



Llywodraeth Cymru
Welsh Government

IMPACT ASSESSMENT, DOCUMENT

Provision of education in response to COVID-19: children's rights impact assessment

We assessed the impact of the initial policy decisions taken in response to COVID-19 from early March 2020 to mid-June 2020.

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1. Describe and explain the impact of the proposal on children and young people

How will the proposal affect the lives of children, positively and negatively?

The policy decisions set out in Section 1, will all impact on children and young people and these have been detailed in Sections 1 to 5 of this IIA, including the accompanying mitigating actions we have sought to put in place.

However, in summary these impacts are likely to be:

Disruption to learning

With the Easter holidays being brought forward, schools repurposed and therefore closed to the majority of learners and the introduction of distance learning. For all learners, regardless of their circumstances, it is likely to take some time to acclimatise to these circumstances and both the Continuity of Learning programme and the provision in repurposed schools is not intended to replicate the education that would ordinarily be provided in schools. Many schools will have already been engaged in transition planning and activities for year 6 learners moving into secondary provision next year advance of lockdown measures.

Potential negative impact on learners' health and wellbeing

Not being in school can impact routine and social interaction which can increase feelings of loneliness and mental health issues, not being in school can have a detrimental impact on children's nutrition and levels of physical activity, there

may also be increased anxiety due to the nature of the pandemic and concern about family and friends. Many learners will have experienced a degree of trauma as a result of not being in school. Lack of play can also impact on emotional health and development. While learning impacts for those in transition years are unlikely to be significant for most learners, the well-being implications for those moving from one setting to another, possibly without the opportunity of saying goodbye have been noted.

Cultural wellbeing

Negative impact on cultural well-being, with reduced opportunities to participate in cultural activities, arts, sports and recreation. For those in non-Welsh speaking households, there are greater challenges in Welsh language development.

Wellbeing due to home environment

For some learners, not being in the school environment can be particularly detrimental. This could be due to their home environment:

- alcohol or drug problems
- abusive relationships
- lack of tolerance of a learners' religion, gender or sexual orientation
- greater risk of online exploitation

or because the learner needs additional support for their learning or well-being that is provided through schools, for example additional learning support, specialist equipment, counselling services. Some learners will also be affected by not having the school routine and losing the certainty about when or how things will happen during the day, as well as not seeing teachers and support staff they have formed attachments to. This may have a greater impact on those

learners with Autistic Spectrum Disorder, affected by trauma or who struggle to regulate.

Future progression opportunities

The cancellation of exams has caused anxiety amongst many learners, in terms of potential impact on their future progression opportunities, the estimation of grades and whether this will be an accurate and fair reflection of their likely performance had they taken exams, and the impact of the disruption on those due to take their exams in 2021.

Effect on private candidates

There will be an additional impact for some learners who are private candidates, which can include those who are being home educated, those undertaking distance learning (for example more mature learners or those preparing for re-sits) and some who receive private tutoring provided by local authorities (some EOTAS or PRUs for example), as where an exam centre does not have sufficient information about a learner to make a judgement it might not be possible for them to receive an estimated grade.

Whilst it is recognised that the majority of these impacts are likely to negatively affect learners, there are also some potential positive impacts during this period of restriction where schools and settings are closed to the majority of learners. Not being in school or another educational setting has been a positive experience for some learners and we are aware, for example, of learners re-engaging with their learning in this new way of working.

Other potential benefits may include:

- extra time to spend with their close family, including families re- connecting

after having spent more time together

- more time to focus on hobbies, interests and play
- feeling more secure in their foster placements
- reduction in anxiety if they were bullied at school
- reduction in anxiety due to not having to take exams in the summer

It will be important to capture and build on these positive stories.

In terms of the decision to pause work on the home education proposals, whilst mindful of the impact of this decision on home educating children, local authorities are already under a duty to identify children in their area not receiving a suitable education. The proposals for the statutory guidance and the database regulations were to reinforce and assist local authorities to comply with that current duty. Their responsibilities in terms of children receiving a suitable education, regardless of where that is delivered, remains current

How will the proposal affect different groups of children (e.g. children who have experienced adverse childhood experiences (ACEs), children living in poverty, children with a disability, children living in Welsh speaking households and children in Welsh medium education etc.)

The policy decisions set out in Section 1 will have an adverse impact on all groups of children and young people as discussed in Sections 1 to 5. However, some of these impacts are likely to disproportionately affect specific groups of learners:

Repurposing of schools

- Vulnerable and disadvantaged learners, including those receiving free

school meals, who have English or Welsh as an additional language and those from Gypsy, Roma and Traveller communities, who tend to have fewer educational opportunities beyond school. Their parents may be less likely to be prepared for distance learning, particularly where they have a limited education and resources themselves.

- There may be a lack of capacity to participate in distance learning due to a lack of digital access, no computers, internet access issues etc. A report by the Sutton Trust found that in the most deprived schools, 15% of teachers reported that more than a third of their students would not have adequate access to an electronic device for learning from home, compared to only 2% in the most affluent state schools. A number of studies show that those learners without home internet access are at an educational disadvantage. Digital access is important for well-being and mental health also, as the need for physical isolation pushes social activities online.
- Before the current crisis, there was already a notable attainment gap between the poorest and richest learners, with those from disadvantaged backgrounds already twice as likely to leave formal education without GCSEs in English and Maths compared to their better-off classmates.
- Time away from school therefore risks further widening this attainment gap, with an extensive body of research showing that poorer students fall further behind during breaks from school, such as the summer holidays. The impact on the wider outcomes of these learners are also likely to be greater than their peers, who will likely receive more support at home with their development and learning, and also potentially have higher levels of well-being due to their circumstances at home.

For the 24,000 vulnerable children in Wales, this period brings fresh uncertainty. They are likely to be more affected by the gap in learning and potential inequality in support at home and could be further disadvantaged if, for example, their foster or 'kinship' carers or staff at children's homes become ill. Similarly, for young carers, there may be difficulties in balancing continued learning from home with caring for family members.

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Vulnerable and disadvantaged learners may have been receiving additional support in school. This might have included, for example, school counselling, THRIVE, emotion coaching, Lego Therapy, use of specialist equipment or even one-to-one support. Whilst we would expect this to have continued at a distance to some degree; inevitably the same support in the same way is unlikely to be possible on a distance basis.

This may have had a negative impact on the learning and well-being of these learners; however, the long term impact should be mitigated by support put in place as we move into the next phase for the education system.

In addition, for some vulnerable children, teachers were the professionals having the most regular contact with children and through daily contact they were in a position to identify children at risk and make referrals to other agencies. For some children the lack of contact with teachers could delay the identification of risk. However, to mitigate this before schools were repurposed they were asked to identify, and keep in regular contact with, their most vulnerable children including those not known to services. In addition children's services rag rated all children with a social worker to assess the level of contact and support needed. The monitoring and review of vulnerable children has continued throughout this period.

The additional costs on families from wider changes due to the lockdown have resulted in a large increase in the number of families receiving universal credit (UC). Many of these are likely to experience a significant drop in income, the rising unemployment more generally risks a higher incidence of indebtedness, destitution and child poverty.

There are also less easily quantifiable risks as not all children living in poverty 'qualify' for free school meals, and so slip through the cracks of the additional support offered so far, such as food vouchers.

The closure of schools to the majority of learners also means that vulnerable

and disadvantaged learners will be home more often and more exposed to resultant stresses, which may include:

Learners with additional learning needs

Staying at home can be more disruptive to the lives and routines of learners with additional educational needs and disabilities, particularly due to their specialist educational needs. The impact is also likely to be more significant on their families and carers, as the respite care and facilities they depend on are unavailable or their provision severely limited.

Ethnic minority learners

Ethnic minority learners, particularly those with English or Welsh as an additional language may be disproportionately impacted, similar to the issues noted for Welsh medium pupils (below), due a limitation to parental support for continued learning at home where the parents do not speak English or Welsh.

Welsh medium learners

There may be fewer resources available to support continued learning through the medium of Welsh. For example, online lessons for English-medium learners are readily available, but the range for Welsh medium learners may be more restricted with fewer options or variety available to ensure learner engagement. There is therefore a risk that Welsh-medium schools could find re-engaging learners after the period of remote learning more challenging than their counterparts in English-medium schools and this may affect future GCSE results in Wales. There may also be a limitation to parental support to enable continued learning at home for Welsh medium-learners with non-Welsh speaking parents. This could exacerbate the impacts above and lead to Welsh-medium learners

struggling more than their English medium counterparts.

What evidence have you used to inform your assessment, including evidence from children or their representatives?

A range of information has been used to inform this assessment, including:

- scientific and health advice from COBR and SAGE, as well as information and advice from Public Health Wales
- data collected and published by the Welsh Government and its key partners
- previous research that can be used to draw conclusions from
- discussions with practitioners and other representatives, who can provide feedback from learners' perspectives
- feedback on issues being raised with the Children's Commissioner, the Future Generations' Commissioner and the Welsh Language Commissioner
- the outcome of consultations undertaken by key stakeholders on these policy decisions, for example Qualifications Wales' consultation on principles for calculating grades which also included a children and young person's version
- daily social listening reports that have highlighted the key trends on social media and summaries of the key issues being raised through correspondence, the First Point of Contact Centre and the Complaints Unit at Welsh Government
- the experience and actions of other countries some of whom are at a more advanced stage of the pandemic response or who have taken different policy choices
- feedback from key stakeholders and representative bodies, including those working on the education front-line
- a range of publicly available national and international research reports and information on impacts of COVID-19 and similar pandemics

Information from children and young people has been collected from a range of

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channels and where possible this has fed into this IIA, this includes:

- the daily social listening reports that are compiled
- the Minister for Education undertaking Q&As on social media with young people
- the Minister for Education attending the Youth Parliament
- the response to video messages aimed at certain groups of learners or their parents
- daily monitoring of the topics raised in correspondence, enquiries to the First Point of Contact centre or to the Complaints Unit, these have also been used to refine and update the Frequently Asked Questions section of the Welsh Government's Coronavirus website

How have you consulted with children and young people? If you haven't, please explain why.

Due to the unprecedented nature of the public health emergency being faced and the speed within which some of the initial policy decisions had to be taken and subsequently implemented, it was not possible to consult with children and young people prior to these decisions being taken.

Recognising this we have taken steps to help provide learners an opportunity to express their views on how they have been impacted by these decisions, this information will be used to help us to consider whether any further mitigating action is required and to provide an evidence base for further policy decisions, particularly those about planning for recovery.

In a joint project with the Children's Commissioner for Wales, Children in Wales and with the support of the Youth Parliament, the Welsh Government launched an online consultation survey to give an opportunity for learners to tell us their opinions about COVID-19. The survey provided a snapshot of the opinions of children and young people during a two week window in May. The survey

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received over 23,000 responses and gives us the opinions of children and young people on a range of issues including schools being closed and examinations cancelled. As respondents to the survey were self-selecting, the results may not be representative, but care has been taken to seek input from a wide range of ages and different groups of children.

Based on the Articles within the United Nations Convention on the Rights of the Child (UNCRC), the survey was designed in partnership with children and young people. The survey sought to:

- demonstrate the Welsh Government's commitment to upholding children's rights
- facilitate children's opinions being heard at the heart of Government
- provide links to sources of reliable information
- provide advice on support available for children and young people

The Welsh Government will also use the survey findings to ensure children's rights and opinions are reflected upon during and after the COVID-19 crisis.

With regard to decisions made in order to ensure the continued provision of free school meals during the COVID-19 pandemic, children and young people were not consulted. Many children, particularly younger children, are unaware that they are in receipt of free school meals and identifying them as such can cause distress and increase stigma. The Healthy Eating in Schools (Wales) Measure 2009 places a duty on schools and local authorities to protect the identities of learners in receipt of free school meals. This makes consultation with those affected particularly difficult and risks breaking the law.

What other evidence would inform the assessment?

The Welsh Government is initiating and drawing upon a range of research and surveys to monitor impacts on learners and their families, these are detailed in

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full in Section 7.4, and include:

- a rapid evidence reviews of UK and international research focusing on the impacts of crises on learner mental health and wellbeing, and approaches to supporting recovery. Further reviews are planned, which will support the development of the Continuity of Learning plan
- exploratory analysis of participation in remote learning, via analysis of log-on activity data
- planning support for a suite of research activities to be carried out by higher education institutions and school practitioners on the impact of the pandemic. This work will focus on future initial teacher education and upon provision in groups of schools
- considering options for commissioning a survey of school practitioners to enable us to understand in more detail their experiences of providing schooling, via different mechanisms, to pupils, to understand what has been more or less effective and why, as well as the impacts on staff workload and wellbeing
- including monthly-reviewed questions in the National Survey for Wales about families' experiences of schooling
- re-configuring activity already in train before the crisis, to capture its impacts, including:
 - evaluation of the Child and Adolescent Mental Health Services (CAMHS) pilot in-reach programme
 - review of school and community counselling and piloting roll out of services to younger pupils
 - research to support development of implementation plans for the Youth work strategy

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2. Explain how the proposal is likely to impact on children's rights

Below is a table of the UNCRC articles that are considered the most relevant to policies set out in Article 1.

Article Number	Description	Links to decisions
2	The Convention applies to every child without discrimination, whatever their ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their family background	<p>In light of the pandemic, each learner is currently being cared for at home wherever possible.</p> <p>Schools have been repurposed to focus on making provision for the children of critical workers, where there is no safe alternative, and for vulnerable children.</p>
3	The best interests of the child must be a top priority in all decisions and actions that affect children.	To keep children and their families' safe during the pandemic and to support the emergency response to limiting the spread of coronavirus, it was necessary to close schools to the majority of learners and for them to be cared for at home as far as possible. Where there is no safe alternative, repurposed schools are making provision for children of critical workers and vulnerable children.
6	Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full	Closing schools to the majority of learners and repurposing them to make provision for the children of critical workers and vulnerable children ensures the safety of learners and practitioners

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potential.

through limiting contact.

The guidance on hub provision provides specific advice on safe capacity, social distancing and hygiene measures and proportion of learners attending provision is monitored on a daily basis.

The Continuity of Learning programme is providing resources, advice and support to learners, parents/ carers and practitioners to support distance learning during the period when schools are closed to the majority of learners. Engagement with learning is also being monitored and good practice shared.

12 Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously

Due to the public health emergency and the speed at which some of these decisions have had to be taken and implemented, it has not been possible for children to express their views to inform the decisions taken for operational reasons.

However we are cognisant of this and a range of steps are being put in place to provide learners the opportunity to express their views on some of the decisions that have been taken and the impact on them, to help inform future policy decisions. This includes the online survey that has been developed to seek views from learners on the impact that COVID-19, and the Welsh Government's policy response, has had on them.

17 Every child has the right to reliable information from a variety of sources, and governments should encourage the media to

A number of steps have been taken to ensure learners have access to reliable and accessible information, this includes the Education Minister participating in Q&As with children and young

provide information that children can understand.

people on social media, regular video messages aimed at particular groups of learners or their parents/ carers and her regular attendance at the Youth Parliament and the CYPE Committee.

The Welsh Government publishes FAQs on the response to the coronavirus pandemic and the actions that have been taken in the education sector, this is informed by the correspondence and enquiries through the first point of contact centre received many of which are from learners.

In relation to the cancellation of exams, Qualifications Wales has also published a children and young person's version of its consultation.

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Both parents share responsibility for bringing up their child and should always consider what is best for the child.

Governments must support parents by creating support services for children and giving parents the help they need to raise their children.

Providing support through the repurposing of schools allows those parents who are critical workers to ensure safe arrangements are in place to care for their children, when there is no other alternative, so that they may continue working during this pandemic.

The Continuity of Learning programme has produced guidance for parents/ carers to support them and their children to stay safe and healthy and to support learners to continue learning while schools are closed due to COVID-19.

Local arrangements have been put in place to support families with learners who are eligible for free school meals but cannot access this provision when schools are closed to the majority of learners.

More families have become eligible to claim

Universal Credit and so may be eligible for free school meals. There has also been an increase in the UC standard allowance.

Extra funding has been provided to local authorities to extend FSM provision into school holidays and to tackle digital exclusion.

23 A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community.

Whilst schools are closed to the majority of learners, they are open to vulnerable children and this definition includes those learners with a statement of special educational needs. It is for local authorities to work with schools to prioritise those learners most in need of accessing this provision.

Governments must do all they can to support disabled children and their families.

The Continuity of Learning programme has an underpinning Inclusion principle that has been established to think about the education of vulnerable and disadvantaged groups and to advocate for those groups and their right to an education, ensuring their needs are a key consideration of all Continuity of Learning programme activity.

24 Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy.

All of the policy decisions set out in Section 1 have been predicated on the need to respond to the public health emergency and to prevent the pandemic from escalating exponentially.

The guidance provided to support the operation of hub provisions provides detailed advice on social distancing and hygiene measures, as well as supporting the health of well-being of staff and learners.

Recognising the negative impact of the lockdown measures, a priority activity within the Continuity of Learning programme has been fast-tracking health and well-being resources. Additional funding has also been provided to support the expansion of schools counselling services.

Local arrangements have been put in place to support families with children and young people who are eligible for free school meals but cannot access this provision when schools are closed to the majority of learners. This is to mitigate the risk of these children and young people going hungry as a result of the loss of the food they receive in schools including lunch, breakfast and free school milk.

Where food is being delivered, nutritional guidelines are being taken into account where possible, although it may need to be tailored depending on local supply chain issues. Where financial assistance is being provided to families to purchase their own food, guidance on healthy nutritional choices has been developed by the WLGA.

Extra funding has been provided to local authorities to extend FSM provision into school holidays and to tackle digital exclusion

28	Every child has the right to an education.	The Continuity of Learning programme has been established to provide resources, including devices and assistance with connectivity, and advice to support distance learning during the period schools are closed to the majority of learners.
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Examples of deliverables include advice, guidance and “how-to help” in accessing Hwb and its wide range of resources; support for practitioners to develop their skills to support distance learning and develop their understanding of learning design for distance learning; guidance for parents in how to support at home learning; and of course a range of resources being made available for learners to access.

In terms of supporting teachers and practitioners to deliver education we have continued to make professional learning resources available as have the regional education consortia.

Inclusion is one of the four underpinning themes of the programme, to ensure that the education provision and support for vulnerable and disadvantaged learners is inclusive and equitable with their peers to enable them to make suitable progress during the new way of learning.

Up to £3 million of funding is also being made available to local authorities to support digitally excluded learners, to provide re-purposed devices and Mi-Fi connectivity. Guidance on distance learning has been provided, and guidance on live streaming and keeping learners safe on line, as well as how to help (explaining how to access programmes and resources) as well as expansions in available tools.

Enabling learners to continue to develop their Welsh language skills has also been an underpinning theme of the programme, and guidance and resources have been provided for

parents and carers and practitioners to support learning.

Guidance has been published for governing bodies, headteachers and practitioners regarding the provision of education for learners aged 3 to 19. It is intended to provide a common reference point for all organisations working with schools and practitioners during this period of disruption. We are also working with regional consortia and LAs to monitor engagement levels, share effective practice and inform ongoing developments.

Alongside these reports from regions we are using social media listening reports, surveys and Hwb data to inform our understanding of take up and issues.

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