Making Arrangements for Contact for Children in Care

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At the outset of the Covid-19/coronavirus pandemic in March 2020, face-to-face contact between children in care and their parents largely stopped in order to comply with Government guidance around public health and safety. At that time, virtual contact was often the only possibility, and local authorities adjusted their practices accordingly. Restrictions were subsequently loosened, and local authorities have attempted to balance the needs for individual and public safety with the need to meet agreed contact plans.

Under the current lockdown in England there are limits on contact between different households. However, there is a specific exemption made for contact with parents where children do not live with both parents, and an exemption for contact between siblings where one of them is a looked after child. There are also exemptions for linked households and linked childcare households
https://www.legislation.gov.uk/uksi/2020/1200/pdfs/uksi_20201200_en.pdf).

These guidelines mean that face-to-face contact (including overnight stays) with parents and siblings is permissible, and contact of this nature can take place, subject to the necessary risk assessments. This will still need to be considered on an individual basis.

In making contact plans, the safety, health and welfare of children, their carers and birth parents must always be the overriding priority, and the local authority must agree a plan in each case that is based on the outcome of a full risk assessment. In considering the most appropriate contact plan in individual cases, the local authority will need to make a carefully balanced judgement, taking into account a range of factors:

- The legal status of the child is crucial and decisions will need to take into account whether face-to-face contact is required in order to comply with a court order. Where that is the case, it will be necessary to be clear about what is specified in the order regarding frequency and length of contact, and any other matters.

- The care plan for the child is also important in that, in some situations, it will be more crucial to have face-to-face contact than in others. Failure to set up face-to-face contact between parents and their babies working towards reunification will almost certainly impact adversely on attachment and bonding, and will make permanent separation more likely. This should be avoided.

- Consideration will need to be given as to whether any face-to-face contact might be possible while also complying with social distancing guidelines. In practice, that will mean children and family members remaining two metres apart from each other if possible, maybe in a garden or outside space. Even where contact needs to be supervised, it is possible to do this creatively and in a way that minimises risk. This is likely to be more achievable with older children than with younger ones, but will need individual consideration rather than a blanket policy.

- In some cases, virtual methods such as "live" video may have been used, and the extent to which this met the needs of all parties – especially the children – will need to

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be taken into account. Where virtual contact is established and working well, this might suggest that face-to-face contact is less important than in cases where the quality of contact is poor or not serving its purpose.

- Linked to this, the views of the child, parents and carers about contact will be crucial. It may be that there is a level of agreement about what is best, but even where that is the case, the local authority must be reassured that what is proposed is safe. Every child must have an opportunity to express their thoughts and feelings about these issues in a supportive and open way, and may need support from a trusted adult to help them to articulate their feelings. Some children will also need reassurance and help to manage their anxiety about coronavirus and its implications.

- It is important to recognise that in some cases, the child, carer or parent, or members of their households will be particularly vulnerable in relation to Covid-19 as the result of age or existing health conditions. There is also evidence that black and minority ethnic individuals are statistically more vulnerable to the virus, although the reasons for this are not entirely clear.[1]

- Individual risk assessments should be conducted prior to any face-to-face contact, and if any of the parties has Covid-19 symptoms or is self-isolating, then face-to-face contact will almost certainly not be deemed safe.

- It will also be relevant to take account of whether the parties have been observing social distancing advice in their day-to-day life. This could potentially be a crucial aspect in making a judgement about the likely safety or otherwise of a face-to-face contact meeting.

Studies undertaken by the Nuffield Family Justice Observatory about contact over the period of the pandemic,[2] and virtual contact more generally,[3] have reached a number of conclusions that are relevant to those planning virtual contact:

- Virtual contact cannot usefully be seen as either entirely positive or negative. It will depend on individual circumstances, including the quality of the child's relationship with the birth family member.

- For some children and young people, especially older children, virtual contact can be more immediate, less formal, safer, and leave them feeling more in control.

- Virtual contact might be less successful for some disabled children, younger children and babies, especially where physical touch is an important factor in the communication.

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[1] www.gov.uk/government/publications/covid-19-review-of-disparities-in-risks-and-outcomes

[2] Neil E, Copson R and Sorensen P (2020) *Contact during Lockdown: How are children and their birth families keeping in touch?*, Briefing paper, London: Nuffield Family Justice Observatory/University of East Anglia

[3] Iyer *et al* (2020) *The Effects of Digital Contact on Children's Wellbeing: Evidence from public and private law contexts*, Rapid evidence review, briefing paper, London: Nuffield Family Justice Observatory

- Virtual contact needs to be supported and, where necessary, supervised, including support with using the technology. This is not always straightforward.

- Virtual contact will likely be more successful when it is carefully planned and designed to be child-friendly, to include games, songs, stories and crafts.

- The involvement of foster carers in virtual contact can be experienced as a positive element, but in some circumstances can be seen as violating the safe space of the foster home.

Local authority practice should be informed by this evidence.