

## EMAIL

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Ref: 21/CJS/KY/57

22 April 2021

Dear Eilís

### **Re: Children's Social Care (Coronavirus) Regulations (Northern Ireland) 2020**

Thank you for informing NICCY of the Department's intention to extend aspects of the above emergency Regulations for a further six month period.

I have previously stated that I am acutely aware of the impact of Covid-19 on the lives of children and families in Northern Ireland and also the pressures this has placed on children's social care as the scale and depth of the pandemic continues to unfold. The Department will be mindful of the weighty obligation on Government in emergency situations to ensure that any measures which dilute statutory safeguards should be applied only as a last resort and for the shortest time possible. Under such circumstances, I again highlight that the evidence base of the need for Regulations must demonstrate such need as related directly to the pandemic and that regular monitoring and reporting on the use of emergency measures must be in place.

**Legislative process:** While I welcome the early notice the Department gave NICCY regarding the consultation, I note concern that the formal two week consultation period which began over the Easter period is not sufficient to secure adequate engagement and scrutiny of the proposals. The timeframe in which the current Regulations will end has been well established and the Department's monitoring of the use of Regulations and ongoing assessment of the pandemic will have provided an early alert of any potential

consideration of extension and should have allowed the Department to put in place a **more robust consultation and scrutiny process.**

**Scope of proposals:** NICCY's welcomes that the proposed extension of Regulations will be limited to only a number of the current emergency measures and acknowledges that the Department has not sought to simply extend the Regulations in full. We particularly welcome that provisions regarding extended timeframes for undertaking children's reviews and pathways plans as well as modifications to fast tracked vetting and modifications to the representation and complaints procedures are not being included. The measures which are proposed relate to permitting visits to looked after children by social workers and visits to children's homes by registered providers to be undertaken virtually; to extend the timeframes for emergency placement with foster carers, for immediate placement including with kinship foster carers prior to approval and for completing foster carer reviews.

Whilst recognising the challenges of the current situation, NICCY remains concerned that the extension of the proposed Regulations is likely to have a **significant negative impact on children and young people and those who care for them and that any such extension should be subject to increased conditionality** to ensure provisions are used exceptionally and in direct response to Covid-19 as intended. This may include prioritising the views of children and recognising the cumulative impact of prolonged or repeated use of the provisions on children in the decision making process set out in the Department's Guidance. You may recall that NICCY is currently preparing a report on the impact of Covid-19 on children and young people and as part of this work has heard from children in care and in secure care about the deeply personal and difficult impact of having contact with key professionals, such as social workers, and family members by telephone and virtual means only. The Department will also be aware of Leaving Care During Covid<sup>1</sup> which was published by VOYPIC and sets out a number of key recommendations including on the maintenance of professional relationships and the provision of socially distanced face to face contact.

In seeking to extend the Regulations across the proposed range of provisions, including arrangements for emergency and immediate placements and foster carer approvals and reviews, the Department should provide further evidence to demonstrate that the use of Regulations to date and need for any further extension is not to address underlying

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<sup>1</sup> <https://www.voypic.org/wp-content/uploads/2021/01/Leaving-Care-During-Covid-19-in-NI-FINAL-YP-REPORT.pdf>

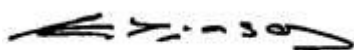
problems across children's social care system and pre-existing difficulties in meeting statutory standards prior to March 2020. In relation to this, NICCY notes that any extension of the proposals should pay particular attention to the variation in frequency of use of the Regulations across different provisions and different Health and Social Care Trusts in the monitoring and reporting process.

**Timeframe of proposals:** as noted earlier, the use of emergency measures should be for the shortest period possible and NICCY is not of the view that a 6 month extension to Regulations which will have been in place for twelve months should be sought. We note that if any extension is pursued **this should be for a three month period** only and in addition to this, the Department should set out the threshold at which the Regulations will not be considered necessary and will be revoked.

**Child Rights Impact Assessment (CRIA) and impact of the Regulations:** NICCY warmly welcomes the Department undertaking a CRIA as part of the development of the proposals. However, the Regulations have now been in place for a significant period of time and the Department should provide its assessment on the impact of the Regulations on children and young people, including any adverse impacts and how these have been addressed, and reflect this in the CRIA.

Please do not hesitate to contact my office if you require any further information.

Yours Sincerely



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Koulla Yiasouma  
**Commissioner**

CC: Colm Gildernew MLA, Chair Health Committee