

Wednesday 10 June 2020

Summary

- Covid-19 has affected all aspects of our society, including local authorities' ability to respond to the needs of their communities.
- In response, the Government introduced the [Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020](#) which enable local authorities, if implemented to relax some rules to enable local services to focus on most at risk cases during the coronavirus crisis when services may come under pressure. For [example](#):
 - Varies the timeframe for completing a placement plan and conducting a care review.
 - Requires that independent visitors make 'reasonable endeavours' to visit monthly, rather than that they have to.
- These far-reaching, though temporary changes have raised concerns that the legal framework, developed over decades to protect the most vulnerable children, could be at risk. This could also contribute to further discrepancies in the care received by children depending on where they live.
- We are therefore calling on the Government to take a number of steps to ensure children's entitlement to vital support is not at risk.

Monitoring and reporting

- We are calling for the Government to strengthen the monitoring and reporting provisions considerably:
 - Local authorities to be required to directly inform the Government when they implement the regulations and their reason for doing so.
 - The Government should keep a regularly updated record of local authorities that have implemented the regulations, so we have a national picture of their use.
 - This record should be published, and regularly updated, so that Parliament and key stakeholders including charities are aware of the changes and can work collaboratively with local government to adapt the support we provide for children, young people and families.
 - Local Authorities should inform the Government if they stop implementing the regulations prior to the expiry date of 25th September 2020. A record should be kept of any instances of this.

Independent monitoring of regulations

- The Government should ensure that the impact of the regulations is independently monitored and assessed, on a monthly basis. This continued monitoring should include consultation with charities.
- The Government should cooperate with an independent review to assess the impact of the regulations on children and young people. Barnardo's suggests that an independent

review could be led by the House of Commons Educational Select Committee or another appropriate independent body.

- Taking into account the results of the monthly monitoring of the impact of the regulations on children and young people, if an independent review finds children's best interests are not upheld under the new regulations, they should have the power to recommend that Government revoke the statutory instruments prior to or on the 25th September 2020 expiry date.

Questions:

- Will the Department ensure there is a central record of the use of these regulations by local authorities, which is regularly updated, and published?
- How many times have these regulations been used so far?
- Does the Secretary of State feel confident that the Department for Education is informed every time the regulations are used?
- Can the Government confirm the regulations are a temporary response to a national public health crisis; there is no intention to permanently dilute children's social care legislation; and no such permanent dilution will occur?
- Will the Government guarantee that these regulations will be revoked in September 2020?

About Barnardo's

Barnardo's is the UK's largest national children's charity. In 2018/19, we supported around 300,000 children, young people, parents and carers through more than 1,000 services. For more information please contact Claire Stewart, Senior Public Affairs Officer, on claire.stewart@barnardos.org.uk or 07584 347 308.