

The Rt Hon. Gavin Williamson MP CBE,
Secretary of State for Education
Sanctuary Buildings,
20 Great Smith St, Westminster,
London, SW1P 3BT

28th April 2020

Dear Secretary of State,

Re: The Adoption and Children (Coronavirus) (Amendment) Regulations 2020.

Social workers are in the front line of the battle against Covid-19, and work with the most vulnerable children and families. The British Association of Social Workers (BASW) is the professional association for social work and we represent just under 21,000 members. We are therefore uniquely qualified to comment on the impact of government legislation and statutory instruments on vulnerable children and families.

We appreciate that in these times new practices may have to be adopted at pace. However, such practices need to be both appropriate and proportionate to maintain safeguards and protect the most vulnerable.

We are deeply concerned about the changes set out in the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 (henceforth 'the Regulations'). We are also concerned about the lack of consultation, parliamentary debate and scrutiny and the lack of checks and balances in place. We will address each of these in turn.

1. Content of the Regulations

There are numerous changes in the Regulations that are the subject of deep concern, here we will focus on just two: 'statutory visits' and independent reviews.

After a new placement for a child, social workers are no longer required to visit within set timescales but 'as soon as is reasonably practical' or undertake the visit by 'electronic means' e.g. a phone call. However, seeing the child *in situ* is central to safeguarding the child's well-being. We also note that for visits to take place appropriate personal protective equipment (PPE) must be available, a point which we have raised with the Prime Minister.

Independent reviews are also no longer to take place within set timescales but again 'as soon as is reasonably practical'. Checks on the well-being of the child by individuals outside the line-management structure are vital to ensure that work is being completed and appropriate plans for the future are made.

Many of the changes in the Regulations – like these two examples – are not mere bureaucratic regulations but enshrine best practice to protect the most vulnerable children and families.

2. Consultation

We appreciate that colleagues in the civil service are working at pace. It is, however, not acceptable that a statutory instrument is issued without any prior consultation. The process of consultation benefits civil servants too, it can iron out problems at an early stage and can engender ownership by the sector - both of which prevent problems further down the line. Moreover, we cannot help but

notice that many of the specifics of the Regulations reflect changes that were proposed by the Government as part of the Children and Social Work Bill, changes that were subsequently thrown out by a coalition of Parliamentarians.

3. Checks and Balances

Changes of this magnitude need to be introduced with appropriate support, structures and checks and balances. It is worth considering how changes ('Easements') to the Care Act 2014 were made: supporting ethical guidance and practice guidance were issued, a clear statement of when Easements could be adopted, and if the Easements were adopted there needed to be a formal decision taken by the Director of Adult Services. Under the Regulations there is no such requirement. Changes, within and between local authorities, risk being 'dribbled in' with no clear explanation or accountability and a resulting 'post-code' lottery for the most vulnerable children.

4. Conclusion

We note that the Regulations are due to expire on 25th September. We are therefore requesting the following:

- The government require local authorities that are struggling to maintain duties should seek support from neighbouring local authorities and / or national bodies before considering any changes to their services.
- The government to require local authorities for a clear public statement if they intend to adopt the Regulations and consequently lower standards.
- The government collect and publicise information about previous statutory obligations that are not being met and assess the impact of these changes. If they led to a deterioration of well-being and outcomes Ministers must re-consider their effect.

As a profession we will continue to work with our colleagues in other professions, and wider society to defeat Covid-19. However, we also want to ensure that the rights and safeguards of the most vulnerable children in society are not side-lined in this process.

We look forward to hearing from you at the earliest opportunity.

Yours sincerely,

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