

CABINET

21 NOVEMBER 2017

UPDATE REGARDING REGIONAL ADOPTION AGENCY

Portfolio Holder: Councillor Andrew Mackness, Children's Services
(Lead Member)

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Summary

This report provides Cabinet with an update on the progress to develop a Regional Adoption Agency (RAA) in line with the Government's expectations for Adoption Services and Cabinet decision 124/2016, on 25 October, agreeing in principle, to enter into formal dialogue, with a view to the establishment of the RAA with the local authority partners, London Borough of Bexley and Kent County Council, subject to formal agreement from the Cabinet on the findings.

The three authorities have increased partnership working to meet the longer term plan to implement an RAA. To date the plan has not secured government funding to support this development and this is being completed within existing resources.

Key areas have been progressed since October 2016 including new governance arrangements; undertaking of financial benchmarking to understand budget allocation; partnership working to ascertain agreed financial principles and integrating social work practice with shared policies and procedures.

There are further areas that can be developed as a partnership including a review of commissioning of external contracted services and consideration to joint delivery of post-adoption services.

On 4th October 2017 the Department for Education (DfE) held a "Regional Adoption Agencies Expansion Event" which has indicated the continued expectation that all Local Authorities will be part of an RAA by 2020. In order to support this continued expansion, the DfE has committed a financial package to support each Local Authority with their plans based on the number of looked after children. At the time of writing the amount to be awarded is not yet determined. The DfE has also committed "coaching" support to aid each RAA with their plans.

1. Budget and Policy Framework

- 1.1 Proposals for partnership working are currently being met within the existing budgets of the three Local Authorities, and are inside the Council's Policy Framework.

2. Background

- 2.1 In June 2015 the Department for Education (DfE) reported that local authorities should be working towards Regional Agencies by 2020. There is an expectation that local authorities will begin planning, developing and working with partners to shape their Regional Adoption Agency (RAA). Their commitment to this approach is such that the Education and Adoption Act 2016 has given power to the government to direct a local authority to enter into a RAA.
- 2.2 A report on the proposed establishment of a RAA was considered by the Children and Young People Overview and Scrutiny Committee on 6 October 2016. Noting the comments of the scrutiny Committee, the Cabinet subsequently agreed on 25 October 2016, in principle, to enter into formal dialogue with a view to the establishment of the RAA with the local authority partners, London Borough of Bexley and Kent County Council subject to formal agreement from the Cabinet on the findings (decision no. 124/2016).
- 2.3 The Government vision behind the regionalisation of Adoption Services is to accelerate the pace of change to ensure those children, for whom adoption is the right path, are given the best chance of finding a loving, forever family as quickly as possible. The DfE would provide start-up funding to support local authorities to take forward their proposals.
- 2.4 In January 2017 Kent County Council, with input and agreement from Medway Council and London Borough of Bexley, led and submitted a funding application to the DfE to set up and progress a RAA and a supplementary funding application to progress as a centre of excellence on behalf of all three local authorities. Both funding applications were turned down and this has impeded the progression to a RAA. Despite the failure to secure funding, all three local authorities are committed to progressing closer partnership working in order to ensure that systems are in place and are hopeful for funding in the future. A further application can be submitted when the DfE re-open applications for RAA funding, although the government has not provided further information as to when future funding may become available. In the interim, the agreement is to pursue a partnership model of working with key governance and financial arrangements in place.
- 2.5 There has been significant preliminary work undertaken to ensure there are appropriate structures in place to progress the RAA. An Executive Board has been set up and there is representation and membership from each of the three Local Authorities' Director of Children's Services (DCS). Membership and attendance of DCS ensures that there is agreement at the most senior level to progress the operational work plan for a RAA. The Executive Board has met

on a number of occasions and has given consideration to the Project Initiation Document (PID) which presented an outline for RAA development. The PID contained options for RAA development based on the experience and learning from other RAAs who were working with DfE mentors and had allocated RAA funding.

- 2.6 At the May 2017 Executive Board it was agreed by the three local authorities, with each DCS present, to move to closer partnership working but not immediately to move towards creating an RAA without government support; moving immediately to an RAA without funding from government would contain operational risks and would be a significant step. Moving to a RAA would mean relinquishing the responsibility for adoption services by the three local authorities with a single independent unit responsible for the operational delivery of adoption services or one local authority being responsible for all adoption services; both models would require the involvement of a voluntary adoption agency and appropriate procurement rules would need to be followed.
- 2.7 Whatever model of operational delivery is progressed as part of a RAA there will be implications for social workers and their employment. The Executive Board considered that the progression of a RAA was not appropriate in the financial year 2017/18. However, closer partnership working would create the foundations for the eventual progression to a RAA and would not affect the remit of the local authority and the delivery of adoption services.
- 2.8 An Operational Board has been put in place which meets every six weeks and reports on the work plan to the Executive Board. The Operational Board is not a decision making body and cannot act without authorisation and agreement from the Executive Board.
- 2.9 On 4 October 2017, the DfE held a “Regional Adoption Agencies Expansion Event” which indicated the continued expectation that all Local Authorities will be part of an RAA by 2020. In order to support this continued expansion, the DfE has committed a financial package to support each Local Authority with their plans, based on the number of looked after children. At the time of writing the amount to be awarded is not yet determined. The DfE has also committed “coaching” support to aid each RAA with their plans.
- 2.12 The DfE also asked Local Authorities who were not yet in a formal RAA to indicate their plans to form an RAA going forward and Medway Council, Kent County Council and London Borough of Bexley have all sent formal letters to the DfE indicating their plans to work towards forming an RAA.
- 2.13 Kent County Council and the London Borough of Bexley heard an update on the RAA at the meetings of their Cabinets on 7 September and 19 September respectively. Both Cabinets noted the report and progress.

3 Options

- 3.1 This is an update report on the Regional Adoption Agency, following Cabinet's decision on 25 October 2016, in principle, to enter into formal dialogue with a view to the establishment of the RAA with the local authority partners, London Borough of Bexley and Kent County Council.

4 Advice and analysis

- 4.1 The three local authority partners have varying child population size and looked after children numbers. See Table 1 for further detail.

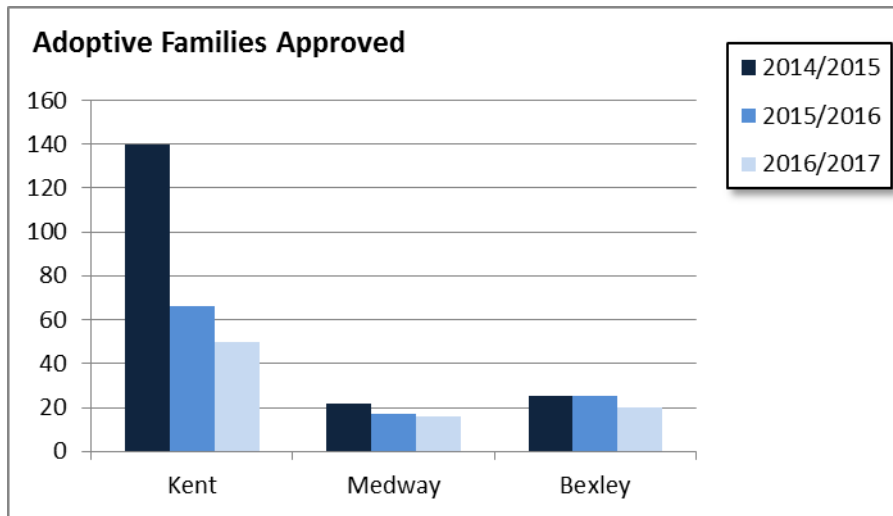
Table 1

Local Authority	Number of looked after children at end March 2017	Rate per 10,000 excluding UASC*	Rate per 10,000 including UASC
Kent	1,415 (excludes 483 UASC)	42.8	57.4
Medway	387 (excludes 3 UASC)	61.2	61.7
Bexley	205 (excludes 31 UASC)	36.6	42.2

*Unaccompanied Asylum Seeking Children

- 4.2 The partnership has been developing agreed principles through a Memorandum of Understanding. Further to this has been the need to understand what the current allocated resource is for adoption services for each local authority. A bench marking exercise is being undertaken to ensure that the investment in adoption services can be compared across the partnership and a formula for the unit costs pertaining to adoption services is being developed. This will provide information on investment in adoption staffing; adoption panel expenditure and recruitment of adopters. Consideration will need to be given to varying levels of investment and how these will be addressed by each local authority.
- 4.3 The information regarding unit costs was considered by the Executive Board meeting in August 2017 when the first comparators were considered.
- 4.4 The three local authorities generate income through the sale of their adoption services. Income is generally generated through the sale of adopters. A set of principles to take into account the differing levels of income generation across the three local authorities will be considered at future Executive Board meetings.
- 4.5 Adoption services in Kent, Medway, and Bexley reflect varying performance. The aspiration is to ensure that all three local authorities improve their adoption services in line with best practice and the most effective service delivery ensuring improvement in timeliness, with priority and focus on the child's needs. The performance data is currently collated and published through the adoption scorecard measures and these returns are made to the Adoption Leadership Board (ALB).
- 4.6 The following graphs and table show activity around approval of adopters and placement orders and adoption orders granted for the 3 authorities during the last 3 years.

**Graph 1
Adoptive Families approved in the Partnership**



**Graph 2
Adoptive Orders made in the Partnership**

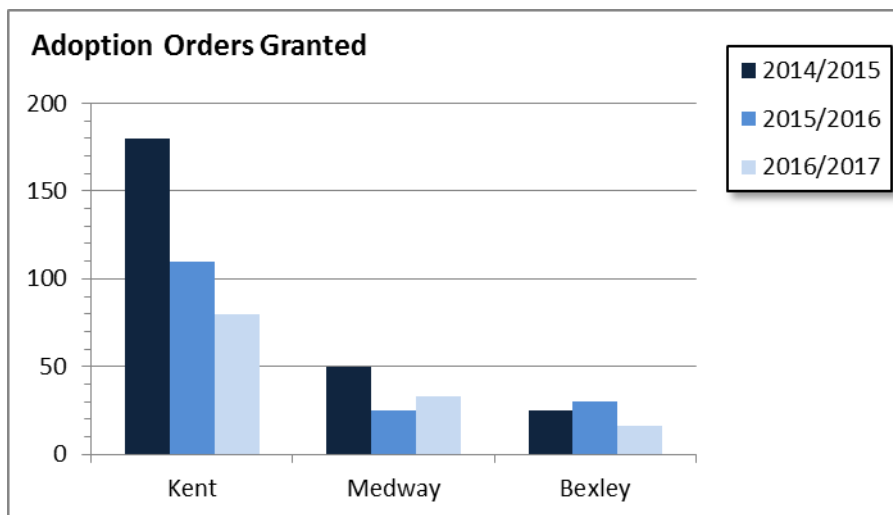


Table 2

Placement Order Activity in the Partnership over three year period

Local Authority	Placement Orders granted 2016/17	Placement Orders granted 2015/16	Placement Orders granted 2014/15
Kent	92	90	78
Medway	40	32	25
Bexley	10	17	22

4.7 The Executive Board has agreed to progress the priorities which can improve the focus and outcomes for children and adopters. The Operational Board will focus on the key priorities noted below. All three local authorities are keen to progress as much of the work plan as possible even without additional government funding or increased staffing.

4.8 The key aims of the partnership are to:

- Bring together the three local authorities to have a single approach to permanency policies and embrace best and developing practice;
- Ensure consistency of approach in the recruitment and assessment of adopters. Ensure that all those affected by adoption receive the information, support and advice that they need to understand the adoption journey;
- Review the adoption allowances to ensure these are consistent;
- Consider post adoption support services and consider whether those currently offered by Kent through partnership working with Coram could be extended to the adopters of Medway and Bexley;
- Share best practice in relation to tracking and placement of children for whom adoption is identified as the plan;
- Early identification of children for whom adoption is the right option;
- Timely placement of all children including sibling groups and older children;
- Placements which are sustainable with the right support as needed;
- A sufficient range and number of adopters able to parent children with a wide range of profiles and needs, enabling more children to be placed “in house”;
- Making available a range of different adoption placement types, including early placement approaches such as Fostering for Adoption; and
- To have an effective and well performing service and this would be reflected in the adoption scorecard.

4.9 The key areas that will not be addressed through partnership working as a priority but will be reviewed in 2017/18:-

- Creating economies of scales for commissioned contracts; one lead commissioner to manage all adoption contracts on behalf of the three local authorities; and
- Centralised management and administration of adoption services including panels. This has to be subject to government funding and agreement from the local authorities to progress to an agreed model of the type of RAA that maybe implemented.

4.10 The three local authorities will continue with the current action plan to progress joint services as detailed in 4.8 and 4.9 above. All three local authorities will need agreement from their respective Cabinet to deliver a partnership model of working with an option to progress an RAA if this becomes the preferred and funded model for adoption services.

5. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Finance	<p>The financial issues and risks have been considered if the three local authorities were to move to a RAA. The risks of progressing to a RAA without securing government funding are highlighted above in 2.6 and 2.7.</p>	<p>The agreement to promote partnership working without proceeding immediately to a RAA mitigates the financial risk until such time that additional government funding becomes available</p>	C2
Legal Issues	<p>The legal issues and risks have been considered if the three local authorities were to move to a RAA. The risks of progressing to a RAA are highlighted above in 2.6 in relation to relinquishing operational responsibility for adoption services to an independent provider.</p> <p>The legal issues and risks regarding contracts, procurement and transfer of functions into the RAA would be similar to those experienced by the Council when considering contracting with another provider which affects employees' terms and conditions of employment including pension arrangements and continuous service.</p>	<p>Key risks and issues will be analysed should the local authorities be funded to progress to a RAA. A risk register will be produced and will be regularly monitored and updated as part of the work plan of the operational board.</p>	C2

Risk	Description	Action to avoid or mitigate risk	Risk rating
Commissioning/ Procurement	Any arrangement put in place will need to follow the Public Contracts Regulations 2015. This ensures that appropriate supply chain and contractual relationships are in place to meet and manage any sustainability issues, generate innovation and the development of partnerships. Much will depend on the commercial model chosen.	A clear understanding of risks identified within a risk register will pinpoint robust mitigations, reduce risk to the local authorities and providers and enable all parties to understand where risks need to be shared.	C2

6. Consultation

- 6.1 Not applicable at this stage. It is anticipated that stakeholders will be consulted as plans progress.

7. Implications for Looked After Children

- 7.1 Good early tracking of children across the three authorities and working towards shared tracking systems would be part of RAA and a centralisation of this process could be achieved as it is already in place, although it requires some streamlining.
- 7.2 There would also be a central tracking for all adopters who were assessed and waiting for a match; and for all adopters who are in stages 1 and 2. The recruitment and assessment of adopters would be shared across the three areas including shared resources for the information evenings; adoption preparation training; mentoring and support groups. The approval process could also be shared with centralisation of Panel and its administration. This would require one central list of panel members, and consideration of the need to have dedicated RAA medical advisors for children for whom adoption is the plan. These are agreed objectives with the three authorities.
- 7.3 Across three local authorities the creation of a central database of adopters would support timely family finding; the central adopters list would be twinned with a central list of all children for whom adoption is the plan. RAA adoption family finding meetings that would review all children who required a match and the available adopters would be considered. The IT database used by each local authority for recording children and adopters would be available to recruitment and assessment social workers and also family finding social workers. All children (where adoption is the plan) would be allocated an adoption family finding social worker.

8. Financial implications

- 8.1 The current work on developing the partnership working is being completed within the resources of the three local authorities. Developing a RAA without securing government funding will have financial implications for the three authorities as set out in Section 5 Risk Management.

9. Legal implications

- 9.1 There are no specific legal implications relating to the delivery of adoption services to children and families, through partnership working; however there are implications relating to the development of a RAA.
- 9.2 There are likely to be a number of legal issues and risks regarding contracts, procurement and transfer of functions into the RAA. This also may include consideration of pension arrangements and a formal partnership agreement between all the local authorities involved in this project. These will need to be considered at an early stage but much will be dependent upon the final delivery model chosen.
- 9.3 Key risks and issues will be identified as part of the project planning. A risk register will be produced and will be regularly monitored and updated as part of the work plan of the Operational Board.

10. Recommendation

- 10.1 The Cabinet is asked to note the update report on the progress to develop a Regional Adoption Agency.

11. Suggested reasons for decision

- 11.1 To enable continued partnership working with Kent County Council and the London Borough of Bexley to progress the development of a Regional Adoption Agency in line with the Government's expectations for Adoption Services.

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Appendices

None

Background papers

Department for Education, Regional Adoption Agencies Expansion Event, October 2017

<https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=38738>

Department for Education, Regionalising Adoption Report, June 2015

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437128/Regionalising_adoption.pdf

Report on Regional Adoption Agency and Record of Decisions, Cabinet 25 October 2017

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=3371>