

Module 8 of the UK Covid Inquiry

Written Submission on behalf of the Convention of Scottish Local Authorities (COSLA)

Introduction

1. In this Module the Inquiry has heard evidence of the far-reaching and wide-ranging impacts which the pandemic, and the measures implemented to combat it, have had (and continue to have) on children and young people. COSLA wishes to take this opportunity to acknowledge the heavy price paid by those who were children and young people during the pandemic, in particular as a result of the non-pharmaceutical interventions which affected them so profoundly. COSLA is grateful to all those who gave evidence on these matters and will strive always to have their evidence at the forefront of its thoughts.
2. COSLA wishes to reiterate its commitment to engaging with and assisting the Inquiry in drawing out the key lessons to be learned from the Covid pandemic and considering what recommendations ought to be made. With that in mind, these written submissions will focus on key aspects of the evidence which, in COSLA's view, are most relevant to meeting those objectives.

The responsibilities of local authorities and COSLA as regards children and young people

3. The statutory responsibilities of Scottish local authorities encompass many areas which affect children and young people, both directly and indirectly. Such responsibilities include: primary and secondary schooling; housing and homelessness; early learning and childcare services; social work and social care services; protection of vulnerable children and adults; sports and leisure services; and public parks and green spaces.
4. COSLA plays a role in various aspects of the lives of children and young people in Scotland. COSLA has a dedicated Children and Young People Team whose work includes early years; primary and secondary education; promoting and integrating children's services; developing effective approaches to children and family social work services; addressing child protection and youth justice issues as well as aspects of

employability and child poverty. In her evidence to the Inquiry, Nicola Dickie described in more detail (INQ000588065_0006 - 0008, paragraph 3.3) COSLA's remit, which covers most aspects of a child's life from pre-birth through to post-16 years education and into the world of work.

5. The Scottish Government was responsible for the core political and administrative decision making in relation to the Covid 19 response. However, COSLA was represented on many of the decision-making and advisory bodies which the Scottish Government set up in response to the pandemic, including the Scottish Government Resilience Officials (SGoR(O)), the Scottish Government Resilience Ministerial (SGoR (M)) and COVID-19 Education Recovery Group.
6. As a result of its representation on these bodies, COSLA was able to feed into the decision-making process the views and concerns of local government and the professional bodies working within its structures. COSLA also had a significant role to play in responding to Scottish Government consultations on Scottish specific Covid 19 legislation including its submission to the Scottish Parliaments call for evidence on the Impact of Covid 19 on Children and Young People in December 2021.

Key aspects of COSLA's evidence

Decision making

7. As the collective voice of Scotland's councils, COSLA was able to bring its knowledge and experience to bear to ensure that Scottish Government decisions were workable at the local level. Nicola Dickie's evidence about the process by which the definition of a "vulnerable child" was developed provides a good example of this process (INQ000588065_0014 - 0015, paragraph 5.13). The Scottish Government's initial proposed definition was subsequently revised following consultation with COSLA to ensure the definition was workable in practice and applied consistently. Consequently, children affected by disability or domestic abuse were able to receive appropriate support.
8. There were many instances during the course of the pandemic where COSLA was able to assist in ensuring that national level decisions were taken with the benefit of information ingathered from local and regional sources. For example, as Nicola Dickie described in her oral evidence, it quickly became apparent by mid-March 2020 that

there was a need to ingather information at a regional and national level as to teacher and pupil attendance at schools and the impact that this was having on both delivery and receipt of education (Transcript 9/9/3-25) (see also INQ000588065_0012, paragraph 5.3). COSLA agreed with the Scottish Government that a daily survey would be carried out across all schools in Scotland to gather data on teacher and pupil attendance to ensure that the Scottish Government was provided with up to date information for the purposes of decision making.

School closures

9. As Nicola Dickie stated in her oral evidence to the Inquiry, although the statutory power to close schools lay with local authorities, who had a responsibility to make contingency plans, it was never envisaged that this power would be used to close all schools throughout Scotland for a significant period of time. These powers had previously been used only to close a particular school or schools in a particular area for short periods of time in situations such as inclement weather or localized outbreaks of infectious disease (Transcript 9/4/10 – 9/5/24). The closure of all schools in March 2020 therefore required extraordinary efforts by local authorities, school staff, learners and their families in order to move to remote learning in a very short space of time. By May 2020 it was estimated that 50,000 devices had been issued to children across Scotland by local authorities, with a further 20,000 devices loaned out from schools when they had closed. COSLA and the Scottish Government worked closely over the summer of 2020 to agree an approach to the distribution of these devices, as well as connectivity solutions and technical support, to children and young people throughout Scotland (INQ000588065_0018, paragraph 5.21).

10. The work of local authorities in Scotland to provide connectivity solutions was echoed in the oral evidence of Ms Amanda Stocks from Stirling Inclusion Support Service (“SISS”). Ms Stocks explained that they were able to ensure that all their young people had access to a device, with their local authority providing “MiFi devices” to ensure children had internet access (Transcript 7/30/13-23). These connectivity solutions supported the children at SISS to work from home during the pandemic.

Opportunities for risk identification in respect of vulnerable children

11. In her witness statement Nicola Dickie described the challenge which local authorities faced as a result of the “lack of visibility” of children and young people in the initial period of school closure (INQ000588065_0016, paragraph 5.17). In her oral evidence, Ms Dickie expanded on this by describing how it was not just school teaching and support staff to whom children and young people became less visible. Changes in the way other public services were delivered, for example in drugs and alcohol services, also meant that children and young people became less visible to those working in the public sector, with a consequent reduction in opportunities for risk identification. This highlights the fact that non-pharmaceutical interventions had the effect of removing children and young people not just from the school environment, but from a much broader range of professional and community support networks that created opportunities to identify risk and implement safeguarding measures, such as football coaches, dance teachers, Scout leaders etc. In COSLA’s submission, as part of planning for a future pandemic, the importance of these informal community-based safety nets should be recognised, and the need to prioritise a return to both school and community-based activities acknowledged.

Innovative practice

12. In some areas, the pandemic prompted innovation in practice which in fact improved the ability of professionals to access vulnerable children and young people. As Nicola Dickie described in her oral evidence, the move to holding children’s case conferences remotely enabled better representation at those conferences by a range of professionals who sometimes found it difficult to attend in-person conferences (Transcript 9/27/21 – 9/28/2). This is an innovative practice that has continued beyond the pandemic, as part of a blended model and as an adjunct to face-to-face support.

Lessons learned

13. COSLA recognises the importance of children playing a part in decisions that will have profound impacts on their lives. During the pandemic, they lost the supportive structures of school and community-based activities, and contact with trusted adults. In any future pandemic, there should be direct communication with children, in language they understand, to ascertain their needs, to explain why decisions are being taken, or the likely impacts of those decisions. Accordingly, in COSLA’s submission,

communication with children is an area that might be considered as part of planning for any future pandemic.

Recommendations

Definition of “key workers”

14. Although Guidance was issued by the Scottish Government on this topic, local authorities faced a number of challenges when seeking to implement it. These included representations from a range of occupational groups as to which workers should fall within the definition. This in turn impacted children that could access supports such as educational hubs. As Nicola Dickie explained (INQ000588065_0016 - 0017, paragraph 5.18), the COSLA Workforce Issues Group had to work hard to resolve the differences in approach which local authorities took to identifying “key workers.” Determining who falls within the definition of key worker in advance would be a useful step in preparation for the next pandemic. In COSLA’s submission, the inclusion of those who provide services to support victims of domestic abuse should be expressly included in any future definition.

Outdoor learning and Non-Pharmaceutical Interventions

15. In her oral evidence, and in response to a question from Counsel representing Clinically Vulnerable Families, Nicola Dickie acknowledged the benefits of outdoor learning (Transcript 9/31/15 – 9/32/9). In COSLA’s submission, however, any recommendations made relating to outdoor learning will require to recognise the diversity of the school estate across Scotland, which includes large inner-city schools with little outdoor space and small rural schools with extensive grounds. Similarly, any recommendations made relating to air conditioning and ventilation in schools should recognise that schools across Scotland range from listed buildings to modern, purpose-built facilities. In COSLA’s submission, if recommendations are to be made on such matters, they should recognise the school estate and funding available to local authorities, and permit local authorities discretion as to how they should be implemented in their geographical area.

Postscript

16. COSLA hopes that its evidence and these submissions will be of assistance to the Inquiry in fulfilling its terms of reference and in particular, in identifying lessons to be

learned and in formulating recommendations. COSLA stands ready to assist the Inquiry further in any way it can.

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