

**HEALTH, SOCIAL CARE & WELLBEING SCRUTINY COMMITTEE -
12TH FEBRUARY 2013**

**SUBJECT: PROVISION OF CONTACT INCLUDING LEGAL REQUIREMENTS AND
DEMANDS ON SOCIAL WORKERS TIME**

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to provide information to the Health Social Care and Wellbeing Scrutiny Committee around the provision of direct contact for looked after children with their birth parents and family. The report will highlight the legal obligations of the Authority and the guiding principles in promoting safe contact for children who live away from their family of birth. The report will update members on the levels of service provision dedicated to this activity and the demands on social workers time.

2. SUMMARY

- 2.1 Sustaining meaningful relationships with separated parents and significant family members is an important feature in the development of a child's emotional wellbeing. Research published by HM Inspectorate of Court Administration (HMICA) shows that courts already operate with an informal 'presumption of contact' and there is a positive duty on local authorities to promote contact under Section 34 of the Children Act 1989. The 'paramountcy principle' as defined in the Children Act 1989 ensures that the welfare of children overrides all other considerations and is key, particularly where ongoing contact with former caregivers poses unmanageable risks to the child.
- 2.2 Any contact for children arranged with parents or significant family members must be in the child's best interests and ensure that the child's expressed wishes are very carefully balanced with any further potential for harm from separated parents. Social Workers have to carefully assess both the needs of the child and potential risk and propose contact arrangements to the court during proceedings. This contact would be subject to change as the case progresses through court to final care plan. After the court proceedings have ended contact arrangements are reviewed regularly to ensure they continue to meet the child's needs. There would also be an independent overview of these arrangements through the 'Looked After Child Review'
- 2.3 When assessing children's need for contact with parents or former caregivers as part of Court proceedings the Local Authority has to consider the five criteria under the 'Baker Principles' which need to be fulfilled for the success of maintaining good contact between a child and their natural parents after the child has been fostered or adopted:
- (1) acceptance by the parents of the care plan;
 - (2) supporting the child within the context of a new family;
 - (3) new carers and parents to show respect to each other;

- (4) an understanding by all parties of the reasons why the child is not able to grow up within the birth family;
- (5) that contact with birth parents does not undermine the child's relationship with new carers.

2.4 This report describes the impact of supervised contact which involves both Social Workers and Child Care Support Workers in the formal, professional supervision of family contact for looked after children. It is important to note that the significant majority of supervised contact is overseen by Child Care Support Workers. It is acknowledged that Foster Carers also facilitate a proportion of contact for some children in their care where it is assessed as appropriate to do so.

3. LINKS TO STRATEGY

3.1 The Children Act 1989 and 2004

4. THE REPORT

4.1 Contact between looked after children and their families is a significant feature of activity for Children's Services. The levels of contact in any one case can vary and fluctuate throughout a child's life and it is difficult to give a specific example of the hours involved as a 'typical' case. Generally however, during initial proceedings or when a child begins to be looked after where the care plan states 'time limited assessment' the levels of contact can be very frequent, as much as five times per week, particularly where very young babies are concerned.

4.2 During proceedings the Court will approach the Child and Family Court Advisory and Support Service (CAFCASS) who allocate a Family Court Advisor. The role of CAFCASS is:

- safeguard and promote the welfare of children
- give advice to the family courts
- make provision for children to be represented
- provide information, advice and support to children and their families

The allocated Family Court Advisor plays a significant role in the Court proceedings for the child and will be heavily involved in the negotiations around arrangements for contact.

4.3 As the case progresses and long term plans are made the level of contact will be reviewed. Some children will be rehabilitated home and the levels of contact increased in anticipation of the return to parents. For those children whose plan is for adoption the levels of direct contact will reduce gradually to potentially ceasing entirely. For children whose plan is long term fostering frequency of contact will be agreed in the final Court care plan and thereafter reviewed via Looked After Children reviews.

4.4 For children who are voluntary accommodated under Section 20 of the Children Act 1989 contact is agreed and reviewed again via Looked After Children reviews. This contact would be ongoing until the child or young person left local authority care.

4.5 Over time the nature and level of supervised contact may also change. Through reviewing contact arrangements the levels of risk will be reassessed. This could result in other professionals or family members supervising contact or it may be appropriate that the risks are such that supervision by Social Services personnel is no longer required.

4.6 The department has a contract with Barnardos to provide 115 hours of contact per month, this includes 17 hours of travel time. Barnardos supervise contacts for cases involved in court proceedings, which are usually concluded within a year. Given recent guidance in relation to Family Courts it is aimed for proceedings to be concluded in 26 weeks. When this guidance becomes fully operational this should increase the throughput for this service and in turn increase availability.

- 4.7 Observation of contact forms an important part of the ongoing assessment of parenting during proceedings and allocated Social Workers will be expected to supervise contact on a monthly basis in order to gather information to continually inform their assessment. Generally however contact is largely supervised by Child Care Support Workers either employed by the department or by Barnardos under their contract to the local authority.
- 4.8 After proceedings have concluded and the permanency care plan finalised the supervision of contact transfers to the Children's Services Team. The significant majority of post proceedings supervised contact is conducted by a Child Care Support Worker located in the child care teams.
- 4.9 Occasionally there are periods of increased activity in court proceedings and children becoming looked after on a voluntary basis. These periods inevitably mean increased demand for supervised contact and demands on staff. Where possible Child Care Support Workers are utilised however Social Workers can also be expected to supervise contact on occasion.
- 4.10 As a snapshot of contact supervised by the Children's Services Teams a request was made for the team to calculate the number of hours of contact provided over a one month period (1st of November 2012 to the 1st of December 2012) During this period there were 353 hours of contact supervised by Children's Services Teams, the significant majority of this contact was supervised by Child Care Support Workers.

5. EQUALITIES IMPLICATIONS

- 5.1 This report is for information purposes, so the Council's Equalities process does not need to be applied.

6. FINANCIAL IMPLICATIONS

- 6.1 The Barnardos contact contract costs £276,133 per annum. This contract is subject to regular review via the Service Level Agreement. The cost of contact supervised by social services personnel is not recorded separately under a specific budget heading but incorporated into staffing costs.

7. PERSONNEL IMPLICATIONS

- 7.1 There is an expectation that as part of their role Child Care Support Workers carry out the function of supervising contact and it is the case that this is the case in a significant proportion of contact provision. DMT regularly monitor the amount of demand for supervision of contact and will redirect resources to teams where demand is particularly high.

8. CONSULTATIONS

- 8.1 The views of those consulted have been incorporated into the content of the report.

9. RECOMMENDATIONS

- 9.1 That members of the Health, Social Care & Wellbeing Committee note the content of the report.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To appraise members of the Health, Social Care & Wellbeing committee of the provision of direct contact for looked after children with their birth parents and family and to highlight the levels of service provision dedicated to this activity and the demands on social workers time.

11. STATUTORY POWER

11.1 Local Government Act 1972.

11.2 The Children Act 1989 & 2004.

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