

# BECOME.

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THE CHARITY FOR CHILDREN IN CARE  
AND YOUNG CARE LEAVERS

## **Submission to the Department for Education's consultation on changes to the adoption and children regulations: coronavirus (COVID-19)**

August 2020

Become is the national charity for children in care and young care leavers. We provide help, support, and advice to make sure care-experienced young people can unleash their potential and take control of their lives. We help make the care system work better by ensuring that young people's voices and perspectives shape policy and service provision.

## **Our response**

### **Proposal 1: medical reports**

- 1. Do you agree we should extend relevant parts of the regulations listed at Annex B to allow the approval process for adopters and foster carers to progress to the next stage, for example if there are delays in receiving medical reports?**
- 1.1. We would support this specific set of regulatory changes given expected delays in the submission of medical reports arising from the impacts of COVID-19, but the circumstances around acceptable use of the extension should be noted clearly within the regulations and accompanying guidance.

### **Proposal 2: virtual visits**

- 2. Do you agree we should extend the relevant parts of regulations (listed below) to allow virtual contact/visits where a face to face visit is not possible, for example in the circumstances described above?**
- 2.1. We would support an extension which continues to allow for virtual contact and visits. However, if extended, it is vital that the regulations and accompanying guidance make explicitly clear (as noted in the proposal) that virtual contact and visits are permitted only “in the event of local lockdown or self-isolation”.
- 2.2. We know some young people have appreciated additional flexibility in how they communicate with their families or the professionals supporting them recently. These positive learnings should help local authorities and care providers consider how existing entitlements to contact and visits should be supported and enhanced – not replaced. The child’s wishes and feelings must be integral to this as part of any care planning.
- 2.3. Many other young people have told us they have felt disconnected and isolated from their families and corporate parents recently, and are uncomfortable with the use of digital tools for connecting with professionals. There is no replacement for regular face to face contact between social workers, children in care and their families to ensure safety, good emotional wellbeing, and to build lasting positive relationships which will continue beyond a child’s experience of care.
- 2.4. Staying in touch with parents, siblings and other important people helps children develop a sense of identity and belonging, but not all households or places children might live will be able to enable this to happen virtually. It is important that children, families, carers and professionals are supported to access the technology and expertise to make virtual contact or visits comfortable and effective.

### **Proposal 3: Ofsted inspections**

- 3. Do you agree we should extend the regulation detailed at Annex D regarding frequency of inspections?**
- 3.1. We support the resumption of routine Ofsted inspections as soon as possible. Whilst the presence of an inspection regime does not guarantee positive experiences for all children in care, regular Ofsted inspections serve as a vital safeguard for those in the care system.

- 3.2. Children in care can often be living far away from their home local authority and may have fewer people to whom they feel able to disclose problems or concerns they have about the quality of their care. They may also have complex needs, communication difficulties or other disabilities or needs that make it difficult to express their views. It is essential that children feel able to report any concerns that they have about their care, either directly to Ofsted, Independent Persons carrying out a Regulation 44 visit, or to other adults responsible for their care.
- 3.3. If the regulation is to be extended, it is essential that Regulation 44 visits for children's homes continue according to statutory timescales, and resultant reports are closely reviewed and monitored by Ofsted particularly during the time when regular Ofsted inspections are not being conducted. These visits play an important role in ensuring Ofsted and local authorities are aware of serious or emerging concerns in the home that may require additional Ofsted action and changes to care planning.

#### **Proposal 4: Regulations to lapse**

4. **Do you agree we should allow the listed regulations at Annex F to expire on 25 September?**
- 4.1. We continue to believe that it is in the best interests of children in care that the regulations are withdrawn immediately.

#### **Proposal 5**

5. **Do you agree that additional safeguards should be introduced on the use of any flexibilities that remain in place after 25 September? If you answered yes, please provide details on what safeguards you consider may be appropriate and how they could be employed.**
- 5.1. Any regulatory extensions must make clear (within the regulations themselves or within accompanying statutory guidance) the specific circumstances around their accepted use (i.e. in relation to pressures arising from COVID-19).
- 5.2. In addition to the safeguards established within existing guidance for children's social care services<sup>1</sup>, we would encourage the Department for Education to centrally collect, monitor and publish information about the use of new emergency regulations.
- 5.3. Existing monitoring information (e.g. Annex E) is helpful, but incomplete. In addition to the number of local authorities who have used a specific regulation, future monitoring information should also include the number of times each regulation has been used by each named local authority (i.e. to understand the frequency of use), and the number of individual children this has impacted (where relevant and safe to disclose).
- 5.4. This would provide stronger oversight to identify and take action on any emerging variations in use between local authorities with similar local profiles. It would aid in continually monitoring and assessing risk, and provide helpful understanding about the nature of circumstances which have led to use of the flexibilities.
- 5.5. Monitoring options could include:

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<sup>1</sup> <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>

- 5.5.1. a requirement for local authorities to inform Ofsted (similar to existing children’s social care notifications<sup>2</sup>); and/or
  - 5.5.2. a requirement for local authorities to inform the Department for Education (either through the newly formed Regional Education and Care Teams structures, or through a similar approach to reporting a serious child safeguarding incident<sup>3</sup>).
- 5.6. Guidance should recommend that any use should be shared with the Corporate Parenting Board in the local authority. The information collected should be published to promote full transparency and accountability around use of the regulations. This would need careful consideration around the extent of information shared so as to balance concerns around confidentiality and to avoid unwarranted criticism of local authority practice without context.

## Contact

For further information, please contact:

Sam Turner, Policy and Participation Manager, Become

e: [sam.turner@becomecharity.org.uk](mailto:sam.turner@becomecharity.org.uk) t: 07425 996 668

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<sup>2</sup> <https://www.gov.uk/guidance/tell-ofsted-about-an-incident-childrens-social-care-notification>

<sup>3</sup> <https://www.gov.uk/guidance/report-a-serious-child-safeguarding-incident>