

## CHILDREN'S RIGHTS IMPACT ASSESSMENT

### Introduction of a Local COVID-19 Infection Control Decision Framework for schools from autumn 2021

**All** completed Children's Rights Impact Assessments must be sent to the [CRIA@gov.wales](mailto:CRIA@gov.wales) mailbox

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

We made changes to our Operational guidance for schools and settings, to take effect from September 2021. Briefly, these changes mean that face coverings are no longer routinely recommended for staff or learners in the classroom, schools and settings return to their normal session times and contact groups are no longer necessary. A Children's Rights Impact Assessment for these changes can be accessed [here](#).

The First Minister announced on 6 August that Wales would move to Alert Level Zero on 7 August. As part of this move, all adults who have been fully vaccinated and children under the age of 18 will no longer have to self-isolate if they are identified as close contacts of someone who has tested positive for Covid -19. This Children's Rights Impact Assessment does not consider these changes as they are included within the Impact Assessments undertaken for the 21 day review periods and these can be found [here](#).

We have developed an Infection Control Decision Framework ('[The Framework](#)') for schools and settings which sets out arrangements for the delivery of learning in schools. The Framework will enable schools and settings to tailor interventions to reflect local risks and circumstances.

The general proposals are outlined in brief below. 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**

In July 2021 the First Minister published the updated [Coronavirus Control Plan for Wales](#), which sets out arrangements to move to "alert level zero" – a new phase which is designed to ensure a proportionate approach to COVID-19, reflecting the impact of vaccination and the balance of risks and harms.

The Control Plan signals the expectation that education settings should operate as normally as possible at alert level zero. Baseline measures including risk assessments, hygiene, ventilation and preventing attendance by individuals with COVID-19 symptoms

will continue to be in place, but other measures are being relaxed as part of a proportionate system of controls. For schools, this will allow some flexibility for local decision-making and tailored interventions, supported by local authorities, Incident Management Teams (IMTs) and public health.

Wales moved to alert level zero on the 7<sup>th</sup> August 2021. But COVID-19 has not gone away and it remains a health risk. The intention of the Framework is to allow some measures to be escalated/deescalated dependent on the level of risks identified locally. These measures could include the wearing of face coverings and use of rapid testing.

The overall risk level for Wales will be determined nationally by Welsh Government and will be communicated to all.

If, through local intelligence, it is assessed that the risk level – for a region, area or individual school– differs from the national risk level, for example, due to a school case or potential cluster, schools will be supported to review their risk assessment and put additional proportionate tailored interventions in place. Any decision to recommend the reintroduction of tailored interventions for a period of time such as face coverings or contact groups would be taken by the school or setting locally in discussion with public health, TTP and the local authority (the school will not be expected to make decisions in isolation).

## **What does this mean for Children and young people?**

### **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 in the future:-
  - 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

The aim of the Framework is to enable local authorities and schools to understand how some measures should be tailored dependent on level of risk, with the aim of enabling schools to operate as 'business as usual' as far as possible (including the provision of free breakfast and after school clubs, extra-curricular activities and practical subjects) in order to secure the best outcomes for all learners by considering both their educational needs and wellbeing by managing ongoing risks of COVID -19 as safely as possible (as with other infections) and ensure clarity of actions required if there is a case in the school.

The Children's Commissioner for Wales' [Coronavirus and Me](#) consultations with children and young people (May 2020 and January 2021) sought the views and experiences of 19,737 children and young people aged 3-18 in the COVID restrictions. 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%). 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.

Focus groups were organised by Children in Wales and the office of the Children's Commissioner for Wales in July 2021, with children and young people to obtain their feedback on operational arrangements in schools. The consistent message was that pupils wanted disruption to their school day minimised as much as possible, to be in school and not having to learn remotely, and to avoid the need to self-isolate as much as possible. Pupils accepted that measures would still need to be place within schools and settings and that there would not be an immediate return to pre-pandemic days and ways of working. They also referenced significant impact to their education caused by the pandemic as a result of school closures or missing face-to-face learning as a result of self-isolation.

Estyn has published the findings of its engagement work with [primary schools](#) and [secondary schools](#) in June 2021. In summary, school leaders reported that the most recent period of distanced learning had a detrimental effect on pupils' wellbeing. One of

the guiding principles of the framework, that schools should operate as ‘business as usual’ as far as possible, is likely to improve overall wellbeing and mental health for learners.

A report published by [BBC Children in Need](#) at the earlier stages of the pandemic identified a series of themes that show how Covid-19 was affecting children and young people who face challenges in their lives, which would be prevalent in educational settings:

1. Isolation – children and families were missing personal connections, relationships and support from trusted adults and peers outside the home.
2. Increased emotional wellbeing and mental health challenges - the pandemic was impacting on existing mental health and new issues were emerging for children and their parents. Anxiety, fear and stress are particular concerns.
3. Pressure on family relationships - families were under pressure, from difficulties coping with stress and worry to crisis. Conflict and difficult relationships were increasing, whilst respite for children and parents was reducing.
4. Increased exposure to harm - children faced increased risks both within families and outside the home, e.g. with increased time online and being unable to access safe spaces.
5. Basis needs are harder to meet - children and families faced hunger and increased financial hardship. Digital access became a basic need in lockdown.
6. Risks to physical wellbeing - children’s physical wellbeing was at risk through reduced nutrition or physical activity for fitness, for those with health conditions, from the pandemic itself.

The Childrens Society [published a report](#) which stated that school closures, while an important way to stave the spread of COVID-19, could result in increased social isolation for young people. As stated earlier, the guiding principles of the framework will help to enable schools to operate as ‘business as usual’ as far as possible by managing ongoing risks of COVID -19 as safely as possible.

## 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.	Children and young people may be adversely impacted by a loss of access to onsite provision, routine and social contact. The Framework will enable schools to tailor interventions to reflect local risks and circumstances and ensure they remain open. However, we recognise that some learners will still be required to self-isolate, if tested positive, so as to limit transmission of coronavirus, and schools should enable remote learning and consider both the educational and wellbeing needs of learners.

<p><b>3</b></p>	<p>The best interests of the child must be a top priority in all decisions and actions that affect children.</p>	<p>The Framework focuses on supporting:</p> <ul style="list-style-type: none"> <li>• schools to operate as ‘business as usual’ as far as possible including the provision of free breakfast and after school clubs, extra-curricular activities and practical subjects</li> <li>• securing the best outcomes for all learners by considering both their educational needs and wellbeing</li> <li>• managing ongoing risks of COVID-19 as safely as possible as for other infections, and ensure clarity of actions required if there is a case in a school</li> </ul> <p>While UNCRC is not explicitly referenced in the 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 of the framework and will aim to mitigate the negative impacts of ‘lockdown’ on children and young people, while recognising the specific needs of particular groups of learners.</p>
<p><b>4</b></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>The framework signals the expectation that schools should operate as normally as possible at alert level zero. Baseline measures including risk assessments, improved hygiene and ventilation, and preventing attendance by individuals with COVID-19 symptoms will continue to be in place, but other measures are being relaxed as part of a proportionate system of controls.</p> <p>The overall risk level for Wales will continue to be determined nationally by Welsh Government and will be communicated to all. The framework will enable local authorities and schools to understand how some measures should be tailored dependent on level of risk, should the local risk differ from the national picture (for example, reintroducing face coverings), with the aim of enabling schools to operate as ‘business as usual’ as far as possible (including the provision of free breakfast and after school</p>

		<p>clubs, extra-curricular activities and practical subjects) in order to secure the best outcomes for all learners by considering both their educational needs and wellbeing by managing ongoing risks of COVID -19 as safely as possible (as with other infections) and ensure clarity of actions required if there is a case in the school.</p> <p>As part of our engagement sessions with young people we have received comments about how disruptive school closures, remote learning and periods of self-isolation were to their learning and the detrimental effects to their mental health.</p> <p>In June 2021 the Children’s Commissioner wrote to the Minister for Education, outlining a number of issues for children in schools, including the harms associated with self-isolation for children and also challenged the ‘disproportionate’ way that measures are being applied to young people in schools, and the perceived inequities for them compared to the relative freedoms being granted to the adult population simultaneously.</p> <p>In addition to the public health considerations, the impact of control measures on the wellbeing of children and young people also needs to be considered. The school environment can provide a range of benefits and opportunities in addition to learning, something that has been disrupted by the COVID-19 control measures. This includes mixing with a wide cohort of children, the use of breakfast and after school clubs for more informal interaction and learning. The measures we establish next have to demonstrably benefit to the learner, especially when the restrictions (school closures, self-isolation) can clearly impact adversely on learning as well as their wellbeing.</p> <p>The Framework sets out measures that should be in place in all schools. These measures will vary dependent on the level of risk identified nationally. If the risk level locally – on a regional, local or individual school level - is assessed to differ from this overall national level, schools will work with local authorities and other partners to decide how these measures may need to be tailored, with the overall aim of preventing disruption to the school</p>
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		day and maximising access to as wide a range of experiences as possible.
<b>6</b>	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>The safety and mental, emotional and physical well-being of learners and staff is at the heart of our approach to operational arrangements in schools. As well as having measures in place to keep everyone safe and healthy, we have sought to provide a considered and measured approach address some of the adverse impacts of the measures that have been in place during the course of the pandemic to date.</p> <p>The Framework supports operations in schools and other education settings and covers a comprehensive and safe approach to ensure the educational needs, health and well-being of learners and practitioners in the school environment by enabling schools to operate as ‘business as usual’ as far as possible including the provision of free breakfast and after school clubs, extra-curricular activities and practical subjects.</p>
<b>12</b>	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>Engagement with young people – as set out in the introduction – has informed the development of the Framework.</p> <p>The <a href="#">learning guidance</a> 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>
<b>14</b>	<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>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 <a href="#">learning guidance</a> outlines that practitioners need to consider how to support all learners. This includes those who may be anxious about returning following a period of isolation, those who may have experienced extended time in a home environment unsupportive of their beliefs, or who find the prospect of returning to school</p>

	<p>Governments must respect the rights and responsibilities of parents to guide their child as they grow up.</p>	<p>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><b>17</b></p>	<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>Steps are being taken to ensure ongoing access to reliable and accessible information. This includes:</p> <ul style="list-style-type: none"> <li>• social media posts specifically targeted at children and young people as well as their parents / carers;</li> <li>• reassurance campaign targeted at education communities;</li> <li>• an ‘end of term’ letter from the Minister for Education and Welsh Language to headteachers of all primary/secondary/special schools and independent schools about the arrangements from September.</li> </ul> <p>This reassurance work will continue into the autumn term to provide the latest information and guidance to learners and their families on how schools will continue to operate safely.</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>

<p><b>18</b></p>	<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>
<p><b>19</b></p>	<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 periods of isolation, and we believe the guiding principles of the framework – to keep schools open and working as near normal as possible - will aim to reduce the amount of time spent out of school and will mitigate those negative impacts.</p> <p>In taking this forward, guidance reminds staff in schools and settings of their safeguarding duties <a href="#">Keeping learners safe</a> and with the <a href="#">Wales Safeguarding Procedures</a>. 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>Local authorities already have a range of working practices in place to ensure that safeguarding partners can work together to keep children safe.</p> <p>The duty to ensure continued access to face to face provision for vulnerable children remains.</p>

<p><b>23</b></p>	<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 throughout the pandemic including periods of general school closures. A <a href="#">Welsh Government commissioned report</a> about how the pandemic has affected the lives of disabled people in Wales considered evidence from the Equality and Human Rights Commission (EHRC) and Third Sector Additional Learning Needs Alliance. This suggested disabled pupils in schools required additional support and were not always receiving this during the pandemic. One of the guiding principles behind the Framework is to enable schools to operate as ‘business as usual’ as far as possible.</p>
<p><b>24</b></p>	<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>The Framework 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 physical distancing, lockdown and potentially bereavement will be much more relevant.</p>
<p><b>28</b></p>	<p>Every child has the right to an education.</p>	<p>This right has been one of our fundamental drivers to return schools to as near normal as possible.</p> <p>The <a href="#">learning guidance</a> 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 academic year and are able to engage with a blended learning approach.</p> <p>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>The Framework sets out measures that should be in place in all schools. These measures will vary dependent on the level of risk identified nationally. If the risk level locally – on a regional, local or individual school level - is assessed to differ from this overall national level, schools will work with local authorities and other partners to decide how these measures may need to be tailored, with the overall aim of preventing disruption to the school day and maximising access to as wide a range of experiences as possible.</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 have developed 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 <a href="#">Curriculum for Wales Implementation Plan</a> was published on 26 January 2021 and the <a href="#">Curriculum and Assessment (Wales) Act</a> was passed in April 2021.</p> <p>Recognising specific challenges faced by secondary schools during the pandemic, the Minister for Education and Welsh Language announced in July that secondary schools would have the option to continue with their existing plans for the introduction of the new Curriculum for Wales, to start in 2022 with Year 7, or start in 2023 with Years 7 and 8 together.</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 the operational arrangements in schools and settings.</p>

	<p>the people in the country where they live.</p>	<p>The <a href="#">learning guidance</a> outlines that practitioners will need to consider how to support <u>all</u> learners. Conversations about how they are feeling with regards to the changed requirements from September 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><b>31</b></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 experienced during periods of school closures and remote learning, has eased with the return of face to face teaching and as schools adopt to a 'new normal' way of working by using the Framework to identify local risks and take appropriate mitigating measures to enable the school to remain open. 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 planning considerations for schools. One of the guiding principles of the framework is to manage ongoing risks of COVID-19 as safely as possible and maximising time outdoors supports this.</p>