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11 December 2020

Dear Larry,

SCHOOL CHRISTMAS AND NEW YEAR HOLIDAYS

Thank you for your letter, dated 10 December, relating to the recent announcement on school holidays. I recognise this issue has caused concern amongst teachers and I am keen to further explain the basis of the decision I have taken.

The judgement not to intervene to change the locally determined school holiday dates was based on public health advice to keep schools open as planned. The decision was taken after thorough consideration of the views expressed by education partners, including union representatives, as well as evidence provided by the COVID-19 Advisory sub-group on education and children's issues. I am also mindful of the advice of the Chief Social Work Advisor that being in school is a very significant protective factor for the most vulnerable children, and the longer children are out of school the more chance there is of hidden harm.

I have reflected on your letter and on the comments you and colleagues made at the COVID Education Recovery Group. We had an open and valuable discussion and you questioned whether or not remote learning could be used flexibly in the lead up to the Christmas holidays.

I am writing to confirm that I have not changed my original decision. Schools should remain open as planned.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire
Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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There may be circumstances in which, based on clear evidence and public health considerations, or other relevant factors specific schools require either to close, or to implement remote learning for some children and young people, for a defined period of time. All such decisions will continue to be made by local incident management teams working in partnership, and on the independent advice of local Directors of Public Health, who take full account of school safety and wider public health considerations in line with their statutory duties. Similar decisions may require to be taken by local authorities in conjunction with schools where staffing constraints (e.g. due to self-isolation or shielding) or other matters make such a move unavoidable.

Local authorities, of course, set their own holiday dates in consultation with parents. Under the Coronavirus Act 2020, Education Authorities are under a duty to have regard to any advice relating to coronavirus from the Chief Medical Officer. It is therefore for each education authority to demonstrate how they have discharged this duty in any decision to move to remote learning or to change holidays.

The [advisory note on school holidays](#) offered crucial context in reaching the decision. That advisory note stressed that this was a finely balanced decision and highlighted a range of determining factors including, but not limited to:

- The absence of any evidence that schools and ELC settings are driving transmission
- A lack of evidence as to whether social mixing would be increased or decreased during a period of closure of school buildings with on-line learning, alongside recognition of the considerable efforts made by schools and ELC settings to prevent and mitigate COVID-related harms. The group were not aware of any evidence that closing schools for a longer period over Christmas would reduce social mixing.
- Issues of equity and protecting the health, wellbeing and safety of vulnerable children and those living in poverty.

I would add that the collective experience and expertise in the advisory group is significant and highly respected, and over the course of the pandemic has provided evidenced assessment of the complex issues with which we have had to wrestle. I believe the group offers CERG and the wider Scottish education community invaluable advice at this time.

The context is something I know we are all aware of, but I think it is important to highlight again that this is also underpinned by the Scottish Government's existing policy regarding any move by an education authority to remote learning, as set out in the [guidance](#), jointly developed with local government and partners, on reducing risks in schools.

Since schools returned in August, we know that several have successfully implemented remote learning for specific cohorts, following advice from local public health teams. Teachers have used a range of online solutions, including those provided through national arrangements including Glow, to ensure that any disruption to learning is minimised. I am aware that through their efforts and dedication teachers have significantly improved the online offer for remote learning where it is required.

It is also important to acknowledge the detailed protection measures set out in our COVID-19 Strategic Framework, which are specifically designed to reduce community transmission and

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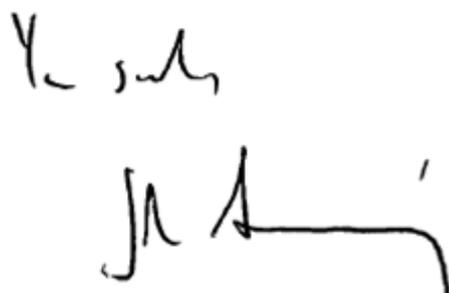
protect our schools. Having the protection levels in place has already contributed to our ability to reduce transmission in the community. I believe this deliberate community-wide strategy by the Government to suppress the virus is vital in protecting our schools from closure. A European Commission communication '[Staying safe from COVID-19 during winter](#)' from 2 December sets out a number of non-binding considerations for member states. However we are now seeing the benefit of our protection levels approach in the reduction in prevalence of the virus.

I recognise and reflected in my decision, the advisory sub-group condition that school staff be enabled to have a proper break over the festive period. I agree that it is imperative. I would want to assure you of my determination to ensure this is realised. At yesterday's CERG meeting members were updated by Public Health Scotland on their progress with local Health Protection Teams and Directors of Education towards finalising the school contract tracing arrangements to minimise the impact on staff.

Finally, you suggested in your letter that an email sent by a senior civil servant unduly influenced Councils in their decision-making. My view is that the email in question simply restated Scottish Government policy, citing public health advice and existing CERG guidance on reducing risks in schools.

I continue to be very grateful to teachers, school leaders and other education staff for their professionalism and dedication to support our children and young people throughout the pandemic. It is vital that school staff are able to get a much deserved break at Christmas and New Year and I am committed to ensuring that the arrangements are properly in place to enable that to be the case.

I trust that this reply responds to your concerns, and I would of course be happy to discuss these matters further.



JOHN SWINNEY

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