

## Child Care Law Reporting Project (CCLRP)

### Observations on Concerns for Vulnerable Children Arising from the Covid-19 Pandemic – Reopening Phase

4 May 2020

This document follows on from initial views, issued on 3 April and 24 April 2020, in relation to concerns for vulnerable children arising from the Covid-19 pandemic. The focus of this set of observations is on the Reopening Phase. We hope it will be helpful in planning how best to support children and their families during the ‘reopening’ period.

**Court Reporting:** Operating within national guidance, the Child Care Law Reporting Project (CCLRP) is this week resuming its attendance at certain child protection sittings, either in person or remotely.

**Positive Initiatives:** Many positive initiatives have been put in place, which will help shield vulnerable children from some of the negative impacts of the Covid-19 pandemic. However, certain issues remain to be either addressed or made more specific.

We have a concern that the implications of Covid 19 for child protection and welfare is having an impact on the operation of the Child Care Act 1991.

**Need for Clarity: Access for Children in Care:** Many children in care have regular access with parents, siblings and extended family members. Access arrangements may be court directed, and in some cases may be required to be supervised. Clarity is needed on two points. 1) What factors determine if face-to-face access visits are considered “essential”? 2) How is access affected by the distance from home restriction?

**Reopening Plan:** The ‘Roadmap for Reopening Society & Business’, published on 1 May, is a high-level ‘living’ document. Its focus is primarily on how the State regulates the commercial and public realms (businesses, public amenities and sports facilities) and the private realm of outdoor and indoor social interactions. The community realm – which includes community resource centres, youth clubs, soup kitchens, breakfast clubs, therapeutic services, disability services, community creches, garda youth diversion projects and other statutory and non-governmental community based support services – provides vital support for disadvantaged children and their families and also helps pinpoint those in need of intervention. This realm was not adequately dealt with in the Roadmap.

We acknowledge that regular engagement by phone, online and socially distant door-step conversations between workers and children and families are taking place and are of huge value. However, vulnerable children need to be given physical space away from their families, an opportunity to spend time with other children and to connect face-to-face with other trusted adults. This is especially important for younger children and children with disabilities who are not independently mobile and so do not have the option to leave the family home for a walk or to (socially distance) socialise with friends.

There appears to be no plan to engage in a structured face-to-face manner with vulnerable children over the coming four-month period until schools re-open on a phased basis from September. In the context of child protection and welfare, we believe this to be an inadequate State response. It

should be noted that in other jurisdictions educational settings have remained open for vulnerable children throughout the pandemic, see for example: <https://bit.ly/35sGMKP>

The definition of 'vulnerability' will be key to determining whether these measures proposed below are workable. If the numbers are too high, they will defeat the public health objective of the Roadmap. A child's vulnerability may stem from a range of factors including that the child is in care, is homeless, lives in direct provision, lives in a home where domestic violence, addiction or mental illness is present, has a disability or a mental health issues, or is at risk of engaging in criminal activity. From a child protection perspective, at a minimum, the following children should be considered as potentially 'vulnerable': those in care (under voluntary arrangements and court orders), those on the child protection notification system, and a child at the edge of care (where a care order is actively under consideration). Children under 10 years of age and non-verbal children should be prioritised as they may be less likely to be able to advocate for themselves and seek help independently. The identification of vulnerable children should happen at the community level and involve the Children and Young People's Services Committees.

**Ideas for Consideration:** Set out below are some initial proposals for consideration. The proposals are aimed specifically at vulnerable children (from a child protection and welfare perspective) and are framed within the guidelines set by the Roadmap. Extracts from the Roadmap are italicised.

*Phase 1: From 18th May*

- *Up to four people not of same household to meet outdoors while maintaining strict social distancing.*
- *Permit people to engage in outdoor sporting and fitness activities, either individually or in very small groups (maximum 4 people), where social distancing can be maintained and where there is no contact.*
- *Opening of school and college buildings for access by teachers for organisation and distribution of remote learning.*

These measures will allow older children to socialise and engage in outdoors sporting activities in small groups.

This could also allow for a youth worker, teacher or other community worker to engage with small groups of children at an outdoor venue (such as a school yard or sports ground).

We understand that Child and Family Agency staff engaged in child protection work have been granted 'essential worker' status and so should be entitled to access PPE and regular testing. There may be a need to broaden the types of workers granted 'essential worker' status in relation to child protection.

Given that at-risk children have to varying degrees been 'invisible' to Children First mandated persons during the crisis, the priority must be on re-connecting them with the teachers, youth worker and early years' providers etc they know and trust and who know them. Under the Roadmap, children may not see their current teacher/early years' provider again as they will move into a different class in the new academic year. A deterioration in the change in the child's presentation or signs of abuse or neglect may be missed in this change-over.

#### *Phase 2: From 8th June*

- *Up to four people may visit another household for a short period of time while maintaining strict social distancing.*
- *Open public libraries with numbers limited, social distancing observed and strict hand hygiene on entry.*
- *Extend restriction to within 20km of your home.*

These measures will allow children to visit the home of a friend or relative.

This could also allow a youth worker, teacher, early years provider or other community worker to engage indoors with small family units or groups of children (in a school, community hall or family resource centre).

This could also allow for face-to-face therapeutic support and assessments.

#### *Phase 3: From 29th June*

- *Opening of crèches, childminders and preschools for children of essential workers in phased manner with social distancing and other requirements applying.*
- *Open cafés and restaurants providing on premises food & beverages where they can comply with social distancing measures and strict cleaning in operation.*

This opening of early years' settings could be extended to vulnerable children. The purpose of such an extension would not be labour market activation but as an opportunity to provide these children with some external support and as a welfare check.

Clarity is needed on whether the measures in relation to cafés and restaurants also applies to breakfast clubs and soup kitchens.

#### *Phase 4: From 20th July*

- *Opening of crèches, childminders and preschools for children of all other workers on a gradually increasing phased basis (e.g. one day per week) and slowly increasing thereafter.*

No proposal.

#### *Phase 5: From 10th August*

- *Commence opening on phased basis at the beginning of the academic year 2020/21: Primary and secondary schools, Universities, 3rd level education centres and adult education centres.*

Leaving Certificate students are likely to be prioritised in the reopening. A decision then arises as to whether to open schools by region, by age/class (eg all 1<sup>st</sup> years) or in a targeted manner. This phased opening period could allow for the prioritisation of schools attended by children from disadvantaged/at risk backgrounds. Under this targeted approach, DEIS schools and special needs schools could be re-opened before non-DEIS schools and private schools. We acknowledge that this approach is a blunt instrument as not all vulnerable/at risk children will fall into these categories.

This targeted approach reflects that fact that many children from disadvantaged backgrounds may not have been able to engage fully with online learning (lack of IT, family support or a quiet place to study) and may find the transition back to school after a six-month period especially challenging, with a likely rise in school refusers and behavioural issues. Bringing disadvantaged children back earlier than others can be justified in that the initial focus of teachers is likely to be on child well-being and re-connecting children with a learning environment rather than on curriculum learning.

We are proposing that in the sequencing of re-openings, the child welfare and child protection role of schools and early years' settings should be given priority over their educational/child care function.

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