

EMAIL

Eilís McDaniel
Childcare and Family Policy Directorate
Department of Health
Castle Buildings
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Belfast
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Ref: 20/CJS/KY/049

04 May 2020

Dear Eilís

Re: Draft Children’s Social Care (Coronavirus) Regulations (Northern Ireland) 2020

Further to our discussion on the 1 May 2020 and I would like to reiterate our observations and concerns regarding the draft Regulations as discussed. Firstly, I wholly accept the need, and indeed the duty, on the Department to undertake emergency planning in preparing for the COVID-19 pandemic to ensure that child protection and social care arrangements and services could continue to operate during the crisis and to bring forward necessary legislation to facilitate this. I also accept that there are still many unknowns about the course and impact of Covid-19 and the associated emergency measures on the health, safety and wellbeing of children and families in Northern Ireland and the stresses which these may place on our safeguarding and social care systems.

However, I remain mindful that it must be only as a last resort that statutory obligations to protect and support vulnerable children, such as those affected by the draft Regulations, should be weakened. The draft Regulations address, for example, the standards in placing children in foster, emergency and immediate placements and the frequency and methods used in reviewing the care of children in foster care, in residential care, in secure care and who have been placed or are awaiting placement for adoption.

As discussed, while I do not underestimate the current challenges faced by our health and social care system, I am of the view that the provisions of **the draft Regulations should not be used unless a clear threshold (with specific criteria) of the need for such use is evidenced in each case**. While it is welcome that the draft Guidance state that the changes “are intended to apply only where absolutely necessary and until normal services can be resumed,” these terms are

vague and open to interpretation and in my view the Guidance does not establish a suitably rigorous process for ensuring that this occurs in practice. **This should be addressed as a matter of urgency.**

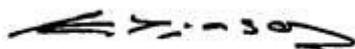
In relation to other aspects of the draft Regulations, I welcome the Department's commitment to strengthen the sunset clause of the proposals, to remove the proposal to extend the period of time a child can be detained in secure care without the authority of a court and to ensure that the emergency placement of a child with an approved foster carer is extended to 14 days *only* when this is in the context of COVID-19 related symptoms or illness.

As stated above NICCY appreciates the need for the making these arrangements and the assurances in the guidance that the best interests of the child must be the paramount consideration but I am concerned that there is a lack of clarity as to when these measure would be employed during the Covid crisis and following it should there be a substantial increase in referrals. **Alongside the criteria for use NICCY would welcome further information with regards to accountability and monitoring arrangements in place for when the measures are implemented.**

Finally, I welcome our ongoing engagement regarding the measures being taken to safeguard and support vulnerable children and families during the current crisis and look forward to this continuing.

Please do not hesitate to contact my office if you would like to discuss these matters further.

Yours sincerely



Koulla Yiasouma
Commissioner

CC:
Colm Gildernew, Chair of the Health Committee
Eilish Haughey, Clerk to the Health Committee

