

Organisational Guidance on Working with Children through COVID-19

A guide to direct contact with children and families, working in the office, and attendance at court.

In recognition of the changing circumstances surrounding COVID-19 arising from the new variant and the increased risk of transmission, the guidance to staff on seeing children has been revised. The guidance will continue to be updated whenever necessary as well as being reviewed monthly. The next planned review will be no later than the 15th February 2021 as the government guidance and relevant legislation will remain in place until that date.

Your safety and wellbeing remain paramount, whilst you continue to service the best interests of the children and families with whom we work. It remains vitally important that neither children and families or yourselves are put in situations of unmanaged risk which may arise as a result of COVID-19 or issues associated with it.

The previous expectation and therefore guidance was that an in-person meeting with the child/ren would have taken place at least once during the course of proceedings. For the purposes of this period (until 15th February 2021) this is no longer the default position. It remains an option should an individual FCA consider such a meeting is essential for their work and can be undertaken safely both in terms of themselves and the children and family with whom they are working.

At the time of issue of this guidance, children should continue to be seen remotely, where this is possible and allows effective assessments and positive relationships to be developed. Family Court Advisers (FCAs) must use their professional judgement as they assess the risks associated with in-person visits to children and their families at this time. We advise that the risk assessment clearly shows the weighing and balancing of judgement in respect of the need to see a child in person versus the risk we present to them by in-person work and vice versa. The decision remains that of the FCA and should be written contemporaneously onto the casefile, explained clearly to the family and communicated to the court in all subsequent reports.

In summary:

- We continue to see all children (remotely or in person) in order to carry out the work required of the FCA
- Where it is not possible to carry out the work with the child remotely, an individual risk assessment must be carried out by the FCA before meeting in person as was previously the case. The assessment must however be very clear about how the risk of infection from COVID-19 has been considered both in terms of risks to the child and family as well as to the FCA
- Professional decision making and a clear rationale about decisions on seeing children must be recorded contemporaneously in CafIS

Our offices remain open and our procedures are designed to promote and protect the safety and wellbeing of children, families and our staff and these procedures should be followed closely at all times.

We are continuing to manage the highest ever volumes of open active casework in Cafcass history and throughput in the family courts is significantly compromised. At the same time, we are trying to protect, promote and prioritise the well-being of all our staff. We therefore have to find a defensible balance between promoting the welfare of children and what is realistically possible for our staff to achieve, acknowledging that some children will be in greater need than others. Difficult decisions are having to be made about when to see children, how to see them, how often to see them and how much time can be dedicated to seeing them when there are many more allocated in our system to be seen.

The transparency and reasonableness of professional judgements made in these circumstances is especially important as is the message from leaders that the autonomy to make those decisions remains with the social worker allocated to the case, with oversight from their managers.

Direct contact with children and families

The decision whether to meet with a child in person or remotely will depend on their particular circumstances, those of their family and on their expressed preference. It is very likely that this decision in order to complete the necessary assessment work in public law and private law work after the first hearing will need to be balanced against how much time you have in the context of your caseload, your travelling capacity and the needs of all children you are needing to assess. It may also be affected by any court order specifying the work to be undertaken by you.

In person visits in families' homes are likely to take place in exceptional circumstances only. These exceptional circumstances may include the following factors:

- risk factors for the child are judged to require a home visit;
- the child and family have no access to technology for remote visiting; and
- an in-person meeting in the office, or remote meetings have been ruled out or are not possible.

Whether you see children remotely or in person during the pandemic is about weighing the risks to your own safety against the quality of social work assessment you are able to make in these specific circumstances. Until the new variant of COVID-19 increased the rate of infection exponentially, there was an expectation that all children with whom we work in public law and in private law after the first hearing should be seen at least once in person during their proceedings. We advise that the risk assessment you now make about seeing children in person pays clear attention to the risks of infection to you and to the children and families who you propose to visit. The professional judgement remains your own and should be clearly documented on the case file at the time you make the decision.

Children and families will feel anxious about infection risks and any decision that is made exceptionally for them to be seen in person, must be explained and negotiated with them directly.

That combination of professional judgement, and negotiation with children and their families will inform the decision about how children are seen and as a result, how best to understand their experiences, needs, wishes and feelings in a timeframe which is in their best interests. The clarity of reasoning about how and when to see a child and their family is critically

important and must always be clearly expressed and recorded on the case file contemporaneously.

This also means any decision not to see a child in person or by remote means is clearly recorded as are the reasons for this decision being made. In line with good practice, children and young people should be told why an in-person visit is not possible or suitable.

As an organisation, we seek to support your professional judgement to ensure your work is proportionate, focused, purposeful and undertaken in accordance with our statutory responsibilities. This requires us to reflect and consider the best way to see children and to set out our rationale clearly for the recommendation we make. It is not possible to provide prescriptive guidance for every situation in respect of every child. We are confident that our social workers are able to use their professional judgement, to weigh risk, necessity and purpose whilst balancing the information they have, and to record their rationale and conclusions. It is especially important during the COVID-19 crisis, that our decisions about in-person work are clear, understandable, reasonable, address any known risks to children's safety and welfare as well as taking full account of your own wellbeing and safety.

This updated guidance confirms the position that Cafcass no longer expects that every child will be seen in person at least once during the course of proceedings but that practitioners will be supported if they make a defensible and recorded decision that it is an unacceptable risk to undertake work with a child and/or family member in person.

If practitioners decide that a home visit or work in person is essential then the following information is useful:

- An overarching flowchart detailing the process for you to follow.
- An individual assessment which has been designed for you and your manager to complete to understand and assess a vulnerability that may prevent you from visiting children or being able to work away from home. This is only to be completed if you fall within any of the vulnerability categories that make you more at risk of contracting COVID-19 including if you have a condition(s) which makes you extremely clinically vulnerable ([Clinically Extremely Vulnerable from COVID-19 <20 December 2020>](#)), clinically vulnerable (or over 60). Additionally, for our Black, Asian and minority ethnic colleagues or you are concerned about the level of risk, an individual risk assessment can also be carried out by your manager.
- An online checklist to enable you to assess if there are any potential known risks prior to visiting children or undertaking work away from home (unless you are meeting in an office or visiting a court). This will allow you to consider the safest way to conduct your meetings whilst still maintaining the effective relationships with the children and family involved.
- If you are asked to self-isolate or meet the criteria for self-isolation, then please remember to record this information in the app here.

If you have concerns regarding your individual circumstances including your own caring responsibilities, then you should contact your line manager in the usual way. When the particular circumstances of the children and their families mean that in-person contact is not possible then the continuation of effective remote working practices that have been in place both before and since the start of the pandemic should continue, supported by a clearly recorded rationale on the case file.

The Cafcass Assess NET incident reporting system is available and should be used to record any risks and issues that arise when working away from home including possible exposure to the virus.

Supporting you to work safely with children and families

We remain an essential public service employing staff who are undertaking important assessments about children's needs, experiences, wishes and feelings and which in most cases significantly affect their lives in the present and the future. Under government guidance Cafcass work should continue to operate across all local restriction tiers, staff are allowed to travel under the guidance to undertake their duties when required and our responsibility is to enable the conditions under which you undertake this work to be as safe as possible for you.

We want all colleagues to be confident about their safety whilst undertaking our important work. In order to enhance this, there are links at the end of this guidance providing information on important issues such as safe practice, government guidance and useful wellbeing resources. The information on direct work is being updated at present and will be added very shortly. These links will be reviewed and updated in accordance with any change in government guidance and you will be kept informed of any changes to this guidance and information.

Office based work

We have now re-opened all available offices and touchdown locations to provide COVID-secure places to work and to meet children and families if it is decided that such meetings are essential. We continue to review our guidance and measures in accordance with government and public health guidance.

Anyone employed by Cafcass may use any of our offices during the crisis for the purpose of work, provided the booking system is used and there is a desk available.

Attending court

All open courts are COVID-secure and have risk assessments completed by HMCTS that staff can access. The Family Procedure Rules require the children's guardian to attend final hearings and the authors of section 7 reports should attend if directed to do so. The court can direct that attendance may be by telephone or video link including the use of the Cloud Video Platform (or any other remote facility). The decision whether to hold a hearing remotely is one for the judge in each circumstance

It should be a matter of discussion between the FCA and the court on the most effective way that participation can take place with an agreement reached in advance of a hearing. The courts which are open will have the facility to arrange for evidence to be given remotely. There is significant use of hybrid hearings where the parents or other family members attend in person together with their advocates, while the guardian, social workers and other experts attend remotely.

There will be cases where it is necessary for the guardian to be present in court. The needs of the children Cafcass is working with may require that a hearing in person takes place.

Policy owner: Kevin Gibbs
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Links to relevant information

Please visit the Gov.uk website for up to date information <https://www.gov.uk/coronavirus>