

National lockdown in England: Briefing by The Fostering Network

Since the 5 November 2020 a national lockdown will be in force in England to curb the spread of coronavirus. The national lockdown means that people are expected to stay at home and avoid meeting people they do not live with, except for specific purposes, and certain business and venues will close.

The national lockdown will remain in place until the 2 December 2020 when the regional lockdowns and tiering system are suggested to come back into play. The Fostering Network's briefing on the Covid-19 alert level regulations and how they affect the fostering role is available [here](#).

From the 5 November you can leave home to visit people in your [support bubble](#), or to provide informal childcare for children aged 13 and under as part of a childcare bubble, to provide care for vulnerable people, to provide emergency assistance, attend a support group (of up to 15 people, other restrictions apply), or receive respite care. People can also exercise outdoors or visit an outdoor public place. Children under five are now not counted towards the limit of people gathering outdoors (which are restricted to no more than two people) or for a support group.

This briefing was last updated: 17 November 2020

Guidance and regulations

The relevant guidance:

- [New National Restrictions from 5 November](#)
- [Coronavirus \(COVID-19\): guidance for children's social care services](#)

The regulations:

- [The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 4\) Regulations 2020](#)

The regulations list exceptions to the lockdown restrictions relevant to the fostering role. The following briefing explains where the exceptions apply. Henceforth, the Coronavirus (COVID-19): guidance for children's social care services is referred to as 'the guidance' and The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 are referred to as 'the regulations'.

What does this mean for fostering?

There are exceptions to the national lockdown in relation to fostering for the following purposes:

- Contact arrangements
- Short breaks for looked after children
- Social worker visits
- Panels and reviews
- Moving to adoption transitions
- Support groups
- Training

Any decision to use any of these exceptions must be made on a case by case basis, and: keep the individual needs of the child at the heart; take into consideration the feelings of the birth family; take into consideration the feelings of the foster family; include an evaluation and risk assessment of the local circumstances, risk levels for individuals involved and infection rating; and, adhere to [social distancing](#) and [public health guidelines](#).

Contact arrangements

Contact arrangements are an exception to the lockdown and can continue face to face, indoors or outdoors. Our [contact checklists for foster carers and social workers](#) can help think through this decision making process on how best to take contact arrangements forward given the current public health context, what is best for the child, and the wishes and feelings of the birth family and foster family.

The regulations state:

- In paragraph 6, exceptions on leaving home: (12) Exception 9 is that it is reasonably necessary for P [person concerned] to leave or be outside P's home—
 - (a) for the purposes of arrangements for access to, and contact between, parents and a child where the child does not live in the same household as their parents or one of their parents;
 - (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
 - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989(a), or
 - (ii) a relevant child, within the meaning of section 23A(a) of that Act;
- In paragraph 11, exceptions in relation to gatherings: (16) Exception 13 is that the gathering is reasonably necessary—
 - (a) for the purposes of arrangements for access to, and contact between, parents and a child where the child does not live in the same household as their parents or one of their parents;
 - (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
 - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989(a), or
 - (ii) a relevant child, within the meaning of section 23A(b) of that Act.

The guidance states:

Contact arrangements should, therefore, be assessed on a case by case basis taking into account a range of factors, including the government's current [social distancing guidance](#) and [guidance on meeting people outside your household](#) and the needs of the child.

Short breaks for looked after children

Short breaks for looked after children are an exception to the lockdown restrictions. Exploring what is available to best support a child's needs should be of prime consideration and confirmed in the child's care plan. Equally, any assessment of the child's needs should consider the support that a foster carer needs to enable them to provide the best care possible.

Decisions regarding planned breaks must be made on what is best now, in the current public health context, risk assessing in line with the current situation locally regarding Covid-19, and not based on much earlier decision making or long-standing arrangements. Our [factors to consider when resuming planned breaks](#) resource can act as a guide to decision-making in this context.

The regulations state:

- In paragraph 6, exceptions on leaving home: (7) Exception 5 is that it is reasonably necessary for P to leave or be outside P's home—
 - (b) for the following purposes—
 - (i) respite care being provided for a vulnerable person or a person with a disability, or
 - (ii) a short break being provided in respect of a looked after child (within the meaning of section 22 of the Children Act 1989(b)).
- In paragraph 11, exceptions in relation to gatherings: (9) Exception 6 is that the gathering is reasonably necessary for the purposes of—
 - (a) respite care being provided for a vulnerable person or a person with a disability, or
 - (b) a short break being provided in respect of a looked after child (within the meaning given in section 22 of the Children Act 1989).

NB looked after children are not considered vulnerable in these regulations. In this instance, a "vulnerable person" includes:

- (a) any person aged 70 or older;
- (b) any person aged under 70 who has an underlying health condition, including (but not limited to) the conditions listed in sub-paragraph (3);
- (c) any person who is pregnant.

The guidance in relation to accessing respite can be found at: [education and childcare settings: new national restrictions from 5 November 2020](#) under children's social care and vulnerable and disadvantaged children and young people. It reads as follows:

Looked after children and their foster families can access respite care (short breaks), where it is needed to prevent potential placement breakdown or to provide some additional support to the family.

These provisions allow children to leave their foster home to stay with a respite carer, or for another carer to come into the fostering household to give the carer an opportunity to recharge.

We would encourage fostering services to consider how they can offer respite care safely during the coming weeks, whilst making every effort to manage the risks that contact between different households may present. This may be through existing support bubbles, community care models, or relationships between local carers, for example.

Social worker visits

Visits from a social worker to a fostering household are an exception as they are for work purposes. However, the Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020 now allows visits to a looked-after child, as required by the Care Planning, Placement and Case Review (England) Regulations 2010, to be carried out over the telephone, a video link or other electronic communication methods. For more information about the amendments to the Adoption and Children regulations, please read [our briefing](#).

The regulations state:

- In paragraph 6, exceptions on leaving home: (4) Exception 2 is that it is reasonably necessary for P to leave or be outside P's home—
 - (a) for the purposes of work or to provide voluntary or charitable services, where it is not reasonably possible for P to work, or to provide those services, from home

The guidance states:

The use of virtual visits should be the exception and can be used as a result of public health advice or when it is not reasonably practicable to have a face-to-face visit otherwise for a reason relating to the incidence or transmission of coronavirus (COVID-19). This could include in the event of local restrictions, self-isolation or social distancing advice due to coronavirus (COVID-19).

As good practice, children and young people should be told why a face-to-face visit is not possible and be advised of their right to advocacy or support.

This does not provide blanket cover for all such visits to be held virtually. Wherever possible, visits should be held face-to-face. This can include considering whether it is possible to move the time or location of the meeting within the statutory timescales.

Panels and reviews

Any panel or review meeting in fostering would also be an exception for work purposes however, exceptions apply differently, depending on where meetings take place:

- If the panel or review meeting occurs in the fostering household, then the work exception (listed above) applies to social workers or other individuals leading or participating in the meeting and going into the foster carer's home for work purposes.
- Where panel or review meetings happen outside of the foster home, and the foster carer attends another venue to join the meeting, it is the foster carer that is exempt as they are in attendance for work purposes.

As the regulations state, face to face meetings should only be happening where entirely essential, the need is sufficient to meet face to face, and appropriate risk assessments have been taken.

Moving to adoption transitions

The regulations provide exceptions to the lockdown restrictions for the purpose of making arrangements for prospective adopters (including their household) to meet a child or children who may be placed with them for adoption.

Foster carers can also be present at the introductory meetings, if their presence is reasonably necessary for the purposes of the introductory meetings. This ensures that foster carers and approved adopters can continue take part in adoption introductory meetings and prevent unnecessary delays to children moving in with their adoptive family.

The regulations state:

- In paragraph 6, exceptions on leaving home: (12) Exception 9 is that it is reasonably necessary for P to leave or be outside P's home—
 - (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005(b) (see regulation 35(2) of those Regulations)
- In paragraph 11, exceptions in relation to gatherings: (16) Exception 13 is that it is reasonably necessary for P to leave or be outside P's home—
 - (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005(b) (see regulation 35(2) of those Regulations)

The guidance states:

Whilst we understand that introductory meetings will sometimes be challenging in the current circumstances, there needs to be a case by case, risk-based decision about what is right in the circumstances. Adoption agencies should consider utilising communication technology to continue with the adoption process. Agencies should consider whether face-to-face introductory meetings could begin if all parties are comfortable with the arrangements, such as adopters visiting the foster carer's home and spending time with the child(ren) and vice versa.

Support groups

Support groups for foster carers are an exception however, some restrictions still apply.

The regulations state:

- In paragraph 6, exceptions on leaving home: (7) Exception 5 is that it is reasonably necessary for P to leave or be outside P's home—
 - (a) to attend a meeting of a support group which is permitted to meet under regulation 11(6);
- In paragraph 11, exceptions in relation to gatherings: (6) Exception 5 is that—
 - (a) the gathering—
 - (i) is of a support group,
 - (ii) consists of no more than 15 persons, and
 - (iii) takes place at premises other than a private dwelling, and
 - (b) it is reasonably necessary for members of the group to be physically present at the gathering.

- (7) In determining whether the limit in paragraph (6)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.
- (8) For the purposes of paragraph (6), “support group” means a group or one to one support which is organised by a business, a charitable, benevolent or philanthropic institution or a public body to provide mutual aid, therapy or any other form of support to its members or those who attend its meetings.

Training

Training is also an exception. However, many services have had success running training sessions virtually, and continue to do so.

The regulations state:

- Paragraph 6, exceptions on leaving home: (4) Exception 2 is that it is reasonably necessary for P to leave or be outside P’s home—
 - (b) for the purposes of education or training

Author: Daisy Elliott