

Managing uncertainty - Children's services and the COVID effect

COVID-19 has created extreme challenges for all professionals working with children and young people across all disciplines. The demands on local authority children's services are immense and evolving as central government amends the advice and restrictions put into place to protect communities.



So, the question is: considering the current regulations governing the work with children and young people, where are we now? More importantly, what further steps should central government and local authorities take to ensure that the wellbeing of vulnerable children is prioritised if or when referrals spike.

It will first be helpful to consider the temporary regulations that are currently in force setting out how children services should meet their statutory obligations to protect children's welfare. *The Adoption and Children (Coronavirus) (Amendments) Regulations 2020* came into force on 24 April 2020 providing regulations as to how local authorities could and should continue to discharge their duties. These provisions expired and have now been replaced by *Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020*.

In essence, the regulations provide for flexibility that is considered to be required to cope with an increase in demand for services and difficulties with workforce and capacity shortages.

Guidance has been provided around the current regulations in the form of the Coronavirus (COVID-19): guidance for children's social care services. It is important to bear in mind that the current regulations, and importantly the guidance, are being revisited in light of the further lockdown. *The Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020* remain in place until 31st March 2021 or until further amended.

Duties established in primary legislation remain unchanged. The purpose of the regulations is to enable flexibility where needed and must be considered with the following principles in mind:

- 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-focused - 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

Any changes to practice are to be approved at chief officer level and where appropriate by top tier management. Record keeping is essential in relation to what is done and why.

Statutory visits with families and looked after children can be undertaken by way of video, telephone or other electronic means where face to face visits would be contrary to guidance around the incidence or transmission of COVID-19 or are not reasonably practicable as a result of incidence or transmission of COVID-19.

Flexibilities are also included in relation to other services such as the approval of foster carers and adopters as well as the frequency of Ofsted inspections.

The provision of the regulations came against the backdrop of children and young people not having access to education and other statutory provisions during the course of the lockdown. Whilst children who were considered as child in need or under a child protection plan could attend school during this time, some did not, and many vulnerable children worryingly continued to fly under the radar.

The lockdown inevitably intensified difficulties for children who were already identified as vulnerable, but also posed safeguarding issues to other children who, for whatever reason, could not be seen. Financial strain on families, domestic abuse and general mental wellbeing all produced a perfect storm of issues for families, some of whom were ill equipped to cope with these additional pressures.

Once children returned to school and once again became visible to professionals. It was a widely held belief that there would likely be an upsurge in referrals to local authorities. This was highlighted by England's children commissioner Anne Longfield in an interview with BBC on 16th September 2020. She feared 'a really significant increase in the number of children who there are concerns about'. She urged central government to look long term at the financing of services to ensure that young people do not fall through holes in the net where these holes was getting increasingly large.

The Department for Education has completed surveys of local authorities since the lockdown and has provided helpful statistical analysis of the referrals of children, among other things. It would appear from the Vulnerable Children and Young People Survey Summary of returns Waves 1 to 10 published in October 2020, that there had not been the immediate surge as expected, but that is not to say that a surge is not just over the horizon. However, what is being seen is an increase in complex safeguarding issues. The survey says: 'Examples vary but include increases in cases involving non-accidental injury, increases in the number of new-born children that are being presented in care proceedings, increase in cases involving young people self-harming and escalations of risks in cases that are already open.'

As we enter a second lockdown, what are local authority children's services to do now? Although schools will remain open thus negating some of the risks outlined above, there remain significant concern about how to ensure the welfare needs of vulnerable children are met.

The current flexibilities provided by the *Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020* are there to assist practically, but children must not be missed. Risk assessment is key when considering how best to ensure that children are not only seen but that the quality of these visits, whether virtual or physical, are able to evaluate their needs. This is particularly important as we enter another period of lockdown where there is an increasing stresses experienced by families. This risk must be balanced alongside the health risks of the transmission of COVID-19 bearing in mind the current health regulations and guidance in place.

It is important to consider that families are understandably anxious around face to face meetings. *The Coronavirus (COVID-19): guidance for children's social care services* acknowledges this and recommends:

Where this is the case and families are reluctant to engage with social workers, social workers should explain why it is essential that they have access to the home, or that they see and speak to the children, to ensure they are safe and well. Visits should be face-to-face where possible and should be sufficient to meet the intended purpose of the visit whether that is safeguarding or promotion of the child's welfare.

Children's services should look at matters on a case by case basis, undertaking the necessary risk assessments and risk management. Record keeping is vitally important to the decision making process to not only ensure that clear and objective decisions are made but that reasons for those decisions are documented.

Association of Directors of Children's Services president, Jenny Coles, said in August 2020: 'Children's services already faced a significant funding gap before the pandemic hit and COVID-19 has only increased those cost pressures. The government must act now to provide children's services with the certainty of an ambitious and sustainable long-term funding settlement. Children and their families deserve more than just the bare minimum levels of resourcing and support.'

This is a sentiment that will be shared by all professionals working with children and young people. Central government will need to act now to provide funding to ensure that all vulnerable children and young people can be safeguarded in these unprecedented times with children's services stretched to the limit.

A spike in referrals continues to be anticipated along with the escalation in the complexity of issues. The further lockdown will again expose children and families to pressures outside of their control therefore increasing the risks that children's needs will not be met, or worse that there will be an increasing risk of harm to them. It is therefore more important than ever that children's services consider how best to meet the needs of vulnerable children and their families on limited budgets and stretched resources. Although the current regulations give guidance on this, to succeed there is a need for not only strong systems and strong leadership but also imagination and courage.

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