



Simon Thomas

NAHT – Head of Legal

Eich Cyf/Your Ref: ST/Wales/PAP/JR/

Ein Cyf/Our Ref:

12 February 2021

Dear Mr Thomas

As indicated in the formal response to your pre-action protocol for judicial review letter dated 9 February, this letter responds to some of the other points.

There is strong evidence for a range of socio-economic harms to children and young people as a result of school premises remaining closed over both the short and long term. There is also evidence that harms disproportionately affect deprived children, and also children from many minority groups. Amongst the conclusions made in SAGE's report 'COVID-19: Benefits of remaining in education - evidence and considerations' are that "school closures put educational outcomes at risk, especially for disadvantaged students"¹. Harms are likely to include an increase in 'adverse childhood experiences' which research indicates can result in trauma and attachment issues, which could be severe over the long-term. We also know that remote learning is difficult for our youngest learners.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935192/spi-b-dfe-benefits-remaining-education-s0861-041120.pdf

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



With this in mind and following the latest scientific and medical advice, the Welsh Ministers agreed that any headroom available as a result of introducing the restrictions on 20 December should be used to enable an increase in face-to-face learning in schools.

Whilst we acknowledge that in the current pandemic there is no option that is devoid of all risk, our overall conclusion is that the partial and phased return of the youngest pupils is the right thing to do for our learners.

The Technical Advisory Group's report on Considerations for changing the operation of schools to allow more face-to-face learning² published on 5 February 2021 contains a conclusion that:

"The circumstances to enable easing of restrictions will require a combination of the following: lower community prevalence and case rates; lower test positivity rates; manageable hospital and ICU occupancy; Rt below 1; evidence of sustainability of a lower level for these indicators, or that rises in these indicators can be responded to swiftly by re-imposing restrictions."

We have been clear that we continue to monitor these parameters through PHW daily reporting and they have continued to show a trajectory of improvement since TAG's paper on Variant of Concern (VOC 202012/01) and Education in Wales dated 7 January 2021³.

With regard to the current level of uncertainty about the new UK variant, the Technical Advisory Group's report published on 5 February 2021 acknowledges this and considered what models of schools operating would strike a balance between the risks and benefits.

It concludes:

"A partial and phased return to face-to-face learning in schools should be considered as this is likely to increase rates of transmission less swiftly than a full return. The transition should be monitored carefully before further changes are made."

² <https://gov.wales/technical-advisory-group-considerations-changing-operation-schools-allow-more-face-face-learning>

³ https://gov.wales/sites/default/files/publications/2021-01/technical-advisory-group-variant-of-concern-voc-20201201-and-education-in-wales_0.pdf

We are therefore taking a phased and careful approach in returning to face-to-face learning. Foundation Phase learners will begin to return from 22 February.

At the same time, we want to make the working environment as safe as possible for staff and learners and therefore we have introduced twice weekly testing for staff members as well as increased financial support for protective equipment and measures.

Working closely with the Technical Advisory Group and Public Health Wales we have also updated and re-published the operational guidance. This provides a framework for schools and local authorities to support the continuation of face to face learning for vulnerable learners and children of critical workers and the phased return of foundation phase learners.

As always, decisions on the phased return of learners will continue to be guided by the latest scientific and medical advice.

Yours sincerely,

Personal Data

Steve Davies

Director, Education Directorate