



Llywodraeth Cymru
Welsh Government

IMPACT ASSESSMENT, DOCUMENT

Moving to remote learning until 18 January 2021: children's rights

An impact assessment on moving to remote learning and the effects on children's rights.

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Context

Wales moved to increased restrictions ahead of Christmas and to alert level 4 on 26 December 2020 with schools returning to operations in a phased between 4 and 18 January 2021.

The new variant of COVID-19 has seen an increase in transmissibility although not an increase in the severity of the disease amongst the school population. While we seek further data and evidence from TAG it is proposed that schools continue to operate remotely for all but the children of critical workers and vulnerable children. We propose to allow childcare settings to continue to operate and will look at what additional communications we can provide to ensure that settings are aware of the measures they should take to operate safely. We will work with CIW on these.

While it is inevitable there will be impacts on children's rights, there will be some scope to mitigate the most significant impacts especially for the most vulnerable learners by allowing them access to school but it will not be possible to address all of the disproportionate and negative impacts. These negative impacts continue to be tolerated on the basis of the risk to public health.

The use of remote learning on top of the extended period of lockdown, the firebreak and previous local/national restrictions compound negative impacts. Whatever the approach children's rights must factor in the decision making process.

Throughout the pandemic feedback from our stakeholders, parents and children and young people themselves has highlighted a range of children's rights issues as a result of lockdown and restrictions that we would want to learn from and ensure, as far as is practically possible, are not repeated through the proposed move to remote learning.

The following overarching principles have and should continue to help inform the decisions on how we operate throughout the pandemic irrespective of the level Wales is in at the time. The key principles related to the current proposal are 1, 2, 6, 7, 10 and 11.

Overarching principles

1. Children and young people should be safe, seen, heard, nurtured and developing.
2. Children should be able to go to school and childcare (including Flying Start).
3. Children should be able to go out to play and exercise.
4. Younger children, under the age of 12, should be allowed to mix freely.
5. Services that support families should continue to operate and be able to offer face to face services where the child/family need warrants it. Disadvantaged families may need support to access online services – including IT kit and/or 'data'.
6. Children with additional needs should receive the assessments and support they need – this may include a wider family/services support bubble to ensure no family is left to struggle on their own – it may mean a larger group going out to exercise to support the child.
7. No child should go hungry.
8. Support for parents should be available through a range of mechanisms, including new mothers/parents.
9. Routine early years development assessments should be undertaken (where needed face to face with covid protections in place) and interventions put in place (e.g. speech and language, sight and hearing).
10. All of the above should be communicated clearly, including with children and young people.
11. If level 4 is instigated with remote learning as a key element:
 - children who have vulnerabilities should be prioritised via a multi-agency

approach

- children with specific learning/additional needs should have a support plan in place
- children should have the IT kit and enough data available to access lessons and online school resources as well as be able to contact their friends
- third sector, school based and online mental health services should be scaled up. Risk based approach taken to ensure young people who are most vulnerable continue to be supported by NHS Mental health services
- children from families where English or Welsh are not the first language should be offered additional support alongside their parents
- everyone should be reminded to ensure children and young people are safe and know where to go to for help or to talk about concerns
- communications with children and young people should be in a language they can clearly understand, be reassuring and explain clearly what is happening and why.

What is being proposed?

We are proposing a formal move to remote learning until 18 January - exceptions are vulnerable children and young people and children of critical workers. All special schools are planned to remain open.

What does this mean for Children and young people?

The formal move to remote learning will most likely have a negative impact on those children who:

- do not have the facilities, capacity or resources to access remote learning in

a regular and structured way

- live in overcrowded housing where they have no private or personal space
- have limited or no ability to access broadband/internet/online provision
- live in a home where English/Welsh are not the first language
- attend WM provision but do not have Welsh speaking family members
- have already had a number of episodes of remote learning due to one or more periods of self isolation
- may have already regressed during the initial lockdown/firebreak periods and were just starting to make gains again
- have mental health conditions or anxieties that may become exacerbated in a further period of remote learning
- may be feeling socially isolated.

The proposed approach is a single and simple approach which young people have stated they prefer as this makes things simpler for them to understand. The top three things young people (12-18) said the stay at home rules impacted on the most were 'not being able to spend time with friends' (72%), 'not being able to visit family members' (59%) and 'school or college closing' (42%) (Coronavirus and me survey^[1]).

The proposed approach means that children and young people will not be able to meet with friends or individuals outside of their immediate household unless they are a vulnerable child or a child of a critical worker and able to attend school. Young people will find this difficult and remote learning should, if possible, provide opportunities for children and young people to speak with each other as well as with their teacher or other trusted adult.

The proposed approach enables education and learning to be provided to learners via remote means. Schools are improving their remote offer. Schools will have the opportunity to support the children they are most concerned about. There is a definition agreed with ADEW previously as set out below:

Schools and local authorities should work together to identify the children whose

needs are such that, as an exception, could attend school. In doing so schools and local authorities should take account of the following principles:

- we must ensure all children and young people are safe, seen, heard, nurtured and developing
- during this Firebreak children and young people from years 9-13 cannot attend school for their learning. In these circumstances schools and local authorities should work together to identify those who would exceptionally benefit from accessing the school
- the decision should consider the impact of any restrictions on the child or young person's emotional, mental and physical health, and educational development
- the decision should consider how risks of not attending school could be mitigated through the most appropriate support for the child or young person
- the decision should take account of the views of the child or young person and their parents/carers, so their needs can be understood and delivered through the most appropriate support
- children and young people should be categorised according to decisions about their risks and benefits, and prioritised accordingly for support
- parents and carers should be informed of the decision
- the risks to children and young people should be regularly reviewed and monitored on a multi-agency basis.

It is vital the school continues to actively engage with learners remotely if they are not accessing the school premises and **Learning guidance** is available to support schools and settings in doing so.

Guidance on supporting vulnerable and disadvantaged learners has been issued and could help in identifying and supporting learners who may benefit from additional support.

Key articles that are engaged in this decision making

process are:

Article 6: All children have the right to life, Governments should ensure that children survive and develop healthily is important here.

- The right to life is more than being safe from the virus. It is about developing socially, emotionally, physically, mentally and spiritually.
- Being able to play and exercise are essential to a child's physical development and their mental health and wellbeing.

As part of Level 4 services have moved to online and virtual support only with face to face limited to urgent support or where a child was at risk.

Level 4 with the ongoing period of remote learning poses the greatest risks around children and young people not being seen with the resultant safeguarding concerns that this would raise. These restrictions could have a significant detrimental impact on parental mental health and child development and learning leading to a long tail of issues that may require significant and costly interventions and that may, in a small number of cases, be irreversible. In addition the effect on the mental and physical health of children and young people, as highlighted in the responses to the coronavirus and me survey will need to be mitigated. Some health services may not be able to operate at the optimum level during level 4, this could have a detrimental impact on children and young people who rely on these services e.g. mental health support.

Childcare and schools will continue to operate in the period to 18 January 2021 albeit through remote learning for school aged children except for vulnerable children, children of critical workers and those attending a special school.

Article 28: Children have a right to an education.

- Young people were more likely to say that they enjoyed not going to school

or preferred learning at home if they were disabled.

- 7-11 year old Black Welsh or British respondents were significantly more likely to say they felt confident or very confident about their education than White Welsh or British respondents.
- BAME respondents were significantly more likely to say they were worried about getting behind with their learning, worried about starting a new school year or new school in September.
- BAME children and young people were significantly more likely to say the closure of libraries has affected their learning, across age ranges. 7-11 year olds were significantly more likely to say the closure of community centres and not being able to go outside affected their learning.
- Digital needs have made it difficult for some children to access help and support – this could be due to not having IT kit or because they do not have enough ‘data’ to access online learning or relevant support services. We need to ensure that families are not disadvantaged due to poverty and/or a lack of IT and data. Young people advised the First Minister that they were constantly being tested and assessed in school and that the pressure was too much. They also advised that those who were home-schooled felt left behind.

The proposed approach does enable education to take place, albeit remotely and for some in a more limited way. It could be said that level 4 restrictions and remote learning are likely to have very significant adverse impacts for disabled children (if they are not able to attend their special school or access support remotely) and children with additional learning needs, children who are already experienced socio-economic disadvantage, those experiencing mental health issues and some Black, Asian and Minority Ethnic Children.

Children and young people are, in the main, supportive of being able to continue their education and to go to school and college^[2]. In a discussion with the First Minister and Deputy Minister HSS (19 November 2020) young people were asked about their views of education during the firebreak, they said:

- online sessions should be seen as a last resort as some young people feel less confident to email and ask for help, much easier in the classroom face to face
- if online is used properly with the right support it can work really well but there are cases of young people just being sent powerpoints or bulk work and not checked on
- they felt they had a lot less time to get to know their teachers so don't always feel comfortable to ask for help – some may have only been in school for part of the first half of term due to self-isolation requirements so had not built a relationship with new teachers
- some have been facing digital poverty issues – not just devices but access to decent wifi connections
- there were not as many well-being checks this time, a mindfulness powerpoint had been sent out
- feel like it's seen as a send it out and it's done. They expressed concerns for those in unhealthy households and felt maybe they should be called on as well
- special school open all through and using flexibility to do the best we can, adapted quite a bit.

Over the longer term, consequences associated with an interrupted or limited access to education are persistent and scarring leading to:

- reduced ability or appetite to access further or higher education
- reduced employment possibilities
- increased poverty levels, and an exacerbation of the attainment gap
- increased adverse childhood experiences
- increased gender inequality
- poor health.

While access to education is not a panacea for all socio-economic impacts, it is clear that access to high quality education helps redress a range of longer term factors. This is recognised in Taking Wales Forward. Furthermore maintaining

time in schools would help address some of the concerns regarding socialisation, isolation and mental health.

[1] Coronavirus and me survey ran for the last 2 weeks of May (2 months after the first lockdown began) – more than 23,700 responses received from children and young people aged 3-18. Mainly online with some phone calls to ensure harder to reach groups were able to participate – it should be noted this was not a representative survey but it does provide a base of responses which we can draw from. According to UNICEF no other government has conducted anything similar.

[2] This refers to feedback and discussion pre the new variant.

What Welsh Government can do to reassure children?

Children have been and remain anxious and they have questions about how restrictions will affect them, their families and their futures. Direct communication with children and young people has been well received. It goes some way towards helping children to understand why they can/cannot go to school, see their friends and family members or take part in many of their usual activities. Young people appreciated the time the First Minister has taken to explain why these decisions are being made. In order to be compliant with the UNCRC we must continue to ask for their views through this next phase.

We can utilise existing comms campaigns, and networks, to distribute information and advice to parents, for example the Parenting. Give it Time campaign which can be used to get messages out to parents; the Flying Start facebook page; and our Parenting Expert Action Group, Childcare, Flying Start and Families First Networks.

Information and advice distributed in this way could include:

- how parents can reassure children and explain what is happening
- how parents can support their children to continue to enjoy some of their critical rights, e.g. right to enjoy relaxation and play. In relation to education, education communication channels would lead, but parenting network and comms campaigns could signpost etc. and how children can support their own mental health through online mechanisms
- highlight services that remain open – children’s services, mental health services etc and how to contact them
- provide easy to read FAQs for children and parents via schools and colleges
- but there is a clear gap in information being made available to young people, the channels used and the timing of the availability of information being received and understood by them. We must also be clear that our information and messages are written in a way children and young people can understand.

Which other rights from the UNCRC are informing our decision making?

Article 1: Everyone under the age of 18 has all the rights in the Convention.

Article 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.

Article 3: All organisations concerned with children should work towards what is best for each child.

Article 6: All children have the right to life, governments should ensure that children survive and develop healthily.

- The right to life is more than being safe from the virus. It is about developing socially, emotionally, physically, mentally and spiritually.
- Being able to play and exercise are essential to a child's physical development and their mental health and well-being.

Article 12: Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

The 'Coronavirus and Me' survey has provided an insight of the views of the 23,700 children aged 3-18 who chose to respond in May/June 2020. Some of the findings are set out below. Children said:

- they had worries about how long the situation would last and fears that they or those they love will catch the virus. Some felt they were being kept safe at a time when daily numbers of deaths were decreasing and children were less affected. They may feel differently now that infection rates are increasing and their lives will be disrupted again.
- disabled children were more likely to be feeling worried about the virus and were concerned about catching it.
- the top three things young people (12-18) said the stay at home rules which impacted on the most were how they feel are 'not being able to spend time with friends' (72%), 'not being able to visit family members' (59%) and 'school or college closing' (42%)
- 12-18 year olds are reporting worries about their education: only 11% of respondents in this age group stated they did not feel worried about their education, with the main concern being worried about falling behind (54%). BAME respondents were more likely to say they were worried about getting behind with their learning.
- the main barriers to home learning were access to electronic devices and pressures in the home environment. There are also specific challenges raised for children with additional learning needs.
- only 17% of young people felt happy that exams were cancelled. Young

people were more likely to feel uncertain (51%) or worried (18%). Young people also report feeling angry (6%) and sad (5%).

- the majority of children report playing more than usual (53%) with a wide range of online and offline play described including outdoor play, imaginary play, playing with toys or games, sports, and creative play. This was during the time when the regulations had changed to allow children to go out to play and exercise more often. BAME children were more likely to say they were playing less.

It is important that we continue to listen to children and young people and use their responses to inform key decisions that affect them. Young people appreciated speaking directly with the First Minister in October 2020 so that he could hear their opinions. They said:

- they were very worried about constantly being assessed and tested in school
- they are struggling to find a balance between time for education and time for family within the home
- they are struggling to accept that they cannot meet school-friends outside school
- they want the same rules to apply to all of Wales
- they want information to be accessible and via media channels they use
- they want access to more opportunities to play organised sport and attend organised youth clubs.

Article 13: Children have the right to express their thoughts and opinions and to get and share information as long as the information is not damaging to them or to others.

- Young people have said they want more information that is relevant to them regardless of their background.
- We need to ensure that messaging is appropriate for different age ranges and levels of understanding.
- Ministers should speak directly with children and young people to hear their

views and concerns. Young people advised the First Minister that they rarely watched television. They asked whether the Welsh Government used social media. They commented that press events tended to be held at lunchtime when they were in school.

Article 17: Children have the right to reliable information from the mass media, television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

- Young people have said they want more information that is relevant to them regardless of their background.
- We need to ensure that our messaging is appropriate for different age ranges and levels of understanding.
- We should seek to reach children and young people through a range of media and ask for their feedback.

Article 23: Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

- Parents of children with additional needs have reported feeling abandoned, uncertain of where to get help and support.
- Disabled children and young people were more likely to report the negative impact on their mental health in their response to the survey.
- Concerns have been raised about the initial blanket approach to not being able to go outside more than once a day – some parents decided to break the law to ensure the ‘best care’ for their child.
- Clear and simple messaging about potential dispensations would help families with ALN children and young people.

Article 26: The government should provide extra money for the children of families in need.

- Welsh Government has prioritised families who are in poverty through the

DAF, FSM, foodbanks etc – this needs to continue so that no child goes hungry.

- BAME children reported in the survey that were more likely to say they needed help making sure their family had enough food. They are more likely to report indications of food insecurity. This has also been reported by stakeholders who work directly with the BAME community.

In response Welsh Government has prioritised:

- families who are in poverty through the DAF, FSM, foodbanks etc – this needs to continue so that no child goes hungry
- provided local authorities with funding for inter-parental relationship support

Article 27: Children have a right to a standard of living that is good enough to meet their physical and mental needs. The government should help families who cannot afford to provide this, is also likely to be engaged.

- BAME children and young people are more likely to be living in overcrowded and poorer housing which makes staying at home and learning at home more difficult.
- BAME children and young people reported that the restrictions affected their ability to keep a healthy body and mind, and how limited space or living in over-crowded housing had made this harder.
- Disabled children and young people were more likely to report a negative impact on their mental health and that the closure of services was having a big impact on how they felt.

In response Welsh Government has prioritised:

- families who are in poverty through the DAF, FSM, foodbanks etc – this needs to continue so that no child goes hungry
- children at risk of development delay through the Child Development Fund and the Catch up fund for those children of statutory school age.

Article 28: Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

- Young people were more likely to say that they enjoyed not going to school or preferred learning at home if they were disabled.
- 7-11 year old Black Welsh or British respondents were significantly more likely to say they felt confident or very confident about their education than White Welsh or British respondents.
- BAME respondents were significantly more likely to say they were worried about getting behind with their learning, worried about starting a new school year or new school in September.
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Article 29: Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and others cultures.

- Young people have reported concerns for their own futures in terms of employment and education opportunities
- BAME respondents were significantly less likely to say they have been learning new skills than White Welsh or British respondents, among the 7-11

age group), but were significantly more likely to say this than White Welsh or British respondents in the 12-18 age group.

- BAME respondents were significantly more likely to say they have been reading and writing (among 12-18 year olds), and cooking (among 7-11 year olds), during lockdown.

Article 31: Children have the right to relax and play, and to join in a wide range of activities.

- BAME respondents were significantly less likely to say they had been exercising outdoors, across the age groups.
- BAME 7-11 year olds were significantly less likely to say they were playing more often than before. Young people advised the First Minister that they wanted more opportunities to play organised sports.
- They also advised that they wanted to attend organised youth projects.

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