Part of
Education and children during coronavirus

Department for Education

Guidance
Coronavirus (COVID-19): guidance for children's social care services

Updated 29 September 2020

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This guidance is about safeguarding and protecting the welfare of vulnerable children. It is for local authorities and should be used to support children's social care services and providers to work with children and families during the ongoing coronavirus (COVID-19) pandemic.

Information for providers of non-residential respite services (such as holiday clubs and short breaks for children with disabilities) is in guidance for providers of children's social care without settings during the coronavirus (COVID-19) pandemic, and guidance for parents and children's providers during the coronavirus (COVID-19) pandemic.

Children's social care services have been required to enable children within SEND to access respite care during the coronavirus (COVID-19) pandemic, in line with their peers who are not in care in schools and other places of education (autumn term 2020).

We have provided a temporary legal framework to enable local authorities to continue to operate as extensively as possible in the way of corporate parentings to support the most vulnerable children and families. We have also made changes to the way in which local authorities can carry out their statutory duties and exercise their powers, so that they can continue to support young people every single day and we, as always, providing a vital service during this time.

We appreciate the dedication and determination all those who are working to protect children and families during this period and they have never had to face before in their careers. Thank you for your efforts.

The coronavirus (COVID-19) pandemic represents a time of severe pressure across the system. We have worked closely with sector representatives to ensure that, as far as therefore, especially important that children continue to receive the support they need. Our aim is to:

- ensure children are safeguarded, and protect the welfare, of vulnerable children
- minimise disruption of children's social care during the recovery stage of the pandemic
- ensure children's social care services can continue to operate as extensively as possible, measures may act as a barrier, for example as a result of local intermediate measures
- ensure children's social care services can support children's services and providers to work with children and families during the coronavirus (COVID-19) pandemic. It is important that children's services and providers work together to ensure children continue to be practice with children and families. It also recognises the support that many local authorities and providers are taking.

Main changes to previous guidance

We have updated this guidance to:

- reflect the Adoption and Children (Coronavirus) (Amendment) Regulations 2020
- update with the Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020
- reflect the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 3) Regulations 2020 - the rule of 6

Principles

The difficult and complex decisions that need to be taken during this period should be made in the spirit of the following principles:

- child centred: promoting children's best interests, nothing is more important than children's welfare; children who have vulnerabilities and protection deserve high quality support and services, and their voices should be heard
- risk based: prioritising support and resources for children at greatest risk
- family focused: recognising the strengths in families and their aspirations
- evidence informed: ensuring decisions are proportionate and justified
- collaborative: promoting partnership working across agencies and providers
- transparent: providing clarity on maintaining professional curiosity about a child's wellbeing

Duties in primary legislation are unchanged

The duties to our most vulnerable children that are set out in primary legislation (such as the Children Act 1989, the Children Act 2004, the Children and Young Persons Act 1933 and section 11 of the Children Act 2004) remain in place and local authorities and other bodies must continue to comply with these duties. This guidance and the temporary legislation should be read in conjunction with the statutory guidance on the Children Act 1989 regulations and statutory guidance on the Children Act 1989 regulations.

This guidance should be read alongside existing primary legislation and regulations. This should also meet relevant statutory guidance including Working together to safeguard children (2018).

- Volume 1 - Children Act 1989 court orders
- Volume 2 - Children Act 1989 care planning, placement and care review
- Volume 3 - Children Act 1989 transition to adulthood for care leavers
- Volume 4 - Children Act 1989 fostering services
- Volume 5 - Children Homes regulations, including quality standards guide

Important dates

This guidance will remain in force until the regulatory changes expire on 31 March 2020.

Adoption and Children (Coronavirus) (Amendment) Regulations 2020

As part of its response to coronavirus (COVID-19), the government carefully considered the impact on children and families. It is important that children and families, in the process, while always ensuring children's safety and welfare remained paramount. The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 came into force on 22 April 2020.

The Adoption and Children (Coronavirus) (Amendment) Regulations expired on 22 September 2020 and were replaced by the Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020 which, in relation to fostering, adoption and support services, will continue to provide some flexibility in relation to those who are required to work with children and families during the coronavirus (COVID-19) pandemic. It is important that children's services and providers work together to ensure children continue to be practice with children and families. It also recognises the support that many local authorities and providers are taking.

This guidance should be read alongside existing primary legislation and regulations. This should also meet relevant statutory guidance including Working together to safeguard children (2018).

- Volume 1 - Children Act 1989 court orders
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- Volume 4 - Children Act 1989 fostering services
- Volume 5 - Children Homes regulations, including quality standards guide

Temporary regulations

The Adoption and Children (Coronavirus) (Amendment) (No 2) Regulations 2020 ("the temporary regulations") temporarily amend a series of its regulations.

The temporary regulations:

- allow for visits to be made over the telephone, a video link or other electronic communication method, where the local authority does not and cannot meet coronavirus (COVID-19)
- allow for a local authority to delegate its assessment in the process for approving adopters and foster carers, as long as decisions are endorsed and recommendations are made at stage and prior to approval
- allow for a local authority to approve a child's placement, recognising that assurance is carried out the corporate parentings

The temporary regulations are intended to be used where the flexibilities are still needed to provide effective support to children and to ensure that children's social care services during the pandemic. These can be when:

- it would be unsafe to carry out a process relating to the incidence or transmission of coronavirus (COVID-19) advised by Public Health England or the Secretary of State for Health and Social Care
- it is not reasonably practicable to carry out a process relating to the incidence or transmission of coronavirus (COVID-19)

The overarching approach to how any of these legislative flexibilities should include:

- approval of chief officer level in local authorities and, where appropriate, has been endorsed by the corporate parentings and lead member
- properly recording the use, and the reason for doing so and communicating to the other safeguarding partners and providers
- and local authorities may choose to use (or not use) the temporary for use of a flexibility

Ofsted will take note of any use of these flexibilities, as providers should be ready to explain their use of any of the flexibilities. Ofsted will also take into account the local context with children where possible. It is important for employers to consider how to create and maintain a safe working environment for all staff and those they support, in particular those who are temporarily at risk.

The Secretary of State has agreed that Ofsted will undertake assurance visits in relation to children's social care services, children's homes and independent fostering agencies in England. Ofsted, during conducting contact with the provision of care and treatment of coronavirus (COVID-19), or those being recruited to health roles because of the impact of the pandemic.

Children's social care

Social work practice

There should be no blanket changes to social work practice. but coronavirus (COVID-19) has created challenges for children and families. Social workers and other frontline workers which always be reduced. Further details can be found in the guidance for working in education, children and children's social care settings and Ofsted's approach to inspections.

Within any restrictions on social distancing and visits, local authorities are expected to consolidating broader family networks as vacuum of support and respite for children and families. Local authorities should be aware of the impact of the pandemic on the children of, and disrupted by, provisions, within the broader framework set by government guidance on social distancing.

PPE equipment for children's social care staff

Guidance for infection prevention and control in children's social care settings, including the use of personal protective equipment (PPE), has been issued. Further guidance on PPE availability, distribution and use is available online.

Coronavirus (COVID-19) testing for children's social care workers

Education, childcare and children's social care settings and providers must ensure they follow PHE's guidance on testing. Testing is not required for children's social care workers within the setting is suspected or confirmed to have coronavirus (COVID-19). They should also know how to contact their local PHE health protection team, and do so as soon as they are aware of a case. Testing is not required for children's social care workers with symptoms of coronavirus (COVID-19) should request a test. Tests can be booked online at NHS testing and tracing for coronavirus or ordered by telephone via NHS 119.

Settings must liaise with their local PHE team who will become aware that a number of cases in a setting may be the result of an outbreak. The local PHE team will then lead on any local PHE health protection team, settings must let those people who have been in close contact with the person who has tested positive for coronavirus (COVID-19) know they were last in close contact with that person when they were infectious.

Virtual visits - local authorities

The temporary regulations allow visits to be carried out either, not in the person of the child, but by means of a telephone, video link or other electronic communication method.

The use of virtual visits should be the exception and can be used as a result of public health advice or if it is not reasonable practicable to carry out a visit in person. It is preferable for a secure relationship to be developed with the child and family in person (VK). This could include in the event of local restrictions, self-isolation or social distancing and due to coronavirus (COVID-19).

As good practice, children and young people should be told why a face to face visit is not possible and what is being done to keep them safe and well.

This does not provide flexibility for an LA to carry out visits to be lawfully, whether in person or by means of a video link, if it is not reasonable practicable. Nothing in these regulations prevents the LA from carrying out the meeting within the statutory timescales.

The temporary regulations require any virtual visits to be held in accordance with any relevant statutory guidance. Local authorities should ensure that meaningful, normalised efforts should consider:

- the wishes of the children and young people effective
- the ability of the child and young person to engage in a virtual visit due to reasons such as their age, disability, learning difficulty or use of English, for example with interpretation services if required
- whether there is an established relationship between the social worker and the child or young person
- any other factors mentioned other Ofsted relevant

All cases of this temporary flexibility must be recorded in individual case files. These should include the reasons why it was not reasonable practicable to carry out a face to face visit. Recorded information should be shared with other local authorities and partner agencies available guidance on the use of virtual visits and mitigation of risks.

Social worker visits

Children and families may feel anxious about infection risks. Where this is the case and families are unsafe to engage with social workers, social workers should consider carefully if it is essential that they have access to the home, or that they need access to the children in the home. If it is not, then it is better for the family and the social worker and should be sufficient to meet the need and purpose of the visit without compromising the health and safety of the family and the social worker.

Social workers should consider the different needs of babies and young children, as well as disabled children, who might not have verbal communication skills.

It is also important to note that existing general duties on local authorities under section 17 of the Children Act 1989 in relation to children and families in need and the welfare of children in need in their area remain unchanged. This is also the case for section 47 of the Children Act 1989 where local authorities have reasonable cause to suspect that a child is suffering or is likely to suffer significant harm.

There may, of course, be other reasons why families may refuse access. Where they do, and there is a risk to the life of the child or children, local authorities and their partner agencies should follow the immediate child protection procedures set out in working together to safeguard children guidance.

Children Act 1989 representations - continuing effect of the Adoption and Children (Coronavirus) (Amendment) Regulations 2020

Where a complainant has engaged in the representations procedure under regulation 12 of the Children Act 1989 Representations Procedure (England) Regulations 2006, a local authority has a statutory timescale of 28 working days to respond. If the complainant is dissatisfied with the outcome they continue to be able to request a review of their complaint. The timescales for a review are 28 working days, or 5 working days if a reasonable practicable. Additionally:

- the local authority can stick someone a review period within the statutory time frame of 28 working days, as soon as reasonably practicable
- the review panel can still be required to local authorities within the statutory time frame of 28 working days, as soon as reasonably practicable
- the local authority, together with an independent person, can still consider the review panel's recommendations, determine next steps and send its response to the complainant within the statutory time frame of 5 working days, as soon as reasonably practicable

If the local authority has not considered the complainant's representations by 25 working days, the local authority should inform the complainant of the reasons for the delay. Further details can be found in the guidance in the Children Act 1989 Representations Procedure (England) Regulations 2006.

Advocacy support for looked after children

The ongoing provision of advocacy for looked after children is of critical importance and should be a priority for local authorities and providers. Contact the Children's Rights Director (CRD) and advocacy services continue to be fully operational and accessible (at 0800 528 0731). The Children's Commissioner's Voice of Care service is also available on 0800 528 0731.

Support for children who have a social worker

Safeguarding and promoting the welfare of children remains of permanent importance. For many parents, carers and children, access to support, including the services offered by other safeguarding partners, educational settings or the third sector, can be important in providing support to children and families. Local authorities should support school-aged children and appropriate flexibility in how this is delivered. For example, via telephone or online support rather than face to face meetings, where necessary. Where face to face contact is the preferred option, this is desirable.

Local authorities should be conscious of reduced protection factors those about and should be aware of the impact of the pandemic on children and families. Local authorities (LA) should work with local safeguarding partners to ensure continuity and consistency of support.

Responsibilities for missing children

Local authorities have a safeguarding duty under Section 47 of the Children Act 1989 to investigate if they have reasonable cause to suspect that a child in their area is suffering or is likely to suffer significant harm. This duty applies to all children, including those in care, regardless of where they were missing from. This is no change from a face to face contact if they are a cohort other.

Responsibilities to missing children remain unchanged and we expect local authorities to use their judgement on a case by case basis. Local authorities should be aware of the impact of the pandemic on children and families and be sure that the children are safe or recovered from harm as soon as possible.

Local authorities should continue to refer to the statutory guidance on the role of missing persons' research officers and the missing children's report regarding action to mitigate risks to unaccompanied asylum seeking children.

Educational Setting

Vulnerable children attendance at educational settings

It is mandatory for all children to attend school from the beginning of the autumn term. This means that the usual rules on school attendance apply, including:

- parents' duty to ensure their child attends regularly at school where the child is registered pupil, and they are of compulsory school age
- the school's duty to record attendance and to report persistent non-attendance
- the availability to local authorities, including fixed penalty notices, and to the local authorities' duties of conduct

We have also published guidance on Attendance in local attendance, support for schools and local authorities which provides guidance on the implementation of school visits and the use of fixed penalty notices. This guidance also includes information on the school attendance, and expectations on school and local authorities to support the return of children to school after an absence.

This guidance sets out expectations on social workers and family support workers to support children and families. It also provides school attendance in particular children within multi-agency plans and support children and families to overcome barriers to attendance and to ensure children are safe when they are not in school. Additionally, https://www.gov.uk/guidance/school-attendance-children-and-families-social-workers.

Social workers should be in communication with schools and, where possible, engaged in conversations with the school and parents to put in place strategies to reduce the risk of absence.

We have restarted in schools that they should, as far as possible, avoid unnecessarily excluding any pupil with an Education, Health and Care Plan or a looked-after Child. Exclusion of these vulnerable pupils should be a last resort. Local authorities and their partner and additional assessment and support needs to be put in place to ensure school address the causes of the child's behaviour and prevent the need for exclusion. Local authorities should be prepared to support the children's educational setting in event of an exclusion.

Where a child has been permanently excluded, this will include rapidly securing new educational provision in line with the child's needs and Ofsted Education Inspection Framework. Where a school has concerns about the behaviour of a previously looked after child, it should contact the virtual school head who in turn may be sought from the LA in strategies to support the child to avoid exclusion.

Risk assessments for children and young people with an education, health and care plan

Following the March closure of schools and colleges to most pupils and students, local authorities and their partners should review the education, health and care plans (EHCP) of children and young people. These risk assessments are no longer required.

Local authorities and educational settings should make their own judgements as to whether or not they need to review EHCPs, taking into account the impact of disruption after they have returned full time. This should be managed process judgments.

- help identify any additional support that pupils need in order to make a successful return to full time education
- to help reassure pupils, families, and staff that it is safe for the pupil to be welcomed back into their educational setting, and that their needs have been carefully considered
- if there is a local authority or EHCP review

Where a child or young person with an education, health and care (EHCP) has a social worker, the social worker should be part of maintaining or review the EHCP. Where a child is looked-after, the local authority virtual school head should also be involved.

Alternative provision (AP) schools and providers

Alternative provision (AP) settings (including youth referral units, AP academies and AP free schools) are open for all pupils who authorities term and on site attendance is mandatory. Local authorities should ensure that AP providers are aware of and follow safeguarding, staying engaging in education, and local authority requirements.

AP settings should continue to work through the system of controls, outlined in government guidance for the full opening of schools, embedding measures that help minimise the spread of coronavirus (COVID-19) in their setting. Local authorities should be identified in their assessment, and for their setting, and allow them to access a broad and balanced curriculum for pupils.

Multi-agency

Multi-agency child protection conferences

Local authorities, their partners and other organisations and voices are working accelerating this, allowing effective ways to engage and accommodate social distancing requirements and restrictions on their movement.

Multi-agency working is crucial to ensuring the protection of children at risk of harm, and multi-agency child protection conferences (initial, therefore, go ahead, using videos or conference calls. Local authorities should be mindful of the need to ensure the conversation does not be just between the lead partners or assuming that information sharing and joint risk assessments continue to benefit children.

Child protection conferences are important agency front door assessments which are particularly critical to protecting vulnerable children. We recognise that there may be some delay in the holding of initial child protection conferences, for example, in person, within the framework set out in law and guidance, and local authorities should make use of alternative technological solutions in the circumstances to ensure they are able to make these decisions in the best interests of the child.

Barriers to sharing information where there are concerns about a child

Practitioners will be aware of the importance of sharing information in a timely way, particularly in the current circumstances. Any practitioner working with a child can share information without consent if, in their professional judgment, it is in the child's interests for the sharing of information. Reasons for information sharing without consent by legislation such as:

- safeguarding or promoting welfare
- in order to keep a child safe from harm
- to protect their physical, mental and emotional wellbeing

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 do not prevent, or limit, the sharing of information by those with safeguarding or welfare duties towards children for the purpose of keeping children safe.

Practitioners are reminded that if they are concerned about a safeguarding risks sharing information is critical. Information sharing between organisations is essential for early intervention to help children and families, to protect children from maltreatment, to prevent impairment of their health or development and to ensure children are growing up in circumstances consistent with the provision of safe and effective care.

Social care services for disabled children and young people

Short break services (also known as respite)

Families caring for a disabled child or young person are entitled to short breaks services to support them in their caring role. Local authorities should continue to provide short breaks to parents and carers throughout the coronavirus (COVID-19) pandemic as it is the significant impact of reduced provision on families and on children and young people with disabilities.

The Special Educational Needs and Disability (SEND) Code of Practice 0 to 25 (2015) is not present, so limit, the sharing of information by those with safeguarding or welfare duties towards children for the purpose of keeping children safe.

Practitioners are reminded that if they are concerned about a safeguarding risks sharing information is critical. Information sharing between organisations is essential for early intervention to help children and families, to protect children from maltreatment, to prevent impairment of their health or development and to ensure children are growing up in circumstances consistent with the provision of safe and effective care.

consider flexible and pragmatic options to deliver their support. For example, some local authorities may choose to make payments to foster carers in advance of a placement. Such payments may be used to provide families to purchase equipment or make any other use of a home, for the child or young person and/or their siblings. Direct payments could also be used to provide families with a disabled child without sufficient support to meet their assessed needs.

Local authorities and respite providers will need to work together to risk assess and adapt short breaks and respite where it has been suspended or reduced so that they can resume vital provision for disabled children/young people and families.

Local authorities should also consider how they can support foster carers who are part of wider extended family networks to offer placements for children in their care. Local authorities should also consider how they can support kinship carers who are not foster carers.

Local authorities and respite providers will need to work together to risk assess and adapt short breaks and respite where it has been suspended or reduced so that they can resume vital provision for disabled children/young people and families.

Local Authorities have a statutory duty to provide a serious incident notification and notification of any other significant incident to Ofsted, if they believe a child is being, or is suspected, Serious notifications should be sent to the Ofsted inbox within the working days of the local authority becoming aware of the incident.

The online notification system remains active and available 24 hours a day.

Rapid reviews

A rapid review is to be a tool for learning from serious incidents locally and nationally. Whilst the new statutory timescales were relaxed to support safeguarding arrangements during the initial phase of the coronavirus (COVID-19) outbreak, it is important that rapid reviews are once again held in a timely manner. Therefore, from October 2020, the 15-day expectation for undertaking and reporting a rapid review is reinstated. Guidance is available between the Children's Social Care National Framework and Working together.

Local Child safeguarding practice reviews

Local child safeguarding practice reviews should be considered and published as soon as they are ready, and should not be held back to be published at a specific date in review. Safeguarding partners must also seek a copy of the full report no later than 7 working days after the date of publication to the Panel and the Children's Social Care Delivery Unit.

National.Review@childrensocialcare.gov.uk Hadleys.Crest@ofsted.gov.uk

Fostering

Suitability assessments - continuing effect of the Adoption and Children (Coronavirus)(Amendment) Regulations 2020

Where the fostering service provider has clarified the assessment process for a new foster carer before 25 September 2020 under regulation 26 of the Fostering Services Regulations 2011 as amended by the Adoption and Children (Coronavirus) (Amendments) Regulations 2020 and the Fostering Services (Coronavirus) (Amendment) Regulations 2020 that came into effect from 24 April 2020, by the 2010 Regulations remain in force in relation to the assessment of the foster carer concerned, the fostering service provider is to be fostering panel and is to recommend an suitability.

It can only notify the applicant at a decision not to approve them as suitable to foster, in accordance with regulation 26 and the relevant international law, to foster. This means that:

- a fostering service provider can continue to decide if it refers the case to a panel for a recommendation or suitability.
- a panel can still go ahead under reduced quorum (not having enough members to carry out business and take decisions).

This is to avoid restarting the assessment process for foster carers from the beginning and causing further delays. This approach is based on the Fostering Services Regulations 2011 as amended by the Adoption and Children (Coronavirus) (Amendments) Regulations 2020 and the Fostering Services (Coronavirus) (Amendment) Regulations 2020 as amended by the Adoption and Children (Coronavirus) (Amendments) Regulations 2020 and the Fostering Services (Coronavirus) (Amendment) Regulations 2020 that came into effect from 24 April 2020, by the 2010 Regulations remain in force in relation to the assessment of the foster carer concerned, the fostering panel is to recommend an suitability.

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Temporary approval – continuing effect of the Adoption and Children (Coronavirus) (Amendment) Regulations 2020

Where the regulations provide for a fostering service provider to temporarily approve a foster carer under regulation 24, or to approve a person under regulation 26, before 25 September 2020, the fostering service provider may continue to temporarily approve or approve in accordance with the amendments made by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020. This means that temporary approvals made before 25 September 2020 can be extended beyond the 26 weeks, or 26 September, and these arrangements can continue for up to 52 weeks.

Assessments under regulation 24 started on or after 25 September must comply with the original regulations and as such can only allow for a temporary approval for a connected person for a maximum of 16 weeks while a connected person's application is being assessed.

Self-isolating or ill foster carers

We recognise the importance of maintaining a stable setting for children wherever possible, and we know that many foster carers will be able to continue to care for children, observing government guidance on self-isolation and social distancing.

If foster carers develop symptoms of coronavirus (COVID-19), the foster home should follow the guidance on the management of COVID-19 within foster homes to minimise the spread of infection, and the fostering service should follow the guidance on coronavirus (COVID-19): fostering services. Foster carers should follow the guidance on the use of personal protective equipment (PPE).

In circumstances where this is not possible, we would expect fostering services to identify alternative temporary placements with other carers, in ways similar to the duration of the foster carer's illness. We would then expect the child to return back to their usual home.

Number of children that a foster household can care for

Foster care approval terms, including age range and number of placements, may need to be varied temporarily to support the sufficiency of foster care. Ofsted will be currently alerts for local authorities providing multiple children/young people to discuss local authorities to grant exemptions to the usual fostering limit in specific placements. Exemptions to the usual fostering limit in specific placements. Exemptions to the usual fostering limit should be approved and safe for some children to be cared for in a household with fewer children, allowing for siblings to share bedrooms to increase the space available in fostering households.

They will need to be known to the fostering service providers with their families and friends, and be able to provide a stable and nurturing environment, with access to additional children without proper discussion and appropriate support. However, many will want to offer long and flexible breaks (respite arrangements).

Fostering services could also consider whether foster carers who have recently stepped down from fostering could be approached to see if they would be willing to be temporarily reinstated, subject to their circumstances and the special temporarily, as long as they are not high risk or vulnerable health groups and they are offered the necessary support to do so.

Support for foster families

On 5 June, we announced £20.25 of additional funding for Fostering to deliver their recruitment campaigns. Fostering Network received £1.25 million of the overall additional support needed at the time to keep foster families together. Foster families have free access to a range of specialist services, including behaviour management, mental health, and support for children and young people, plus financial, legal and benefits services.

We are continuing to work with fostering services and voluntary sector organisations to ensure that children and young people who need to be cared for can be cared for and be supported to do so. Fostering services should be supported and safe for some children to be cared for in a household with other support might keep foster families in the current time.

Medical checks - fostering

The temporary regulations allow fostering agencies to proceed to obtaining the necessary medical reports for the Fostering Panel and Fostering Services (Coronavirus) Regulations 2011 without being received medical reports.

The temporary regulations do not remove the need for medical reports, but they do not must be obtained before the fostering agency can consider the suitability assessment of the foster carer. Fostering agencies are aware of medical history that could affect the outcome of the application. They may decide not to progress the application without medical reports, but they can also decide to proceed without the DP or other medical professional.

The decision to use this flexibility must be recorded. Agencies may also find it helpful to keep a separate record of which cases the flexibility has been used.

Notifications – continuing effect of the Adoption and Children (Coronavirus)(Amendment) Regulations 2020

Any notification received under regulation 5, 6 or 8 of the Children (Foster Arrangements for Fostering) Regulations 2005 (the Private Fostering Regulations) or under regulation 25 of the Fostering Services Regulations 2011 as amended by the Adoption and Children (Coronavirus)(Amendment) Regulations and also by Force. For notifications received on or after the date, the time limits in the Private Fostering Regulations apply.

Adoption

Suitability assessments - continuing effect of the Adoption and Children (Coronavirus)(Amendment) Regulations

Where an adoption agency in the process of assessing the suitability of a prospective adopter before 25 September 2020 under Part 4 of the Adoption Agencies Regulations 2005, they must continue to assess that individual as though all the amendments in the Adoption and Children (Coronavirus) (Amendments) Regulations 2020 and the Adoption (Non-Art 22 Adoption) (Coronavirus) (Amendments) remain in force. This means:

- an adoption agency can decide if it refers the case to panel for a recommendation or suitability.
- a panel can still go ahead under reduced quorum (not having enough members to carry out business and take).
- an adoption agency can notify a stage 2 of the process after only receiving the medical report, and not waiting for the other reports. This is to avoid restarting the beginning for assessments in progress when the Adoption and Children (Coronavirus)(Amendment) Regulations 2020 expires on 25 September 2020.

Introductory meetings for children with new adopted parents

The temporary regulations allow an adoption agency to proceed to stage 2 of the assessment process without having received the medical reports, where application was made before 25 September 2020 (the Adoption Agencies Regulations 2005).

This does not remove the need for medical reports as they still must be obtained and considered. The temporary regulations do not remove the need for medical reports to be available at stage 2. They must be obtained and considered fully.

As good practice, agencies should prospective adopters know that if their application is made before 25 September 2020, the temporary regulations may have a direct impact after the outcome. Agencies may decide not to progress the application without the medical reports, but they can also decide to proceed without the DP or other health professional.

The decision to use this flexibility must be recorded. Agencies may also find it helpful to keep a separate record of which cases the flexibility has been used.

The position under the new Amendment Regulations from 25 September is that a panel cannot decide to recommend to the Secretary of State for Education that the person is not suitable for reasons related to medical information only.

Residential provision: children's homes, residential schools registered as children's homes, and foster care

Keeping residential settings safe from coronavirus (COVID-19)

Local authorities and providers can refer to:

- safe working in education, childcare and children's social care settings, including the use of personal protective equipment (PPE)
- isolation for residential settings and safe working in education, childcare and children's social care
- PHE's Rest and Recuperation guidance

In considering how to keep residential settings safe from coronavirus (COVID-19) providers should recognise:

- that children may be feeling anxious as their normal routines are disrupted and they may be worried about the impact of their family, friends and people who are vulnerable to be ill
- that staff are working under challenging conditions and support their to continue to deliver the care and support that they can. This could, for example, mean that staff may be working longer hours than usual, or be asked to work in settings more close away from their home
- the need to develop and provide flexible arrangements where feasible and consistent with maintaining safe and high quality care for children and young people. Within the home, frequently touched surfaces, including bathrooms, toilets and communal areas should be cleaned regularly and thoroughly using standard household cleaning products. Special care and hygiene should be required when cleaning.

Where a provider has an immediate or impending staffing shortage, which may lead to the closure of a home, they should inform the local authority placing children and local authority placing local authorities. Ofsted should also be notified, and they may share this information with DfE.

Effective quality assurance checks and visits should continue to be carried out, to ensure that children are safe and receive the care and support they need. Local authorities can use regulation 44 of the Children's Homes (England) Regulations 2015 and fostering service contact with foster should be prioritised. The use of virtual visits, including using technology to support children to see their parents, should be used if it is not reasonably practicable to have a face-to-face visit. Any activity carried out remotely should be recorded.

Deprivation of liberty – continuing effect of the Adoption and Children (Coronavirus)(Amendment) Regulations 2020

On 4 November the Adoption and Children (Coronavirus)(Amendment) Regulations 2020 expired. Relevant provisions continue to remain in force for limited cases where the deprivation of liberty was in place before 4 November.

The provisions made in regulation 2(4) of the Children's Homes (England) Regulations 2015 allowed a children's home to enforce a temporary deprivation of liberty without authorisation from the Secretary of State. The provisions made in regulation 2(5) allowed for extension of such a temporary deprivation of liberty without being referred to the Secretary of State.

The sunset provisions where a child was being deprived of their liberty in a children's home as permitted by regulation 2(4) on 25 September 2020, this can continue for a period of 28 days from the date of the deprivation. This 28 day period could only be for the duration of the period that the child is deprived of their liberty. Schedule 27 of the Coronavirus Act 2020. In general, the permitted maximum period of 28 days, the deprivation of liberty ceases to be lawful. Any deprivation of liberty based on a valid order by a Public Health Officer, if it is restricted by a Public Health Officer. We would expect that any decisions relating to the exercise of these powers to continue to be recorded and to be reviewed on a daily basis.

Restricting a child's movements if they become symptomatic or are confirmed as having coronavirus (COVID-19)

Anyone in England and Wales who meets symptoms of coronavirus (COVID-19), which may cause a fever, cough or other high risk, can use the 111 on-line or 111 phone service.

If it is suspected or confirmed that a young person in residential care has become infected with coronavirus (COVID-19), it is important that they are able to self-isolate.

Advice to support local authorities and providers managing isolation for individuals or groups of children, in the context of the current coronavirus (COVID-19) outbreak of coronavirus (COVID-19), as a confirmed as having the virus or as being tested for it, and guidance on isolation for residential educational settings.

Local authorities and providers should discuss the care planning arrangements to determine whether the child can be safely cared for at their home (the children's home), or whether it is necessary for the child to be cared for in a different, more alternative provision, or whether other children also are to be isolated with the temporary placement. In all cases, we would hope that this could be done with the child's family, and we would expect local authorities to be in close contact with the fostering or adoption.

Stability for children is paramount at this time, and we encourage providers to prioritise the care of children who are currently in their homes. Providers should also ensure that they are clear that it is necessary to an alternative placement arrangement, and that it is considered as a last resort. However, we understand that there may be significant health concerns relating to a particular child or another child in the home.

As far as possible, arrangements for restrictions should be put in place with the consent of the children and their families. Children and their families should be clear and encouraged to understand why the temporary restrictions are being imposed. The restrictions should last for as longer than is necessary and must be kept under careful consideration and review.

If the emergency situation, for children living within health systems, as a result of action can be sought from Public Health England (PHE) on the possibility of imposing restrictions on the movement of children and young people under the Public Health (Control of Disease) Act 1984. This provides a mechanism for a local authority to impose a restriction (including screening and isolation) on any person suspected or confirmed to be infected with a notifiable disease or at risk of being a carrier. Local authorities should seek support the decision and should be informed about accompanying advice and support.

If decision makers agree that there is no alternative and the proposed restrictions are necessary and proportionate, their contact should be made with local health protection teams.

Contact information can be found at Find your local health protection team in England.

Rule of 6 in residential settings

The Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 4) Regulations 2020 (SI 2020 No.1103) introduced new restrictions limiting the maximum number of people who can gather together to a maximum of six. Exceptions are made to prevent a charge that Example, such as for educational, the provision of voluntary or charitable services. This means, for example, that social care services, including for children in care, are not affected by the Regulations. (England) Regulations 2015 can continue to be in contact.

The exemptions also allow for arrangements where a child lives in one the same household as their parents, even if this means more than more than 6 people would be present. As stated above, anyone attending these contact meetings for work or volunteering purposes can continue to do so. Children who are being looked after cannot and thus will count towards the limit of six.

As per the guidance on isolation in residential settings, children's homes will usually be considered as a household. However, if a child is being cared for in a residential care or children's home, all the children would also be able to gather together with the people the adults who were working at the home same would be exempt from counting towards the limit of six people. For example, if there are 6 children in a home, the children and the adults who working would be considered to be a household. For example, if a residential provision is spread across several separate buildings, it would be reasonable to treat these as different households.

Your approach to decisions what constitutes a household and who should self-isolate should be based on the principle of minimising the number of people who are asked to self-isolate, while ensuring it allows a school/residential, healthcare, and other arrangements. You can seek advice from PHE's local health protection teams if needed.

Virtual visits - children's homes

The temporary regulations allow meetings taking place under regulation 25(1) of the Children's Homes (England) Regulations 2015 to be held by virtual means, in addition to in other electronic means. Suitable facilities are to be made available to children who are accommodated in a children's home for the purpose of such meetings.

As good practice, children and young people should be told why a face to face visit is not possible and be advised their right to complain.

The use of virtual visits should be the exception and can be used as a result of public health advice or when it is not reasonable practicable to have a face-to-face visit otherwise for a reason relating to the incidence or transmission of coronavirus (COVID-19). Any activity carried out remotely should be recorded, and they may share this information with DfE.

All uses of the temporary flexibility must be recorded, for example in individual case records, and those records should include the reasons why a virtual meeting was necessary. Providers may also find it helpful to keep a separate collated record of which cases the flexibility has been used.

Care leavers

Responsibilities to care leavers

We recognise that care leavers are a particularly vulnerable group of young people. Coronavirus (COVID-19) heightens this vulnerability and may have a disproportionate impact on care leavers' mental health.

Local authorities must continue to meet their statutory responsibilities towards care leavers. Local authorities should be in touch with care leavers to offer support and advice. Personal advisers should provide help to care leavers to ensure they are able to access

including care leavers aged over 21 who are eligible for support up to age 25, but who were not receiving support before the pandemic.

Local authorities should be clear about what additional support is available to care leavers - over and above their existing published local offer - to help them overcome any additional challenges they face due to coronavirus (COVID-19), including access to discretionary funding if needed.

The government has provided additional funding for local authorities to help them address pressures arising from coronavirus (COVID-19). We would encourage local authorities to utilise some of this funding to provide discretionary payments to care leavers to cover items such as food, utilities and rent during this period if required.

Given the financial vulnerability of many care leavers during this period, local authorities should make arrangements for discretionary payments to be authorised and paid to care leavers at short notice if necessary and with minimal administrative burdens. Other forms of financial support for care leavers including setting up home allowances should continue to be available during the coronavirus (COVID-19) pandemic.

Personal advisers

We encourage personal advisers to keep in touch with young people in the most effective way for the individual young person, including through technology such as phone or video. Face-to-face visits will be necessary to provide the right help to some young people, and these should continue, taking account of Public Health England (PHE) advice on cleaning and safe social distancing and minimising the spread of infection to protect staff and the care leavers they are visiting.

Personal advisers should carefully assess what is the right level and frequency of contact with each care leaver, taking into account the young person's particular circumstances and levels of vulnerability. They should always consider the individual wishes and feelings of care leavers.

Independent living

Young people who have left care, or are just about to, are especially vulnerable right now. All decisions about their future should be carefully considered in the light of the pandemic and with an overriding objective of supporting them during this period and minimising any additional stress for them. In particular, we expect local authorities to continue to provide support to care leavers who are living in supported lodgings and to ensure that no one has to leave care during this period. As set out in regulation 3 of the Care Planning, Placement and Case Review (England) Regulations 2015, when considering ceasing to look after a young person, local authorities should carry out an assessment, including ascertaining and giving consideration to the young person's wishes and feelings. The same principle should apply to young people who are in staying put arrangements and in relation to decisions about care leavers who were due to make a planned move into new accommodation.

While young people will still be able to move out of care into suitable accommodation, where this happens the move should be right for that young person and take account of their wishes and feelings. Care leavers can also be moved between different accommodation settings, provided that the move is in accordance with the wishes of the young person and that the local authority is assured that the setting they are moving into is safe in relation to risk factors arising from coronavirus (COVID-19).

Loneliness and isolation of care leavers

During the summer term, devices were provided to local authorities and academy trusts to support families, children and young people most in need who did not have access to them through another source, such as their school. Laptops, tablets and 4G wireless routers were provided for care leavers, children and young people with social workers and disadvantaged year 10 pupils. The Department for Education is providing more laptops and tablets for disadvantaged children in certain year groups who are affected by disruption to face-to-face education at their school or have been advised to shield because they are clinically extremely vulnerable.

The government has published guidance on supporting children and young people's mental health and wellbeing. We have also provided for 3 care leaver charities (Become, Drive Forward Foundation and the Care Leaver's Association) to provide extra support to help care leavers to reduce loneliness and isolation and their impact on young people's emotional health and well-being.

Mental health of looked-after children and care leavers

Support for the mental health of looked-after children and care leavers

Local authorities as corporate parents have a duty to safeguard and promote the welfare of the children they look after including their physical, emotional and mental health. Local authorities and their health partners must work together during this time to ensure that the health needs of looked-after children continue to be met. The statutory guidance on promoting the health and wellbeing of looked-after children sets out the duties and expectations for local authorities, clinical commissioning groups (CCGs) and NHS England in supporting the health of looked-after children, including children placed out of authority.

Where looked-after children are placed outside of their current CCG area during this time, arrangements should continue to be made through discussion between the 'originating CCG', those currently providing healthcare and new providers to ensure continuity of healthcare. CCGs should ensure that any changes in the healthcare provider do not disrupt the provision of providing high quality, timely care. The needs of the child should be the first consideration.

There will be particular issues arising from coronavirus (COVID-19) that will affect looked-after children, for example, changes to contact with birth families. Local authorities should be alert to these issues and the impact they may have on looked-after children's health and wellbeing. Local authorities and their partners should encourage looked-after children to speak to their social worker, carer or trusted adult about how they are feeling and any mental health and wellbeing needs they have so that they can ensure they get the help and support they need.

Social workers may also want to make carers aware of Public Health England's general guidance for parents and carers on supporting children and young people during the coronavirus (COVID-19) pandemic, and NHS England's general guidance on looked after children and young people during the coronavirus (COVID-19) pandemic. Both sets of guidance also contain helplines and websites which children and young people can access directly, including for anonymous support.

Additionally, Become has a dedicated Care Advice Line for looked-after children and care leavers. See, Hear, Respond can support children, young people and families (England only) who are struggling to cope with the impacts of coronavirus (COVID-19) online or by phone on 0800 157 7415.

More generally, we recognise that the coronavirus (COVID-19) pandemic, and the measures taken to respond to it, may have a significant impact on both demand for and capacity to deliver support for people with mental health needs, a learning disability, or autism, including for community and crisis mental health services for children and young people, adults and older adults.

Mental health continues to be a priority for the NHS and the NHS remains open to support everyone. NHS mental health services, including those for children and young people, are considering the increasing use of digital, non-face-to-face assessment and treatment options, including for those who are vulnerable or shielding, and local mental health trusts to review crisis lines to ensure that 24/7 support is available to people of all ages, including children and young people, through a single point of access. Every mental health provider now has at least one line. NHS England and Improvement has published guidance for services on mental health, learning disabilities and autism.

Unaccompanied asylum seeking children (UASC)

Self-isolation

Where an unaccompanied asylum seeking child (UASC) arrives in England, the local authority receiving them will need to take steps to ascertain the coronavirus (COVID-19) status of the child and ensure that, if necessary, they are placed in suitable accommodation and provision for where it is needed to isolate. In line with guidance on how to self-isolate when you travel to the UK, we expect local authorities to undertake and the position regarding travel stops. It is not always possible to ascertain which countries a young person has travelled through. In such circumstances, steps should be taken to follow the general process as above.

As regards making provisions for isolation, local authorities should note that the regulations state that for a child, any person who has custody or charge of the child during the period of self-isolation must ensure, so far as is reasonably practicable, that the child self-isolates in accordance with this regulation (The Health Protection (Coronavirus, International Travel) (England) Regulations 2020, 6(1)).

If an unaccompanied asylum seeking child is symptomatic of coronavirus (COVID-19) on or after arrival, the local authority with responsibility for them will need to take steps to place them in isolation in accordance with the self-isolation guidance for households with possible coronavirus (COVID-19) infection.

We encourage local authorities to engage with their existing service providers. We recognise that if this is required for significant numbers of UASC, it will put some local authorities under pressure. DfE has consulted a range of local authorities to understand what arrangements they are putting in place, and how we can best support them to deliver their statutory duties and protect these vulnerable children during these difficult times.

We will continue to stay in contact with local authorities as the situation progresses. Local authorities can also source accommodation through central government Crown Commercial Services, supported by Calder Conferences and Corporate Travel Management Limited (CTM).

Both CTM and Calder Conferences provide 24/7 services, and both aim to respond with options within 24 hours. Due to the nature of the request, Calder Conferences handle (large scale/block booking or exclusive use), they may occasionally require longer than 24 hours, but they will inform the local authority if this is the case. Local authorities may refer to the guidance on finding temporary accommodation during coronavirus (COVID-19) for details on how to use these services.

On 16 July 2020, we announced £6 million in funding that will be made available to councils in England that (both):

- are most in need of support in meeting their duty of care to UASC
- have incurred additional costs resulting from the pandemic

Legal responsibility for UASC in self-isolation accommodation

As with any spontaneous arrival, the local authority that initially collects the child (for example, from the police station or from Border Force) should assess the child's needs as they would do in normal circumstances. The local authority must find suitable accommodation for the young person and if the child is accommodated for more than 24 hours by the local authority, they will be responsible for the child as a 'looked-after child'. The child should be placed in suitable self-isolation accommodation if they are exhibiting symptoms. This is in line with PHE guidance and will allow them to be placed in their longer-term placement after isolation.

Courts

Courts during coronavirus (COVID-19)

We are working hard across government and with the judiciary to make sure that the family justice system continues to operate during this unprecedented time. In March 2020, the Family Courts issued guidance on moving towards delivering remote hearing. In June, the President of the Family Division also published The Road Ahead which establishes a broad framework for Family Courts and the hearing of cases in the coming months.

Court orders related to contact for children in care

We expect that contact between children in care and their birth relatives will continue. It is essential for children and families to remain in touch at this difficult time, and for many children, the consequences of not seeing relatives would be traumatic. We expect the spirit of any court ordered contact in relation to children in care to be maintained. However, there may be local or individual circumstances where face-to-face contact may not be possible, including where members of households are isolating or continuing to take precautions due to clinical vulnerability.

Contact arrangements should, therefore, be assessed on a case-by-case basis taking into account a range of factors, including the government's current social distancing guidance and guidance on meeting people outside your household and the needs of the child.

Under the current provisions for social distancing, there are exemptions from the 6-person limit for the purposes of arrangements for access to, and contact between, parents and children where the children do not live in the same household as the parents or one of their parents. However, the 6-person limit will apply to meetings with other relatives. Therefore, it may be necessary for children and other friends and family to make alternative arrangements.

Where it is not possible for the usual face-to-face contact to happen, keeping in touch will need to continue to take place virtually. We encourage social workers and other professionals to reassure children that this position is temporary. We would also expect children's services and courts to be considerate to the need to meet the needs of the children in their care and to be supported to facilitate that contact.

We recognise that some young children may not be able to benefit from virtual contact with their family, because of their age or other communication challenges. In these circumstances, local authorities should work with families to ensure that they can have safe face-to-face interactions, whilst still adhering to social distancing guidance or restrictions.

When considering the most appropriate ways for children to stay in touch with their families, social workers and carers should seek the views of children who may welcome different forms of contact, including less formal and more flexible virtual contact with their birth families.

Workforce

Bringing social workers back into frontline practice

In collaboration with the Local Government Association (LGA) and Social Work England, we have the Social Work Together campaign to help employers in need of additional social workers to get in touch with those who feel they can contribute. Social workers can register their interest via the Local Government Association website.

Social Work England has also written to all social workers who have left the profession in the last two years, setting out the process for re-registering and how they can help in these unprecedented times. Local authorities can access the details of interested social workers through the LGA website local authority registration page.

DBS checks for social workers returning to the profession

Social workers, and others, brought in for coronavirus (COVID-19) purposes are eligible for free, fast-tracked DBS checks.

Quality of social workers returning to the profession

Anyone who has had a fitness to practise case upheld will not be re-registered. Local authorities will be required to undertake their usual employment checks.

Ofsted

Ofsted inspections

Ofsted's regulatory role and work is continuing, and it has taken a range of actions to ensure that it is responding proportionately to the current context. Ofsted is providing regular updates to educational and children's social care settings and local authorities on its approach to key issues.

The suspension of the minimum intervals for inspection of children's homes, residential family centres, voluntary adoption agencies, adoption support agencies, fostering agencies and holiday schemes for disabled children will now continue until 31 March 2021.

During the period of continued suspension, Ofsted will conduct assurance visits determined using a risk-based approach in order to ensure that children's safety is a priority.

Ofsted will arrange visits based on the most recent inspection judgements, other information it holds about the provider, the amount of time since the last inspection and whether the provider is newly registered and therefore not yet been inspected.

The visits will evaluate:

- the experiences and progress of children and young people, taking into account the coronavirus (COVID-19) context
- how well children and young people are helped and protected
- the effectiveness of leadership and management, including arrangements to meet the needs of children as restrictions are eased

During this period, if there are concerns raised about a provider, Ofsted retains the ability to maintain oversight and to undertake any necessary regulatory action.

Further information is available in Ofsted's guidance on social care common inspection framework and assurance visits. In addition, Ofsted will undertake focused visits to local authorities using the framework for inspecting local authority services (ILASC).

Is this page useful? Yes No Is there anything wrong with this page?

Coronavirus (COVID-19)

Coronavirus (COVID-19): guidance and support

The UK has left the EU

Check the new rules for January 2021

Services and information

Benefits
Births, deaths, marriages and care
Business and self-employed
Childcare and parenting
Citizenship and living in the UK
Crime, justice and the law
Disabled people
Driving and transport
Education and learning
Employing people
Environment and countryside
Housing and local services
Money and tax
Passports, travel and living abroad
Visas and immigration
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