start after 22 February 2021 if the public health situation continued to improve. The two priority groups of students announced for the first phase of return were younger children in primary schools and students studying vocational qualifications; specifically those who were undertaking 'licence to practise' qualifications (including apprentices) who required access to college facilities and equipment. This group accounted for approximately 10,000 students across 50 college campuses. I exhibit the announcement at **M08/ESNRG/208 - INQ000023279**.

205. On 29 January 2021, the Minister for Education and Minister for Finance and Trefnydd received Ministerial Advice requesting the allocation of £12.292 million to further education institutions for digital equipment, IT infrastructure, backlog maintenance and for facilities for young adults between 16 and 25 with learning difficulties and disabilities to remain safe and secure in the academic year. I exhibit the Ministerial Advice at **M08/ESNRG/209 - INQ000103972** and approval at **M08/ESNRG/210 - INQ000585354**.

206. On 1 February 2021, the Deputy Director of Further Education and Apprenticeships Division received a letter from the Vice Chair of Colegau Cymru. I exhibit this letter at **M08/ESNRG/211 - INQ000585344**. The letter summarised the meeting of the Back to College Working Group held on 29 January 2021. This group was established and chaired by Colegau Cymru. The letter highlighted the following:

- a. Colleges were keen for ministers approval to manage an increase in the number of students accessing face-to-face teaching and assessment;
- b. The Group requested that the Welsh Government enforced the two-metre social distancing requirement for the further education sector, based on the model and amended protocols established jointly in July 2020;
- c. Officials should consider challenges faced by students with additional learning needs and the Independent Living Skills provision; and
- d. When current restrictions were eased, all opportunities to facilitate the completion of technical assessment must be taken.

207. On 1 February 2021, the Minister for Education agreed to £26.491 million funding to further education colleges to support vocational students to complete their programmes in the 2020/21 academic year and £2.5 million for mental health support for the 2020/21 cohort. I exhibit this advice at **M08/ESNRG/212 - INQ000369475** and the agreement at **M08/ESNRG/213 - INQ000585353**.

208. On 1 February 2021, I attended a meeting with the Minister for Education where officials reported that universities were working through plans with staff and students. I exhibit a note of the meeting at **M08/ESNRG/214 - INQ000531765**. The notes of meetings between Economy, Skills and Natural Resources Group senior officials and the Minister for Education during the relevant period can be found in Annex A of the **M08-EPGW-001** statement.

209. On 2 February 2021, I attended the Technical Advisory Group meeting which considered a paper on the phased return to post-16 learning. I exhibit the paper at **M08/ESNRG/215 - INQ000585352**. The Technical Advisory Group reiterated a commitment had been made by ministers to work towards a phased return to education from 22 February 2021 and that a social-distanced model of delivery was being considered with control measures in place. The group queried whether any further education work or modelling was taking place and that the Technical Advisory Group Children and Education sub-group would be looking at face coverings shortly. The group also highlighted there was limited evidence and modelling that had taken place on non-pharmaceutical interventions for 16+ students and that working with students would be more effective. The group noted that consideration should also be given to outbreaks or cases associated with further education groups, such as contact with



members of the same household. I exhibit the minutes at **M08/ESNRG/216 - INQ000313181**.

210. On 2 February 2021, the Higher Education Guidance Task and Finish Group confirmed that some universities had made announcements that most in person teaching would not return before the Easter break and that other universities would be announcing this shortly. Universities Wales also announced to staff and students that most in person teaching would not return before the Easter break. Officials from the Skills, Higher Education and Lifelong Directorate updated the group they were looking into longer term testing for students and working with modelling specialists to consider the effect on students. The group also agreed they needed to focus on what guidance and work was needed to plan for returning and new students in September 2021 and options could include retuning to business as usual, return to partly in-person and partly remote (blended) learning, return with mitigating actions or a staggered return. I exhibit the minutes at **M08/ESNRG/217 - INQ000585448**.

211. Officials from the Skills, Higher Education and Lifelong Learning Directorate had been working with Colegau Cymru, Joint Trade Unions, the National Training Federation Wales and adult learning providers to identify priority groups who should return to face-to-face learning through the Back to College working group. I exhibit an example of the meeting minutes from 4 February 2021 at **M08/ESNRG/218 - INQ000585356**.

212. On 4 February 2021, the Minister for Education considered Ministerial Advice outlining options for the prioritised return of some vocational students to colleges. I exhibit this advice at **M08/ESNRG/219 - INQ000104027**. The advice recommended the initial priority group being considered for the first phase of return comprised of vocational students who were studying 'licence to practise' type qualifications, including apprentices. The advice set out the proposal to resume face-to-face learning for the post-16 sector would include:

- a. Teaching and support staff would be asked to return to face-to-face delivery on a voluntary basis only. Students or members of staff who were not comfortable returning at this stage would not be required to do so. Detailed protocols for the return of further education staff, relating to health and safety and conditions of employment, would be agreed by the Welsh Negotiating Committee Further Education. The Joint Trade Unions were content with this approach and were supportive of a return by vocational students;

- b. Staff and students in the Clinically Extremely Vulnerable group were advised to shield or work from home in line with advice issued by the Chief Medical Officer for Wales, until 31 March 2021. The Clinically Extremely Vulnerable group would be prioritised for vaccine, but it did not remove the need to continue observing all the current precautions on hygiene, social distancing and face coverings/Personal Protective Equipment;
- c. A framework of control measures would be in place, informed by public health advice; and
- d. The post-16 sector would work closely with the Welsh Government to agree clear messaging for students and staff around the return arrangements. This would include key messaging around behaviours.

213. The Minister for Education agreed to proceed with the return of 'licence to practise' vocational students including apprentices, from 22 February 2021. I exhibit the Minister's approval at **M08/ESNRG/220 - INQ000368837**.

214. On 9 February 2021, the Covid-19 Resilience Plan for post-16 students was further updated to include additional guidance for vulnerable students, students undertaking assessments or examinations, vocational students who were permitted to attend colleges or learning centres during phase one and the control measures in place. I exhibit this guidance previously at **M08/ESNRG/009 - INQ000585358**.

215. On 11 February 2021, at the Back to College working group, officials from the Skills, Higher Education and Lifelong Learning Directorate updated the group that the face covering guidance had changed. The sector would use a risk-based approach and face coverings were to be used where two-metre social distancing was not possible. I exhibit a note of the meeting at **M08/ESNRG/221 - INQ000585371**.

216. Officials from the Skills, Higher Education and Lifelong Learning Directorate contributed to a policy paper submitted to the Technical Advisory Cell on the Covid-19 impacts on children and young people. I exhibit this paper at **M08/ESNRG/222 - INQ000562137**. The policy paper outlined the impacts and harms as a result of Covid-19 public health restrictions and partial closures across education from pre-school to university for young people aged 0-25. The paper also set out what officials did not know at the time informed by feedback from frontline professionals. The paper concluded that by recognising and documenting these harms, future policy interventions would aim to decrease the risk of a lost generation of young people with

reduced opportunities and the importance of children and young people's needs in subsequent recover plans.

217. The '*Paper on Higher Education Settings*' was shared with the Welsh Government as part of the papers circulated on 11 February 2021 for the Scientific Advisory Group for Emergencies 80 meeting, **M08/ESNRG/223 - INQ000585359** and **M08/ESNRG/224 - INQ000585368** refer.

218. The full paper was embedded in a Technical Advisory Cell briefing circulated within the Welsh Government on 17 February 2021, **M08/ESNRG/225 - INQ000585372** and **M08/ESNRG/226 - INQ000471998** refer. That Technical Advisory Cell briefing was sent to colleagues in the Education and Public Services Group but, at that point, did not come directly to me or others in the Economy, Skills and Natural Resources Group.

219. On 12 February 2021, at the Higher Education Guidance Task and Finish Group officials from the Skills, Higher Education and Lifelong Learning Directorate updated that the Welsh Government engaged with a mathematician at Cardiff University who was providing scenarios about different consequences of testing. The modelling suggested that testing before travel would have a better impact than testing twice a week and that a decision would be made by the testing team. The group re-emphasised the importance of putting plans in place for the return of students in September 2021 and for planning purposes it would be sensible to plan with the notion people would still need to be two-metres apart. I exhibit the minutes of the meeting at **M08/ESNRG/227 - INQ000585447**.

220. On 15 February 2021, officials from the Skills, Higher Education and Lifelong Learning Directorate updated the Minister for Education that planning had begun for a full return of students after Easter if Alert Levels allowed. Universities worked with testing colleagues to ensure there was enough capacity ahead of the Easter break. I exhibit the meeting notes at **M08/ESNRG/228 - INQ000531779**.

221. On 16 February 2021, the Minister for Education noted the return of higher education students to campus for any courses which would fail to qualify or complete the academic year without in-person teaching or access to facilities after 22 February. I exhibit the Ministerial Advice at **M08/ESNRG/229 - INQ000145405**.

222. On 18 February 2021, the Welsh Government issued revised guidance for higher education. This updated version contained an update to accommodation guidance and is exhibited previously at **M08/ESNRG/018 - INQ000081854**.

223. On 19 February 2021, I attended the Technical Advisory Group and considered a paper from Cardiff University comparing lateral flow device testing strategies in higher education residences. The paper considered two testing strategies, the first was to test all students two days prior to arrival followed by a weekly test and the second was students are tested weekly starting on the day of arrival. I exhibit this paper at **M08/ESNRG/230 - INQ000312805**.

224. On 19 February 2021, the First Minister announced some vocational students in priority sectors would be able to return to college from Monday 22 February 2021. I exhibit this announcement at **M08/ESNRG/231 - INQ000591652**.

225. On 19 February 2021, the Minister for Education agreed £2 million of funding to support the mental health and well-being of students and staff in further education. This funding comprised £1.92 million to support individual and collaborative initiatives, £40,000 to the Adverse Childhood Experiences Hub and £40,000 to Colegau Cymru to support peer led research on active well-being and mental health. I exhibit this advice at **M08/ESNRG/232 - INQ000235780** and the Minister's approval at **M08/ESNRG/233 - INQ000585389**.

226. On 22 February 2021, officials from the Skills, Higher Education and Lifelong Learning Directorate updated college principals confirming the intention for further education was to enable colleges to bring back a broadly equivalent cohort to students undertaking assessments with the flexibility for individual colleges to prioritise. I exhibit this email at **M08/ESNRG/234 - INQ000585390**.

227. On 23 February 2021, I attended the Higher Education Guidance Task and Finish Group and the group agreed it was not worth the risk bringing students back for in person teaching before Easter, however if there was an opportunity for some students to use some facilities then this would be good. The group re-iterated a previous decision that writing to students was not the best method of communication and that social media was more effective. The group confirmed guidance regarding gathering in a kitchen had been reviewed and amended. The guidance was clarified so that if you lived in a flat

you could meet everyone in your household. I exhibit the minutes of the meeting at **M08/ESNRG/235 - INQ000585452**.

228. On 2 March 2021, at the Higher Education Guidance Task and Finish Group, officials from the Skills, Higher Education and Lifelong Learning Directorate updated that the Public Health Wales testing group agreed proposals for repeat testing of all higher education staff twice weekly, PCR testing before travel through NHS portals and lateral flow testing twice weekly for the first 28 days of returning. I exhibit the minutes of the meeting at **M08/ESNRG/236 - INQ000220830**. Officials from the Skills, Higher Education and Lifelong Learning Directorate provided advice to the Minister for Health and Social Services and the Minister for Education on 12 March 2021 outlining the policy rationale for extending the testing of students and staff in higher education institutions in Wales. The Minister's agreed to offer a PCR test before travel to any student moving household to attend university, to continue the previously agreed lateral flow test on return provision and offer additional twice weekly lateral flow tests to all students for the first 28 days following return to campus or term time accommodation, including students already on campus and to offer twice weekly lateral flow tests to all staff on an ongoing basis. I exhibit the Ministerial Advice at **M08/ESNRG/237 - INQ000136848** and the Minister's approval at **M08/ESNRG/238 - INQ000585393**.

229. On 9 March 2021, the '*Covid-19 Resilience Plan guidance for the safe operation of post-16 learning*' was further updated from 15 March. The latest guidance covered the period 15 March – 11 April 2021 for further education and work-based learning. The guidance provided information for students permitted to attend colleges or learning centres during this period, planning for face-to-face learning, clinically vulnerable students and staff, protective measures and transport. I exhibit the guidance previously at **M08/ESNRG/010 - INQ000585466**.

230. On 12 March 2021, the Minister for Education received advice recommending universities should be able to open for partly in-person and partly remote teaching (blended learning) for all students for the summer term with the majority of universities starting the summer term on 12 April 2021. I exhibit this advice at **M08/ESNRG/239 - INQ000145407**. The Minister for Education agreed this advice and announced on 15 March 2021 that it was the Welsh Government's expectation that all students could return for partly in-person and partly remote teaching (blended learning) for the duration of the summer term. I exhibit this announcement at **M08/ESNRG/240 - INQ000350305**.

231. I attended a Higher Education Guidance Task and Finish Group meeting on 12 March 2021. In advance of the meeting, I was sent the following paper '*Draft - Summary of considerations for allowing a return of more higher education students to in-person education – summer term*' which I exhibit at **M08/ESNRG/241 – INQ000222569**. The paper drew on the following evidence sources (including the '*Paper on higher education institutions*')

- a. Welsh data on asymptomatic testing of students in higher education;
- b. Scientific Advisory Group for Emergencies Paper 5a SPI-B: Return to campus for Spring term: risk of increased transmission from student migration (13 January 2021);
- c. Scientific Advisory Group for Emergencies Paper 5c COVID-19 and Universities: Report from the Higher Education working group at the Isaac Newton Institute Version for the Scientific Advisory Group for Emergencies: 13th January 2021;
- d. Scientific Advisory Group for Emergencies Paper Children's Task and finish Group: Paper on Higher Education Settings 12 February 2021 (cited in the question as the '*Paper on Higher Education settings*');
- e. Paper to International Comparators Joint Unit: School and University Returns, 9 October 2020;
- f. The Cardiff University paper comparing Lateral Flow Device testing strategies in higher education Residences;
- g. The Student Covid Insights Study by the Office for National Statistics key findings from 10 March 2021 (covering the period 19 February to 1 March 2021); and
- h. The Sutton Trust research paper into Covid-19 and the University Experience.

I exhibit the minutes of the meeting at **M08/ESNRG/242 - INQ000591667**.

232. The '*Summary of considerations for allowing a return of more higher education students to in-person education – summer term*' paper was also distributed in advance of a Technical Advisory Group meeting on 12 March 2021 which I also attended. I exhibit the paper at **M08/ESNRG/243 – INQ000227567**.

233. In summary, the Technical Advisory Group had access to both the paper cited and to a broader evidence base (based on information from Welsh higher education institutions, Public Health Wales and other sources) in respect of both (a) the epidemiological evidence relating to transmission and severity of Covid-19 in further or

higher education institutions and (b) the well-being and mental health of young people in further and higher education at this time.

234. The Technical Advisory Group assessed the proportionality of encouraging online learning instead of face-to-face learning for young people in further and higher education throughout the pandemic.

235. On 16 March 2021, I attended the Higher Education Guidance Task and Finish Group where officials confirmed students were able to travel around Wales from 27 March 2021. Higher education institutions provided messaging that all students should not travel until after 1 April 2021. Officials from the Skills, Higher Education and Lifelong Learning Directorate provided an update on the development of Easter guidance for students which had been amended to include self-isolation and requirements if a student had symptoms. The group discussed it was still too early to confirm what measures would be required in September 2021 and agreed higher education institutions should be promoting the same information. Vice-Chancellors would also plan for two scenarios, one with two-metre distancing and one without. I exhibit the meeting minutes at **M08/ESNRG/244 - INQ000585433**.

236. On 18 March 2021, updated guidance was provided to students to provide information on keeping themselves, their families, friends and university communities safe at the start and end of term. The document provided guidance for the summer term, travel between term time and out of term address, self-isolation and responsible behaviours. I exhibit the guidance at **M08/ESNRG/245 - INQ000544812**.

237. On 23 March 2021, the results of the survey on the impact of Covid-19 students in the post-16 sector were published. The survey focused on current and pre-Covid-19 learning and learning choices, learning experience and learning online and well-being and safety. I exhibit the findings at **M08/ESNRG/246 - INQ000585392**. There were 6,088 responses and the main findings included:

- a. Most respondents said their learning choice did not change because of Covid-19;
- b. Most respondents were positive about their learning experience;
- c. Respondents expressed concerns about the challenges of learning at home and the difficulties of self-isolation and the effect on their education; and

- d. Those in school sixth form, further education colleges and traineeship programmes were on average on the lower end of the well-being scale.

238. On 23 March 2021, I attended the Higher Education Guidance Task and Finish Group and agreed for guidance to be drafted for international students returning to university. The group suggested there should be a contract in place between international students and Public Health Wales setting out what was required of them. The group advised some higher education institutions were confirming plans to reopen to students from 1 April 2021 but advised this was subject to the 21-day review decision on 1 April 2021. Officials from the Skills, Higher Education and Lifelong Learning Directorate discussed graduation ceremonies. I exhibit the meeting minutes at **M08/ESNRG/247 - INQ000585438**.

239. On 24 March 2021, the Minister for Education received Ministerial Advice recommending £24.25 million to recognise post-16 transition and catch-up costs of all full time 16-19 year old students beginning A-level or vocational provision at further education colleges. I exhibit this advice at **M08/ESNRG/248 - INQ000145406** and the Minister's agreement at **M08/ESNRG/249 - INQ000544798**.

240. On 30 March 2021, the Technical Advisory Group considered a paper '*Identifying, quantifying and measuring the harms arising from the covid-19 restrictions to children and young people in Wales*'. I exhibit the paper at **M08/ESNRG/250 - INQ000271702**. The paper considered mental health, physical health, development, education and socio-economic harms, highlighting students in higher education engaged substantially less in extra-curricular activities than in the previous academic year. The paper said that there was likely to be a significant long-term effect on physical and mental health, emotional well-being, overall development, educational attainment, social behaviour and socio-economic prospects at a population level, for an entire generation. The Technical Advisory Group considered the paper and acknowledged this information will need to be tested against hard edged information and data. I exhibit the meeting minutes at **M08/ESNRG/251 – INQ000310711**.

241. On 31 March 2021, the Technical Advisory Group produced a paper for the 21-day review which touched upon higher, further education and the return of secondary schools. This paper is exhibited as **M08/ESNRG/252 - INQ000227495**.



242. On 31 March 2021, the Minister for Education received Ministerial Advice noting that higher education institutions had agreed to provide supported accommodation for all arriving international students to self-isolate in university owned or contracted accommodation for 10 days. Additionally, all arriving international students were to enter a contract with the university, I exhibit an example contract at **M08/ESNRG/253 – INQ000585463** and the Ministerial Advice at **M08/ESNRG/254 - INQ000177022**.

243. At the Higher Education Guidance Task and Finish Group meeting on 31 March 2021, the group updated that students would be asked to take three supervised tests on return to campus and that guidance for international travel would be published. I exhibit the minutes at **M08/ESNRG/255 - INQ000585455**.

244. On 31 March 2021, the First Minister announced a full return to onsite learning in schools and other education settings from 12 April 2021 and removed restrictions to allow all post-16 students to return to colleges and learning centres from 12 April 2021, on a partly in-person and partly remote teaching (blended learning) basis in line with guidance published by the Welsh Government.

245. On 1 April 2021, guidance for international students in supported accommodation was published, exhibited as **M08/ESNRG/256 - INQ000081938**. The guidance recommended that students travelling from outside the UK should contact their university before they intended to travel to the UK to find out about the support available during the required period of self-isolation on arrival and further advised that those students should book university supported accommodation for their 10-day isolation period.

246. At a meeting of the Higher Education Guidance Task and Finish Group on 13 April 2021, the note of which is exhibited at **M08/ESNRG/257 - INQ000585468**, officials provided an update in relation to testing and confirmed that the Technical Advisory Cell would provide guidance on face coverings. It was acknowledged that robust evidence on social distancing was needed to enable Wales to make its own evidence-based decisions on the matter. Discussion regarding graduation ceremonies led to agreement by officials to update the guidance regarding the number of people allowed to meet outdoors.

247. On 8 April 2021, the frequently asked questions document for higher education was updated, I exhibit this previously at **M08/ESNRG/027 - INQ000591725**.

248. On 19 April 2021, I attended a research workshop to consider the likely trajectory for the Covid-19 pandemic in Wales and the implications for further and higher education and apprenticeship policy, **M08/ESNRG/258 - INQ000585396** refers and the note of that workshop can be found at **M08/ESNRG/259 - INQ000585398**. The workshop included attendees from the Welsh Government, universities, Estyn, the National Union of Students and the Higher Education Funding Council for Wales. The workshop proceeded on the basis of a number of assumptions: (a) the majority of eligible adults in Wales would be vaccinated by the end of July 2021; (b) universities and further education colleges would return to blended learning in the summer term; (c) the vaccination of young people under the age of 18 would not have been completed by September 2021 and (d) there would be increased opening of the economy and community as set out by the First Minister on 12 March 2021. The following issues were the subject of discussion in the context of implications for further/higher education and apprenticeship policy:

- a. The validity of the assumptions listed above;
- b. The likely track of Covid-19 infections, cases, hospitalisation, intensive care unit demand and deaths as a consequence of the above assumptions;
- c. Which non-pharmaceutical interventions should be considered to prevent or mitigate the adverse impacts in the summer and/or autumn terms;
- d. Vaccination for 16-18 year-olds; and
- e. Face coverings for young people.

249. At a meeting of the Higher Education Guidance Task and Finish Group on 22 April 2021, officials from the Skills, Higher Education and Lifelong Learning Directorate confirmed that guidance had been updated. The number of people allowed to meet outdoors had changed but further changes were due to come into place on Saturday 24 April 2021 from which point six people from different households would be able to meet. It was noted that from 17 May 2021, Wales would return to Level 3. It was also noted that the re-opening of universities in Wales remained in the planning stage. A review of non-pharmaceutical interventions took place and noted that Covid-19 had allowed for different methods of teaching to be identified and developed and these should be encouraged to continue where they have worked well. The suggested way forward was that mitigations (including social distancing) should remain for the autumn term to allow all students to receive both doses of the vaccine then any changes could be made after Christmas 2021. Skills, Higher Education and Lifelong Learning Directorate officials were to provide further advice regarding potential risks which

needed to be considered and, if possible, provide some scenerios for consideration. It was noted that guidance would be required once mitigations and restrictions for September had been confirmed. I exhibit a note of the meeting at **M08/ESNRG/260 - INQ000585451**.

250.The Higher Education Guidance Task and Finish Group next met on 27 April 2021. I exhibit the minutes at **M08/ESNRG/261 - INQ000585434**. Those present discussed the further easing of restrictions that had been announced. It was noted that three halls of residence in Swansea had been put into isolation but that officials from the Welsh Government had not been previously advised of this. In considering next steps regarding guidance requirements for September 2021 it was noted that it would be useful to hold discussions with Vice-Chancellors setting out potential options for September 2021 and getting early feedback on the groups' initial thoughts.

251.On 30 April 2021, officials from the Skills, Higher Education and Lifelong Learning Directorate considered the need for continued public health mitigations in higher education for the autumn term 2021, exhibits **M08/ESNRG/262 - INQ000585399** and **M08/ESNRG/263 - INQ000585400** refer. Proposals under consideration at that time included some study from home and some in-person access, rather than a need to open and close provision. The document also considered mitigations for student movement including testing, vaccination and contact groups. It was noted that the sector was planning and preparing for multiple scenarios, including the possibility that the public health situation could potentially improve. The document proposed the need for further information including a request for evidence in relation to vaccine efficacy, seasonal effect and outbreak risk.

252.At the Senedd elections in May 2021, Kirsty Williams MS stood down as the Minister for Education. Following the election, ministerial portfolios and responsibilities were revised and Jeremy Miles MS was appointed the Minister for Education and Welsh Language.

253.On 10 and 11 May 2021, officials from the Skills, Higher Education and Lifelong Learning Directorate provided clarification to institutions confirming grocery provisions should be supplied by universities free of charge or at low cost, with decision being at institution level, **M08/ESNRG/264 - INQ000585401** refers.

254. Revised Covid-19 guidance for higher education was published on 11 May 2021, exhibited previously at **M08/ESNRG/019 - INQ000082017**, which provided updates regarding gathering indoors, international student arrivals and an update to gatherings under the current restrictions.

255. By 13 May 2021, officials sought feedback from Public Health Wales regarding proposals for the autumn term, see **M08/ESNRG/265 - INQ000585402**. Also on 13 May 2021, the Higher Education Guidance Task and Finish Group met and discussed plans for September 2021, with the note of that meeting exhibited at **M08/ESNRG/266 - INQ000585429**. A paper was shared with the group, exhibited as **M08/ESNRG/267 - INQ000585467** which considered the balance of risk from the virus against the balance of harms from the health protection measures that were then in place. This paper was prepared and updated with contributions from Skills, Higher Education and Lifelong Learning officials and other members of the task and finish group. It was noted that Covid-19 had disproportionately affected different minority groups, and the group would need to consider the consequences that a relaxation of mitigations could have. There was also a need to identify who might still be at risk in the coming academic year and therefore a consequential action for the group was consideration of different guidance for people who were more vulnerable to the virus. It was noted that higher education institutions were already putting plans in place for September 2021, and it was likely that an element of partly in-person and partly remote (blended) learning would remain in place going forward.

256. On 18 May 2021, officials from the Skills, Higher Education and Lifelong Learning Directorate attended a workshop on social distancing. The aim of the workshop was to consider the changes required to implement Alert Level 1. Officials observed that the removal of social distancing in higher education would have a very significant impact as higher education had been required to deliver its education provision while maintaining the two-metre social distancing requirement. This meant that capacity to deliver the full timetable face to face had been limited, with students receiving only two to three hours of face-to-face tuition even when fully open. It was also discussed that if the question was how to limit numbers accessing campus, then a sensible option may be to specify what would quantify a safe number of students and staff on campus or in buildings which would allow institutions to operate within the changing parameters rather than social distancing, see **M08/ESNRG/268 - INQ000585404**.

257. On 25 May 2021, I received evidence on the negative and disproportionate effects of restrictions on children and young people which looked at impact and recovery options and how to support students regardless of social background, see **M08/ESNRG/269 - INQ000585405**.

258. I attended a Higher Education Guidance Task and Finish Group on 28 May 2021 where it was noted that the Technical Advisory Cell were expected to publish data about a third peak that was likely to be caused by a new variant, exhibit **M08/ESNRG/270 - INQ000585436** refers. Concerns were raised that if students were still confined to small groups when larger weddings and other gatherings were permitted this could cause upset within the student population. The end of term was approaching and therefore this was a time when students would normally be having end of year parties and graduation ceremonies. Officials from the Skills, Higher Education and Lifelong Learning Directorate indicated that these issues had been raised with Cabinet. The consensus was that clear understanding of the future risk was needed for example if the majority of people were vaccinated how did this effect hospitalisation and deaths. With regard to the potential lessening of restrictions, the group noted that higher education institutions would prefer a situation where they could give more access to campuses and if they were to be able to do this then guidance was needed as soon as possible. It was acknowledged that higher education institutions remained concerned about mental health and the likely increase of this as an issue if measures remained as they were. It was agreed that where possible there should continue to be a consistent approach across Wales and that to achieve this guidance was needed from the Welsh Government. It was agreed that it would be helpful to have a steady state of affairs rather than one that was frequently changing or uncertain.

259. By way of email on 9 June 2020, which I exhibit at **M08/ESNRG/271 - INQ000585407**, officials from the Skills, Higher Education and Lifelong Learning Directorate outlined a proposal to the Technical Advisory Cell chairs regarding possible changes to the restrictions in higher education for the autumn term. This was based around a continuation of social distancing and the other non-pharmaceutical interventions with the option to deliver more contact hours for students by giving the option to risk assess using hierarchy of risk. Also, whether six-person contact groups could be used in classroom situations to allow more in-person contact time. The plan at that time was to take the proposal to the Higher Education Guidance Task and Finish group meeting later that week and, if possible, to the meeting of the Technical Advisory Cell on 18 June 2021. The email also sought from the Technical Advisory Cell a list of evidence

that supported the proposal for six persons being permitted to sit together in regulated settings and whether further modelling was needed.

260. On 10 June 2021, officials from the Skills, Higher Education and Lifelong Learning Directorate contacted Public Health Wales for its view on proposals for autumn term planning in advance of the Technical Advisory Cell meeting on 18 June 2021, **M08/ESNRG/272 - INQ000585408** refers. Public Health Wales responded on 14 June 2021 with a number of comments in respect of the proposals which I exhibit at **M08/ESNRG/273 - INQ000585414**, including:

- a. If vaccination rates could be shown to be high in students then the groups of six could be allowed irrespective of wider transmission rates;
- b. The main control measure in this age-group was vaccination; and
- c. Students were also living together and less likely to be going back into households with older/more vulnerable contacts with respect to onward spread.

261. Also on 10 June 2021, I attended the Higher Education Guidance Task and Finish Group. It was noted that briefing notes had been provided to universities communicating plans for two-metre social distancing. The discussion included plans for the autumn term. The importance of certainty and consistency was noted. The note of that meeting is exhibited at **M08/ESNRG/274 - INQ000585435**.

262. Towards the end of May 2021, officials from across the Welsh Government contributed to '*Learning Recovery Plan - Renew and reform: supporting students' well-being and progression*'. Officials from the Skills, Higher Education and Lifelong Learning Directorate, including myself, consulted and contributed to the post-16 and transitions project. There was also discussion regarding extensive work officials in the group were undertaking to support post-16 students, the impact of the funding that had been allocated and how we could learn from that in terms of the next academic year to support learning, qualifications and transition, **M08/ESNRG/275 - INQ000585406** refers. The principles in the plan had been shared, discussed and agreed with a wide variety of stakeholders over the early months of 2021 and they were well supported. A draft of the plan was shared for comment: see **M08/ESNRG/276 - INQ000591612**. Drafts were provided to ministers in early June and on 11 June 2021, the finalised document, exhibited at **M08/ESNRG/277 - INQ000585411**, was circulated for

consideration at Cabinet with Ministerial Advice, exhibited at **M08/ESNRG/278 - INQ000145247**, prepared by colleagues in the Education and Public Services Group.

263. The Renew and Reform plan was published on 16 June 2021. The Written Statement by the Minister for Education and the Welsh Language is exhibited as **M08/ESNRG/279 - INQ000300018**.

264. On 17 June 2021, a proposed policy option for contact groups in further education was circulated in readiness for the Technical Advisory Group meeting later that week with confirmation that officials had discussed the proposals with further and higher education and that they were generally supportive of the proposal, **M08/ESNRG/280 - INQ000585418** refers. The paper, which set out the draft framework for the delivery of learning in the higher education, further education, work-based and adult learning sectors from September 2021 proposed the introduction of a “contact group” delivery model for higher education and for adult and part-time learning in further education, is exhibited at **M08/ESNRG/281 – INQ000585417**.

265. On 21 June 2021, the frequently asked questions document for higher education was updated, I exhibit this previously at **M08/ESNRG/028 - INQ000591728**.

266. At a meeting of the Technical Advisory Group on 22 June 2021, infection control in higher education was discussed. Members were invited to provide comments in advance of a ministerial announcement on 28 June 2021 regarding the autumn term. The minute of that meeting is exhibited at **M08/ESNRG/282 - INQ000591693**.

267. A meeting of the Higher Education Guidance Task and Finish Group took place on 22 June 2021, the note of the meeting is exhibited at **M08/ESNRG/283 – INQ000585437**. It was noted that the First Minister had announced that there would be a four week pause with any easing of restrictions. There were also concerns of a possible further wave expected in October 2021. Discussion once more fell to arrangements for the autumn term in September 2021 and again the importance of consistency, clarity and transparency between Welsh higher education institutions was noted. It was suggested that Universities Wales could work with the National Union of Students Wales to promote the positive message and ensure that all higher education institutions were working with one voice. The plan was to align regulations and guidance in higher education institutions with the rest of the UK, for example groups of six and 30 people allowed indoors at an organised event. The observation was that under the current

regulations, six people could meet at a pub so why should they not be able to sit at a laboratory table together or sit in a lecture theatre with a two-metre distance between the next group of six as they could in a cinema or stadium. It was reported that higher education institutions had done some modelling and identified that it would significantly increase the number of people that could attend in person teaching at one time. The Welsh Government officials confirmed that this proposal had been taken to the Technical Advisory Cell who would confirm it position the following day. It was agreed that the framework and guidance would be updated to explain the different categories within the risk framework

268.A Ministerial Advice was sent to the Minister for Education and the Welsh Language on 24 June 2021, exhibited at **M08/ESNRG/284 - INQ000350717**. It recommended that contact groups should be allowed in the teaching environment for part-time and adult students in further and higher education during periods of low and moderate risk. For further education this would mean that students would be assigned to consistent groups and that within these groups, where it was not possible to maintain social distancing because of space constraints, the requirement for two-metre social distancing would be removed. In higher education, institutions would be able to provide contact groups in the same way as further education up to a maximum of 30 people but would also be able to have groups of six people from up to six households, seated with two-metres between each group of six. It was noted that the contact group options would need to be in addition to other non-pharmaceutical interventions such as face masks, ventilation, routine testing, enhanced cleaning, and good hygiene as well as an obligation for the institutions to collect and maintain contact tracing details.

269.At a meeting of the Higher Education Guidance Task and Finish Group on 29 June 2021, minutes exhibited at **M08/ESNRG/285 - INQ000585443**, it was noted that the Minister for Education and Welsh Language had made his announcement about future plans for education on 28 June 2021. Unfortunately, plans for further and higher education were not as clear as had been hoped. It was, however, noted that a Written Statement would be published shortly providing more detailed information. Officials agreed to ensure the '*Local Covid-19 Infection Control Decision Frameworks*' made it clear that it was the Incident Management Teams who made the decisions about what risk level and not the higher education institutions. An Incident Management Team brought together public and environmental health experts and other responsible bodies to co-ordinate the local response and identify whether onward transmission was taking



place. Incident Management Teams were established where there was a public health concern about onward transmission from a cluster or a complex case.

270. The group also discussed the National Union of Students Covid-19 survey which I exhibit at **M08/ESNRG/286 - INQ000544799**. It noted some positive points but also some confusion about government's responsibilities. Important concerns that needed further consideration were support for graduating students and mental health issues. These were problems that had been ongoing for some time but had been emphasised by the pandemic. It was confirmed officials were working with ministers on the new reform agenda where issues like these would be considered.

271. On 30 June 2021, the Minister for Education and Welsh Language outlined further plans to introduce contact groups for adult students in higher and further education. This included a move away from the two-metre social distancing model for university students, adult and part-time students with an aim to allow more in-person learning. Based on the current restrictions in place, contact groups would be between six and 30 people, depending on the seating and room capacity, and following a risk assessment by the institution, which had to be in line with the requirement to take reasonable measures. I exhibit the press notice as **M08/ESNRG/287 - INQ000300002**. Guidance was subsequently published to reflect this in August 2021 in advance of the commencement of the autumn term.

272. On 8 July 2021, the Higher Education Guidance Task and Finish Group discussed that it would be sensible for higher education institutions to continue to plan for groups of six and 30 for the first semester. The group confirmed that groups of six and 30 could mix with different contact groups for different lessons as with the regulations for other areas of society. I exhibit the minutes of the meeting at **M08/ESNRG/288 - INQ000591668**.

273. On 12 July 2021, Cabinet considered increasing the number of students from four to six who can gather in shared facilities in a hall of residence. I exhibit the 21-day review paper containing this at **M08/ESNRG/289 - INQ000129983**. Cabinet agreed that there should not be any changes to the rules in relation to students gathering in shared facilities in halls of residence, but it should be signalled this would change when Alert Level 0 was introduced. I exhibit the Cabinet minutes at **M08/ESNRG/290 - INQ000129973**.

274. On 15 July 2021, the '*Coronavirus Communications Partner toolkit*' developed for Covid-19 leads in higher education institutions was updated and shared with the Higher Education Funding Council for Wales, the National Union of Students Wales, University and College Union and Universities Wales. The toolkit was updated with messages on testing, vaccination and international students. I exhibit the toolkit at **M08/ESNRG/291 - INQ000591677**.

275. On 16 July 2021, the '*Covid-19 Resilience Plan for the post-16 sector*' was updated with guidance for safe operation from 1 September 2021. This guidance was discussed with Colegau Cymru's back to college group on 1 July 2021. The updated guidance provided information on planning for the safe attendance of students and staff, safeguarding vulnerable students and staff, protective measures and provider operations. I exhibit this guidance previously at **M08/ESNRG/011 - INQ000544800**.

276. On 20 July 2021, I attended the Higher Education Guidance Task and Finish Group, officials updated that students attending university in Wales in autumn were encouraged to book a PCR test before travel and to collect or order a pack of lateral flow device tests to twice weekly for the first 28 days on campus. It was confirmed in Alert Level 0, education institutions would be able to operate on par with other sectors in society. I exhibit the minutes of the meeting at **M08/ESNRG/292 - INQ000591682**.

277. On 30 July 2021, officials from the Education and Public Services Group provided the Minister for Education and Welsh Language with Ministerial Advice to allocate £1 million of funding to evidence reviews on the impact of the Covid-19 pandemic. This funding would capture robust empirical evidence on the effects of the pandemic on the well-being and educational progress of students and was allocated via the Higher Education Collaborative Grant Process. I exhibit the advice at **M08/ESNRG/293 - INQ000145326** and the Minister's approval at **M08/ESNRG/294 - INQ000368967**.

278. On 31 July 2021, the Covid-19 guidance for higher education was updated to provide information on the home testing offer, Alert Level 3 hospitality rules, contact groups in Alert Level 1 and an update to the extended household rules for students in 'halls' style accommodation in Alert Level 1. I exhibit the guidance at **M08/ESNRG/295 - INQ000544801**.

279. On 8 August 2021, guidance for international student arrivals in Wales was published. The guidance provided accommodation providers an overview of the requirements for

international students travelling into Wales to attend university from an Amber-list country in the previous 10 days and who were not exempt from required isolation. Universities were able to share a list of transport providers to international students arriving from Amber list countries. I exhibit the guidance at **M08/ESNRG/296 - INQ000544802**.

280. On 16 August 2021, the Coronavirus Control plan was shared with the Higher Education Guidance Task and Finish Group and that the intention was to signpost to other guidance documents rather than create a specific guidance document for higher education. Further education colleges were looking to publish their guidance on 1 September 2021. The group updated that higher education institutions were staggering start times and partly in-person and partly remote (blended) learning was accessible for those students starting later or cannot/do not want to travel due to the travel lists. The group noted the Welsh Government published guidance on what must be done to minimise the risk of exposure to Coronavirus. I exhibit this guidance at **M08/ESNRG/297 - INQ000082202**. The guidance was for businesses and organisations at Alert Level 0 and included undertaking a bespoke assessment of the risk of exposure to Coronavirus at their premises, provide information to those entering or working how to minimise the risk and ensure reasonable measures were taken to minimise the risk. This was shared with higher education institutions. The group also agreed that meetings would be required on an ad hoc basis going forward. I exhibit the minutes of the meeting at **M08/ESNRG/298 - INQ000591683**.

281. On 18 August 2021, the Minister for Education and Welsh Language considered Ministerial Advice, exhibited at **M08/ESNRG/299 - INQ000176962** to ensure the delivery of the post-16 response to Covid-19 to:

- a. Deliver the analytical work for the Renew and Reform programme and support students well-being and progression;
- b. Review and synthesise new and existing evidence of the impacts of the pandemic;
- c. Progress the Renew and Reform Post-16 Project, creating collaborative partnerships between schools, further, higher education and work-based learning; and
- d. Continue to respond to Covid-19 operational response for both the further and higher education sector as a direct result of the Covid-19 pandemic.

The Minister for Education and Welsh Language agreed this advice on 8 September 2021 at **M08/ESNRG/300 - INQ000368995**.

282. On 19 August 2021, the Minister for Education and Welsh Language received Ministerial Advice to agree the Local Covid-19 Infection Control Decision Frameworks for further and higher education. The frameworks set out which measures should be tailored dependent on local risks, and the core measures in place regardless of the risk level. The overall risk level for Wales was determined by the Welsh Government and supporting guidance would be tailored to each sector. In line with Alert Level 0, both frameworks removed references to contact group models. I exhibit the Ministerial advice at **M08/ESNRG/301 - INQ000116779** and the Minister's approval at **M08/ESNRG/302 - INQ000350405**.

283. On 20 August 2021, the higher education framework was published and aimed to assist universities in planning and preparing to deliver educational activities in the autumn term. The higher education specific operational guidance was removed, and operational teams will be directed to Alert Level 0 guidance. There was no requirement for contact groups or for socially distanced delivery from the start of the autumn term. It also recommended at least two-metre physical distancing in indoor communal areas outside the teaching and learning environment. There was no requirement for social distancing in teaching and learning environments in higher education whilst in Alert Level 0. As the risk assessments were specific to each institution, each institution was able to make detailed decisions on the operation of activities on its site depending on the risk assessments. I exhibit the higher education framework at **M08/ESNRG/303 - INQ000350407**.

284. On 27 August 2021, the framework for further education was published, which contained measures for the further education sector in relation to work placements, vocational learning, apprenticeships and sporting activities and is exhibited at **M08/ESNRG/304 - INQ000350406**.

285. On 3 September 2021, the Post-16 Learning and Skills and Post-16 Continuing Professional Development Hwb pages were updated. These provided the latest versions of the guidance for the post-16 sector. I exhibit the update at **M08/ESNRG/305 - INQ000591613**. These webpages were further updated on 22 September 2021 which I exhibit at **M08/ESNRG/306 - INQ000591621**.

286. On 5 September 2021, officials from the Education and Public Services Group and the Economy, Skills and Natural Resources Group provided a policy paper to the UK Chief Medical Officers and public health representatives on the impacts and harms for children and young people aged 0-25 in Wales in advance of the UK Chief Medical Officers meeting. The paper highlighted that the advantages of online learning were different in higher education to those for schools and colleges as they “provide students with flexibility and accessibility to study anywhere, at any time, without requiring one’s physical presence at a campus location”. I exhibit this paper at **M08/ESNRG/307 - INQ000311772**.

287. On 7 September 2021, the Minister for Education and Welsh Language received a briefing note which highlighted important challenges further and higher education institutions were likely to have from September 2021. These included:

- a. Implementing changes to contact tracing and self-isolation requirements, including managing unvaccinated close contacts and anticipated pressures on local Test, Trace, Protect teams;
- b. Managing quarantine requirements for international students, including potential UK Government changes to amber and green list arrivals over the coming weeks;
- c. Managing potential disruption to learning and assessment as the pandemic continued, including remote learning and adaptations for students who had to self-isolate; and
- d. Encouraging vaccine take-up for 16- and 17-year-olds, and for all students who were not yet fully vaccinated.

I exhibit the briefing note at **M08/ESNRG/308 - INQ000591616**.

288. At the lateral flow device testing review meeting on 16 September 2021, officials agreed to extend testing for a further three weeks in education and childcare beyond 20 September 2021. I exhibit the minutes of the meeting at **M08/ESNRG/309 - INQ000591619**.

289. On 21 September 2021, the Chief Executive of the Higher Education Funding Council for Wales emailed the Deputy Director for Higher Education in the Skills, Higher Education and Lifelong Learning Directorate updating that all higher education institutions confirmed they intended to provide all students with structured face-to-face teaching in 2021/22 academic year, supplemented by on-line learning. Universities also

indicated they were well placed to pivot to on-line learning if the Alert Level changed. The Higher Education Funding Council for Wales had made clear to university Vice-Chancellors that they needed to plan for substantial amounts of face-to-face teaching. I exhibit this email at **M08/ESNRG/310 - INQ000591620**.

290. On 24 September 2021, the frequently asked questions document for higher education was updated for students for the autumn term 2021. I exhibit this document previously at **M08/ESNRG/029 - INQ000082316**.

291. On 28 September 2021, start and end of term guidance for university students was published. The guidance provided information to students on keeping themselves, their families, friends and university communities safe at the start of term through vaccinations, recognising symptoms, testing and responsible behaviour. I exhibit the guidance at **M08/ESNRG/311 - INQ000082321**.

292. On 7 October 2021, updated guidance for international student accommodation providers was published. This reflected the revised travel arrangements from amber to 'red list' and 'non red' which had come into force on 4 October, exhibited at **M08/ESNRG/312 - INQ000591718**. This non-statutory guidance provided accommodation providers an overview of the isolation requirements for international students travelling to Wales to attend university who were not exempt from the required isolation period. The aim was to give accommodation providers an overview of the relevant legal requirements for students who were legally required to self-isolate when they arrived in Wales.

293. On 8 October 2021, the Minister for Education and Welsh Language wrote to all Vice-Chancellors in Wales providing a summary of the measures in place at that time regarding self-isolation and vaccination and the applicability of that to a university setting, **M08/ESNRG/313 - INQ000591714** refers. The correspondence outlined:

- a. Businesses and organisations, such as universities, must continue to undertake a specific Coronavirus risk assessment and take reasonable measures to minimise exposure to, and the spread of, Coronavirus;
- b. A large proportion of the higher education workforce had by that point been doubly vaccinated and so had large numbers of students;
- c. Vaccine centres at universities across Wales had helped to increase the uptake of the vaccine offer;

- d. With the potential for increased cases as winter approached universities were well placed and well prepared to deliver blended learning effectively and to support students who needed to self-isolate;
- e. All students should access the regular lateral flow device testing which was available for the first 28 days on campus and beyond that if they were identified as a close contact in order to help students and staff feel safe; and
- f. Staff or students on placements or working in health and social care settings and also attending university settings for teaching and learning were advised to follow the guidance in that sector in addition to the advice for universities.

294. On 22 October 2021, officials across the Welsh Government received a draft advice paper from the Chief Medical Officer for Wales, exhibited at **M08/ESNRG/314 - INQ000057930**, advising that Wales should move to Alert Level 1 at the next 21-day review if cases did not start to fall. In light of this officials from the Economy, Skills and Natural Resources Group sought to convene meetings of the Higher Education Guidance Task and Finish Group and the Back to College group in order to consider the implications for both sectors in advance with an aim to have advice and guidance ready before 12 November 2021.

295. At a Cabinet meeting on 25 October 2021 ministers requested further advice on requiring self-isolation pending receipt of a negative test result (the Scottish model) to be prepared for a ministerial meeting scheduled for 28 October 2021. I exhibit the minutes as **M08/ESNRG/315 - INQ000057927**. As part of that information gathering process officials from the Skills, Higher Education and Lifelong Learning Directorate were asked to contribute to an equality impact assessment for the proposal to consider the vaccination status of 16-17 year-olds for the purpose of exemption from self-isolation, exhibits **M08/ESNRG/316 - INQ000591622** and **M08/ESNRG/317 - INQ000591623** refer. The group provided feedback on 26 and 28 October 2021 which included the following observations and amendments to the draft document:

- a. Any decision in this area needed to be clear and simple to communicate and have a simple and clear rationale;
- b. Where was the evidence that requiring the unvaccinated 16–17-year-olds to isolate would reduce transmission?;
- c. Where was the evidence that unvaccinated 16–17-year-olds were driving transmission either in education settings or in the wider community?;

- d. Colleges were not seeing the same rates in post-16 students, therefore the link between the proposed policy and the real effect it would have in schools and colleges was weak, and so any proposal of this nature should be treated with caution; and
- e. The risk to vocational students not being able to work or study from home and the possible effects on their ability to progress or qualify to practice could mean they would be unable to progress into work if they had not done the requisite hours of practical work.

296. On 18 November 2021, the Higher Education Guidance Task and Finish Group noted that contact hours and capacity were variable across institutions and that most higher education institutions would be planning to increase capacity in the second semester. The group noted as long as universities were adhering to the infection control framework (previously exhibited at **M08/ESNRG/303 - INQ000350407**) then some institutions could offer fully in person education with other institutions providing partly in-person and partly remote (blended) teaching. The group advised it was important to consider a more inclusive and flexible learning approach. The group also agreed the main testing measures for the end of term period were; testing to go home, testing for return and testing for first 28 days. I exhibit the meeting minutes at **M08/ESNRG/318 - INQ000591686**.

297. On 29 November 2021, advice was provided to the First Minister to consider reviewing self-isolation for domestic close contacts of Omicron cases. If close contacts under 18 and over 18s in higher education were required to self-isolate, it may mean whole classes, year groups or large cohorts of students were required to self-isolate, at which point in-person education for the few remaining students would become unviable and education would be required to move to online delivery. I exhibit the Ministerial Advice at **M08/ESNRG/319 - INQ000235900**. The First Minister agreed the advice to introduce a legal requirement for all probable and confirmed contacts of Omicron cases to self-isolate, regardless of their vaccination status or age which I exhibit at **M08/ESNRG/320 - INQ000531820**.

298. On 29 November 2021 the Minister for Education and Welsh Language announced all staff and students in secondary schools, colleges and universities should wear face coverings while indoors where physical distancing could not be maintained. I exhibit the announcement at **M08/ESNRG/321 - INQ000591688** and the Minister's letter to



university Vice-Chancellors at **M08/ESNRG/322 - INQ000544810** and the Minister's letter to college leaders on 16 December 2021 at **M08/ESNRG/323 - INQ000591632**.

299. On 30 November 2021, the start and end of term guidance for university students was updated. I exhibit the guidance at **M08/ESNRG/324 - INQ000082443**.

300. On 8 December 2021, the start and end term guidance for university students was further updated to reflect requirements for students travelling home over the festive period and returning in January 2022 and the Omicron variant. I exhibit the guidance at **M08/ESNRG/325 - INQ000591715**.

301. On 9 December 2021, officials from the Skills, Higher Education and Lifelong Learning Directorate updated the Higher Education Guidance Task and Finish Group that education institutions would be the last to close and first to open. The group advised most higher education institutions were due to start back around the 11 January 2022 and other institutions would be later in February 2022. The group noted higher education institutions had not returned to 100% capacity, restricted teaching groups were still in operation on most courses and face masks and one way systems were still in place. I exhibit the minutes of the meeting at **M08/ESNRG/326 - INQ000591669**.

302. On 13 December 2021, the Minister for Education and Welsh Language issued a letter to university Vice-Chancellors confirming the priority was to ensure the continued safe delivery of education in January 2022, encouraging communications and arrangements to be made for students to test before they travelled home and before returning to university. I exhibit the letter at **M08/ESNRG/327 - INQ000591628**.

303. On 15 December 2021, a Cabinet paper on the interim review of the Coronavirus protections explained current plans for higher education were to maintain the position of test to return. The paper reiterated the infection control framework allowed for a local, institution by institution approach based on the local or national risk and that partly in-person and partly remote (blended) learning was the default position. I exhibit the Cabinet paper at **M08/ESNRG/328 - INQ000227723**.

304. On 16 December 2021, the Minister for Education and Welsh Language confirmed colleges should continue to deliver learning using the local infection control framework alongside the Joint Trade Unions agreed protocols. All colleges were also advised to plan for mitigations from January onwards. From January 2022 college students were

required to continue wearing face coverings. I exhibit the Ministerial announcement at **M08/ESNRG/329 - INQ000350620**.

305. On 22 December 2021, the First Minister announced that from 26 December 2021 Wales would move to Alert Level 2 to respond to the Omicron variant. I exhibit the announcement at **M08/ESNRG/330 – INQ000023306**.

306. On 31 December 2021, the infection control framework for further education was updated to include additional measures and advice around two-metre social distancing, contact groups and sporting activities to reflect the higher risk levels posed by Omicron and the increased national Alert Level. All students were required to test three times a week prior to using campus facilities or attending in person education. Colleges were also to continue to exercise caution and deliver learning safely and flexibly. I exhibit the updated framework at **M08/ESNRG/331 - INQ000591634**.

307. On 4 January 2022, I attended the Higher Education Guidance Task and Finish Group and updated the group that the further education framework had been updated (exhibited previously at **M08/ESNRG/331 - INQ000591634**) and that most higher education institutions were planning on partly in-person and partly remote (blended) learning. The group also confirmed the testing offer had been extended to three lateral flow device tests a week for all students. I exhibit the minutes of the meeting at **M08/ESNRG/332 – INQ000591684**.

308. On 5 January 2022, the Minister for Education and Welsh Language announced an additional £8 million of funding to further education colleges, to ensure learning could continue safely and ensure the most disadvantaged students were not further impacted by the pandemic. The Minister confirmed colleges would continue with a partly in-person and partly remote (blended) learning approach for students. All students were strongly advised to use and report lateral flow tests three times a week, especially prior to their return to college in January. I exhibit the Written Statement at **M08/ESNRG/333 - INQ000350711**.

309. On 13 January 2022, the frequently asked questions document for higher education was updated, I exhibit this previously at **M08/ESNRG/030 - INQ000591727**.

310. On 17 January 2022, the Minister for Education and Welsh Language, Minister for Health and Social Services and the First Minister received Ministerial Advice seeking

their agreement to authorise an open event of the University of South Wales on 22 January 2022. The continuation of education had been a priority for the Welsh Government throughout the pandemic and that it was important to provide additional support to students in transitional years particularly as they chose future pathways. I exhibit the Ministerial Advice at **M08/ESNRG/334 - INQ000176909**, the Ministers' approval to hold the open day at **M08/ESNRG/335 - INQ000591635** and the authorisation letter at **M08/ESNRG/336 - INQ000591638**.

311. At the Higher Education Task and Finish Group on 18 January 2022, higher education representatives agreed they would like to move to the framework and local decision making when Alert Level 0 was introduced. I exhibit the minutes of the meeting at **M08/ESNRG/337 - INQ000591676**.

312. On 28 January 2022, the First Minister announced Wales would move to Alert Level 0 meaning the two-metre social distance rule no longer applied to premises open to the public. I exhibit the announcement at **M08/ESNRG/338 - INQ000023311**.

313. On 3 February 2022, the start and end of term guidance for university students was updated. I exhibit this guidance at **M08/ESNRG/339 - INQ000082620**.

314. At a meeting of the Higher Education Guidance Task and Finish Group on 3 February 2022 it was noted that case numbers in higher education had seen a slight increase however this was in the context of increased testing from returning students. There was discussion regarding transition planning from pandemic to endemic. In respect of guidance it was noted that by the end of March 2022 the current regulations were set to expire and therefore there needed to be a distinction between statutory and non-statutory guidance, with work being underway. There was also discussion regarding exams and whether the Welsh Government could assist university representatives regarding issues arising from the resumption of in person examinations. It was also decided at that meeting that given the improving public health situation the meetings of the group could now continue on an ad hoc basis. I exhibit the minutes of the meeting at **M08/ESNRG/340 - INQ000591685**.

315. By early May 2022, Wales was in a 'Covid stable' scenario and the public health risks for education settings across Wales had reduced significantly. The Minister for Education and Welsh Language agreed that the infection control frameworks for higher and further education institutions could be withdrawn and replaced with public health

advice to support universities and colleges. Universities, colleges and unions had been consulted on the change, which led to strengthening of advice on vulnerable workers. This advice contained clear directions on public health control measures such as sufficient ventilation, robust cleaning and personal hygiene practices, regular training, physical distancing, enabling working from home, exclusion of symptomatic individuals and those who had tested positive and supporting vaccine take up. The Minister for Education and Welsh Language agreed that the continuation of additional frameworks in the higher and further education sectors was no longer proportionate and agreed to replace them with the public health advice. I exhibit the Ministerial Advice that refers to this decision as **M08/ESNRG/341 - INQ000350611**. This decision, exhibited at **M08/ESNRG/342 - INQ000300056** was announced on 9 May 2022.

316. On 19 May 2022, the Minister for Education and Welsh Language and the Minister for Finance and Local Government were asked to agree proposals for the use of the allocation of £2 million of funding, during the academic year 2022/23 to support mental health and well-being in the further education sector. Also to agree proposals for indicative funding of up to £1 million for 2022/23 and 2023/24 academic years to support mental health and well-being of staff and students in the further education sector. Examples of how the money was used included grant funding to the Adverse Childhood Experiences Support Hub roll out of the trauma informed trainer programme to all further education institutions in Wales and to procure services to research and develop resources to support the mental health and well-being of young carers within further education. The Ministerial Advice referring to this decision is exhibited at **M08/ESNRG/343 - INQ000177070**.

### *Exams*

317. The Inquiry has asked what, if any, guidance and/or support the group offered to universities in respect of the regime in place to provide substituted exam results. As detailed in Part A of this statement universities are autonomous institutions and so are responsible for their business operations. This autonomy includes any decisions in respect of examinations. Each institution has its own regulations which include governance of its examination processes. Therefore, decisions within the specified period regarding management of examinations would have been made by the individual institutions, often taking into consideration their own pre-pandemic mechanisms for the award of qualifications in extenuating circumstances when 'aggregate' awards could be

substituted. This included circumstances where for example a student became ill part way through their studies. The Welsh Government therefore had no role in this process.

318. There was however, some advice and assistance provided regarding the logistical arrangements for examinations and how these could be arranged within the restrictions, for example in the arrangements for suitable examination venues as previously illustrated.

319. During the Covid-19 pandemic traditional exams in Wales were cancelled, examinations in further education institutions for students studying AS and A levels were subject to the same arrangements as detailed in **M08-EPGW-001**.

#### **Part D: students' perspectives**

320. The Inquiry has cited a report entitled '*The impact of Covid-19 on university students*' when seeking information regarding student perspective. Neither myself or colleagues recall this report. The methodology of the report references a survey sent to approximately 300,000 people along with canvassing opinion on student specific web forums. It is not possible to determine whether Welsh students submitted responses and the report does not disaggregate feedback by domicile or place of study. However, that is not to say that the Economy, Skills and Natural Resources Group was not aware of the issues that report highlights for students in relation to disruption to their studies, the quality and value-for-money of online tuition and disruption of their accommodation. The Welsh Government was alive to these issues and their significance to students throughout the relevant period.

321. The student voice was a core consideration throughout all decision making for the Economy, Skills and Natural Resources Group and the Skills, Higher Education and Lifelong Learning Directorate in particular. I had regular virtual meetings with the officers and elected representatives of the National Union for Students Wales and colleagues from the Skills, Higher Education and Lifelong Learning Directorate throughout the pandemic. These meetings were then supplemented by additional meetings between National Union for Students Wales representatives and the Minister for Education from September 2020.

322. The main mechanism for determining guidance for higher education institutions (including the interpretation of the Welsh Government guidance from a higher education

perspective) was the Higher Education Guidance Task and Finish Group. As detailed above membership of that group included representatives from the further and higher education sectors to work together to develop guidance and advice for the sector to support the reopening of institutions.

323. The National Union of Students Wales was represented on this group from its inception and provided the vital students' perspective, not only in respect of topics raised but also in feedback on proposed guidance. The National Union of Students Wales also met regularly with Skills, Higher Education and Lifelong Learning Directorate officials, and with the Minister for Education (and later the Minister for Education and the Welsh Language) often fortnightly and at times, weekly. These meetings offered the opportunity for issues to be raised directly with the Minister on behalf of students. Issues discussed in those meetings included student welfare and student satisfaction as exhibited at **M08/ESNRG/344 - INQ000591601**, tuition fees, accommodation costs and refunds as exhibited at **M08/ESNRG/345 - INQ000591607**.

324. The work of the Higher Education Guidance Task and Finish Group informed all aspects of guidance for students, staff and institutional leaders. As detailed throughout the chronology above, guidance was provided on a wide range of topics, including social distancing, pre travel testing, household bubbles as they applied to halls of residence, vaccinations, support for resident students and information on travel. As detailed throughout this statement, frequently asked questions were regularly reviewed and updated based on feedback from this group.

325. The Skills, Higher Education and Lifelong Learning Directorate was aware through student feedback, in particular through the National Union of Students Wales, that fee refunds and concerns regarding the quality and value of online tuition were an area of particular concern for students. The issue of fee refunds was a matter for the individual institutions as tuition fees are the responsibility of higher education institutions and their students through the contractual relationship which exists between them, overseen by the Higher Education Funding Council for Wales, with the Office of the Independent Adjudicator as the final arbiter. The Welsh Government has no role in setting tuition fee rates, other than to establish the maximum that can be charged in certain circumstances.

326. On 5 October 2020, officials from the Skills, Higher Education and Lifelong Learning Directorate, in preparation for meeting with National Union of Students Wales, clarified

the position for the Minister for Education regarding tuition fees, **M08/ESNRG/346 - INQ000591591** refers. Higher education providers were responsible for the planning and delivery of their provision. It was also noted that the UK Government and the UK Parliament Petitions Committee had both rejected calls for a universal reduction in tuition fees as a result of the pandemic. The topic was also the subject of discussions at the meeting between the Minister for Education and the National Union of Students Wales on 17 December 2020 where it was again noted that tuition fees are a matter for institutions and their students. The note of that meeting (exhibited previously at **M08/ESNRG/091 - INQ000591692**) records that some institutions were delivering this well with good student satisfaction and that recourse for dissatisfied students was to approach individual institutions and thereafter with the Office of the Independent Adjudicator. The role of the Welsh Government was therefore limited however officials from the Skills, Higher Education and Lifelong Learning Directorate reported that assurance had been sought from the Higher Education Funding Council for Wales regarding concerns over quality with a request that they outline the steps they had taken to address this.

327. It was of utmost importance to the Higher Education Guidance Task and Finish Group that messaging on such contentious issues was clear and consistent. The position with regard to fee refunds specifically is best summarised by the 'frequently asked questions' response on the issue which reflected the position as agreed in those meetings: *"Universities and colleges in Wales have continued to teach students and have developed a blended learning package for the academic year 2020-2021 to enable them to deliver their commitments to students. Students should not expect a fee refund if they are receiving adequate online learning and support. Students are urged to discuss any issues they may have with their higher education institution. Fees are a contractual matter between student and provider and students should discuss any issues with the institution and the Office for Independent Adjudicator if that is necessary"*, which is exhibited at **M08/ESNRG/347 - INQ000591583**.

328. Support to students who were self-isolating was managed and arranged by individual institutions. However, concerns were raised by officials and the Minister. An example of this is the meeting of the Higher Education Guidance Task and Finish Group on 12 October 2020 referred to above. During that meeting concerns were raised on behalf of the Minister for Education regarding the support that was available to students who were required to isolate.

329. In relation to the issue of food provisions and laundry facilities those minutes, exhibited at paragraph 154 above, reflect the consensus that this support was being managed and arranged by individual institutions. Skills, Higher Education and Lifelong Learning Directorate officials at those meetings did however stress the need for consistency of approach.

330. Although the management of these support services was arranged by the individual institutions, in October 2020 the Welsh Government announced an extra £10 million of funding towards supporting university students during the pandemic including helping universities bolster their student support services, establish food services for students who were required to self-isolate (exhibited previously at **M08/ESNRG/132 - INQ000299632**). The funding was managed by the Higher Education Funding Council for Wales and was in addition to the £27 million Higher Education Investment and Recovery Fund announced in the summer of 2020. A further £40 million was provided in January 2021 for universities to support students facing financial hardship, helping the students most affected by the pandemic with expenses such as accommodation costs. This was again distributed by the Higher Education Funding Council for Wales. The policy development behind this advice reflected extensive engagement and feedback on student views from the National Union of Students Wales, sector specific press and feedback from institutional leaders via their engagement with their own student unions.

331. In respect of student views expressed by or on behalf of students regarding the ways in which their attainment would be assessed, again universities took decisions independent of the Welsh Government in respect of examinations, as outlined earlier in this statement.

332. It is important to differentiate between decisions the Welsh Government took and those of institutions. By January 2021, all universities had offered rent rebates or holidays to students living in their halls but there were wider consequences for students in private rental accommodation. In some cases, they could not use this housing, but in others they chose to stay at their university address rather than returning to a family home. There was no 'one size fits all' approach.



## **Part E and F: Monitoring and assessment of impact and lessons learnt**

333. The Tertiary Education and Research (Wales) Act 2022 provided a new statutory framework for publicly funded tertiary education and research in Wales, which includes higher education, further education and training suitable to the requirements of persons over the age of 16. The Act established a new Commission - Medr which is an arm's length body of the Welsh Government. Established in August 2024, it is responsible for funding, oversight and regulating the tertiary education and research sector in Wales. Established in August 2024, it regulates institutions and funds further education, higher education, including research and innovation, apprenticeships, adult community learning and local authority maintained school sixth forms. Medr replaced the Higher Education Funding Council for Wales.

334. The Welsh Government placed strategic duties on Medr to promote lifelong learning and equality of opportunity. The Act requires Medr to ensure that it is satisfied with the effectiveness of the registered tertiary education providers' arrangements for supporting and promoting the welfare of its students and staff. Medr may also set similar terms and conditions for providers which it funds. This is the first legal duty of its kind in the UK and it will require Medr to set out clear expectations for universities and colleges regarding their policies, services, and processes for supporting student and staff well-being, welfare, and safety. It will ultimately be for Medr to determine its expectations of providers on these matters.

335. The Welsh Government continues to work with partners to increase participation, particularly among those underrepresented groups, which may face social, economic, cultural or organisational barriers to learning. Medr funds the national Reaching Wider programme, which aims to increase higher education participation from under-represented groups by raising educational aspirations and skills and creating innovative study opportunities and learning pathways to higher education. The Reaching Wider Partnerships include all higher and further education institutions in Wales, and works with local authorities, employers, schools and third sector organisations to improve the education outcomes of our students.

336. Medr's Strategic Equality Plan and equality objectives take account of the Equality Act 2010 and the Public Sector Equality Duty. It contributes to meeting the Welsh Government's ambitions for an integrated and equitable tertiary education, tackling inequalities and promoting equality of opportunity.

337. The Welsh Government's recently revised Anti-Racism Wales Action Plan includes actions for the Tertiary Education sector to commit to increasing opportunities for people from diverse backgrounds to be able to access further and higher education. Actions also look at ensuring students feel safe at university and complete their course, reducing the drop-out rate.
338. Monitoring and assessment of the impact on young people of the response to the pandemic was carried out by the Welsh Government during and after the specified period. In some cases, research/survey data was commissioned, funded or carried out by the Welsh Government and in other cases the Welsh Government considered monitoring and assessment data carried out by others when formulating its policy response. Some of the monitoring and assessment is set out in the chronological section of this statement. This section is intended to provide a standalone response to the questions on monitoring and assessment of impact.
339. The main way that the monitoring and assessment of the effect of the pandemic on post 16 students was carried out was as part of the Renew and Reform programme which was launched in June 2021, although as set out below, there had been action to mitigate the effects on post-16 students before that date. The Renew and Reform programme was split into four different projects: Early Years Students, Disadvantaged and Vulnerable Students, Post-16 and Transitions, All Students in Schools; exhibit **M08/ESNRG/348 - INQ000591698** refers.
340. The Renew and Reform: Post-16 and Transitions project focused on work with providers of post-16 education to support students, providers and practitioners across Wales to recover from the Covid-19 pandemic.
341. The Post-16 and Transitions project, which was up and running by the summer of 2021, was the primary source of monitoring and assessment data on the impact of Covid-19 on post-16 students. The 'plan, trial & review' phase of the project ran from August 2021 to July 2022. The initial focus was to determine the nature and urgency of the support needed so research was commissioned and other data sources considered.
342. A report of the Post-16 and Transitions project dated 1 November 2021 which I exhibit at **M08/ESNRG/349 - INQ000591697** gives an overview of the research and intelligence gathering that had been happening at that early stage:

- a. Key research questions identified for determining the degree of learning loss and identifying effective mitigations to support student well-being and learning (August 2021);
- b. Wales Covid-19 Evidence Centre commissioned to undertake a rapid review of strategies to support learning and well-being among 16–19-year-old students who had experienced significant disruption in their education as a result of the Covid-19 pandemic (Instigated August 2021, published September 2021).
- c. Process of matching available evidence of harms and mitigations to potential support measures (completed October 2021);
- d. Summary of the published evidence on effective mitigations against the harms associated with disruption to education (such as during a pandemic), collated (October 2021);
- e. Preliminary scoping exercise into the use of Wales Essential Skills Toolkit assessment data to gauge the effects of Covid-19 related disruption on post-16 students' literacy and numeracy skills (ongoing - instigated October 2021). General Data Protection Regulation and data matching challenges investigated;
- f. Investigation into year 12 enrolment trends within school sixth forms and further education colleges to identify any significant shifts during the pandemic, (ongoing - instigated October 2021) with Knowledge and Analytical Services and further education quality teams;
- g. Preliminary set of impact metrics drawn-up that would allow monitoring of the wider effects of the pandemic on students and would enable some degree of tracking of the impacts of support measures (August 2021);
- h. Project evaluation framework outline drafted by Knowledge and Analytical Services (October 2021);
- i. Preliminary discussions on the establishment of student views panels initiated with marketing, Commission for Tertiary Education for Research and Young Person's Guarantee teams (October 2021); and
- j. Stakeholder meetings used to begin the process of gathering information from education providers on what measures worked well in response to the pandemic and what support would have benefited students and practitioners the most (October–November 2021).

343.A rapid review of published literature was also conducted in September 2021 to examine the impact of Covid-19 on students and educational practitioners in the post-16 sector in Wales and beyond. The review focused on identifying the main harms

caused by the disruption and the most effective mitigation measures. The literature review was eventually published as part of the *'Post-16 and Transitions Plan – Addressing the impacts of COVID-19 on education and training'* was published in March 2022 which I exhibit at **M08/ESNRG/350 - INQ000271756**.

344. The Minister for Education and Welsh Language considered Ministerial Advice in December 2021, exhibited at **M08/ESNRG/351 - INQ000145532**, which explained that an evaluation and monitoring framework was being developed that would include the following areas:

- a. A review of emerging evidence about the impacts on students and the effectiveness of interventions - from project level analytical activity as well as wider evidence sources;
- b. stakeholder engagement focusing on shared understanding, co-development of support measures and perceived programme effectiveness;
- c. wider evidence-gathering activity led by specialist organisations and making use of existing data sets and survey evidence; and
- d. Identification and development of relevant impact metrics.

345. Against this background of monitoring and assessment, action taken by the Welsh Government can be summarised as follows:

- a. Even before any monitoring or assessment had been undertaken, in May 2020, the Welsh Government published its Covid-19 resilience plan for the post-16 sector (exhibited previously at **M08/ESNRG/007 - INQ000349391**) that set out how it would work with providers to meet the changing needs of Welsh students, communities and employers during and beyond the pandemic. The key aim of the plan was to increase the resilience of the post-16 sector so that providers could adapt, disruption to learning could be effectively managed, and student and staff well-being could be supported;
- b. In June 2021, the Minister for Education and Welsh Language published *'Renew and Reform: supporting students' well-being and progression'* (exhibited at **M08/ESNRG/352 - INQ000082109**) which set out the government's priorities to support students in response to the disruptions to education caused by the Covid-19 pandemic. The plan set out a framework for action and over £150 million in funding to support students and practitioners in response to the impacts of the pandemic on learning;

- c. The '*Post-16 and Transitions Plan – Addressing the impacts of COVID-19 on education and training*' was published in March 2022 (exhibited previously at **M08/ESNRG/350 - INQ000271756**). It set out the way the Welsh Government planned to work with providers of post-16 education to support students and practitioners to progress beyond the Covid-19 pandemic. It is not possible to summarise all the actions which that document sets out but early support measures were described as follows;
- i. Winter of Well-being' activities aimed at supporting the social, emotional and physical well-being of children and young people up to 25 years of age over the winter months of 2021/22; delivered by universities, further education colleges, local authorities, schools and national organisations;
  - ii. Development of a trauma informed approach to further education delivery; in partnership with the Adverse Childhood Experiences Hub;
  - iii. A-level revision digital resources to help students reinforce their classroom learning and prepare for assessments; developed in collaboration between the Renew and Reform 'All Students in Schools' project and the Welsh Joint Education Committee;
  - iv. A recruitment campaign to expand the Welsh education workforce by encouraging interest in teaching related roles and facilitating return to teaching; conducted in partnership with the Education Workforce Council;
  - v. The 'Well Aware' pilot project to promote mental health and well-being among teaching practitioners; conducted by the Joint Trade Unions and further education institutions;
  - vi. Reviews of further education and school teacher workloads;
  - vii. Digital delivery professional learning resource development. A programme of staff training units to advance digital delivery practice among further education, work-based and adult learning practitioners; developed by Jisc (formally known as Joint Information Systems) on behalf of the Welsh Government;
  - viii. Additional digital support for the further education and skills sectors including tailored support for cyber security, sustainable ICT investment and data analytics; delivered by Jisc on behalf of the Welsh Government;

- ix. University ready digital resources to support students with their applications and transitions to university; developed by Welsh universities in partnership with the Open University;
  - x. Piloting improved arrangements for student information sharing to support student transition and transfer between schools and colleges; in partnership with Colegau Cymru; and
  - xi. Tailored work experience opportunities to engage key stage four students who had not been attending school as well as they should since the return of full time in-person teaching; pilot programme delivered by Careers Wales.
- d. Further to Ministerial Advice, which I exhibit at **M08/ESNRG/353 - INQ000177039**, in March 2022 the Minister for Education and Welsh Language approved funding for six student engagement panels in 2022-23. Student engagement panels were facilitated by experienced researchers and included students from higher education, further education, sixth forms, apprenticeships, traineeships and adult learning. The purpose of the panels were to provide insight into the experience of post 16 students perception of existing Covid-19 support and likely future needs across multiple aspects of education and training, including wellbeing and wider pastoral support as well as teaching, learning and assessment;
- e. A summary of the achievements of the Post-16 and Transitions programme in October 2022 noted the publication of the Post-16 and Transition plan in March 2022, a tailored work experience project funding 100 places for Year 10 students (targeting those with poor attendance/attainment or behaviour), and the Winter of Well-being. It also stated that an evaluation of the effectiveness of Covid-19 related funding had been commissioned (exhibited at **M08/ESNRG/354 - INQ000591672**); and
- f. At the time of the March 2022 post-16 and Transitions Plan, around £310 million of additional funding had been allocated to support post-16 providers in response to the pandemic. For the 2021/22 academic year, this included over £35 million of additional pandemic related funding was issued to school sixth forms and further education colleges to support student progression and well-being. A further £13 million was allocated to local authorities and further education colleges to support the transition of students into and between the post-16 sectors. Higher education institutions received £2.1 million of pandemic related funds via the Higher Education Funding Council Wales. For adult learning in the community, £75,000 was used to continue the work of the

previous year's mental health, well-being and professional learning projects. An additional £1m was issued to work-based learning providers to support the mental health and well-being of apprentices and £600,000 to support the mental health and well-being of traineeship students during the 2021-22 financial year. For the 2022/23 academic year, at the time of writing in March 2022, £21.4 million of additional funding was allocated for pandemic related support to school sixth forms and further education colleges, with a further £2.3 million ring-fenced to support further education and higher education students' mental health. I exhibit this previously at **M08/ESNRG/350 - INQ000271756**.

346. The Welsh Government commissioned a report from the Economic and Social Research Council, on '*The Impact of the Covid-19 Pandemic on Post-16 Students in Wales: An evidence review*'. It was published in July 2023 and I exhibit this at **M08/ESNRG/355 - INQ000585464**. It provides a detailed analysis of the effects of the Covid-19 pandemic on post-16 students in Wales. The report suggested that a range of support would be necessary for post-16 students:

- a. Digital learning: The digital divide must be closed, paying attention to the specific forms this takes. The potential to improve the learning experience and afford greater learning flexibility needs to be harnessed also during normal times. Evidence suggests that blended learning models achieve better educational outcomes and exclusive remote learning should be a last resort during times of disruption. Staff need to be supported by continuous professional development in this area;
- b. Support for learning and transitions: Providers need funding security and flexibility to support students to mitigate the varying long-term effects of the pandemic disruptions. Attention must be paid to the loss of practical work experience and training especially for vocational students in addition to filling academic knowledge gaps. Assessments at key transition stages need to tailor support for individuals and specific groups of students;
- c. Mental health and well-being: Support must ease transitions between pre- and post-16 education and be more consistent across providers. Reliability of funding for designated well-being support officer roles is paramount to ease workload pressure of teaching staff;

- d. Collaboration and sharing of best practice: The pandemic has fostered new ways of collaborative working and provided an opportunity to share innovations and the lessons learned; and
- e. Financial support and guidance: Explore further enhancements of the Education Maintenance Allowance and Personal Learning Accounts to keep students in post-16 education or facilitate a return to learning.

*Differential impact/Attainment/Employment and future prospects/Enrolment*

347. It was always acknowledged by the Welsh Government that the pandemic exacerbated inequalities. The consequences were greater for disabled people, young people in care and people with additional learning needs. The Renew and Reform programme had a separate project group considering the needs of disadvantaged and vulnerable students.

348. Although attainment, employment prospects and the impact on enrolment were all issues which were considered by the post-16 and transitions project team, the main monitoring and assessment tools set out in the general section above were used to inform the decisions of the Welsh Government in respect of those areas in the specified period.

349. Universities are focused on embedding employability into the curriculum so that it is accessible to all. Careers departments work with disabled students so that they have appropriate information and advice to build successful outcomes in line with their career plans when they graduate, including employment, internships, self-employment and/or further study.

350. Universities also work with employers to deliver targeted interventions to their disabled students to meet their career and employability needs. The Targeted Employability Support for Students funding from Medr enables universities to provide tailored support, including work experience, to students from under-represented groups to enhance their employability and help them to obtain and sustain graduate level activity when they leave higher education. This has included the Employability e-Hub - a resource for students who wish to work in Wales.

351. College activity is delivered in line with the Social Model of Disability, specific examples of activity include:



- a. Grwp Llandrillo Menai supported 31 individuals with a disability into apprenticeships with a disability uplift intended to support employers to remove barriers for students in line with the social model of disability;
- b. Coleg y Cymoedd invited Disability Confident organisations to exhibit and offer specialised information and advice at their annual careers fair, including organisations such as Drive, Maximus and PHS 'Project Search' which is a tailored supported internship for 18-24 year-olds with Additional Learning Needs and/or Autism;
- c. The College Merthyr Tydfil supports an Internship Programme with Independent Living Skills students, where they have the opportunity to undertake internships with Prince Charles Hospital; and
- d. The College Merthyr Tydfil is also working closely with Maximus to support progression into employment for students with additional learning needs. Maximus supports students by attending our careers and additional learning needs events where they offer tailored assistance and resources to help find work.

352. *'The Impact of the Covid-19 Pandemic on Post-16 Learners in Wales: An evidence review'* which is exhibited previously at **M08/ESNRG/355 - INQ000585464** also referred to some data and monitoring sources on attainment and enrolment. They note that although there was an increase in attainment for A-levels, there was a decline for vocational education:

- a. *"While outcomes for A levels increased since before the pandemic, those for vocational learners were lower than in 2018/19 across all levels of learning. 84% of full-time programmes were completed in 2021/22, compared to 88% in 2018/19. There was also a decrease in the successful achievement of vocational qualifications (from 80% in 2018/19 to 74% in 2021/22, Table 1 above). Level 3 outcomes (equivalent to A levels) were also lower than in 2018/19. Inequalities between learners from more deprived areas and other learners have narrowed compared to 2018/19. Learners aged 16, and between 20 and 24 typically had higher success rates than other learners in 2018/19, in 2021/22 this was no longer the case. The largest decline in success rate were for learners in Social Sciences; Science and Mathematics (but enrolment numbers in these subject areas are relatively low) and – more importantly (due to the high number of starters) – Health, Public Services, and Care as well as*

*Engineering and Manufacturing Technologies. Health, Public Services and Care was the sector subject area with the lowest success rate (57%) and this sector also saw the largest drop in success rate compared to 2018/19"; and*

- b. The report also considered whether gender or being from a Minority Ethnic background had an effect on outcomes. It noted that, unlike general education, female vocational students were underperforming relative to male vocational students in the academic year 2021/22. White women, as the largest ethnic group, were driving those low success rates. In contrast to general education, Asian women were outperforming Asian men in vocational education, but these figures should not be overinterpreted since numbers for all Minority Ethnic groups, especially female vocational students, were quite low.

353. The Welsh Government do not periodically collect data on enrollments from colleges or universities, however the Knowledge and Analytical Services using data from the Higher Education Statistics Agency and Universities and Colleges Admissions Service are able to provide statistics on the number of people applying to Welsh Universities and the number of students who subsequently enroll. Data on the enrolment including age, type of course and nationally in further education colleges are captured by the Lifelong Learning Wales Record which is now part of Medr.

#### *Mental health and well-being*

354. As set out in '*Post-16 and Transitions Plan – Addressing the impacts of COVID-19 on education and training*' published in March 2022, exhibited previously as **M08/ESNRG/350 - INQ000271756** and in '*Post-16 and Transitions Background and Context*', exhibited at **M08/ESNRG/356 - INQ000591643**, early monitoring and assessment indicated that the pandemic had a significant effect on teenagers and young people:

- a. In a January 2021 survey conducted by Young Minds, 67% of respondents between 13 and 25 years of age believed that the pandemic would have a long-term negative effect on their mental health; only 23% agreed that they had coped well with restrictions on movement. Three-quarters of students who took part reported concerns about school, college or university work as being a main source of negative impact on their mental health. Loneliness was the second major contributing factor;

- b. In the second Coronavirus and Me survey conducted by the Children's Commissioner for Wales in January 2021, 28% of 12–18-year-olds reported feeling lonely most of the time;
- c. Among higher education students, half of respondents to the March 2021 National Union of Students Student Survey in Wales reported that they did not feel good about themselves, with 30% reporting that they did. 64% felt that their mental health and well-being was worse than before the pandemic, with 4% reporting that it was better. 29% reported that they had sought mental health support, and just under half of these were satisfied with the support that they received;
- d. Research by the Sutton Trust, indicated that the overwhelming majority of students, 87%, felt their development had been negatively impacted by pandemic restrictions. 34% of students felt that the development of their non-academic life skills, such as communication, motivation, confidence, resilience and leadership, had been adversely affected the most. Only 18% felt that their academic skills had suffered the most. The other leading causes of negative impacts on young people's mental health were identified as: loneliness or isolation; inability to undertake normal activities; concerns about friends and family becoming ill; not being able to get the mental health support that they need; relationships with those they live with, and concerns about getting a job;
- e. A September 2021 survey found that 64% of students felt that the in-person start of the new academic year would have a positive impact on their mental health and well-being and 69% agreed that feeling part of a university community was important; and
- f. During May 2020, 51% of 15–18-year-old respondents reported not feeling motivated to do schoolwork at home, only 28% were confident in their learning and 35% were worried about starting a new year or course in September. 57% of respondents to the Welsh Government's survey of students during the pandemic expressed that they had concerns about the future of their employment options and 61% had concerns about the future of their education or training options as a result of Covid-19.

355. As set out in the *'Post-16 and Transitions Plan – Addressing the impacts of COVID-19 on education and training'* published in March 2022 and exhibited previously at **M08/ESNRG/350 - INQ000271756**, the Welsh Government considered that the following measures could mitigate the impact:

- a. Prompt and careful identification of students most at risk of disengaging from learning or experiencing mental health and emotional well-being issues. Monitoring of their well-being on a regular basis and prioritisation of support according to need;
- b. Clear sign-posting of how support for mental health and emotional well-being could be accessed by all students, including those studying with subcontractors or partner providers;
- c. Easier access to a wide range of mental health and well-being services;
- d. Help from care services in the form of screening and effective referral pathways to clinical treatment could have a benefit for students in sixth form colleges;
- e. Interventions, such as counselling, physical activity, and sleep improvement could positively impact on older teenagers' and sixth form students' well-being;
- f. Mindfulness interventions had been shown to be successful in improving well-being for a wide range of students including 4-15 year-olds, and youths in sixth form colleges. The strongest evidence on the beneficial effects of mindfulness existed in post-secondary education;
- g. The development of 'recovery frameworks' based on local collaborative interdisciplinary and multi-agency strategies. These were seen to be most effective when attempting to address complex socio-mental health issues;
- h. Support to be provided more efficiently and effectively where providers worked closely with internal and external partners and specialist agencies and multi-agency support arrangements were most effective where students were given a single point of contact;
- i. An increase in staff awareness of mental health and emotional well-being. Estyn reported that this allowed staff to be better placed to identify and support students that were struggling as well as helping staff to maintain their own emotional well-being;
- j. Appropriate supervision, mentoring and professional learning for counselling staff with regards to providing effective support remotely; and
- k. Further training for youth workers particularly in the areas of homelessness, drug misuse awareness, domestic abuse, trauma recovery, LGBTQ, gender and identity.

356. Even before the pandemic (since 2019) the Welsh Government had allocated nearly £7 million to specifically support mental health and well-being projects within further education, work based and adult learning settings. In 2020/21, £4.5 million was allocated to the further education sector for this purpose, with a further £2 million

allocated in 2021/22 to build on and embed the initiatives developed by providers. The aim of this funding was to support national, collaborative and institutional projects to develop a whole system approach to mental health; it helped to build capacity to support well-being throughout the students experience within the sector.

357. Additional pandemic related funding distributed to higher education providers through the Higher Education Funding Council for Wales, enabled universities to extend the range of support measures and interventions they offered to students. They increased the capacity of students' unions to provide advice, support and well-being services, with a focus on mental health support and hardship funds. In 2020, all universities in Wales submitted their well-being and health strategies to the Higher Education Funding Council for Wales. These plans will be kept under review to ensure they remain fit for purpose as universities support students and staff members to live and work beyond the Covid-19 pandemic with all Welsh universities now reporting to Medr a range of mental health and well-being interventions and initiatives to support students and staff in their annual equality reports and health and well-being strategies.

358. During the 2020/21 academic year, the Welsh Government allocated £50 million to help Welsh universities provide additional support to students and staff members impacted by the pandemic. This included £10 million to provide increased support to students facing financial, emotional or mental health difficulties and £40 million specifically to address student hardship. This funding was made available for any student seeking such support, including international students. In allocating this funding, the Higher Education Funding Council for Wales were asked to work closely with the National Union of Students Wales, universities and unions to ensure support was targeted where it could best add value and make the biggest difference to the experiences of students and staff.

359. In addition, £27 million was allocated to the Higher Education Funding Council for Wales to establish a higher education Investment and Recovery Fund, designed to support the sector in mitigating the effects of the pandemic and support wider economic recovery. Some of the projects supported through this fund included activities specifically aimed at supporting students' mental health and well-being.

360. Further funding of £44 million was allocated to bolster capital investment by universities. Such investment helped to secure and maintain high quality provision, ensuring that students continued to benefit from a positive student experience.

361. Additional funding of £2.3 million was allocated to the Higher Education Funding Council for Wales in 2023 to extend the support provided through institutions health and well-being strategies.

362. Other measures specifically aimed at improving mental health and well-being included:

- a. 'Winter of Well-being' activities aimed at supporting the social, emotional and physical well-being of children and young people up to 25 years of age over the winter months of 2021/22; delivered by universities, further education colleges, local authorities, schools and national organisations; and
- b. Development of a trauma informed approach to further education delivery; in partnership with the Adverse Childhood Experiences Hub.

363. The Welsh Government is aware that the need to focus on the mental health and well-being of post-16 students is a continuing requirement given that those who were 10 and 11 years old when the pandemic hit (and were affected as pupils transitioning to secondary school) are now approaching this transition stage. All Wales universities committed to adopt the Universities UK Step change: mentally healthy universities and 'Suicide-Safer Universities approaches' which Medr monitors to ensure they remain relevant and fit for purpose.

364. For further education, the Welsh Government provided over £10 million of funding since 2020 to support three strands of activity, namely the institutional, collaborative and national. Of this, £6 million was allocated to the further education sector to support mental health and well-being initiatives for both staff and students in the academic year 2022/23. The institutional funding has supported the development of mental health and well-being strategies within further education which are reviewed by Medr. Indicative funding of £1 million per academic year has provided an element of certainty for the sector and will help alleviate the pressures of recruitment and retention of the staff required for counselling and well-being.

365. Each further education institution has increased their well-being/welfare teams to respond to growing numbers of student referrals, to provide counselling for students and to fund activities for resilience building, supporting students social and emotional well-being.

366. The Welsh Government expect that Medr will develop arrangements for long-term monitoring and oversight of mental health and well-being in the sector, for us to assess the impact of different initiatives and aid the planning of future services. Medr will be able to build on the extensive work undertaken in recent years to support mental health and well-being in both further education and higher education, including collaborative initiatives.
367. In August 2024, Additional Support Guidance was issued to further education providers to assist with working flexibly and securing support to make provision accessible to students. It also assists with the costs of making reasonable adjustments, for students with protected characteristics under the Equality Act 2010.
368. The Higher Education Funding Council for Wales (now part of Medr) and Office for Students jointly fund the Student Space project delivered by Student Minds. The project was set up to respond to the Covid-19 pandemic to support students' well-being and mental health. This support was extended up to July 2025.
369. The Welsh Government have also funded the University Ready project, delivered through the open University in Wales and provided £600,000 through the Higher Education Funding Council for Wales to deliver a programme of mentoring across our sixth forms and colleges during this academic year.
370. As the pandemic progressed from the end of the first wave and into the second wave it became apparent that the negative effects of the non-pharmaceutical interventions on young people outweighed the benefits to them. During the pandemic there were no control groups or comparator groups where non-pharmaceutical interventions had not been used so it was not possible to determine the precise form and level of these negative impacts.
371. In December 2020, the Scottish Government adopted a policy entitled 'Coronavirus (COVID-19): framework for decision making - assessing the four harms'. This paper described the following four harms associated with spread of the Covid-19 pandemic; harm to health, harm to the health and social care system, harm to society including increased isolation and the impact on children's well-being from closing schools and harm to the economy.

372. The Scottish Government's policy paper prompted discussion in the technical advisory group and among ministers and on 9 July 2021 the Welsh Government published the *'Technical Advisory Group: Five Harms Arising from COVID-19: Consideration of Potential Baseline Measures'* (exhibited at **M08/ESNRG/357 - INQ000239550**) which outlined the following five harms arising from the Covid-19 pandemic:

- a. Harm directly arising from SARS-CoV2 infections;
- b. Indirect Covid-19 harms due to surge pressures on the health and social care system and changes to healthcare activity, such as cancellation or postponement of elective surgeries and other non-urgent treatments (e.g. harm from cessation of screening services) and delayed management of long-term conditions;
- c. Harms arising from population-based health protection measures (e.g. lockdown) such as, educational harm, psychological harm and isolation from shielding and other measures;
- d. Economic harms such as unemployment and reduced business income arising both from Covid-19 directly and population control measures, like lockdown; and
- e. Harms arising from the way Covid-19 has exacerbated existing, or introduced new, inequalities in our society.

373. This statement of harms added a fifth to the Scottish Government's four harms. That fifth harm was exacerbated by new inequalities.

374. Since the pandemic, it is apparent there has been a growing incidence of mental health issues and diagnoses among the younger cohorts of people in Wales and the wider UK. The exact causes of these problems are difficult to determine and may not be fully established, however during the pandemic, officials in the Skills, Higher Education and Lifelong Learning Directorate, among the educational workforce and in community based public health functions were concerned that non-pharmaceutical interventions might create prolonged disadvantages and inequalities for young people whose education and well-being was negatively affected by these measures. These worries and concerns were regularly aired in the Technical Advisory Group and the Children and Education sub-group and were the subject of a number of communications between officials, as demonstrated by the email correspondence about the three flavour measures (paragraphs 117 and 118 refer).



**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:**

PD

**Dated:** 29 August 2025