

Become: Care Review needed urgently after High Court decision highlights children's social care crisis

Become, the national charity for children in care and young care leavers, is urging the Government to start its promised Care Review and address the children's social care crisis following a High Court decision handed down today.

Emergency regulations that risk the safety of vulnerable children and young people in care will remain in place until 25 September after the High Court ruled them lawful.

In her judgment [handed down today](#), Mrs Justice Lieven said the Department for Education had not acted unlawfully in introducing the Adoption and Children (Coronavirus) Amendment Regulations 2020 with these not being "normal times" and because "the sector was facing an unprecedented crisis that would impact on the welfare of looked after children".

Mrs Justice Lieven added that "these impacts were within a sector which is already facing enormous challenges with some local authorities already operating at staffing levels well below optimum".

Katharine Sacks-Jones, Chief Executive, Become, the national charity for children in care and young care leavers:

"We are very disappointed with today's decision that will see the regulations remain in force until 25 September. They are not in the best interests of children in care and young people and should never have been brought in in the first place.

"While we recognise these are extraordinary times, introducing these measures without properly consulting children's rights groups and young people themselves is not the right way to approach things.

"The government's own submission acknowledged the care system was in a state of crisis prior to the pandemic. It must now use the promised Care Review as an opportunity to address these challenges and ensure care-experienced young people's voices and experiences are at the heart of this."

Children's rights charity Article 39 had launched a judicial review following the Government's decision to remove or dilute 65 safeguards for children in care in England by laying statutory instrument 445 on 23 April, before the changes took effect in legislation the next day.

The most significant changes included: social workers no longer being required to visit children in care once every six weeks; children in care no longer entitled to have their care plan independently reviewed at least every six months; and independent visits and Ofsted inspections being relaxed.

An application to hear the judicial review was granted on three grounds:

- That the Department for Education failed to consult before making the changes to children's legal protections;
- That the regulations are contrary to the objects and purpose of primary legislation, particularly the Children Act 1989;
- That the Education Secretary Gavin Williamson breached his general duty to promote the well-being of children in England.

Today's judgment found that the consultation process had been lawful because of the pandemic, despite the Children's Commissioner and children's rights groups not being properly consulted. However, Mrs Justice Lieven did say that the consultation would've been unlawful if the Children's Commissioner had not been consulted if anything less than a national crisis was happening.

On grounds two and three, Mrs Justice Lieven said the Government was seeking to promote the policy and objects of the Children Act 1989 in ensuring looked after children who were at risk because of the pandemic consequences were protected.

ENDS