

### 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 decisions 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
<a href="#">Data Protection and Information Sharing</a>	<b>Data Protection and Coronavirus Information Hub (Information Commissioner's Office)</b> <a href="https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/">https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/</a>
<a href="#">Children's Guide to Coronavirus (Children's Commissioner)</a>	<a href="https://www.childrenscommissioner.gov.uk/publication/childrens-guide-to-coronavirus/#163961_20200428063510">https://www.childrenscommissioner.gov.uk/publication/childrens-guide-to-coronavirus/#163961_20200428063510</a>
<a href="#">Department for Education Coronavirus Helpline</a>	The Department for Education coronavirus helpline is available to answer questions about COVID-19 relating to education and children's social care.

	<p><a href="mailto:dfc.coronavirushelpline@education.gov.uk">dfc.coronavirushelpline@education.gov.uk</a></p> <p>Phone: 0800 046 8687</p> <p>Opening hours: 8am to 6pm Monday to Friday and 10am to 6pm Saturday and Sunday</p> <p>If you work in a school, please have your unique reference number (URN or UK PRN) available when calling the hotline.</p>
<p><b>Remote Working and Use of Technology</b></p>	<p><b>IMPORTANT NOTE:</b></p> <p>Whilst many staff will be working remotely during the coronavirus outbreak, it is important to note that personal data must at all times continue to be processed and stored in accordance with Data Protection principles.</p> <p>You should not use personal devices to communicate with service-users, store personal data on personal devices or download and use apps onto work or personal devices (phones/laptops/tablet computers) without express authorisation from your manager.</p> <p>See also <b>Home Working: Preparing Your Organisation and Staff - National Cyber Security Centre</b> How to make sure your organisation is prepared for an increase in home working, and advice on spotting coronavirus (COVID-19) scam emails.</p> <p><a href="https://www.ncsc.gov.uk/guidance/home-working">https://www.ncsc.gov.uk/guidance/home-working</a></p>
<p><b>Workforce</b></p>	<p>Social workers, and others, brought in for coronavirus (COVID-19) purposes are <a href="#">eligible for free, fast-tracked DBS checks</a> - <b>COVID-19: Free-of-charge DBS Applications and Fast-track Barred List Check Service</b></p> <p><a href="https://www.gov.uk/government/publications/covid-19-free-of-charge-dbs-applications-and-fast-track-barred-list-check-service">https://www.gov.uk/government/publications/covid-19-free-of-charge-dbs-applications-and-fast-track-barred-list-check-service</a></p>

	<p><b>Coronavirus (COVID-19): Right to Work Checks</b></p> <p><a href="https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks">https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks</a></p> <p>Right to work checks have been temporarily adjusted due to coronavirus (COVID-19). This is to make it easier for employers to carry them out.</p> <p>The following temporary changes have been made:</p> <ul style="list-style-type: none"> <li>• checks can now be carried out over video calls</li> <li>• job applicants and existing workers can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals</li> <li>• employers should use the <a href="#">Employer Checking Service</a> if a prospective or existing employee cannot provide any of the accepted documents</li> </ul> <p><b>How to make right to work checks: video</b></p> <p><a href="https://www.gov.uk/government/publications/how-to-make-right-to-work-checks?utm_source=16e187c6-d366-48c8-b93f-f3acd004cb83&amp;utm_medium=email&amp;utm_campaign=govuk-notifications&amp;utm_content=immediate">https://www.gov.uk/government/publications/how-to-make-right-to-work-checks?utm_source=16e187c6-d366-48c8-b93f-f3acd004cb83&amp;utm_medium=email&amp;utm_campaign=govuk-notifications&amp;utm_content=immediate</a></p>
<p><b>Placements in Foster Care</b></p>	<p><b>Coronavirus (COVID-19): Guidance for Children’s Social Care Services</b></p> <p><a href="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">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:</a></p> <p><b>What happens to foster children if foster carers are self-isolating or become ill?</b></p>

	<p>In most cases, [the Government] expect that children will continue living with their foster carers, observing government guidance on self-isolation and social distancing.</p> <p>If foster carers develop symptoms of coronavirus (COVID-19), the foster home should follow the <b>guidance for households</b> (<a href="https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance">https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance</a>) to avoid the spread of infection, and the fostering service should follow the <b>guidance on safe working in education, childcare and children’s social care settings</b> (<a href="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">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</a>), including the use of personal protective equipment (PPE).</p> <p>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.</p>
<p><b>Supervision, Support and Training of Staff and Foster Carers</b></p>	<p>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. <a href="https://www.fosterline.info/fosterline-plus-see-how-we-can-support-you/">https://www.fosterline.info/fosterline-plus-see-how-we-can-support-you/</a></p> <p><b>The Fostering Network have information on Support for Foster Carers</b>  <a href="https://www.thefosteringnetwork.org.uk/advice-information/coronavirus-covid-19">https://www.thefosteringnetwork.org.uk/advice-information/coronavirus-covid-19</a></p> <p><b>Access to respite care</b></p> <p>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.</p>

<p><b>Recruitment, Assessment and Approval of Foster Carers</b></p>	<p><b>Medical Checks</b></p> <p>The temporary Regulations allow fostering agencies to proceed to obtaining the information required under regulation 26(2)(a) Fostering Services (England) Regulations 2011 without having received medical reports.</p> <p><b>Coronavirus (COVID-19): Guidance for Children’s Social Care Services</b>  <a href="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">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</a></p> <p>The temporary regulations do not remove the need for medical reports as they still must be obtained before the fostering agency can consider the suitability assessment of the prospective foster carer and their household. A final decision cannot be made without a medical report being obtained and considered as part of the suitability assessment. If medical reports are available at the initial stage, they should still be obtained and considered then.</p> <p>As good practice, agencies should let prospective foster carers know that if their application is progressed to the next stage, their medical information, when received, could affect the outcome. Equally, if agencies are aware of medical history that could affect the outcome of the application, they may decide not to progress the application until the relevant information has been received from the GP or other health professional.</p> <p>The decision to use this flexibility must be recorded. Agencies may also find it helpful to keep a separate collated record of cases in which the flexibility has been used.</p>
<p><b>Exemptions and Extensions</b></p>	<p><b>Coronavirus (COVID-19): Guidance for Children’s Social Care Services</b>  <a href="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">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:</a></p> <p><b>Can we change the number of children that a foster household can care for?</b></p> <p>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</p>

	<p>specific placements.</p> <p>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.</p>
<p><b>Notification of Serious Events</b></p>	<p>Covid19 is a notifiable disease. <a href="https://www.gov.uk/government/news/coronavirus-covid-19-listed-as-a-notifiable-disease">https://www.gov.uk/government/news/coronavirus-covid-19-listed-as-a-notifiable-disease</a></p> <p><b>Notifying Ofsted</b></p> <p>You only need to <a href="#">notify Ofsted</a> about incidents that the regulations require you to tell them about. They do not need you to tell them about anything else. However, they do expect you to risk assess and carefully record any steps you are taking in running your services.</p> <p><a href="https://www.gov.uk/guidance/ofsted-coronavirus-covid-19-rolling-update?utm_source=4f233d07-f952-458e-9379-0d33a80c9d8c&amp;utm_medium=email&amp;utm_campaign=govuk-notifications&amp;utm_content=immediate">https://www.gov.uk/guidance/ofsted-coronavirus-covid-19-rolling-update?utm_source=4f233d07-f952-458e-9379-0d33a80c9d8c&amp;utm_medium=email&amp;utm_campaign=govuk-notifications&amp;utm_content=immediate</a></p> <p><b>RIDDOR reporting of COVID-19</b></p> <p>You must only make a report under RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) when:</p> <ul style="list-style-type: none"> <li>• an accident or incident at work has, or could have, led to the release or escape of coronavirus. This must</li> </ul>



	<p>be reported as a dangerous occurrence.</p> <ul style="list-style-type: none"> <li>• a worker has been diagnosed as having COVID 19 attributed to an occupational exposure to coronavirus. This must be reported as a case of disease.</li> <li>• a worker dies as a result of occupational exposure to coronavirus. This must be reported as a work-related death due to exposure to a biological agent.</li> </ul> <p><a href="https://www.hse.gov.uk/news/riddor-reporting-coronavirus.htm">https://www.hse.gov.uk/news/riddor-reporting-coronavirus.htm</a></p>
<b>Reviews and Meetings</b>	<p>Government social distancing requirements apply.</p> <p><a href="https://www.gov.uk/coronavirus">https://www.gov.uk/coronavirus</a></p>
<b>Placement Disruption Meetings</b>	<p>Government social distancing requirements apply.</p> <p><a href="https://www.gov.uk/coronavirus">https://www.gov.uk/coronavirus</a></p>
<b>Transporting Children</b>	<p>Government social distancing requirements apply. <a href="https://www.gov.uk/coronavirus">https://www.gov.uk/coronavirus</a></p>
<b>Health and Well-being</b>	<p><b>Follow Government social distancing and stay-at-home advice.</b>  <a href="https://www.gov.uk/coronavirus">https://www.gov.uk/coronavirus</a></p> <p>If any member of the household is displaying symptoms consistent with Covid-19, see  <b>COVID-19: Guidance for Households with Possible Coronavirus Infection</b>  <a href="https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance">https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance</a></p> <p><b>Coronavirus (COVID-19): Guidance for Children’s Social Care Services</b>  <a href="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">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</a></p> <p><b>What support is available to promote the mental health of looked-after children?</b></p>

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.

	<p>NHS England has published <a href="https://www.england.nhs.uk/coronavirus/community-social-care-ambulance/mental-health/">guidance for services on mental health, learning disabilities and autism</a>.</p>
<p><b>Contact with Parents, Siblings and Others</b></p>	<p><b>Coronavirus (COVID-19): Guidance for Children’s Social Care Services</b>  <a href="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:">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:</a></p> <p><b>What about court orders related to contact for children in care?</b></p> <p>[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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

	<p>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.</p> <p>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.</p> <p><b>Coronavirus: Separated Families and Contact with Children in Care FAQs (UK) (House of Commons Library)</b>  <a href="https://commonslibrary.parliament.uk/research-briefings/cbp-8901/">https://commonslibrary.parliament.uk/research-briefings/cbp-8901/</a></p> <p><b>Cafcass have produced guidance for children and young people with ‘top tips for keeping in touch with family and friends</b>  <a href="https://www.cafcass.gov.uk/grown-ups/parents-and-carers/covid-19-guidance-for-children-and-families/">https://www.cafcass.gov.uk/grown-ups/parents-and-carers/covid-19-guidance-for-children-and-families/</a></p>
<p><b>Social Visits and Overnight Stays</b></p>	<p>Government social distancing requirements apply.</p> <p><a href="https://www.gov.uk/coronavirus">https://www.gov.uk/coronavirus</a></p>