

Reducing risks in schools guidance for back to school arrangements

**Children's rights and wellbeing impact
assessment**

August 2021



Scottish Government
Riaghaltas na h-Alba
gov.scot

CRWIA Stage 1

Screening - key questions

(Hyperlink will only work within SG)

1. Name the policy, and describe its overall aims.

Reducing risks in schools guidance for back to school arrangements - August 2021 as part of the COVID-19 education recovery process in Scotland.

This policy aims to support a safe return to school for all children, young people and staff from 11 August 2021. This assessment considers only school settings, as Early Learning and Childcare (ELC) and childcare sector settings are being considered separately. It sits alongside the [Reducing risks in schools guidance](#) which sets out detailed guidance on the application of mitigations, and has been updated to take account of evolving knowledge and experience of dealing with the pandemic

2. What aspects of the policy/measure will affect children and young people up to the age of 18?

The Articles of the United Nations Convention on the Rights of the Child (UNCRC) and the child wellbeing indicators under the Children and Young People (Scotland) Act 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.

All elements of this policy will affect children and young people¹ in Scotland who are registered at a local authority, independent or grant-aided school. They are generally between 5 and 18 years of age. The main consideration will be the impact of mitigations for the safe return to school in August 2021 for all pupils.

3. What likely impact – direct or indirect – will the policy/measure have on children and young people?

'Direct' impact refers to policies/measures where children and young people are directly affected by the proposed changes, e.g. education, child protection or looked after children (children in care). 'Indirect' impact refers to policies/measures that are not directly aimed at children but will have an impact on them. Examples include: welfare reforms, parental leave, housing supply, or local transport schemes.

The measures within this policy will all have a direct impact on all children and young people in Scotland who are registered at a local authority, independent or grant-aided school. The main themes to consider will be:

- The impact of mitigations for the safe return to school on pupils' health and wellbeing²;
- The impact of mitigations for the safe return to school for disadvantaged and vulnerable pupils;
- The impact of mitigations for the safe return schools on all groups of pupils, but particularly those who are at highest clinical risk from COVID-19, or living with someone who is at highest risk.

| | |
|--|----------------------------------|
| <p>4. Which groups of children and young people will be affected? Under the UNCRC, 'children' can refer to: individual children, groups of children, or children in general. Some groups of children will relate to the groups with protected characteristics under the Equality Act 2010: disability, race, religion or belief, sex, sexual orientation. These groups have also been considered in the associated EQIA, published here. 'Groups' can also refer to children by age band or setting, or those who are eligible for special protection or assistance: e.g. preschool children, children in hospital, children in rural areas, looked after children, young people who offend, victims of abuse or exploitation, child migrants, or children living in poverty.</p> <p>All groups of children and young people will be affected by this policy. Particular consideration will be given to some groups, including those:</p> <ul style="list-style-type: none"> • with additional support needs who may not be receiving the additional support they usually receive whilst learning at school; • learners at highest clinical risk from COVID-19 and/ or who have underlying health conditions; and • who experience disadvantage | |
| <p>5. Will this require a CRWIA? Explain your reasons.</p> <p>Yes. This policy area requires a CRWIA to be completed due to the impact of all areas of the policy on all children and young people in Scotland.</p> | |
| <p>CRWIA Declaration</p> | |
| <p>Tick relevant section, and complete the form.</p> | |
| <p>CRWIA required</p> | <p>CRWIA not required</p> |
| <p>X</p> | |
| <p>Authorisation</p> | |

¹ The term children is used within this document to refer to children and young people who usually attend a local authority, grant-aided or independent school, up to the age of 18. It is acknowledged that some young people attend Scotland's local authority schools and are 19 years of age. The scope of this assessment includes those who are aged 18, but the impacts are likely to be the same. In education law the term child applies to a child who is up to the age of 15 years. From the age of 16+ the person is considered to be a young person

² The impact assessment focusses on the impacts to children and young people, it is recognised that children and young people's families are also impacted by restrictions in place to safely return to school, and that the impact to them may also impact on children and young people. This assessment recognises where possible, those impacts also.

| <p>Policy lead Name, title, division (or equivalent)</p> <p>Learning Directorate: Covid-19 Education Recovery Group Secretariat</p> | <p>Date</p> <p>4 Aug 2021</p> |
|---|---|
| <p>Deputy Director or equivalent Name, title, division (or equivalent)</p> <p>Andrew Drought and Sam Anson Deputy Director, Covid Education Strategy and Recovery Division</p> | <p>Date</p> <p>4 Aug 2021</p> |

CRWIA Stage 2

The CRWIA – key questions

(Hyperlinks will only work within SG)

1. Which UNCRC Articles are relevant to the policy/measure?

List all relevant Articles of the UNCRC and Optional Protocols.

Article 2

Non-discrimination

Children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).

Article 3

Best interests of the child

Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Article 6

Life, survival and development

Every child has a right to life and to develop to their full potential.

Article 12

Respect for the views of the child

Every child has a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.

Article 13

Freedom of expression

Every child must be free to say what they think and to seek, receive and share information, as long as the information is not damaging to themselves or others.

Article 15

Freedom of association

Every child has the right to freedom of assembly: to meet with other children, and to join groups and organisations, as long as it does not stop others from enjoying their rights.

Article 18(2)

Parental responsibilities and state assistance

Parents, or legal guardians, have the primary responsibility for the upbringing and development of the child, and should always consider what is best for the child. Governments must provide appropriate assistance to parents and carers to help them.

Article 18(3)

Parental responsibilities and state assistance

Governments must take all appropriate measures to ensure the children of working parents have the right to benefit from childcare services and facilities.

Article 23

Children with disabilities

A disabled child has the right to enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. Governments must recognise the right of the disabled child to special care, and ensure the disabled child has effective access to education, training, health care, rehabilitation, preparation for employment, and recreational opportunities.

Article 24

Health and health services

All children have a right to the highest attainable standard of health, and to health care services that help them to attain this. Governments must provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy.

Article 28

Right to education

Every child has a right to education on the basis of equal opportunity. Primary education must be free. Secondary education must be available to every child, with financial assistance available in case of need. Information and guidance on education should be available to all. Governments should take measures to encourage regular attendance and reduce drop-out rates. School discipline should be administered in a manner consistent with the child's human dignity.

Article 29

Goals of education

Education must aim to develop every child's personality, talents and abilities to their fullest potential. It must encourage the child's respect for human rights, their origins and identity, for other cultures around the world, and for the natural environment.

Article 30

Children of minorities/indigenous groups

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 people in the country where they live.

Article 31

Leisure, play and culture

Every child has a right to rest and leisure, to engage in play and recreational activities, and to take part in a range of cultural and artistic activities.

Article 36

Protection from exploitation or maltreatment

Governments must protect children from all forms of exploitation or maltreatment.

Article 39

Recovery and rehabilitation of child victims

Children who have been the victims of any form of exploitation or abuse; cruel, inhuman or degrading treatment or punishment; or who are victims of war should receive the help they need to recover their health, dignity and self-respect, and reintegrate into society

2. What impact will the policy/measure will have on children's rights?

Self-Isolation

“School work should just be for school, because it belongs there. It is confusing to be at home for school. It is not right. It's like mixing two different types of Lego – they don't go together. They shouldn't be mixed, and they don't make sense.”

(Young person with Additional Support Needs)

“My mum couldn't work because of the lockdown and we had to rely on food parcels. Some of the things in there were of no use to me, but my mum said we had no other food, and we had to use everything from the bag - like oat milk and soya milk. I wished we had more money to be able to choose our own food.”

(Young person with domestic abuse experiences)

“Every day my child starts her day around 9:30 to 10:00am and finishes by 5pm. Most of that time, she is doing some school task or the other using her iPad or my laptop. We do not have a printer at home so she either works on screen shots on the iPad or writes in her notebooks. But she needs to constantly refer to the iPad for the tasks and instructions etc. I feel this demands a huge amount of interaction with online devices, as well as the pressure to have internet access for all of the tasks. Perhaps some of the tasks can be handed as a set of printed tasks from school?”

(Parent who is asylum seeking and from minority ethnic background)

It is recognised that the public health measures to control the transmission of the coronavirus, such as school closures, strict self-isolation of close contacts of COVID positive individuals, and restrictions on movement and physical contact with family and friends, are likely to have significantly changed young people's

experience, impacting upon their learning and development, relationships with peer groups and family and their mental health and wellbeing³.

Since Easter 2021 most pupils have been able to access full-time in-school learning. This will be improved upon following the summer break when most children and young people will be made exempt from self-isolation, subject to receiving a negative PCR test result, in line with changes to self-isolation policy for wider society. This has the benefit of ensuring more consistent attendance at school for all pupils, protecting the implementation of the child's right to non-discrimination ([article 2](#)), education ([article 28](#)), the right to mental health services ([article 24](#)), and disability support ([article 23](#)). Consequently, continued full-time in-school learning will contribute to improving child [wellbeing](#) by supporting their reconnection and association with peer groups ([article 15](#)), their ability to safely engage in leisure, play and culture ([article 31](#)) and by providing a safe and nurturing environment where children are respected, included and supported to achieve their full potential ([article 29](#), [article 6](#)).

Self-isolation of close contacts will now only apply to children and young people while awaiting results of a COVID test, or upon testing positive themselves. Upon confirmation of a negative COVID PCR test following close contact with a COVID positive individual, children and young people may then return to school and continue with in-person learning. Whilst there are negative impacts linked to even a small interruption to in-person learning at school, it is outweighed by the potential health impact of not following self-isolation guidelines. These changes aim to minimise learning disruption while protecting the health and safety of the school population at large.

The relaxation of self-isolation requirements following close contact protects a critical avenue of help and support to child victims in their pathway to recovery, rehabilitation and reintegration into society ([article 39](#)) via the child protection measures which exist within school settings. The policies and guidance which amend the restrictions on children and young people in their return to school are developed on the basis of non-discrimination ([article 2](#)) and are relevant to all children including those who experience disability, disadvantage and/or children of minorities / indigenous people ([article 30](#)).

There is a risk that those children and young people who have become accustomed to mitigations feel anxiety and confusion in response to changes. Schools will play a key role in communicating changes in mitigating measures to pupils, and should provide reassurance to pupils where appropriate.

For children and young people with additional support needs, the change in physical distancing requirements in school will enable the resumption of access to the supports for their learning, including individualised approaches to [teaching, therapeutic support and care within a school setting](#) on a more consistent and long-term basis. Many children and young people with additional support needs benefit from a regular routine and consistent relationships with friends and school

³ [the-impact-of-covid-19-on-children-and-young-people-in-scotland-10-to-17-year-olds_full-report.pdf \(publichealthscotland.scot\)](#)

staff, and the resumption of these will impact positively in terms of wellbeing and [learning](#).

For children and young people who are sitting national qualifications in 2022 the return to schooling with fewer interruptions arising from close contact with COVID positive individuals will support their learning towards the achievement of these qualifications. This will impact positively on children and young people's right to [education](#) and [education which develops their mind, body and talents](#).

Children and young people who attend Gaelic medium schools will resume the immersion element of the learning within the language on a more consistent basis, which will have a positive impact on their [learning](#) and their [right to speak their own language](#).

For children and young people who experience disadvantage and poverty, which may have prevented learning opportunities during remote learning through restricted access to technology and/or other support for their learning, a return to schooling with fewer interruptions will ensure more consistent support for their learning and teaching. Other protective factors, including for their wellbeing more generally, will likewise be improved. Therefore this is likely to impact positively for children and young people in these circumstances.

Face coverings

“I don't know what I can say to make people take it more seriously. It's not fair when I have things I want and need to do, but other people are still doing what they want.”
(Parent with physical/mental illness)

“Saying no to social requests is hard. You have to make an excuse if you're saying you're not going. If you said it was because of Covid you'd get laughed at. Our age feel like they can't say no to social things because of it.”
(Young person with domestic abuse experiences)

Baseline measures put in place in schools have been developed and agreed based upon the balance of harms, protecting public and school community health and supporting the best interest of the child ([article 3](#)). Continuation of baseline measures as outlined in the [Reducing risks in schools guidance](#) offers an opportunity for children to continue with their education, socialisation and development at school and associated environments while protecting the health and wellbeing of the community including [pupils](#), school staff and family at home. This will have a positive impact on supporting a child's right to [education](#), their [health](#) and [wellbeing](#).

Face coverings will continue to be worn by staff in communal areas in all schools, and in classrooms by staff and pupils in secondary schools, for up to 6 weeks. This will help reduce transmission of COVID among the school community while the impact of the new school year is monitored. This will positively impact upon

pupils by helping reduce interruptions to in-person learning by minimising the spread of the virus in the school community. However, pupils who are [deaf/hard of hearing](#), those who have additional support needs (ASN) such as neurodiverse children and children whose first language may not be English will experience a negative impact from continuing to wear face coverings in classrooms. Guidance has been made available to mitigate these impacts.

It is also important to recognise that although increased ventilation as a mitigation for COVID-19 spread in enclosed spaces will have a positive impact for most pupils at the time of publication, ongoing careful planning will be required by schools and local authorities to ensure that increased ventilation enabled by the opening of windows does not become a burden or health risk to children when adverse cold and wet weather becomes more prevalent as the season shifts from summer to autumn and winter.

Physical distancing

There being no requirement to maintain strict physical distancing between children and young people in schools will continue to positively impact their right to [relax and play](#) and their right to [assembly](#) with peers. However, maintaining physical distancing between secondary school pupils is still encouraged where possible to minimise spread of the virus. Whilst there may be some negative impacts linked to maintaining physical distancing regarding the right to [relax and play](#) and their right to [assembly](#) with peers, it is outweighed by the potential health impact of not following physical distancing requirements where required.

Contact tracing and testing

The process of identifying contacts will also be amended, such that only higher risk close contacts will be identified and provided with tailored advice on self-isolation and testing (primarily those involving very close, prolonged contact, e.g. in social settings or overnight stays). Young people aged between 5 and 17 years old will be required to self-isolate only until the point of receiving a negative PCR test result. This is likely to take 24-48 hours. Those under 5, and those exempt from testing, will not be required to have a negative PCR test to end self-isolation.

This approach will mean that the likelihood of whole classes or year groups being requested to self-isolate will be significantly reduced. Fewer children and young people will be asked to self-isolate, and when they are it will be for a shorter period of time. This is expected to have a positive impact on all pupils from both an academic and wellbeing perspective.

There may be an slightly increased risk of asymptomatic contacts entering the school environment as a result. To minimise the potential impact of this, significant baseline mitigation measures remain in place such as enhanced hygiene measures, a renewed focus on good ventilation, face coverings and asymptomatic testing.

For pupils who are identified as a close contact of a confirmed positive case, the impact of them being required to self-isolate will continue to be felt, however to a lesser extent than earlier in the pandemic due to the shorter timeframe. This will have a negative impact for pupils who are required to self-isolate for 1-2 days, but brings positive health benefits to classmates and peers.

Quick access to PCR tests will be important. Some children and young people may find it harder to access tests than others (e.g. due to transport or communication issues). Guidance will be made available in accessible formats, and there is an increasing number of local test centres available within walking distance in urban areas. Any remaining issues around access to PCR testing for children and young people will be kept under close review with local authorities, with a view to identifying further options to address these issues where available.

Whilst all children and young people are expected to return to school, including those at highest clinical risk, any child or young person who is negatively impacted by the requirement to self-isolate following development of COVID symptoms or a positive COVID test, will be supported to learn somewhere other than at school. This would be usual for some children and young people who learn at home, or in hospital, whilst they are unable to attend school due to ill health. This means that whilst they may return to their usual pattern of learning, they will not gain the benefits of returning to in-school learning like their peers, in their [relationships](#), [support for wellbeing and learning](#), and benefit from the [learning and teaching environment](#), and a return to their 'usual' routine.

The Advisory Sub-Group on Education and Children's Issues, which provides expert public health advice on mitigations in schools, has confirmed its view that all staff and secondary pupils should be encouraged to undertake an at-home Lateral Flow Device (LFD) test before they return to school in August. All school staff and secondary pupils are strongly encouraged to restart twice-weekly at-home LFD testing in the week prior to return. Ideally, taking the second weekly test either in the morning before the first day of school or the evening before. Letters have been issued to local authorities asking them to build this advice into their return to school communications. Pupils who test positive will be advised to take a confirmatory PCR test to mitigate any risk of false positives and unnecessary self-isolation. It is expected that this will have a positive impact on pupil confidence in a safe return to school.

All children in schools and ELC settings will be affected indirectly by the testing of staff, and secondary school pupils (age approx. 11-18) will be affected directly if they are participating in the testing programme. Some S1 pupils may be taking the test for the first time. They may be nervous about this, and may require support to understand the necessity for these measures, to administer the test and log the result online ([article 13](#)).

The effect on all groups of children will likely be positive. Initially our programme of asymptomatic testing in school focused on senior pupils, because the evidence

suggests they are more likely to be infected with COVID than younger age groups, as a result of being closer in age to the adult population. The programme has and will continue to be reviewed in light of any public health advice changes.

Some pupils may be uncomfortable taking a test. We have provided guidance in relation to pupils with additional support needs, including considerations about whether and how they should be testing, and have provided schools with information about risk assessments, to ensure that the needs of these pupils are carefully considered.

Vaccination policy

At the time of writing, the JCVI has recommended that children age 12 – 15 with certain conditions including those with severe neuro-disabilities, Down’s syndrome, underlying conditions resulting in immunosuppression, profound and multiple learning disabilities, severe learning disabilities or those who have a diagnosed learning/ intellectual disability and, in addition, those who live with an immunosuppressed person, should be offered the vaccine⁴.

This advice is to indirectly protect immunosuppressed household contacts and directly protect immunosuppressed and neuro-disabled children ([article 23](#)). This measure will help reduce the anxiety that some children and young people may feel for their at-risk family members, and allow those children directly at risk more protection and security in schools.

The JCVI is not currently advising routine vaccination of children outside of these groups, based on the current evidence and is of the view, at this time, that the health benefits of universal vaccination in children and young people below the age of 18 years do not outweigh the potential risks.

School visitors

Allowing supply staff and other visitors e.g. visiting teachers, psychologists, nurses, social workers, youth workers, outdoor learning specialists and those providing therapeutic support, to move between schools where necessary will positively impact upon the delivery of education and other support structures in place at schools for the development and wellbeing of all children and young people.

Visitations have also been approved for parents/carer where this is necessary to support children and young people, for example when accompanying young children transitioning from ELC to P1. This will have a positive impact on the wellbeing of young children during an important phase of their learner journey.

3. Will there be different impacts on different groups of children and young people?

Self-isolation policy

⁴ [Vaccinations for young people with certain conditions - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2021/04/Vaccinations_for_young_people_with_certain_conditions_-_gov.scot)

The impact of mitigations for the safe return to schools will almost definitely be felt differently by some groups of children and young people, particularly with regard to changes to self-isolation policy.

Previous [evidence](#) and current ongoing [campaigns](#) suggest that children and young people will have had increased experience of domestic abuse during the time away from school earlier in the pandemic, and it is expected that child protection referrals will also continue as COVID-19 restrictions continue to ease and children return to school on a more consistent basis with fewer interruptions arising from the change to self-isolation policy.

In circumstances where pupils are required to self-isolate, education authorities are required to provide suitable education elsewhere than at a school. This will mean that these [pupils' education will continue to be supported](#) albeit through different means to ensure these individuals are not unfairly disadvantaged by not being able to attend ([article 2 non-discrimination](#)). The impact of these decisions is finely balanced, as [the right to life](#) is protected, but at the expense of some [learning provision](#), for a limited period of time.

For children and young people with additional support needs the return to consistent in-person learning at school, enabled by changes to self-isolation policy, will enable increased access to the supports for their learning, including individualised approaches to [teaching, therapeutic support and care within a school setting](#). Many children and young people with additional support needs benefit from a regular routine, relationships with friends and school staff, and the continuation of these will impact positively in terms of wellbeing and [learning](#).

For children and young people who are sitting national qualifications in 2022 the return to more consistent schooling will support their learning towards the achievement of these qualifications. This will impact positively on children and young people's right [to education](#) and [education which develops their mind, body and talents](#).

A return to more consistent schooling will also positively impact upon young girls and women who may have taken on additional chores and domestic duties at home while not at school⁵ earlier in the pandemic, leaving them less time to focus on their school work, impacting upon their attainment ([Article 36](#)).

Children and young people who attend Gaelic medium schools will continue to resume the immersion element of the learning within the language on a more regular and uninterrupted basis, which will have a positive impact on their [learning](#) and their [right to speak their own language](#).

For children and young people who experience disadvantage and poverty, those who were requested to self-isolate and therefore participate in remote learning in the summer term, may have been disproportionately affected through limited access to technology and/or other support for their learning. The return to school

⁵ [More chores for British girls means less time for schoolwork, Theirworld survey shows](#)  Theirworld

with fewer interruptions will resume support for learning and teaching, thereby increasing parity with their peers. Other protective factors, including for their wellbeing more generally, will also resume. Therefore this is likely to impact positively for children and young people in these circumstances.

For families at a socio-economic disadvantage, supporting a pupil who has been required to self-isolate following development of COVID symptoms or a positive COVID test may be particularly difficult. We have asked schools to signpost families to such learning and financial support as is available to help minimise this impact and this has been included in the guidance for schools.

There is neither positive nor negative impact for children and young people in receipt of free school meals in the return to school as this provision has been maintained during the pandemic, and during school holidays. However, in some circumstances, the return to school and access to free school meals will be positive for the children and young people, depending on the individual family circumstances and the use of the free school meal replacement offer during the pandemic.

Face coverings

While wearing face coverings on the school estate conveys a health benefit to the school community in suppressing the spread of the virus, the negative impacts of wearing a face covering for learners who have additional support needs arising from hearing impairment, neurodiversity and children and young people with English as an Additional Language, should continue to be carefully considered. Communication for many of these learners (including hearing impaired young people) relies in part on being able to see someone's face clearly. This is also important for children and young people who are acquiring English and who rely on visual cues to enable them to be included in learning.

Vaccination policy

The latest advice from the JCVI to offer vaccination to children age 12 – 15 with certain conditions, experience severe neuro-disabilities, Down's syndrome, immunosuppression and multiple or severe learning disabilities or those who live with an immunosuppressed person will have a positive impact in their rights to healthcare and will reduce their anxiety around transmission of the virus to family members at home who may be at highest clinical risk.

This may have a negative impact on children under 18 in similar positions, however, the JCVI is not currently advising routine vaccination of children outside of these groups, based on the current evidence and is of the view, at this time, that the health benefits of universal vaccination in children and young people below the age of 18 years do not outweigh the potential risks.

Contact tracing and testing

Some pupils may be uncomfortable taking a LFD COVID test. We have provided guidance in relation to pupils with additional support needs, including considerations about whether and how they should be testing, and have provided schools with information about risk assessments, to ensure that the needs of these pupils are carefully considered.

4. If a negative impact is assessed for any area of rights or any group of children and young people, what options have you considered to modify the proposal, or mitigate the impact?

Face coverings

Face coverings may negatively impact upon learners with additional support needs, including any level of hearing loss, and children and young people who are acquiring English and who rely on visual cues to enable them to be included in learning. Individuals who may not be able to handle and wear face coverings as directed (e.g. those with additional support needs or disabilities) should not wear them as it may inadvertently increase the risk of transmission. In order to mitigate this impact, Scottish Government guidance on “[Helping Others](#)” sets out supportive approaches when interacting with hearing impaired people. The National Deaf Children’s Society has also [suggested some ways in which communication with hearing impaired learners can be supported](#), in circumstances where face coverings are a barrier to communication.

In classes where any such impacts are anticipated and no alternative mitigations are reasonable, schools should consider the use of transparent/see-through face coverings. Some children and young people may need additional support/reassurance about the reasons for adults wearing face coverings. However, as face coverings have become prevalent in wider society, this is likely to be less of a concern.

the policy of wearing face coverings in classrooms will be kept under close review and when the evidence supports the removal of this mitigation as being safe this decision will be taken. Guidance sets out that face coverings can be made of cloth or other textiles and should be two, and preferably three, layers thick and fit snugly around the mouth, nose and chin while allowing you to breathe easily. With continuing baseline mitigations such as increased hygiene, continued physical distancing practices and a renewed focus on the importance of good ventilation, should there be an eventual removal of requirements to wear face coverings in class, this will allow for better communication between pupils and teachers during times of learning while maintaining protection of community health in enclosed spaces.

However, baseline measures are strongly encouraged for staff and pupils at highest risk. Mitigations which remain in place for now such as face coverings (as set out in Reducing risks in schools guidance) are not just to give added protection to the population as a whole, but also to give protection and assurance to those at highest clinical risk.

Bullying

While the impacts of bullying are consequential to the start of the new school year, this policy does not directly influence anti-bullying policy. Nonetheless, children who may suffer negative impacts from anxiety around the removal of some mitigation measures as a continuation of in-school learning, or those who experience bullying will continue to be supported via local authority and school's mental health services and anti-bullying policies.

The Scottish Government anti-bullying guidance '[Respect for All: The National Approach to Anti-bullying for Scotland's Children and Young People](#)' is also available to support everyone working with children and young people and provides a holistic approach to anti-bullying. The approach forms part of our wider attempts to improve the health and wellbeing of our children and young people. It fits in with our ongoing work to ensure children and young people feel safe and secure and are able to build up strong and positive relationships with their peers and with adults as well as our work to promote positive behaviour.

The Scottish Government also continues to fully fund *respectme* Scotland's anti-bullying service. *respectme* work with all adults who have a role to play in the lives of children and young people to give them the practical skills and confidence to deal with bullying behaviour, wherever it occurs. *respectme* provide direct support to local authorities, schools, youth groups and all those working with children and young people. *respectme* has produced a document '*Bullying...a guide for Parents and Carers*'. Further information about our approach to anti-bullying in Scotland and also a copy of useful documents can be found on the *respectme* website at www.respectme.org.uk or telephone 0844 800 8600.

Vaccination policy

There may be a concern of the possible negative impact on children under 12 who are considered clinically vulnerable or who share a household with someone who is at highest clinical risk not being offered the vaccine. The evidence is that children and young people, even those with significant long term health issues, rarely become significantly unwell if infected with COVID with a low chance of mortality from the virus with a rate of 2 deaths per million in children and young people from COVID in the UK during the pandemic. Balanced against that for most children and young people are the significant benefits from attending ELC and school and the harm from not attending. The advice given reflects our current understanding of the best balance of risk and benefit for children and young people and will be kept under review.

Contact tracing and testing

Some pupils may be uncomfortable taking a lateral flow COVID test. We have provided guidance in relation to pupils with additional support needs, including considerations about whether and how they should be testing, and have provided schools with information about risk assessments, to ensure that the needs of these pupils are carefully considered.

Additionally, from the start of term, after schools have used up their current stocks of Innova test kits and place orders for additional test kits, they will be provided with a new type of LFD test kit. While very similar to the current tests, the new device involves a nasal-only swab. This is in response to feedback that throat swabbing can be uncomfortable for some users. The new types of test kit also return results more quickly, reducing the amount of time involved in testing. The UK Government have also updated their online reporting portal so that household accounts can be created. This will allow parents to record results for more than one child without having to re-enter data multiple times.

5. How will the policy/measure contribute to the wellbeing of children and young people in Scotland?

Safe

All of the decisions related to mitigating measures for the new school year have been taken in the best interests of children, young people, staff, families and communities in the interests of safety, and in promoting their health and wellbeing. These decisions have been informed by scientific advice and on the advice of the Chief Medical Officer.

It is known that some risks to children and young people will have increased during the pandemic and that [risks increase as a result of school closure](#), such as a rise in the experience of domestic abuse, child protection concerns and poorer mental health and wellbeing. The reduction in mitigation measures to support in-school learning and changes to self-isolation policy will contribute to maximising the time children and young people spend at school where health promotion and child protection services are more readily available.

Healthy

Schools have key roles in relation to the health of children and young people. All schools are required to be health promoting – promoting physical, social, mental and emotional wellbeing by supporting pupils to make positive lifestyle choices in relation to their health and wellbeing. It is known, that some risks to children and young people will have increased during the pandemic and it is expected that there will have been a rise in the experience of domestic abuse, child protection concerns and poorer mental health and wellbeing. The reduction in mitigation measures to support in-school learning and changes to self-isolation policy will contribute to maximising the time children and young people spend at school where health promotion and child protection services are more readily available.

The Scottish Government has recognised these concerns, and sought to support children and young people appropriately, in light of the circumstances. The Scottish Government has continued to prioritise the support for children and young people's mental health and wellbeing through [support for school staff](#) in responding to children's needs and the counselling through schools programme.

Ministers have made clear the need for [planning to support children and young people's wellbeing](#) as part of educational recovery.

Pupils undertake a specific amount of physical activity during their school week and the food and drinks they are provided with are done so in line with national standards. There have been protections in place for physical activity during the pandemic and [guidance in place to support this](#) in order to enable continued physical activity, however, the [Lockdown Lowdown report](#) indicated that 47% of young people reported that they were somewhat, moderately or extremely concerned about their physical wellbeing. It is recognised that the change to mitigating measures will allow more sports to take place.

Achieving

As indicated above, it is expected that the reduction in mitigating measures where safe will positively impact on the learning of many children and young people. Whilst some young people will have benefitted from learning at home, the return to school will support improvements in learning outcomes for children and young people, who benefit from a return to the familiar structure of supported learning in school. The guidance to support planning for school return has [focussed on the recovery](#) of learning and [support](#) for wellbeing as part of the [national approach](#).

Nurtured

It is recognised that children, young people and their families will require support if needed to self-isolate to secure continued learning at home, and to support children and young people's wellbeing. Guidance to support remote learning has been produced by Education Scotland, and specifically, guidance for parents and carers to [support children and young people's wellbeing](#) whilst at home and during the pandemic which has been a source of challenge to many children, young people and families. The reduced mitigations that allow for less disrupted learning in school will enable children, young people and their families to re-engage with the care and support that they receive from schools.

Active

As indicated above schools undertake specific activities in relation to physical activity and sport, as part of the health and wellbeing curriculum and being health promoting schools. Physical activity was central to the approach Scotland took as part of lockdown arrangements, however support has been given through the [enhanced summer offer](#) for all children to maintain physical activity and peer engagement during the summer break, and with the updated guidance now providing for the increased uptake in classes such as PE, drama and dance, children and young people will continue to benefit from these activities in school.

Respected and Responsible

The decision to change focus to the removal of mitigation measures to support continued in-school learning, has been made in light of scientific advice and on the advice of the Chief Medical Officer. Due to the nature of the pandemic, those considerations have been first and foremost. Children and young people's views about the matters that concerned them, and those of parents and carers have been used to inform guidance on preparations for the new school year. The voices of children and young people have been well expressed through surveys such as

the [Lockdown Lowdown](#), through consultation with the Education Recovery Youth Panel, and the [Coronavirus Times](#) publications. These have been relied upon, alongside other evidence, in considering the impact of changes to mitigating measures on young people.

Included

Support to overcome disadvantage has been central to the approach taken by the Scottish Government. There have been a number of approaches to provide support for those affected by disadvantage throughout the pandemic, including the provision of technology and equipment to support access to online learning and services, continued provision of free school meals and alternatives during lockdown and during summer school holidays. Changes to mitigations that support a full return to school with fewer disruptions to learning for all pupils will help ensure children and young people from all backgrounds benefit from access to education and the support mechanisms made available in schools.

6. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?

In these very difficult and unprecedented decisions, there has been consistent consideration of children and young people's wellbeing and rights, and a particular focus on the reduction of negative impact through mitigating actions, recognising that in some circumstances it is not possible to wholly mitigate the impact to children and young people's rights. The decision to amend self-isolation requirements was taken with consideration to the rights, health, safety and wellbeing of children and young people with the focus on mitigating impacts to children and young people's wellbeing and education remaining a central concern.

While some of the measures proposed may have a negative impact on some UNCRC rights, they have been assessed as necessary and proportionate and are still being made in the [best interests](#) of children and young people.

7. What evidence have you used to inform your assessment? What does it tell you?

The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys, etc. In particular, look at what existing evidence tells you about children and young people's views and experiences of the relevant service(s); and/or what it tells you about children and young people's views of the policy proposal. Identify any gaps in the evidence base, and set out how you will address these.

We have drawn on significant work to understand the views of children and young people affected by lockdown carried out by The Scottish Youth Parliament, YouthLink Scotland, and Young Scot. This provides for the right of children and young people to be heard ([article 12](#)) and contributes to the understanding of the experiences of children and young people as officials consider the support required for the new school term.

Officials have also reflected the information gathered through statistical evidence and data, and information provided by other colleagues across the Scottish Government including Scottish Government publications such as:

- **COVID-19: Children, young people and families – June 2021 Evidence Summary,**
- **COVID-19 Mitigation Measures Among Children and Young People in Scotland – Summary of the Evidence Base**
- **Coronavirus (COVID-19) - experiences of vulnerable children, young people, and parents: research**

Evidence has also been gathered from **The Impact of Covid-19 on children and young people in Scotland** published by Public Health Scotland.

The evidence above confirms that children and young people's learning and wellbeing have been negatively impacted by intermittent attendance at school due to school closures and self-isolation requirements. The changes to self-isolation and associated compensatory measures described by this policy will act to counter the negative impacts of interrupted education and school-based support to children and young people overall. As schools reopened following the Easter break, young people appeared to feel, generally, that they were looking forward to returning to school, provided that it is safe to return, as it allows them to see their friends, and have support for their learning. It is expected that children and young people will benefit further from the improved continuation of their 'usual' routines brought about by the measures described above.

8. Have you consulted with relevant stakeholders?

A range of stakeholders were involved in the design of the policy and completion of this impact assessment including Directors of Education, local government, professional body representatives, 3rd sector organisations and democratic children's interest groups such as the Children's Parliament and Scottish Youth Parliament.

Feedback from consultees were considered with respect to balancing the harms and mitigating negative impacts of the policy and were incorporated where appropriate.

9. Have you involved children and young people in the development of the policy/measure?

The Scottish Government has taken proactive measures to ensure that the voices of children and young people have been heard throughout the Covid-19 Education Recovery Response. The [Education Recovery Youth Panel](#) created in November 2020 and delivered by Young Scot in partnership with [Children in Scotland](#), supports the Scottish Government's COVID-19 Education Recovery Group ([CERG](#)) - as a successor to the earlier Scottish Learner Panel project. The group have twice taken part in CERG meetings and were invited to comment specifically on the measures included in the return to school guidance in July 2021.

Membership of the CERG also includes representation from the Scottish Youth Parliament, who provide ongoing insight into the lived experiences of young people throughout the pandemic and contribute to suggestions for change in the medium-long term recovery period.

Officials have also drawn from survey work carried out by third sector organisations to access young people's views on these issues.

With respect to feedback from children and young people regarding testing kits and barriers to testing, the Scottish Government is working in collaboration with Young Scot to deliver two weeks of paid advertising across Young Scot's social media channels (TikTok, Snapchat, Instagram, etc) from early August, encouraging young people to test and record results, and to check for the latest support and guidance on www.young.scot/coronavirus. In addition, a direct mailer pack will be sent to every secondary school in Scotland, with various printed assets (posters, stickers, door hangs, etc) that can be used for these purposes. We have worked closely with Young Scot to ensure young people themselves were involved in the design and development of these materials to make them as relevant and engaging as possible.

CRWIA – Stage 3

Publication Template

[CRWIA for a non-legislative policy/measure](#)

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| CRWIA title: (CRW)IA on Reducing risks in schools guidance for back to school arrangements - August 2021 Publication date: | |
| Summary of policy aims and desired outcomes | <p>The updated Reducing Risks in Schools guidance should be used by schools and local authorities in planning for the 2021/22 school session. The guidance sets out that local authorities and schools should continue to apply the mitigations that were in place at the end of last term, with the exception of some modifications relating to an updated policy on self-isolation, contact tracing and testing for U18 close contacts and minor adjustments to ensure consistency with the mitigations in place in wider society. These adjustments should be made as soon as possible after the return to school, and in any case within 6 weeks of return (end of September).</p> <p>The policy aims to support a safe return to school for all children, young people and staff from 11 August 2021.</p> |
| Executive summary | <p>This impact assessment considers the impacts to children’s rights and wellbeing as a result of policy updates to self-isolation, contact tracing and testing for U18 close contacts and minor adjustments to mitigations to ensure consistency with the mitigations in place in wider society.</p> <p>The assessment specifically considers children and young people who may be more adversely affected by the updated policy on self-isolation, contact tracing and testing, and adjustments to mitigations and the actions taken to mitigate the impact of those changes.</p> <p>Assessment of the updated Reducing risks in schools guidance has found that the amendments to mitigation measures conveys a largely positive impact on the UNCRC for all children and young people in their return to school after the summer break.</p> <p>Where negative impacts have been identified, mitigation measures have been put in place to minimise any reduction in the rights and wellbeing of children and young people as laid out in the UNCRC and the Scottish Government’s GIRFEC framework.</p> |
| Background | <p>As part of the ongoing response to the COVID-19 pandemic, on 6 April, following assessment of the latest data and advice from clinical advisors, the First Minister announced that that</p> |

almost all pupils would return to school for in-person learning following the Easter break. This return coincided with an investment of almost £400m of funding to help with education recovery and updated guidance for ensuring a safe return including; a removal of strict 2m distancing where necessary and encouragement for all secondary pupils and staff to engage in twice weekly lateral flow testing which was made available for monitoring purposes. The measures remained in place for the remainder of the school term.

At the end of term, schools were advised that current mitigations would remain in place upon the return to school from the summer break. This was to provide a measure of security for local authorities and teachers over the summer period and allow them to better plan for the return to school in the new term in August.

During summer an enhanced summer offer was made available to mitigate some of the negative social, learning and development impacts from schooling interruptions, along with continued provision of free school meals to support those families impacted most by the COVID-19 pandemic.

Professionals from across the education and Early Learning and Childcare (ELC) sectors have taken action to support children and young people through these challenging times. However, interrupted schooling is considered to be having a negative effect on all aspects of children's progress and development, including their learning and their wellbeing, including their mental health.

The Scottish Government has taken a series of actions, together with partners, to mitigate these impacts wherever possible, and to secure the wellbeing of children and young people as we return to in-person learning at school.

The Scottish Government COVID-19 Advisory Group was established in March 2020 to apply the advice coming to the four nations from the Scientific Advisory Group on Emergencies (SAGE) and other appropriate sources of evidence and information and use it to inform local decisions in Scotland during the pandemic. Later, a sub-group specialising in children's and education issues was also established to provide more bespoke advice. This includes providing insight and modelling to ministers and the COVID-19 Education Recovery Group (CERG).

The CERG was established in April 2020 to support government decision making through providing insight into the practicalities around reopening schools and ELC settings. The

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| | <p>focus of the group is on how schools should operate based on the latest scientific advice on issues affecting children and young people and their schooling.</p> <p>The Scottish Government also takes advice from the JCVI which is used to guide ministerial decisions in relation to vaccination policy and delivery across Scotland.</p> <p>The guidance under assessment sets out that local authorities and schools should continue to apply the mitigations that were in place at the end of last term, with the exception of some modifications relating to an updated policy on self-isolation, contact tracing and testing for U18 close contacts.</p> |
| <p>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</p> | <p>The CRWIA applies to all children and young people who are on the school roll of an independent, grant aided or education authority school in Scotland, who are aged up to 18 years of age. It is recognised that there are some young people on the school roll in Scotland who are aged 19, to whom this would apply, although the scope is limited to 18 year olds.</p> <p>There is a significant evidence base to support the decisions to update policy on self-isolation, contact tracing and testing for U18 close contacts in the form of government reports, independent analysis and 3rd sector surveys.</p> <p>Officials have reflected the information gathered through statistical evidence and data, and information provided by other colleagues across the Scottish Government including Scottish Government publications such as:</p> <ul style="list-style-type: none"> • COVID-19: Children, young people and families – June 2021 Evidence Summary, • COVID-19 Mitigation Measures Among Children and Young People in Scotland – Summary of the Evidence Base • Coronavirus (COVID-19) - experiences of vulnerable children, young people, and parents: research <p>Evidence has also been gathered from The Impact of Covid-19 on children and young people in Scotland: 10 - 17 year olds published by Public Health Scotland.</p> <p>Themes arising from the above include:</p> <ul style="list-style-type: none"> • Behavioural and emotional difficulties observed in young children • Poor levels of social interaction • Increased stress in 12 – 17 year olds • Concern with the health impact of returning to school • Increased loneliness |

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| | <ul style="list-style-type: none"> • The desire for clearer messaging on rules around meeting others • Lower levels of mental health • Restrictions on meetings others negatively impacting upon relationships and mental health <p>Due to the nature of the pandemic, there is necessarily less evidence than would usually be available to support associated policy development. However, there is significant evidence of young people’s views through surveys undertaken by 3rd sector organisations. These have been referenced throughout, as appropriate.</p> |
| <p>Children and young people’s views and experiences</p> | <p>There is clear evidence of children and young people’s views and experiences of self-isolation and their views on COVID restrictions and mitigations gathered by 3rd sector organisations.</p> <p>The development of the policy has benefited from taking into account the views and experiences of children and young people by drawing from surveys and reports such as the lockdown lowdown and the education recovery youth panel.</p> <p>Themes reported in the findings of these surveys and consultations include:</p> <ul style="list-style-type: none"> • The desire to increase safety at school • Issues with learner support availability at all school stages and difficulty with online learning • Challenges with wearing face coverings • Mental health, emotional and wellbeing concerns arising from self-isolation requirements • Lack of opportunities to engage with others via meeting with friends/family, group working etc • Differences in contact time with teachers across schools • Challenges in being self-motivated in senior phase • Lack of consistency between school and home • Concern about transmitting the virus to others <p>As members of the Education Recovery Youth Panel children and young people were also invited to comment directly on drafts of the Reducing risks in schools guidance during development. Many of the issues outlined above are still considered a priority but panel members and those consulted were pleased with the direction of travel the guidance was taking.</p> |
| <p>Key Findings, including an assessment of</p> | <p>The policy impacts upon the following articles of the UNCRC:</p> <ul style="list-style-type: none"> • Article 2 - Non-discrimination • Article 3 - Best interests of the child |

the impact on children's rights, and how the measure will contribute to children's wellbeing

- [Article 6](#) - Life, survival and development
- [Article 12](#) - Respect for the views of the child
- [Article 13](#) - Freedom of expression
- [Article 15](#) - Freedom of association
- [Article 18\(2 & 3\)](#) - Parental responsibilities and state assistance
- [Article 23](#) - Children with disabilities
- [Article 24](#) - Health and health services
- [Article 28](#) - Right to education
- [Article 29](#) - Goals of education
- [Article 30](#) - Children of minorities/indigenous groups
- [Article 31](#) - Leisure, play and culture
- [Article 36](#) - Protection from exploitation or maltreatment
- [Article 39](#) - Recovery and rehabilitation of child victims

The impact assessment found that policy changes to self-isolation, contact tracing and testing for U18 close contacts and minor adjustments to mitigation measures are expected to impact positively upon children and young people in general.

By increasing consistency of attendance at school as a consequence to the above policy changes and in line with clinical advice, children and young people will better benefit from:

- the increased safety conveyed by child protective factors at school,
- the health benefits inherent at schools as part of their role in promoting health, including social, emotional and mental wellbeing,
- in-person support for their learning and achievement
- the nurturing environment promoted by care and support services offered by the school environment,
- increased activity as a consequence of schools undertaking specific activities in relation to physical activity and sport, as part of the health and wellbeing curriculum and being health promoting schools.
- the respect of having their views about matters that concern them being recognised, such as their desire to return to a more consistent school routine,
- the responsibility of being empowered to protect their more consistent school routine by participating in the mitigation measures required to maintain a safe school environment, and
- increased inclusion as a result of more consistent schooling for all children that will promote school participation for all pupils with additional support available for the disadvantaged, for example, in the

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| | <p>form of access to in-person care and support for those with additional support needs.</p> <p>Where the assessment identified negative impacts, such as the impact of continued wearing of face coverings in school learners with additional support needs, including any level of hearing loss, and children and young people who are acquiring English, these are mitigated by supplementary guidance or mitigation measures to minimise any reduction in the rights and wellbeing of the child as laid out in the UNCRC and described in the Scottish Government's GIRFEC framework.</p> |
| Monitoring and review | Mitigations will be kept under constant review, and if data and evidence suggest that any specific mitigations can be reduced or removed at an earlier stage advice will be provided to that effect. |
| CRWIA Declaration | |
| Authorisation | |
| Policy lead Learning Directorate: Covid-19 Education Recovery Group Secretariat | Date 4 Aug 2021 |
| Deputy Director or equivalent Andrew Drought and Sam Anson Deputy Director, Covid Education Strategy and Recovery Division | Date 4 August 2021 |



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