

## Education Committee

### Oral evidence: [The impact of COVID-19 on Education and Children's Services, HC 254](#)

Wednesday 22 April 2020, by audio visual conferencing

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Members present: Robert Halfon (Chair); Fleur Anderson; Apsana Begum; Jonathan Gullis; Tom Hunt; David Johnston; Ian Mearns; David Simmonds; Christian Wakeford.

Questions 1 - 66

#### Witness

I: Vicky Ford MP, Parliamentary Under Secretary of State for Children and Families.

Written evidence from witnesses:



## Examination of witness

Witness: Vicky Ford MP

**Q1 Chair:** Thank you. We are pleased to hold this Committee today, online for the second time, but this is a public session. I am very grateful to have Vicky Ford, the Children's Minister, looking very healthy and well, addressing our Committee today.

I want to begin by thanking the House of Commons staff, who are still in the Commons to make this possible, and risking the health of themselves and their families. What you are doing is much appreciated.

Vicky, could I ask you to introduce yourself, your title and your position, for the benefit of those watching today?

**Vicky Ford:** Thank you, Chair. My name is Vicky Ford and I am the Minister for Children in the Department for Education.

**Q2 Chair:** Can I start off with the issue of personal protective equipment? I know you have been working on this. The issue of PPE for use in our schools is well covered in the standard guidance, but it has been reported to me that there are some inconsistencies between the guidance given by Public Health England and the DfE, particularly in relation to special educational needs and special schools. I know you have spoken to Essex County Council in this regard. Can you confirm that you are working to provide not just protective equipment, but also the proper guidance for head teachers so that they can be adequately protected, both the staff and the children? Also, when will that guidance be available?

**Vicky Ford:** Thank you very much for that question as this issue is at the forefront of so many people's minds.

I will start off by giving a big thank you to everyone who is working with children at this time, to the children themselves, to their families, to the teachers, social workers, those in early years settings, and especially, Chair, the point you make about those working with children who would normally be in special schools, or indeed are in special schools at this moment.

We have been working very closely with Public Health England and with the Department for Health and indeed I have been sitting on the inter-ministerial groups discussing health matters, including PPE.

We have absolutely prioritised making sure that PPE is available for those who need it most. That is especially in residential settings such as residential special schools or colleges, fostering households, and children's homes, because in a day school you do not expect a child with COVID-19, or COVID-like symptoms, to be in the setting. If there has been COVID-19 in their home, they should be self-isolating and not in the setting.



We have also prioritised getting PPE for social workers. Children’s social workers are an absolutely vital part of our emergency front line, particularly those who are going to do casework in people’s homes—social care, home-visit caseworkers.

Regarding the specific point of special schools, and is there a difference between the guidance that was being given for procedures in a clinical setting versus in a school setting, and in particular about sometimes a very tiny number of children who may have very severe disabilities, it was a question of if there were aerosol-generating procedures or high levels of bodily fluid involved in a procedure, should PPE be worn, Public Health England updated its advice and guidance on this for schools at the back end of last week. New guidance for those very specific cases will be going out to schools so there should be no difference if a clinical procedure is taking place in the special school or in a health setting.

**Q3 Chair:** That was very comprehensive but in a nutshell, and understanding the hierarchy of needs for staff in social care and in the NHS, will PPE be provided for teachers, particularly those looking after vulnerable children?

**Vicky Ford:** There should be no difference between someone working with a disabled child with a clinical need in a school setting versus in a health setting. They will have the same ability to get PPE whether a person is working with them in a health setting or a school setting. Often these very, very specialist procedures are not carried out by teachers, they are carried out by clinicians but in the school setting. What I have tried to make sure of throughout is that there is absolute parity for anyone who is working with children and anyone working in any other part of our society. For example, a social worker visiting a home in response to an emergency call about a child at risk should have the same PPE as the police officer who may also be going across that doorstep. Someone who is working with a child with aerosol-generating procedures or involving high levels of bodily fluids in a school setting will be able to get the same level of PPE as if that was happening in a health setting.

**Q4 Chair:** Given that many of the children in special educational settings are often vulnerable and have underlying health conditions, would you consider it essential—again accepting the hierarchy of need with the NHS and social care—that teachers and support staff are offered equal and unfettered access to testing in the same way that NHS and social workers will be getting? Will the guidance to special schools highlight the importance of head teachers of referring their staff for tests if they have been exposed to or have suffered from COVID-19 symptoms?

**Vicky Ford:** Absolutely. We have been working to make sure that those key workers who need the tests can get the tests. Tests started to be rolled out to the next level of key workers after health and social care last Friday. I am aware that they have already started to take place in certain cases for people working with children. For example, our top priority has been those working in residential settings—children’s homes, residential special schools—and social workers where they are on the front line. The



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key-worker list of people who can be tested is being updated all the time. As we get to a stage where we have more schools being open, we will be pressing to have more teachers being able to get tests. At the moment, one of the top priorities for including key workers for testing is to make sure there is enough of the workforce available and not self-isolating, to make sure that they can carry on with their vital jobs.

**Q5 Chair:** In a nutshell, are you going to roll out testing to teachers in these particular settings?

**Vicky Ford:** At the moment, as I have said, the priority for the tests we have now is to test key workers because they need to get back to the frontline immediately.

At the moment, while schools are not open for all pupils, it is not such a workplace issue in schools. As we get more testing capacity, I will bring more teachers in.

**Q6 Chair:** I was talking specifically about special educational needs settings.

**Vicky Ford:** Where they need it in order to make sure that their staff can get back to the front line and are protected through the tests, then they can get them. The local resilience forum has the ability to do that. We have always put the special schools at the top of the list, especially the residential special schools.

**Q7 Chair:** I realise that a date cannot be set at the moment for the opening of schools but how and what guidance will be given to ensure that vulnerable children will be kept safe during that process when the schools do start to re-open?

**Vicky Ford:** We have put vulnerable children at the forefront of our thinking, right from day one. That is why we took the very difficult decision to close schools—it was a difficult decision—but then the important decision to make sure that they would remain open for key workers' children and vulnerable children. Within that, we have two main areas of vulnerable children, those with a social worker and those with an education, health and care plan. Those children with a social worker are expected to attend school, although that would be in the context of a discussion with their social worker. If the social worker thought a child was safer at home or in placement, that decision could be made about an individual child. For children with an education, health and care plan, the guidance is to assess the risk for each child and decide if that individual is safer in the home setting or the education setting.

Where a vulnerable child, especially a child with a social worker, is not attending school, there is very clear guidance to schools that they must contact social workers. We are working with all the local authorities to make sure that social workers have RAG-rated—red, amber, green rated—all the children they know to be in need, to make sure they are in contact with those who are assessed to be at high risk, that they have eyes and ears contact with those children and young people, so they are



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definitely being seen and monitored by the local authorities' social workers team, which is why social workers are so important.

**Q8 Chair:** Okay. I want to ask you about the definition of vulnerable children. The COVID-19 pandemic has created new risks and vulnerabilities that children may not have faced in the past. If legislation does not define vulnerability, it is impossible to assess against it. There is currently no provisional guidance in place to safeguard children who may not be deemed vulnerable under current guidance but are potentially at significant risk of harm under COVID-19 conditions. This point has been brought up by the Safeguarding Alliance, which, I should declare, is an organisation partly based in my constituency of Harlow.

**Vicky Ford:** Our initial messaging was for local authorities—there are 151 local authorities involved and we are closely monitoring them all, and I can tell you about later—and the initial guidance to the authorities and the schools was when they were considering vulnerability, to consider those children with a social worker first and those children with the education, health and care plans. But local authorities do have discretion to add more children. Another very important thing we are doing is working with the NSPCC to make sure that members of the public, if they become aware that a child might be at risk of abuse or neglect, know how to report their concern and get help. Funding is now going into increasing the capacity at the NSPCC helpline at 0808 800 5000 so members of the public can report concerns and get them triaged into local social worker teams.

**Q9 Chair:** Can I ask you to comment on the report in *The Times* by the education editor, Rosemary Bennett, and also elsewhere in the papers this morning, that less than 1% of pupils are going to school under arrangements for vulnerable children and those of key workers and that 5% of children are at risk of abuse or neglect, or with serious education, health, or special needs and who are eligible for a place during the lockdown, are not turning up? Are you worried about those children? What is being done by Government to look after these left-behind children and make sure they are not left further behind while this is all going on?

**Vicky Ford:** Of course we are concerned about vulnerable children, which is why put them absolutely at the heart of everything that we have been doing since schools closed and why we have been working with the schools and the local authorities in order to make sure that vulnerable children are prioritised. The attendance numbers are actually a bit higher. There are differences across the country. The attendance numbers you mentioned were taken before the Easter holidays. We are very much encouraging vulnerable children to attend school through a number of different means. Where a vulnerable child does not attend school, the school must be in contact with the social worker to make sure that the child is being safeguarded.

**Q10 Chair:** We know there are lots of other figures about the number of



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children who do not have access to online learning. The Sutton Trust published some huge figures yesterday. A Teacher Tapp survey suggested that just 2% of teachers in disadvantaged areas think that their pupils are have adequate devices for online learning. I know Government have done a wonderful laptop scheme for older pupils but does the DfE know how long pupils are learning each day and the extent to which it is affected by their socio-economic position? Has the Department, or have you in your area, started to calculate the likely effect of school closures on disadvantaged children?

**Vicky Ford:** Two questions there: how are we tracking what is happening on the ground and how we are getting the children their connectivity and access to online learning, both for safeguarding and for access to education.

On the tracking point, we have been working across Government to track what is happening on the ground in all 151 local authorities. We have been working with the Children's Commissioner to set up a data tracking process that is bringing in both hard and soft data on schools and from local authorities, and with Health and the Home Office, all to report in, and that is helping us to see a picture of what is happening across the country nationally, but also helping us to see what is happening in each local authority. We have set up regional teams in every region. They are called **REAC teams**. They comprise the most experienced personnel from the DfE and also Ofsted personnel. The point of those teams is to be in contact with each of the local authorities, to be in contact with those who we know are working with the most vulnerable groups, for example AP, or special schools, to be absolutely hands-on with those and then deploying resources into those areas that we know may be struggling. We have deployed 127 Ofsted inspectors. These are some of the most experienced people in children's services as well as in education. They have been deployed into the local authorities that most need support. Some authorities have one or two, some do not need any, one has six, absolutely helping them on the ground. This is what we are doing from the top down to the bottom.

In terms of access to technology, you will have heard the announcement on Sunday night about access to devices. It is not just for older children. The devices will come from the Department for Education and then be distributed through schools and other settings and will be focused on those who do not have a device and are children in need—so those with a social worker—or those older children who are due to face exams and who we are concerned to make sure are not disadvantaged—they are year 10s and then 16 to 19 year-olds. Younger children can also access the appropriate devices, and that does mean the children in need.

Q11 **Chair:** It is great that children will have some of these computers where possible, but obviously you have to get them into the homes and also get the children to use them. Given most of these homes, if they do not have a computer, and given the number of children who do not have online



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access usually do have a television, would it not be a good idea for perhaps the BBC or other broadcasters to have a couple of hours each day of learning—perhaps on BBC Two or Children’s BBC—which the parents could access from their televisions?

**Vicky Ford:** Absolutely. You will have heard, I hope, about the Oak National Academy, which we set up, with online lessons. There is also the BBC’s red button service, which has been extended during this time, and is putting on lessons on different subjects and for different year groups.

Q12 **Chair:** There could be a lot more. Is that something you could encourage the BBC to do?

**Vicky Ford:** It has only just been launched. If you were looking at it last week, you would not have seen the content that has just been launched by the BBC red button service and more will be launched for the start of the term.

Q13 **Chair:** Will Government be prioritising the opening of early years settings, when they decide that some education settings should start to open again?

**Vicky Ford:** As you can imagine, we are looking at a huge amount of thinking about how we re-open. The re-opening will only happen when we have the scientific advice that it is safe to do so. You will have heard the five-point plan.

Q14 **Chair:** I get that but when it is safe to do so, and if it is in stages, will you prioritise early years?

**Vicky Ford:** As the Minister for Children I will always prioritise vulnerable children in my press for how we manage this process. Different countries have looked at this in different ways. Discussions about how we make sure that those who most need access, those who are transitioning—whether or not that is early years going from a pre-school into reception, or reception going into year 1, those who are transitioning from year 6 upwards, those who have exams coming up—we will be looking at all of those different developments in the round. Absolutely we will be looking at prioritising those who most need support, while also taking the scientific advice and thinking that is happening about social distancing and social isolation.

Q15 **Jonathan Gullis:** Minister, you had regard for the importance of social workers and I have one quick question about how much of an uptake there has been in retired social workers re-registering.

You also mentioned local authorities. Where children’s services are rated inadequate or as requiring improvement, and with the fact that Ofsted has been stood down, what are your expectations on those local authorities in the short term during the coronavirus situation?

**Vicky Ford:** Two excellent questions. First, on social workers, we work with Social Work England to re-register social workers who have recently



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left the register. You will remember that in the original Coronavirus Bill, article 6, right at the top, was about re-registering social workers. Straight after other NHS workers, social workers are key. Eight thousand social workers who had recently left the register were automatically added. Of those, and of others, around 1,000 social workers have come back wanting to rejoin the front line. We have set up a website, Social Work Together that enables children's as well as adult social workers who want to come back to the front line to register where they are, and then the local authorities that need extra support can draw them down to a local level.

I will just say that the work we are doing with social workers has been phenomenal. We are working really closely with the Association of Directors of Children's Services. There is a call every week with the practice leaders of social workers from across the country. I have joined one of those calls but they happen every week to make sure that we get feedback about exactly what is happening on the ground. That has helped us to deliver the guidance they have wanted, and to make sure that we can give them the flexibility to do their jobs in the best possible way.

In terms of the local authorities that were struggling before, although Ofsted has stopped its routine inspections, it is still working in areas where there are concerns about safeguarding. Ofsted inspectors have now gone in to be deployed to help local authorities that have needed extra support. The work of DfE-led intervention teams that were going in, supporting through commissioners for example, is continuing and is being reinforced and backed up. The communication we are having with local authorities at the moment is unprecedented and there is some just amazing work being done.

**Q16 Tom Hunt:** It does concern me that so few vulnerable children are going to school at the moment. It does seem at the moment that it is up to the parents whether their child goes to school or not. Frankly, it could well be the case that sometimes those parents are part of the reason why the child is vulnerable, so it concerns me.

Did the Government ever consider going further than keeping the option open for vulnerable children to go to school and making it a requirement that they must go to school. It greatly concerns me that the number of vulnerable children who had been expected to go to school so far is below what was anticipated. We have gone from a situation where the Government expected around 20% of children still to be going to school, and initially I had constituents who were keyworkers who were struggling to get their children into school and it has gone completely the other way now. It does seem as if Government need to take stock of this situation and consider making it a requirement that all vulnerable children should be at school.

**Vicky Ford:** Tom, first there is a really important Government message—stay home, protect the NHS, save lives. People are very concerned. They do not want to get coronavirus and I can absolutely understand that.



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That is a really important Government message. Let me make it very clear. The children who have a social worker are expected to attend school and if they are not at school, their schools are working with their social workers to make sure that we have eyes on them, that they have visits, whether that is a physical visit, a doorstep visit, a house visit or a digital visit, depending on the risk to that child. That is happening in every single local authority across the country. We are monitoring their performance targets on doing this. Just because the attendance at school may be low does not mean that those children are not being safeguarded in other ways.

This is also why the schools that are going out and delivering the free school meals to those households must be congratulated. We know that not all schools can do it, which is why we set up the voucher system. You must also separate those kids from the vulnerable children who have the EHC plans. I cannot imagine the pressure that families of those with special educational needs and disabilities are under at the moment. We have put out a huge amount of resource and assistance for them, but there is great pressure, and lots of those children with EHC plans may be safer at home, which is why each of them is being risk assessed and why we are encouraging the parents, if they have health needs, to make sure that they are still getting their health needs met. We are focusing on that as well. But it is not the fact that because attendance is low, we are not working across Government all across the country to make sure those children are safeguarded. They are our priority and they will always be at this time.

**Q17 Ian Mearns:** I have been listening to this very carefully. There has been a change in the DfE blanket guidance on the use of PPE in schools. Given the answer that you have just given, I can understand why many parents who are key workers themselves would be hesitant to send their children to school, given the fact that here we are, working online in Parliament, keeping social distancing going, people are observing social distancing in supermarket queues, and yet social distancing cannot be guaranteed in a school setting, in a classroom for instance. It is very, very difficult indeed.

We know that about half of the staff who are currently working with children in schools are not just teachers, but are support staff, teaching assistants, cleaners, caretakers, and so on.

Are we sure that everyone in the school settings knows about the updated guidance and are we certain that PPE is available where it is needed in those school settings?

Can we get the message out to parents, if all of that is in place, that schools will be safe places for their children and therefore hope to get in the youngsters who really need to be there?

One other thing: for those most vulnerable children who we are concerned about falling behind in the learning process, just being given a device may not be enough because a vulnerable household may not have



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access to wi-fi in the first place. It is a very complex set of issues but we do need to be thinking across the board about how to make solutions for these children.

**Vicky Ford:** Ian, those are really good questions.

First, it is absolutely vital that schools are safe places. We know that is really important. This is why we are working with Public Health England on all the guidance on PPE that has gone out. We completely understand the concern, but fundamentally, in the day-school setting, children should not be there if they have COVID or COVID-like symptoms or there has been self-isolating in the home.

There has been guidance on PPE for educational settings, for children's social care settings, and we have also put out guidance on implementing social distancing in educational and childcare settings. We know social distancing is more difficult in some settings than others, depending on the ages of the children, and other issues.

We have pressed at every single meeting that anyone working with children should have the same access as anyone working in any other part or sector of Government, including in health. That guidance is there. It is being updated all the time. An unprecedented amount of work is being done on it.

Incidentally, on guidance, we have set up many, many different stakeholder conversations. On all the guidance we are giving in every single area, we are pre-consulting with lots of different stakeholder groups who are experts.

As regards the devices, they come with connectivity. If you do not have connectivity, it will be provided. For the older children, connectivity will be through the 4G router. For the younger children, connectivity will come through lifting the data charges on the educational content we are providing. The devices will be targeted.

Q18 **Ian Mearns:** Minister, you have recognised the responsibility of local authorities, particularly with regard to children in care settings, who are vulnerable, and who have a social worker. I would hope that you would accept, however, that over a number of years now, the capacity of local authorities has been hollowed out at a time when demand has been dramatically increasing and of course now, in this crisis situation, demand is probably at an all-time high. As well as giving local authorities that responsibility, are we making sure they are being adequately resourced? Where local authorities have lost social workers, we cannot just retrain them overnight. I know we have been trying to recruit people back into the service, but this is about making sure there is capacity in local authorities so that they can properly hold down their responsibilities.

**Vicky Ford:** Absolutely understood. That is why Government, as you know, have put further funding into local authorities, £1.6 billion first, and another £1.6 billion on Saturday, so a total of £3.2 billion. That



funding is for both adult and children's services. We have been particularly focused on certain groups of vulnerable young people, care leavers, for example, making sure that there is a very strong message to go to local authorities saying that no person who was due to leave care at this time should have to leave their current setting. The local authorities can use that funding to support foster carers and we have backed them up by providing additional social workers and by the regional **REAC teams**, which is an unprecedented amount of support from the centre to make sure that local authorities that need it most can get the support they need.

We have partners in practice networks where the stronger local authorities support some that are struggling, and those networks have been active during this time. Absolutely making sure local authorities get the resources they need at this time is key.

**Q19 Jonathan Gullis:** Minister, do you expect local authorities to fulfil their statutory duties to vulnerable children? If your answer is yes, can you please tell us why your guidance allows for a deviation from statutory requirements? If your answer is no, is it not unlawful for your guidance to allow local authorities to deviate from their statutory duties without Parliament's approval?

**Vicky Ford:** Statutory duties are really important but we do recognise that in these completely unprecedented times some local authorities and partners will struggle to meet the full range of statutory duties.

As you know, the Coronavirus Bill enabled Government to amend underlying legislation. We are amending 10 sets of the regulations, which are coming before Parliament in the coming week, and which will make temporary changes to provide additional flexibility in meeting statutory obligations.

We are focused on giving flexibility in lower-risk areas so that local authorities can focus on their core safeguarding areas. For example, take the issue of serious incidents. A local authority must report, must do its first rapid assessment to see what lessons need to be learned, but they will have more flexibility as to how long they can take to do the full investigation. On the first two issues, it is really important that in areas of high risk, local authorities must understand what is going. On the second, there is some flexibility there; it is lower risk. We have gone through various different areas to make sure that the local authorities can have flexibility. Local authorities must always, in each of the areas we have given flexibility, use what we call "reasonable endeavours" and in some cases, "best endeavours", which are legal tests, to make sure that they are still endeavouring to meet those requirements but they will have that legal flexibility.

**Q20 Jonathan Gullis:** Minister, very quickly on that, with the flexibility side of things, if it is found that a decision was made incorrectly, or if a decision is made, is the DfE overseeing those decisions, or having



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someone liaising and making sure local authorities are making the right call?

**Vicky Ford:** Every single decision needs to be risk-assessed at a local level and authorities will have updated guidance as these regulations come out.

We have worked with each of several different experts. For example, I have been having conversations with foster carers about some of the relaxation so that some temporary foster placements could stay put a bit longer. We have been making sure that in every single area we have been working with feedback from the experts on the ground to make sure we are working on the areas where they most need flexibility, protecting the high-risk areas but giving flexibility in lower-risk areas, to make sure people on the ground can do what they need to do to protect children at this time.

Q21 **Jonathan Gullis:** Does that link in with what you said earlier, Minister, with regard to those local authorities whose children's services are deemed inadequate or requires improvement at the moment? Are those local authorities receiving additional support or extra guidance to ensure that they do not repeat mistakes they may have made in the past?

**Vicky Ford:** As you know, leadership is very important in local authorities. That is also why we are working with those Ofsted inspectors who are so key and are being deployed as required to work hand in hand with the leadership team in the local authorities that need it most.

Q22 **Apsana Begum:** I want to comment on what you mentioned earlier about devices, home learning, and IT. I want to bring to your attention that in many households, particularly overcrowded households, there are children without access to a basic chair and table and, where there are devices, they are shared with multiple members of the household. It is often that older children, and boys, are prioritised in terms of access to equipment and a lot of older children are also participating in childcare and in their younger siblings' learning. How are Government addressing those issues and also the fact that technology and equipment needs to be adjusted to support the learning of those with SEND backgrounds? I want to learn a bit more what Government are doing about those things.

**Vicky Ford:** With regard to the devices that will be supplied to schools, different types of devices will be supplied to older and younger children. For older children it might be a laptop device; for younger children, a tablet device.

We have spent a lot of time looking at online harms. For the vast majority of young people, having the ability to use social media to be in contact with their peers and their friends is very important. We are also very focused on potential online harm. So we are making sure that the devices have adequate parental controls and that the content is appropriate. It is very important. Schools, on the whole, know who are the most vulnerable children. They are our best points of contact. It will



therefore be schools that will identify who needs these devices and what the best content and support will be for those young people. A huge amount of guidance has gone out to schools, to parents, and to other organisations about content. For example, you mentioned SEND—special educational needs. The home learning guidance that we sent out, I think about 10 days or so ago—things are moving quickly—has a list of resources for those with special educational needs. We worked with multiple partners on getting some really good resources there. There are some very helpful resources for those with tiny children—the Hungry Little Minds campaign—which works for nought to two-year-olds, giving suggestions for activities and games for very tiny children.

I would strongly point you to the guidance on home learning resources that came out a few days ago, and which is for schools, parents and families too. I would also strongly point you to the work that is happening on parental controls and giving advice about online safety.

**Q23 Jonathan Gullis:** Minister, is it enough that local authorities should “do their best” to meet statutory duties to care leavers? If you do not expect local authorities to meet their statutory duties, why was provision not made for that in the Coronavirus Act?

**Vicky Ford:** Care leavers have absolutely been in the forefront of my mind. They are some of the most vulnerable young people we have out there. Local authorities have been given a strong message. The Secretary of State sent them a strong letter yesterday about protecting those most vulnerable groups. Local authorities have been told that they can use the funding they have been given to give financial support or other support to care leavers. The message that no care leaver should need to leave their home, including both 18-year-olds and those who are about to turn 21 who are using the staying put initiative that this Department has been funding over the years to enable people to stay put until an older age, do not have to leave their settings if they do not want to. Care leavers are some of the most vulnerable young people in our society and we must care for them first.

**Q24 David Simmonds:** Minister, coming back to this point about statutory duties, a review by the Department has found that some of statutory duties are leading to local authorities having to undertake activities that are not useful or purposeful, in particular, some of the reviews that are required under the statutory duties—help by foster carers, prospective adopters, the children in the care system—are found not to have improved their experience. Is the Department learning, and will it learn, from the suspension of any of those statutory duties, to see where it has exposed the fact that they were not leading to purposeful activity, with a view to dispensing with those statutory duties and freeing people up to do more useful things in future?

**Vicky Ford:** That is exactly the point, David, about why we are laying in place the statutory instrument in order to implement flexibility on certain statutory duties. We are focused on giving that flexibility on the lower-



risk areas in order to make sure that the experts on the ground can be focused on what they need to do now. It does need to be done in a risk-assessed way. I signed the statutory instrument last night and it will be coming before Parliament as a new statutory instrument and that will do exactly what we need, which is having worked with directors of children's service to identify where they need this flexibility to make sure that they can get that, if they need it. They should always try to do first what they normally do—they have to use their reasonable and best endeavours, but it will give them legal flexibility. Safeguarding must come first in every case.

**David Simmonds:** Exactly what I was hoping to hear, Minister. Thank you.

Q25 **Fleur Anderson:** Hello, Minister, and thank you for coming to meet with us. I have been following the conversation so far and I want to continue the debate we have been having about statutory duties but this time in relation to EHC plans. For those children, the provision might be lifted and local authorities are again expected to apply reasonable endeavours, as we have just been talking about. Have these powers been issued already? Have they needed to be used already?

I was talking to a parent very recently and the special school that their child attends has been closed up to now. They wanted to know what would be reasonable endeavours with regard to their child. What would be the advice and what is the guidance that the Department has given?

**Chair:** Can I come in on that before you answer, Vicky? This is important. There have been reports of AP schools closing. Should they not possibly, if they can, provide another physical site where these children can go? What is the Department doing to ensure that every pupil who might need a safe place to go, has one? If you could answer both questions at once; they are related.

**Vicky Ford:** Yes. So on special schools closing, the majority of special schools have been open up to Easter. There were some challenges in some places because of staff self-isolating, workforce issues. Special schools have been an area we have made a particular focus. There are 1,044 of them across the country and we are particularly focused on them. I am in continual dialogue with the Health team on pressing to make sure that the health needs of the children are being met at this time while understanding the pressure on health professionals across the country—my husband is a frontline NHS doctor and I do see the pressure that they are under all the time at the moment—but absolutely to make sure that they are open where at all possible.

More guidance is coming out for those children with complex needs and that, again, is something we have been working on. We have set up lots of helpful discussions with special schools.

In terms of changing the law about the statutory entitlement for EHC plans, there is a concern, and I can understand it, from parents of



children with disabilities, that this may mean that they may need to wait a little longer for their assessments. We will make sure that that change to the regulation is for as short a period as possible. We want to make sure that absolutely the councils do endeavour to still do those plans. But we also know that the educational psychologists, who are the most experienced—really, really important people—in drawing up those plans, are also really important in providing face to face support for young people at this time—children who may be grieving, children who may have mental health issues—so this is why there needs to be a bit more flexibility and understanding that it may take a little bit longer. That does not mean that the children do not have the entitlement to the plan, and we will make sure that this group of children and young people—and in particular I have been working with National Network of Parent Carer Forums on this, understanding what parents need, and the feedback from parents. We want to make sure that their entitlements are protected but understanding that it may take a little bit longer and that is why we need to give that flexibility.

**Q26 Fleur Anderson:** I totally understand the flexibility. It is those guidelines, I am glad to hear they are coming out for more clarity on what can be expected. There is such a backlog in getting those plans. It could be one of the problems coming out of this.

**Vicky Ford:** Yes. Just on AP, the AP settings are under enormous pressure. We know those are very, very vulnerable young people and a lot of them are Year 11s, a year we are very focused on because Year 11s will not be sitting their exams this summer. One of the things that have been helpful in this process is setting up a new dialogue among AP leaders across the country. They have given really, really good advice on how in particular to support those young Year 11s, how we can give them the ability to make sure that they get the best form of catch-up later, when we open. Senior sector leaders are really good.

If I can say one thing, Chair, the attendance in AP in the run-up to Easter was higher than in any other sector across the whole of education. The AP leaders I spoke to very much had their eyes on those young people who were not in the setting, and were absolutely safeguarding each one as a priority.

**Q27 Tom Hunt:** A question about children's mental health and what steps Government are taking to deal with the likely increase in mental health problems experienced by young people, now and also after the pandemic, and also, specifically, referring to a YoungMinds survey that says that 83% had agreed that the pandemic has increased their mental health problems.

I spoke to Suffolk Mind yesterday, which suggested to me that what would be really helpful would be a new online platform for parents so they could be better educated and increase their understanding of the ways in which they may be able to support their children during this very difficult time and afterwards, when we move out of this as well.



**Vicky Ford:** We have been working with the Department of Health and Social Care, and others, on mental health. This is a challenging time for everybody, and anxiety obviously does increase. We do absolutely understand that. There are lots of really good organisations—the Anna Freud Centre, the National Children’s Bureau, NHS England. We are putting more resources into mental health. The Department of Health and Social Care is working with Mind, the charity, to fund additional services coming in from all sorts of different charitable organisation and others across the country. In every single local area, the mental health trusts have now started a 24/7 crisis helpline for those who most urgently need mental health support. That is available for adults as well as children and has already gone live everywhere across the country.

In terms of advice and online advice, we have published advice on mental health provision and guidance on that. There is also guidance within Public Health England, advice on mental health—I can get you the exact links—but the packages, the guidance on mental health behaviour that has gone out and is on the DfE website.

In the Oak Academy curriculum there is also a structure on wellbeing and pastoral care. So as well as other parts of the curriculum, there is a strong pastoral focus within the curriculum.

**Tom Hunt:** That is good to hear, about the Oak Academy having a section on pastoral care. I was not aware of that. I will relay that to Suffolk Mind. Thank you very much for your response.

Q28 **Chair:** On the mental health issue, Vicky, the 25 mental health trailblazers that were launched in 2018, they were linking up young people with mental health support in schools. Is this work with trailblazers continuing during the lockdown?

**Vicky Ford:** The work on improving mental health in the longer term is continuing. Of course, as I have said, we all know that Health is under pressure, but we are completely committed, both us and Health, to long-term improvements to support mental health.

Just to remind you what the long-term plan was, it was to expand children and young people’s mental health services to an additional 345,000 nought to 25-year-olds by 2023-24 and rolling out mental health support teams to work on increasing numbers of schools over that time, and also training a mental health lead in every state school in the country. The vast majority of state-funded institutions do already have someone leading on mental health but it is important to get that funding going. As you know, mental health was also brought in as a key part of the RSHE curriculum.

We are absolutely focused on it. Training mental health professionals takes time for really specialist mental health professionals, those at the top who are supervising others does take time and we are working absolutely on supporting those who are at increased risk at this time.



Q29 **Christian Wakeford:** My question goes back to EHC plans. The original 26-week period was considered by most parents quite over the top and in most cases quite painful for how long it went on. Considering that we are now taking only reasonable endeavours, what time limit would you consider reasonable when most parents already consider 26 weeks to be unreasonable?

**Vicky Ford:** Let me just say that this emergency legislation is only for a limited period of time, for the shortest period of time and will be regularly reviewed. I think that is the best way to answer that question.

I want to get back to normality as quickly as possible. The parents of children with special educational needs are absolutely at the forefront of my mind and everybody's mind in this Department at this time, making sure that they can access schools if they need to, making sure that if they need respite they can think about how they can work with the school to do that. This is why we have told every single school and every single local authority that they must risk-assess to each individual the decisions that they are making, and work with the parents in that area. We are putting in support from the centre through local intervention teams and expert helpers on special educational needs, into local authorities to help them and support them at this time.

Q30 **Christian Wakeford:** Moving on to alternative provision now, Minister, do you know how many alternative provision sites have been closed during the outbreak?

**Vicky Ford:** There were different numbers before the Easter break compared with after the Easter break. I would need to get the numbers to you separately. I do not know the numbers for this week, since after the Easter break.

The conversations that I had with AP leaders, the ones that were saying, "We cannot re-open," having not planned to be open during the Easter break—it would have been very challenging for them—they have some very high staff to pupil ratios to meet, so it is particularly challenging for them and obviously it is incredibly experienced staff that they have. What I was impressed to hear was the safeguarding that they were planning to do to keep in contact with their young people even during the Easter period. They are very used to the challenges.

Q31 **Chair:** Can you send us the figures, Minister?

**Vicky Ford:** I am not sure about the granularity of how much we are able to disclose on a case by case, sector by sector basis at this time. All I can say, as I said earlier, the turnout that we had before Easter in AP was higher than in any other area. It is important also to recognise that a very significant proportion of the young people in AP are Year 11. It is really challenging for a Year 11, especially for a Year 11 who was in AP. By definition, they will have had a struggling year academically up to the time when school closed because otherwise they would not have been in AP. A lot of those children did better in their exams in the summer than



they would have been expected to, if you had been judging them on their performance year to date, which is why making sure we have a lot of options, help those young people in AP, make sure they can get into education, into employment, get a kick start and then—

**Q32 Christian Wakeford:** Moving slightly on from that point, obviously most children in an AP setting would meet the definition of vulnerable, so should any AP sites be closed during the outbreak?

**Vicky Ford:** As I said, anywhere where a child with a social worker is not in the educational setting, the educational setting has a responsibility and must contact the social workers and make sure they are working with them to have eyes on, ears on those children and young people.

**Q33 Christian Wakeford:** Thank you. Minister, moving on to my next question, which is: given that many pupils who attend AP are vulnerable to crime and abuse, what support are AP providers expected to provide for pupils now that they are home? Is the Department ensuring that those pupils are kept safe from these threats?

**Vicky Ford:** I am having weekly meetings with the Home Office Minister on vulnerable children at risk of harm. That includes not only those who might have been at risk from the types of harms that you have described but also those who may be at risk of harms in the home, which is often tragically really young children.

We are working with the Home Office team here. Our REAC teams are in contact with all the AP and are working with the Home Office teams who are in contact there as well. It is absolutely a top priority to protect vulnerable children from crime and harm at this time. The protection of vulnerable children is one of the top 15 priorities of the Cabinet Office at this time, which is why there is an entire inter-ministerial group that has been set up around this. The focus on vulnerable children, on removing and mitigating those risks, whether it is grooming or county lines, or harm in the home, is absolutely top of the priorities across Government in all areas.

**Christian Wakeford:** I am reassured to hear that, Minister.

**Vicky Ford:** Just one more thing. The police safeguarding chief has written to all police forces emphasising the importance of this at this time. We have actually seen a drop in this type of crime, by the way, but that does not mean that we are not at all concerned. We are absolutely concerned about the risks that you identify and it is a top priority of our work with the Home Office and others.

**Q34 Christian Wakeford:** Thank you, Minister. Moving on to a slightly different tack. As you have mentioned, many pupils in an AP setting are in Year 11 so they would potentially take traditional exams and may well, with additional support, have actually done very well. How is the Department ensuring that they are not disadvantaged by the cancellation of exams?



**Vicky Ford:** As I said, we set up the stakeholder group across AP, which has been enormously helpful and we are meeting with them every week. They are currently looking at a whole range of different options, including whether or not those young people who want to take the exam in English could, giving those Year 11s more support as they move on into the next stage of their life, whether that is educationally or through employment, extending support into Year 12, to prepare students for FE, giving them more post-16 support.

That group are coming out with a wide range of different options. I am keen to make sure that those young people have as many different options as possible so that they can do what is best for them individually. It is a very high risk group as we know. The stakeholder group for AP have asked us not to rush into solutions there but to really work with them.

The last visit I did before schools closed and the lockdown started was to an outstanding AP in Tower Hamlets. I really saw first hand how they worked to nurture each one of those young people through the next stage of their life.

Q35 **Christian Wakeford:** One final question on the Timpson Review. We are appreciating that there may be some disruption to the implementation of the review caused by the outbreak but, given the urgent need to reform and support the sector, can you update on what progress has been made to date for AP sites?

**Vicky Ford:** On the Timpson Review, and this is the issue of exclusions. It is incredibly important that schools and head teachers have the ability to make sure that school remains a safe place. Therefore, I do understand why it is so important we back heads and give them the ability—in the last possible scenario when there is no other option—to say to a young person, “You need to leave this school setting and move into an alternative provision setting”. They absolutely need to work to make sure that that young person has got the minimal break in education and gets the support they need.

We had committed before COVID started to revising guidance on exclusions and behaviour. My colleagues who are working on that said they will provide an update on the plans to revise that published guidance in due course. It is still being looked at, and making sure that we have top quality AP is a core part of my responsibilities as a Minister and that will be the thing that I will continue to work on. Although I understand this is a challenging time, we have to put the first priority of safeguarding children right now first.

Q36 **Chair:** We have spoken before about the Committee’s special educational needs report. When are we going to get the Government’s response to my predecessor Committee, which I chaired, to that report?



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**Vicky Ford:** We are absolutely still working on the SEND review because that is key, and by the way your report was absolutely excellent and has brought up a number of points which have also been brought up by other stakeholders.

We are working especially with the National Network of Parent Carer Forums who I know—

Q37 **Chair:** Will we get the response soon?

**Vicky Ford:** You will get a response as soon as I can because what we are going through now is changing the way a lot of people think about how best to address different cohorts of young people. I want to make sure that we take this experience and we come out the back of it with the best possible policy for young people. I do not want to be rushed into writing back to you if it does not mean that I can take in this experience.

**Chair:** Understood.

Q38 **Apsana Begum:** I have a follow up question to what you have said, Minister. I want to know whether the Government are considering reducing any content of exams next summer, because of reduced time at school, in various provisions such as AP provisions. I am aware that there is growing pressure on pupils and their teachers to get through the curriculum and some young people will be at a distinct disadvantage. So, first on that and then I do have some other questions around food and security.

**Chair:** Thank you. If I can ask you—I know there is so much to say—to be as concise as possible.

**Vicky Ford:** Just on that, I am not the Minister responsible for exams. I know you are seeing the Secretary of State next week—he is looking forward to coming and meeting you—so do please ask him that question next week.

Q39 **Apsana Begum:** I have a question around the guidance being provided for schools to give parents on health and nutrition when selecting food and, also, around the estimation that the Government have made on the number of additional children who will qualify for free school meals as a result of the financial implications of COVID-19.

I also did want to tie this into the problems around administering food vouchers and what steps are being taken to address those problems. I think the Government need to be absolutely transparent about the scale of that problem and how they will ensure that all families have access to the food that is urgently needed. Can you confirm that schools will not have to foot the bill for providing these vital services from their existing budgets?

**Vicky Ford:** First of all, let me start from the beginning about food, which has some really important messages. We have recognised from day one how important it is to get food out to children and young people



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who are normally in receipt of a free school meal. The best way to do that, the best practice is for the school to be able to continue to do it themselves. This means some amazing examples across the country of the schools, the teachers themselves, the head teacher taking the food parcel, or indeed in some cases meals to the children. That means that they still have eyes on those children. That has been fantastic in lots and lots of schools—in Grimsby, in Sheffield—amazing examples we are seeing.

The national voucher scheme that we set up was to support the schools that could not do that. We knew it would be difficult for all schools to do that. We launched it on 31 March. Can I tell you that, as of today, over £15 million-worth of vouchers have been accessed through that system, £15 million? That is 1 million £15 a week vouchers. Hundreds and thousands of families and children are using this.

There were glitches at the beginning. I completely understand that.

**Q40 Chair:** Vicky, this is good stuff but please if you could try to answer the question directly if you can. We have a fair bit of stuff to go through.

**Vicky Ford:** I was asked to be transparent about it, Chair, and I am giving the transparency that I have been asked to give.

Nobody had ever set up a voucher system like this before. It was set up in a massive period of time. Over the Easter weekend Edenred rebuilt their computer system in order to be able to process more vouchers more quickly. There was obviously a lot of demand on the system again this week because of the end of the school holidays, but we are encouraging the schools to put in repeat vouchers so that they do not need to do it every week, they can send out repeat vouchers.

Yesterday we added ALDI on to the system. We can only add supermarkets on to the system when they have the technology at every single checkout in every single one of their stores to be able to process those vouchers.

As far as your question about more people coming into the benefits area, this is something that I am working with DWP on. Schools do have the ability to add more people into that system as they know they become vulnerable, and it is really important that they continue to do that at this time.

**Q41 Apsana Begum:** Minister, can you give assurances that schools will not have to foot the bill for providing these vital services going forward?

**Vicky Ford:** Absolutely. The money for schools to continue to provide their own school meals system is there and if they use the national voucher that goes directly to the Treasury. They don't even need to get the bill and then get it back from us, it goes directly to the Treasury.

**Q42 Fleur Anderson:** I want to ask what evidence you have of how many



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additional pupils need these meals or extra food support within schools. What I am finding locally is that those who have free school meals have got them, but it is actually those who are suffering financially in their families but are not able to get access to the free school meals in that funding that are actually missing out most at the moment in terms of their meals and at the most vulnerability of nutrition problems. Schools—like Heathmere in my constituency—are providing food packages to those families they have identified, so the schools are able to identify those families that are just slightly above free school meals. Are you able to do that on a national scale and respond to that?

**Vicky Ford:** It is up to each school. The schools have the ability—we are working with DWP on seeing if we can hasten the process but it is up to each school, and always has been—to add the pupils that they believe are entitled onto the system. They are doing the absolute right thing to make sure they get them food and then when you get the evidence coming through then that becomes more official.

As you know, the free school meal, once you are entered as being entitled to that, that is then linked onto the pupil premium, so the marker that says you are entitled to it is technically important. But in the interim period the schools have the ability to get the young people that food and they should be doing that. We do not have the data from DWP yet but we are working with DWP.

Q43 **Tom Hunt:** It has been raised with me, I think it is particularly in rural areas, where there is a problem here with the school vouchers, because often it is the case that there isn't a large supermarket nearby, there isn't a Tesco. I understand that Asda is getting ready to be able to process the food vouchers but I do not think, for example, the Co-op currently has the ability to process those school vouchers. I can see this being an issue for parents being able to use the free school meal vouchers, particularly in rural areas.

I appreciate the Minister has already said that there are issues with smaller companies not having the technology but I would like to stress that this is a real concern for many local education authorities in rural areas and also parents.

**Vicky Ford:** The best practice that schools should be doing is keeping that local provider that they had and ensuring that they are in touch and getting food to their children who are entitled to it locally. The voucher system is there as a backup and as a support to help. It has hundreds of thousands of families who are being supported that way, but in a local rural area being able to continue with your local provider, and have your eyes on those children as you deliver that food, is really important.

Asda is in the system. ALDI joined it yesterday and, as I said, I wish we could add more but I can only add them when they have the technology at every checkout in every store that is branded under that supermarket name and technically able to deliver.



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Q44 **Ian Mearns:** I am just wondering, Minister, have the early glitches in the voucher scheme now been completely ironed out? I had it reported to me by a head teacher here in Gateshead that when they were initially logging onto the voucher system they were only able to allocate the vouchers five weeks at a time to the parents. In other words, instead of getting a voucher per week for five weeks they were getting £75-worth of vouchers all in one go. Secondly, are people entitled to get a voucher for their children's food immediately they apply for Universal Credit or do they have to wait to be registered with the system and wait for their first payments?

**Vicky Ford:** The school can give them the food earlier before the whole payment comes through. I understand that this is going to be challenging with a lot more people registering than before. In terms of the issues with Edenred, they have been addressing some of these initial issues. Nobody has ever done it like this before, so bear with us.

Schools can help by offering these codes to provide a longer period, although I can understand why schools may not want to give out four weeks' worth of money all in one voucher, but they can get these repeat vouchers.

You should have had a letter that went out to every MP from me last night, a "Dear Colleague" letter, and that also explains that I am going to be setting up an email address for MPs so that if you get contacted by a school that does have a problem you can pass that straight on to a point of contact.

Just to confirm 11,000 schools across the country are using it. The letter I sent last night said £11 million-worth of vouchers had been redeemed. It is now £15 million. I think that gives you the feeling for how quickly we are turning around the situation.

Q45 **Chair:** I realise it is a massive scheme to have set up in an unbelievably short period of time. Can I just clarify: if the schools do their own voucher system do they then get reimbursed for that and do they have to use the Edenred system?

**Vicky Ford:** They can use their own voucher system for children—

Q46 **Chair:** How many more children have been eligible for free school meals since the schools have closed? Can you just confirm that?

**Vicky Ford:** I do not have that data.

Q47 **Chair:** Would it be possible to get it to us at some point?

**Vicky Ford:** I do not have that data.

Q48 **Jonathan Gullis:** Thank you, Chair. It was just to follow on from what you said and to also follow on from what Ian has said as well, which is I fully appreciate this is an unprecedented system to be created and I think you have done a remarkable job in trying to get this set up as quickly as



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possible.

Like many of my colleagues I am sure your inbox as well, Minister, has been inundated from a constituency level with schools struggling with the system. I was just pleased to hear you confirm that if schools have gone ahead with their own systems in the meantime they are able to get reimbursed and I just want to restate that the Edenred system, if we can just monitor those technical glitches because they are causing a huge hold up. I have one school, for example, in my constituency that tried to order on 7 April and are still waiting for it to be processed or “paid”, as the system shows, so just to reiterate what my other colleagues have said really.

**Vicky Ford:** Yes, but just to put that in context, which is why I want to have an email address so that you can pass that on. You probably have 30 schools in your constituency of which one has a problem. We must address the ones that have problems. We have processed—as I have given you those numbers—a vast number of vouchers. The system was really busy Monday/Tuesday this week. We are keeping a daily eye on it and getting food to those who would have expected a free school meal is an absolute priority.

The Government of course also funded the free school meals over the Easter holiday period, which was again a massive thing for the Government to do but challenging to do the technology when it has not been set up before.

Just one more thing that might make you happy, 830 breakfast clubs are still running in those areas where we have been working at Magic Breakfast in the past, so they are still up and running and a big thank you to Magic Breakfast for that. Magic Breakfast tends to be in areas of very high vulnerability.

Q49 **Jonathan Gullis:** Minister, very quickly on that point, you just mentioned about obviously the Easter holidays and that was extremely welcome. If the situation is we carry on into the May half term, will that also continue over that holiday break as well, the voucher scheme, or is it just for the Easter break and that was a one-off?

**Vicky Ford:** We have not discussed that yet at this stage.

**Jonathan Gullis:** No worries. Thank you.

Q50 **Chair:** Can I reiterate that I know there were problems with it and we had a lot of questions about it, but it was an incredible scheme to set up in such a short time? We should all give you credit for that, you and the Department for Education officials as well.

**Vicky Ford:** A lot of people did not have an awful lot of sleep for a lot of weeks.

Q51 **David Johnston:** Minister, we know quite a lot about the attainment and progress gaps between poor children and non-poor children in schools. Is



the Department's assessment that those gaps will widen given the current lockdown measures?

**Vicky Ford:** One of the reasons why we have been so focused on vulnerability was the safeguarding issues but also the attainment gap issues. We have been working really closely with the organisation called the Education Endowment Fund to try to improve access for those children who could not get online access. It is why we have been focusing on the devices and the connectivity of those devices. Getting the pupil premium funding money to schools is really important. Of course, it is a concern about what will be happening to the attainment gap at this period of time but that is why at the heart of the policy there is the focus on vulnerable children.

Q52 **David Johnston:** Thank you. As we run up to the summer holidays when often the progress that poor children have made can be undone with the six weeks that they are not at school—that is the sort of thing you see all over the world—do you expect that the Department might be recommending steps to schools in order to try to mitigate the impact of this period but also then as we head into summer holidays?

**Vicky Ford:** As I said, we are working with the Education Endowment Fund on this, to look at how best schools can be using their pupil premium money at the moment to target and get targeted help to those who are going to need it most. That will be going through the year to try to make sure that academic progress continues and that the gap is minimised. When it comes to thinking about reopening, as I have said, I will always be pushing the case for vulnerable children to try to make sure that that attainment gap is minimised.

Q53 **Chair:** Can I just ask you: does the DfE know how long the pupils—and I brought this up earlier—are learning each day and the extent to which that is affected by their socioeconomic position?

**Vicky Ford:** That is difficult to measure, Robert, because we know that people have been using a lot of different resources. We have put in place the International Open Academy resources, 180 lessons a week in every year in loads of different subjects. I am not sure it is possible to work out who is accessing those but we are doing a great deal more monitoring of school performance. I think I spoke to you at the beginning about the dashboard that is being set up, and that is a bit of work in progress, bringing together that whole dashboard to monitor what is happening with young people who are not attending as well as with young people who are attending.

Q54 **Chair:** Obviously there is a long way to go yet before the schools reopen, but when they do these left behind pupils and things you are talking about will probably be, as I say, further left behind. Northern Powerhouse, Social Justice and myself, we have been floating the idea of a catch-up premium specifically for left behind pupils, which would involve mentoring and execution, helping the schools in terms of looking



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after those vulnerable children who have not been learning during this period for one reason or another. Are you considering these kinds of ideas at the moment?

**Vicky Ford:** There is some amazing best practice out there with regard to mentoring and helping as well. Absolutely everything is being looked at.

If I can pull you back again to the pupil premium, which is there especially to try to reduce the attainment gap. We allocate the pupil premium money using free school meals as a proxy marker. There are different cohorts that may have this disadvantage: it is not 100% correlated with the free school meal marker but it is a helpful proxy. When the schools decide how to spend the money, they spend it on cohorts: it is not allocated to each individual child. As you know, that is a very, very large amount of funding, £2.4 billion per annum, which we currently tilt towards primary phase because addressing the attainment gap there is so important. That goes back to your question about whether early years should open first because we know that early intervention is so important in that area.

Looking at best practice, how you can help those who are at most risk and who need to catch up, will be a massive amount of our thinking going into the whole reopening stage that is evolving all the time. As long as we cannot open we need to continue to evolve and improve what we are giving to the young people who are not there, and as long as we can open then we need to do that in a way that minimises that gap.

Q55 **Ian Mearns:** Supplementary to that, in terms of the plans for reopening, markets out there for supplies schools normally buy in might well have been affected dramatically because of huge demand in other places. I am particularly thinking about cleaning materials and sanitising materials. Are we making sure schools have adequate supplies of cleaning and sanitising materials before any kind of reopening programme on a greater scale than we currently have?

**Vicky Ford:** That is not my area of responsibility, you can ask the Secretary of State that question. I do know the guidance we sent out on PPE also covered guidance on cleaning and sanitising.

Q56 **Chair:** Before I bring in Fleur, we are going to talk about the early years and funding, I would like to ask a general question about that. What calculations has the DfE done to understand the impact of the lockdown on the financial viability of the sector once you factor in the help you have given, the business rates relief for non-state providers, furlough support and the other measures that you are doing?

**Vicky Ford:** We know early years providers are absolutely crucial. I do not know if you know this, when my own children were small I helped to run our community preschool and I know what a hand-to-mouth existence it can be to get those incredibly important settings up and running. The vast majority of them are ranked good or outstanding by



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Ofsted. There are tens of thousands of them across the country. As we know, from time to time some individual providers stop providing and then others come in. We know they have long-term sustainability issues. You have seen me campaign for maintained nursery schools in the past and I will continue.

**Chair:** We have done that together.

**Vicky Ford:** One of the things I was most looking forward to about the entire spending review was fighting that battle. They are incredibly important.

We have three priorities right now: making sure there is sufficient childcare for our key workers, especially our NHS frontline staff and other key workers; making sure our vulnerable children are safe; and all of this with an eye towards doing everything we can for the long-term financial sustainability of the sector. That is why even before we announced schools were closed, I fought for the commitment we gave, which said that the Government would continue to fund the free entitlement money that goes to local councils even if schools were closed, even if children were not attending. I absolutely fought for that. On average that is 50% of the income but is very “chunky”, because if you have a lot of babies you would not have a lot of that money and if you have all three-year-olds than you would have more.

Soon after that the Government announced the furlough that they can use. It is clear also in the Treasury guidance on the furlough that organisations that are receiving public money to pay staff should not be able to also use furlough to pay the same staff. I have worked with the early years sector on getting it the extra clarification, which we got on Friday night, to try to clarify what proportion of staff they could furlough. If, for example, 60% of your income comes from parent fees and 40% of your income comes from the Government entitlement then you can furlough the 60% that comes from those fees.

I know this is really challenging. The furlough scheme can be clunky. People who work with early years are some of the most brilliant we have and what they do is vital. We have to make sure we try to give them clear guidance of how they can use this furlough. This morning, while we have been in this meeting, a “Dear Colleague” letter has gone to you and to all other colleagues explaining exactly this.

Q57 **Fleur Anderson:** Thank you for that explanation. I have been receiving a slew of emails over the last two days from local nurseries and parents about that change in guidance at the end of last week, saying that they understood before that they could access the job retention scheme while continuing to be paid the early entitlements funding. They furloughed staff and made plans according to that but those plans have now changed.

What reassurance can you give to the many nurseries that were



struggling to stay afloat already and now, with the change of guidance, are very worried they will not be able to stay and this will then really affect our ability to open—

**Vicky Ford:** Fleur, there has never been a change in guidance. They have been told they will get the Government entitlement money still going to local authorities and they can use the furlough scheme. There is guidance in the Treasury's job retention scheme, which is run by the Treasury, which makes it enormously clear that organisations that are receiving public funding should not be able to use the furlough against those staff. That is what we then added as an extra clarification in our guidance last Friday. However, this is not a change. It has always been in the Treasury's guidance on the job retention scheme that you could not double claim. You could not have the public sector paying you income to cover your staff costs and then also use the furlough to cover staff costs.

I wish I had been able to get that explanation out faster, we have been working so rapidly on so many bits of guidance in so many areas. I have to be clear about the premise of why that clarification went out on Saturday.

Q58 **Fleur Anderson:** Thank you for that. There was some confusion and now it has been clarified. My question is to follow up from that and be a bit wider, do you know how many nurseries are saying they are potentially in such financial difficulty that they might have to close and therefore you are able to consider some industry-wide or sector-wide specific support for those nurseries? Do you have feedback from nurseries that are saying, "I can cope and maybe if we open in one month I will be all right, two months I will not be" and some indication of the scale of the problem potentially?

**Vicky Ford:** First of all, we are treating them ahead of every other sector. That is why we had the entitlement funding agreement agreed right upfront because they are so important. We are absolutely working through the local authorities to try to identify more granular data from preschools. I did get some data of how many early years providers were open over the Easter period. About a quarter of settings were open but then, of course, a lot of settings would not have been open anyway.

We are focused, as I said, on making sure that right now key workers can get access to the childcare they need. In the vast majority of local authority areas that is fine, in some areas it is not. In the letter you will receive today you will see that we have told local authorities that when they are allocating their entitlements money they are, if they need to, to use it in exceptional circumstances in order to encourage a setting that is not currently open to open. Then they will be able to move money from one set of providers to another. Any provider that finds their Government share of money has gone down will be able to increase their furlough share of staff. Do you see what I mean? It is very difficult.

Q59 **Fleur Anderson:** Yes. However, it does depend on councils deciding.



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**Vicky Ford:** We have given them that guidance today. New guidance on the early years has gone out to make it very clear that this would only be in exceptional circumstances in order to make sure that those key workers and vulnerables can get it.

Some of them are 'hubbing up'. We are going to monitor this incredibly closely and we are asking for information from early years that they have never been able to provide before, working with the local authorities as well in this case.

Q60 **Fleur Anderson:** Are you confident there will be enough high-quality early years education provision across the country once this crisis over? Do you have the information to be confident?

**Vicky Ford:** Fleur, this is a completely unprecedented time. As with every business, we are trying to get the maximum amount of support from Government for business owners, for employees, for staff and for parents at this time. We know how vital it is to our whole economy and to families to have first class education. That is why this is the Government that gave the 30 years' worth of entitlements in the first place that was rolled out in 2017 as part of the 2015 commitment. We know we need to do that. I know I need to go and fight in the spending review for them.

**Fleur Anderson:** Absolutely.

**Vicky Ford:** None of us can say exactly what life is going to be like when we come out of this crisis but making sure that we have top quality childcare is, as Children's Minister, absolutely there in my priorities.

Q61 **Fleur Anderson:** That is good to hear. That assurance that you know the situation and you are monitoring that is the assurance we would like to hear and I am sure any early years provider would want to hear as well.

A final one from me, as we go towards the next school year we know that the disadvantage gap of those children just before they start school can be the most enduring one. Have you had thoughts or are there plans in preparation about how you will ensure the gap between the most and the least advantaged children is not increasing in terms of early years provision during this crisis?

**Vicky Ford:** The Secretary of State was really clear on Sunday, we cannot consider reopening until those five key tests are met: stopping the spread of disease, protecting the NHS, having the testing and being really confident that reopening would not start the infection coming back into a second peak. Within that there are discussions going on, obviously, for the most important groups—vulnerable children, transitioning children and young people who might have been facing public exams next year. I had better not say anymore at the moment but I am sure you can ask the Secretary of State about that next week.

Q62 **David Simmonds:** I have two related questions, one on the topic we have just been covering and very briefly on an earlier one.



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The earlier one was about support for people in the care system like foster carers, kinship carers and others. Foster carers in particular will be impacted by the fact that some placements may not be taking place and therefore they are not being paid. They are self-employed and usually on a low income. Has the Department given some consideration to that?

The question about nurseries, we certainly have experience in my constituency of some poor behaviour by at least one nursery provider that pretty much entirely looks after key workers' children. As soon as lockdown was announced it closed its doors, told the key workers that their child would not have a place at the nursery when it reopened unless they paid the full fees, made a claim to the local authority for 100% of its funding and was also expecting to get all its staff wages by putting all the staff on furlough. There are some providers that have been seeing pound signs that are now a bit upset that the Government have been absolutely clear that you cannot double claim.

I would be interested, Minister, whether there is a plan to deal robustly with providers that have behaved in that manner. It has put a lot of families in a very difficult position because they are having to pay fees to another setting in order to secure the childcare that they need when they are key workers.

**Vicky Ford:** Thank you for that point, I will deal with that and then come back to foster carers.

The guidance that has gone out to early years providers is that they must be mindful of the pressures they are putting on families' bills at this very moment when families are also, many of them, feeling significant pressures. The reason they can use the furlough to cover the private income is meant to recognise that the private income is not coming in. If you have a nursery setting, a childcare provider, which is taking 100% of the entitlement money, furloughing its staff, charging its parents and shutting its doors to doctors and nurses who we need in our NHS then that is completely unacceptable. I will just say that is not what the vast majority of providers are doing but that is precisely why we needed to make sure we could give this clearer guidance on what the Treasury's guidance was tapping into the early years. We have been working with the leaders on all the early years groups on this issue. I know they are financially vulnerable long term. I will fight for them long term. However, right now we need to make sure they are working with us.

On foster carers, I am speaking to the Fostering Network, FosterTalk and others this afternoon and have been very much focused on this issue of foster carers. One of the regulations we are laying changes to, foster duties, will enable longer temporary foster placements, for example, to make sure that local authorities can work with the Fostering Network.

Part of the money that went out in the second tranche of £1.6 billion, and indeed the first tranche of £1.6 billion, can be used by local authorities to help foster placements stay together and to help funding them because I



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understand the pressure on that. The local authorities can use that funding to protect foster carers. We need to support foster carers, they are absolutely vital at this time. For the work they do, again I cannot say thank you enough.

**David Simmonds:** That is really helpful. I look forward to the feedback on that later.

Q63 **Apsana Begum:** I really appreciate what has been done and I appreciate that in terms of communication it is not always possible to get the information out as quickly as possible. However, the point that my colleague, Fleur, raised is an important one in terms of the crisis in early years provision that existed before COVID-19 arrived. That is important because many key workers were struggling with childcare and accessing early years provision before this crisis occurred.

I am concerned that valued childcare workers are losing their jobs and more providers are being forced to shut completely, perhaps permanently, and that this will have a worrying knock-on effect on key workers who rely on childcare now and on parents who will need it in the future. It is not just about what the picture will look like once the crisis is over. There was a crisis in early years provision before COVID-19.

Is there a way in which you will be rethinking and coming forward with a proper funding plan for early years provision, ensuring that childcare providers can stay open and survive this crisis?

I do want to draw your attention to one specific example. A local nursery in my constituency got in touch to say it is not charging parents any fees during closure in order to help them with their own financial positions, many of whom will be adversely impacted. The money it receives from local authority funding is not only used for paying staff, it is used to provide many other resources for the children in its care and to finance other overheads such as premises and maintenance costs to ensure an appropriate and safe environment for the children is maintained. It was its plan to reclaim parent costs through CJRS and use the local authority funding to cover other costs as this is its only source of funds at this time. If they are unable to do this it is inevitable it will have to make some of its staff completely redundant. I want to get your thoughts on this.

**Vicky Ford:** Thank you for that. First of all, I do not agree that there was a national crisis in early years prior to this. Off the top of my head I believe there were an estimated 72,000 childcare providers across the country, and 96% of them were rated good or outstanding by Ofsted. In a market that size you always have some that have moved in and out of the market. However, we had 72,000 providers and the vast, vast, vast majority of them rated good or outstanding.

I know they have other costs—I used to help do the budget for my own preschool. Of course they have other costs. They can also access other elements of financial support, such as support with business rates and



other elements that are all there in the guidance. The guidance was updated last night. I understand how challenging it is but they cannot have the same Government funding covering the same member of staff, which is why we have had to clarify that you cannot get the Government funding in the entitlement and Government funding for the furlough. However, they do have, for example, business rates and for many of them that would also be covered by the other announcements we have made.

**Q64 Jonathan Gullis:** Minister, I totally understand that again this is one of many challenges. Like the other members have said, I am receiving an awful lot of emails from local providers.

You mentioned there about the business rate support. Is there a feeling or idea that potentially a grant, a £10,000 or £25,000 grant, could be given to some of these providers because obviously the spring and summer months would be when these private providers make the most profit? Also, if you look at the funding rate in somewhere like Staffordshire, it is £4.04 per hour and as we have seen wages go up by 35% funding in early years went up only by 15%. While I would not say there is a national crisis, I would not go anywhere near far enough to say that, I do feel there was a funding gap before coronavirus and I worry that is going to be only exacerbated after.

**Vicky Ford:** Yes, I understand that. As I have just discussed, long-term financial stability is an issue for the spending review and that will be raised. We did put up the funding in the last spending round. I do know that issue, I am aware of it and it needs to be an issue for the spending review.

In terms of the package of support for business, the business rates holiday they can get, if they are too small to pay business rates the £10,000 grant is there for them, and if they are childminders the self-employment income support packages are there as well as, as we said, the CJRS to that proportion that is not covered elsewhere.

**Q65 Chair:** In terms of the spending round, are you fighting for extra funds for maintained nurseries, Minister?

**Vicky Ford:** I am very aware of the situation with maintained nurseries. Last year we got the one-year funding, which is important because of the way the school year and their financial year are not in sync with each other. We are committed to long-term funding for the maintained nursery sector. That is what the Department has continually said since I have been a Minister. I am aware of that issue. We had intended to bring it into this spending review, which has now been delayed. I know therefore it will become a pressing issue as we move towards the beginning of next term, so it is on my radar, very much.

**Q66 Chair:** We are very hopeful, given your record on supporting maintained nurseries.



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You mentioned this very important cross-government Committee that is looking at vulnerable children and how to help them. Clearly, as you can see from the questioning, it has been the bulk of our questions through the session. Is that Committee going to publish some policy proposals in the near future?

**Vicky Ford:** Vulnerable children are one of the strands that is in the Cabinet Office top 15 strands across Government. A number of different Government Committees have been set up in different areas. I have attended a bit of that and so has the Secretary of State: you can speak to him about that question on Wednesday. I have also attended meetings of the health intergroup and of the food intergroup. The amount of cross-government work that has been happening at this time is completely unprecedented. We have been working with the Home Office, the DCMS on charitable support, with Justice on unlocking the family courts, with DEFRA on food, Health, obviously with Treasury, with the local authorities. A huge amount of work is happening. The co-ordination between people who are concerned about children in care and children with special educational needs is incredibly tight at this moment.

The feedback and support we have had from those on the frontline working with us to approve the huge amount of guidance that has gone out, to consult and bring in ideas is hugely appreciated.

I do not think the intention is to publish inquiries and reports. The work we have been doing is in order to get cross-government support to make sure we can make cross-government decisions in this vital time and that is what we have been doing, to get support from different Departments to be able to drive forward what we need. Safeguarding, top priority; vulnerable children, top priority. Children really, really matter at this time because they are going to feel the impact of this for many, many years to come. We are all working to make sure that the children's voice is heard and heard strong at this period of time.

**Chair:** I will end the session first of all thanking you, Minister, for a pretty impressive relentless questioning for two hours and also for making history in terms of the Education Committee in having this online session that worked for the most part. We really appreciate it, also your officials and also, again, we must thank the officials from the House of Commons who are risking their health, still going in trying to make sure that our virtual Committee works. Thank you, everybody. I wish you well in all the work you are doing, which must be incredibly tough at this awful time in our country.