

CHILDREN'S RIGHTS IMPACT ASSESSMENT

Full return to onsite learning from 12 April 2021 as part of the 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 opportunities in place from 22 February 2021 and 15 March 2021 for groups of learners 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 a full return to onsite teaching in schools and settings from 12 April 2021 as part of the phased return to schools and settings, with provision designed in line with local school priorities. From Monday 12 April it is our ambition that all learners should access onsite provision as part of a full return to school. 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. Schools and settings will require some 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 12 April 2021, if the public health situation continues to improve, the remainder of secondary aged learners will return to onsite teaching and learning. This will complete the return of all learners to return to onsite provision. We recognise there will be circumstances where remote learning capability will need to continue during this period up

to the summer holidays as individuals and groups of learners may be asked to self-isolate in line with the COVID-19 requirements. We recognise there will be little change for primary school age learners who have already returned to onsite provision.

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 a fundamental step in easing those restrictions on access to face to face learning and providing for all learners to return to onsite provision.

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.

We would like to reference our updated [operational guidance for schools and settings](#) from 12 April 2021 which provides updated information on the exceptional circumstances that will determine if staff should interchange between contact groups; clinically extremely vulnerable individuals; Lateral Flow Testing; face coverings; and outdoor activities for children.

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, whatever their family background.	Increasing operations in schools and settings to a full return from 12 April 2021 builds on our prioritising the youngest learners least able to learn remotely and those in key transition periods including Years 11 and 13 from 22 February and 15 March respectively. This increase in provision will enable all children from all backgrounds within this age group to access face to face learning. Capacity for remote learning should continue for instances where children may not be able to attend the school setting e.g. if they are required to self-isolate.

		<p>For some learners additional factors will still 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 arrangements may be required. We know that provision will look very different for some learners, to ensure that their specific needs are met.</p>
3	<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>We recognise the increase to full operation of schools and settings will put some additional stress on protective measures such as social distancing and contact groups. At this time the</p>

		<p>cumulative importance of individual measures may be more significant, such as the current requirements around face coverings in the classroom by staff at primary schools and by staff and learners in secondary schools where social distancing cannot be maintained.</p> <p>Technical and scientific advice has been consistently clear that there is low immediate risk to children and young people of suffering severe clinical disease from COVID-19. The evidence base on the impact of face coverings is developing but there are still some unknowns. There are also circumstances where face coverings are not appropriate, due to specific individual needs or local circumstances. Local risk assessments are required and schools and settings are under a duty to take all reasonable measures to minimise the risk of exposure to coronavirus.</p> <p>We acknowledge the use of face coverings may have an impact on communication between learners and staff members and the learning experience. Some learners may feel anxious wearing a face covering and others may welcome them and feel more secure, in themselves and for those around them. Many learners may be used to the idea of wearing a face covering from their own experiences and those of family members perhaps in their jobs, using public transport, or in shops or other venues. There is some alignment with the general policy on face coverings.</p> <p>We want learners to have as normal an experience of learning as possible and we hope the public health need for face coverings will be as limited as possible. Our key consideration in supporting this additional measure is that we recognise not all learners and staff will be able to wear face coverings; they are an additional protective measure over and above other measures which are proven to be more effective (good hand, respiratory and surface hygiene, reduced contact and social / physical distancing); they should remain under review; and no learner should be excluded from accessing education on</p>
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		the grounds that they are not wearing a face covering.
4	<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. We understand the benefits of a full return to school are significant and that it is a key social and economic enabler over and above the most important benefits to the education and wellbeing of children and young people. This policy proposal is the next step in a phased process to increase safely face to face provision in schools to a full return. It supports all learners' right to education.</p> <p>We understand specific measures may still be necessary to meet the needs of some learners unable to access provision at times, for example due to self isolation. Additional resources are also being made available to address digital accessibility issues learners have experienced. 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>
6	<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</p>

		<p>distancing and hygiene measures and proportion of learners attending school on a daily basis.</p> <p>The updated operational guidance for 12 April, published on 15 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 are being made available, along with a dedicated young person's guide to the use of LFT tests, to give learners confidence and assurance that they are safe and that they can quickly identify risk of asymptomatic transmission and take necessary steps to keep themselves and their contacts safe.</p> <p>With the full return to the physical school environment, practitioners will see a significant reduction in the need for remote learning and the challenges to the workforce of managing both remote and onsite provision in tandem. 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	<p>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 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</p>

		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.
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>
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 return to 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 we believe the full return to 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 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.</p>
23	<p>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.</p>	<p>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.</p>
24	<p>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.</p>	<p>Updated operational guidance for schools and settings from 12 April (15 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.</p>
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 clarifies expectations on practitioners. In addition to the emphasis on well-being, schools and settings were asked, as appropriate, to begin to widen learning and teaching and support transition so that (as far as possible) learners are ready for the next</p>

		<p>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 in specific circumstances. The guidance is clear that all learners have a right to support for their learning from trusted professionals at this time and we believe that is best provided through onsite teaching and learning.</p> <p>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 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. 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 for Wales Implementation Plan was published on 26 January 2021 and the Curriculum and Assessment Bill is expected to receive Royal Assent in April 2021.</p>
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</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 people in the country where they live.</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) and a full return to onsite teaching will be a significant benefit.</p>
<p>31</p>	<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 though broader restrictions can be expected to reduce over time, creating more community mobility and opportunities to access such activities. This could also 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>