

Rt Hon Gavin Williamson CBE MP
Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT



Cc Vicky Ford MP, Parliamentary Under Secretary of State for Children and Families

27 March 2020

Call to action to protect the rights and needs of care-experienced children and young people during the COVID-19 response

Dear Secretary of State,

As care-experienced people and leaders of charities and organisations working with care-experienced children and young people across England, we are united in our efforts to protect their rights during the Coronavirus pandemic as required by international treaties including the UN Convention on the Rights of Child, the Children Act 1989 and associated legislation.

As well as ensuring that proper measures are in place to keep staff safe and cared for, it is imperative that children's rights are protected and their welfare is promoted, particularly in times of serious risk and uncertainty. Every child has the right to feel safe. Every child has the right to be involved in decisions being made about them., we are calling on you as Secretary of State to ensure the following protection and support is provided without delay.

- 1. Protect the rights of vulnerable children and young people within the implementation of the new Coronavirus Act.** We deeply regret the statutory exemptions made in the emergency legislation, and trust local authorities will do everything possible to fulfil their obligations to those children and young people affected by the legislation, including disabled children, young carers and those detained under the Mental Health Act. We urge you to give particular emphasis to maintaining support for those who are care-experienced, subject to child protection, or with contact arrangements in place through accredited contact centres. Children must be provided with the necessary access to equipment to enable non-face to face support through the use of technology.

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2. **Extend an ‘active offer’ of non-face to face independent advocacy for every care-experienced child or young person where inspections are no longer taking place or services are reduced.** This will help to ensure that care-experienced children and young people can still access advocacy support when needed. Advocates protect young people’s rights, promote their voice and keep them safe. The ‘active offer’ is an opt-out model used across Wales when a young person enters care or significant changes are made to their care plans, and is a practical measure to protect rights during these times.
3. **Fund the extension and promotion of existing national helplines for care-experienced children and young people.** Do not divert human or financial resources into the setting up of new helplines. Existing helplines can be used as ‘one stop advice lines’ providing signposting and advice on all support services currently operating.
4. **Protect the mental health of care-experienced children and young people.** Care-experienced children are four times more likely to have a mental health difficulty, which in many cases is attributed to isolation and loneliness. We are concerned by the relaxation of the rules on the detention and release of children under the Coronavirus Act and urge the inclusion of an ‘active offer’ of advocacy for them. We ask that arrangements be put in place to ensure independent mental health advocacy services, rather than hospital managers or other staff, proactively inform children of their right to an advocate and the help they can provide.
5. **Work with the Children’s Commissioner to put out position statements and communications for care-experienced children and young people.** The Children’s Commissioner, as a champion of children’s rights, must continue to lead the way with the provision of clear summaries on the rights and entitlements of care-experienced young people during this time, and provide reassurance to children and the sector. The government must support them with the promotion of these materials and timely responses to any issues raised by the Commissioner.
6. **Support for children and young people who go missing.** With the enforced ‘lockdown’ and restriction of movement for children in care and care leavers, we must anticipate and prepare for an increase in the number of children and young people who could be reported as ‘missing’. The need for independent Return Interviews must be included in any offer of support for vulnerable children and young people, and steps must be taken to avoid criminalising them under any new police powers.
7. **Do everything possible to assess all those transitioning from children’s to adult social care.** Leaving care can be a frightening and precarious time for a young person even in normal circumstances. The Coronavirus Act has the potential to make life even harder for young people reliant on care and support under the Care Act

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2014. Care leavers need effective safeguarding processes in place and independent advocacy to have the best opportunity to thrive after care. Wherever possible, we would ask that the government encourage and support local authorities to delay the leaving care process so that young people can remain with their current carers and are not forced to leave home at this tremendously difficult time.

8. **Prevent children and young people from being placed in unregulated provision.** During this time of crisis we are urging the Department for Education to set out rigorous measures to safeguard children in unregulated accommodation equivalent to that in registered and regulated children's homes, with the 2015 Quality Standards being expected to be explicitly stated in all contractual procurement arrangements for such placements. Social workers, IROs, Independent Visitors and Advocates should increase contact using technology assuring the material and emotional wellbeing and welfare of young people is maximised during a period of intense anxiety. Children and young people in such settings should not feel they are facing this period of crisis alone. Corporate parents need to be active with close supportive parenting. Government must act to direct local authorities to ensure the rights of young people in unregulated and unregistered settings are upheld.

The steps that we have outlined above will be vital in safeguarding the rights and welfare of society's most vulnerable children and young people and we call on you to ensure that they are implemented without delay.

Best regards,

Rita Waters
Chief Executive
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