

Gavin Williamson CBE MP  
Secretary of State for Education

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

6<sup>th</sup> April 2020

Dear Ministers,

Ahead of our conversation tomorrow, I wanted to write to you with my thoughts on the new guidance for Local Authority children's social care departments on managing risks and pressures as a result of Covid-19, which I detail below.

My overarching concern with the guidance is that it makes clear that many statutory duties towards vulnerable children will not be met during this time and yet no legislation has been passed to detail exactly what regulations will be relaxed – unlike, for example, the changes to the Care Act requirements detailed in the Coronavirus Act. I believe the relaxation of duties indicated in this guidance are likely to be as significant as any of those covered by the Coronavirus Act and should therefore be set out in law, and be subject to due legislative scrutiny and the same review period as other measures in the Coronavirus Act. At a minimum, this guidance must provide similar protections as the guidance accompanying the Coronavirus Act does. The relaxation of duties should occur only when a decision has been taken that the workforce is significantly depleted, and this decision should involve the Principal Social Worker. This decision should be reviewed regularly so that there is less risk that this leads to long-term reductions in child protection duties

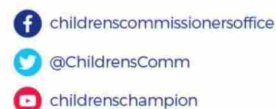
In addition to this published guidance, I would like to see a more strategic oversight from the Department about how Local Authorities can better safeguard vulnerable children at this time. Without the usual safety nets of schools, Children's Centres and other community services it will be much harder to identify if families are struggling and to offer them support. Additionally, there are already or will soon likely be staff shortages in those roles where people are still required to work directly with the most vulnerable children – such as social workers and children's home staff.

My team has produced a new dashboard to help the Department track, for each local authority in the country, a range of measures of Covid-19 risk, vulnerability and

Children's Commissioner for England: [Anne Longfield OBE](#)

---

Post: [Sanctuary Buildings](#), 20 Great Smith Street, London SW1P 3BT  
Tel: [I&S](#) Email: [info.request@childrenscommissioner.gsi.gov.uk](mailto:info.request@childrenscommissioner.gsi.gov.uk)  
Visit: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)



Help at hand is a service for children and young people in care,  
leaving care, living away from home or working with children's services  
Tel: [I&S](#) Email: [help.team@childrenscommissioner.gsi.gov.uk](mailto:help.team@childrenscommissioner.gsi.gov.uk)

performance in education, children's social care, secure settings, and the children's workforces. The tool combines existing data from DfE, CCO, MHCLG, ONS and others to provide a comprehensive baseline view of existing child and family vulnerabilities within each local authority. On top of that the dashboard includes a framework to track in real time critical performance indicators such as vulnerable children's school attendance; safeguarding responses for vulnerable children; and suspected outbreaks in children's social care settings, as well as a range of indicators from other government departments such as new Universal Credit claims, domestic abuse call-outs and child A&E attendance. This dashboard illustrates what can be done if we think ambitiously about how to ensure vulnerable children are not forgotten during this crisis, and about the insights that will help the government deliver the most effective Covid-19 response. We have shared this dashboard with a number of officials in the Department and hope they will incorporate it into their work.

I would like this dashboard to be used to drive a strategic response from the Department on nationally co-ordinating both volunteers and workers with relevant experience to fill the gaps in support for vulnerable children. We have seen the immense willingness of people to volunteer to look out for vulnerable adults – with over 600,000 people signing up to the GoodSam app – and their goodwill could be also be directed towards vulnerable families. The Department should also be matching any workers with relevant skills furloughed under the Coronavirus Job Retention Scheme to vacancies in essential frontline roles, and to ensure that doing so does not place their current employment status at risk.

#### Key concerns about the Children's Social Care Guidance

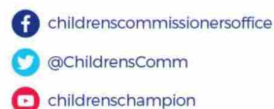
##### **Social work visits**


- The guidance states that Local Authorities should prioritise visits based on risk, as many are already doing. However, the Department should clarify whether Local Authorities should be factoring in whether those visits are statutory – with timescales set out in regulations - or be basing decisions purely on their own risk assessment.
- The guidance states that if refused entry social workers should conduct the visit in a way that allows them to check a child is 'not currently at risk of harm'. This would mean many visits where only a bare minimum of safety checking is happening, with no progress being made on any Child Protection or Child in Need plans. The Department should issue guidance on whether it

Children's Commissioner for England: [Anne Longfield OBE](#)

---

Post: Sanctuary Buildings, 20 Great Smith Street, London SW1P 3BT  
Tel:  Email: [info.request@childrenscommissioner.gsi.gov.uk](mailto:info.request@childrenscommissioner.gsi.gov.uk)  
Visit: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)



Help at hand is a service for children and young people in care, leaving care, living away from home or working with children's services  
Tel:  Email: [help.team@childrenscommissioner.gsi.gov.uk](mailto:help.team@childrenscommissioner.gsi.gov.uk)

expects plans to progress, and how this will be reflected in any reviews made of those plans.

- There will be significant challenges to carrying out some visits remotely – particularly those where workers have already been refused entry, unannounced visits, or visits to families who are reluctant to work with children's services. The Department should share examples of good practice where social workers have been able to reassure themselves of children's wellbeing without face to face visits in these circumstances.
- Ascertaining a child's genuine safety involves significant time investment and trust building, and speaking to children alone. This is near impossible from a doorstep or from a social distance. Social workers will need to get creative but it also needs acknowledging that their safeguarding powers will be extremely restricted.
- Some face to face visits will need to continue, and additional information is needed on how to carry out these visits safely – particularly when Social Workers may not have access to hand-washing facilities, and they do not yet have access to Personal Protective Equipment. The guidance states that PPE is only needed when families have symptoms or a diagnosis, but this cannot always be known in advance. Social workers cannot do their jobs properly without PPE and LAs therefore need to urgently know when this will be available to them and what will be included in these packages.
- Some Local Authorities are already coming up with ways to manage visits, and will be encountering new risks, challenges and opportunities. I would like to see a formal way for arising concerns to be reported to the Departments, and new guidance issued in response.

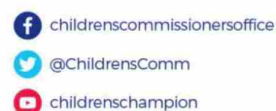
## Keeping Vulnerable Children in School


Given the safeguarding difficulties for social workers outlined above, I would like to see the guidance set out much more clearly the importance of ensuring that vulnerable children are, wherever possible, in school. It is vital that schools and local authorities work together closely to tackle this challenge and form a team around the child. The Department could point to some examples of good practice here, to highlight where this is working well. I would also like the guidance to be clearer that children without social workers, but who may have been in receipt of early help or

Children's Commissioner for England: [Anne Longfield OBE](#)

---

Post: Sanctuary Buildings, 20 Great Smith Street, London SW1P 3BT  
Tel:  Email: [info.request@childrenscommissioner.gsi.gov.uk](mailto:info.request@childrenscommissioner.gsi.gov.uk)  
Visit: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)



Help at hand is a service for children and young people in care, leaving care, living away from home or working with children's services  
Tel:  Email: [help.team@childrenscommissioner.gsi.gov.uk](mailto:help.team@childrenscommissioner.gsi.gov.uk)



have recently been referred to social care, should also be eligible for a school place.

## Placements and Sufficiency

- The guidance states that options are being considered for ensuring staffing in children's homes remains at a safe level. As set out above, I believe the Department needs to be doing more to co-ordinate supply and demand of relevant skilled workers at a national level.
- We have heard from some children's homes that their insurance is preventing them from taking on any child – whether or not they have Covid-19 – at the moment. This is an issue I have raised with your officials and I would like an urgent update setting out how the Department will ensure these homes are suitably protected.
- Many children's homes, and foster placements, are unsure of their powers to prevent children leaving the home. Guidance is urgently needed on whether and how a children's home can prevent a child from leaving the home when regulations set out that only Secure Children's Homes may do so, and what homes should do if they are not allowed to stop children leaving,
- The guidance should urge additional caution about using unregulated placements. The idea that now is a time when children in care can be moving towards independence seems inappropriate – this time of immense strain and pressure is not a time for children to be learning to manage their own finances, emotions and households.
- I am particularly concerned about how unregulated settings would respond should a child fall ill, given strict regulations that state they should provide support and not care. Urgent guidance is needed for unregulated settings on how to provide appropriate care during the pandemic.

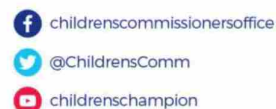
## Care Leavers


- The guidance sets out that Local Authorities should 'do their best' to provide

Children's Commissioner for England: [Anne Longfield OBE](#)

---

Post: Sanctuary Buildings, 20 Great Smith Street, London SW1P 3BT  
Tel:  Email: [info.request@childrenscommissioner.gsi.gov.uk](mailto:info.request@childrenscommissioner.gsi.gov.uk)  
Visit: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)



Help at hand is a service for children and young people in care,  
leaving care, living away from home or working with children's services  
Tel:  Email: [help.team@childrenscommissioner.gsi.gov.uk](mailto:help.team@childrenscommissioner.gsi.gov.uk)

Personal Advisors to care leavers. Although some changes to the way PAs provide support may be needed, I would like it made clear that Local Authorities retain their duty to allocate Personal Advisors to care leavers. These are likely to be particularly stressful times for care leavers, and some may be at risk of going hungry or losing accommodation at this time. They are likely to need more support than ever, and this should be made clear in the guidance.

- I would like guidance to make clear that the expectation will be for no child to be leaving care or a staying put arrangement during this period, unless to keep them in a placement would be going against their clear wishes. Funding should be made available to continue these placements.

### Advocacy

Given the pressures that so many children in care will be under, I would like the guidance to reiterate to local authorities the importance of ensuring that advocacy services are operating proactively, particularly where face to face advocacy may not be possible.

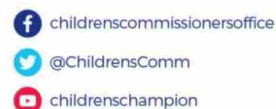
My team will continue discussions with your officials on these matters and I look forward to speaking to you tomorrow.

Yours sincerely,

PD

Children's Commissioner for England: [Anne Longfield OBE](#)

Post: [Sanctuary Buildings](#), 20 Great Smith Street, London SW1P 3BT  
Tel: [I&S](#) Email: [info.request@childrenscommissioner.gsi.gov.uk](mailto:info.request@childrenscommissioner.gsi.gov.uk)  
Visit: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)



Help at hand is a service for children and young people in care, leaving care, living away from home or working with children's services  
Tel: [I&S](#) Email: [help.team@childrenscommissioner.gsi.gov.uk](mailto:help.team@childrenscommissioner.gsi.gov.uk)