



**Baroness Berridge of the Vale of Catmose**

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House of Lords  
London  
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Dear Colleagues,

Following the passage of the Coronavirus Act, I wanted to write to update you all about the latest steps the Department is taking, and to answer the questions that were raised during the passage of the Act.

As of Monday 23 March, nurseries and 5-19 education settings in England were asked to open only for children of critical workers and vulnerable children. This has been an important part of the government's response to the coronavirus outbreak, and we are extremely grateful to staff, parents, and children for managing so well in such unusual circumstances.

In order to understand what is happening on the ground, the Department is receiving daily reports from education settings. This includes whether they remained open and the number of pupils and staff in attendance. The Department has published the numbers of children of critical workers and vulnerable children in attendance at schools between 23 March and 17 April. The figures are available on Gov.uk and will now be published weekly.

Figures show that the attendance rate amongst pupils in education settings was around 1% during the week commencing 13 April, which would have been the last week of the Easter holidays, having originally been above 3% in the first week of partial closures. 24,000 of the children in attendance on Friday 17 April were classed as vulnerable; 62,000 of the children in attendance on Friday 17 April were children of critical workers. These figures illustrate the incredible effort families all over the country are making as we fight the coronavirus, with well over 90% of children staying home. Additionally, local authorities are reporting similar information on available early years childcare provision. It was estimated on 16 April that 65,000 children were attending early years childcare – about 4% of the number of children who usually attend childcare in term time.

We will continue to work closely with the Chief Medical Officer and Public Health England to make a judgement about when to recommend beginning to change this advice.

My colleague, the Secretary of State, laid a written ministerial statement on support for education settings and providers for Coronavirus on 21 April. It is available online at: <https://tinyurl.com/yav9gywq>. I encourage interested peers to read this statement.

Turning to the passage of the Coronavirus Act, I am grateful to all peers who raised questions about the impact of the coronavirus emergency on the education system. I am, therefore, writing to respond to the questions raised. I hope that this is helpful.

### Learning from home

Lord O'Shaughnessy asked about plans to provide financial and technical support to enable learning from home.

Most children are not attending schools, and we are extremely grateful for how schools and colleges have adapted so rapidly to new ways of working by moving resources online, working remotely and changing the way they support their students and each other.

We have published an initial list of high quality online educational resources including how to support physical and mental wellbeing and materials for teaching children with special educational needs and disabilities. Information, guidance and support for parents and carers of children who are learning at home is available at: <https://tinyurl.com/ycgf7lqs>

The Secretary of State's written ministerial statement of the 21 April includes information on how the government is supporting parents and teachers with devices and connectivity.

### Examinations and qualifications

Lord Watson asked for clarification about the option of children sitting their exams in 2021. The Department is working closely with Ofqual and awarding organisations to ensure, wherever possible, students are able to receive results for exams and assessments they were due to take this spring and summer.

The Department and Ofqual is working to ensure GCSE, A and AS level students are awarded a fair grade that recognises the work they have put in, based on the best available evidence from teacher assessment and relevant statistical data, including prior attainment. If a student does not believe the correct process has been followed in their case, they will be able to appeal on that basis. If they still do not feel their grade reflects their performance, they will have the opportunity to sit an exam, as soon as is reasonably possible after schools and colleges open again. Students will also have the option to sit their exams in summer 2021 – there is already provision for this in existing practice.

There is a very wide range of different vocational and technical qualifications, as well as other general qualifications which schools, colleges and other providers deliver and for which students were expecting to undertake assessments this spring and summer. This is a complex landscape and the department is working at pace with Ofqual to determine the approaches to assessment and awarding of these qualifications. As set out on 9 April, qualifications which are used for progression to further and higher education should, as far as possible, be treated in the same way as GCSEs, AS and A levels, with students receiving a calculated result. Calculated results will draw appropriately on a range of evidence, depending on the structure of the qualification. It will not be appropriate to issue calculated results for all vocational and technical qualifications, such as those used to signal occupational competence. These qualifications should, wherever possible, receive adapted assessments. On 24 April, Ofqual launched a consultation on implementation of these measures. The consultation closes on 8 May.

The aim is to ensure that results for vocational and technical qualifications and other general qualifications that are used for progression to further or higher education are made available at the same time as GCSEs, AS and A levels.

Baroness Blackstone noted concerns about the implications of the decision to cancel exams taken in schools and colleges for GCSEs, A levels and other qualifications this summer. The coronavirus outbreak is expected to continue having a significant impact on the education system, and the country, for months to come. The Government therefore took the difficult decision to cancel exams now to give pupils, parents, and teachers certainty, and enable schools and colleges to focus on supporting vulnerable children and the children of critical workers.

Lord Adonis asked whether we can make an offer for people to repeat final years for GCSE, A levels and degrees. Students will receive grades in the summer which have the same value as in any year, enabling the vast majority to progress to the next step. If students do not feel that their calculated grade reflects their performance, they will have the opportunity to sit examinations as soon as reasonably possible after the start of the new academic year. Students will also have the option to sit their exams in summer 2021 – there is already provision for this in existing practice.

For higher education admissions, it remains our top priority that we move to a stable system that prioritises the best interests of our students and which provides stability across the system. We are working very closely with UCAS, the Office for Students and sector representatives, as well as across government, to ensure that we achieve this goal. We must take the time to get this right, while ensuring stability for providers and students now. Therefore, we have decided that the moratorium on changes to offers should be extended by a further two weeks, until Monday 4 May, while we continue to work to agree any measures that we need to put in place.

Universities and other Higher Education Providers should remain open, unless otherwise advised by PHE, and teaching, learning and assessment is moving online rather than stopping. There is currently no indication that students are not going to be able to complete their studies. The Office for Students, the regulator in England, has committed to protecting students by working with providers to develop practical ways to maintain teaching quality and standards, enable adequate exams and assessment, and support financial sustainability. The clear expectation is that providers should make all reasonable efforts to enable students to complete their studies, for achievement to be reliably assessed and for qualifications to be awarded securely.

Providers are already making these arrangements and the Quality Assurance Agency for Higher Education has published good practice guidance that is available to all UK higher education providers.

### Healthcare students

Baroness Watkins and Baroness Bennett both asked about financial support for healthcare students entering the workforce. The government recognises the immense commitment being made by students who are choosing to opt in and help support our NHS during this extremely difficult time and will be ensuring all students who do opt in are rewarded fairly for their hard work.

### Vulnerable children

Baroness Blackstone raised the important point of the impact of restricted access to education on social equity, and whether headteachers should treat disadvantaged children as vulnerable. Our definition of 'vulnerable' includes those who have a social worker (for example children in need and looked after children) and those children and young people up to the age of 25 with education, health and care (EHC) plans. Eligibility for free school meals in and of itself should not be the determining factor in assessing vulnerability, but schools and local authorities know their pupils best, which is why they have the flexibility to educate children in school, if they believe this would be safer than remaining at home. The principle remains that the vast majority of children should not be in school, in order to reduce coronavirus transmission.

Social workers are continuing to work with thousands of families through these uncertain times, in order to make sure vulnerable children are supported and safeguarded. Vulnerable children who already have a social worker will still be visited and/or monitored as frequently as possible and are expected to attend an education setting, so long as they do not have underlying health conditions that put them at severe risk.

Lord Watson asked about support for those vulnerable children who do not have an official social care status. Leaders of educational settings and designated safeguarding leads know who their most vulnerable children are and we have been clear that they have the flexibility to offer a place to those children on the edges of receiving children's social care support. When schools have concerns that a child may be at risk, they should be referred to children's social care as normal so that children's social care can take appropriate action.

### Children with Special Educational Needs or Disabilities (SEND)

Lord Watson and Lord Low made important points about the importance of mitigating the impact of the measures needed to address coronavirus on children with SEND.

As part of the response to coronavirus, we have asked educational settings to continue to remain open for a limited number of children and young people, including those with an Education, Health and Care (EHC) plan. We are asking local authorities and educational settings to consider the needs of all children and young people with an EHC plan and conduct a risk assessment, in consultation with parents/carers and the child or young person themselves, to determine whether they are as safe, or more safe, at their educational setting than at home. This risk assessment process will ensure that the child or young person in question will reside in the the setting that is most suitable to safely meet their individual needs.

For those who are able to be supported at home, local authorities, educational settings and parents will want to consider, as part of any risk assessment, whether moving either equipment or services into a child or young person's home would enable them to be supported there rather than staying at their educational setting. This is particularly relevant where this would offer a medically vulnerable child or young person a way to have their needs met with fewer contacts than might be inevitable at school or college and would support parents in managing the additional pressures of caring for and educating a child or young person with SEND at home.

To support home learning, we know that many schools are already engaging with their pupils to provide access to online resources that will enable teaching and learning to continue; and we are working with the BBC and other partners to provide advice and support directly to schools on this. Within this, we will ensure appropriate consideration is given to how accessibility and inclusion arrangements can be supported, so that pupils with SEND can also benefit from online resources.

In addition, we have published a list of online educational resources to help children learn at home. This includes an initial list of SEND resources for pupils and teachers. The list has been developed with a focus on accessibility and inclusivity, based on the recommendations of trusted organisations, charities, multi-academy trusts and special education headteachers. The list is available at: <https://tinyurl.com/y7dthc4b>.

We recognise that additional support may be required to ensure that learning materials are suitable for children with SEND. Our country has an experienced, expert workforce of Special Educational Needs Co-ordinators (SENCOs), education psychologists, speech and language therapists, qualified teachers of sensory impairments, other therapists, and teaching assistants often with specialist knowledge. For children with SEND, and particularly those with the most complex SEND who have an Education, Health and Care (EHC) plan, any of these professionals could play an important role in designing or adapting interventions or learning materials so that their needs can be met at home. For children with SEND in mainstream schools, SENCOs will typically lead on ensuring that they have access to materials that will support their learning at home, drawing on other professionals to source and adapt materials where appropriate.

Lord Watson specifically asked whether the changes in the Act would remove the requirement on schools and education authorities to provide reasonable adjustments and auxiliary aids. I can confirm that there is no change in the Act to the Equality Act 2010, so the various duties on local authorities, schools and other education settings stand: including the duty to make reasonable adjustments.

Lord Low asked for more information and reassurance about how the powers in the Act with regard to children with SEND will be used in practice. The government's aim, through the powers in the Act and associated changes proposed to SEND Regulations, is to ensure a balance between the needs of children and young people with SEND to receive the support they need with managing the demands on local authorities, schools and health bodies to respond to this outbreak.

This is why the Act includes temporary emergency powers to enable us, where appropriate and proportionate, by notice, to modify the legal requirements on local authorities in fulfilling their duties in relation to EHC plans under section 42 of the Children and Families Act 2014. The effect of such a notice will be that any duty imposed on a person by section 42 is to be treated as discharged if the person has used 'reasonable endeavours' to discharge the duty. Any departure in a child or young person's provision from what is set out in their EHC plan would only be temporary. The full range of provision would be reinstated once the temporary modification was lifted. The Act also provides for the Secretary of State by notice temporarily to disapply the duty on schools and other institutions named in EHC plans to admit under section 43 of the Children and Families Act 2014 and the duties of local authorities under section 44(1) of that Act relating to reviews.

Baroness Hussein-Ece asked about shortages of staff in residential care homes for disabled children. Ensuring that vulnerable children remain protected is a top priority for government. We know that local authorities have been working closely with residential homes on continuity plans to ensure they can safely remain open. The Government has provided more than £3.2 billion of funding for local authorities to help address pressures arising from COVID-19.

That includes funding to support children's social care. We continue to consider additional options to help providers with staffing shortages to ensure they can continue to offer the care and support that the children in these homes need. Where homes have an immediate or impending staffing shortage which may lead to closure, they should discuss this as a matter of urgency with the relevant placing authority and notify Ofsted. Recent expansion of testing for all key workers will also provide an important way of helping to ensure that self-isolating staff can return to work safely and limit shortages. We recognise that local authorities and other safeguarding partners are under increased pressure and are considering all options to ensure that they are able to continue to keep children safe throughout this period and to ensure that vulnerable children are protected.

### Education workforce

Lord Watson asked about job security for all of the education and childcare workforce. The government wants to protect the finances and sustainability of nurseries, colleges, universities, and other parts of the education and childcare sector. To that end we have confirmed that schools will continue to receive their budgets as usual, funding for the early years entitlements will continue to be provided to local authorities, and that further education colleges and other grant funded providers will continue to be funded against profile. We have also provided assurance to Higher Education Providers that the Student Loans Company (SLC) is planning to make Term 3 tuition fee payments as scheduled. This will support providers in honouring existing staff contracts in as many cases as possible. Where this is not the case, the Chancellor has announced an unprecedented package of support including the Coronavirus Job Retention Scheme to help pay staff wages and keep people in employment. The education sector are able to access the Scheme for staff costs not paid for by public sector funding.

Baroness Blackstone asked whether PGCE students will be able to complete their studies this summer to ensure an adequate supply of teachers. We have announced that those teacher trainees who were making adequate progress towards the Teachers' Standards at the time that schools shut should be recommended for qualified teacher status at the end of their course. We will be issuing guidance shortly for those trainees who weren't on a trajectory to meet the Teachers' Standards by the end of their ITT course. The Postgraduate Certificate of Education is an academic award and is separate to qualified teacher status. Therefore, students should discuss the award of PGCE with their Higher Education Provider.

### Local authorities & post-16 education

Lord Watson questioned why the Act gives a role for local authorities, but asked why this did not extend to 16-19 provision. We would indeed expect local authorities to play a co-ordinating role on a number of fronts, working closely with further education colleges and with the Education and Skills Funding Agency's local teams. However, that is different from the direction making powers which are a last resort or backstop.

The scale and complexity of 16-19 is different from schools – for example providers can and do deliver across multiple local authorities and deliver a much wider range of training and education. It is important that any directions balance local needs with a wider perspective, to avoid the risk of conflicting directions from multiple local authorities applying to the same institution. So it is sensible for that function to sit with the Secretary of State, through the Education and Skills Funding Agency. This is in line with the existing approach for questions of gaps in 16-19 provisions funded by the Education and Skills Funding Agency, whereby the Education and Skills Funding Agency would look to fill such gaps. Local authorities are able to feed in to the process by identifying gaps in 16-19 provision.

I hope this letter has been useful and I will place a copy in the House library.

A handwritten signature in black ink, reading "ER Berridge". The signature is written in a cursive style with a long horizontal stroke at the bottom.

**ELIZABETH BERRIDGE**

**PARLIAMENTARY UNDER SECRETARY OF STATE**