

CHILDREN'S RIGHTS IMPACT ASSESSMENT

Increasing onsite learning from 15th March 2021 as part of phased return to schools and settings in connection with COVID-19

All completed Children's Rights Impact Assessments must be sent to the CRIA@gov.wales mailbox

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

The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 came into force on 26 March. These were replaced by The Health Protection (Coronavirus Restrictions) (No. 2) (No 3) (No 4) and (No 5) (Wales) Regulations 2020. These regulations included provisions requiring the proprietor of a school or a Further Education Institution (FEI) to, subject to the exceptions set out in the Regulations, not permit pupils to attend the school premises, or students to attend FEI premises, in Wales from the day the Regulations come into force until 21 February 2021. The Regulations were made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) which causes the disease known as Covid19 or coronavirus.

Cases of coronavirus have since decreased. This proposal builds on the increased opportunity in place from 22 February 2021 for groups of learners including within the Foundation Phase to return to face-to-face teaching, and is set in context of the continuing improvement in the public health situation in Wales.

The general proposals are outlined in brief here for more children and young people to return to onsite provision, with provision designed in line with local school priorities. From Monday 15 March it is our ambition that all learners should have the opportunity to access some onsite provision. What this means is outlined in more detail here, and we understand the precise arrangements for each year group will vary from setting to setting dependent on a number of factors including but not restricted to timetabling and school transport. Schools and settings will require flexibility to best meet the needs of their learners.

We fully accept that any change to education arrangements has a varied and broad impact on different groups including learners, staff, families and communities.

Proposal

From Monday 15 March 2021, if the public health situation continues to improve, the remainder of primary aged learners will return to onsite learning. Secondary aged learners will also be able to return to onsite learning from this date, with provision planned on the following basis:

- The majority of time and resources for onsite learning should be allocated to learners in Years 11 and 13, which are key transition points.
- The time that is allocated to face to face learning should focus on activity that is more difficult to achieve remotely.
- A focus on wellbeing, including for Years 7, 8 and 9 in recognition of the challenges of extended periods of remote learning.
- Remote learning will need to continue during this period for those not engaged in face to face learning, with an acknowledgment that this poses specific challenges as the proportion of face to face learning increases.

Beyond this current proposal and the considerations given within this impact assessment, subject to the continuing improvement in the public health position in Wales, our ambition is to enable all pupils to be back onsite after Easter 2021.

Throughout the pandemic we have prioritised access to education, and our schools and education settings remain safe environments. While we were able to keep childcare provision, including Flying Start provision, open for all children, and ensure access to playgrounds and parks was continued, the restrictions on access to face to face learning were a last resort reflecting the serious nature of community levels of infection. This is now part of a fundamental step in easing those restrictions on access to face to face learning.

In making this assessment we would like to reference the Children's Commissioner for Wales *Coronavirus and Me* consultations with children and young people and latest [report](#). The second consultation and report (January 2021) presents the views and experiences of 19,737 children and young people aged 3-18 in the COVID restrictions.

The report outlines in its summary findings that life has generally been difficult for all age groups with many expressing frustration and sometimes anger about the impact of the pandemic on their lives. Many spoke about missing their friends, teachers, schools and families. 30 per cent of 17 and 18 year olds reported being worried 'most of the time'; older learners reported feeling less confident about learning. Over half enjoyed learning at their own pace from home, but many were worried about falling behind with their learning. Levels of confidence and motivation with education are shown to be decreasing with age.

In both consultations we see that children who often face more barriers to accessing their rights have also faced more struggles on average than their peers. Many children and young people also reported positive experiences in both consultations, including enjoying spending time at home and receiving good support from schools and youth workers.

Overarching principles in this assessment

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) • Children should be able to go out to play and exercise
3. Younger children, under the age of 12, should be allowed to mix freely

4. 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’.
5. 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
6. No child should go hungry
7. Support for parents and carers, including new mothers and parents, should be available through a range of mechanisms
8. Routine early years development assessments should be undertaken (where needed face to face with COVID-19 protections in place) and interventions put in place (e.g. speech and language, sight and hearing)
9. All of the above should be communicated clearly, including with children and young people
10. In circumstances where 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

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

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,	Increasing operations in schools and settings from 15 March 2021 builds on our prioritising the youngest learners, those in the Foundation Phase from 22 February, and focuses on key Years 11 and 13, those learners entering and exiting a key transition point from 15 March. Years 7, 8 and 9 should also have opportunity to return to their settings focused around wellbeing

	<p>whatever their family background.</p>	<p>and preparation for full return after Easter. This increase in provision will enable all children from all backgrounds within this age group to access face to face learning. Current arrangements for remote learning for other learners will continue.</p> <p>For some learners additional factors will need to be considered in order for them to benefit from provision. An approach based on equity does not in itself guarantee equality of opportunity or provision for all learners, especially those with particular needs. For those learners who are SEN, vulnerable, disadvantaged or in need of specialist support, additional and/or alternative arrangements will likely be required. We know that provision will look very different for some learners, to ensure that their specific needs are met.</p>
<p>3</p>	<p>The best interests of the child must be a top priority in all decisions and actions that affect children.</p>	<p>This article can be seen in the principles set out in the decision framework for the education sector, which are:</p> <ul style="list-style-type: none"> • The safety and mental, emotional and physical well-being of learners and staff. • Continuing our contribution to the national effort and strategy to fight the spread of COVID-19. • The confidence of parents and carers, staff and learners – based on evidence and information – so that they can plan ahead. • Consistency with the Welsh Government’s framework for decision-making, to have guidance in place to support measures such as distancing, managing attendance and wider protective actions. <p>While UNCRC is not explicitly referenced in the published decision framework document, the influence of children’s rights is implicit in the approach being taken. Placing learner well-being front and centre of all decision making regarding the education response to COVID-19 is central to that. This alongside the development of arrangements which seek to start a process of mitigating the negative impacts of ‘lockdown’ on children and young people, while recognising the specific needs of particular groups of learners.</p>

<p>4</p>	<p>(implementation of the Convention)</p> <p>Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights.</p>	<p>Opening up education has been clearly stated as a top priority for the Welsh Government during the latest wave of the pandemic. This policy proposal is the next step in a key process to increase safely face to face provision in schools.</p> <p>The application of a more equitable approach in allowing a greater number of learners of all ages, stages and needs (who are not subject to shielding) to experience onsite provision (Years 11 and 13) and wellbeing focused check-ins in preparation for full return to school after Easter (Years 7, 8 and 9) facilitates better protection of their right to education. Given capacity issues in schools and settings during a period of social distancing requirements, targeting particular learner groups for early return would result in others having to miss out. In seeking to address the needs of one group, challenges in meeting the needs and rights of other children would be exacerbated.</p> <p>Despite the more equitable phased approach adopted, as explored earlier, specific measures are necessary to meet the needs of some learners unable to access provision. Guidance has been provided to schools and settings regarding this. Additional resources are also being made available to address digital accessibility issues learners are experiencing. Additional funding from Welsh Government is specifically addressing the issue of access to hardware and/or internet connectivity. We are aware that considerable efforts are being made by local authorities and schools to address these needs.</p>
<p>6</p>	<p>Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.</p>	<p>The key principle putting the safety and mental, emotional and physical well-being of learners and staff at the heart of decision making directly addresses these rights. It is more than staying safe and healthy, but also about providing a considered and measured approach to start to address the negative learning and developmental impacts experienced by 'lockdown'.</p>

		<p>Both guidance for operations and learning in support of increasing operations in schools and other education settings cover a comprehensive and safe approach to ensure the health and well-being of learners and practitioners when returning to the school environment. This includes specific advice on safe capacity, social distancing and hygiene measures and proportion of learners attending school on a daily basis.</p> <p>The updated operational guidance (5 March) reflects within the increased access to onsite provision, that learners in secondary school age settings should use face coverings when social distancing cannot be maintained, including within the classroom, but the needs of the learner must be the first and foremost consideration.</p> <p>Routine lateral flow testing (LFT) for learners in Years 10, 11, 12 and 13 will be made available, along with a dedicated young person's guide to the use of LFT tests.</p> <p>With the return of more learners to the physical school environment, practitioners will continue to provide a combination of face to face and remote learning – a blended approach, and we recognise as onsite provision increases there will be challenges for the workforce in managing both remote and onsite provision until all learners are in time able to return fully to onsite provision. Practitioners will consider the needs of all their learners, how those are best addressed, and will have regard to the purposes of learning and weigh up their priorities, flexibly drawing on a wide range of curriculum guidance to support them in this work.</p>
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	The two 'Coronavirus and me' consultations, alongside engagement with the Youth Parliament, consideration of learner correspondence / questions, and inputs from those able to represent learner's views (e.g. parents, practitioners and the Children's Commissioner for Wales) have helped ensure children's views have been taken into account in

		<p>the process of increasing operations in schools and settings to date.</p> <p>The learning guidance to schools and settings is clear that well-being should be at the heart of work to reengage learners. Within this it emphasizes the importance of giving time for learners to discuss and express their experiences, and ensuring they feel valued, listened to and heard.</p>
14	<p>(freedom of thought, belief and religion)</p> <p>Every child has the right to think and believe what they choose and also to practise their religion, as long as they are not stopping other people from enjoying their rights.</p> <p>Governments must respect the rights and responsibilities of parents to guide their child as they grow up.</p>	<p>None of the policy decisions set out above and in Section 1 will have an explicit impact in relation to freedom of thought, belief and religion.</p> <p>The learning guidance outlines that practitioners need to consider how to support all learners. This includes those who may be anxious about returning, those who may have experienced extended time in a home environment unsupportive of their beliefs, or who find the prospect of returning threatening; and to support them with the process of integrating into a physical setting for education. Conversations about how learners are feeling are critical throughout this period and staff in schools and settings are being guided to encourage learners to discuss their questions and concerns.</p> <p>Parents and carers are being strongly advised to support the opportunity for their children's return to their school or setting.</p>
17	<p>Every child has the right to reliable information from a variety of sources, and governments should encourage the media to provide information that children can understand.</p>	<p>The results of the latest 'Coronavirus and me' survey asked how children and young people chose to access information sources; it reported for children aged 7-11 years old: - via family (82%), followed by TV (58%). Only 4% of respondents noted they were not getting any information. Young people taking the 12-18 survey have similar sources of information (73% and 61% respectively) but are more likely to be getting information online from news websites, apps and accounts.</p>

		<p>The approach to increasing operations in schools and settings is high profile and is being covered extensively via a range of media outlets. Steps are being taken to ensure ongoing access to reliable and accessible information include the Minister for Education releasing social media posts specifically targeted at children and young people as well as their parents / carers; reassurance campaign messaging targeted at education communities; and more.</p> <p>We continue to publish on our website up to date information on the response to the COVID-19 pandemic and the actions that have been taken in the education sector. This is informed by correspondence and enquiries through the first point of contact centre, some of which are from children.</p>
18	<p>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.</p>	<p>We recognise that communications between Government, schools and settings, and parents and carers and their children has been critical throughout the process in informing the approach in relation to increasing operations in schools and settings.</p> <p>Targeted communications for parents and carers is ongoing, including through social media and specific dedicated webpages and campaign messaging.</p>
19	<p>(protection from violence, abuse and neglect)</p> <p>Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.</p>	<p>For some children, not being in their school or setting can be particularly detrimental due to the nature of their home environment. Children will have encountered different experiences and home environments during 'lockdown', and starting the process of increasing operations in schools and settings will help identify and start to mitigate negative impacts. It is expected, therefore, that the policies set out above and in Section 1 of this impact assessment will specifically address this article.</p> <p>In taking this forward, guidance reminds staff in schools and settings of their safeguarding duties Keeping learners safe and with the Wales</p>

		<p>Safeguarding Procedures. The role of the designated safeguarding person (DSP) is be vital and all staff and learners should be informed of who the DSP is and how to contact them. Accessing a trusted adult, or the DSP, may be more difficult with social distancing so schools and settings have been asked to consider how learners can talk privately.</p> <p>At the early stages schools, settings and children’s services should continue to work closely together to ensure every child and family has the support needed. Local authorities already have a range of working practices in place to ensure that safeguarding partners can work together to keep children safe. There is an opportunity now for these working practices to be further consolidated.</p> <p>Schools have remained open to vulnerable children throughout the latest restrictions, and they will continue to be available to access this provision after these restrictions continue to be eased from 15 March.</p>
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. Governments must do all they can to support disabled children and their families.	We have ensured that schools remain open to vulnerable children and this includes those with a statement of special educational needs. Local Authorities continue to prioritise those most in need of accessing this provision as we increase the number of learners accessing onsite provision.
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.	Updated operational guidance for schools and settings (5 March 2021) acknowledges that when we refer to health and well-being, it goes beyond the physical risks of infection of COVID-19. For learners the wider physical, mental, emotional and relationship implications of social distancing, lockdown and potentially bereavement will be much more relevant.

28	<p>Every child has the right to an education.</p>	<p>This right has been one of the fundamental drivers, being the decision to increase operations in schools and settings.</p> <p>The learning guidance clarified expectations on practitioners. In addition to the emphasis on well-being, schools and settings should, as appropriate, begin to widen learning and teaching. This should include supporting transition so that (as far as possible) learners are ready for the next academic year and are able to engage with a blended learning approach. Schools and settings are expected to develop new learning and approaches to meet the needs of all their learners in response to the pandemic, having particular regard to those unable to attend onsite provision for whatever reason. The guidance is clear that all learners have a right to support for their learning from trusted professionals at this time.</p> <p>As noted above, resources are being made available to address issues relating to remote access to learning. Moving into the spring, further considerations are underway with regard to how we support and meet the needs of specific groups of learners to ensure that all are able to progress in their learning. These considerations (which will be covered in an update to the IIA) include the allocation of additional targeted funding, as introduced by the Minister for Education on 8 March.</p>
29	<p>goals of education)</p> <p>Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.</p>	<p>This article is at the heart of education in Wales, and the 4 purposes of the Curriculum for Wales which underpins our programme of education reforms. With the return of more learners to the physical school environment, practitioners will provide a combination of face to face learning with remote learning – a blended learning approach. Schools and settings are developing new learning and approaches to meet the needs of their learners in response to the pandemic. In so doing, practitioners are being directed to the full range of curriculum guidance now available to them, including how the Curriculum for Wales can support learners at this time. The Curriculum</p>

		for Wales Implementation Plan was published on 26 January 2021.
30	<p>(children from minority or indigenous groups)</p> <p>Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of the people in the country where they live.</p>	<p>The policy decisions set out in this CRIA are not intended to have either a positive or negative impact in relation to this article. However, it is recognised that there may be some differential impacts for certain groups of people arising from ‘lockdown’, that will require specific measures as increasing operations in schools and settings move forward.</p> <p>The learning guidance outlines that practitioners will need to consider how to support <u>all</u> learners; and to support them with the process of integrating into a physical setting for education. Conversations about how they are feeling will be critical throughout this period and staff should encourage learners to discuss their questions and concerns. We will monitor closely the situation regarding Welsh language learning and learning through the medium of Welsh. We also recognise there are groups of learners for whom their home language is different to their main language of education (English and Welsh).</p>
31	<p>(leisure, play and culture)</p> <p>Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.</p>	<p>The negative impact on cultural well-being as seen through the latest period of restrictions should begin to ease as face to face teaching increases. However, reduced opportunities for learners to participate in cultural activities, arts, sports and recreation may continue for some time. This could be mitigated to some extent through the role of play and outdoor learning; which practitioners have been asked to consider through guidance. Both play and outdoor learning provide wide ranging opportunities to support learning as well to enhance learners’ relationships, physical, mental and emotional well-being. They should therefore be considered central to any approach to phased return.</p>