

Report of the Deputy Director (Children's Social Care) to the meeting of the Corporate Parenting Panel to be held on 9th November 2016

F

Subject: Adoption Regionalisation**Summary statement:**

The proposals around the Regionalisation of Adoption were previously presented by the Corporate Parenting Panel on 13th July 2016. The Panel endorsed the recommendation to the Executive that work should begin to develop the establishment of a Regional Adoption Agency.

The purpose of this report is inform the Corporate Parenting Panel on the progress regarding the regionalisation of adoption services and to seek formal endorsement of the arrangements for the delegation of the adoption service to a Regional Adoption Agency (RAA). The government's adoption reform proposals contained within the Education and Adoption Act 2016 are clear that all local authorities will be part of a RAA or will have delegated their adoption functions to a RAA by 2020.

Bradford has been working in collaboration with other Local Authorities and the Voluntary Adoption Alliance (VAA) throughout the Yorkshire and Humber region to create a new model of service delivery for adoption services in line with the government's agenda. This report provides the up to date position on the plans for Bradford's Adoption Service to transition to the new arrangements and seeks support for the delegation of the adoption service function to a shared service between the 5 West Yorkshire authorities with the appointment of a Joint Committee to oversee the arrangements.

The Executive in December 2016 will be asked to formally agree.

Jim Hopkinson
Deputy Director
(Children's Social Care)

Portfolio:**Children's Services**

Report Contact: Mary Brudenell
Phone: (01274) 434439
E-mail: mary.brudenell@bradford.gov.uk

Overview & Scrutiny Area:**Children's Services**

1. SUMMARY

The proposals around the Regionalisation of Adoption were previously presented to the Corporate Parenting Panel on 13th July 2016. The Panel endorsed the recommendation to the Executive that work should begin to develop the establishment of a Regional Adoption Agency.

- 1.2 The purpose of this report is inform the Corporate Parenting Panel on the progress regarding the regionalisation of adoption services and to seek formal endorsement of the arrangements for the delegation of the adoption service to a Regional Adoption Agency (RAA). The government's adoption reform proposals contained within the Education and Adoption Act 2016 are clear that all local authorities will be part of a RAA or will have delegated their adoption functions to a RAA by 2020.
- 1.3 Bradford has been working in collaboration with other Local Authorities and the Voluntary Adoption Alliance (VAA) throughout the Yorkshire and Humber region to create a new model of service delivery for adoption services in line with the government's agenda. This report provides the up to date position on the plans for Bradford's Adoption Service to transition to the new arrangements and seeks support for the delegation of the adoption service function to a shared service between the 5 West Yorkshire authorities with the appointment of a Joint Committee to oversee the arrangements

2. BACKGROUND

Nationally

- 2.1 The Education and Adoption Act 2016 is clear about the regionalisation agenda and government is clear that all local authorities will be part of a Regional Adoption Agency (RAA) or will have delegated their adoption functions to a RAA by 2020. The background of the national landscape and drivers are covered in detail in the paper that came before the Executive in July 2016.

Yorkshire and Humber Region

- 2.2 The Yorkshire and Humberside Local Authorities and Voluntary Adoption Agencies have been part of an adoption consortium for many years and have worked pro-actively to develop the best arrangements as we move towards a regionalised approach for the delivery of adoption services in the region. This has been assisted with transitional funding from the Department for Education (DfE).
- 2.3 There will be three groupings who will become separate Regional Adoption Agencies within the wider Yorkshire and Humberside (Y & H) region; South Yorkshire, North and the Humber and West Yorkshire. The West Yorkshire councils are Bradford, Calderdale, Kirklees, Leeds and Wakefield.
- 2.4 The Y& H project has been selected as one of the 5 demonstration projects by the DfE (out of 19 projects in England). The West Yorkshire RAA will commence operation on 1 April 2017. West Yorkshire councils have all agreed *in principle* at



the Executive/Cabinet Boards to the transfer of the adoption service function to establish a regional adoption agency.

- 2.5 These three RAA's – South, North and West are connected by a Hub who will fulfil some functions on behalf of all the three Regional Adoption Agencies (RAA's) across the Yorkshire and Humber region. The work that the hub will do on behalf of the three RAA's is still work in progress but aims to add value and improve outcomes for children as well as providing value for money.

3. REPORT ISSUES

- 3.1 The Education and Adoption Act 2016 is clear about the regionalisation agenda and government is clear that all local authorities will be part of a Regional Adoption Agency (RAA) or will have delegated their adoption functions to a RAA by 2020.
- 3.2 The plan is that the West Yorkshire RAA will become operational by April 2017 providing a high quality service for children and adoptive families.

Corporate Parenting Role

- 3.3 The RAA will work in partnership with social work services in each Local Authority (LA). Each LA will retain the corporate parenting responsibility for looked after children and each Local Authority will still retain the responsibility for decisions about the planning for children and the match with a family. In Bradford, this will remain the responsibility of the Deputy Director, Children's Social Care.
- 3.4 The RAA will be a regional agency with an emphasis on the local delivery of services. The RAA will retain a base in each local authority office and will work with each LA to ensure that children's needs are prioritised and that there is a sense of urgency in the planning for children regarding permanence. This will also ensure that families are recruited to meet children's needs and that adoption support can be delivered effectively at a local level.

Governance and Legal Arrangements

- 3.5 The new arrangements will be overseen by a Joint Committee of councillors representing the 5 local authorities, who have knowledge of and responsibility for Children's Services. It is proposed that this will meet as a minimum of one meeting per year with others to be arranged at the chair's discretion. This will enable flexibility in terms of number of meetings if Members feel more control is necessary in the early days but are happy to exercise a lighter touch as the RAA becomes established.
- 3.6 The strategic direction of the RAA will be discussed and agreed by the Joint Committee following the advice of the Management Board. The Joint Committee will provide support and challenge to the management board in exercising their corporate parenting role, regarding the functions delegated to the RAA. The strategy will set stretch targets with key performance indicators. The RAA will be required both to maintain the good performance in West Yorkshire to date but also to evidence the added value that the RAA has brought to the outcomes for



children, their adoptive families and the support for adoption in addition to evidencing value for money.

- 3.7 The operational accountability of the regional agency will be to the Management Board, which will comprise senior officers delegated by each Director Children Services with representation drawn also from other stakeholders, including the Adopter Voice forum and the Voluntary Adoption Alliance. The management board will meet 2 monthly to review both RAA functioning and also the impact for West Yorkshire's children, adopters and birth families. A Head of Service will be appointed for the RAA and the Joint committee will receive the reports of performance and progress from the Head of Service and the Chair of the Management Board.
- 3.8 The adoption functions to be delegated to the West Yorkshire RAA¹ include Adoption services including: Recruitment and approval of potential adopters²; Identification of potential matches between children and adopters; Provision of adoption panels; and provision of adoption support³ services to adopters, adoptees and birth families.
- 3.9 In the five LA's, non- agency adoption work is carried out within the adoption services in 3 out of the five LA's and will become part of the new RAA. However, further work is still required about the resources required to undertake this specific function and this reports seeks agreement from the Executive that the DCS can make further arrangements for extending the breadth of the delegation to this aspect of the function. In addition, there is also further scoping work to be done to look at the support for Special Guardians in 2017 to be considered as part of the RAA as the project develops and again approval will be sought from the Executive that the DCS can agree this with the management board and Joint Committee as the project develops.
- 3.10 The regional agency will be operated under the terms of Partnership Agreement, which will confirm the legal and governance arrangements; the budget; funding contributions for the 5 local authorities.

Staffing Issues

- 3.11 The regional agency will be led by a Head of Service with a staffing structure, which has been designed with reference to the application of best practice drawn from West Yorkshire, the voluntary sector and extensive research.
- 3.12 Staff from Bradford, Wakefield, Kirklees and Calderdale adoption services will be transferred into the employment of Leeds City Council, within the RAA. The transfer of staff requires detailed HR processes to address TUPE, assimilation, due diligence etc. as well as formal consultation with the staff and trade unions in the coming months

¹ Firstly by each of the Local Authorities to the proposed Joint Committee and then by the Joint Committee to the lead officer within the organisational unit.

² This includes agency, non-agency and inter-country adoption

³ This also includes oversight and access to adoption records.



- 3.13 There has been engagement with the affected staff and trade unions by each local authority and in addition the regional adoption project has actively engaged with affected staff from all the 5 agencies about the vision and aims of the agency.
- 3.14 Leeds City Council will be employing around 110 staff to discharge the function and will include existing Leeds staff along with the adoption staff from Bradford and the other 3 West Yorkshire local authorities.
- 3.15 These staff will be based in offices in all 5 local authority areas and appropriate arrangements will be put in place to ensure that they have adequate resources and a safe place to work

Budget

- 3.16 The budget for the first year of operation has been agreed at 6.85 million. Discussions between local authorities have taken place regarding the funding formula and the Local Authority (LA) contributions to the budget. As a result of lengthy discussions, agreement has been reached and is to be determined by the 16-17 LA budget %.
- 3.17 However, further work is required regarding future years contributions and there is an in principle agreement to an incremental approach, whereby the proportion of budget which reflects the spot consumption of the LAs of the RAAs services increases during the budget setting process each year.
- 3.18 The budget agreed between the five agencies does not include “adoption allowances” that are provided directly to adoptive families to support the arrangement. In Bradford this budget is just under £2 million. The majority of these will be long standing commitments by each Local Authority to families that will continue until the children in the families reach adulthood. The payment of adoption allowances and the corresponding budgets show a significant degree of variance between the 5 local authorities and the new management of the RAA service will have very limited scope to influence this large expenditure for several years. These historical arrangements will continue to be administered and reviewed by each local authority whilst further work is undertaken regarding new system for recipients from April 2017. This work will need to consider the eligibility criteria for support, financial assessment model, rates, duration and review.
- 3.19 In future years the proportion of the annual budget that each authority pays will be in accordance with the pre-agreed formula but the budget itself is subject to the agreement of each individual authority through the management board. The budget will only change in line with local authority pay settlements and changes to the scope of the function that is being discharged.

Consultation and Engagement

- 3.20 There has been regional consultation with lead members for children across the region to keep them updated about progress and this has also taken place locally. Steps have also been taken to ensure that new elected members have been briefed and there will be more detailed and ongoing consultation as the project develops.



- 3.21 There have been regular discussions with staff in Bradford to keep them up to date on the progress of regionalisation. The trade unions have also been kept up to date on the progress of the plans to date.
- 3.22 The transfer of the adoption function to the regional agency and staff from other Local Authorities to Leeds will require detailed HR processes to address TUPE, assimilation, due diligence etc. as well as formal consultation with the staff and trade unions in the coming months. There has already been consultation with staff within Bradford and engagement sessions regarding the vision and the aims of the new RAA.
- 3.23 Engagement of adopted young people, adoptive parents and birth families has been underway regarding this agenda, with adoptive parents on the project board to ensure that the service is developed to meet the needs of adoptive families as the RAA is being developed.

Equality and Diversity / Cohesion and Integration

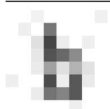
- 3.24 An equality impact assessment screening report has been completed and RAA will complete a full impact assessment within the first 6 months of the new agency being operational.

Resources and Value for Money

- 3.25 A regional adoption budget has been agreed and it is not envisaged that there will be additional financial costs to the authority.
- 3.26 It is envisaged that significant practice improvement for children and adopters will be achieved, as well as the scope for economies of scale and cost efficiencies, through the establishment of a regional agency over time.
- 3.27 The adoption staff will be working in a number of locations across the West Yorkshire area. The main office base will be within Leeds.

Legal Implications

- 3.28 The new arrangements will be underpinned by a detailed Partnership Agreement, determining a regional adoption budget with an agreed funding formula from each of the LA's. The following information relates to the key elements within the partnership agreement for the Executive to be aware of: These issues have been discussed in section 3 but specific issues are highlighted here.
- 3.29 The agreement will detail the adoption service that is being provided and the responsibilities of the head of the regional agency.
- 3.30 Management Board: this will be made up of one representative from each authority along with representatives from the third sector. The board will work on the basis of one member one vote with the third sector only having a vote on matters that they can usefully contribute to (e.g. the third sector will not be involved in approving the annual budget). The management board will take decisions on a majority basis with the exception of approval of the annual budget



which will require the unanimous agreement of the local authority members.

- 3.31 **Budget** : In future years the proportion of the annual budget that each authority pays will be in accordance with the pre-agreed formula but the budget itself is subject to the agreement of each individual authority through the management board. The budget will only change in line with local authority pay settlements and changes to the scope of the function that is being discharged
- 3.32 **Term of Agreement**: The term of the agreement will be 10 years with an initial review after 5 years. The partnership members will be able to renew the term at expiry of the 10 year period. One or all partnership members will be able to withdraw from the partnership agreement (and therefore the regional agency) upon giving [18] months' notice. This ability to withdraw from the RAA is subject to following a dispute resolution procedure first and can be triggered if one or more partners have concerns about the operation of the RAA and at will. The partnership agreement will deal with allocation of costs, losses and liabilities between the partnership members in the event of termination.
- 3.33 The details of the partnership agreement, including those set out above, are subject to change as the project develops but the principles will remain the same. The Director of Children's Services will continue to consult with Members and officers including the lead member for Children's Services and Families as the agreement and the project as a whole is developed and finalised.

Risk Management

- 3.34 As the host local authority Leeds needs to ensure that the risks in taking this on are minimised with a clear partnership agreements and robust governance and accountability arrangements to be put into place.
- 3.35 There is a host working group, in Leeds chaired by the Chief Officer in Children's services ensuring that the full responsibilities of hosting the agency are met and any risks minimised.

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. CONTRIBUTION TO STRATEGIC PRIORITIES

The adoption service is integral to the plan to safely and appropriately reduce the number of Children Looked After through ensuring all our children are placed in a permanent family outside the care system as soon as possible and developments to improve adoption services address this priority.

6. CONCLUSIONS

- 6.1 Bradford has been working in collaboration with other Local Authorities and Voluntary adoption agencies (VAA's) throughout the Yorkshire and Humber region to create a new model of service delivery for adoption services in line with the government's agenda. There is an agreed approach to the future delivery of services in West Yorkshire. This will improve services for children and adoptive families and deliver a more effective and cost efficient service, utilising government funding to manage the transition and improve the practice in this important area of work.

7. RECOMMENDATIONS

That the arrangements for the new Regional Adoption Agency be endorsed and that the following recommendations to the Executive be supported:

- 1) That the Joint Committee be formally appointed, with effect from 10 January 2017, contingent upon all other authorities also agreeing to appoint to the Joint Committee.
- 2) That the Constitution, Terms of Reference and Procedure Rules of the Joint Committee be approved.
- 3) That it be noted that the Leader will appoint a Principal Member and two substitutes.
- 4) That the principles of the Partnership Agreement, as set out in the report, be noted and that the Director of Children's Services be authorised to approve the terms and signature of the Partnership Agreement through his existing delegated powers.
- 5) That it be noted that the Joint Committee will delegate responsibility to the lead officer within the West Yorkshire Adoption Agency for the recruitment and assessment of adopters, adoption panels, family finding and adoption support;
- 6) That the transfer of staff via the TUPE regulations from Bradford into the employment of Leeds City Council to work within the Regional Adoption Agency be noted.



- 7) That it be formally agreed that Leeds host the West Yorkshire Adoption Agency, which is a shared service.
- 8) That the further work required regarding non-agency adoption and support for Special Guardians, as detailed in the report, be noted and that the Strategic Director, Children's Services be authorised to make further arrangements for extending the breadth of the delegation to this aspect of the function following agreement by the Management Board and Joint Committee as the project develops.

8. BACKGROUND DOCUMENTS

None.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. APPENDICES

None.

