

REPORT OF THE SERVICE DIRECTOR, YOUTH, FAMILIES AND SOCIAL WORK

CHANGES TO CHILDREN'S SOCIAL CARE REGULATIONS IN RESPONSE TO COVID-19

Purpose of the Report

1. To provide an update on the temporary changes made by the Department for Education to Children's Social Care regulations, in response to the coronavirus (Covid-19) pandemic.
2. To seek agreement to disapply existing regulations pertaining to 'connected persons' foster care and temporary approvals as a foster carer, in line with the emergency legislation enacted.

Information

3. On Thursday 23rd April, the Department for Education (DfE) published the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 ("Amendment Regulations"), which temporarily amend 10 sets of regulations relating to Children's Social Care. The Amendment Regulations came into force on 24th April 2020 and remain in force until the Coronavirus Act renewal date on 25th September 2020, though they will remain under review.
4. The Amendment Regulations are intended to provide greater flexibility for local authorities and providers during the coronavirus (Covid-19) outbreak, representing a relaxation of existing legislative requirements; however, the DfE has made clear that these should only be used when absolutely necessary, with senior management oversight, and must be consistent with the overarching safeguarding and welfare duties that remain in place. It is anticipated that the additional flexibility offered will only be utilised in circumstances such as:
 - where staff shortages (due to sickness or other reasons) make it difficult or impossible to meet the original legislative requirements
 - where making use of flexibilities in order to take a different approach is the most sensible, risk-based response in light of other demands and pressures on services; this might involve focussing services on those most at risk
 - where there is a consequential reason to make use of flexibilities, for example due to limited capacity in other providers or partners, making it difficult or impossible to comply with the original requirements.

5. A full breakdown of the legislative changes is attached as **Appendix 1**.
6. The Children and Families Department has therefore considered where it may be necessary to utilise the flexibilities available, whilst remaining proportionate and responsive to the ongoing situation across the Department.

Implementation of Legislative Amendment – Temporary Foster Care

7. In line with the Amendment Regulations, the Department is seeking to implement one amendment relating to temporary 'Connected Persons' foster care:
 - a. Under the existing Care Planning, Placement and Case Review (England) Regulations 2010, local authorities had the power to temporarily approve a child's "*relative, friend or other person connected with*" the child as a temporary foster carer for a period of up to 16 weeks (normally while a longer-term placement is sought).
 - b. The Amendment Regulations have now extended this period to 24 weeks and removed the requirement for the temporary foster carers to have an existing family or other connection to the child. Local authorities can therefore now approve anyone who meets the requirements as a temporary foster carer, rather than only those who are connected to a child.
8. This amendment is intended to support the Department to manage placement capacity over the coming months, based on the anticipated increase in children entering local authority care during, and in the aftermath of, the Covid-19 pandemic. The Department is seeking to utilise this amendment as a precautionary measure, in the event that the volume of children entering local authority care exceeds the placement options available.
9. This anticipated growth in children looked after is based on the ongoing impact of the Government's lockdown and social distancing measures, whereby there is a predicted growth nationally in domestic abuse within households, increase in alcohol and substance misuse, and growth in parental / child mental health issues.
10. The lockdown and social distancing measures, as well as school closures, have also meant that vulnerable children are less visible to public services and therefore more at risk of 'hidden harm' at home, including physical, sexual and emotional abuse or neglect.
11. In addition, the ongoing pressures of the Covid-19 pandemic are placing greater economic and social strain on existing foster placements, potentially resulting in further placement breakdowns and a greater need for respite or support care for existing carers.
12. The amendments to the temporary foster carer approvals would therefore allow the Department to recruit temporary foster carers from other areas, including the Nottinghamshire County Council workforce. This would be on a temporary basis and would be managed in line with existing 'connected persons' foster carer recruitment procedures; it will include both short-term placements and 'support care' fostering. Due consideration would also be given to the Human Resources implications and training requirements, and the Department would ensure that all other appropriate placement options are exhausted before children are placed with temporary foster carers.
13. Should these amendments not be implemented, the volume of children entering local authority care could potentially exceed the volume of care placements available. It is only

in these exceptional circumstances that these amendments will be used and then only as the last resort.

14. The proposed amendments therefore allow the Department to take proactive, precautionary measures in relation to placement sufficiency, ensuring that temporary, local foster placements can be provided that best meet the needs of children and young people.
15. The Department will continue to review the need to implement any other flexibilities where necessary and will report these accordingly.

Other Options Considered

16. No other options have been considered.

Reason/s for Recommendation/s

17. The temporary disapplication of provisions pertaining to temporary foster carers would allow the Department to take proactive, precautionary measures to ensure that the volume of children and young people entering care does not exceed the volume of placements available. This would only be considered as a last resort, where all other appropriate placement options have been exhausted.
18. The recruitment of temporary foster carers from the County Council workforce would allow the Department to utilise local foster care placements, though only in exceptional circumstances where there are no other appropriate placement options available.

Statutory and Policy Implications

19. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Human Resources Implications

20. The recruitment of temporary foster carers from the County Council workforce would be undertaken with due consideration to employment and Human Resources implications.

Safeguarding of Children and Adults at Risk Implications

21. The recommendations set out in this report seek to ensure that vulnerable children and young people who are at risk of harm are appropriately safeguarded and placed in suitable care placements.

RECOMMENDATION/S

That:

- 1) approval is given to the Department's temporary disapplication of the provisions pertaining to approvals of temporary foster carers and Connected Person foster care, as amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020
- 2) approval is given to recruiting temporary foster carers from the Nottinghamshire County Council workforce.

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Constitutional Comments (EP 21/05/20)

22. The recommendations fall within the remit of the Children and Young People's Committee by virtue of its terms of reference.

Financial Comments (SAS 22/05/20)

23. Payments to any temporary foster carers recruited would be contained within the existing Fostering Service budget of £8.4m.
24. There are no further financial implications arising directly from this report.

HR Comments (BC 2/6/20)

25. Employees are able to request special leave to attend foster carer meetings and training. In addition, they can also request access to the Council's flexible working or career break provisions if required.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

[The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020](#)

[The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 Explanatory Memorandum](#)

Electoral Division(s) and Member(s) Affected

All.

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