



The Adoption and Children (Coronavirus) (Amendment) Regulations 2020

The purpose of this document is to provide a summary of the amendments that have come into force from 24 April 2020 under the The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 - <http://www.legislation.gov.uk/uksi/2020/445/made>.

This document is intended for internal use only and should not be disseminated further without consultation with legal services.

The government has said that the amendments have been made in order to assist the children's social care sector during the coronavirus pandemic.

The amendments cease to have effect on the 25 September 2020, unless extended further. The regulations apply to England only.

The regulation makes temporary amendments to 10 sets of Regulations to "relax and amend requirements imposed under them".

The regulations temporarily amended are:

- the Adoption Agencies Regulations 2005
- the Care Planning, Placement and Case Review (England) Regulations 2010
- the Fostering Services (England) Regulations 2011
- the Children's Homes (England) Regulations 2015
- the Residential Family Centres Regulations 2002
- Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc) Regulations 2015
- the Children (Private Arrangements for Fostering) Regulations 2005
- the Children Act 1989 Representations Procedure (England) Regulations 2006
- the Education and Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007 and
- the Children Act 2004 (Joint Area Reviews) Regulations 2015.

Summary of the key changes:

- Social worker visits to children in care can now take place via a phone call but clear 6-weekly duty removed.
- Six-monthly independent reviews of a child's care no longer mandatory.
- Adoptions to "proceed swiftly".
- Relaxation of notification duties in respect of criminal offences in relation to fostering agencies.
- Placement plans no longer necessary for kinship care placements.
- Twice-yearly Ofsted inspections of children's homes no longer required.

- Monthly independent visits and reports on children’s homes no longer mandatory.
- ‘Emergency’ foster care placements to last for 24 weeks rather than 16 weeks.
- Short breaks can last for 75 days with reduced care planning safeguards. The single short break of more than 17 days no longer triggers the safeguards.
- Local authority action in relation to children who are privately fostered becomes “reasonably practicable”, rather than this being completed within 7 working days of the local authority being notified.
- Adoption agencies no longer required to establish adoption panels, and fostering panels become optional.
- Suitability of foster carers can be assessed in the absence of health information and criminal records checks. These still have to be obtained but not timescales around this.
- “Reasonably practicable” caveat added to timings of independent review of children’s social care complaints.
- Children’s homes will be able to deprive a child of their liberty if this is authorised by a court order or in accordance with the powers under Schedule 21 to the Coronavirus Act 2020, i.e. where a child has Covid-19 in a children’s home and restrictions are placed upon the as a result of this.

1. Amendment of the Residential Family Centres Regulations 2002:

These are amended to relax some timescales and to make it clear that interviews need not be conducted face-to-face.

Regulation 10(1) has been relaxed so as to allow the registered person to use reasonable endeavors as to how the residential family centre is conducted to promote the health and welfare of residents and make provision for the care, treatment, education and supervision of residents as appropriate to their age and needs.

Regulation 20(5), which relates to complaints, is amended to provide for the registered person to respond, as far reasonably possible, within 28 days after the complaint is made.

Regulation 25 in relation to visits by registered providers to residential family centres is amended to allow for these visits to take place as far as reasonably practical once a month, which may be unannounced, and may take place via telephone, videolink or other electronic means.

2. Amendment of the Adoption Agencies Regulations 2005:

These regulations set out the process for assessing the suitability of people to adopt a child and the suitability of children to be adopted. The amendments remove the duty on adoption agencies to refer cases to the adoption panel, make some amendments to the adopter approval process, to enable information that currently has to be collected during stage 1 of the approval process to be collected during stage 2, and relax some timescales within which adoption agencies must take steps.

Regulation 4(1) is amended to provide that the adoption agency may constitute one or more adoption panels, as necessary to perform its functions under the regulations.

Regulation 4(2) is amended to remove the requirement that an adoption panel has sufficient members.

Regulation 6(1)(c) is amended in that only one other independent person is required for adoption panel.

Regulation 17(2C) which relates to the requirement to prepare a child's permanence report is amended to reflect that where a case does not fall within paragraphs (2) of regulation 17 the adoption agency must decide whether to refer to case to adoption panel or proceed to make a decision under regulation 19 without a referral to adoption panel.

Regulation 23(1)(e) is amended to state *The adoption agency must set up a case record in respect of the prospective adopter ('the prospective adopter's case record') and place on that case record where applicable the written record of the proceedings of the adoption panel under regulation 30A (and where applicable regulation 30B(8)), its recommendation, the reasons for the recommendation and any advice given by the panel to the agency.*

Regulation 27(1) is amended so that an adoption agency may make a decision as to whether a prospective adopter may or may not be suitable to adopt a child even if the information required under regulations 25 (police checks) and 26(b) (report from medical adviser) have not yet been obtained. In addition regulation 27(2) is amended to say that an agency must make where reasonably practicable, its decision to approve prospective adopters within 2 months of when the prospective adopters were notified by the agency to proceed with the pre-assessment process.

Regulation 28(1) is amended in that regulations 28-30G (the assessment decision stage) apply where the prospective adopter notifies the adoption agency that they wish to continue with the assessment process following notification that they may be suitable to adopt under regulation 27(4), rather than within six months from the date they were notified. Regulation 28(2) is thereafter removed, which relates to prospective adopters wishing to continue with the assessment process more than 6 months from which they were notified.

Regulation 30 which relates to the prospective adopters report, is amended at paragraph (5)(a) to state that where applicable the adoption agency must notify the prospective adopter that the prospective adopter's application is to be referred to the adoption panel. Paragraph (6) is amended to state that at the end of the 5 working days prospective adopters have to send their observations in writing to the agency of the assessment completed of them (or longer where this timescale is extended) the adoption agency must decide whether or not to refer the case to an adoption panel or proceed to make a decision under regulation 30B without such a referral and, if the case is being referred to an adoption panel, the adoption agency must send the items detailed under paragraphs (6)(a)-(c).

Regulation 30B(1) (Adoption agency decision and notification) is amended to say that the adoption agency must decide whether the prospective adopter is suitable to adopt a child where reasonably practicable, within 4 months of the date the agency received notification that the prospective

adopters wished to proceed with the assessment process, subject to para (2) which sets out where the agency may delay this decision.

Inserted is regulation 30B(1A) which says the adoption agency must not make a decision under paragraph (1) until it has obtained the information requested under regulations 25 (police checks) and 26(b) (report from medical adviser).

Regulation 30B(5)(c)(ii) is now subject to new regulation 30B(5A) which provides “(5A) Where the adoption agency consider that the prospective adopter is not suitable to adopt because of information obtained under regulation 25 or 26(b) the prospective adopter may not apply to the Secretary of State for a review by an independent review panel of the qualifying determination.”

Regulation 30D(4)(b) has been amended so that there a an adoption agency considered, on review, that the prospective adopter may no longer be suitable to adopt a child it must decide whether or not to refer the case to the adoption panel and, where applicable notify the prospective adopter that the case is to be referred to the adoption panel;

Regulation 31(3) is amended to provide that where the adoption agency remains of the view that the proposed placement should proceed, it must notify the prospective adopter whether the proposed placement is to be referred to the adoption panel and give him a copy of the adoption placement report, inviting him to send any observations in writing to the agency within 10 working days, beginning with the date on which the notification is sent. Regulation 31(4) is thereafter amended to at the end of the period of 10 working days referred to in paragraph (3) (or earlier if observations are received before the 10 working days has expired) the adoption agency must decide whether or not to refer the case to an adoption panel or to proceed to make a decision under regulation 33 without such a referral and, where the case is being referred to an adoption panel, the adoption agency must send the adoption placement report; the child’s permanence report; and the prospective adopter’s report and his observations, to the adoption panel.

Regulation 33(1) is amended to provide that the adoption agency must take into account any recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption with the particular prospective adopter.

Regulation 36 which relates to the review of children who the agency is authorised to place for adoption but have not yet been placed the following are inserted:

(A1) Subject to paragraph (B1) an adoption agency does not have to carry out a review required by this regulation where the adoption agency decide that it is not reasonably practicable to carry out the review of the child’s case.

(B1) Paragraph (A1) does not apply where the adoption agency is satisfied that a review is necessary to safeguard and promote the welfare of the child.”

3. Amendment of the Children (Private Arrangements for Fostering) Regulations 2005:

The Children (Private Arrangements for Fostering) Regulations 2005 are amended to relax timescales within which local authorities must take steps.

Regulation 4(1) is amended so that where a local authority have received notification under regulation 3 of someone's intention to foster a child privately they must, for the purposes of discharging their duty under section 67(1) of the Act (welfare of privately fostered children), arrange for an officer of the authority as soon as reasonably practicable to, visit the premises where it is proposed that the child will be cared for and accommodated; visit and speak to the proposed private foster carer and to all members of his household; visit and speak to the child, alone unless the officer considers it inappropriate; speak to and, if it is practicable to do so, visit every parent of or person with parental responsibility for the child; and establish such matters listed in Schedule 2 as appear to the officer to be relevant removing the need for this to be completed within 7 working days.

Regulation 7 which relates to action to be taken by a local authority on receipt of notification about a child being fostered privately is amended at paragraph (1) to provide that where a local authority have received a notification under regulation 5 (notification from a person already fostering a child privately) or 6 (notification of a child going to live with a private foster carer) they must for the purposes of discharging their functions under section 67(1) of the Act, arrange for an officer of the authority as soon as reasonably practicable to visit the premises where the child is being cared for and accommodated; visit and speak to the private foster carer and to all members of his household; visit and speak to the child, alone unless the officer considers it inappropriate; speak to and, if it is practicable to do so, visit every parent of or person with parental responsibility for the child; and establish such matters listed in Schedule 3 as appear to the officer to be relevant removing the need for this to be completed within 7 working days.

Regulation 8 which relates to subsequent visits to children being privately fostered is amended at paragraph (1) to provide that:

- in the first year of a child being privately fostered the child should be visited where reasonably practicable, removing the need for this to be completed at intervals of not more than 6 weeks.
- In the second or subsequent years for the child to be visited where reasonably practicable, removing the need for this to be completed at intervals of not more than 12 weeks.

4. Amendment of the Children Act 1989 Representations Procedure (England) Regulations 2006:

The Children Act 1989 Representations Procedure (England) Regulations 2006 are amended to relax timescales within which local authorities must take steps.

Regulation 18 (Request for review panel) is amended as follows:

(1) Where the complainant is dissatisfied with the outcome of the investigation of his representations under regulation 17 the complainant or, where one has been appointed, his advocate may request that the representations be further considered by a panel in accordance with regulation 19.

(2) A request under paragraph (1) must be made within 20 working days of the date on which the complainant received the notice of the local authority's response, or as soon as is reasonably practicable, and must set out the reasons for the complainant's dissatisfaction with the outcome of the investigations.

Regulation 19(4) is amended so that where a local authority has received a request for a review panel the panel should meet within 30 working days of the local authority receiving the request in accordance with regulation 18, or as soon as is reasonably practicable.

Regulation 20 which relates to the recommendations of the review panel, referred to above, is amended to provide that the report of the panel should be sent out within 5 working days or as soon as reasonably practicable, and the local authority should within 15 working days, or as soon as reasonably practicable, consider the recommendations with the independent person appointed under regulation 17(2), and determine how they will respond/what they propose to do in light of the recommendations.

5. Amendment of the Education and Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007:

The Education and Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007 are amended to relax timescales within which local authorities must take steps.

Regulation 3 is amended to provide that where a local authority has received a report under section 137 of the Education and Inspections Act 2006 they must within 70 working days, or as soon as is reasonably practicable, publish a written statement of action which they propose to take in light of that report.

6. Amendment of the Care Planning, Placement and Case Review (England) Regulations 2010:

The Care Planning, Placement and Case Review (England) Regulations 2010 which set out the requirements of the care planning process are amended to make it possible for any person to be approved as a local authority foster carer for a temporary period (not just a person who is a relative, friend or person connected to the child) and extends the length of that period from 16 to 24 weeks. They also increase the length of time a foster carer can be approved as an emergency foster carer to 24 weeks. A number of timescales within which local authorities must take steps are also relaxed.

The definition of a "connected person" has been removed.

Regulation 5 deals with the preparation and content of the care plan of the child, setting out what the care plan must include.

- Sub-paragraph (1)(c) is amended to read: except in a case where C is in the care of the responsible authority but is not provided with accommodation by them by any of the means specified in section 22C, the placement plan, once prepared.
- Sub-paragraph (1)(e) is amended to read: details of the wishes and feelings of the persons listed in section 22(4) about the arrangements referred to in sub-paragraph (b) and the placement plan that have been ascertained and considered in accordance with section 22(4) and (5) and the wishes and feelings of those persons in relation to any change, or proposed change, to the care plan, once this has been prepared.

Regulation 9 deals with the placement plan for the child and what the responsible authority must do in relation to this. Sub-section (2) is amended to say that where it is not reasonably practicable to prepare the placement plan before making the placement, the plan should be prepared as soon as is reasonably practicable after the start of the placement, removing the need for this to be completed within 5 working days of the start of the placement.

Regulation 18 which deals with the placement of a child with a parent or person with parental responsibility is amended at sub-section(1) in that the decision to place the child with the parent/person with PR must not be put into effect until it has been approved by a nominated officer, and the need for a placement plan to be prepared for the child is removed.

Regulation 19 deals with the circumstances in which a child may be placed with a parent/person with PR before assessment is completed. Sub-section (b) is amended in that the assessment and review of the child's cases is completed in accordance with regulation 17 (assessment of the parent/person with PR suitability to care for the child) should be completed as soon as soon as is reasonably practicable after the child is placed, removing the need for this to be completed within 10 working days after the child is placed.

Regulation 22A deals with placement of a child with a local authority foster parent who is also approved as a protective adopter in accordance with section 22C of the Children Act 1989.

- Sub-section (2) is removed which requires that a child should not be placed until it has been approved by a nominated officer and the responsible authority has prepared a placement plan for the child.
- Sub-section (3) is amended so that it is the responsible authority, rather than the nominated officer, that must be satisfied that the placement is the most appropriate placement available for C and will safeguard and promote C's welfare; be satisfied that the requirements of regulation 9(1)(b) have been complied with; and if their whereabouts are known to the responsible authority, notify the parent or guardian of C of the proposed placement.

Regulation 22B which deals with the conditions to be complied with before placement of a child in a long term foster placement are amended at sub-section 2(a) removing the need for the responsible authority to prepare a placement plan for the child.

Regulation 23 which deals with the emergency placement of a child with an approved local authority foster parent is amended to allow local authority's to place children with any local authority foster parent for a period of 24 weeks, rather than 6 working days. Once the period of 24 weeks has expired

the local authority must terminate the placement unless the terms of that person's approval has been amended to be consistent with the placement.

Regulation 24 deals with the temporary approval of a relative, friend or other person connected to the child.

Paragraph 24(1) is amended in full as follows:

24(1) Where the responsible authority is satisfied that the most appropriate placement for C is with a person who has not yet been approved as a local authority foster parent they may approve that person as a local authority foster parent for a temporary period not exceeding 24 weeks (*“temporary approval”*) provided that they first comply with the requirements of paragraph (2). *This was 16 weeks previously.*

The word connected person is removed from this regulation, including the definition at sub-section (3) - *In this regulation ‘connected person’ means a relative, friend or other person connected with C.*

Regulation 25 which deals with the expiry of temporary approval in relation to regulation 24, and the ability to extend the period of temporary approval for a further 8 weeks or until the review of an assessment decision, remains unchanged save for the word connected being removed throughout this part.

Regulation 28 which deals with frequency of visits to a child now allows for these visits to be conducted by telephone, video-link or other electronic means, if required; and where the local authority is unable to visit the child within the timescales set by regulation 28 (within 1 week of the start of any placement; at intervals of not more than 6 weeks for the for the first year of any placement; and thereafter intervals of not more than 3 months where the placement is intended to last until the child is 18) for these visits to take place as soon as is reasonably practicable.

Regulation 33 deals with the timing of reviews for a child after they become looked after. The first review should still take place within 20 working days of the date the child becomes looked after in accordance with sub-section (1) and the second review must be carried out not more than 3 months after the first review. However sub-section (2) is amended in that any subsequent reviews after the 2nd review must be carried out where reasonably practicable thereafter, rather than at intervals of not more than 6 months.

Regulation 36 deals with the role of the Independent Reviewing Officer (IRO) and their role in reviews for the child. Sub-section (2) is amended as follows: The IRO may adjourn the review meeting for not more than 20 working days, and no proposal considered in the course of the meeting may be implemented until the review has been completed.”

Regulation 42 deals with the assessment of needs of “relevant children”. sub-section (2) sets out what the local authority need to consider in an assessment of a child's needs when the child ceases to be looked after. Sub-section (2)(c) is amended to remove connected persons and the support that will be available to the child from the child's parents needs now only be considered.

Regulations 47A-F deal with application of the regulations when a child is being held on remand. Regulation 47C(3) is amended to provide that the placement plan for a child is remanded in local

authority must be prepared as soon as is reasonably practicable from when the child is remanded, rather than within 5 working days.

Regulation 48 deals with the application of this Regulation with modifications to short breaks. This regulation is amended as follows:

(1) In the circumstances set out in paragraph (2) these Regulations apply with the modifications set out in paragraph (3).

(2) The circumstances are that:

(a) C is not in the care of the responsible authority

(b) the responsible authority have arranged to place C in a series of short-term placements with the same person or in the same accommodation ('short breaks'), and

(c) the arrangement is such that—

(i) at the end of each placement, C returns to the care of C's parent or a person who is not C's parent but who has parental responsibility for C, and

(ii) the short breaks do not exceed 75 days in total in any period of 12 months.

(3) The modifications are that:

(a) regulations 5 and 9 do not apply, but instead the care plan must set out the arrangements made to meet C's needs with particular regard to –

(i) C's health and emotional and behavioural development, in particular in relation to any disability C may have,

(ii) promoting contact between C and C's parents and any other person who is not C's parent but who has parental responsibility for C, during any period when C is placed,

(iii) C's leisure interests, and

(iv) promoting C's educational achievement, and must include the name and address of C's registered medical practitioner, and the information set out in paragraph 3 of Schedule 2, where appropriate,

(b) regulations 7, 13 and 49(2)(b) do not apply,

(c) regulation 28(2) does not apply, but instead the responsible authority must ensure that R visits C at regular intervals during any short break to be agreed with the IRO and C's parents (or any person who is not C's parent but has parental responsibility for C),

(d) regulation 33 does not apply, but instead the responsible authority must first review C's case as soon as is reasonably practicable from the start of the first placement, and subsequent reviews must be carried out at regular intervals during any short break,

(e) any visit required by this regulation may be conducted by telephone, video-link or other electronic means.

Schedule 4 of the Care Planning, Placement and Case Review (England) Regulations 2010 is amended to remove the word connected throughout.

7. Amendment of the Fostering Services (England) Regulations 2011:

The Fostering Services (England) Regulations 2011 which set out the process for approvals as local authority foster parents are amended to relax some timescales within which fostering agencies must take steps and remove the duty on fostering service providers to refer cases to the fostering panel.

Regulation 4 deals with the review of the statement of purpose and children's guide. Where a revision is made to the statement of purpose and children's guide the Chief Inspector must now be notified of any such revision as soon as is reasonably practicable, rather than within 28 days.

Regulation 6 deals with the appointment of a manager for a fostering agency. The Chief Inspector must now be notified by the registered provider as soon as is reasonably practicable of the name of any person appointed in accordance with regulation 6 and the date the appointment took effect.

Regulation 9 is amended so that where the registered person for a fostering agency is convicted of any criminal offence, whether in England or Wales, or elsewhere, that person must as soon as is reasonably practicable give notice to the Chief Inspector in writing of the date and place of the conviction; the offence of which they were convicted, and the penalty imposed on them in respect of the offence.

Regulation 10 deals with the requirement for each local authority to appoint one of its officers to manage the local authority fostering service. This is amended so that the person appointed and the date of the appointment should be confirmed to the Chief Inspector as soon as reasonably practicable. In addition where that person ceases to be the manager this should also be notified to the Chief Inspector as soon as reasonably practicable.

Regulation 23 deals with the constitution and membership of fostering panel. Paragraph (4) is amended to provide that subject to paragraph (5) the fostering service provider may constitute one or more fostering panels, as necessary, to perform the functions of fostering panel under these Regulations and where a panel is constituted, the fostering service provider must appoint panel members including a person to chair the panel who, in the case of any appointment made after 1st

October 2011, must be independent of the fostering service provider; and one or two persons who may act as chair if the person appointed to chair the panel is absent or that office is vacant ('the vice chairs').

Paragraph (7) is amended to now read: The fostering service provider must ensure that individual members have between them the experience and expertise necessary, to effectively discharge the functions of the panel, removing the requirement that the fostering panel has sufficient members.

Regulation 24 deals with meetings of fostering panel. This is amended so that the in order for a fostering panel can be conducted at least the following should meet as the panel, either the person appointed to chair the panel or one of the vice chairs; one member who is a social worker who has at least three years' relevant post-qualifying experience, and one other independent person, removing the requirement for there to be at least 3 other independent persons or 4 if fostering panel is established under regulation 23(5).

Regulation 25 deals with the functions of fostering panel. Paragraphs (1), (2), (3) and (5) remain unchanged. Paragraph (4) is amended to read that fostering panel may also (rather than must) advise, where appropriate, on the procedures under which reviews in accordance with regulation 28 are carried out by the fostering service provider, and periodically monitor their effectiveness; oversee the conduct of assessments carried out by the fostering service provider; and give advice, and make recommendations, on such other matters or cases as the fostering service provider may refer to it.

Regulation 26 relates to the assessment of prospective foster carers. Paragraph 1C(b) is amended so that where it is decided a prospective foster carer is not suitable to become a foster carer the notification of this must be sent as soon as is reasonably practicable after the fostering service provider has obtained all the information set out in paragraph (1A)., rather than it not being able to be given more than 10 working days after the fostering service has obtained all the information set out in paragraph (1A).

Paragraph (2) is amended as follows:

Subject to paragraphs (2A) and (3), where the fostering service provider have obtained all the information set out in paragraph (1A) and have not given the notification in paragraph (1B), the fostering service provider must:

- (a) obtain the information specified in Part 2 of Schedule 3 (*save for a medical report in relation to health*) relating to X and other members of X's household and any other information they consider relevant,
- (b) consider whether X is suitable to be a foster parent and whether X's household is suitable for any child,
- (c) prepare a written report on X which includes the following matters –
 - i. the information required by Schedule 3 and any other information the fostering service provider consider relevant,
 - ii. the fostering service provider's assessment of X's suitability to be a foster parent, and

- iii. the fostering service provider's proposals about any terms of approval, and
- (d) decide whether to refer the case to the fostering panel or to proceed to make a decision under regulation 27 without such a referral and, where the case is referred the fostering service provider must notify X that the case is to be referred to the fostering panel, and give X a copy of the report prepared under subparagraph (c) inviting X to send any observations in writing to the fostering service provider within 10 working days beginning with the date on which the notification is sent.

(2A) The fostering service provider may comply with paragraph (2)(a) even if the information required by paragraphs 2 and 9 of Schedule 3 has yet to be obtained.

(3) Where, having regard to any information obtained under paragraph 2(a), the fostering service provider decide that X is unlikely to be considered suitable to become a foster parent, it may prepare a written report under paragraph (2)(c) notwithstanding that the fostering service provider may not have obtained all the information about X which is required by paragraph (2)(c).

(4) As soon as is reasonably practicable after X's observations are received the fostering service provider must, where the case is being referred to the fostering panel, send:

- (a) the report prepared under paragraph (2)(c),
- (b) X's observations on that report, if any, and
- (c) any other relevant information obtained by the fostering services provider, to the fostering panel.

The remainder of regulation 24 remains unchanged.

Regulation 27 deals with the approval of foster parents, which is amended as follows:

(1) A fostering service provider must not approve a person who has been approved as a foster parent by another fostering service provider where that approval has not been terminated.

(2) A fostering service provider must not approve X as a foster parent unless –

- (a) they have completed their assessment of X's suitability, and
- (b) where the case was referred to the fostering panel the fostering panel has considered the application.

(3) Where the case was referred to the fostering panel a fostering service provider must, in deciding whether to approve X as a foster parent and as to the terms of any approval, take into account the recommendation of the fostering panel.

(4) No member of the fostering panel may take part in any decision made by a fostering service provider under paragraph (3).

- (5) If a fostering service provider decide to approve X as a foster parent they must –
- (a) give X notice in writing specifying any terms on which the approval is given, and
 - (b) enter into a written agreement with X covering the matters specified in Schedule 5 (the ‘foster care agreement’).
- (6) If a fostering service provider consider that X is not suitable to be a foster parent they must, subject to paragraph (7) –
- (a) give X written notice that they propose not to approve X as suitable to be a foster parent (a ‘qualifying determination’), together with their reasons where the case has been referred to the fostering panel, and a copy of the fostering panel’s recommendation, and
 - (b) advise X that, within 28 days of the date of the qualifying determination, X may –
 - (i) submit any written representations that X wishes to make to the fostering service provider, or
 - (ii) apply to the Secretary of State for a review by an independent review panel of the qualifying determination.
- (7) Paragraph (6)(b)(ii) does not apply in a case where the fostering service provider consider in accordance with regulation 26(8) that X is not suitable to be a foster parent.
- (8) If, within the period referred to in paragraph (6)(b) –
- (a) the fostering service provider do not receive any representations, and
 - (b) X does not apply to the Secretary of State for a review by an independent review panel of the qualifying determination,

the fostering service provider may proceed to make their decision.

(9) If within the period referred to in paragraph (6)(b) the fostering provider receive any written representations, they may refer the case to the fostering panel for further consideration and, where a case is referred, the fostering service provider must make their decision taking into account any further recommendation made by the fostering panel.

(10) If, within the period referred to in paragraph (6)(b), X applies to the Secretary of State for a review by an independent review panel of the qualifying determination, the fostering service provider must make their decision taking into account any recommendation of the fostering panel and the recommendation of the independent review panel

The remainder of regulation 27 remains unchanged.

Regulation 28 deals with the reviews and terminations of foster carer approvals.

Paragraph (2) is amended to say that a review must, where reasonably practicable, take place not more than a year after approval, and thereafter whenever the fostering service provider consider it necessary, removing “but at intervals of not more than a year”.

8. Amendment of the Children Act 2004 (Joint Area Reviews) Regulations 2015:

The Children Act 2004 (Joint Area Reviews) Regulations 2015 are amended to relax timescales within which local authorities must take steps.

Regulation 4, which applies where the Chief Inspector of Schools makes a determination under regulation 3(3)(b), must make the written statement of proposed action within 70 working days or as soon as is reasonably practicable, of receiving the report under regulation 3.

9. Amendment of the Children’s Homes (England) Regulations 2015:

The Children’s Homes (England) Regulations 2015 are amended to ensure that they don’t prohibit a child being deprived of their liberty in a children’s home in accordance with an exercise of powers under Schedule 21 to the Coronavirus Act 2020. A number of timescales are also relaxed.

Regulation 6 which deals with the quality and purpose of the care standard children receive from staff in the children’s home is amended at paragraph (3)(c) so that as far as reasonably practicable the care is delivered by a person who has the experience, knowledge and skills to deliver that care; and is under the supervision of a person who is appropriately skilled and qualified to supervise that care.

Regulation 8 which deals with the education standard in children’s homes is amended at paragraph (2) to provide that the registered person is required as far as reasonably practicable, to ensure that a child’s educational needs are being met as set out in paragraphs (2)(a)-(b).

Regulation 20 which deals with the restraint and deprivation of liberty of a child in a children’s home is amended at paragraph (3) to provide that these regulations do not prevent a child from being deprived of liberty where that deprivation is authorised in accordance with a court order or in accordance with an exercise of powers under Schedule 21 to the Coronavirus Act 2020 i.e. where an individual has responsibility for a child who is considered to be infectious with coronavirus and placing restrictions on that child - <http://www.legislation.gov.uk/ukpga/2020/7/schedule/21>.

Regulation 22 deals with contact and access to communications for children in children’s homes. Paragraph (1) is amended so that the registered person must ensure that suitable facilities are provided within the children’s home for any child accommodated there to meet privately (or where this is not possible to speak privately over the telephone, a video-link or other electronic communication method) at any reasonable time with the child’s parents, friends, relatives or any of the following persons as listed at (a)-(i).

Regulation 44(1) which provides that an independent person must visit a children's home at least once a month is amended to provide that the registered person must use their reasonable endeavors for this to happen once a month.

10. Amendment of Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc) Regulations 2015:

Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc) Regulations 2015 are amended to omit regulation 27 which sets out the frequency by which premises must be inspected.

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04.05.20