

OFFICIAL: SENSITIVE

MA/KW/0004/21



Llywodraeth Cymru  
Welsh Government

From:

NR

COVID-19 response team

Cleared by:

Ruth Conway

Date:

4/01/2021

## MINISTERIAL ADVICE

For decision by: Minister for Education

Copied to: First Minister, Minister for Health and Minister for Local Government

<b>Subject</b>	Delaying the return to face to face learning for schools and colleges across Wales until 18 <sup>th</sup> January 2020.
<b>100 word summary</b>	Proposals to move schools and colleges to online learning until the 18 <sup>th</sup> January 2020.
<b>Timing</b>	Urgent
<b>Recommendation</b>	The Minister is asked to agree: The proposed plans to move schools and colleges to online learning until the 18 <sup>th</sup> January 2020.
<b>Decision report</b>	This decision does not require a Decision Report

**ADVICE****Background**

You agreed with Local Authorities and the WLGA a common approach to schools returning in January with some flexibility built in over the first two weeks of term (4-18<sup>th</sup> January), to take into consideration any public health and safety concerns including an assessment of staffing levels immediately following the Christmas break. [Similar conversations took place with Colegau Cymru.](#)

Since then you have continued to receive challenge from the Unions who are concerned about the new variant and the evidence that sits behind the approach to a phased return in January. You will be aware that separately we have received a pre-action protocol (PAP) letter from NAHT requesting sight of the available evidence on the new variant and what that might mean for schools. Advice will follow separately in relation to this PAP.

The Minister for Health and Social Services in the press briefing earlier today made clear that the new, highly-infectious strain of coronavirus, which was identified just before Christmas, is spreading quickly throughout Wales and that cases of the virus remain very high. The slides used for the press briefing are attached for information.

Although the overall incidence rate for Wales has fallen from a high of 636 cases per 100,000 people on December 17 to 446 cases today this is still considered far too high.

There have been falls in most parts of Wales, except in North Wales, where we are seeing cases rise quickly. It's too early to know if these falls are because of the Christmas period and fewer people coming forward for testing or if they are early, positive signs of a sustained slowing of the virus.

We continue to be cautious because while the number of people being tested has fallen, the testing positivity rate remains very high at 25% across Wales. The NHS continues to be under intense pressure and it has experienced some very difficult days over the festive period. The same pressures are being felt across the UK.

However, at this stage there is no evidence that the new more transmissible variant behaves any differently in children from adults.

The Wales Technical Advisory Group paper from 25 November 2020 on benefits, harms and costs of some NPI interventions also draws on the detail of the 21 September SAGE 58 paper on NPIs and the accompanying table. At the time, the approach of closing all schools was considered to give a reduction in R of 0.2-~0.5, with moderate confidence. Closure of secondary schools was thought possibly more effective (reduction in R of ~0.35) due to links across more households, higher numbers of contacts within schools and evidence of less transmission to/from younger children. These estimates were overall, low confidence, as it was unclear how much schools may contribute to community transmission. The current estimate of schools on R is nearer 0.1-0.15 (December 2020).

**Advice**

In light of the overall position regarding the virus and in recognition that schools can contribute to a reduction in the r rate it is proposed that all schools move to online

learning until the 18<sup>th</sup> January. This will allow further time for additional evidence to be presented and will also be helpful in supporting the national position to reduce the rate.

It remains our expectation that pupils/learners, when not in school or college, will continue to benefit from online learning and face to face learning will continue to be made available for vulnerable learners, and children of critical workers, as well as for learners who are due to sit scheduled exams or formal assessments.

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.Where possible and where public health advice supports this special schools should remain open. We would also expect PRUs to remain open given they also provide for some of our most vulnerable learners. Discussions have also taken place with the independent schools sector to seek their support in a move to remote learning up until 18<sup>th</sup> January.

We know that school closures can cause a number of harms for learners. Not least, the impact on their educational outcomes and their physical and mental health. We also know that school closures can have a disproportionate impact on our most vulnerable children due to reduced access to essential services. These harms have been considered as part of this advice and are set out below.

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As with any changes to schools and college openings for in-person teaching, decisions will be based on the latest scientific advice. We are expecting an up to date TAC paper to be available shortly and that will help us further understand the new variant and what more can be done in schools and colleges to mitigate the risk of transmission such as face coverings in the classroom, possible weekly testing of staff and additional ventilation measures.

Officials have been in regular dialogue with Las colleges and Unions throughout the pandemic. Discussions have taken place today with the WLGA and they are in agreement that all schools should move to online learning until 18 January with the exception of provision for vulnerable children and critical worker children. Similar conversations have also taken place today with Colegau Cymru. Therefore, we do not believe there is a need to legislate for the period 4-18 January. The Health Protection (Coronavirus Restrictions)(No.5) Wales Regulations already includes provision for vulnerable children and the children of critical workers.

We will continue to work in partnership with local authorities, schools and colleges on any changes to the scheduled opening arrangements. Our priority throughout the pandemic has been to minimise disruption to learners and enable them to receive face-to-face learning, where safe to do so.

#### Financial implications

1. There are no new financial implications arising from this advice.
2. As there are no issues of regularity or propriety, this submission does not need prior approval by Corporate Governance Unit (CGU). In accordance with FN01/19 the submission has been copied to the CGU and SB mailboxes for monitoring purposes.

#### Equality Impact Assessment

3. A time-limited move to remote learning will impact on equality and children's rights. Any negative impacts are being tolerated on the basis of the risk to public health and the need to re-set the position on transmission of the virus. Detail on the equality and children's rights impacts are contained in [Doc 8](#) and [Doc 9](#) respectively of [FM/3428/20](#) but below is a short summary in respect of schools:
- Moving to remote learning will have a disproportionate impact on children living in poverty, many of which are from BAME communities, who may have less space, quiet and be digitally excluded although as noted above schools will be in receipt of remote learning.
  - In addition, with a move to remote learning, looking after children and supporting them to learn tends to fall more to women than men which impacts on some women's ability to work and their health and wellbeing.

### Communications

4. A attached written statement will issue today.



Written Statement -  
Return to school an

### Legal issues

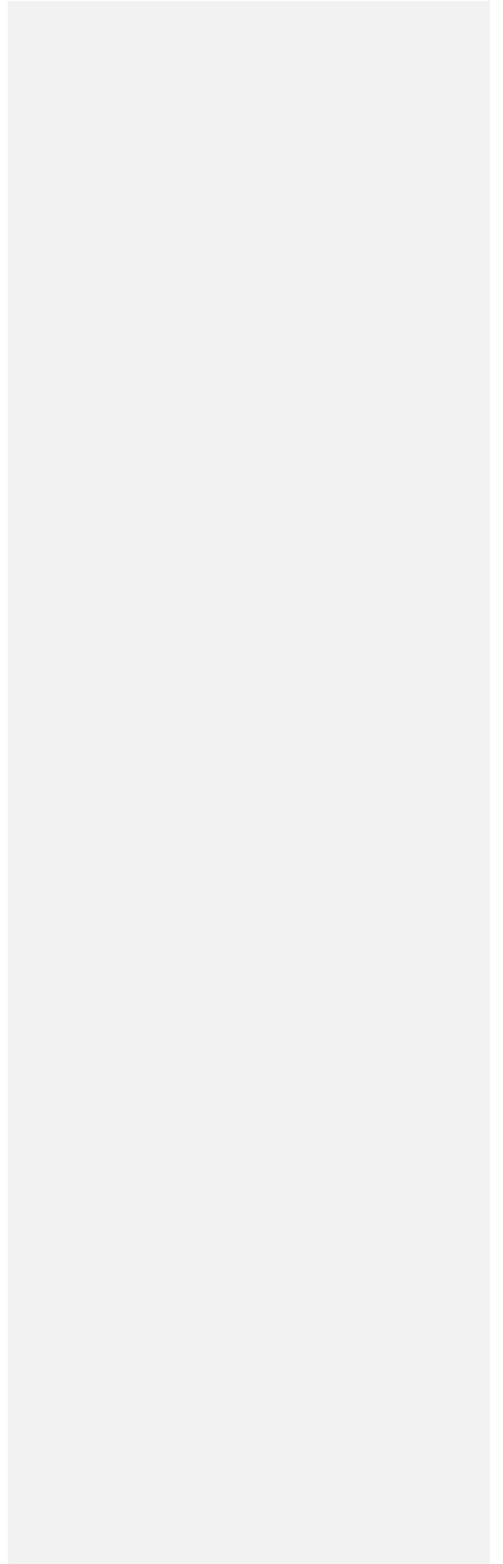
5. Legal Services (Education (Schools) and Welsh Language Team) have provided advice on this MA and that advice is incorporated in this MA.
6. Legal Services have not been asked to advise on the other policy matters listed in section 29 of this MA (e.g. Well-being of Future Generations Act 2015 and Equality Impact Assessment).

#### *Coronavirus Act 2020*

7. If necessary Section 38(1) and Part 1 of Schedule 17 are the relevant powers. Together they give the Welsh Ministers powers to make directions in connection with the running of the education and registered childcare systems in Wales.
8. Before making a temporary continuity direction, the Welsh Ministers must:
1. Have regard to any advice from the Welsh Chief Medical Officer, or one of the Deputy Chief Medical Officers for Wales relating to the incidence or transmission of coronavirus; and
  2. Be satisfied that giving the direction is "a necessary and proportionate action for or in connection with the continued provision of:
    - a) Education, training or childcare;
    - b) Services relating to the above; or
    - c) Ancillary services or facilities.

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## Annex 1: ASSURANCE AND COPY RECIPIENTS

## CLEARANCE TRACKING

Aspect	Tracking	Yes	No	N/A	Clearance no.
Finance	Financial implications over £50,000?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Cleared by Group Finance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Cleared by Strategic Budgeting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Cleared by Local Government Finance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Legal	Legal issues?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Cleared by relevant lawyers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Governance	Novel and contentious issues?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Cleared by Corporate Governance Unit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

## DEPUTY DIRECTOR, STATEMENT OF ASSURANCE

In clearing this MA, I confirm that I, Ruth Conway have quality assured this advice, ensuring it is provided on the basis of evidence, accurately presents the options and facts and I am accountable for the recommendations made

I am satisfied that the recommended decision or action, if agreed, would be lawful, affordable and comply with all relevant statutory obligations. Welsh Government policy priorities and cross portfolio implications have been fully considered in line with delivery of the government objectives.

I have fully considered the statement of assurance contained in the MA guidance to ensure all relevant considerations have been taken into account and that the actions and decisions take account of regularity, propriety and value for money.

## COPY LIST

All mandatory copy recipients (as indicated in the guidance). Additional copy recipients specifically interested in this advice:

- Tracey Burke
- Tom Woodward
- **NR**
- Madeleine Brindley
- Ian Butler
- Jon Luxton
- **NR**
- Steve Davies
- Carla Lyne
- **NR**
- Ruth Conway
- **NR**
- ~~Tracey Conway~~
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