

Adoption and Children (Coronavirus) (Amendment) (No. 2) Regulations 2020

The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 came into force on 24 April 2020 and remained in force until 25 September 2020. The Regulations made temporary amendments to various requirements and timescales.

The Adoption and Children (Coronavirus) (Amendment) (No. 2) Regulations 2020 ('the temporary Regulations') came into force on 25 September 2020 and will continue in force until 31 March 2021.

The amended Regulations temporarily amend a series of 6 Regulations which are applicable during periods of national lockdown. The temporary Regulations:

- allow visits to take place over the telephone, a video link or other electronic communication methods, where face-to-face visits are not possible due to coronavirus (COVID-19)
- change the rules regarding health assessment in the process for approving adopters and foster carers, as long as assessments are obtained and considered for the final stage and prior to approval
- suspend the minimum frequency of Ofsted inspections, recognising that assurance visits will be conducted using a risk-based approach

These amendments are shown in the table below highlighted in green.

Revised guidance **Coronavirus (COVID-19): Guidance for Children's Social Care Services** (https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services/coronavirus-covid-19-guidance-for-local-authorities-on-childrens-social-care) provides that the temporary regulations are intended to be used where the flexibilities are still needed to provide effective support for children involved with children's social care services during the pandemic. These can be when:

- it would be contrary to any guidance relating to the incidence or transmission of coronavirus (COVID-19) published by Public Health England or the Secretary of State for Health and Social Care
- it is not reasonably practicable for a reason relating to the incidence or transmission of coronavirus (COVID-19)

The overarching approach to making use of these flexibilities should include:

• approval at chief officer level in local authorities and, where appropriate, top tier management level in other services and providers





- properly recording the use, along with the reasons for doing so and communicating to the other safeguarding partners and providers
- each local authority and provider recording the reason or reasons for use of a flexibility

Ofsted will take note of any use of these flexibilities, so providers should be ready to explain why their use was necessary, for what length of time and how any possible longer-term impacts were mitigated. This should be available to share with Ofsted, and others such as Independent Reviewing Officers, as appropriate. The records may be used to inform Ofsted's annual engagement meetings with local authorities and in any local authority or provider inspection activity. Ofsted will review the relevant records if they receive any complaints or concerns or whistleblowing.

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 need help and protection deserve high quality and effective support as soon as help is identified
- risk-based prioritising support and resources for children at greatest risk
- family focussed harnessing the strengths in families and their communities
- evidence informed ensuring decisions are proportionate and justified
- collaborative working in partnership with parents and other professionals
- transparent providing clarity and maintaining professional curiosity about a child's wellbeing

There should be no blanket changes to social work practice, but COVID-19 brings additional risk and complexity to social work practice and may necessitate some different ways of working which should always be risk-based.

Note also the **Principles of Good Administrative Practice During the Response to Covid 19** set out by the Local Government and Social Care Ombudsman, especially when departing from usual practice.

https://www.lgo.org.uk/information-centre/reports/guidance-notes/principles-of-good-administrative-practice

This sets out principles to be followed by local authorities and safeguarding partners, including:





- There should be a clear audit trail of how and why key decision were made, summarising key reasons for departing from normal practice;
- Where new or adapted policies and procedures are brought in, ensure staff are clear on these;
- The basis on which decisions are made and resources allocated should be open and transparent. Any new criteria, thresholds and timescales should be clear to service users and staff;
- Even where national rule changes allow raised thresholds for action, ensure you properly consider the individual circumstances of each case;
- Consider a triage approach.

It is important that practitioners check their local position before varying duties and practice standards in the way permitted by the regulations.

TOPIC	AMENDMENTS/INFORMATION
Department for Education	The Department for Education coronavirus helpline is available to answer questions about COVID-19 relating to education and
Coronavirus Helpline	children's social care.
	dfe.coronavirushelpline@education.gov.uk
	Phone: 0800 046 8687
	Opening hours: 8am to 6pm Monday to Friday and 10am to 6pm Saturday and Sunday
	If you work in a school, please have your unique reference number (URN or UK PRN) available when calling the hotline.
Children's Guide to Coronavirus (Children's Commissioner)	https://www.childrenscommissioner.gov.uk/publication/childrens-guide-to-coronavirus/#163961_20200428063510
Data Protection and Information	Data Protection and Coronavirus Information Hub (Information Commissioner's Office)
Sharing	https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/





Local authority children's services: coronavirus (COVID-19)	Link added to gov.uk on 17 June 2020, which provides a link to various pieces of existing guidance.
What local authority children's services need to do during the coronavirus (COVID-19) outbreak.	https://www.gov.uk/government/collections/local-authority-childrens-services-coronavirus-covid-19?utm_source=9741cb3b-6cc1-4355-b3f8-60c6f4f676bc&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate
Exemptions and	Coronavirus (COVID-19): Guidance for Children's Social Care Services
Extensions/Variations to Foster Carer Approval	https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services/coronavirus-covid-19-guidance-for-local-authorities-on-childrens-social-care:
	Can we change the number of children that a foster household can care for?
	Foster carer approval terms, including age range and number of placements, may need to be flexible in the current circumstances. Schedule 7 of the Children Act 1989 currently allows for some flexibility in placing multiple children together by allowing local authorities to grant exemptions to the usual fostering limit in specific placements. Where fostering services are concerned about capacity, they could start identifying potential fostering households that may be able to accommodate additional children. As part of their contingency planning, they may wish to consider where it would be appropriate for some children (e.g. siblings) to share bedrooms to increase the space available in fostering households. They will need to have thorough, sensitive conversations with foster families and children as part of this planning. No foster carers should be expected to look after additional children without proper discussion and appropriate support. However, many will want to offer help and these families should be enabled to do so. Fostering services could also consider whether foster carers who have
	recently stopped fostering as a result of personal or environmental factors, such as work pressures or retirement, could come back into the service temporarily, as long as they are not in high risk or vulnerable health groups and they are offered the necessary support to do so.
Support and Supervision	FosterlinePlus, an extended service delivered by Fosterline, offers free-to-access and specialist one-to-one support to foster families, in recognition of the additional support needed at this time to keep foster families together. Through this service, foster families can access to a range of specialist services, including behaviour management experts, independent social workers, advocacy services, plus fostering-specific tax and benefits services.https://www.fosterline.info/fosterline-plus-see-how-we-can-





	support-you/
	The Fostering Network have information on Support for Foster Carers
	https://www.thefosteringnetwork.org.uk/advice-information/coronavirus-covid-19
	Access to respite care
	The Government would encourage fostering services to consider how they can offer respite care safely during the coming weeks, whilst making every effort to manage the risks that contact between different households may present. This may be through existing support bubbles, community care models, or relationships between local carers, for example.
Significant Events and Notifications	Covid19 is a notifiable disease
 When I need to tell other people about things 	https://www.gov.uk/government/news/coronavirus-covid-19-listed-as-a-notifiable-disease
Working with Families and other Professionals	Government social distancing requirements apply.
	https://www.gov.uk/coronavirus
Social Worker Visits to Looked After Children	'Virtual' visits Visits may be conducted by telephone, video-link or other electronic means where it would not be reasonably practicable to conduct a face-to-face visit for a reason relating to the incidence or transmission of coronavirus.
	Coronavirus (COVID-19): Guidance for Children's Social Care Services https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care- services/coronavirus-covid-19-guidance-for-local-authorities-on-childrens-social-care provides that during periods of national lockdown, 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 reasonably practicable to have a face-to-face visit otherwise for a reason relating to the incidence or transmission of coronavirus (COVID-19). This could include in the event of local or national restrictions, self-isolation or social distancing advice due to coronavirus (COVID-19).





This does not provide blanket cover for all such visits to be held virtually. Wherever possible, visits should be held face-to-face. This can include considering whether it is possible to move the time or location of the meeting within the statutory timescales.

The temporary regulations require any virtual visits to be held in accordance with any recommendations from the nominated officer. When making recommendations, nominated officers should consider:

- the wishes of the children and young people affected
- the ability of the child or 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 unaccompanied asylum-seeking children
- whether there is an established bond between the social worker and the child or young person
- any other factors the nominating officer thinks relevant

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

All uses of this temporary flexibility must be recorded in individual case files. These records should include the reasons why a virtual visit was necessary. Local authorities and social workers should consider available guidance on the use of virtual visits such as that issued by the principal social worker network.

PSW Best Practice Guide for Video Call and Virtual Home Visits

https://www.skillsforcare.org.uk/Documents/Learning-and-development/social-work/psw/PSW-best-practice-guide-for-video-call-and-virtual-home-visit.pdf

Social Work England Guides of Ethics, Risk Assessments and Virtual Meetings Guidance for infection prevention and control in children's social care settings, including the specific circumstances where PPE should be used, can be found in the **Guidance** on Safe Working in Education, Childcare and Children's Social Care Settings

https://www.gov.uk/government/publications/safe-working-in-education-childcare-and-childrens-social- care/safe-working-in-education-childcare-and-childrens-social-care-settings-including-the-use-of-personal-protective- equipment-





	ppe
The Foster Home and Health and	Follow Government social distancing and stay-at-home advice.
Safety	https://www.gov.uk/coronavirus
	If any member of the household is displaying symptoms consistent with Covid-19, see
	COVID-19: Guidance for Households with Possible Coronavirus Infection
	https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance
Health	If a foster child, or any other member of the household, is displaying symptoms consistent with Covid-19, see
	COVID-19: Guidance for Households with Possible Coronavirus Infection
	https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance
	Coronavirus (COVID-19): Guidance for Children's Social Care Services
	https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services/coronavirus-
	covid-19-guidance-for-local-authorities-on-childrens-social-care
	What happens to foster children if foster carers are self-isolating or become ill?
	In most cases, [the Government] expect that children will continue living with their foster carers, 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 for households (https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance) to avoid the spread of infection, and the fostering service should follow the guidance on safe working in education, childcare and children's social care settings (https://www.gov.uk/government/publications/safe-working-in-education-childcare-and-childrens-social-care/safe-working-in-education-childcare-and-childrens-social-care-settings-including-the-use-of-personal-protective-equipment-ppe#what-care-should-be-taken-in-foster-care-settings), including the use of personal protective equipment (PPE).
	In circumstances where this is not possible, the Government would expect fostering services to identify alternative temporary placements with other carers, or respite carers for the duration of the foster carer's illness. They would then expect the child to





return back to their usual home.

Managing a young person's behaviour if they are not complying with social distancing guidelines in residential provision (children's homes and foster care)

If a young person is not complying with social distancing guidelines, the response should be considered on a case by case basis. In the first instance, the Government would encourage those who know these young people best, to continue to engage with them on this issue, including residential care staff, foster carers or social workers.

Where this is a persistent problem for those responsible for the child or young person, they should discuss with the child's responsible authority to develop a plan to encourage the child to comply. Providers should also support those who are caring for the child to find alternative ways and/or incentives to encourage children to comply with the overall restrictions in place at the time. Restraint should not be used to ensure children and young people comply with social distancing measures.

Ofsted has published guidance about physical intervention and restrictions of liberty https://www.gov.uk/government/publications/positive-environments-where-children-can-flourish

What support is available to promote the mental health of looked-after children?

There will be particular issues arising from coronavirus (COVID-19) that will affect looked-after children e.g. 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 mental health and wellbeing. Local authorities should continue to encourage looked-after children to speak to their social worker, carer or other trusted adult e.g. their advocate 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 outbreak (https://www.gov.uk/government/publications/covid-19-guidance-on-supporting-children-and-young-peoples-mental-health-and-wellbeing/guidance-for-parents-and-carers-on-supporting-children-and-young-peoples-mental-health-and-wellbeing-during-the-coronavirus-covid-19-outbreak) and NHS





	England's general guidance on looking after children and young people during the coronavirus outbreak (https://www.nhs.uk/oneyou/every-mind-matters/looking-after-children-and-young-people-during-coronavirus-covid-19-outbreak/). Both sets of guidance also contain helplines and websites which children and young people can access directly, including for anonymous support. Public Health England Every Mind Matters contains useful information for young people and carers on how to look after their own or someone else's mental health. Additionally, Become has a dedicated Care Advice Line (https://becomecharity.org.uk/for-young-people/care-advice-line/coronavirus-advice/) for looked-after children and care leavers.
	Mental health continues to be a priority for the NHS and the NHS remains open to support everyone. NHS funded services across the statutory, independent and voluntary community and social enterprise sectors have worked with partners including education, local authorities, public health agencies and the justice system throughout the pandemic to help ensure that children and young people can get the support they need. This includes the use of e-clinics, online video calls or apps which enable children and young people to self-refer and talk to services through their mobile devices. 24/7 all ages crisis helplines are available across the country so anyone, including children and young people, can get urgent help whenever they need it.
	NHS England has published guidance for services on mental health, learning disabilities and autism. https://www.england.nhs.uk/coronavirus/community-social-care-ambulance/mental-health/
Online Safety	Coronavirus (COVID-19): Support for Parents and Carers to Keep Children Safe Online
	https://www.gov.uk/government/publications/coronavirus-covid-19-keeping-children-safe-online/coronavirus-covid-19-support-for-parents-and-carers-to-keep-children-safe-online
	This guidance outlines resources to help keep children safe from different risks online and where to go to receive support and advice.
	Thinkuknow by National Crime Agency-CEOP (Child Exploitation and Online Protection) provides resources for parents and carers and children of all ages to help keep children safe online - https://www.thinkuknow.co.uk/





	https://www.thinkuknow.co.uk/parents/Support-tools/home-activity-worksheets/
	 Childnet has developed guidance for parents and carers (https://www.childnet.com/parents-and-carers/have-a-
	conversation) to begin a conversation about online safety, as well as guidance on keeping under-fives safe online
	(https://www.childnet.com/parents-and-carers/hot-topics/keeping-young-children-safe-online)
	 Parent Info is a collaboration between Parent Zone and NCA-CEOP, providing support and guidance for parents and carers related to the digital world from leading experts and organisations https://parentinfo.org/
	 NSPCC has guidance for parents and carers to help keep children safe online https://www.nspcc.org.uk/keeping-children-safe/online-safety
	UK Safer Internet Centre provides tips and advice for parents and carers to keep children safe online
	https://www.saferinternet.org.uk/advice-centre/parents-and-carers - you can also report any harmful content found online through the UK Safer Internet Centre https://reportharmfulcontent.com/
	Children's Commissioner for England
	Parents' digital safety and wellbeing kit (PDF)
	https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/04/cco-parents-digital-safety-wellbeing-kit.pdf
	Children's guide to staying safe online (PDF)
	https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/04/cco-childrens-digital-safety-wellbeing-kit.pdf
Contact Between the Child, their	Coronavirus (COVID-19): Guidance for Children's Social Care Services
Family and Others	https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services/coronavirus-
,	covid-19-guidance-for-local-authorities-on-childrens-social-care:
	What about court orders related to contact for children in care?
	[The Government] 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 some children, the consequences of not seeing relatives would be





traumatic.

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.

Under the current provisions for social distancing, there are exceptions 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 their parents or one of their parents. There is also an exception to allow for contact between siblings when they do not live together and one or more of them is a looked after child or a 16 or 17-year-old care leaver.

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. The Government would encourage social workers and other professionals to reassure children that this position is temporary.

The Government would also expect carers to be consulted on how best to meet the needs of the children in their care and to be supported to facilitate that contact.

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.

Coronavirus: Separated Families and Contact with Children in Care FAQs (UK) (House of Commons Library) https://commonslibrary.parliament.uk/research-briefings/cbp-8901/

Cafcass have produced guidance for children and young people with 'top tips for keeping in touch with family and friends





	https://www.cafcass.gov.uk/grown-ups/parents-and-carers/covid-19-guidance-for-children-and-families/
Transport	Government social distancing requirements apply. https://www.gov.uk/coronavirus
Babysitters, Day Care and Overnight Stays	Government social distancing requirements apply.https://www.gov.uk/coronavirus
Education	Coronavirus (COVID-19): Guidance for Children's Social Care Services
	https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services/coronavirus-covid-19-guidance-for-local-authorities-on-childrens-social-care
	Early years setting remain open for all children.
	During the period of national lockdown, primary, secondary, alternative provision and special schools will remain open to vulnerable children and young people and the children of critical workers only (recognising that the characteristics of the cohorts in special schools and alternative provision will mean these settings continue to offer face to face provision for all pupils, where appropriate). All other pupils should receive remote education. Pupils who are self-isolating should not attend school. Clinically extremely vulnerable pupils are also advised not to attend school.
	The definition of vulnerable children and young people includes children who have a social worker, an education, health and care (EHC) plan or who may be vulnerable for another reason at local discretion ("otherwise vulnerable").
	Schools are expected to allow and strongly encourage vulnerable children and young people to attend. Parents and carers of vulnerable children and young people are strongly encouraged to take up the place.
	If vulnerable children and young people do not attend, schools should:
	 work together with the local authority and social worker (where applicable) to follow up with the parent or carer to explore the reason for absence, discussing their concerns using supporting guidance considering the child's circumstances and their best interests





• work together with the local authority, social worker (where applicable) and other relevant partners to encourage the child or young person to attend educational provision, particularly where the social worker agrees that the child or young person's attendance would be appropriate

Where schools grant a leave of absence to a vulnerable child or young person they should still speak to parents and carers, and social workers (where applicable) to explore the reasons for this and any concerns raised. The discussions should focus on the welfare of the child or young person and ensuring that the child or young person is able to access appropriate education and support while they are at home.

Where providers have had to close, they should inform the local authority to discuss alternative arrangements for vulnerable children and young people and work towards reopening as soon as possible, where feasible to do so.

Regardless of setting, schools are encouraged to work collaboratively with other schools and education providers and other local partners (including the local authority, social workers, police, youth services, key workers) to maximise opportunities for face-to-face provision for vulnerable children.

The Government have also published guidance on Improving school attendance: support for schools and local authorities which includes guidance on the responsibilities of virtual school heads (VSHs) in monitoring the attendance of looked-after children and previously looked-after children, and securing appropriate interventions for those who are persistently absent.

This guidance sets out expectations on social workers and family support workers to convey high expectations for attendance, make sure school attendance is prioritised within multi-agency plans and support children and families to overcome barriers to attendance where needed. The Government have published a toolkit of resources and guidance to help social workers in

This is especially important when schools are open for vulnerable children and young people and children of critical workers only: there is even more need to have eyes on vulnerable children and young people and, where they do not attend school,



conversations with children and families about school attendance.



social workers should work together with others to address concerns and encourage attendance.

Where individuals who are self-isolating are within our definition of vulnerable, it is important that schools put systems in place to keep in contact with them, offer pastoral support and check they are able to access education support.

When a vulnerable child and young person is asked to self-isolate, schools should notify their social worker (if they have one). School leaders should then agree with the social worker the best way to maintain contact and offer support to the vulnerable child or young person. 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 exclusion.

The Government have reiterated to schools that they should, as far as possible, avoid permanently excluding any pupil with an Education, Health and Care Plan or a Looked-After Child. Where a looked after child is at risk of exclusion, the VSH, working with others, should consider what additional assessment and support needs to be put in place to help the school address the causes of the child's behaviour and prevent the need for exclusion, and make any additional arrangements to support the child's ongoing education in the 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 Personal Education Plan (PEP). Where a school has concerns about the behaviour of a previously looked after child which could result in the child being excluded, advice may be sought from the VSH on strategies to support the child to avoid exclusion.

All children deemed clinically extremely vulnerable are advised not to attend school.

Where a child's GP or clinician has confirmed they are still considered clinically extremely vulnerable, they should follow shielding advice and should not attend school, because the risk of exposure to the virus in their area may currently be very high.

A child or member of staff who lives in the same household as someone who is clinically extremely vulnerable or clinically





vulnerable can still attend the setting, unless advised otherwise by an individual letter from the NHS or a specialist doctor.

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 settings were asked to undertake risk assessments for children and young people with EHC plans. These risk assessments are no longer required.

Pupil level risk assessments, which were used last spring, should not be used to filter children and young people in or out of attendance, but could be helpful to prioritise the amount of time in school children can get if full time attendance for all is not possible.

Local authorities and educational settings should make their own judgements as to whether risk assessments continue to be useful for each child or young person after they have returned full time. They may for example prove useful to:

- 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 to their setting in the event that children and young people have to self-isolate; or if there is a local outbreak of coronavirus (COVID-19)

Where a child or young person with an education, health and care (EHC) plan has a social worker, the social worker should be involved in maintaining any risk assessment. 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 should remain open and allow vulnerable children and young people and children of critical workers to attend. The Government expect AP schools to actively encourage those they consider to be most vulnerable –





identified in partnership with local services – to attend provision. They should provide robust remote learning for those who are not attending.

On occasion AP schools will encounter circumstances where they cannot provide their usual interventions and provision at adequate staffing ratios, or with staff with vital specialist training. In these circumstances they should seek to resume as close as possible to full time provision as soon as possible for all children of critical workers and those deemed vulnerable.

Critical workers and vulnerable children who can access schools or educational settings

https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision?utm_medium=email&utm_campaign=govuk-notifications&utm_source=31faca4b-814d-4606-947d-432ab6d24ea6&utm_content=daily

Providing school meals during the coronavirus (COVID-19) outbreak

https://www.gov.uk/government/publications/covid-19-free-school-meals-guidance?utm_medium=email&utm_campaign=govuk-notifications&utm_source=0d96046e-2048-4d3a-b4c7-67e69d789a99&utm_content=daily

