

### 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
<p><b>Department for Education Coronavirus Helpline</b></p>	<p>The Department for Education coronavirus helpline is available to answer questions about COVID-19 relating to education and children’s social care.</p> <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>

<b>Children’s Guide to Coronavirus (Children’s Commissioner)</b>	<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>
<b>Remote Working and Use of Technology</b>	<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. <a href="https://www.ncsc.gov.uk/guidance/home-working">https://www.ncsc.gov.uk/guidance/home-working</a></p>
<b>Data Protection and Information Sharing</b>	<p><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></p>
<b>Workforce</b>	<p>The Coronavirus Act 2020 allows for the emergency registration of social workers who have recently left the profession to expedite their registration allowing them to return to practice.</p> <p>Social workers can register their interest via the <b>Local Government Association website</b> <a href="https://www.jobtrain.co.uk/lga/displayjob.aspx?jobid=936">https://www.jobtrain.co.uk/lga/displayjob.aspx?jobid=936</a></p> <p>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.</p> <p>Social workers, and others, brought in for coronavirus (COVID-19) purposes are <b>eligible for free, fast-tracked DBS checks - COVID-19: Free-of-charge DBS Applications and Fast-track Barred List Check Service</b> <a href="https://www.gov.uk/government/publications/covid-19-free-of-charge-dbs-applications-and-fast-track-barred-list-check-">https://www.gov.uk/government/publications/covid-19-free-of-charge-dbs-applications-and-fast-track-barred-list-check-</a></p>

service

### **Coronavirus (COVID-19): Right to Work Checks**

<https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks>

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.

The following temporary changes have been made:

- checks can now be carried out over video calls
- 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
- employers should use the [Employer Checking Service](#) if a prospective or existing employee cannot provide any of the accepted documents

### **How to make right to work checks: video**

[https://www.gov.uk/government/publications/how-to-make-right-to-work-checks?utm\\_source=16e187c6-d366-48c8-b93f-f3acd004cb83&utm\\_medium=email&utm\\_campaign=govuk-notifications&utm\\_content=immediate](https://www.gov.uk/government/publications/how-to-make-right-to-work-checks?utm_source=16e187c6-d366-48c8-b93f-f3acd004cb83&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate)

### **Information for Social Workers from Social Work England**

<https://www.socialworkengland.org.uk/coronavirus/information-for-social-workers>

	<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 be reported as a dangerous occurrence.</li> <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 <b>work-related death due to exposure to a biological agent</b>.</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>
<p><b>Assessment and Approval of Prospective Adopters</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><u>Suitability assessments - continuing effect of the Adoption and Children (Coronavirus) (Amendment) Regulations</u></b></p> <p>Where an adoption agency is in the process of assessing the suitability of a prospective adopter <b>before 25 September 2020</b> 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) (Amendment) Regulations 2020, that came into effect from 24 April 2020, to the 2005 Regulations remain in force. This means that:</p> <ul style="list-style-type: none"> <li>• an adoption agency can decide if it refers the case to a panel for a recommendation on suitability</li> <li>• a panel can still go ahead under reduced quoracy (not having enough members to carry out business and cast votes)</li> <li>• an adoption agency can move to stage 2 of the process while still waiting for medicals and DBS checks This is to avoid restarting the assessment process from the beginning for assessments in progress when the Adoption and</li> </ul>

Children (Coronavirus) (Amendment) Regulations 2020 expired on 25 September 2020.

**Moving to stage 2 of adopter assessment process without medical reports**

The temporary regulations allow an adoption agency to proceed to stage 2 of the assessment process without having received the medical report, where applicable, requested under regulation 26(b) of the Adoption Agencies Regulations 2005.

This does not remove the need for medical reports as they still must be obtained and considered before the adoption agency makes a final decision. If medical reports are available at stage 1, they should be obtained and considered then.

As good practice, agencies should let prospective adopters 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. The decision to use this flexibility must be recorded. Agencies may also find it helpful to keep a separate collated record of in which cases the flexibility has been used. The position under the new temporary regulations from 25 September is that a person cannot apply for a review to the Secretary of State of a decision that the person is not suitable for reasons related to medical information only.

The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 made the following amendments during the coronavirus pandemic:

**They amended the stage at which medical and DBS checks are completed.**

The Regulations allowed these checks to be completed as part of Stage 2 of the process, rather than Stage 1 as usual, enabling adoptions to continue to progress rather than stall.

Applicants will not be able to access the Independent Review Mechanism (IRM) where their applications are unsuccessful for reasons relating to DBS or health checks, as would have been the case if these checks were completed in stage 1.

	<p>Adopters will be able to access the IRM after stage 2, if their application fails for any other reason not relating to DBS or health checks.</p> <p><b>They relaxed the timescales for the adoption process</b></p> <p>Timescales for stage one and stage two of the process from 2 months (stage 1) and 4 months (stage 2) remained in place but agencies were only required to meet the timescales where reasonably practicable during the outbreak. The 6 month limit on the length of time a prospective adopter could leave between stage 1 and stage 2 was removed. This is to provide maximum flexibility to agencies working with families and continue to progress in the adoption process.</p> <p>This will include cases where the adoption agency is in the process of assessing a prospective adopter <b>on the 25 September 2020</b>.</p> <p><b>They removed the requirement for an adoption panel</b> (which make a recommendation to the agency on whether the adopters are suitable), to allow agencies maximum flexibility.</p> <p>Should agencies decide to conduct a panel, the minimum number of panel members required was reduced from 5 to 3 to ensure that adoption approvals and matches can continue even where there is a shortage of available panel members.</p>
<p><b>Placement for Adoption</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>Should we stop all introductory meetings for children with new adopted parents?</b></p> <p>There needs to be a case by case, risk-based decision about what is right in the circumstances.</p> <p>Face to face introductory meetings, such as adopters and foster carers visiting each other’s homes so the child(ren) can get</p>



	<p>to know the adopters before moving in with them, can continue to take place if it is possible to do so and if all parties are comfortable with the arrangements. Individuals should consider what is most appropriate in their specific circumstances.</p> <p>The Government accept that for some children introductory meetings may have to be postponed for example, where someone in the foster family is in a vulnerable category and that other ways may need to be found to prioritise permanent placements for children in line with their best interests.</p>
<b>Disruption of Adoptive Placements</b>	<p>Government social distancing requirements apply to meetings.</p> <p><a href="https://www.gov.uk/coronavirus">https://www.gov.uk/coronavirus</a></p>
<b>Monitoring and Supervision of Adoptive Placements</b>	<p>Government social distancing requirements apply to meetings.</p> <p><a href="https://www.gov.uk/coronavirus">https://www.gov.uk/coronavirus</a></p>