

Sir Andrew McFarlane  
President of the Family Division  
Royal Courts of Justice  
Strand  
London  
WC2A 2LL

3 April 2020

Dear President

### **COVID -19 and Independent Social Workers**

COVID-19 presents challenges to all aspects of the justice system. Nagalro is grateful for your timely and invaluable guidance during this difficult time.

The Covid-19 National Guidance for the Family Court issued on 19 March 2020 states that 'There is a strong public interest in the Family Justice System continuing to function as normally as possible despite the present pandemic. At the same time, in accordance with government guidance, there is a need for reasonable and sensible precautions to be taken to prevent infection and, in particular, to avoid non-essential personal contact'.

As you know Nagalro is the professional association for Children's Guardians, Family Court Advisers and Independent Social Workers. Independent Social Workers (ISWs) are not included in any Guidance as they are a discreet professional group. Due to the current government guidance about travel and social interaction restrictions, Nagalro members are using their best endeavours to complete and file the expert reports so as to avoid any delays in the court cases. Many have considered interviewing clients using online platforms. However, this is not appropriate in cases where specialist expert independent social work assessments are commissioned to assist the courts in making life changing decisions for children.

It is becoming exceptionally challenging for ISWs to provide reliable evidence when working with families. The following examples illustrate some of the difficulties:

- When working through interpreters and in other complex situations, face-to-face family interviews / observations are essential.



- When conducting interviews to assess parenting ability and parent-child relationship in particular where there are allegations of domestic abuse, it is vital to observe and assess the interaction between the parents, parent and child relationship and dynamics between various family members to make a fair and reliable assessment of their parenting ability.
- Some parents do not have sufficient credit on their mobile phones to facilitate video calling or Skype.
- In some cases, it is not possible to understand each other due to strong accents and necessitates face to face meeting.
- It is not appropriate to speak to young children via Skype or video calling as there is no pre-existing relationship with those children and where the children have made serious allegations against their parents. These situations require sensitive handling and online platforms do not lend themselves to this approach.
- The additional difficulty is the closure of many centres that facilitate family time. Observation of family time is essential to assess and formulate an opinion of relationship between children and their parents.
- Some ISWs work across the country due to the deficit in local skill and expertise and it requires them to travel and stay in hotels. The Local Authorities, Cafcass and ultimately courts are reliant on their evidence to reach a decision about children's future. Our members are finding this difficult on several levels, such as, some police forces are actively challenging non-essential travel and our members risk being fined. Whilst social workers are classified as keyworkers in government guidance and frontline workers can travel with authorisation from their respective employers. ISWs are self-employed and do not have a facility to authorise their own travel.
- It is very problematic to book suitable accommodation away from home due to the hotels only accepting reservations from emergency personnel.

Many ISWs are seeking advice and clarification from Nagalro on how to balance honouring their obligations to the courts at the same time as working within restrictions to prevent the spread of Covid-19. To date, Nagalro has advised ISWs to inform the instructing solicitor and the courts of any difficulties they are facing. However, there are no easy solutions.

Nagalro wishes to make you aware of the challenges faced by ISWs. These challenges may impact on the courts' ability to conclude children's cases in a timely manner which in turn may cause delays. It would be highly beneficial to have guidance issued to the local courts which deems travel and stay as essential so that ISWs can travel and book accommodation in order to meet court directions.

Nagalro would welcome any guidance that could be offered to ISWs and their instructing solicitors across the country to enable them to carry out their work on behalf of the court.

We look forward to hearing from you.

Your sincerely

A handwritten signature in cursive script that reads "Sukhchandan P. Kaur".

Sukhchandan P. Kaur  
Nagalro Chair on behalf of Nagalro Council