



Family Time/Contact for Looked after Children during the Covid 19 National Emergency – Policy Release 24.03.20

We have not yet received any central government guidance in respect of the approach that local authorities should take with regard to direct contact for parents and relatives of children in care.

The Association of Directors of Children's Services has been lobbying government for guidance. The Trust has also written formally to the DfE seeking guidance.

The Trust Executive has been urgently considering its approach taking into account available national guidance, the experience of other authorities, legal advice and the impacts already being experienced on the ability of the Trust to facilitate face to face contact.

The Trust is mindful of its legal responsibilities and the Courts powers which are summarised here as:

- For children in care the duty is to allow reasonable contact to persons set out in statute subject to a duty to safeguard and promote a child's welfare.
- Reasonable contact implies contact which is agreed between a local authority and parent or in absence of agreement, which is objectively reasonable.
- The general duty for all looked after children is to promote contact with parents, relatives and friends unless not reasonably practicable or consistent with their welfare to do so.
- Parents may apply to court for contact. The court has the power to make orders with conditions.
- Any important decisions about a looked after child involve obtaining the wishes and feelings of the child and parents and consulting with them before a decision is made.

Checks were made with other Local Authorities as to the approaches they were taking.

Those that responded were taking differing approaches, but most were moving to a position where for the next period of the crisis indirect contact using available IT solutions would be the norm.

There are situations where vulnerable children are having contact with teachers and other children through continuing to attend school. The guidance is that children should only attend where this cannot be avoided either in order to keep vulnerable children safe or to



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allow critical/key workers to carry out their roles. In those circumstances the key issue is that of necessity.

Solihull MBC has forwarded their policy document which has also been considered and adopted in part by the Trust.

As with Solihull the Trust is concerned that it simply cannot safely provide face to face contact service at the present time due to the number of people who need to be involved and the level of physical contact between family members.

There are additional pressures due to staff absence and pressure to close buildings during the crisis.

The Trust decided to await the Prime Ministerial announcement of 23.03.20 before reaching final decisions on a policy.

The Prime Minister has made it clear that the public health emergency requires that all of us must stay at home. He was clear that people:

“should not be meeting family members who do not live in your home”

He went on to say:

“That is why people will only be allowed to leave their home for the following very limited purposes: shopping for basic necessities, as infrequently as possible; one form of exercise a day – for example a run, walk, or cycle – alone or with members of your household; any medical need, to provide care or to help a vulnerable person; and travelling to and from work, but only where this is absolutely necessary and cannot be done from home.”

That announcement has brought the Trust to a firm policy decision that all contact for children in care during the crisis and subject to review should be indirect via Skype/Teams other available apps not just for the sake of the children's welfare but also for the protection of parents, relatives, foster carers, contact workers and our whole community

It is understood that the Chancellor of the Duchy of Lancaster, and Cabinet Member, has qualified the position in a TV interview that parents who live separately will also be allowed to move children under 18 between their houses. The Trust is unclear what weight should be given to this and does not see this as comparable to contact for children in care. This appears to be in respect of private matters, not those relating to children in care.

The Trust position is that at the current time continuing with face to face contact would mean that it was not compliant with its duty to safeguard and promote a child's welfare nor



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is the promotion of face to face contact practicable or consistent with children's welfare at this time.

The Trust seeks to adopt the approach being taken by Solihull with some adjustments and additions, with thanks for the thought that they have given to this.

As of 24/03/2020 and for the foreseeable future, face to face contacts will be replaced with virtual contact.

We will work hard to ensure the same regularity of contact. However, we will have to consider factors such as technology available and the availability of foster carers and residential homes and parents to supporting these arrangements in many instances. The Trust is willing to assist parents in providing solutions where technology is not available to them.

Where children are disabled and need help with communication we will help them via their usual method of communication

Where there is a need when English is not the first language we will support calls with interpreters.

We will be asking foster carers to take the lead in facilitating video calls at the current day and start time of contact. The foster carers will be responsible for calling parents and supervising the contact and ensuring adherence to time keeping. They will maintain a log of this contact in terms of dates, times and content and ensure the logs are provided to the social worker. All foster carers will be provided with a template for this log. The same applies to children's homes staff.

Foster carers will not be expected to have discussions with the parent for any other matters.

Parents are asked not to try and contact the foster carer. All communication from parents needs to continue to be via the allocated social work team.

Social workers will liaise with parents, relatives and carers on a child by child basis to agree durations of virtual contact, but the following is provided as a general guide:

- **0 – 2 years old:** A video of the child will be sent to parents by the social worker, this is on the basis that a video call will not provide much opportunity for meaningful interaction between parent and child.



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- **2 – 4 years old:** Up to 10 minutes in duration. If the child disengages with the call, the carer will seek to encourage engagement but if this cannot be achieved the call will be ended.
- **Infant school children (Reception – Year 2):** Up to 20 minutes in duration. If the child disengages with the call, the carer will seek to encourage engagement but if this cannot be achieved the call will be ended.
- **Junior school children (Year 3 – 6):** Up to 30 minutes in duration. If the child disengages with the call, the carer will seek to encourage engagement but if this cannot be achieved the call will be ended.
- **Secondary school children:** Up to 40 minutes in duration. If the child disengages with the call, the carer will seek to encourage engagement but if this cannot be achieved the call will be ended.

Contact will also be put in place for siblings in separate placements in the same manner dependent on age.

These arrangements will remain under constant review and considered in line with government guidance as this emerges.

The necessity for this policy to be put in place immediately for the safety of all has meant that it has not been practicable to consult widely. Of course, the Trust will consider the comments of the Judiciary and all interested groups in taking matters forward.

The first full review of the policy will be in 3 weeks in line with the Prime Ministers timescales.

Jenny Turnross
On Behalf of the Birmingham Children's Trust Executive
24th March 2020