

# **Report of the Deputy Director (Children's Social Care) to the meeting of the Corporate Parenting Panel to be held on 13<sup>th</sup> July 2016**

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**Subject: The Adoption Service and Adoption Regionalisation**

## **Summary statement:**

The purpose of this report is twofold;

- i) to provide information to the Corporate Parenting Panel about the performance of the Adoption Service during the financial year 2015-2016**
- ii) to provide information to the Corporate Parenting Panel about the proposals for adoption reform contained within the government's Education and Adoption Act 2016. It sets out the Yorkshire and Humber regional plan for adoption which will involve the formation of a Yorkshire and Humber central adoption hub and a West Yorkshire Regional Adoption Agency which is to be hosted by Leeds City Council.**

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**Overview & Scrutiny Area:**

**Children's Services**



## 1. SUMMARY

The purpose of this report is to provide information to the Corporate Parenting Panel about the performance of the Adoption Service during 2015-16 and the proposals for adoption reform contained within the government's Education and Adoption Act 2016. It sets out the Yorkshire and Humber regional plan for adoption and the plan to form a West Yorkshire Regional Adoption Agency, to be hosted by Leeds City Council within the Yorkshire and Humber hub.

An agreed regional and sub-regional approach to the future delivery of adoption service will benefit Bradford in delivering a more efficient and cost effective service. It will utilise central Government funding to help facilitate the change.

The new Agency would take over the recruitment of adoptive families, the family finding function for children requiring adoption and the provision of adoption support. The Local Authority would however retain the decision making in respect of adoption planning and matching for its own children.

The key benefits of the agency would be to:

- Focus on best outcomes for children requiring adoption through good quality recruitment & assessment of adopters, matching, early placement and adoption support.
- Improve outcomes for children, prospective adopters and adoptive families and birth families.
- Provide sufficient placements for West Yorkshire's children and improve adoption support for all those affected by adoption including birth families, for the transition and the future adoption service
- Enable the new regional adoption agency to form relationships with voluntary organisations in the Yorkshire and Humberside Voluntary Adoption Alliance Group
- Ensure partnership work is promoted and enhanced to promote the best interests of children, adopters and adoptive families and allow best practice elements between the local authorities to be enhanced.
- Ensure funding for the agency will go directly to work for children and adoption because the local authority funding profile is understood and factored into the plan of the new agency and provides value for money
- The Yorkshire and Humber hub will be tasked to undertake key functions on behalf of the 3 Y&H regional adoption agencies, where the outcomes for all stakeholders will be optimised by regional collaboration.

## **2. BACKGROUND**

### **2.1 Performance information for 2015/16**

The adoption service currently consists of

- 1 Service manager
- 3 Team Managers
- 18.5 FTE Social Workers
- 2 Community Resource Workers

The Adoption Reform Grant received between 2013-15 was used to significantly bolster the staffing of the adoption service and to improve performance in all areas of work.

The service was restructured into specialisms of Family Finding and Recruitment and Assessment to allow a specific focus on each area and an increased staffing was given to Adoption and Special Guardianship Order (SGO) support to develop the range of services offered.

The monies attached to this and therefore the temporary posts that had been created to support this have all now come to an end. The current staffing of the service represents a 30-50% reduction of staff in each of the 3 adoption teams.

### **2.2 Recruitment and assessment**

There are regional and national issues about recruiting adopters to meet the needs of the children waiting. Agencies being more selective about the adopters they decide to bring forward.

Number of approvals since 1/4/15 = **18**

Number of adopters matched

- with Bradford children **23**
- with other agency children **5**

Number of adopters now waiting with no match yet identified - 6

Adopters in Stage 1 - 4

Adopters in stage 2 - 11

Reintroduction of Information Meetings has impacted positively on number of enquiries.

### **2.3 Family Finding Team**

45 children subject to Should be Placed for Adoption (SBPA) decisions in 2015/16 and a further 17 children since 1/04/16

April 2015	May	June	July	Aug	Sept	Oct
5	2	6	3	3	5	6
Nov	Dec	Jan 2016	Feb	March	April 2016	May
4	3	4	3	1	5	5
June						
7						

Should be Placed for Adoption (SBPA) meeting with Agency Decision Maker (ADM) improving standards of planning and paperwork.

37 matches involving 40 children in 2015/16

- 25 matches with Bradford adopters
- 15 matches with Interagency Adopters ( we have recouped £254,000 in Inter-agency fees since June 2015)

27 children with SBPA (Should be Placed for Adoption)

4 children with Adoption Plan but awaiting a Placement Order

#### 2.4 **Adoption Scorecard**

Adoption Agencies are measured on 3 key indicators based on a 3 year average for the preceding 3 years.

**A1** Number of days between entering care and a match being identified . Target set 547 days. Bradford Performance 2015-16 = 598 days.

##### Analysis

These figures reflect a legacy of children from 2013/14, pre the current Public Law Outline (PLO) arrangements who had waited a long time because they were complex children in sibling groups, with complex heritage and a range of emotional, behavioural and developmental issues. Adoption Reform funding nationally increased the pool of adopters available to enable these children to find families. In previous years adoption may not have been achieved for many of these children.

**A2** Number of days between receiving authority to place and the child moving in with their adoptive family. Target set 182 days. Bradford performance 2015-16 = 273 days.

##### Analysis

Again this figure relates to children who had an adoption plan as far back as 2013. Factors impacting on this figure include foster carers who decide after unsuccessful attempts to find adopters that they will apply to adopt themselves but then the timescales for their own assessment and approval also factor into this figure. Other factors that increase the times in this indicator are poor sibling assessments and the difficulties nationally in finding families for children with Foetal Alcohol Spectrum issues and children aged 3+ with emotional and behavioural issues (particularly boys)

**A3** % of children waiting less than 16 months to be placed with their adoptive family 2015-16 = 55%.

### Analysis

There is an overall improvement in this figure demonstrating the improved effectiveness of the family finding strategy

#### 2.5 **Early permanence placements (EPP)**

3 EEP placements made since January 2016.

1<sup>st</sup> placement made and the child was adopted before the age of 6 months 133 days from becoming Looked After Children (LAC) to Adoption

#### 2.6 **Completed Adoptions**

During 2015/16 there were 71 Adoption orders granted

#### 2.7 **Disruptions**

There were no pre order disruptions of children placed in 2015/16.

The service has been involved with 3 post order disruptions but into total there have been 5, all involving children in the age range 13-17years.

#### 2.8 **Adoption /SPECIAL GUARDIANSHIP ORDER Support Team**

##### **At 31/05/15**

- 155 families allocated for adoption support services (17 of which are Special Guardianship Order families) – increase of 33% over past 6 months)
- 14 adopted adults
- There are in excess of 1000 active letterbox exchanges
- There is a newly established adoption support group launched in March 2016 and an Special Guardianship Order (SGO) support group launching in June 2016
- Since 1/5/15 - 84 applications to Adoption Support Fund = £506,000 funding for therapeutic support in individual and group bids benefiting 100+ families
- West Yorkshire Safe Base Partnership worth £180,000 over 3 years to offer attachment based parenting programme to 60 families per year
- In May 2016 Bradford and PAC-UK started up a birth parent support group funded through the current contract.

### 3. **Adoption Regionalisation**

3.1 In June 2015 the Department for Education published 'Regionalising Adoption'. The Government's view is that structural change will help to:

- Speed up the process and markedly improve the life chances of neglected and damaged children.

- Improve adopter recruitment and adoption support.
- Reduce costs.

3.2 In March 2016 'Adoption: A vision for change' was published which set out plans for adoption reform as part of the overarching vision for transforming the quality of children's social care services by 2020.

The key objectives of this are;

- To reverse the marked decline in the numbers of adoptions
- To address concerns that some children still wait too long for adoption
- To address concerns that too many families miss out on vital support services
- To address concerns that some children fail to get the permanence option that would be in their best interests

The Government's stated intention is to improve the provision of adoption services through the establishment of Regional Adoption Agencies with local authority and voluntary agency involvement.

3.3 The issues that the government is seeking to address within adoption reform are as follows:

- **Inefficiencies.** The current system is fragmented with around 180 agencies, both Local Authority and Voluntary Adoption Agencies (VAA), recruiting and matching adopters for 5000 children per year. The majority of agencies are operating at a very small scale and this hinders strategic planning and economies of scale.
- **Timeliness of placing children.** Whilst there has been significant improvement in the performance of Local Authorities in placing children swiftly with adoptive families there is further progress that can be made. This is particularly the case with harder to place children, often older, within a sibling group or with a disability.
- **Adopter recruitment.** Again there has been improvement in both the number of adopters recruited and the timescales to achieve this. However, whilst the number of approved adopters nationally is now greater than the number of children waiting, many of these adopters are less willing to consider those children who are harder to place.
- **Adoption support.** The help that is offered to families after adoption is the responsibility of Local Authorities. However it is currently fragmented and characterised by a combination of in-house and spot purchased arrangements with often significant variations between local authority areas.

3.4 The specific proposal within the Education and Adoption Act 2016, as it relates to adoption reform, is to support the creation of regional adoption agencies. This is the preferred delivery structure to ensure the issues identified above are resolved. Government has asked the sector to propose the most suitable method of scale and scope for these regional agencies and has provided funding to achieve this. It is the intention that by the end of the current parliament there will be a regional adoption agency in place for every part of England. There are powers within the Education and Adoption Act 2016 to force a Local Authority or VAA to join a regional agency if no action is taken.

The proposal is to create a Yorkshire and Humber adoption hub with 3 regional adoption agencies, North and Humber, West and South. The hub will take on many of the functions previously provided by the Adoption Consortium with a small number of functions held centrally e.g. performance data collection and analysis to enable tracking and service planning. The hub is likely to be hosted by Barnardo's.

- 3.5 Yorkshire and Humber regional project board has been successful in an application to the Department for Education (DfE) to become an early adopter of regionalisation. As a demonstration project of a regional approach it can establish best practice and help to shape adoption agency development on a wider basis. The Yorkshire & Humber project board will be working over the next six months to establish an implementation delivery plan. In relation to West Yorkshire this will combine adoption services from Bradford, Calderdale, Kirklees, Leeds and Wakefield. Voluntary Adoption Agencies (VAA's) and Adoption Support Agencies (ASA's) will be integrated into this arrangement.
- 3.6 The West Yorkshire Regional Adoption Agency which will be hosted by Leeds City Council but jointly controlled by the Local Authorities and Voluntary Agencies in the area. It will provide a centre of excellence for adoption practice and a consistent, high quality service for children in our care and adopters.
- 3.7 A detailed partnership arrangement will be drawn up between the Local Authorities.
- 3.8 The Agency will be overseen by a Joint Committee with a representation of elected members from each Local Authority and a Management Board with chief officer representation from each Local Authority. These two bodies will set the strategic direction and performance expectations for the Agency.
- 3.9 Key stakeholders have been briefed about the work of the project board to ensure that they understand the direction of travel towards a regional agency. Regular briefings will continue to be produced.
- 3.10 Each Local Authority will have key staff in the areas of Legal, IT, HR, Finance and Procurement, Communications, Business Support, involved in progressing the regionalisation of the adoption service.

The formal process of engagement with staff, elected members and the key officers, who will establish a regional agency has not commenced, as the governance model needs to be agreed and given regional/Departmental approval to proceed.

The staffing structure and funding model for the new agency is being developed in conjunction with KPMG external consultants. This will require fuller discussion regarding arrangements for staff transfer, TUPE, pension implications etc and consultation with the trade unions.

- 3.11 The planned implementation date for the Regional Adoption Agency is 1<sup>st</sup> April 2017.

#### **4. OTHER CONSIDERATIONS**

- 4.1 Decision making in respect of Bradford children will be retained by Bradford Council and agency decisions regarding whether a child should be placed for adoption and whether a child should be matched with a particular family for adoption will remain with the Council's Deputy Director for Children's Social Care.

#### **5. OPTIONS**

There are two available options for consideration

- 5.1 To support the continuing development of the Regional Adoption Agency will:
- Provide economies of scale and efficiency savings to Bradford Council at a time of economic austerity.
  - improve the timeliness of service delivery to adopters and children within the Bradford district
  - increase the range of services available to all parties affected by adoption.
  - as an early adopter of the development of the Regional Adoption Agency model, enable the Agency to benefit from Department for Education funding to facilitate the transition process
- 5.2 To maintain the status quo and not pursue the development of the Regional Adoption Agency will;
- render the risk that legislation will oblige the Bradford adoption service to merge with or be taken over by another adoption agency within 2 years
  - risk the ability to access the level of funding currently available to facilitate the staff time and expertise to oversee the regionalisation.
  - risk that Bradford children and adopters will be disadvantaged from accessing the benefits of an adoption service offered on a larger scale.

#### **6. FINANCIAL & RESOURCE APPRAISAL**

Funding of the Agency will be based on an accurate understanding of each agency's budget and expenditure in respect of adoption, identification of economies of scale that can be achieved by a regional agency and recommendation of a budget and funding formula to apportion the cost of the Regional Agency between the 5 Local Authorities

Each Local Authority will consult with HR advisors to identify the scope of the proposal for affected staff in that LA and engage in consultation and the application of the HR process with the affected staff and their trade unions.

It is anticipated that there will be savings in the implementation of the Regional Adoption Agency through the rationalisation of duplication of some management functions and tiers.

Any forecast savings will be clarified during the 2016/17 financial year once the identified model is confirmed and implementation plans are effected.

The return upon the overall investment will ensue when the Regional Adoption Agency has increased its recruitment of adoptive families in the Agency, which had formerly required cost and time intensive inter agency searches/matches.



## **7. RISK MANAGEMENT AND GOVERNANCE ISSUES**

The proposed joint arrangements are permitted under Article 13.2 of the constitution which states the Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees of these other local authorities.

The establishment of a joint committee, its terms of reference, members to be appointed and terms of office etc are executive decisions. These matters will need to be considered by the Executive at a later date as they cannot be delegated to officers. The Executive may wish to consider delegating the matters to a committee.

Article 13.11 of the constitution requires the Monitoring Officer to keep a record of joint governance arrangements and gives the monitoring officer the power to require information about the arrangements.

Governance of the Agency and the management of any associated risks will be subject to a detailed partnership agreement between the 5 Local Authorities.

The Agency will be overseen by a Joint Committee with a representation of elected members from each council and a Management Board with chief officer representation from each Local Authority. These two bodies will set the strategic direction and performance expectations for the Agency.

The new agency will need to be formally established as an Adoption Agency and registered with OFSTED.

For the duration of the process of transition a local Bradford Regionalisation Board has been established to ensure the various strands of ongoing work are synchronised.

## **8. LEGAL APPRAISAL**

- 8.1 The adoption functions included in the proposed transfer are executive functions of the local authority. The proposal to discharge functions jointly with other authorities is lawful and governed by the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions (England) Regulations 2012. Such joint arrangements may be made by the Leader, the Executive, an individual member of the executive or a committee of the Executive. As stated above, the establishment of a joint committee, its terms of reference, members to be appointed and terms of office etc are executive decisions and cannot be delegated to officers.
- 8.2 The Education and Adoption Act 2016 provides the Secretary of State with the power to direct one or more local authorities to make arrangements for any or all of their specified adoption functions to be carried out on their behalf by one of the local authorities named or by another adoption agency. The Secretary of State can either name which adoption agency should carry out these functions, or instruct the local authorities to determine who should carry out the functions. The effect of the provisions is that the Government has the power to remove the adoption function from a local authority and direct that another authority or adoption agency carries out that function.

8.3 The proposals would involve a transfer of staff from City of Bradford MDC to Leeds City Council. It is considered that the Transfer of Undertakings (Protection of Public Law Outline Regulations 2006 (“TUPE”) would apply to such a transfer. If collective redundancies are envisaged, information and consultation duties under Trade Union and Labour Relations (Consolidation) Act 1992 may also apply. The Council should also bear in mind any relevant collective agreement, policy and/or procedure. It is important to inform the recognised trade unions long enough before the proposed transfer of staff to enable effective consultation with representatives of any affected Public Law Outline to take place.

## **9. OTHER IMPLICATIONS**

IT and Performance Management systems will require further development but the timeline and cost of procurement for a new system does not fit with the proposed implementation date for the Agency and further work/collaboration will be needed.

## **10. EQUALITY & DIVERSITY**

Implementation of a Regional Adoption Agency should optimise the potential range of families available for Bradford children within the West Yorkshire region and avoid those children losing connection with their West Yorkshire heritage by virtue of being placed outside of the region.

## **11. SUSTAINABILITY IMPLICATIONS**

The establishment of a Regional Agency will bring about economies of scale and make the adoption service more resilient to service cuts impacting adversely on service delivery.

## **12. RECOMMENDATIONS**

That it be noted that, at its meeting to be held on 19 July 2016, the Executive will be asked to:

- (i) Approve the formation of a Yorkshire and Humber Adoption Service, as set out in this report and;
- (ii) Delegate authority to the Director of Children’s Services to progress the development of the Yorkshire & Humber Hub and the West Yorkshire Adoption Agency and to proceed with the revised structure leading to the transfer of staff to Leeds City Council, as the host of the West Yorkshire Agency, with the new arrangements being in place by April 2017.

## **13. BACKGROUND DOCUMENTS**

None.

## **14. NOT FOR PUBLICATION DOCUMENTS**

None.

**15. APPENDICES**

None.