

SI 445 Timeline

A new law (SI 445) was introduced in England that removes and undermines the rights of care-experienced young people. This timeline shows how NYAS has been campaigning for it to be withdrawn.



27/03/20

NYAS sends an open letter to UK Government calling for greater protection for care-experienced children and young people during COVID-19

The open letter was signed by over 40 charities, organisations and care-experienced people. The letter regarding England can be viewed [here](#).

01/04/20

NYAS writes to the Children's Commissioner for England

to share with Anne Longfield our campaigning activity, including our call for greater protection of care-experienced children and young people during COVID-19.



15/04/20

NYAS survey opens, asking care-experienced children and young people under 25 about their experiences of the COVID-19 lockdown

The survey was open from the 15th April - 7th of May 2020 and received responses from 230 care-experienced children and young people across 55 local authorities in England and Wales.



22/04/20

NYAS receives reply from Minister for Children and Families Vicky Ford MP

The letter says that protecting vulnerable children is the government's "top priority" during COVID-19. The full letter can be read [here](#).

23/04/20

The UK Government publishes Statutory Instrument 445 (SI 445)

SI 445, also known as The Adoption and Children (Coronavirus) (Amendment) Regulations 2020, was published the day after we received Vicky Ford MP's letter. This was the first public announcement of plans to make 100 changes to children's social care regulations.

24/04/20

SI 445 becomes law in England

Without any parliamentary debate or consultation of care-experienced children and young people themselves, this law is passed to remove or dilute 65 legal protections that safeguard over 78,000 children in care in England. The statutory instrument can be viewed in full [here](#).



30/04/20

NYAS writes letter to the Minister for Children and Prime Minister, calling for the government to turn their words into action and protect vulnerable children

NYAS highlighted many of the vital protections that have been removed by SI 445, including timescales for social work visits, and called upon the government to turn words into action and withdraw SI 445. Our full letter can be read [here](#).

NYAS writes to key public figures, asking for support in our campaign to see SI 445 to be withdrawn

NYAS sends letters to the Education Committee, the Shadow Minister for Children and Early Years and the Children's Commissioner for England, among others, to ask if they will join us in calling for the legislation to be withdrawn.

30/04/20

Children's Commissioner for England calls for SI 445 to be withdrawn

Anne Longfield said, "If anything I would expect to see increased protections to ensure that the needs of care-experienced children and young people are met during this period", adding that "the changes are not justified." Her full statement can be read [here](#).



04/05/20

Alliance for Children in Care and Care Leavers, co-chaired by NYAS, calls for SI 445 to be withdrawn in an open letter to the Minister for Children and Families

NYAS Head of Policy, Ben Twomey co-ordinates campaign efforts as the elected co-chair of the Alliance of Children in Care and Care Leavers.

Leader of the Opposition, Sir Keir Starmer, lays down Early Day Motion for SI 445 to be withdrawn

The motion gains early cross-party support from Labour, DUP, Lib Dems and Green MPs. The list of early supporters can be viewed [here](#).

07/05/20

NYAS launches public letter writing campaign to MPs

Asking people across England to write to their MP and call for the rights of care-experienced children and young people to be reinstated. The campaign can be viewed [here](#).



04/05/20

NYAS writes to the Joint Committee on Statutory Instruments

Ahead of a Committee meeting to discuss recent law, NYAS asked the members to raise SI 445 for the special attention of Parliament.



07/05/20

NYAS join partners on #ScrapSI445 Campaign Group

NYAS join the sector-wide campaign group, working with other charities and care-experienced individuals including Article 39, Just for Kids Law, the British Association of Social Workers and Unison.



13/05/20

NYAS' campaigning featured on BBC North West, foregrounding the views of our care-experienced campaigns adviser, Charlotte

The coverage highlights some of the removed protections for care-experienced children and young people, and features NYAS' Head of Policy, Ben Twomey, and campaigns Advisor Charlotte, who says "We've come so far with children's rights, why are we going backwards." The clip is available [here](#).

20/05/20

Joint Committee on Statutory Instruments reports SI 445 to Parliament for "requiring elucidation and for defective drafting"

Following letters from NYAS and others, the Joint Committee sought to draw "the special attention of both Houses to these Regulations on the grounds that they require elucidation in three respects and are defectively drafted in one respect." Read their report [here](#).

21/05/20

NYAS 'Young Lives in Lockdown' report published

Our findings are taken from NYAS' survey of 230 care-experienced children and young people during lockdown. We find that over half of children in care, and four in five care leavers are feeling lonely more often. Our full report can be read [here](#).



21/05/20

NYAS receives reply from Minister Vicky Ford MP

Vicky Ford MP's letter states that the regulations 'are temporary and will expire on the 25th of September 2020 [...] or will be revoked as soon as is needed, even if that is sooner than the 25th of September.'

03/06/20

Petition launched to withdrawn SI 445

The 38degrees petition has now been signed by over 17,000 people. It was designed by the #ScrapSI445 campaign group, which NYAS is part of. The petition can be signed [here](#).



03/06/20

NYAS submits evidence to Education Select Committee on the implications of COVID-19 on children's social care

Our submission had two parts, the first providing evidence to a question asked by care leaver Charlotte on BBCNW, "why are we going backwards?", the second part giving evidence as to how we can move forward.



03/06/20

NYAS and Article 39 lead a twitter storm with the hashtag #ScrapSI445

The hashtag was used hundreds of times, with many people changing their profile picture to the #ScrapSI445 logo. This increased awareness among the public and added pressure to MPs in the week leading up to the parliamentary debate. NYAS' Head of Policy, Ben Twomey created a video explaining the impact of SI 445, which was retweeted by the Shadow Minister for Children, Tulip Siddiq MP.

05/06/20

Article 39 launches judicial review proceedings against the Department for Education

Seeking a reversal of the changes made by SI 445, Article 39's High Court application is supported by NYAS and other organisations within the sector. You can donate to their crowd-funder [here](#).

08/06/20

NYAS brief MPs ahead of vote in parliament on SI 445

Our briefing outlined the significant changes made by SI 445 and was sent to over 500 backbench MPs across all parties in England. It can be read [here](#).



10/06/20

MPs debate withdrawing SI 445 in the House of Commons, but vote against doing so

Whilst the motion was defeated by 260 votes to 123, the parliamentary debate laid bare the children's rights that had been dismantled by SI 445. The full debate, in which NYAS was referenced twice, is available to view [here](#).



24/06/20

NYAS submission to Education Committee on 'impact of COVID-19 on education and children's services' is published

Our written evidence on the impact of COVID-19 on education and children's services was published as part of the Education Select Committee's ongoing inquiry in England. It can be read [here](#).

30/06/20

NYAS submits evidence to the Joint Committee on Human Rights inquiry into COVID-19

To highlight the impact of Statutory Instrument 445 (SI 445) on the human rights of care-experienced children and young people living in England.

06/07/20

NYAS sends a letter to the Chief Social Worker asking for support to scrap SI 445

In the letter, NYAS drew attention to the 65 losses or dilutions to the rights of care-experienced children and young people made by SI 445.



14/07/20

Minister for Children and Families publishes a written statement on SI 445

The statement says that the regulations will lapse on the 25th of September 2020, and that where 'flexibilities' are used, local authorities and providers should ensure that they have a strong justification.

27/07/20

Article 39, backed by the #ScrapSI445 group, launches Judicial Review against Government over SI 445

The two-day legal challenge relied on three grounds that SI 445 was unlawfully made: that the consultation was unlawful, that SI 445 ran contrary to primary legislation for children, and that the Education Secretary did not give due regard to his duty to promote the welfare of children. NYAS contributed to Article 39's legal fund. Ben Twomey, NYAS' Head of Policy, reported on the court proceedings via twitter, reaching people over 100,000 times with his updates. The full thread can be read [here](#).



05/07/20

Chief Social Worker Isabelle Trowler responds to NYAS letter

The letter reiterated the Government's position, that no changes to primary legislation had been made. You can read the full letter [here](#).



04/08/20

NYAS responds to flawed DfE consultation on SI 445

The consultation was an online survey that appeared to deliberately restrict the ability to call for the immediate withdrawal of SI 445. After concerns were raised by academics, NYAS chose to offer a written response instead of completing the survey. You can read our response [here](#).

07/08/20

The High Court rules that SI 445 was made lawfully, but that safeguards should not be characterised as 'burdens'

Seeking a reversal of the changes made by SI 445, Article 39's High Court application is supported by NYAS and other organisations within the sector. You can donate to their crowd-funder [here](#).



24/08/20

Article39 granted appeal over Statutory Instrument 445

Article39's appeal of the High Court's judgement was permitted, and a Crowd Justice fundraiser raised over £12,000 to cover some of the legal costs involved. NYAS' Head of Policy, Ben Twomey reported on the news [here](#).



04/09/20

Article39 v Secretary of State for Education is heard in the Court of Appeal

The hearing took place over a one-day period, on the single ground that the consultation for SI 445 was unlawful. NYAS' open justice reporting reached over 80,000 people on Twitter. The thread can be read [here](#).

22/09/20

NYAS' written evidence on the impact of SI 445 is quoted by Joint Committee on Human Rights

NYAS submitted that the introduction of SI 445 should not have bypassed the ordinary 21-day standard, as the regulations affected over 78,000 children living in care in England. The final report of the Joint Committee on Human Rights can be read [here](#).



25/09/20

The majority of SI445 measures expire

The majority of measures introduced by the Government in April expired on the 25th of September. There was no guarantee that this would happen when SI 445 was introduced, showing the power of campaigning efforts by NYAS and the #ScrapSI445 campaign group. A small number of measures explicitly related to COVID-19 remain in place until next year.



24/11/2020

SI 445 is found to be unlawful by the Court of Appeal

In a landmark judgment, the Court of Appeal unanimously judged that SI 445 was unlawfully introduced by the Government in April. In his lead judgment, Lord Justice Baker said "It was manifestly in the interests of the vulnerable children who would be most affected by the proposed amendments that those agencies and organisations representing the rights and interests of children in care should be consulted."

The decision is a milestone victory for children's rights in England. NYAS is proud to have defended children's rights alongside the #ScrapSI445 group. We will never stop campaigning for the rights of care-experienced children and young people.



#ChangingYoungLives

This timeline was created by Lucy Croxton, Research and Policy Assistant and Ben Twomey, Head of Policy and Research

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