COVID-19: Guidance to accompany the Children’s Social Care
(Coronavirus) (Temporary Modification of Children’s Social Care)
Regulations (Northern Ireland) 2020

Version 2.0

Version Control

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Overview

1. This guidance is issued in conjunction with urgent temporary modifications to Trusts’ statutory functions in respect of looked after children, including some children awaiting adoption, and care leavers, which have been brought into effect by the Children’s Social Care (Coronavirus) (Temporary Modification of Children’s Social Care) Regulations (Northern Ireland) 2020. The Regulations and accompanying Explanatory Memorandum are available at: www.legislation.gov.uk The Regulations are being made in response to the COVID-19 pandemic, are intended to be in place for a period of 6 months but may be revoked at an earlier stage if possible.

2. While the Regulations provide flexibility in terms of timescales and different ways of doing things, this may not always be required in all circumstances and at all times. It should be borne in mind that flexibility is being offered to deal with service pressures expected as a result of the COVID-19 crisis arising from staff absences and requirements to act in accordance with public health advice. Those same pressures might emerge at the end of the COVID-19 crisis as relaxation of COVID-19 laws occurs, including the end of what has become known as ‘lockdown’.

3. The Regulations are being brought forward with the express aim of keeping children, young people and staff as safe and well as possible in the context of the exercise of statutory functions under the Children (NI) Order 1995 and Regulations made under the Children Order.

4. The statutory functions covered by the Regulations include:
   - **Visits** by social workers to looked after children, including children placed for adoption; and visits by registered providers to children’s homes;
   - **Reviews** (of foster carers, looked after children [including children in secure accommodation], care leavers and children placed or awaiting placement for adoption);
- Approvals (foster carers, emergency and immediate placements)
- Representations, including complaints, under the Children (NI) Order 1995;
- Secure Accommodation reviews.

5. The guidance will take effect immediately and will remain in place until such time as the Regulations cease to have effect.

6. The modifications made by the Regulations support the emergency working arrangements that have been put in place by the Health and Social Care Board for maintaining essential family and children’s services throughout the COVID-19 pandemic. Those arrangements have been reflected in a detailed COVID-19 Action Card to be followed by HSC Trusts working in family and children’s services. The practice supported by the modifications is intended to apply only where absolutely necessary and until normal services can be resumed.

7. As set out above, the overarching aim of the Regulations is to provide HSC Trusts, voluntary adoption agencies and independent providers of children’s homes with the flexibility to operate in the circumstances of the COVID-19 pandemic and, at the same time, continue to safeguard and promote the welfare of children in their care. The Regulations will enable certain functions to be undertaken within slightly longer timescales or in different ways, e.g. using remote audio-visual communication technology rather than meeting in person in order to meet social distancing and social isolation requirements.

8. While some level of flexibility in terms of the exercise of a number of statutory functions is being permitted by way of the Regulations, this MUST be underpinned by:

- The full application of the principle of paramountcy of the child;
- A comprehensive risk and needs assessment of each child’s and family’s circumstances
- The exercise of professional judgment on the basis of assessments undertaken;
• Consideration of the views of the child or young person in decisions that affect them;
• Ongoing support for the child or young person, including access to advocacy services;
• A robust risk management plan developed in partnership with other agencies if necessary;
• Ongoing or continuous monitoring of individual cases, leading to revised risk management plans if necessary;
• Immediate responses where they are considered necessary;
• The continuation of services in accordance with previously agreed plans (with adjustments for public health purposes if required); and
• The provision of new or additional services, where risks or needs identified indicate that they are required to meet needs and/or minimise or mitigate risks to the child either in safeguarding or welfare terms.

9. By way of example, if a child is not being visited in person or a review is not being carried out within the usual timeframe or in normal ways (virtual rather than ‘in-person’ review meetings), every effort should be made to ensure that the child is safeguarded and his/her welfare is promoted in line with overarching duties under the Children (NI) Order 1995. Unless the level of risk to a child or young person is such that a visit in person is necessary, contact may be maintained remotely using remote audio-visual communication technology, wherever possible. Likewise, virtual reviews can be undertaken, involving all or the majority of those who normally attend review meetings, sharing of information and agreeing plans in the same way. In all cases where children need access to technology in order to engage with social workers and others during the emergency period, Trusts need to ensure that this is provided, and that the equipment and technology to be used is secure to use and used securely. Whatever the means of contact or the method of review (in person or otherwise) the overriding purpose of that contact/review is unchanged – they should ensure that children are effectively safeguarded and that their welfare is promoted in full.
10. Recording and evidencing why and how decisions have been reached remains a key responsibility when applying the Regulations and this guidance. There is also an expectation that HSC Trusts will continue to work in partnership across agencies to share information to develop a shared understanding of need in relation to each individual child or young person.

11. This guidance will be subject to ongoing review and may be updated to reflect escalating pressures across the provision of children’s social care services if and when they occur. It may also be updated to facilitate a gradual return to normal working arrangements. While most of the modified working arrangements and timescales set out in this guidance may be adjusted by way of updating the guidance, it should be noted that all of the changes relating to the temporary secure accommodation arrangements have been specified in the amending regulations and therefore any further changes would also require secondary legislation, which would be subject to scrutiny by the Northern Ireland Assembly prior to any such further change being implemented.

12. To inform any decision to amend this guidance or to revoke the Regulations in advance of the specified expiry period, the Department will liaise with the HSC Board and Trusts to put in place arrangements to monitor the extent to which the temporary modifications and extended timescales have been applied as part of the delivery of children’s social services during the operational period. The Department will also seek the advice of key stakeholders, in particular, the Northern Ireland Commissioner for Children and Young People.

13. This guidance should be read in conjunction with advice from the Public Health Agency [https://www.publichealth.hscni.net/covid-19-coronavirus](https://www.publichealth.hscni.net/covid-19-coronavirus) and COVID-19 guidance issued by the Department, which is available at [https://www.health-ni.gov.uk/coronavirus](https://www.health-ni.gov.uk/coronavirus). This includes guidance in relation to children’s homes, foster care, daycare and supported accommodation for young people.

**Visits**
What we have done
We have modified the Placement of Children with Parents etc. Regulations (Northern Ireland) 1996/463, the Foster Placement (Children) Regulations (Northern Ireland) 1996/467 and the Adoption Agencies Regulations (Northern Ireland) 1989/253 in order to allow HSC Trusts to conduct visits to looked after children in accordance with the arrangements set out below.

What are the new arrangements?

- If a HSC Trust has the capacity to do so, it should continue to comply with the normal timescales for visits.
- Visits to looked after children should be prioritised and undertaken in accordance with arrangements set out in the HSCB Action Card. Each child’s case should be subject to a full risk assessment, to determine whether a visit in person needs to take place.
- If following a risk assessment, it is judged that it is not necessary to visit a child in person, face to face meetings should be replaced with contact via remote audio-visual communication technology.
- Contact should be maintained with the same regularity as set out for visits in the child’s care plan, i.e. if the child is normally visited weekly, they and their carer should be contacted at least weekly.
- Cases should be kept under continuous review and where a risk assessment changes, the need to visit a child in person must be reviewed.
- In making decisions about visits, the views of children and young people should be taken into account.

Which children do they apply to?

- Children placed at home with parents;
- Children in foster care, including in immediate or emergency placements and those on a series of short-term placements;
- Children who have been placed for adoption.
Additional points to note

- There are no statutory visiting requirements for children placed in children’s homes and, as a result, no legislative amendments are required for such children.

- Trusts and social workers will need to make informed, professional judgements about visiting children, which carefully balance risks to children, care leavers, families and carers and risks to the workforce.

- As part of their risk assessment as to whether a visit in person is considered necessary, the Trust should consider whether the child or young person would be able to speak freely during contact using audio-visual communication and the possibility of there being influence from another person in the household.

- Regardless of whether a visit takes place or contact is maintained remotely, it is still necessary in all cases to produce a written record of the contact with the child or young person.

- Where, following a risk assessment, a visit is considered necessary:
  - The child or young person should be visited in the home in which he/she is placed in accordance with public health advice.
  - Prior to visiting a private household, social workers and/or social care staff should assess whether any member of the household has suspected or confirmed COVID-19 in order to determine whether PPE is needed. If PPE is needed, the appropriate guidance, published by Public Health England, should be followed.
  - Every effort should be made to see the child or young person alone.
  - Advice can be given to the foster carer or parent by alternative means.

- Where, following a risk assessment, a visit is not considered necessary at that time:
• Contact with the child should be maintained by way of remote communication and a conversation should still take place with the child or young person on their own.

• Where it can be done securely, remote contact should be maintained using audio-visual technologies. This will enable social workers to assess more effectively a child’s body language and their physical and emotional well-being during contact. It also reflects the importance of visual communication for the child.

• Not all families will have access to the internet or laptops, and in many cases children may have restricted access to electronic devices or are not allowed social media accounts, so this must be considered in deciding how contact should be maintained. Where it is not possible to communicate remotely with a child using audio-visual means, social workers should consider whether a further risk assessment is needed to determine whether a visit in person is required.

• If the assessed level of risk changes, the child’s case should be reviewed and if necessary they must be visited in person as soon as possible.

Visits by Registered Provider to a children’s home

What we have done
We have modified the Children’s Homes Regulations (Northern Ireland) 2005/176 to provide that visits by the registered provider to a children’s home should be undertaken in accordance with the arrangements set out below.

What are the new arrangements?
• No direct visits should be undertaken to children’s homes until further notice in order to minimise footfall in the home and to the risk of introducing and/or spreading infection.

• The registered provider should still continue to contact the children’s home at least once per month. However, remote engagement methods
should be used. In the circumstances, the registered provider should consider maintaining more regular contact.

- Contact (in place of visits) with children, parents and workers should continue remotely using alternative methods of communication and participation. Wherever possible, any communication should be done, using audio-visual technologies. If necessary, children should be supported to take part in video calls. This will require a degree of planning and is the responsibility of the registered provider.

- Monthly monitoring reports must continue to be produced and submitted to the RQIA, the manager, the placing authority and, where appropriate, directors / partners.

Who do they apply to?

- Registered providers of children’s homes.

**Looked After Children’s Reviews**

**What we have done**

We have modified the Review of Children’s Cases Regulations (Northern Ireland) 1996/461, the Children (Secure Accommodation) Regulations (Northern Ireland) 1996/487 and the Adoption Agencies Regulations (Northern Ireland) 1989/253 to create flexibility, if needed, relating to the timescales for:

- reviews of looked after children’s cases, including children in secure accommodation;
- review by an adoption agency of a child’s case, if the child has been placed for adoption and an application for an adoption order has not been made within three months of the placement; and
- review by an adoption agency of a child’s case, where six months have elapsed since the child has been freed for adoption and the child does not have his home with a prospective adopter.

**What are the new arrangements?**
Timescales for reviews for looked after children placed at home, in foster care or in children’s homes may be extended as follows:

- **1st** reviews should be conducted within **4 weeks** of the date upon which the child begins to be looked after;
- **2nd** reviews should be conducted not more than **6 months** after the 1st review; and
- subsequent reviews should continue to be conducted not more than **6 months** after the date of the previous review.

Timescales for reviews for looked after children in secure accommodation may be extended as follows:

- **1st** reviews remain unchanged and must still be conducted within **1 month** of the commencement of the placement in secure accommodation; and
- **2nd** and subsequent reviews should be conducted at intervals not exceeding **4 months**.

The existing timescales for reviews of looked after children placed on a series of short breaks continue to apply:

- initial review at 3 months; and
- subsequent reviews every six months.

These timescales will be kept under review and may be extended, by way of updating this guidance, if the need arises in future.

Timescales for reviews for looked after children placed for adoption or freed for adoption but not yet placed may be extended as follows:

- where a child has been placed for adoption, the adoption agency must review the placement of the child if an application for an adoption order has not been made within **6 months** of the placement;
- where **9 months** have elapsed since a child has been freed for adoption and the child does not have his home with a prospective adopter, adoption agency must review the child’s case at that point and every **6 months thereafter**.
Which children do they apply to?

Looked after children who have been placed:

- at home,
- in foster care,
- in children's homes,
- in secure accommodation,
- on a series of short breaks, and
- for adoption or are awaiting adoption.

Additional points to note:

- If a HSC Trust has the capacity to do so, it should continue to comply with the normal timescales for reviews.

- As under normal practice, a review should take place sooner if a child or young person requests one.

- Decisions taken to apply flexibility to review timescales should in all cases be based on: an up-to-date and informed understanding of the child or young person's circumstances, identified needs and risks; professional judgement; the views of others involved in the care plan; and full consideration of the views and wishes of the young person in this context;

- All children’s cases should be subject to ongoing assessment, including ongoing assessment of need and risk. The outcome of that assessment may lead to reviews being conducted in advance of the timescales outlined above or to children’s individual plans being adjusted. The process of assessing need and risk should be overseen by Trust senior managers. Some reviews may need to take place at the earliest opportunity given the level of need or risk identified, including any arising from or connected with COVID-19.

- While a child’s plan may be adjusted on the basis of an assessment undertaken in advance of a review being conducted, this should NOT lead to the withdrawal of services for any child, young person or family, without an alternative arrangement being put in place.

- In particular, Trusts should consider the implications for a young person, in terms of their ability to continue accessing services, where their next
review is scheduled to take place (because of adjusted timescales) after their 18th birthday. In such circumstances, it may be necessary to schedule a review at an earlier stage so that the appropriate services can be put in place for the young person.

- Trusts should also consider the implications for a young person who has presented as homeless and is being provided with accommodation under Article 21 of the Children (NI) Order 1995. In such cases, steps to attempt to re-unite the young person with their family should be taken as promptly as possible. In these circumstances, the timeliness of action may be critical.
- Where reviews are being conducted remotely, this should be done as a video conference, where possible.
- Trusts should ensure that all professionals and representatives who are entitled to attend review meetings are invited to participate in remotely conducted sessions.
- Whether normal or adjusted timescales are applied, every HSC Trust should continue to fully take into account the needs and wishes of children in their care.
- A clear record of the decisions taken, any changes in level of risk and the responses made as a result should be maintained.

**Care Leavers – Review of Pathway Plans**

**What we have done**
We have modified the Children (Leaving Care) Regulations (Northern Ireland) 2005/221 in order to create flexibility, if needed, for reviews of pathway plans to be undertaken as set out below.

**What are the new arrangements?**
Timescales for reviews of pathway plans may be extended as follows:

- At intervals of not more than 9 months (rather than 6 months).

**Which children/young people do they apply to?**
• Eligible children;
• Relevant children;
• Former relevant children

Additional points to note:

• If a HSC Trust has the capacity to do so, it should continue to comply with the normal timescale for reviews.
• Where a Trust needs to apply flexibility beyond the normal 6-month review timescale, it should be conducted as soon as possible after 6 months have elapsed. 9 months is a limit, not a target timescale.
• Where it can be done securely, reviews and any contact with the young person should be conducted remotely using audio-visual technologies. This will enable social workers to assess more effectively a young person's body language and their physical and emotional well-being.
• The important requirement remains that a review must take place sooner if the young person requests one or if their personal adviser considers that a review is necessary. Trusts should ensure that young people are made aware of their right to request a review at any stage. Young people’s expectations, circumstances and needs can change quickly and, consequently, based on assessed needs and risks, the views of the social worker / personal adviser and the young person’s wishes may require changes to the agreed pathway plan. In these circumstances, a review of the pathway plan should be undertaken as soon as possible, within COVID-19 related constraints, to endorse any amendments to the plan and thereby ensure that any additional needs are being effectively addressed and supported.
• All care leavers’ cases should be subject to ongoing assessment, including an assessment of need and risk. Those assessments must be case specific and equally specific to circumstances, including COVID-19 circumstances. Again, the outcome of an assessment may lead to reviews being conducted in advance of the timescale outlined above, and in some cases even earlier than normal timescales, or to a young person’s
individual plan being adjusted in advance of review. The process of assessing need and risk should be overseen by Trust senior managers.

- A Trust may need to prioritise certain reviews in current circumstances. Among the factors that a Trust should consider when assessing whether a review should be prioritised are whether the young person’s pathway plan is the primary planning document setting out the needs, risks and support arrangements in place to support them through and beyond transitions from care (as distinct from those young people who have both a pathway plan and a care plan in place because they have not yet left care).

- While a young person’s plan may be adjusted on the basis of an assessment undertaken in advance of a review being conducted, this should NOT lead to the withdrawal of services for any child, young person or family, without an alternative arrangement being put in place.

- If any young person goes beyond the age threshold for entitlement to aftercare services while a review is outstanding (as a result of the extended timescale above), the review of the young person’s pathway plan should still be conducted and services should remain in place until it does.

- Services may include providing accommodation, food or other support, including in connection with education, training or employment, supervision of family contact, or assistance with leisure activities within the current social distancing/social isolation requirements.

**Foster Care**

**What we have done**
We have modified the Foster Placement (Children) Regulations (Northern Ireland) 1996/467 to provide HSC Trusts and Independent Foster Providers with the flexibility, if needed, to maintain a fostering service during the emergency period.

**What are the new arrangements?**
Approvals and reviews of foster parents and the placement of children with foster parents, including emergency and immediate placements, should be undertaken in accordance with the arrangements set out below and in accordance with the HSCB Action Card.

The following arrangements may be applied:

- Approval of foster carers can proceed, even if a full enhanced disclosure certificate is still outstanding, if the Trust or Independent Foster Agency, having applied for an enhanced criminal record certificate pursuant to section 113B of the Police Act 1997, receives confirmation from the Department of Justice [AccessNI] that the individual and any adult members of their household are not included in the Children’s Barred List held under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. This will be known as a ‘fast track barred list check’. Access NI aims to indicate within 24 hours that an individual is not included on the Children’s Barred List. There is no charge for this service. This is consistent with the approach being taken during the emergency period for the recruitment of individuals to work in certain specified establishments, including children’s homes.

- Trusts may, in an emergency, place a child with an approved foster carer for a period not exceeding 14 days (rather than 24 hours as is normally the case). Emergency placements beyond 24 hours should, in the main, be restricted to circumstances where a child is required to self-isolate due to COVID-19 related symptoms or in confirmed cases of infection.

- Trusts may place a child in an immediate placement for a period not exceeding 20 weeks (rather than 12 weeks as is normally the case).

- Trusts may place a child in an immediate placement with an approved prospective adopter or with a registered child minder, in addition to a relative or friend of the child.
• **Annual reviews of foster carers and their household** should still be undertaken and, wherever possible, the 12 month timescale should be adhered to. However, they may be delayed beyond the 12 month period up to a maximum period of 15 months, if necessary. It is important to note that the approving authority may still terminate the arrangement if they are no longer satisfied that the foster carer or their household continue to be suitable.

**Who do they apply to?**

- Approved foster carers, including Kinship Foster Carers;
- Individuals who are currently undergoing assessment to be approved as a foster carer;
- Trusts and Independent Foster Providers who are undertaking assessments and reviews.

**Additional points to note:**

- Where an immediate or emergency placement continues for the extended period provided for under the new Regulations, close monitoring of the placement will be essential throughout the extended period to determine the well-being of the child or young person placed and to ensure the continued suitability of the placement to meet their needs. This should include close monitoring against the Minimum Kinship Care Standards, where applicable.

- Under paragraph 4 of Schedule 5 to the Children (Northern Ireland) Order 1995, Trusts may exempt a person from the usual fostering limit of no more than three children.

- Fostering panels operate on a non-statutory basis and can therefore be postponed, if required.

**Secure Accommodation**
What we have done

14. We have modified the Children (Secure Accommodation) Regulations (Northern Ireland) 1996/487 to provide Trusts with more flexibility during the pandemic period. This change has been specified in the Regulations (not only guidance) given the serious nature of a decision to deprive a child of his or her liberty. Any further change will require further modification of the Regulations and will be subject to scrutiny and approval of the Northern Ireland Assembly prior to any such change being implemented.

What are the new arrangements?

- In addition to the adjusted review timescales outlined above, the minimum number of persons who must be appointed to review the keeping of a child in secure accommodation for the purposes of securing his welfare has been reduced from 3 to 2.

Who do they apply to?

- Looked after children in secure accommodation;
- Individuals appointed to review the keeping of a child in secure accommodation.

Additional points to note:

- The requirement remains that one person appointed to review a child’s case must not be employed by the Trust looking after the child or by the Trust managing the secure accommodation in which the child is accommodated. Currently that role is undertaken, and will continue to be undertaken, by the Independent Chair for the Multi-Agency Panel for Secure Care.
- Adherence to the Panel’s policy and procedure for admission to secure care, including young people’s access to advocacy at the earliest opportunity, is still required.
- The Independent Chair of the Multi-Agency Panel will also have a key role in ensuring that, where a review is required in the case of any young
person in advance of the timescales permitted by the Regulations, the review is undertaken in a timely way.

Representations and Complaints

What we have done
We have modified the Representations Procedure (Children) Regulations (Northern Ireland) 1996/451 to provide Trusts with more flexibility in how they operate a representations/complaints procedure during the emergency period.

What are the new arrangements?
- Period for local resolution to be increased from 14 to 28 days with the authority’s nominated person notified thereafter;
- The authority and independent person to respond within 2 months (increased from 28 days);
- The complainant to give notice of dissatisfaction and seek reference to Panel within 2 months (increased from 28 days);
- Panel to meet within 28 days of receiving the complaint’s notification (this period remains unchanged);
- Panel to decide and record its recommendation within 72 hours (increased from 24 hours).

Who do they apply to?
- Children, young people and other persons who are entitled to make representations, including complaints, about the discharge by a HSC Trust of any prescribed functions;
- Trusts operating a procedure for considering such representations or complaints.

Additional points to note:
- Where procedures are operated under extended timescales, it is particularly important that HSC Trusts encourage children involved in the process to
access the HSCB commissioned advocacy service for looked after children and care leavers operated by the Voice of Young People in Care (VOYPIC).

- This is particularly important for those children at risk of placement breakdown, vulnerable young people in leaving and after care, and young people in care at home.

- The majority of complaints are resolved at local resolution level and independent advocacy support plays a crucial role in this.