

SHEFFIELD CITY COUNCIL

INDIVIDUAL CABINET MEMBER DECISION RECORD

The following decision was taken on 04 March 2021 by the Cabinet Member for Children and Families.

Date notified to all Members: Friday 5 March 2021

This decision is not subject to call-in, in accordance with the Fast Track process set out in Scrutiny Procedure Rule 17 of the Constitution.

1. **TITLE**

Observational Contact Provision for Children and Families

2. **DECISION TAKEN**

That the Cabinet Member:-

(a) notes the current circumstances of the observational contact services;

(b) approves the establishment of an in-house service, within the wider Children and Families Service, to arrange and oversee the delivery of observational contact and 'family time' for children in our care and their families; and

(c) authorises the Executive Director of People Services, in liaison with the Executive Director of Resources, to insource the service, and to establish an implementation and project group with relevant senior officers, to oversee and support the insourcing.

3. **Reasons For Decision**

The Council has a statutory responsibility to provide contact for children and young people in care and is not currently in a position to deliver this service in-house.

The current provider had indicated an intention to close on 31st March 2021, and a tender exercise has secured no alternative external provider to continue the services. However, the Council has secured an extension of this arrangement, so that it will continue to 30 June 2021.

Although the timescale remains challenging, it is preferable for the Council to bring the service in house at the end of the current contract in order to take direct control over the future delivery and development of family time provision, and ensure that the Council continues to deliver its statutory duties.

4. **Alternatives Considered And Rejected**

The urgency created through the current provider decision to close business, combined with the diminishing and limited range of alternative external providers for this kind of service, mean that the Council is left with very limited options.

Doing nothing to continue this service would see the failure of the Authority's discharge of its statutory functions in relation to Looked After Children. The Local Authority has a duty to promote contact between children who are Looked After and their families under Schedule 2 of the Children Act 1989 and Children and Families Act 2014. Failure to meet a statutory duty leaves the Authority vulnerable to legal challenge by way of judicial review and the negative publicity and reputational damage. Consequently, in the event that Sheffield City Council was not in contract (written or by performance) it would have to discharge its statutory duty by delivering in-house with immediate effect. As SCC does not currently have the capacity or capability to do so, this cannot be considered as a realistic option.

5. **Any Interest Declared or Dispensation Granted**

None

6. **Respective Director Responsible for Implementation**

Director of Strategy & Commissioning

7. **Relevant Scrutiny Committee If Decision Called In**

Children, Young People and Family Support Scrutiny Committee