

Cabinet – 26 October 2016

Supervised Contact Services for Looked After Children

Portfolio: Councillor Rose Burley

Related portfolios:

Service: Children's Services

Wards: All

Key decision: No

Forward plan: No

1. Summary

The Local Authority has a responsibility to monitor (supervise) children who are looked after child or subject to a child protection plan when they have contact with certain adults (parents, family members, siblings, etc.). This supervision will be for the purpose to either (a) assess safe parenting, (b) prepare for a return to the family unit or (c) to maintain a long-term relationship with a significant adult or sibling when remaining in care.

The Supervised Contact Procedure and toolkit provides a coherent framework for Social Workers to determine the nature, frequency and level of supervision required for each individual child / young person. It outlines the roles and expectations of Social Workers, Foster Carers and Contact Service Providers in delivering a robust and qualitative experience for looked after children to remain in contact with their birth family.

This report informs members of the statutory definitions and legal requirements relating to contact, the key elements of the supervised contact procedure, it explains how the implementation of this updated procedure will re-shape the way the Council delivers supervised contact, reducing the levels of supervised contact delivered directly by council employed contact workers and increasing levels provided by external providers. and it seeks authority to undertake a procurement exercise to secure new contract arrangements with providers when the current contracts end on 31 March 2017.

2. Recommendations

- 2.1 That Cabinet note the key elements of the updated supervised contact procedure, guidance and operational toolkit attached to this report.
- 2.2 That Cabinet notes the intention to publish a tender for the provision of new contract arrangements from 1st April 2017.
- 2.3 That Cabinet delegates authority to the Executive Director, Children's Services in consultation with the Portfolio Holder for Children's Services to accept tenders and enter into new contracts with service providers on behalf of the Council and to subsequently authorise the sealing of any deeds, contracts or other related documents for such services.

3. Report detail

3.1 Supervised Contact

The Local Authority has a duty under Section 34 of the Children Act 1989 to allow the child in its care, reasonable contact with parents and 'other persons' prescribed within s34 (1) of the act.

This duty exists in the absence of any orders for contact. If no agreement is reached on what level of contact should be afforded to the child and its parents (or others), the Act provides for the court to make orders by its own motion when making a care order for the child.

The Coram Institute¹ defines supervised contact as:

'Supervised contact aims to ensure safety from physical harm and emotional abuse and requires a high level of constant supervision from supervisors experienced and confident enough to intervene immediately and firmly if anything of concern arises.

If safe contact is achieved supervision becomes therapeutic in the widest sense. The contact is managed so that the child is supported in resolving issues with the parent whom he or she needs to understand; or to provide opportunities for a parent to apologise or in other ways make amends; or to affect a planned and humane ending to contact.

In supervised contact, the supervisor plays a role in guiding the parents to improve the quality of interactions and parenting; this may include 'mediating' to improve the quality of interactions between a child's parents or between parents and substitute carers.'

However, children have the right to be protected from harmful contact. For children subject to an Interim Care Order or a Full Care Order, the Local Authority can only suspend contact for a limited period (up to a maximum of 7 days).

The Local Authority's duties and responsibilities are set out in The Children Act 1989: Guidance and Regulations Volume 2: Care Planning, Placement and Case Review.

In addition, Regulation 14 of the Fostering Services Regulations places a duty on fostering services to promote contact between a child placed with a foster parent and his / her parents, relatives and friends unless such contact is not reasonably practicable or not consistent with the child's welfare.

All Children's Services decision-making considers the welfare of the child when making contact arrangements to be of paramount consideration.

There is a legal presumption (Section 34 Children Act 1989) of there being reasonable contact between children in care and their families. Even though there is a duty to allow contact, children have a right to be protected from harmful contact and the Local Authority has the power to decide what amounts to 'reasonable contact'.

The new procedures:

- outline the process by which Social Workers, under the guidance of their managers, will make evidence-informed decisions relating to the nature and frequency of contact.

¹ <http://www.coram.org.uk/resource/guide-best-practice-supervised-child-contact>

- detail the process by which contact is established, reviewed and evaluated to ensure that there is a robust systematic review of contact arrangements to ensure that they continue to meet the needs of children and young people.
- clarify the role and responsibilities of all interested parties with greater emphasis being placed upon the role of foster carers in facilitating transport and supervision arrangements for children and young people in their care, ensuring the most effective use of our supervised contact resource.

3.2 **Supervised Contact Service from 2017**

The existing framework contracts started in December 2012 and includes the following 5 organisations delivering supervised contact:

Child Link CSCA Midlands Social Care Starting Point Swanstaff Recruitment

A review of annual expenditure, service demand and contact activity was undertaken between April and July 2016 to determine what future service model is required.

This review identified that the shared (dual) model of council and contractor-provided contact sessions offered good value for money and professional oversight of contact session outcomes. However, working with 5 external agencies did present a range of delivery difficulties.

- Increased staff turnover leading to children experiencing inconsistent and less familiar staff at supervised contact sessions
- managing a range of prices for the same type of service
- invoicing errors and inconsistent detail on invoices
- poor clarity of role – who supervises / who records sessions / who transports
- demands on internal administration to call-off from multiple organisations

In future, supervised contact must achieve further efficiencies. This is currently being by considering by reducing transport costs with greater reliance on foster carers transporting as part of their overall foster-funded duties.

Our Contact Procedure will also better regulate to establish an average volume / frequency of contact hours and introduce a more efficient pre-contact planning, booking and call-off process to reduce internal administration time and costs. It is essential that learning from this review will better inform the new service specification and more accurately forecast the quantity and level of service required from the external market after April 2017. This will improve the tendering process and give external provider applicants a better understanding of what is required of them, what resources they must have and how responsive they must be in order to secure a contract.

Our current contracts end on 31 March 2017. New contracts are needed by 1 April 2017. The new framework contracts are required to be tendered for up to 3 years. The timeline presented below is dependent on the following timescale being met:

- Tender published on 23/11/2016
- Tenders returned on 23/12/2016
- Evaluation between 02/01/2017 and 20/01/2017
- Contract award on 20/01/2017
- 10 day standstill up to 01/02/2017
- Contract mobilisation between 01/02/2017 to 31/03/2017

In 2016 - 2017, 377 looked after children and those subject to a child protection plan are forecasted to utilise contact arrangements approximating to 27,000 hours per year.

The estimated annual contract value for 2016/2017 is £250,000 giving a potential whole life contract value of £750,000.

4. Council priorities

Lifelong Health, Wealth and Happiness

The provision of supervised contact for looked after children and their families aims to support this priority and to ensure that 'children and adults are safe from harm.'

Safe, resilient and prospering communities

Contact with families aims to ensure that looked after children have the reassurance about their birth families and supports the loss they may experience and to better develop resilience.

Sustainable change and improvement for all

The Supervised Contact Procedure and tendered service specification supports this priority by establishing a clear procedure of the expectations around contact provision and how changing the delivery method leads to sustainable change and improvements in efficiency.

5. Risk management

Decisions taken in relation to the nature, frequency and level of supervised contact each child required takes account of a number of competing and complex factors; for example, age of child, attachment / behavioural issues; level of abuse experienced, perceived quality of overall experience.

These complex decisions will be determined through utilisation of the procedure and toolkit. This procedure outlines the role and responsibilities of the Local Authority in providing reasonable contact and provides an evidenced mechanism by which these decisions are reached and reviewed on a regular basis.

The toolkit provides a series of assessment methodologies relevant to specific risk factors, such as domestic abuse, so practitioners have the appropriate support / guidance to make child-centred decisions that balances risk and protective factors.

The effectiveness of working jointly with other agencies is actively risk managed, both corporately and within Children's Services. Specifically, attention is paid to the legal, financial and governance aspects of joint agreements to protect council resources and ensure that the current and future needs and rights of the council are appropriately protected as is its right to act as a democratic autonomous body as and when this may be necessary.

6. Financial implications

The current 2016/17 budget for Contact services is £511k. The service was tasked with identifying an ongoing cost reduction of circa £91k to contribute towards the Children's Directorate Action plan in an effort to reduce its overall ongoing overspend position. Contact services is forecasted to successfully reduce costs by this amount on a permanent basis with a current forecast outturn of £420k.

As part of the current 2017/18 budget setting process, saving proposals of £64k for 2017/18 and a further £64k for 2018/19 have been identified. Further efficiencies along with a review of service demand and revision of a new procedure will contribute towards delivering this level of cost reductions.

Taking both the Action plan item of £91k along with the saving proposal of £64k will result in a budget of £356k for 2017/18 reducing to £292k for 2018/19.

7. Legal implications

All contractual arrangements will be procured in compliance with the Public Contracts Regulations 2015 and in accordance with the Council's own Contract Rules. This will ensure seeking clarification of liability for TUPE legislation should this apply. All current contractors were consulted in July 2015 and asked to state whether any of their staff had rights under TUPE legislation, only one organisation identified one member of staff, the post occupied by this member of staff has since been made redundant. The market will be approached again as part of the tender to identify any staff who may have to be considered in relation to TUPE legislation.

8. Procurement Implications/Social Value

The procurement process will take account of improving the economic, social and environmental well-being of the borough in meeting the needs of looked after children (and others) for supervised contact. The evaluation of the bids will be undertaken in line with a robust criterion taking account of the Public Services (Social Value) Act (2012.)

9. Property implications

The Council's dedicated contact venue, Stroud Avenue, remains the main venue for 70% of all current and future contact arrangements. The centre management and contact bookings are undertaken by the Placements and Resources Team based in the centre. A capital bid to improve the physical environment and extend the range of services available at the centre is currently being considered.

10. Health and wellbeing implications

The Council has a statutory responsibility to promote the health and wellbeing of its population. This procurement supports the Corporate Plan priorities for the Council by ensuring that these services protect and promote the health and wellbeing of all vulnerable LAC children. The quality of the service to be provided will contribute to reducing health and wellbeing inequalities by providing children in care and other children with healthy, stable life experiences, an explicit objective of the Joint Strategic Needs Assessment and Health and Wellbeing Strategy.

All the services provided under the current and new Framework fall within the National Statutory Fostering Minimum Standards and, therefore, are specifically designed to improve the health and wellbeing of children and young people, with a primary focus on safeguarding and improving outcomes.

The Framework will also adhere to the objectives of the Marmot Review:

- **Give every child the best start in life – by providing care and support**
- **Enable all children, young people to maximise their capabilities and have control over their lives – by providing stable care and support and transition to adulthood**

- **Create fair employment and good work for all – by providing local work opportunities, where appropriate, in those regions where fostered**

11. Staffing implications

A recruitment exercise is in progress to employ 4 dedicated Contact Workers. There have been 4 full-time posts that have been offered and it is envisaged they will be in place by October 2016. These Contact Workers will supervise the majority of contact arrangements for children where assessments are being undertaken to inform long term plans through the court process. They will also supervise contact arrangements which have been assessed as more high risk.

12. Equality implications

The provision of supervised contact will ensure the diverse needs of individual children and families are met through assessment of need for contact and are explicit in the contact plan. An Equality Impact Assessment of the contact procedure and toolkit has been completed. The outcome of which is that “No major change is required”. Although there is to be a reduction in contact hours delivered by the contact service, this contact will be facilitated, if it continues to be assessed as being in the child or young person’s best interests by foster carers.

13. Consultation

A Provider event took place on 15.09.2016 involving 12 organisations, including 3 of our current providers of supervised contact. This event allowed commissioning and operational officers from Children’s Services to discuss and propose a range of different arrangements and gave providers an opportunity to inform the creation of a new framework process.

Consultation took place with the New Belongings Group (Care Leavers group) as part of the development of the Supervised Contact procedure. Consultation and initial piloting of the toolkit has also been undertaken with Social Workers, their managers to inform the development of our procedure, guidance and toolkit. Feedback has been utilised to refine and develop elements of these documents to create an effective practice model. Sessions have also been undertaken with the existing contact workers, sessional workers and the individuals who make the contact arrangements. Suggestions that they have made have also been incorporated into the procedure and have influenced the development of their training and that which has been commissioned for Social Workers.

There have been discussions with the HM Family Court Officer and CAFCASS to advise them of changes to our practice that will follow the implementation of the new procedure.

Background papers

Supervised Contact Procedure

Supervised Contact Guidance and toolkit

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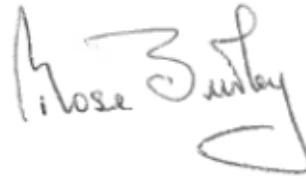
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A handwritten signature in black ink that reads "David Haley". The signature is stylized, with the first name and last name clearly legible.

David Haley
Executive Director
17 October 2016

A handwritten signature in black ink that reads "Rose Burley". The signature is written in a cursive style, with the first name and last name clearly legible.

Councillor Burley
Portfolio Holder
17 October 2016