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Vicky Ford MP

Parliamentary Under-Secretary of State for Children and Families

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Rita Waters, Chief Executive
NYAS (National Youth Advocacy
Service)

By email: rita.waters@nyas.net; ben.twomey@nyas.net

16 April 2020

Dear Rita,

Thank you for your letter 27 March, addressed to the Secretary of State, about the importance of protecting the rights and needs of care-experienced children and young people during the COVID-19 pandemic, and your suggestions for how to achieve this. I am replying as the minister responsible for this policy area. I would be grateful if you could share this response with your co-signatories.

I wish to start by thanking you and your organisations for the incredibly invaluable work you are doing to champion and support vulnerable children during this challenging period. Ensuring that vulnerable children remain protected is a top priority for government and you are all playing a vital role in achieving this.

Local authorities (LAs) are the corporate parents for looked-after children and care leavers and have the key day-to-day responsibility for delivery of children's social care. We are working hard to support LAs to deliver safe, effective services for our most vulnerable children and families and to ensure stability of services during this period of unprecedented pressure.

We are providing £1.6 billion of additional funding to LAs to address any pressures they are facing in response to the COVID-19 pandemic, including within children's social care and support for care leavers. LAs were notified of their individual funding allocations on 30 March. Further information is available at: tinyurl.com/t4m74Gc.

We know that some children and families need more support than others and that attending education settings is an important protective factor for children receiving support from a social worker. We want to prioritise supporting those most in need at this difficult time. That is why we have been clear that vulnerable children, including young people who have a social worker and those with education, health and care (EHC) plans, are still able to attend an educational setting at this time. Furthermore, we know that schools and other education providers may also want to support other children who are vulnerable and our guidance is clear that they have the flexibility to offer a place to those on the edges of receiving children's social care support if they are able to do so.

I have considered and addressed each of your points below.

1. Protect the rights of vulnerable children and young people within the implementation of the new Coronavirus Act.

During this period, we need to focus our efforts on helping LAs to keep children safe and that is why the government has not taken any primary powers to amend LAs' statutory duties with respect to children's social care. However, we recognise that, whilst they and their partners have specific duties under legislation, there will be times where it is not possible to meet those.

We intend to implement changes to a series of regulations as soon as possible to ensure that LAs have appropriate flexibility in the current context. At this time, we want leaders to feel empowered to make sensible, risk-assessed decisions to prioritise the protection of the most vulnerable, and to help their workforce do the same.

To support this, on 3 April, we published guidance for LAs on delivering children's social care at this time, which acknowledges the pressures that LAs are under to deliver statutory duties and the flexibility that there may need to be. The guidance sets out clear principles which should inform local decision-making and day to day practice such as being child-centred, evidence-informed, collaborative and transparent. The guidance is available at: tinyurl.com/r8rF2vG.

2. Extend an 'active offer' of non-face to face independent advocacy for every care-experienced child or young person where inspections are no longer taking place or services are reduced.

Advocacy is essential for making sure the voices of looked-after children and care leavers are heard during this challenging period. We have recently extended the contract for the 'Always Heard' national advocacy helpline and safety net service, delivered by Coram Voice, until 31 March 2021. This service, which remains fully operational, will continue to provide vital advocacy support to looked-after children and care leavers who cannot access support locally as well as signposting children and young people to their local services. The service will also provide valuable intelligence about issues facing looked-after children and care leavers during this time and how advocacy support is being provided at a local level.

3. Fund the extension and promotion of existing national helplines for care-experienced children and young people.

We recognise the value of existing helpline services and, where those are commissioned by the department, we will work with them to understand how they can most helpfully provide support at the current time.

4. Protect the mental health of care-experienced children and young people.

Children's mental health remains a priority for this government, particularly the mental health of the most vulnerable children and young people. The government is producing clear guidance for practitioners in the event that the powers contained in the Coronavirus Act 2020 are activated, to allow temporary flexibilities in the Mental Health Act. The guidance will include specific considerations for practitioners on the use of these flexibilities, including on the specific needs of people from vulnerable groups, including for children and young people younger than 18.

More generally, NHS England has asked all mental health trusts to review advice lines to ensure that 24/7 advice is available to people of all ages, including children and young people, through a single point of access, and mental health providers are also looking at how they can maximise the use of digital and virtual channels to keep delivering support to existing and new service users.

5. Work with the Children's Commissioner to put out position statements and communications for care-experienced children and young people

We are working closely with the Children's Commissioner who has, in line with her role to promote and protect the rights of children in England, raised various issues in relation to the impact of COVID-19 on vulnerable children. We are very grateful to her for working with us to consider where our efforts should be focussed, and we are updating her regularly about the progress of our work.

6. Support for children and young people who go missing

LAs have a statutory duty to protect all children, regardless of where they go missing from. This can be from home or from a care setting as a looked-after child. Responsibilities to missing children remain unchanged and we expect LAs to use their judgement to find suitable ways to meet their statutory duties as far as it is possible to do so, guided by the principles set out in the COVID-19 guidance for LAs on children's social care. This includes carrying out independent return home interviews in a way that adheres to Public Health England guidance e.g. remotely.

7. Do everything possible to assess all those transitioning from children's to adult social care

LAs should continue to act in the best interests of care leavers and be guided by the principles set out in the COVID-19 guidance for LAs on children's social care. We would encourage them to use their discretion to assess whether care leavers should continue to transition into suitable accommodation and/or independence or remain in their placement. We appreciate that finding suitable and available accommodation may be a challenge at the moment, and the need for young people to have stability and support at this difficult time. We are consulting with a range of LAs to understand the accommodation needs of their care leavers at this time and we are considering whether further measures are needed to ensure that care leavers can continue to stay in their placement longer or move safely, and with the support they need, into alternative accommodation.

8. Prevent children and young people from being placed in unregulated provision.

During this time, LAs should continue to carry out their duties in meeting the needs of the children they look after, including placing children in appropriate accommodation that keeps them safe and meets their needs. As we have set out in the 'Reforms to unregulated provision for children in care and care leavers' consultation, independent and semi-independent provision can be the right option for some older children, acting as a stepping stone to independence and adult life, but we believe this should not be an option for younger children. The consultation has been extended until 3 June and can be found at: tinyurl.com/w5wh35x.

We will continue to monitor the situation and speak to LAs about the challenges they are facing in light of this national emergency. We know many social workers, advocates, Independent Reviewing Officers and others are using technology to maintain contact with these vulnerable young people to ensure they have the support they need. I trust they will continue to provide much needed assistance through this difficult time.

Yours sincerely,

A handwritten signature in black ink that reads "Vicky Ford". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Vicky Ford MP
Parliamentary Under-Secretary of State for Children and Families