

Coronavirus & Us

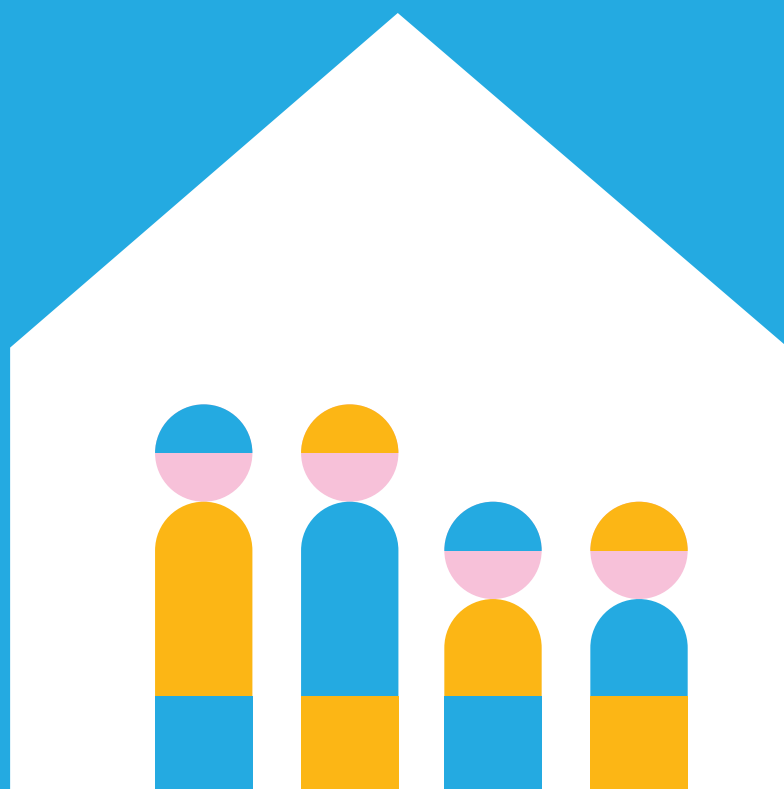
Second edition

September 2020 – September 2021



**Comisiynydd
Plant Cymru**
Children's
Commissioner
for Wales

This report supplements our first Coronavirus and Us report published in September 2020, which covered the period March-September 2020.



In that report, we analysed the Welsh Government and other public services' response to the pandemic in those first few months, in matters central to the rights of children and young people. We used the UN's recommendations to Governments worldwide on how to protect children's rights in a pandemic, to structure our analysis. We also outlined our own response as an organisation; how we had supported children and young people and also held Government to account.

This report provides an update, using the same format, for the period September 2020-September 2021. As before, the report does not pre-empt any future independent inquiry on how the UK and devolved governments responded to the pandemic. It is our way of ensuring we continue to be accountable as an organisation on how we have carried out our work in extraordinary times.

In the first report, we noted that we had set out for ourselves early on, the following four priorities in the first week of the pandemic being declared in the UK. Here is a brief summary of what we have continued to do to deliver these priorities since September insert 2020.

1

Make sure children, young people and their families have clear and reliable information and advice.

Since September 2020 we have:

- Continued to update our Coronavirus [information hub](#) as new regulations and developments have emerged. This has included a 'one-stop' page on qualifications and appeals; as well as specific advice for children who are care-experienced, young carers and those with additional needs;
- Developed a new [Haf o Hwyl/ Summer of Fun](#) web-page outlining free play, organised activities and volunteering opportunities for children and young people over the summer, organised on a local authority basis;
- Worked with others to assist clear communications to young people on crucial matters, including Welsh Government and Qualifications Wales;
- Continued to provide advice and guidance to children, young people and their families who contacted our [Investigation and Advice](#) service.

2

Check that children who might need more support than others are safe and getting what they need.

Since September 2020 we have:

- Kept closely in touch with our 'closed' settings in Wales (young offenders institution, secure children's home and in-patient mental health units) including listening directly to young people in those establishments. We've continued to support them by raising issues with Public Health Wales and Government as they have arisen;
- Raised issues of isolation rules and contact with families for looked after children and achieved positive changes;
- Highlighted issues and achieved changes in guidance for home educated children;
- Achieved further changes in self-isolation rules for disabled children and those without gardens;
- [Published reports](#) on the extra impact of lockdowns on disabled children and children from Black, Asian and Ethnic Minority backgrounds;
- Researched and [reported](#) on digital access for children learning at home;
- [Published](#) a formal review of Welsh Government's decision not to proceed with planned regulatory changes in relation to elective home education and safeguarding in independent schools due to pandemic pressures.

Further examples of changes we've helped in these areas are highlighted later in this report.

3

Make sure that children and young people are listened to.

Since September 2020 we have:

- Repeated our [Coronavirus and Me](#) survey for 3-18 year olds in January 2021, achieving 20,000 responses in less than two weeks;
- Held a 'listening day' with young people most affected by the Firebreak last autumn and [reported](#) on our findings;
- Continued to hold monthly meetings with our diverse, all-Wales panel of 47 young people aged 11-18 and sent regular summaries of their views and experiences to government;
- Enabled Welsh young people to create their own report giving advice on how governments should respond to the pandemic, enabling them to take part in a European-wide project that will produce a young people-led European report in September 2021.

4

Help government and other services hear about and respond to children and young people's experiences and views.

- Swiftly published the results of our January 2021 [Coronavirus and Me](#) survey, and prior to that sharing in confidence national results with Government the next working day after the survey closed. Locally tailored reports were sent to local authorities soon afterwards;
- Successfully [lobbied](#) for 'Haf o Hwyl/Summer of Fun' additional £5m funding from Government to ensure that children and young people of all ages have had access to high quality free provision throughout the summer;
- Continued to report frequently to Government trends and individual issues affecting children reported to our office through our independent casework service;
- Responded individually to hundreds of queries about pandemic regulations from members of the public;
- Convened virtual 'round table' sessions between government and young people, at short notice, to give urgent advice on exam arrangements and lifting of Covid restrictions;
- Provided written advice, often within hours of the request, to government officials on dozens of draft Covid-related regulations and sets of guidance to ensure that children's rights had been considered;
- Our Coronavirus and Us work, including how Welsh Government responded to the findings, have been cited as a particularly good example of children's involvement in decision-making during the Covid19 pandemic, by the World Health Organisation, in its report '[Third high-level meeting on Schooling during the Covid19 pandemic](#)'

There is more information about changes we directly influenced through ensuring government listened to young people in the rest of the report.

The following section looks in more detail at how the Welsh Government and other public services have protected children's rights during the pandemic, and how our office has both supported them to do this, but also scrutinised and held them to account.



The United Nations priorities for children in the pandemic: How did Wales do and what did we do about it?

The United Nations Committee on the Rights of the Child is a panel of independent experts that are responsible for monitoring how governments across the world protect children's rights.



In April 2020, they advised governments across the world to focus on 11 key areas:

- | | | | |
|--|--|--|---|
| 1
.....
Consider the health, social, educational, economic and recreational impacts of the pandemic on the rights of the child. | 4
.....
Activate immediate measures to ensure that children are fed nutritious food. | 7
.....
Protect children whose vulnerability is further increased by exceptional circumstances caused by the pandemic. | 10
.....
Disseminate accurate information about Covid19 and how to prevent infection in languages and formats that are child-friendly and accessible to all children. |
| 2
.....
Explore alternative and creative solutions for children to enjoy their rights to rest, leisure, recreation and cultural and artistic activities. | 5
.....
Maintain the provision of basic services for children including healthcare, water, sanitation and birth registration. | 8
.....
Release children in all forms of detention, whenever possible, and provide children who cannot be released with the means to maintain regular contact with their families. | 11
.....
Provide opportunities for children's views to be heard and taken into account in decision making processes on the pandemic. |
| 3
.....
Ensure that online learning does not exacerbate existing inequalities or replace student-teacher interaction. | 6
.....
Define core child protection services as essential and ensure that they remain functioning and available, including home visits when necessary, and provide professional mental health services for children living in lockdown. | 9
.....
Prevent the arrest or detention of children for violating Sate guidance and directives relating to Covid19. | |

In our first [Coronavirus and Us](#) report in September 2020 we reported on progress and events between March and September 2020 under each of these headings. Here, we report in brief on developments from September 2020-September 2021. Please note that this report highlights key events only. Any readers of this report wishing to understand more detail on any of the areas mentioned should not hesitate to get in touch with our office through post@childcomwales.org.uk.



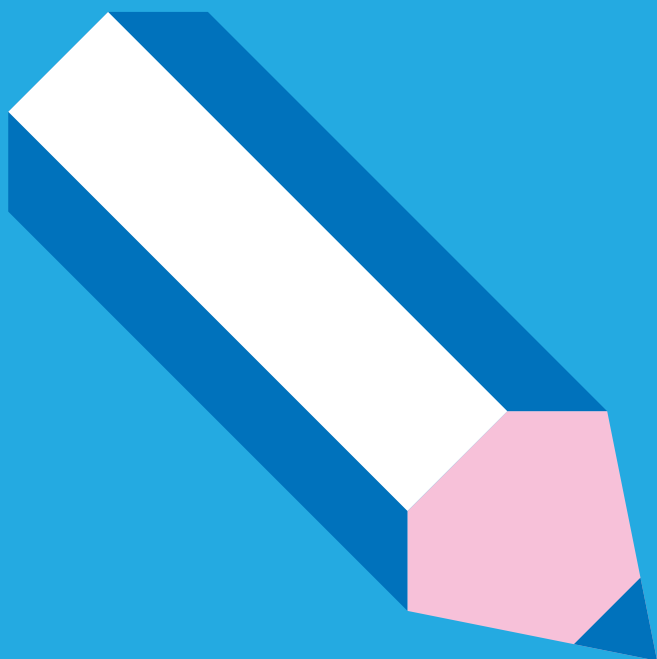
Consider the health, social, educational, economic and recreational impacts of the pandemic on the rights of the child.

What happened in Wales?

- Restrictions imposed on the population to control the virus had a significant impact on children's ability to take up their health, social, educational, economic and recreational rights.
- Welsh Government maintained most legal entitlements for children and young people in relation to social care and Special Educational Needs provision.
- As our previous [Coronavirus and Us](#) report stated, early in the pandemic the Government were not always able to show my office that they have completed a timely Children's Rights Impact Assessment in relation to decisions that have been made that would have significant impact on children's access to their rights, such as the decision to close schools to most pupils in March 2020. In emergency situations we would not expect this to be a lengthy or formal process, but our office's offer to assist with swift consideration of the potential impacts and how they may be mitigated has not always been taken up. But, the process of assessing impact on children's rights has improved in the course of the pandemic and in the period covered by this report, there has been more evidence of active consideration of [children's rights](#) while major decisions have been underway, although the improvement has not been even across government departments.
- The Welsh Government engaged closely with stakeholders throughout the pandemic, including children, which has helped them hear about everyday experiences. Additionally, the First Minister has held frequent meetings with Commissioners, public and private sector leaders and trade unions to listen to our concerns and answer questions.

What did we do?

- We gave a series of written and oral [evidence](#) to the Children, Young People and Education Committee (CYPE) as part of their rolling inquiry into the impact of Covid-19 on children and young people.
- As well as the Covid Inquiry, we also advised on revisions to the 2014 Children's Rights Scheme, in response to the CYPE Committee's inquiry on children's rights in Wales. The pandemic has evidenced how important it is to ensure that Welsh Government and other public services embed and take forward a children's rights approach to their work, involving and empowering children and young people to inform their decisions and being accountable to them and their families in the steps that they take.
- We continued to offer our expert advice on the approach to children's rights impact assessments (feeding in to Integrated Impact Assessments) through meetings with Government officials, commenting on draft documentation and through our membership of the Children's Rights Advisory Group (CRAG). Topics included the reopening of schools, making changes to Covid restrictions and the Christmas 2020 lockdown arrangements.
- We offered further regular advice and commentary on the following draft versions of guidance: on schools opening to different cohorts; qualification assessments and appeals processes; mental health support; social care contact for children with their families; fostering and adoption regulations; educational visits and end of year events; baby and toddler groups and activities; personalised assessments of attainment at all key stage; visiting arrangements from care homes and revisions to self-isolation requirements.
- We conducted a [formal review](#) of Welsh Government, using our legal powers, to analyse the decision not to proceed with planned new regulations relating to elective home education and safeguarding in independent schools. The regulations did not proceed due to the pressures of the pandemic, and we reviewed this decision as well as making clear recommendations on what should happen next. This did not affect our work or the work of the Government continuing alongside the Review process.
- We raised the issue of 16 and 17 year olds being omitted from revised regulations allowing single people to join an extended household 'bubble'. We put forward the case for their inclusion and were able to secure a change to the legislation, in recognition that this was an unintentional oversight by the Government.
- In 2020 we [participated](#) in the European Network of Ombudsmen and Commissioners (ENOC) to share the experiences of children's rights impact assessments in Wales, and to try to improve practices through the agreed statement and outputs. We also supported a group of young people to feed in their own expertise on children's rights impact assessments through the European Network of Young advisors (ENYA). In 2021, we've again participated in both ENOC and ENYA processes, on the topic of learning lessons from the Covid pandemic with a view to creating a UN General Comment on the protection of children's rights during national and international emergencies.
- We also supported the British Institute of Human Rights' [open letter](#) on the review of the Human Rights Act 1998, for Human Rights Day 2020.





Explore alternative and creative solutions for children to enjoy their rights to rest, leisure, recreation and cultural and artistic activities.

What happened in Wales?

- The government worked jointly with our office on large-scale consultations of children and young people and incorporated the findings swiftly into impact assessments. This led to decisions to protect some services for children during later lockdowns. This included, for example, services such as libraries where our consultation had shown that Black Asian and Minority Ethnic children were more likely to say that their closure had affected their learning. Government also allowed play equipment in parks to be accessed during the lockdown in December 2020 to March 2021, unlike earlier in the pandemic.
- Local authorities interpreted the guidance differently and access to parks and leisure centres has been uneven across Wales.
- The Welsh Government funded a large-scale Summer of Fun/Haf o Hwyl programme of free activities for children, following our calls for this in March 2021. This was in addition to an expanded Food and Fun summer programme of healthy food and play activities in school settings in the summer holidays.

What did we do?

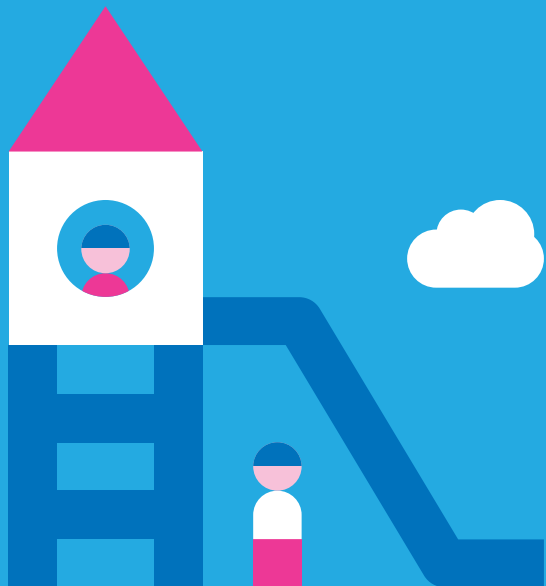
- When local lockdowns were introduced in autumn 2020, we received a number of contacts to our independent Investigation and Advice team, raising individual circumstances where children and young people were being prevented from accessing activities due to the implementation of strict county boundary regulations, regardless of distance travelled. Children were not being allowed to cross county borders to access sports and dance clubs, drama groups, music tuition or uniformed groups, despite in many cases being in the same groups as their school class mates they were seeing every day. In some cases, their daily school journeys were longer than the journeys to the clubs they were not allowed to attend. We raised the issue in writing and verbally on a number of occasions with Government officials. This, along with a large petition raised by a member of the public, eventually resulted in an exemption being introduced for children's sports, leisure and cultural activities in support of article 31 of the UNCRC.
- Due to the experiences that children and young people missed out on in 2020 from school closures and restrictions on meeting others, we wanted to ensure that all children and young people could have the opportunity to engage in sport or cultural activities in Summer 2021. We saw this as a Summer of Fun / Haf o Hwyl. We arranged meetings with Welsh Government, the WLGA and some other national organisations including the Urdd and Sport Wales. We submitted a position paper to WG and hosted a roundtable event to agree the principles and approach. 51 people took part in this event, from a diverse range of 28 governmental, statutory and voluntary organisations. This included four young people from our advisory panel, who represented the views of the wider panel.

We agreed the following principles for the free to access, Wales-wide summer activities:

- Avoiding duplication with other programmes.
- Suitable and accessible for a range of age groups.
- Be Covid-safe and encourage physical activity, socialisation, creativity, fun.
- Offer healthy food and/or drink as part of provision.
- Strong programme of Welsh medium provision in every local authority.
- Provision for disabled children, both bespoke and integrated according to needs.
- Encourage involvement of children from Black and Ethnic Minority backgrounds.
- Enable young volunteers to take part and gain experience, skills and formal recognition – using existing, tried-and-tested schemes.
- Involve young people in shaping provision.

These principles were incorporated into Welsh Government funding, with an additional £5million allocated to Haf o Hwyl activities, distributed through local authorities. In order to help families and children find free activities in their area, we created and maintained a searchable, bilingual website. We were pleased to play our part in supporting this important series of activities across Wales.

- Through our casework, we also heard about areas where playgrounds or leisure centres were remaining closed despite changes to Welsh Government national guidance. We wrote letters to relevant local authorities to ask about their consideration for children's rights in making those decisions. We did receive detailed correspondence in return setting out the matters that had been considered. Despite disagreeing with their conclusions, we were unable to challenge further as there is no formal duty on public bodies like local authorities to act compatibly with the UNCRC. We, therefore, continue to lobby for full and direct incorporation of the UNCRC to make sure that rights and duties are enforceable against public bodies beyond the Welsh Government. Wales was the lead nation of the UK in this area but has recently been surpassed by the welcome developments in Scotland to bring forward a Bill to fully incorporate the UNCRC.





Ensure that online learning does not exacerbate existing inequalities or replace student-teacher interaction.

- Our play settings, nurseries, schools and colleges have shown adaptability and resilience to respond to frequent changes in regulations and expectations, with significant improvements in ability to deliver online and other distant learning over the course of the pandemic.
- Free digital tools and software were available through the pre-existing Hwb platform, available to all state school pupils in Wales.

What happened in Wales?

- Children of key-workers and vulnerable children were able to attend childcare hubs in the 'firebreak' lockdown of November 2020 and the long lockdown from December 2020 to March 2021. Some children with additional needs were not able to be accommodated in hubs full-time due to a lack of space but couldn't successfully engage with distant learning.
- There was a very large-scale roll out of digital devices and access to data to support children learning at home. This continued throughout the school year, but there was a problem with supply chains that meant some were delivered very late.
- Some children were not able to engage with [online learning](#) at all, for a variety of reasons, and missed months of schooling.
- As in the rest of the UK, the algorithm applied to qualification results in August 2020 directly negatively affected young people. The Government commissioned the [Casella review](#) to learn the lessons from the exams results in 2020 and they and Qualifications Wales worked with the education sector to try to work up a system that better met candidates' needs in 2021 including involvement of young people in the process. A fairer appeals system was implemented for 2021.
- However, early analysis of results in August 2021 suggest a further widening of the achievement gap between young people living in poverty, and their peers. This likely reflects their unequal experiences throughout the pandemic.

What did we do?

- We commented on several iterations of guidance on blended and hybrid online learning. We were able to secure changes to the original guidance to make sure children with additional needs could be supported one to one, and to ensure that professionals could confidently deliver synchronous live-streamed sessions to children and young people.
- We hosted a [Listening Day](#) exercise following the autumn ‘firebreak’ lockdown. Young people shared their experiences and challenges. In particular, they were concerned that it shouldn’t always be the same young people who have to stay off school during future ‘firebreaks’ as every year group has their own challenges and reasons to be present for in person teaching and support. It was positive to hear that young people’s experiences of online learning had broadly improved since the first lockdown, but there was one unifying message: online learning cannot compare or compete with in-person teaching.
- As concerns about digital access unfortunately persisted, we undertook a survey of 167 school heads and college leaders (over 8 days) about the level of provision of devices and internet connection for their children and young people. We had asked the Welsh Government to examine and address any provision gaps themselves, and they commenced an audit through local authorities, but it took a very long time for this to be progressed and reported on, so we felt we had no choice other than to do our own research. In January 2021 we published our [Getting Online](#) report.
- We recognise, of course, that the digital divide is not an issue unique to, or caused by, the pandemic. Access to the internet through a suitable device is not just important for blended or online learning, but for homework and research, and increasingly for socialising and connecting with friends and groups. There are many children’s rights invoked in relation to digital access. We have joined the Digital Inclusion Alliance Wales (DIAW) in an observer capacity in order to continue discussions and actions about this important topic.
- Despite the welcome investment from Welsh Government into devices and mi-fi dongle connections, through our casework we continued to identify a number of anomalies related to digital access. This included some local authorities that were creating their own ‘categories’ for who should be entitled to access a device if they needed one, as well as some schools or local authorities who had collected back in the devices they had handed out. We raised these issues with the Welsh Government, who in turn raised these with the Association of Directors of Education in Wales (ADEW) to ensure that these mistakes could be rectified.
- Our casework service also identified issues with individual approaches to risk assessments, such as schools and local authorities mistakenly interpreting guidance to say Learning Support or Teaching Assistants were not permitted to be in classrooms due to minimising contacts. Fortunately, we were able to rectify quickly individual cases through reference to the Welsh Government guidance.
- We also queried some decisions about provision for children with additional needs and/or the children of key workers, in any periods of limited school attendance following the first national lockdown. The guidance was altered to give more freedom for head teachers to allow children who would benefit from it to attend the school premises.
- We lobbied the Government for guidance for home educating community groups to be able to meet, when community premises were permitted to be opened. This guidance was not immediately forthcoming when such premises were reopened, so we took forward the concerns from groups that contacted us in order to ensure they were experiencing the support and socialisation that would usually form part of their learning.
- Throughout the academic year 2020-21, we have regularly and consistently asked the Government to balance the vital need to reduce high risk Covid transmission, against the negative effect of large, often whole school year, ‘bubbles’ that were being sent home for two weeks in the event of one positive case. This has been a persistent issue affecting many young people’s education, but also their other rights, to socialise, to join clubs and societies, to achieve their potential and to develop their language and cultural rights, and for some children to be kept safe from harm.
- Throughout the year, we’ve had a strong focus on the arrangements to award qualifications in 2021. This includes contributing to the [Casella Review](#) and the Government and Qualifications Wales’ stakeholder groups. We also provided comprehensive [evidence](#) to the Senedd’s Children Young People and Education Committee. Throughout, we’ve kept a clear emphasis on the key principles we’d set out for the Education Minister. These were as follows:
 - The wellbeing and mental health of young people should be the first consideration in making any decision;
 - We need to maximise the time young people spend learning;
 - Fairness for all learners;
 - Young people who are already in a position of disadvantage when it comes to taking their qualifications, for example because they’ve had to take time out self-isolating, are not further disadvantaged;
 - Young people should be able to appeal their grade easily. Information to help them do this should be clear;
 - Young people can participate in the decision about exams and in developing the system that is then put in place.
- We wrote together with the other UK children’s commissioners to ask the UK Government and JCVI to prioritise teacher vaccinations, because of the ongoing impact on children’s access to education. There was some shift in policy in Wales to allow for teachers in special schools to be prioritised but unfortunately this was not uniformly applied, and no other priority actions were pursued. However, we recognise that the vaccination programme in Wales has been rolled out quickly and comprehensively across the board, which has been a welcome safeguard.



Activate immediate measures to ensure that children are fed nutritious food.

What happened in Wales?

- As documented in the first [Coronavirus and Us](#) report, the Welsh Government were the first Government in the UK to guarantee provision in lieu of free school meals, during lockdown, including school holiday periods. This provision is in place to Easter 2022, and at the highest level in the UK (£19.50 per child per week), and should be commended.

What did we do?

- We have called for the Government to expand access to free school meals previously, and the pandemic has heightened the importance of such a call due to increased unemployment, job uncertainty and furlough. The Government's promise to review free school meal eligibility in their 2021 Senedd election manifesto, needs to be undertaken swiftly. The [Bevan Foundation 2021](#) report on expanding eligibility provides a strong case for extension to all families in receipt of universal credit as a minimum, noting economies of scale and benefits in relation to nutrition and child health also.
- Whilst the majority of local authorities made cash payments to families for free school meals, a small number chose to provide food parcels instead. There had been some benefits to delivery or collection of food parcels in the first national lockdown, as this allowed schools and local authorities to also meet families' other support needs and ensure school work was reaching them for example. However, as cash payments were increasingly rolled out with success, the case for all local authorities to follow suit grew. We received photographs of the provision some families had received, not all of which were nutritious or sufficient for a full week. We shared this information with the Welsh Government and asked them to intervene; whilst they discussed this with Directors of Education they unfortunately did not direct all local authorities to provide direct payments.



Maintain the provision of basic services for children including healthcare, water, sanitation and birth registration.

What happened in Wales?

- There have been continued restrictions on usual health visiting, outpatients and inpatient health services, with telephone and video appointments replacing in-person consultations in many cases and only one parent at a time allowed to be with children in hospital.
- Access to healthcare has been increasingly pressurised and difficult due to the understandable pressures on health services. However, this made the provision of information on local health board websites even more important, particularly for parents seeking support for their child in a period of crisis. Health board information about access to child and adolescent mental health services was poor in most areas, but improved during this period.
- There have been some innovations introduced such as new ways to contact school nurses remotely, single points of access to CAMHS and neurodevelopmental services (some areas only) and increased access to video consultations with specialists rather than telephone only.

What did we do?

- Wherever we have identified gaps or weaknesses in information provided, we have contacted local health boards directly and asked them to make their information clearer and more accessible. We have been pleased to see improvements in health board mental health webpages as a direct result of our contact with them on this issue.
- Specific concerns were raised with us regarding neonatal babies' health and development needs, due to restrictions on visitor numbers and rules around face coverings at hospitals. We wrote to the Chief Executive and Chair of the local health board where this issue had been raised to highlight these issues and seek relaxation of the rules around the bedsides in order to help babies identify and bond with both of their parents. We also raised this issue in a meeting of all Chairs and Chief Executive Officers of Health Boards from across Wales.
- Throughout the pandemic, due to pressure on health services, there have been some instances of delays to medical reports and assessments for fostering and adoption approval panels. We were initially contacted by the Welsh Government proposing to suspend these regulatory requirements, but we were concerned that this was too much of an important safeguard in the system to discard entirely. We liaised with local authorities, private fostering agencies and the Royal College of GPs and were able to negotiate a middle ground, where approvals could be progressed on a temporary basis but for no longer than 6 months without the full medical reporting process taking place. A side benefit of these discussions has been a renewed recognition of the important role that health professionals play in this aspect of the child protection system, and it has reminded professionals of the need to ensure health input into assessments and approvals of long-term carers for children.





Define core child protection services as essential and ensure that they remain functioning and available, including home visits when necessary, and provide professional mental health services for children living in lockdown.

What happened in Wales?

- Our local authority services, health boards, third sector organisations and grass-roots groups have worked unceasingly to support children and their families most affected by the pandemic. Organisations have adapted to delivering their services safely and made regular adaptations in accordance with changes to Coronavirus restrictions. There has been improved communication between services to identify and support children who need it most and these improvements will have an impact beyond the pandemic.
- Some pandemic regulations have failed to adapt quickly to children's specific needs and rights. At times, our office has had to persist in ensuring that regulations, and the implementation of regulations, have been proportionate and child-centred. Examples include initially requiring healthy teenagers in care homes to be subject to the same isolation requirements as frail older people in care homes and delays in reducing unacceptable levels of restrictions in English custodial settings where some Welsh children are placed (UK Government responsibility).

What did we do?

- Whilst many 'routine' health care procedures and appointments have had to be delayed due to competing pressures on health professionals, we have made clear in writing and in meetings with Welsh Government that for many children, there is a developmental window in which they need to access support or treatment. For example, speech and language development in younger children, or children requiring operations such as spinal procedures that have greater benefit and lower risk if carried out at a younger age. This requires several actions to be taken, including for example not redeploying health visitors and other early years health staff and considering waiting list prioritisation for children's operations needing different principles to adults.

- Throughout the pandemic, we have pushed for the protection from redeployment of professionals from vital children's services. This included raising this issue in meetings with Welsh Government regularly, and writing to the Chief Nursing Officer in October 2020 raising concerns about potential redeployment of school nurses and others. We also to the Health Minister in November 2020, in support of a joint letter from the Royal Colleges of Occupational Therapists, Speech and Language Therapists, NSPCC and Save the Children, urging government to protect children's therapists from redeployment. We are pleased to say both these letters were responded to positively.
- When the Christmas 2020 lockdown was swiftly introduced in Wales, we received a number of casework contacts about contact for children in care with their family members. The guidance was clear that contact was still permitted to go ahead, but some local authority public health/ environmental health officers were giving very risk-averse advice preventing contact from taking place. We had also seen this in response to some cases of Covid within children's homes, which were being closed to visitors for at least 28 days despite regular testing of staff and young people

returning as negative. We were able to sort Christmas contact arrangements for many who contacted us but there may of course have been others who did not get in touch with us who were affected by such risk aversion. A clear lesson emerging has been that blanket guidance for all residential settings has not always been suitable for small and lower risk children's settings as opposed to large elderly care or nursing homes. We have regularly raised these issues with the Welsh Government and Public Health Wales in a series of correspondence and meetings, but guidance and approaches have been slow to be updated. We will continue to work in this way in order to ensure guidance and approaches remain proportionate and uphold children's rights not only to healthcare, but to accessing education and seeing friends and family.

- We endorsed a letter to the First Minister from the Nursing and Midwifery Council and others asking him to ensure the Welsh Government extends the Nurse Staffing Levels legislation to inpatient paediatric wards by the implementation date of October 2021.





Protect children whose vulnerability is further increased by exceptional circumstances caused by the pandemic.

What happened in Wales?

- In Wales, important safeguarding duties remained in place for children. This did require Local Authorities to deliver services differently; with a combination of remote and in-person approaches being taken, which balanced risks to children and their needs with the risks associated with the spread of Coronavirus.
- Our [surveys](#) have shown that young people from Black, Asian and Minority Ethnic backgrounds, and disabled children, have faced significantly more difficulties in accessing some of their basic rights than their peers. As an office we have had to argue for restrictions such as isolation rules to have mitigations in place to support those facing more barriers.
- In March 2021, the Welsh Government published a co-produced, comprehensive anti-racism plan of action and have taken first steps in implementing it.

What did we do?

- Our Office attended a number of stakeholder sessions with Welsh Government to develop principles for the Children's Social Services guidance. Guidance placed a strong focus on children's rights under the UNCRC and well-being. As this guidance changed in line with community transmission rates, we were able to review and advise on new proposals. We also used our Coronavirus Information Hub to summarise advice and guidance for children and young people, to ensure children were aware of changes, their entitlements, and what to expect from their local authority services.
- Together with the Children's Commissioner for Scotland and Northern Ireland, we wrote an [open letter](#) to the Secretary of State for Work and Pensions in the UK Government regarding the discriminatory 'two child limit' on welfare benefit claims. Whilst this is not an issue unique to the pandemic, the increased pressure on families and uncertain economic outlook are causing additional worries.
- We've also responded to the Welsh Affairs Select Committee call for evidence on benefits in Wales to raise these points further.
- We raised issues with the Welsh Government regarding isolation payments for low-income families and access to discretionary funding. Repeat isolations have had an impact on children and their families, as well as uncertainties around employment and furlough.





Release children in all forms of detention, whenever possible, and provide children who cannot be released with the means to maintain regular contact with their families.

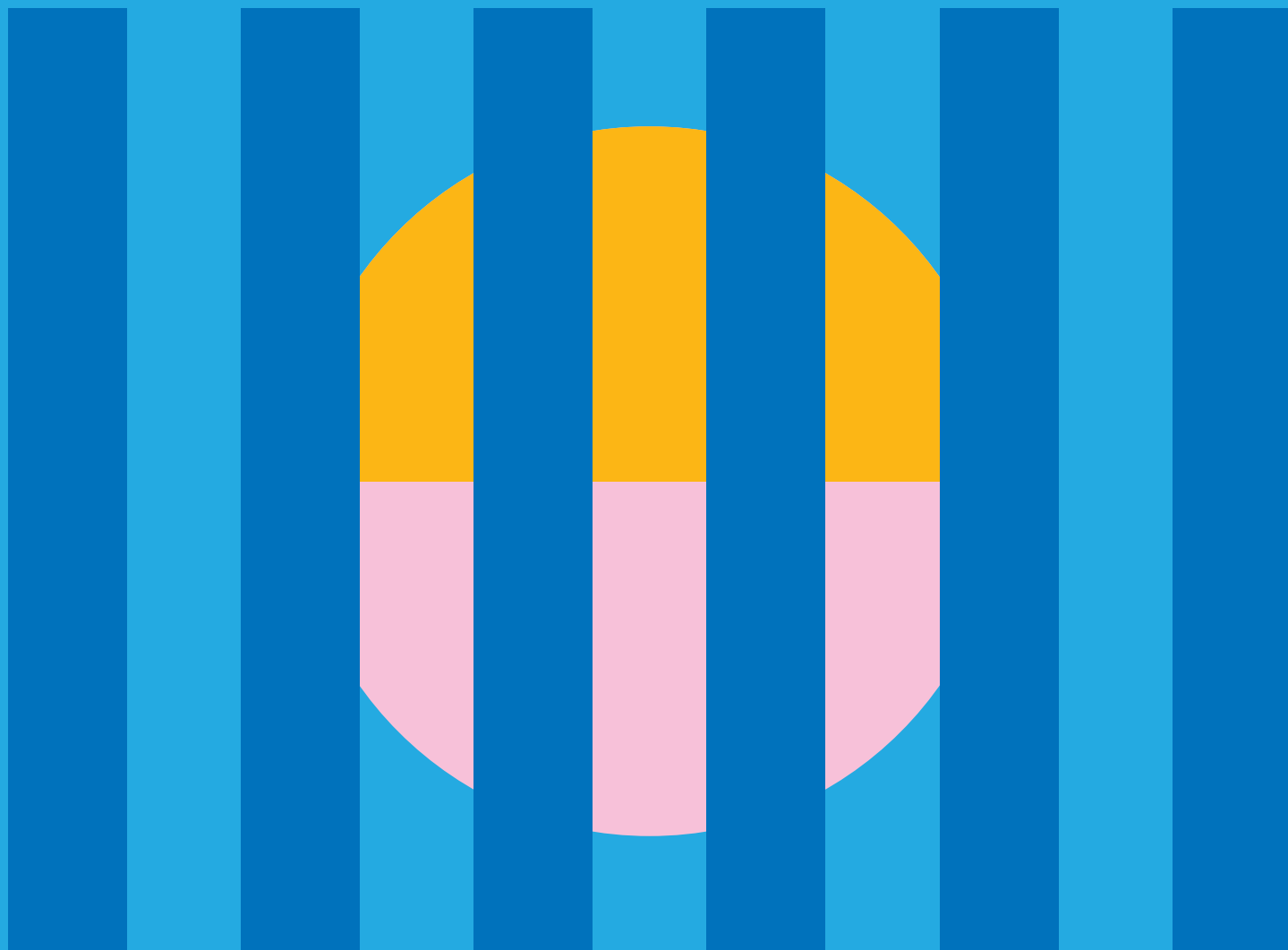
What happened in Wales?

- There were no widespread outbreaks of Covid-19 amongst children in secure settings and contact with families was maintained in person and online. Visits to children in custody were exempted from travel restrictions during lockdowns.
- The numbers of Welsh children in custody fell to a record low in February 2021 – only eight under-18s were in remand or serving sentences in custody.
- HMP Parc Young Offenders Institution (YOI), the only one in Wales, consistently maintained the highest levels of ‘Time Out of Room’ and education hours of any YOI in England and Wales throughout the pandemic. Parc has worked with our office over a number of years to implement a [children’s rights approach](#).

What did we do?

- We liaised with the Welsh Government and Public Health Wales regarding guidance specific to children's homes. One setting in particular that has required unique attention has been Hillside secure children's home in Neath Port Talbot. This is the only Secure Children's Home in Wales and has at times appeared to fall between general residential care guidance and youth justice guidance. When changes were made to the self-isolation period for the general public, reducing from 14 days to 10 days as understanding and evidence about transmission risks was enhanced, this change was not initially mirrored for Hillside. This was confusing for staff and managers, and also seemed to continue to treat the setting as high risk akin to an elderly care home, despite regular use of testing and clear procedures that were regularly observed by Care Inspectorate Wales. We lobbied Public Health Wales and the Welsh Government to ensure that this was changed.
- A further issue that presented was around admissions to Hillside as young people were being totally segregated for 14 days on arrival. We were pleased to be able to play a part by working with Hillside, Public Health Wales and Care Inspectorate Wales (CIW) to change this to avoid the impact of lengthy isolations for young people who were already having to adjust to a new setting in secure care. Before the change was secured, we played a part in encouraging a development by Hillside which saw a timetable and structure for isolating children so they could leave their rooms in a managed way and take part in education and recreation.
- In March 2021 we also were pleased that, after correspondence from our office, Tŷ Llidiard mental health inpatient unit also made their isolation policy less restrictive in a similar way for children who presented regular negative tests.

We continue to maintain close contact with Hillside SCH and HMP Parc YOI, as well as the inpatient mental health units at Abergele and Tŷ Llidiard in order to support them in instances such as this, and to ensure that children can access all of the provision they need, and maintain contact with their families.





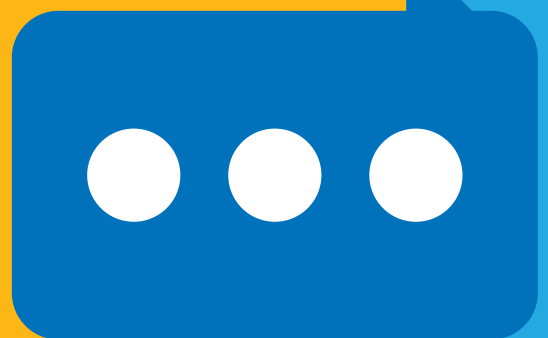
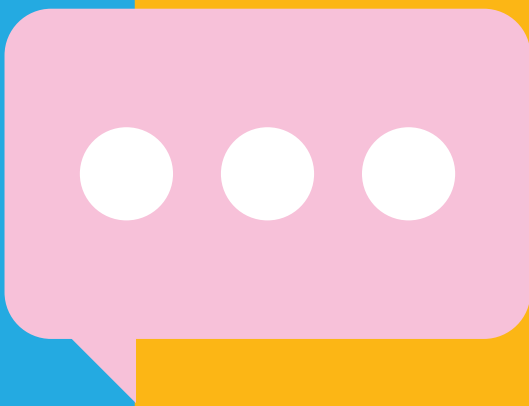
Prevent the arrest or detention of children for violating State guidance and directives relating to Covid-19.

What happened in Wales?

- We were contacted by some families about concerns that the Covid legislation gives the Government the power to detain people in order to protect others from Covid transmission, including children and young people. Information coming from the Welsh Government on this was not always clear or reassuring enough for families.
- No children under 18 were charged with violating directives in relation to Covid-19.

What did we do?

- As noted in the first [Coronavirus and Us](#) report, we had already liaised with police forces across Wales regarding a children's rights approach to policing the pandemic, but this concern about the power to detain children was causing additional worries for many families concerned about state overreach. We published information on our website to reassure families about the specific circumstances in which the power could be exercised, but also sent advice to the Welsh Government about the conditions that would need to be satisfied in order to exercise this power, as we did not think that these had been met. We have ensured when queries have been brought to us such as this, that we've reviewed the most up to date legislation and guidance, and challenged the Government where we think there may be gaps or oversights such as this. We are reassured that this power has not been used in respect of children and is very much a last resort.





Disseminate accurate information about Covid-19 and how to prevent infection in languages and formats that are child-friendly and accessible to all children.

What happened in Wales?

- Some changes affecting children and young people have not been communicated to them directly with clear explanations as to their necessity. This included the 'Firebreak' restrictions in the autumn of 2020.
- In August 2021 some 16 and 17 year olds told my office that they had not received accessible information about vaccines, when receiving invitation letters to have a vaccine.
- The Welsh Government funded Meic Cymru Helpline has published accessible information throughout the pandemic and the Government and Public Health Wales websites have directed young people to Meic and our website.

What did we do?

- We have continued to maintain our bilingual [Information Hub](#) website, including advice for young people undertaking qualifications and support information for their wellbeing.
- We have provided support to other organisations to ensure their messaging is clear and consistent, and easy for families and children to digest and understand.
- We fed in to the development of the Government's guide on 'Communicating using accessible formats', to ensure the needs of children and young people are met.
- In particular, we've provided lots of support to Qualifications Wales in a series of communications to learners about the 2021 qualifications arrangements. We were pleased they sought this advice from us and have been happy to share our experience and expertise with them. Through this engagement, we have also encouraged and supported them to set up a young people's advisory panel, made up of learners sitting a range of subjects and qualifications, and including private candidates. We have encouraged the Welsh Government's education department to learn from this experience and set up their own consultative panel or arrangements to embed the involvement and participation of children and young people in the important decisions affecting them.





Provide opportunities for children's views to be heard and taken into account in decision making processes on the pandemic.

What happened in Wales?

- The Coronavirus and Us survey findings have been widely disseminated throughout Welsh Government including in cabinet members' briefings; in senior Welsh Government officials briefings; and through an internal working group with dedicated policy leads. Welsh Government state that the 'data has been extensively used as a source of evidence for policy decisions – this is evidenced in a number of published Children's Rights Impact Assessments.' An example of one such CRIA is the [Alert Level 4 CRIA](#). Survey findings were also promoted by the First Minister in a televised press conference on 8 June 2020, and the Deputy Minister also publicly thanked young people for their contribution.
- Ministers, including the First Minister, have engaged directly with children and young people from diverse backgrounds to hear their views and experiences.
- Welsh Government, the Youth Parliament and Children in Wales acted as partners for our large-scale survey of children in January 2021, as they had in May 2020.
- When decisions were taken at speed, such as to close schools for some pupils in the 'firebreak' in November 2020 and again just before Christmas 2020, children and young people did not have an opportunity to be listened to.

What did we do?

- Following the success and reach of our [May 2020](#) Coronavirus and Me consultation of children and young people's lockdown experiences, we decided in January 2021 that we should revisit this approach immediately, to update the information and views that we'd gathered. We set ourselves a very ambitious timescale to revise and relaunch the consultation, to feed in to the mid-February review of arrangements for schools and education (as part of the wider 21-day review of the legislation).
- We made changes to the format and wording of the survey to reflect learning from the first iteration, but launched a substantially similar survey within a week of deciding to take this forward.
- The [January 2021](#) consultation was live for just 10 days but attracted almost 20,000 responses. Again we had a survey in English and Welsh for ages 7-11 and 12-18, an accessible symbols version and a picture activity for children and young people who were more able to take part this way, this was most often completed by children under 7.
- We began to analyse the findings in detail while the survey remained live to speed up the turnaround time of sharing findings with the Welsh Government.

All in all, within 9 months we:

- Analysed the findings of the two consultations in detail including thematic coding;
- [Published](#) six major reports:
 - An overview findings report for both May 2020 and January 2021 iterations
 - The Coronavirus and Us first report on children's rights in the pandemic
 - Report on BAME children's experiences
 - Report on 15-18 year olds views
 - Report on the experiences of disabled children;
- Created feedback workshops to accompany all of our reports, as well as accessible and child friendly versions;
- Produced a video summary of the 3-7s feedback;

- Turned around initial snapshot quantitative data for all local authorities in Welsh and English and further detailed reports for every LA in Wales; these were shared bilingually;
- Worked in partnership with Welsh Government, Children in Wales and Welsh Youth Parliament, and also welcomed the expertise of other bodies to input into our reports including Race Council Cymru, EYST, Colegau Cymru, Sylfaen Cymunedol, Disability Wales, Mencap Cymru and parents groups;
- Our Coronavirus and Us work, including how Welsh Government responded to the findings, have been cited as a particularly good example of children's involvement in decision-making during the Covid19 pandemic, by the World Health Organisation, in its report '[Third high-level meeting on Schooling during the Covid19 pandemic](#)'
- Enabled and supported the Education Minister to answer young people's questions live on BBC One Wales as part of the daily briefing process; and other Ministers including the First Minister and the (then) Minister for mental health, wellbeing and the Welsh language to refer to the findings in meetings and press briefings;
- Shared the full data set securely with Government officials for them to use the findings to inform their work;
- Trained over 150 Welsh Government staff on children's rights and our survey findings, with the meeting information shared with over 200 Welsh Government staff;
- Following the success of our consultative survey work, we were approached by the Welsh Government to host a series of sessions for the Education Minister and/or officials to meet with young people from diverse backgrounds across Wales and hear their views and experiences. These sessions related to Covid restrictions and reopening schools, the approach to qualifications 2021 and the proposed arrangements in schools from September 2021 including the use of face coverings and contact bubbles. Each session was arranged at short notice, but ensured a high quality participation experience for young people, including follow up on additional questions and comments after the meeting. We took extensive notes and shared these swiftly with the Welsh Government to feed in to their decision making in real time.
- Another key aim was to provide evidence about what was important to children and young people in informing service adaptations and design. In addition to a national response, the local authority reports enabled this at a local and regional level. In response to the June report, one local authority decided to build a health and wellbeing team as a central point for teachers and other professionals to access support. Several local authorities used their report in their education teams to support planning and to inform the development of their local approach to engagement and home learning for children and young people. Reports and findings were also integrated into professional learning and training delivered by regional education consortia and health boards.
- Children and young people's participation will be vital as schools and other services develop plans to support children following their experiences of the pandemic. To support this, we have [published](#) our School councils report and resources, following work that had concluded just as the pandemic and first lockdown took hold. Our consultation engaged with over 7,500 children and young people and with over 350 teachers and 150 school governors. Our findings show that school councils are valued and are seen as important, and that effective participation supports and enables young people's wellbeing. However, our findings also show that young people in secondary schools find school councils less valuable and they also feel less able to participate than children and young people in other settings. Young people also don't always feel they have equal opportunities to participate, in particular young people with protected characteristics, and those that are less academically or socially confident. Our report and our toolkit of resources provides children, young people and professionals with resources, case studies and ideas about how they can amplify young people's voices in their setting and ensure more equitable and effective participation.



What about the rest of our work?

In March 2020, we made decisions about our annual work plan, which was based on our consultation of over 10,000 children and young people.

As well as taking on the additional work in response to the pandemic, we decided to continue with all our projects and continued to deliver our day-to-day work across our teams. You'll be able to read about all this work in our Annual Report 2020/21, available from the publications section on our [website](#).

Update on our commitments

We outlined three commitments in our first Coronavirus and Us report and promised to implement them within 2 months. We delivered them all, on time.

1

Continue to hold government and others to account, listen to children and young people and those who care for them and speak out where necessary.

The content of this report demonstrates our commitment and volume of work undertaken by our staff team of 24 to hold government and others to account during the ongoing pandemic.

2

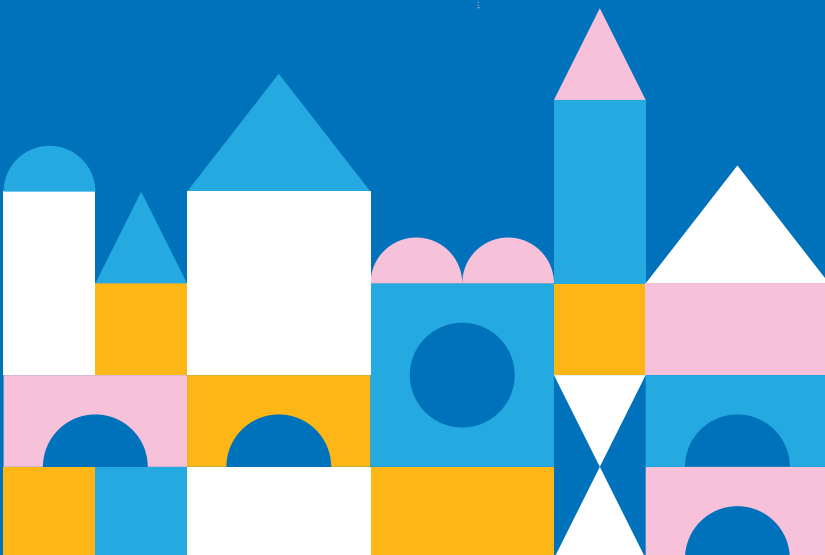
Publish a series of briefing papers, looking in more detail about how the pandemic has affected certain groups of young people. These briefing papers will highlight what needs to happen to protect children and young people from further negative impacts resulting from the pandemic.

Four briefing papers were published and included suggested areas of improvement. We will continue to hold Government to account on these areas of improvement through our policy and influencing work. You can read more about this work on page 27.

3

Use our legal powers to review how the Government has reached some decisions during the pandemic. These are the decisions not to take forward key planned pieces of work: guidance on protecting children who are educated at home and in independent schools.

For the first time, the office used the power to review the exercise of functions of Welsh Government under Section 72B of the Care Standards Act 2000. We published the outcomes of that review in February 2021, which included a series of recommendations for the Government. You can read more about this work on page 7.



What next?

Pandemic recovery and preparedness for future emergencies: recommendation to Welsh Government.

The Welsh Government must ensure that recovery plans and forward planning for future pandemics maintain the protection of children's human rights at the centre of all efforts. To do this they should consider and respond to the analysis contained in this report, and the findings and recommendations in the Coronavirus related reports we have published over the last year. They should also take into account the learning from across Europe within the European Network of Ombudspersons for Children position statement Learning for the Future which will be published this autumn.

The Government can protect children's rights using the five principles of our [Right Way](#) approach.

Examples of how the principles can be put into action are included under each heading:

1.

Embedding children's rights

Ensure that Children's Rights Impact assessments are carried out while decisions are still being made to ensure that measures enhance children's rights or mitigate against potential challenges to children's ability to access their rights.

2.

Equality and non-discrimination

Evaluate the now comprehensive evidence of the impact of the pandemic on different social and economic groups of children and young people to identify disproportionate impacts that can be mitigated in future and also aid recovery planning.

3.

Empowering children and young people

Ensure there is accessible and suitable information for children and young people about ongoing coronavirus and recovery measures. They should also ensure accessible and suitable information on vaccinations and the vaccination programme is available where this applies to under 18s.

Develop further participation structures within Government so that children and young people can develop the skills, experience and confidence to advise Government on their actions.

4.

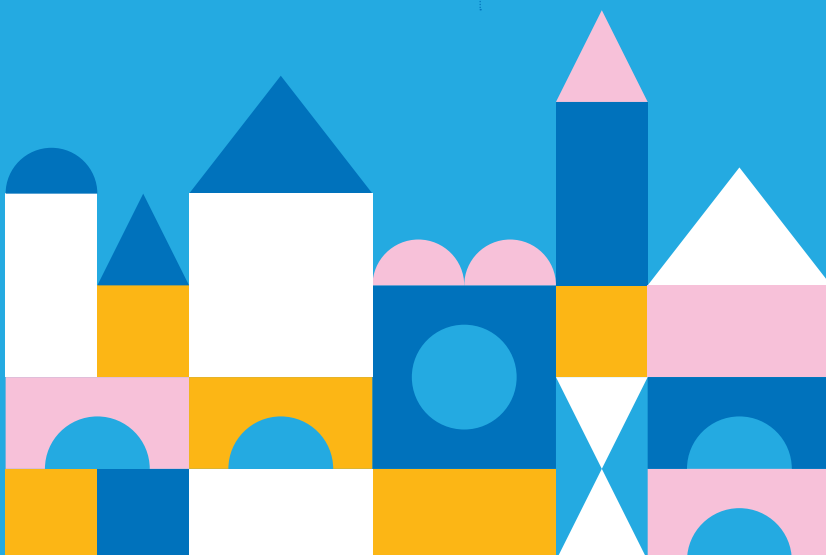
Participation

Ensure that children and young people representing diverse backgrounds are provided with opportunities to provide strategic advice to Welsh Government officials, Ministers and senior executives from other public bodies.

5.

Accountability

Welsh Government should be transparent to children and young people about the evidence they are using to plan Coronavirus measures and recovery plans. They should also be transparent about how they have responded to findings from surveys and consultations. They should make this evidence accessible in language and formats suitable for children so that they can be held to account by them.



www.childrenscommissioner.wales
Twitter: @childcomwales
Email: post@childcomwales.org.uk
Freephone: 0808 801 1000