



# Stages 1-3 of COVID-19 Emergency Legislation

## Briefing by Barnardo's Scotland

Date: 31/03/2020

### Key points

- This situation presents an unprecedented crisis for the children, young people and families we support.
- This emergency legislation is welcome but we would seek assurances that new powers will not result in unintended consequences for the most vulnerable.
- We are calling on the Government to ensure the relaxation of Local Authorities' duties will not disadvantage looked after young people, those leaving the care system and other groups requiring social care assessments.
- Looked after children and care leavers must continue to receive the same level of support from Local Authorities across Scotland, including housing, social work, and cash payments, and in a way that causes least uncertainty for the young people.
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**This is an unprecedented crisis for the children, young people and families we support.** The Covid-19 pandemic has transformed our society – as always, the most vulnerable are most at risk. Many of the children and families we support are already experiencing extreme poverty, disadvantage and hardship; are in the care system or have a history of trauma and abuse; and have particular mental health needs. All of these are issues that are being exacerbated by the current crisis.

Barnardo's Scotland stands ready to work flexibly with local and national Government to meet the changing needs of children and families at this time. We will continue to provide specialist support in any way we can, in person, on the phone, online and in any other way we can.

### Protection of the most vulnerable

Prompt legislation, designed to support people and mitigate the worst of the crisis in Scotland is extremely welcome and necessary. However, concerns have been raised in relation to the wide ranging new powers that have been introduced. The Coronavirus Act, and the devolved powers deriving from it, relax duties on Local Authorities to provide essential services and allow them to prioritise social care for adults most in need over other duties. We acknowledge the need for urgency in



passing this legislation through Holyrood, but lack of time for scrutiny is a concern. We would seek assurances that the new powers for Scotland contained within the Coronavirus Act 2020 are used in a way which support and protect the most vulnerable and do not result in unintended consequences such as existing supports for children and families being removed or de-prioritised, we hope this will be covered in the upcoming statutory guidance for Local Authorities.

There is a risk that pragmatic decisions are made based on reductions in the available workforce which do not take sufficient account of the child/young person's preferences and needs. We would also want to avoid situations where safeguarding thresholds are revised to prioritise services for those most at risk which leave those families who fall below the thresholds without the vital support they need.

In particular we would ask for assurances that the relaxation of Local Authorities' duties will not disadvantage looked after young people and those leaving the care system, and that a children's rights approach is maintained.

### Vulnerable populations

- We have already seen immediate impacts of the virus on domestic abuse rates, on young people's mental health, and on families' ability to cope with the care of their disabled children. It is vital that children and young people remain safe and protected within nurturing environments, and that the adults around them are supported to maintain positive relationships through unprecedented challenges for any family.
- Vulnerable young people, including care leavers who may have limited social networks to fall back on, should be disadvantaged as little as possible by disruption to public services. Local Authority duties, including housing, social work, and cash payments, for looked after children and care leavers must be continued wherever possible and in whatever format causes least uncertainty for the young people. Likewise, for any current Scottish Government schemes or bursaries aimed at this group.
- While public services are stretched and redeployed, a commitment to protecting children and families living in abusive households must be maintained. All families are under additional pressure with little contact from statutory services in some areas; support networks; or respite from the family home. This increases the likelihood of domestic abuse and may shield sexual abuse from view. It is vital that existing services are able to continue to protect these children and families, including but not limited to emergency services. We welcome the Government's commitment to these key support services with the grants to Scottish Women's Aid and Rape Crisis Scotland.

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