

Written evidence submitted by Human Rights Watch

Human Rights Watch Submission to the UK Parliament Education Committee

Inquiry into the impact of COVID-19 on education and children's services

July 21, 2020

Introduction

1. Human Rights Watch welcomes the Commons Select Committee's inquiry into the impact of the Covid-19 pandemic and the measures taken to address the public health emergency on children's access to education and other essential rights, and the Committee's stated aim to examine both immediate and longer-term impacts.
2. This submission focuses on Human Rights Watch's research findings and concerns in relation to free school meals, food insecurity and ensuring **children's right to food**; the **digital exclusion** of some teachers and students; and the impact of the pandemic on **children with disabilities**, all of which fall within the inquiry's [terms of reference](#). A compilation of recommendations follows at the end of our evidence.
3. Human Rights Watch is an independent, non-profit, nongovernmental human rights organisation. Each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in more than 90 countries around the world. We use the findings of our investigations to advocate for changes in policy and practice that promote human rights and justice around the world. Our full mission statement and financial details can be found [here](#).
4. Human Rights Watch has expertise in conducting research into children's rights and the right to education globally, as well as on a variety of human rights issues affecting the United Kingdom.
 - a. Our global thematic work on children's rights can be found [here](#) and our work specifically addressing the right to education can be found [here](#).
 - b. As part of our work on the [Europe and Central Asia](#) region we have researched increased food bank use by families living on low-incomes in the [UK](#). In May 2019, we published a detailed [research](#) report on the impact of a decade of cuts to social security protection on the ability of families living on low-incomes to afford adequate food. In May 2020, we updated aspects of that report in a [publication](#) focused on the free school meal replacement schemes during the Covid-19 crisis, and the need to ensure children's right to food.

Free School Meals, Food Insecurity and Ensuring Children's Right to Food

5. In April and May 2020, Human Rights Watch researched schemes to replace free school meals after the March 19 decision to close schools as part of the measures to deal with the Covid-19 pandemic. Our research, which examined steps taken by governmental authorities

in all four nations of the United Kingdom, found that the government-commissioned free school meal replacement voucher system adopted in England had left children from low-income families without adequate food. Some measures taken by devolved authorities in Scotland, Wales, and Northern Ireland—as well as local initiatives in England—produced more promising results. Our full research findings, published on May 28, can be downloaded [here](#).

6. The research was based on in-depth telephone/video interviews or exchanged written correspondence with nongovernmental groups; experts with knowledge of food aid, children’s rights, and education; local government catering representatives; staff or volunteers from food aid organisations; school or children’s centre staff involved in delivering food to children from low-income families; and representatives of statutory children’s rights oversight bodies. Research was conducted remotely owing to travel restrictions in place at the time.
7. Human Rights makes **four separate observations**, based on our research, for the Committee’s attention:
 - a. While we recognise that the Department for Education (DfE) had a difficult task in ensuring adequate free school meal replacements, and that improvements to the system were made gradually, the electronic voucher scheme as it was implemented for at least the first nine weeks in England was deeply flawed, making it difficult for school staff to use and for families reliant on the additional support to access and redeem the promised vouchers. Our research confirms widely reported media accounts that the system had serious technical glitches, inadequate preparation for the scale of the task at hand, and unacceptable delays and obstacles for school administrators and families trying to access the online portals. The difficulties some families faced in redeeming the vouchers at supermarket tills highlights the broader stigma of poverty faced by people on low incomes who need to exchange vouchers for goods at retail outlets. In a [late U-turn](#), the government agreed in June 2020, following a high-profile public campaign, to extend the voucher scheme into the summer holidays. By contrast, two regional ministers in Northern Ireland opted jointly in March for a cash transfer system, complemented by in-kind food delivery by local authorities. In Scotland, the Food Fund made money available for local authorities to use appropriately, through meals, food parcels, vouchers, or cash. And in Wales, education authorities, after some debate, opted out of the national voucher scheme, announced instead continued funding for school meals into the summer holidays, with clear guidance to allowing local authorities to decide whether they provide food, issue vouchers locally, or make direct cash transfers to families. While education in Scotland, Wales and Northern Ireland may fall outside the Committee’s remit, lessons from those nations may prove instructive.
 - b. Another factor that led to families in England not receiving school meal replacement vouchers on time was delay by the DfE in announcing their availability at key points. For example:

- the specifics of the voucher scheme were not announced until March 31, well into the second week of school closures in England;
- the extension of the voucher scheme during the Easter holiday was not announced until April 7, and the voucher provider's site was closed for maintenance on April 11 and 12, leaving families without vouchers during the Easter week; and
- the extension of the voucher scheme during the May half-term was not announced to school teachers or made public until a DfE minister confirmed verbally in evidence to this Committee on May 27, on the fifth calendar day of the holiday, that another DfE minister had agreed to the extension in a letter on the last day before the holiday closure.

Avoidable delay by government caused children from poor families to go hungry. This is unacceptable and should not be repeated.

- c. The Covid-19 school closures have also brought to the surface longstanding concerns about the exclusion of children living in poverty who, by reason of a "No Recourse to Public Funds" (NRPF) condition attached to their immigration status or that of their parents, are not eligible for free school meals. The government's temporary extension of free school meal support to children from NRPF families should become a permanent measure. Children should not be left to go hungry because of immigration status.
 - d. The Covid-19 school closures have underscored the importance of holiday food provision programs to address "holiday hunger." Families with children who rely on schools for their main meal or meals of the day may struggle to ensure they have adequate food for all their children when schools are closed. Previous [research](#) in areas of high deprivation in England by Human Rights Watch in 2018 and 2019 and our communication with the DfE in 2019 and 2020 have made clear that the limited pilot programs for holiday food provision are not likely to meet the level of need amongst children from low-income families. A long-promised assessment of DfE summer holiday food pilot programs in 2018 and 2019 has not, to our knowledge, yet been published.
8. Human Rights Watch is willing to make available to the Committee its letters to relevant governmental authorities and responses received in the course of the above research.

Digital Exclusion

9. In April and June 2020, Human Rights Watch conducted an online survey and remote interviews with parents, teachers, and teaching assistants in multiple locations in the UK, to learn about the effects of the decision to close schools on children's education.

10. Human Rights Watch found that the digital divide had an adverse effect on some children's remote learning and makes **two observations** for the Committee's attention:

- a. **Effective distance learning requires access to capable devices and reliable, affordable, accessible internet.** For communities that have long struggled with the lack of infrastructure and the means to afford access, Covid-19 has deepened student's digital exclusion. Prior to the shutdown, an [estimated 700,000 children](#) aged between 11 and 18 years reported having no home internet access from a computer or tablet, and a further 60,000 reported to have no internet access at all, according to a report by the Office for National Statistics. In January 2020, only [12 percent](#) of the UK had access to full fibre broadband.

Low-income households struggle to afford data costs or the broadband services needed to access the internet in a meaningful way; the likelihood of having access to the internet [increases with income](#), such that only 51 percent of households earning between £6000-10,000 had home internet access compared with 99 percent of households with an income over £40,001.

In interviews conducted by Human Rights Watch, teachers expressed serious concerns over the students they have lost contact with, and the risk of significant learning loss during the pandemic school closures and beyond. Students from low-income families, minority ethnic backgrounds, Traveller pupils, and those living in rural communities were cited as being of concern.

A teacher in Buckinghamshire said: "The biggest concern is that half of my students are just not responding, and I haven't heard from them... There is going to be massive problems with the kids that have not had the internet. The kids that haven't participated in online learning are going to be way behind the ones that...have been working hard. So, there is going to be wider gap between the high-ability and the low-ability because of kids who are disadvantaged, or the kids that haven't been able to access the online lessons."

Families that struggle to afford devices and internet are forced to make hard choices. A teacher at a school serving low-income families and students who are pupil premium in Whitechapel (London Borough of Tower Hamlets) said that most of his students cannot reliably participate in online classes because they share a single device within their families. One child was unable to access the family computer because his sister had to use the computer for work. Children with siblings also attending online classes found it difficult to find time to access online learning or complete homework.

The digital divide also impeded teachers' ability to teach, limiting the distance learning potential for entire classes. Some reported borrowing devices from family members. One teacher in Elephant and Castle (London Borough of Southwark) said that her Wi-Fi cuts in and out while she is in the middle of teaching. Another teacher

in Norwich said that her connection cuts out whenever it rains.

- b. As children moved to remote learning during Covid-19, education technology platforms collected vast, unprecedented amounts of children’s personal data, putting **children’s data protection and privacy rights at risk**.

Previous Human Rights Watch [research](#) found that many of these digital products, including those used by UK schools, have raised questions over how they collect children’s data and protect their privacy.

The Information Commissioner’s Office (ICO)’s Age Appropriate Design Code, [laid before](#) Parliament on June 11, proposes 15 standards that companies must implement to ensure that their digital services protect children’s personal data and rights. The Code is not expected to have full effect until 2021.

Impact of the School Closures on Children with Disabilities

11. Human Rights Watch found that school closures had disproportionately negative consequences for children with disabilities, and makes **two observations** for the Committee’s attention:
 - a. **Children deemed to have “special educational needs” (“SEN”) and children with intellectual or developmental disabilities were at an increased risk of missing out on education with a transition to remote learning.** Children with “SEN” are not getting the support they need which makes it much harder for them to access the relevant tools and engage in remote classes. Human Rights Watch spoke to a teacher in Norwich who said that none of the SEN children in her class have been accessing education since the school closures. A teaching assistant for SEN secondary school children in London gave examples of a student with severe dyslexia who struggled with all the emails from the school allocating assignments, and another student with cerebral palsy that excluded her from typing work assignments. A teaching assistant for SEN children in a primary school in London said she received no specific guidance for continuing education during the closures, nor on steps to be taken when schools re-opened. The families at this school found it very difficult to manage the increased responsibilities of care and education. There are great concerns that these children will fall behind.
 - b. **Some children with disabilities and chronic health conditions are also at risk of further exclusion from education if unable to return to in-person learning due to heightened medical risk and need to shield for longer during the pandemic.** For example, a teaching assistant for “SEN” students in southeast London said that only one of her students had returned to school as of mid-June because most of the “SEN” students she supports followed shielding instructions. She highlighted potential concerns due to the lack of guidance on how to support children with

behaviour difficulties, for example who may be prone to spitting, and those needing more physical support.

Concluding recommendations

12. In relation to the above evidence, Human Rights Watch respectfully urges the Committee to:
 - a. **Recommend that education authorities not use electronic or paper supermarket vouchers for school food replacement**, except as a temporary, last resort or in exceptional cases where, in discussion with the family, the school agrees that vouchers are the most appropriate option.
 - b. **Encourage education authorities to consider direct cash transfers and other non-voucher systems for free meal replacements during school closures**, based on the experience of devolved authorities, as these better respect families' dignity and ability to choose adequate food for their children.
 - c. **Suggest more opportunities to share good practices on school food replacements during closures** between education authorities across all four nations.
 - d. **Ensure educational authorities make timely announcements about free school meal replacements**, in order to avoid children going hungry, as well as confusion and stress to school staff and families in receipt of food support.
 - e. **Recommend that NRPF restrictions on access to free school meals be lifted permanently**, and ensure that all devolved governments, local authorities and eligible NRPF families are notified of this change.
 - f. **Seek urgent clarification from the DfE on the current status of the assessment of the summer holiday food pilot programmes** and ensure its publication without delay.
 - g. **Recommend greater, systematic DfE investment in holiday food provision programmes across England**, not just in geographically limited pilot projects.
 - h. **Recommend that the government urgently assess the gap in digital connectivity for children**, undertaking rapid and comprehensive data collection to understand and address the scope and scale of the problem.
 - i. In recognition of the increasingly indispensability of access to the internet in order to benefit from an education, **recommend that the government take action to close the digital divide, in particular for children**, for example through increased access to full fibre broadband (particularly in rural areas), increases to the child benefit, and the subsidising or provision of devices and internet access, especially for teachers and for households with children eligible for free school meals or pupil premium.

- j. **Encourage education authorities and schools to regularly be in contact with digitally excluded families** via phone calls or text messages to ensure they do not miss important updates or work, in the event of any future lockdowns.
 - k. **Seek urgent clarification from the DfE and the Department for Digital, Culture, Media, and Sport if they are seeking measures to address the shortage of devices for children's education**, in preparation for future possible school closures.
 - l. **Recommend that the DfE encourage all education technology providers to swiftly implement the guidelines proposed by the ICO's Age Appropriate Design Code.**
 - m. In the period until the ICO's Code has full effect, **recommend that the DfE adopt the ICO's Code** to inform decisions about which online learning platforms are officially recommended for use by schools, teachers, and schools.
 - n. **Encourage education authorities to issue clear guidance** on both continuing education remotely for children unable to return to school due to health concerns, and on how to resume in-person teaching for students with disabilities who require additional support. Ensure students who have not been able to follow remote learning have access to remedial education programmes, and are provided with teaching support, so that they can catch up.
13. Finally, we note that extended school closures arising from public health emergencies are unlikely to be a one-off event. We welcome the efforts of the Education Committee in ensuring that all applicable relevant lessons are learnt from the Covid-19 pandemic in order to better guarantee the rights of children in similar future scenarios. We call on the Education Committee to:
- **Recommend that the government adopt an emergency response plan** in the event of future Covid-19 lockdowns, or other crises, that reflects a spectrum of no-, low-, and high-tech responses, and includes models for support for groups of children at risk of exclusion.
14. Human Rights Watch confirms that we are willing to provide oral evidence should the Committee require it.

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