

Report of the Strategic Director of Children's Services to the meeting of the Executive to be held on 19th July 2016

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Subject:

Regionalisation of Adoption Services

Summary statement:

The purpose of this report is to provide information to the Council's Executive 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 and requests delegated authority for the Director of Children's Services to form a Yorkshire and Humber central adoption hub and develop a West Yorkshire Regional Adoption Agency which is to be hosted by Leeds City Council.

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Portfolio:

Health & Wellbeing

Overview & Scrutiny Area:

Children's Services

1. SUMMARY

The purpose of this report is to provide information to the Council's Executive 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 and requests delegated authority for the Director of Children's Services to proceed with the plan to form a West Yorkshire Regional Adoption Agency, to be hosted by Leeds City Council within the Yorkshire and Humber hub.

- 1.1 An agreed regional and sub-regional approach to the future delivery of adoption services 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.

The Executive is asked to endorse the proposed creation of a West Yorkshire Regional Adoption Agency and Yorkshire and Humber Hub and to delegate authority for the implementation of this to the Director of Children's Services.

2. BACKGROUND

2.1 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.

2.2 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.

2.3 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.

2.4 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.

2.5 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.

2.6 West Yorkshire will be responsible for managing its own 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.

2.7 A detailed partnership arrangement will be drawn up between the Local Authorities.

2.8 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.

2.9 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

2.10 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.

- 2.11 The planned implementation date for the Regional Adoption Agency is 1st April 2017.

3. OTHER CONSIDERATIONS - THE BRADFORD CONTEXT

- 3.1 In the Regional Agency Decision making about 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.
- 3.2 Regionalisation offers the opportunity for some of Bradford's harder to place children being more likely to be placed within West Yorkshire than across the country as sometimes can be the case now and for all West Yorkshire families to benefit from a larger scale and breadth of adoption support services than are currently available
- 3.3 There is a commitment to retaining a presence of adoption staff within Bradford district and that there will continue to be a point of contact and recruitment events for prospective adopters from the District in Bradford.

4. OPTIONS

There are two available options for consideration

- 4.1 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
- 4.2 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.

5. 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.

6. 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.

7. LEGAL APPRAISAL

- 7.1 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.
- 7.2 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.
- 7.3 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 Employment) 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 employees to take place.

8. 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.

8.1 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.

8.2 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.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

None.

8.4.1 COMMUNITY SAFETY IMPLICATIONS

None.

8.5 HUMAN RIGHTS ACT

None.

8.6 TRADE UNION

The trades unions will be fully involved in the process of consultation with staff and with any HR processes at both a West Yorkshire and Bradford level.

8.7 WARD IMPLICATIONS

All Bradford children and families are affected equally by these proposals.

8.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

Not applicable.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

- That Executive approve the formation of a Yorkshire and Humber adoption service as set out in this report.
- That authority be delegated to the Director of Children's Services, in consultation with the Education, Employment and Skills Portfolio Holder to progress the development of the Yorkshire and 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 for April 2017.
- That a further report be presented to the Executive prior to the implementation of the new arrangements, including details of proposed governance arrangements

11. APPENDICES

None.

12. BACKGROUND DOCUMENTS

None.