

## **WELSH GOVERNMENT RESPONSE: The Health Protection (Coronavirus Restrictions) (School Premises and Further Education Institution Premises) (Wales) Regulations 2020**

### **Technical scrutiny point 1:**

The Welsh Government agrees that there is an inconsistency between the enabling powers cited in the Welsh and English text, in that section 45(3)(c) is cited in the Welsh text and 45(3) in the English text. This is a typographical error in the English text. This does not affect the validity of the Regulations.

### **Merits scrutiny point 4:**

Due to this being emergency legislation, formal consultation was not possible. The decision to introduce regulations was informed by advice from the CMO and PHW. In formulating the regulations we were able to draw on feedback and previous discussions with key stakeholders on the operation of schools during the pandemic. This includes feedback from the Children's Commissioner for Wales, parents, learners, local authorities, third sector and education unions. Given the timescales involved, the intention of the regulations was discussed briefly with the Chair of ADEW over the weekend. The Children's Commissioner for Wales has previously raised concerns about provision of education for vulnerable learners and critical workers during such a decision. The legislation addresses these points of concern. We have tested this approach working with the 22 local authorities and the unions during the firebreak, although the context for making the decision has shifted, we understand local authorities working with schools have the ability to offer this.

### **Merits scrutiny point 5:**

The Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) which causes the disease known as COVID-19 or "coronavirus".

The advice of the Chief Medical Officer for Wales is that action is needed now if we are to mitigate the ongoing transmission of Covid-19 and to prevent NHS capacity in Wales becoming stressed and potentially overwhelmed. These Regulations are intended to help prevent direct Covid-19 deaths and deaths related to the non-availability of NHS services as a consequence of widespread community transmission of the virus.

An IIA was completed and published as part of the firebreak arrangements and as part of the move to providing provision for vulnerable learners and children of critical workers as part of the HUB provision in April which fully explored the impact of the approach. These are published and, they are available at the following links:

<https://gov.wales/provision-education-response-covid-19-impact-assessment>

<https://llyw.cymru/y-ddarpariaeth-addysg-mewn-ymateb-i-covid-19-asesiad-effaith>

<https://llyw.cymru/crynodeb-or-cyfyngiadau-ar-ymgynnull-yn-gymdeithasol-theithio-cau-busnesau-phresenoldeb-yn-yr-ysgol>

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A Summary Impact Assessment is in the final stages of development for the Covid control plan which the FM announced last week and is to be published this week. The intention is to publish that plan this week along with or shortly after the control plan itself.

In addition, the Impact Assessment made on 26 October covers the impact of extending the half term for years 9 and upwards. This is not directly equivalent to the current situation because years 7 and 8 were able to attend during that week. However in other respects the assessment of impact of the current measures would be similar.

### **Merits scrutiny point 6:**

An IIA was completed and published as part of the firebreak arrangements and as part of the move to providing provision for vulnerable learnings and children of critical workers as part of the HUB provision in April which fully explored the impact of the approach. These are published and, they are available at the following links:

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## **YMATEB LLYWODRAETH CYMRU: Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Mangre Ysgol a Mangre Sefydliad Addysg Bellach) (Cymru) 2020**

### **Pwynt craffu technegol 1:**

Mae Llywodraeth Cymru yn cytuno bod anghysondeb rhwng y pwerau galluogi a enwir yn y testunau Cymraeg a Saesneg, gan fod adran 45(3)(c) yn cael ei henwi yn y testun Cymraeg a 45(3) yn y testun Saesneg. Gwall teipograffyddol yn y testun Saesneg yw hwn. Nid yw hyn yn effeithio ar ddilysrwydd y Rheoliadau.

### **Pwynt craffu ar rinweddau 4:**

Am mai deddfwriaeth frys oedd hon, nid oedd ymgynghori ffurfiol yn bosibl. Roedd y penderfyniad i gyflwyno rheoliadau yn seiliedig ar gyngor gan y Prif Swyddog Meddygol ac Iechyd Cyhoeddus Cymru. Wrth lunio'r rheoliadau, roeddem yn gallu defnyddio adborth a thrafodaethau blaenorol â rhanddeiliaid allweddol ar weithrediad ysgolion yn ystod y pandemig. Mae hyn yn cynnwys adborth gan Gomisiynydd Plant Cymru, rhieni, dysgwyr, awdurdodau lleol, y trydydd sector ac undebau addysg. O ystyried yr amserlenni o dan sylw, trafodwyd bwriad y rheoliadau yn fras â Chadeirydd Cymdeithas Cyfarwyddwyr Addysg Cymru dros y penwythnos. Mae Comisiynydd Plant Cymru wedi codi pryderon o'r blaen ynghylch darparu addysg i ddysgwyr hyglwyf a gweithwyr hanfodol pan wneir penderfyniad o'r fath. Mae'r deddfwriaeth yn ymdrin â'r pwyntiau hyn sy'n peri pryder. Rydym wedi profi'r dull hwn o weithio gyda'r 22 o awdurdodau lleol a'r undebau yn ystod y cyfnod atal byr. Er bod y cyd-destun ar gyfer gwneud y penderfyniad wedi newid, rydym yn deall bod awdurdodau lleol, gan weithio gydag ysgolion, yn gallu cynnig hyn.

### **Pwynt craffu ar rinweddau 5:**

Mae'r Rheoliadau wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2) sy'n achosi'r clefyd o'r enw COVID-19 neu'r "coronafeirws".

Cyngor Prif Swyddog Meddygol Cymru yw bod angen gweithredu yn awr er mwyn inni liniaru trosglwyddiad parhaus Covid-19 ac atal capasiti'r GIG yng Nghymru rhag bod o dan ormod o bwysau a chael ei lethu o bosibl. Bwriad y Rheoliadau hyn yw helpu i atal marwolaethau Covid-19 uniongyrchol a marwolaethau sy'n gysylltiedig â'r ffaith nad yw gwasanaethau'r GIG ar gael o ganlyniad i drosglwyddo'r feirws yn eang yn y gymuned.

Cafodd Aseiad Effaith Integredig ei gwblhau a'i gyhoeddi fel rhan o drefniadau'r cyfnod atal byr ac fel rhan o'r cam i ddarparu ar gyfer dysgwyr hyglwyf a phlant gweithwyr hanfodol fel rhan o'r ddarpariaeth hyb ym mis Ebrill a archwiliodd effaith y dull gweithredu yn llawn. Mae'r rhain wedi eu cyhoeddi, ac maent ar gael drwy ddilyn y dolenni a ganlyn:

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Mae Asesiad Effaith Cryno yng nghramau olaf ei ddatblygiad ar gyfer y cynllun rheoli Covid y gwnaeth Prif Weinidog Cymru gyhoeddiad yn ei gylch yr wythnos diwethaf ac sydd i'w gyhoeddi yr wythnos hon. Y bwriad yw cyhoeddi'r cynllun hwnnw yr wythnos hon gyda'r cynllun rheoli ei hun neu'n fuan ar ôl hynny.

Yn ogystal, mae'r Asesiad Effaith a wnaed ar 26 Hydref yn cwmpasu effaith estyn yr hanner tymor ar gyfer blynyddoedd 9 ac uwch. Nid yw hyn yn cyfateb yn uniongyrchol i'r sefyllfa bresennol am fod blynyddoedd 7 ac 8 yn gallu bod yn bresennol yn ystod yr wythnos honno. Fodd bynnag, mewn ffyrdd eraill, byddai asesu effaith y mesurau presennol yn debyg.

### **Pwynt craffu ar rinweddau 6:**

Cafodd Asesiad Effaith Integredig ei gwblhau a'i gyhoeddi fel rhan o drefniadau'r cyfnod atal byr ac fel rhan o'r cam i ddarparu ar gyfer dysgwyr hyglwyf a phlant gweithwyr hanfodol fel rhan o'r ddarpariaeth hyb ym mis Ebrill a archwiliodd effaith y dull gweithredu yn llawn. Mae'r rhain wedi eu cyhoeddi, ac maent ar gael drwy ddilyn y dolenni a ganlyn:

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