



Children's Commissioner for Jersey
Promoting and Protecting Children's Rights

School Closures: Comment on the child rights impact assessment

The decision as to whether to keep schools open for children in Jersey has been a difficult, yet carefully considered one, which takes account of the broad range of children's rights. This includes children's right to health, education, protection from harm, and to make a decision that is in children's best interests.

Children's rights are interdependent and interrelated, and as such any decision must take a holistic look at the lives of children in Jersey, recognising that school plays a bigger role than simply providing education. The United Nations Convention on the Rights of the Child (UNCRC) provides a framework for decision making by setting out a range of children's rights protections, and while they are all equally important, four general principles have emerged. These are:

- Article 2 – the right to non-discrimination and equality
- Article 3 – the best interest shall be a primary consideration
- Article 6 - the right to life, survival and development
- Article 12 - respect for the views of the child

These four principles can help to interpret the rest of the Articles in the Convention, and support rights-based decision making. The decision to reopen schools was informed by a Child Rights Impact Assessments (CRIA) which took into consideration children's rights under the UNCRC. This update provides a brief elaboration on current concerns and summarises key considerations.

The Government has received clear advice from the chair of the Scientific and Technical Advisory Cell (STAC) that there is no medical reason to close schools early before the Christmas break. In their advice¹, the STAC highlighted that the impact of closing school has a limited impact on curtailing the spread of the virus, that schools have largely been kept open in the majority of other jurisdictions and that closing schools can have a negative impact on children's outcomes in both the short term and longer term.

Many of the considerations set out in the last Child Rights Impact Assessment (CRIA) remain relevant. Closing schools would have a significant impact on some families' ability to work, particularly should working from home not be an option. The Critical Workers and Vulnerable Children's Hub was created this year, which made places in schools available for children whose parents and carers needed schools to remain open so that they could continue their employment. This safeguard is not as manageable due to availability and increased demand, with more workplaces open than during lockdown, and higher absence rates in some schools. Schools provide a safe learning environment but also an important mechanism to keep children safe from harm. School closures would reduce or prevent contact with children in situations of vulnerability, including situations of abuse or neglect which could be exacerbated by a longer Christmas holiday.

Support networks are likely to be impacted by new measures, in particular grandparents who often provide childcare, many of whom will be impacted by the new government advice provided to the over 70s. It is important that families do not feel forced into unregulated and unsafe childcare arrangements, or to be put into financial hardship. Children have the right to an adequate standard of living, and to be kept safe. In particular, concerns have been highlighted by Romanian and Polish community organisations that their communities will be seriously impacted should schools close and have asked for schools to remain open. It is crucial that any decisions which affect children and young

¹ See press statement at <https://www.gov.je/News/2020/Pages/EducationRemainsOpen.aspx>

people protect, respect and fulfil all children's rights, and any disproportionate impacts on specific groups of children and young people must be addressed and mitigated.

Even for those parents and carers who were able to work from home, we heard concerns from families across Jersey that parents and carers were struggling to balance work and caring responsibilities and that many children were not getting enough support to keep on track with their learning. Again, it is important that children are able to enjoy their right to education on an equal basis as per their rights to non-discrimination and equality, which means taking into account the different direct and indirect impacts on children. The Government must therefore consider how to ensure equity as far as possible in educational experiences, and in ensuring that children have appropriate support in place to help them learn and thrive. Pupils have missed unprecedented teaching days resulting from the pandemic, and a further loss of teaching will compound this impact, which is particularly concerning for children who will be sitting exams in 2021. Keeping schools open can help to ensure a more equitable experience for children.

Consideration has also been given to equity in education should some schools be affected by a Covid-19 outbreak and therefore mean that some children are unable to attend schools whilst others remain open. Plans to counter this therefore include the provision of digital learning, which has been rolled out throughout the year and is therefore established and understood. So too are the issues with online learning, which disproportionately impacts children from lower income households who may not have access to suitable technology, and risks entrenching inequalities if digital learning is the only option for children.

As noted above, school is more than just a place for learning. Earlier this year, a survey exploring the impact of Covid-19 was launched in partnership between the Government of Jersey and the Children's Commissioner which asked children to share their views and experiences². Children and young people shared that school closures had had a negative impact on their health and wellbeing, in particular their mental health. Providing safe spaces which allow children and young people to socialise and have a sense of normality were valued by many survey respondents.

It is important to note that a 'one size fits all' approach may not be the best approach to safeguard children's rights during the Covid-19 pandemic, and what works well for one child or group of children may have a negative impact on others. The survey again highlighted that while some children wanted schools to reopen to help them to learn and to be able to see friends, others were anxious about whether schools were safe enough environments and so attending school could be detrimental to their mental health. There have been increasing calls from children and young people and their families to allow for home learning during the last week of the school term to prevent children having to quarantine over Christmas, and experience loneliness and isolation at the end of a difficult year. As well as the importance of the views of the child, the UNCRC recognises the important role of the family, and that "Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child."³ Therefore the Government of Jersey should take steps to encourage schools to be more lenient in absence policies should children be kept home from school due to safety concerns.

Since the beginning of November there have been 68 confirmed pupil COVID cases in Jersey schools and 10 COVID cases for staff. Whilst blanket school closures would impact approximately 15,000 children in Jersey, building in flexibility into school provision would offer a way to reduce anxieties while still providing a safe and supportive learning environment.

² <https://www.childcomjersey.org.je/publications/research-and-papers/joint-survey-with-government-of-jersey/>

³ Article 18